

## **REPORT TO CITY COUNCIL**

**DATE:           JANUARY 14, 2009**

**TO:             HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM:          GREG RAMIREZ, CITY MANAGER**

**BY:            MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

**SUBJECT:      PUBLIC HEARING TO CONSIDER ADOPTION OF THE RESIDENTIAL NEIGHBORHOOD COMPATIBILITY ORDINANCES (RNCO) AND GUIDELINES**

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The item before the City Council is to conduct a public hearing for consideration of the Residential Neighborhood Compatibility Ordinances (RNCO) and Guidelines. The purpose of the RNCO and Guidelines is to address the compatibility of new homes and additions to existing houses in the City's residential neighborhoods.

The proposed RNCO and Guidelines would cover two separate areas of the City to address neighborhood compatibility: one that would apply to all properties located in the RS (Residential-Single Family) zone except those in Old Agoura and another one that would only apply to properties in Old Agoura. Different ordinances or tools are needed to address the unique characteristics of both areas. The RS zone outside Old Agoura consists of existing subdivisions or neighborhoods that were typically built at the same time using similar development standards and architectural styles. The issue in these neighborhoods is additions and remodels that are out of character or scale with the other homes in the surrounding neighborhood. In Old Agoura, the area is characterized by a mixture of custom designed homes built on lots with a variety of lot sizes and shapes. The issue of large homes in Old Agoura is both a neighborhood character issue and an issue of preserving viable space for horse keeping. In addition, the "neighborhood" in Old Agoura represents the entire residential community of Old Agoura as opposed to one subdivision.

As background, staff first received feedback from the City Council Housing Subcommittee in July 2007 and March 2008 on the preliminary drafts. Staff then further developed the drafts which were presented to the Planning Commission at two public study sessions, first on April 17, 2008, and then on August 7, 2008. In addition, per Planning Commission direction, staff held a community workshop on June 4, 2008, to receive further community input on the proposed ordinances and guidelines, where 34 people attended and two Planning Commissioners were also in attendance as observers. Moreover, staff made a presentation to the Old Agoura Homeowners Association members on July 27, 2008. Finally, on November 6, 2008, the Planning Commission held a public hearing on the proposed changes, at which time the Commission recommended approval to the City Council of the changes. People who attended the study sessions, workshop, and public hearing were all interested in the proposed changes that affect Old Agoura. The vast majority of written comments submitted related to Old Agoura.

For reference, attachment D includes the November 6, 2008 Planning Commission staff report which follows the outline for each of the proposed changes in the attached Ordinance (Attachment A). Also included in Attachment D, for reference, are the Planning Commission staff reports from the April 17 and August 7 Commission meetings.

In summary, the RNCO and Guidelines are two separate sets of ordinances and design guidelines. One set would apply to non-Old Agoura areas and the other set would apply only to Old Agoura. Both would apply only to single-family residences. The following summarizes the changes proposed to these two residential areas as recommended by the Planning Commission.

Residential-Single Family District (Non-Old Agoura):

The changes to the zoning ordinance applicable to the RS zoning district outside of Old Agoura are included in the text of Attachment A and deal mainly with application and review procedures and not development standards. The text changes are limited to amendments to Section 9241 (Purpose) of the Residential-Single Family District to clarify that the intent of the Code is not only to “encourage the development of conventional single-family detached residential development” but to “ensure that new homes or additions to existing homes.....blends in with the neighborhood character.” New findings, in addition to the current Site Plan Review findings in Section 9243.9, are proposed that would address neighborhood compatibility. These include findings relative to mass, bulk, and scale.

Section 9243.9 is also proposed to be amended to provide greater clarity regarding reviewing authority. For example, the Director of Planning and Community Development would be the reviewing authority through the Administrative Site Plan/Architectural Review process for one story additions greater than 30% of the original gross floor area and second story additions to a two-story house that do not exceed 75% of the first story. The Planning Commission would be responsible for reviewing new single family homes, any second story additions to an existing one-story house, any second story additions to an existing two-story house greater than 75% of the first story, and substantial remodels which are defined as removal of 50% or more of exterior walls and roof. First story additions that are less than 30% of the original gross floor area would be exempt from the Site Plan/Architectural Review process. The Planning Commission also found that neighborhood input is also an important factor in judging neighborhood compatibility and recommended an amendment to the ordinance to increase the noticing requirement for Site Plan/Architectural Review from abutting properties to 750’ radius.

Neighborhood Compatibility Guidelines (Attachment E) were created and would be placed in the City’s existing *Architectural Design Standards and Guidelines*. Currently the *Architectural Design Standards and Guidelines* have separate guidelines for lighting, signs, and architecture. The proposed Neighborhood Compatibility Guidelines are specific to all the non-Old Agoura residential areas and recommend that the key elements that establish the rhythm of the neighborhood be maintained consistent with the existing neighborhood, including preserving a front yard setback that is equal to the average front setback within the block and making the building height compatible with the size of the lot and established building heights in the neighborhood. The Guidelines also recommend design features for second story decks and second story additions that reduce visual impact and address privacy issues since second story additions typically have the biggest impact on a neighborhood both in terms of privacy and scale of a structure.

## Old Agoura:

Currently, there are only a few vacant properties remaining in Old Agoura that are available for development. The ones that remain are usually highly constrained due to topography and the existence of natural resources such as oak trees, protected habitat, and creeks. Therefore, it is important to have additional criteria to address these remaining lots to preserve the community character of Old Agoura. In addition, the trend toward building substantial additions, as well as tear downs and rebuilds, continues in Old Agoura. These typically result in much larger structures than what existed before and encroachments into areas formerly devoted to equestrian use and, thus, potentially impacting the character of Old Agoura incrementally.

The proposed changes to the Old Agoura residential areas, as recommended by the Planning Commission, include adding a new Equestrian Overlay zone, amendments to the sections of the ordinance relative to the RV (Residential-Very Low) and RL (Residential-Low) zones, refinements to the existing Old Agoura Overlay zone, the adoption of new Old Agoura Residential Design Guidelines and changes to the application requirements. The following is a summary of each.

*Equestrian Overlay Zone* - A new Equestrian Overlay District would be created, the purpose of which would be to help protect and preserve the integrity of the existing equestrian and rural atmosphere within the Old Agoura area. One goal of creating the equestrian additive is to reinforce the image to new buyers and real estate professionals about the importance of horse keeping in Old Agoura. In addition, it would provide a stronger basis for requiring an area on each lot to be reserved for horse keeping purposes. The existing provisions on horse keeping in Old Agoura would be strengthened by adding a minimum square footage (1,500 square feet) requirement for the horse keeping area to be shown on plans submitted to the Planning Commission as part of any new development. Currently, the Code only states that properties should not be rendered horse useless but there are no criteria for establishing a horse keeping area.

The Equestrian Overlay Zone also provides a list of improvements that would be allowed within the 1,500 square foot equestrian area for those property owners who do not want to maintain horses. The proposed language would allow site improvements consisting of landscaping and irrigation; detached trellises, patio covers or gazebos; above-grade/portable spas; barbecues and fire pits; temporary (as defined by the building code) non-habitable accessory structures that are no more than one hundred twenty (120) square feet in size; and private sewage disposal systems. Moreover, any improvements in the horse keeping area would need to have a permeable foundation. The purpose of the 1,500 square foot designated equestrian area is to allow reasonable use of this area for non-horse owners while protecting the integrity of the lot for future horse keeping.

The EQ Overlay would be placed on all OS, RR, RV, RL and RS property in Old Agoura. The requirement of a minimum horse keeping area would be at the discretion of the Planning Commission for lots under ¼ acre or lots with an average slope over 25%.

*RV and RL Zones* – Covered structures, patios, swimming pools and paved driveways impact the rural, low intensity character and ambience of Old Agoura. To address this issue in the RV and RL zones, the maximum building coverage would remain the same, but all impervious surfaces, including driveways and patios, will be included when determining building coverage. Currently driveways and uncovered patios are excluded when determining building coverage. The proposed changes allow Planning Commission discretion in excluding all or a portion of the driveway if

they are designed consistent with the Old Agoura Design Guidelines, such as the use of semi-pervious surfaces or chip seal. This would allow the Commission the flexibility in use of paving materials and addresses unique issues such as flag lots or large Fire Department turnaround areas.

*Old Agoura Overlay Zone* – The proposed changes include adding text to the existing Old Agoura Overlay section of the zoning ordinance to strengthen the equestrian nature of the area in the “Purpose” section and adding language indicating that all development must be consistent with the Old Agoura Residential Design Guidelines. In addition, an existing section (Section 9554) was relocated to make the language more understandable.

*Old Agoura Residential Design Guidelines* – In addition to the proposed changes to the Zoning Ordinance as described above, the Planning Commission recommended the adoption of new Old Agoura Residential Design Guidelines (Attachment F). Similar to the Neighborhood Compatibility Guidelines for non-Old Agoura, the Old Agoura Residential Design Guidelines would be placed in the City’s existing Architectural Design Standards and Guidelines.

The guidelines are intended to ensure that the new or remodeled homes are designed consistent with the semi-rural character of Old Agoura. The Old Agoura Residential Design Guidelines provide a history of the Old Agoura area, as well as establishes goals for development. Standards are provided for the following elements: neighborhood scale, horse keeping, site planning, minimizing lot coverage, architectural style, roofs, color, hardscape and driveways, storm water drainage, fences, landscaping, and outdoor lighting.

A Floor Area Ratio (FAR) Chart and Slope Factor Chart are proposed to be used as a guide for determining the appropriate size of a house for neighborhood compatibility. This chart would be used to determine the maximum size of structures that would be appropriate on each parcel based on lot size and steepness of the slope. Generally speaking, the larger and flatter the lot, the greater the FAR and vice versa. The Planning Commission also felt that regardless of the size or steepness of the slope of the lot, any house allowed should not exceed 8,000 square feet.

Allowable deductions from FAR calculations include space for a three-car garage (690 square feet), attic space, basements, and unenclosed porches. Also, as an incentive for building horse keeping areas, unenclosed roofed structures for the keeping or maintaining of horses up to three hundred (300) square feet in area and one detached one-story barn for the keeping or maintaining of horses up to five hundred (576) square feet in area would be excluded from the calculation. More importantly, the FAR and Slope Factor Charts are purposely in the guidelines instead of the ordinance as the Planning Commission felt that it was important to provide flexibility in judging the merits of a project on a case-by-case basis.

A photo booklet entitled “Old Agoura, Elements of Style” (Attachment H) was prepared by the Old Agoura HOA that visually represents many successful architectural styles and elements. While this booklet will not be part of the adopted design guidelines, it will be kept on file at the City and available for reference to potential applicants and be used as a complement to the Old Agoura Residential Design Guidelines. The booklet provides photos that define the style and ambience the design guidelines are trying to achieve.

*Application Requirements* -As part of the application requirements, the proposed changes include a requirement for an early notification sign that would be posted on the property advising neighbors of the submittal of a development application on the property. This sign would be in addition to

the public hearing requirements of posting the property a minimum of 10 days before a public hearing, a notice in the newspaper, and mailing a notice to all property owners within 750 feet of a proposed project. The purpose of this early notification is to allow residents an opportunity to participate in the early review of a project.

The Planning Commission also felt that story poles could be a benefit to the Commission and neighbors to help visualize the project. The Commission recommended that the Director and/or Planning Commission make a determination if the story poles were needed based on factors such as the proposed location and size of the house.

### Summary

Demand for housing continues in Old Agoura and the Planning Commission is challenged with addressing the issue of neighborhood compatibility on each project. The proposed changes recommended by the Planning Commission to the various sections of ordinance relevant to Old Agoura and the proposed new Old Agoura Residential Design Guidelines are intended to guide the applicant in design, the planning staff in analysis, and the Planning Commission in judging the project's compatibility with the neighborhood. These proposed ordinance amendments and guidelines recognize that the issue of neighborhood compatibility is best dealt with on a case-by-case basis, rather than a "one size fits all" approach, as all lots in Old Agoura are different in terms of size, topography, access and the existence of natural resources. Since Old Agoura is also characterized by a mixture of custom designed homes, the guidelines provide flexibility in design to help maintain the area's eclectic nature. Neighborhood input is also an important factor in neighborhood compatibility and, thus, the proposed changes include additional neighborhood notification. The new Equestrian Overlay (EQ) zone is intended to reinforce the importance of Old Agoura's equestrian character and heritage.

The existing single family neighborhoods outside Old Agoura have been fairly stable, but recent trends toward remodeling and substantial additions have raised issues of neighborhood compatibility. Changes are proposed to notification and review procedures to increase neighborhood input. Guidelines are also proposed to help address neighborhood compatibility and privacy.

The proposed changes for City Council consideration were reviewed at two Planning Commission study sessions, one community workshop, a presentation at an Old Agoura HOA meeting, and a Planning Commission public hearing. Significant written and oral testimony was presented throughout the process, and the Planning Commission made changes that they felt were appropriate per public input. One example deals with the floor area ratio and slope ratios in which there was significant public comment. Originally, those were proposed to be in the ordinance; however, they later were changed to be in the guidelines.

The proposed changes also provide greater clarity in review authority than what currently exists. For example, there is clearer definition of what constitutes a remodel, and appropriate review authority is identified for remodels. There is also clearer definition of the thresholds for review for over-the-counter, administrative site plan/architectural review, and Planning Commission approvals.

Finally, the Planning Commission recommended that the proposed Residential Neighborhood Compatibility Ordinances and Guidelines be re-visited in two years to see if they were working as intended and if further adjustments were necessary.

### Mitigated Negative Declaration

Pursuant to requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) was prepared and circulated for the RNCO and Guidelines. A copy of the MND is included as Attachment I.

### **RECOMMENDATION**

It is recommended the City Council:

- 1) Conduct a public hearing regarding the Residential Neighborhood Compatibility Ordinances and Guidelines and the Mitigated Negative Declaration;
- 2) Adopt Resolution No. 09-1513 approving amendments to the City's Architectural Design Standards and Guidelines to include the Neighborhood Compatibility Guidelines (non-Old Agoura) and the Old Agoura Residential Design Guidelines; and
- 3) Introduce, read by title, and waive further reading of Ordinance No. 09-358.

#### Attachments:

- A. City Council Ordinance
- B. City Council Resolution
- C. Planning Commission Resolution
- D. Planning Commission Staff Reports
- E. Neighborhood Compatibility Design Guidelines
- F. Old Agoura Design Guidelines
- G. Correspondence
- H. Old Agoura, Elements of Style Booklet
- I. Mitigated Negative Declaration

**ORDINANCE NO. 09-358**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE: 1) SECTION 9142.3 (LAND USE DISTRICTS), SECTION 9120.18.S (DEFINITIONS), SECTION 9212.2 (RR RESIDENTIAL-RURAL DISTRICT-CONDITIONAL USES), SECTIONS 9223.3, 9223.4, AND 9223.9 (RV RESIDENTIAL-VERY LOW DENSITY DISTRICT-DEVELOPMENT STANDARDS), SECTIONS 9233.3, 9233.4, AND 9233.9 (RL RESIDENTIAL-LOW DENSITY DISTRICT-DEVELOPMENT STANDARDS), SECTIONS 9241, 9242.4, AND 9243.9 (RS – RESIDENTIAL SINGLE FAMILY DISTRICT), SECTIONS 9551 AND 9553 - 9554 (OA OLD AGOURA DESIGN OVERLAY DISTRICT), SECTIONS 9677.1, 9677.2, AND 9677.7 (SITE PLANS/ARCHITECTURAL REVIEW), SECTION 9605.1 (YARD STANDARDS), SECTION 9804.4 (PUBLIC HEARING PROCEDURES), AND 9833 (ZONING MAP); AND 2) APPROVING A NEW EQUESTRIAN OVERLAY DISTRICT SECTION 9590 – 9592 AND AN AMENDMENT TO THE ZONING MAP TO PLACE THE EQUESTRIAN OVERLAY DISTRICT ON ALL RESIDENTIAL PROPERTIES ZONED RR, RL, RV, RS, AND OS IN OLD AGOURA**

**THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:**

Section 1. Section 9142.3 (Establishment of Districts) of Part 5 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“H. Equestrian Overlay District (-EQ)”

Section 2. Section 9120.S (Definitions) of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read and renumber subsequent sections:

“DD. Substantial remodel. “Substantial remodel” means the removal of fifty percent or more of the exterior walls or roof or removal of fifty percent or more of supporting members of a structure such as bearing walls, columns, beams or girders for any duration of time. This definition does not apply to the replacement and upgrading of residential roof coverings.”

Section 3. Section 9212.2 (Residential-Rural District-Conditional Uses) of Part 2 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“F. Substantial Remodels.”

Section 4. Section 9223 (Residential-Very Low-Development Standards) of Part 3 of

Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9223.3. Main building, accessory building or structure.

Main buildings, accessory buildings or structures, and all impermeable surfaces including but not limited to driveways, patios, sports courts (such as tennis courts, basketball courts, racquetball courts), pools, spas, and gazebos shall conform to the following requirement: The combined maximum site coverage of main and all accessory buildings or structures shall not exceed twenty-five (25) percent. The Planning Commission shall have discretion in excluding all or portions of impermeable surface driveways for flag lots, Fire Department required turnaround areas or other special circumstances from the maximum site coverage. These driveways and turnaround areas must be designed consistent with the Old Agoura Residential Design Guidelines.

9223.4. Building height.

The maximum building height shall be two (2) stories or thirty-five (35) feet, whichever is less. Vertical design projections may not exceed a height of thirty-five (35) feet as measured vertically from the finished grade to the top of said projection.

9223.9. Substantial Remodels

All substantial remodels shall require review by the Planning Commission. Substantial remodels on lots with an average slope of ten (10) percent or less shall require a Site Plan Review. Substantial remodels on lots with an average slope of ten (10) percent or greater shall require a Conditional Use Permit.”

Section 5. Section 9233 (Residential Low-Development Standards) of Part 4 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9233.3. Main building, accessory building or structure.

Main buildings, accessory buildings or structures, and all impermeable surfaces including but not limited to driveways, patios, sports courts (such as tennis courts, basketball courts, racquetball courts), pools, spas, and gazebos shall conform to the following requirement: The combined maximum site coverage of main and all accessory structures shall not exceed thirty-five (35) percent. The Planning Commission shall have discretion in excluding all or portions of impermeable surface driveways for flag lots, Fire Department required turnaround areas and other special circumstances from the maximum site coverage. These driveways and turnaround areas must be designed consistent with the Old Agoura Design Guidelines.



9233.4. Building height.

The maximum building height shall be thirty (30) feet, or two (2) stories, whichever is less. ~~Turrets, widows walks, cupolas, finials, and other v~~ Vertical design projections may not exceed a height of thirty-five (35) feet as measured vertically from the finished grade to the top of said projection.

9233.9. Substantial Remodels

All substantial remodels shall require review by the Planning Commission. Substantial remodels on lots with an average slope of ten (10) percent or less shall require a Site Plan Review. Substantial remodels on lots with an average slope of ten (10) percent or greater shall require a Conditional Use Permit."

Section 6. Sections 9241, 9242.4 and 9243.9 (Residential Single Family) of Part 5 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9241. Purpose.

The RS district is intended to encourage the development of conventional single-family detached residential development, with related compatible uses and full community levels of service and public improvements.

The regulations are also intended to ensure that new homes or additions to an existing home in established residential neighborhoods are designed in a manner that is compatible with the neighborhood character.

9242.4 Conditional uses.

The following uses may be permitted subject to the granting of a conditional use permit:

E. Development of property, including substantial remodels, with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;

9243.9. Site plan review.

A. All uses not requiring any other discretionary approvals shall not be permitted unless a site plan review is obtained pursuant to the provisions of chapter 6.

B. The reviewing authority for all site plan review requests for new single family homes and additions shall be as set forth below:

1. The Director of Planning and Community Development shall be the reviewing

authority for administrative site plan reviews for the projects listed below. The Director may refer any project to the Planning Commission.

a) One-story additions greater than 30% of the original gross floor area.

b) Additions to existing second story that do not result in the second story exceeding 75% of the existing first story.

2. The Planning Commission shall be the reviewing authority for site plan reviews for the projects listed below.

a) A new single-family dwelling on a vacant lot.

b) A new single-family dwelling that is proposed to replace an existing residence.

c) A substantial remodel to an existing single-family dwelling.

c) Any second story addition to an existing one-story single-family dwelling.

d) Additions to an existing second story that result in the second story exceeding 75% of the existing first story.

C. Exemptions. The following shall be exempt from the site plan review process unless the Director determines that the addition has the potential to be incompatible with the predominant adjacent structures and the surrounding neighborhood character and should be referred to the Planning Commission.

(a) First story additions to a single-family residence that are less than thirty percent of the original gross floor area.

D. Findings for Project Approval. The reviewing authority shall make the following findings, in addition to the findings listed in 9677.5, for additions to existing single family dwellings and new single family dwellings proposed in existing neighborhoods.

1. The mass and bulk of the design is reasonably compatible with the predominant adjacent structures and the surrounding neighborhood character.

2. The proposed buildings and structures are designed with quality architectural details.

3. New buildings and structures or substantial remodels are not disproportionately larger than, or out of scale with, the neighborhood character.

4. The project is consistent with the Neighborhood Compatibility Guidelines found in the City's Architectural Design Standards and Guidelines.

Section 7. Section 9551 and 9553-9554 (Old Agoura Overlay) of Part 6 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9551. Purpose.

Old Agoura is a rural equestrian community. The residential streets meander around the natural terrain with no curb and gutters and no street lights. The visual ambiance is rural, rustic and country. The purpose of the OA overlay district shall be to preserve and enhance the unique character of Old Agoura through the establishment of special public improvement standards and design guidelines.

9553. Special development standards area.

Within the special area described in section 9552, the following standards shall apply;

9553.1. Building coverage.

The maximum building coverage shall be as approved as a part of any discretionary review. ~~With the exception of the provisions contained in section 9233.3, it is intended that~~ The maximum building coverage shall not exceed fifty (50) percent of the lot unless the proposed development consists of a commercial use encompassing more than one (1) lot.

9553.2. Building height.

With the exception of the provisions contained in section 9233.4, the maximum building height shall be thirty-five (35) feet, or two (2) stories, whichever is less.

9553.3. Yards.

With the exception of the provisions contained in section 9233.2., required yards shall be as approved as a part of any discretionary review and may not be required at all.

9553.4. Off-street parking and loading requirements.

Off-street parking and loading shall be provided as required by chapter 6, but if approved as a part of any discretionary review, may be located off the subject lot. Joint use provisions for off-street parking and loading shall be utilized wherever feasible.

9553.5. Signs.

All signs shall be consistent with the provisions in chapter 6, and shall conform to the following criteria:

A. Monument and/or directory signs are permitted for parcels with businesses whose signs are not visible from the street with a sign permit subject to design review. All other monument signs are permitted subject to a sign program. Monument signs may only be externally illuminated.

B. No sign shall be internally illuminated, however; halo illuminated wall signs are permitted, subject to design review.

C. Signs shall be made of materials such as wood, stone or materials that mimic wood or stone or non-reflective or patinated metals that enhance the rural appearance of the neighborhood. Other sign materials may be considered as part of a sign program.

D. Signs located in the geographic area shown on the following exhibit shall be turned off at close of business or 9:30 p.m., whichever occurs later. In addition, this provision shall apply to signs oriented towards Dorothy Road on parcels located on the north side of Dorothy Road between Lewis Road and Palo Comado Canyon Road.

GRAPHIC Old Agoura Sign Lighting District

9553.6. Required architectural style and building materials.

Project design and development shall perpetuate and reinforce the natural character of Old Agoura. Building materials such as natural rock, stucco, slate, tile, brick, and wood are encouraged.

9553.7. Required landscaping and walls.

Required landscaping and walls shall be limited to the amount necessary to provide for adequate open space and security. With regard to landscaping, the emphasis shall be to provide appropriate pedestrian areas to encourage retail trade, but in no event shall less than fifteen (15) percent be provided.

9554 3. Commercial and residential development standards.

These standards are designed to promote a natural environment that is country like while allowing architecturally sensitive developments which perpetuate Old Agoura's unique rural character. In addition to all development standards provided for in the underlying district, the following shall be applicable in the OA Overlay District.

9553-1.4. General design standards, commercial/residential.

While encouraging the broadest possible range of individual and creative design, the planning commission or the director, where authorized, may grant site plan approval if the proposed development substantially conforms to all of the following standards:

A. *Commercial.*

1. Proposed signage is an integral architectural feature which does not overwhelm or dominate the structure or object to which it is attached.
2. Mechanical equipment, storage and trash areas, and utilities are architecturally screened from public view.
3. The proposed plans provide for adequate and safe on-site vehicular and pedestrian circulation.
4. The main entrance to any commercial or business building provides for independent access for the physically impaired.
5. All fences and walls shall be finished on both sides.
6. No outdoor display or storage shall be permitted except for nurseries.

B. *Residential.*

1. Six-foot-high fences shall be permitted in any required front or street side yard when it can be demonstrated that it will be sufficiently open to preserve adequate visibility of vehicles entering and leaving said property. Solid walls are prohibited in the front yard setback areas.
2. Residential development in Old Agoura shall embrace an eclectic, rural style that preserves the equestrian nature of the area and shall be consistent with the Old Agoura Design Guidelines found in the City's Architectural Design Standards and Guidelines and the Equestrian Overlay.
3. Residential development shall not render property untenable for horses and other farm animals.  
~~The total area of lot coverage of main buildings, accessory buildings or structures, sports courts (such as tennis courts, basketball courts, and racquetball courts), pools, and spas on residential lots shall not be so extensive that such lots are rendered untenable for horses and other farm animals~~

C. *Commercial/Residential.*

1. The proposed design is in character with existing development in the Old Agoura District, in terms of height, materials, colors, roof pitch, roof eaves, and the preservation of privacy.
2. The proposed plans indicate proper consideration for the relationship between the existing and finished grades of the site to be improved and adjacent properties.
3. Lighting is stationary and is deflected away from adjacent properties.
4. All building elevations have been architecturally treated in a compatible manner including the incorporation within the side and rear building elevations of some or all of the design elements used for the primary facades.
5. Fences or walls constructed of grape stake, plywood, sheet metal, corrugated aluminum, corrugated fiberglass, barbed wire, rubber, PVC (excluding plastic corrals designed for equestrian use), or razor ribbon are prohibited, except where allowed by a temporary use permit for an approved construction project. Rural ranching and farm materials designed consistent with the architecture of the house will be considered as part of a site plan review.

Exterior materials and colors shall harmonize with, and complement the surrounding natural and man-made environment. Where appropriate, dominant exterior colors shall reflect a natural earthtone theme using warm and rich colors. Exterior treatments characterized by an overly bright, shiny, reflective or artificial appearance shall not be permitted.

6. To the greatest extent possible, the architectural design and location of the building shall discourage grading on a hillside. If grading is required, building shall be integrated into existing terrain such that grading is minimized, taking care to preserve the viewshed, natural ridgelines, and oak trees.
7. Native, drought resistant plants are recommended for project landscaping. Such plants are required and shall be used extensively on manufactured slopes. Refer to the City of Agoura Hills Plant Guide for lists of appropriate vegetation.

~~9554. Special development standards area.~~

~~Within the special area described in section 9552, the following standards shall apply.~~

~~9554.1. Building coverage.~~

~~The maximum building coverage shall be as approved as a part of any discretionary review. With the exception of the provisions contained in section 9233.3, it is intended that the maximum building coverage shall not exceed fifty (50) percent unless the proposed development consist of a commercial use encompassing more than one (1) lot.~~

~~9554.2. Building height.~~

~~With the exception of the provisions contained in section 9233.4, the maximum building height shall be thirty five (35) feet, or two (2) stories, whichever is less.~~

~~9554.3. Yards.~~

~~With the exception of the provisions contained in section 9233.2., required yards shall be as approved as a part of any discretionary review and may not be required at all.~~

~~9554.4. Off-street parking and loading requirements.~~

~~Off street parking and loading shall be provided as required by chapter 6, but if approved as a part of any discretionary review, may be located off the subject lot. Joint use provisions for off-street parking and loading shall be utilized wherever feasible.~~

~~9554.5. Signs.~~

~~All signs shall be as required by chapter 6, except any sign shall conform to the following criteria:~~

~~A. — Monument and/or directory signs are permitted for parcels with businesses whose signs are not visible from the street with a sign permit subject to design review. All other monument signs are permitted subject to a sign program. Monument signs may only be externally illuminated.~~

~~B. — No sign shall be internally illuminated, however; halo illuminated wall signs are permitted, subject to design review.~~

~~C. — Signs shall be made of materials such as wood, stone or materials that mimic wood or stone or non-reflective or patinated metals that enhance the rural appearance of the neighborhood. Other sign materials may be considered as part of a sign program.~~

~~D. — Signs located in the geographic area shown on the following exhibit shall be turned off at close of business or 9:30 p.m., whichever occurs last. In addition, this provision shall apply to signs oriented towards Dorothy Road on parcels located on the north side of Dorothy Road between Lewis Road and Palo Comado Canyon Road.~~

~~GRAPHIC — Old Agoura Sign Lighting District~~

~~9554.6. Required architectural style and building materials.~~

~~Project design and development shall perpetuate and reinforce the natural character of Old Agoura. Building materials such as natural rock, stucco, slate, tile, brick, and wood are encouraged.~~

~~9554.7. Required landscaping and walls.~~

~~Required landscaping and walls shall be limited to the amount necessary to provide for adequate open space and security. With regard to landscaping, the emphasis shall be to provide appropriate pedestrian areas to encourage retail trade, but in no event shall less than fifteen (15 percent) be provided."~~

Section 8. Section 9590-9592 of Part 10 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

"Part 10 – EQUESTRIAN OVERLAY DISTRICT

9590. Purpose.

The purpose of the EQ - Equestrian Overlay District is to create, enhance, and protect the equestrian and rural atmosphere within the overlay area.

9591. Permitted uses

All uses permitted and conditionally permitted in the underlying district shall be permitted in this district.

9592. Development standards.

In addition to the development standards governing development in the underlying district, the following development standards shall apply:

A. Minimum Horse Keeping Area. A minimum horse keeping area for the stabling and servicing of horses consisting of one thousand five hundred (1,500) square feet of useable area shall be designated as part of a Conditional Use Permit or Site Plan Review for development of a house on a residential lot within the "EQ" Overlay District. A site plan identifying the location, dimensions, and slope of the one thousand five hundred (1,500) square foot area shall be provided to the city and retained in the city's files. At the discretion of the Planning Commission, the minimum horse keeping area shall be optional for lots under 10,890 square feet (¼ acre) or lots with an average slope over twenty-five (25) percent.



B. Useable Area for Horse Keeping. Useable area for horse keeping areas shall be defined as an area with an average slope no greater than 10%. Proposed development projects shall demonstrate that the horse keeping area is able to viably site, at a minimum, the following horse facilities:

- 1) Stall: 12 feet by 12 feet or a minimum 144 square feet per horse with a minimum 10 foot interior clearance.
- 2) Paddock (corral): A 24 feet x 48 feet (1,152 square feet) paddock area with length for running should be provided. Paddocks refer to pens, exercise areas, or pasture often adjacent to horse stalls.
- 3) Access for feed delivery, manure management and veterinary access.
- 4) A minimum area of 150 square feet for hay and tack storage.

If it cannot be demonstrated that these facilities can be practically accommodated within 1,500 square feet, the Planning Commission may require additional square footage be dedicated to the horse keeping area.

C. Uses Permitted in Horse Keeping Area. The dedicated horse keeping area, if not actually supporting horses, may be developed to the extent that any activity (such as landscaping) or structures may be easily removed without any loss of value to the entire property. Site improvements consisting of landscaping and irrigation; detached trellises, patio covers or gazebos; above-grade/portable spas; barbeques and fire pits; temporary (as defined by the building code) non-habitable accessory structures that are no more than one hundred twenty (120) square feet in size and private sewage disposal systems shall be permitted within the 1,500-square-foot area. Orchards, vineyards and specimen trees are not considered landscaping for the purposes of this section and would be prohibited within the horse keeping area. Any improvements in the horse keeping area shall have a permeable foundation.

D. Setbacks for Horse Facilities. Barns and other similar roofed structures for stabling or servicing horses shall be permitted to encroach up to 30% into the required front yard setback of the underlying district.

E. Equestrian Trails. All lots adjacent to a proposed equestrian trail shall provide public equestrian trails in accordance with City plans and policies.

Section 9. Section 9605.1 (Side and Rear Yards) of Part 1 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“D. On any lot located in the RR, RV, RL, RS, and RM zones, the minimum side yard requirement for second-story development additions shall be the existing distance of the first-story structure. The total combined side yard setback prescribed for the district shall be maintained. The combined side yard setback may be situated on any one side of the property, or any combination of distances. ~~Second stories, in excess of fifty (50) percent of the total square footage of the first story of the residence, shall be subject to~~

~~approval by the director of planning and community development. In considering the request, the director shall consider architectural compatibility with the surrounding residences and properties relative to preserving light, air, and privacy. No second-story cantilever is permitted into required side yards and all second-story development additions shall not encroach into the front and rear yards prescribed for the district. An application for site plan review shall be required for all second-story additions which do not conform with the required yards prescribed for the district and shall be subject to the provisions this Chapter. approval by the director of planning and community development~~ This provision shall not apply to new construction or substantial remodels which include the removal and reconstruction of square footage, as determined by the director of planning and community development.”

Section 10. Section 9677.1, 9677.2 and 9677.7 (Site Plans/Architectural Review) of Part 3 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9677.1. Application.

All uses involving new construction that require building permits but not any discretionary approvals under this article shall not be permitted unless a site plan is approved pursuant to the provisions of this section. ~~Notwithstanding the foregoing, such section shall not be applicable to addition to existing single family residences.~~

9677.2. Reviewing authority.

A. The director of planning and community development shall be the reviewing authority for all administrative site plan requests ~~for new construction of one (1) dwelling unit on one (1) lot in all residential (RR, RL, RVL, and RS) land use districts and all additions to existing structures, if less than three thousand five hundred (3,500) square feet. All other new construction shall be subject to the approval of the planning commission.~~

B. The planning commission shall be the reviewing authority for all other site plan review requests. Any determination by the director or the planning commission is subject to appeal pursuant to the provisions of this article.

9677.7. Architectural review procedure.

Except as otherwise provided in this article, no building permit shall be issued with respect to any new construction or sign on property located in any district unless an architectural review application is approved for the proposed construction in accordance with the provisions of this section. In those cases where a site plan review application is also required by this chapter, architectural review shall be combined with said application. Notwithstanding the foregoing, architectural review shall not be required for the alteration or repair of the interior only of an existing building or

structure.

A. *Director's duties.* The director shall review all architectural review applications and, where subject to approval of the planning commission, shall make recommendations thereon to the planning commission. The purpose of such review is to ensure that all proposed developments shall preserve or enhance the physical environment and aesthetic characteristics of the city. The director's architectural review of the following applications shall be final:

- ~~1. Single dwelling units on single lots;~~
- ~~1. Exterior additions, a~~Alterations and repairs to existing buildings, structures or other improvements; and
2. New signs related to existing buildings.

All other applications for architectural review shall be subject to the approval of the planning commission.”

Section 11. Section 9804.4 (Public Hearing Procedures) of Part 1 of Chapter 8 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“D. [For] all other requests requiring a public hearing, [notice] shall be given by the city not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing in at least three (3) public places within the city, including the location of the subject property. Notices shall be given by publication in a newspaper circulated in the city, and by mailing notices to the owner of the subject real property, the project applicant, all affected public agencies, known official homeowners' associations' representatives in the city, and any individual who has requested notice in writing. Notice shall also be given for all public hearing requests, except modification requests, to all persons whose names appear on the latest equalized assessment roll of Los Angeles County as owning property within seven hundred fifty (750) feet of the exterior boundaries of the property that is the subject of the hearing. Notices of requests for modifications shall be given to all persons whose names appear on the latest equalized assessment roll of Los Angeles County as owning property within three hundred (300) feet of the exterior boundaries of the property that is the subject of the hearing. Hearings may be continued from time to time even though the continued hearing may extend beyond the time limits described in this section.

Notices for all site plan/architectural review requests that are reviewed by the planning commission and/or city council, and requests for single-family residences reviewed by the director of planning and community development, shall be given by the city not less than ten (10) days, nor more than thirty (30) days, prior to the date of the hearing, in at least three (3) public places within the city, including the location of the subject property. Notices shall be given to the owner of the subject real property, the project applicant, all affected public agencies, known official homeowners' associations' representatives in the city, and any individual who has requested notice in writing. Notice shall also be given to

all persons whose names appear on the latest equalized assessment roll of Los Angeles County as owning property ~~abutting the exterior boundaries~~ within seven hundred fifty (750) feet of the subject real property.”

Section 12. Section 9833 (Zoning Map) of Part 4 of Chapter 8 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add at the end of the list:

“EQ Equestrian “

Section 13. The City Council hereby approves placing the EQ Equestrian Overlay on all properties zoned OS (Open Space), RR (Residential-Rural), RV (Residential-Very Low), RL (Residential-Low), and RS (Residential Single Family) in Old Agoura, as shown on Exhibit A. The Official Zoning Map of the City shall be amended consistent with Exhibit A.

Section 14. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end, the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

Section 15. This ordinance shall apply to any new projects submitted to the City after adoption of the ordinance.

Section 16. The City Council hereby adopts the Planning Commission’s recommendations as follows that: (1) the Residential Neighborhood Compatibility Ordinance and Guidelines be reviewed by the Planning Commission two years after its adoption to ensure that the ordinance amendments and guidelines are working as intended, (2) the City’s administrative process be modified to include a requirement for the posting of an early notification sign advising of application submittal to allow greater public participation in the planning review process, and (3) the application submittal requirements be modified to provide discretion to the Director of Planning and Community Development or the Planning Commission to require story poles on a case-by-case basis to provide a visualization tool to assist the Commission and public in understanding what the project will look like when built.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote to wit:

AYES:        ( )  
NOES:        ( )  
ABSENT:     ( )  
ABSTAIN:    ( )

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Denis Weber, Mayor

ATTEST:

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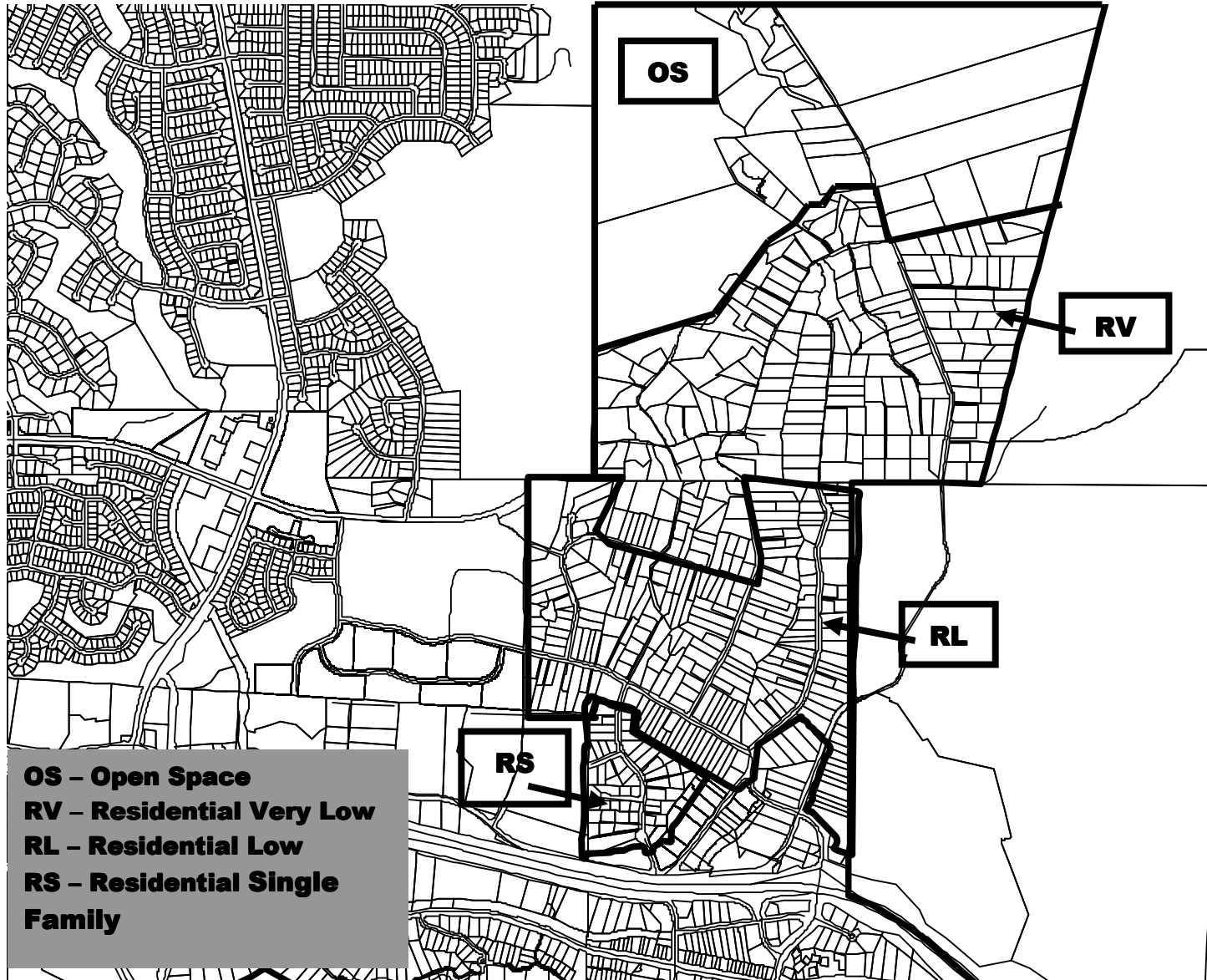
Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

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Craig A. Steele, City Attorney

EXHIBIT A  
EQ – EQUESTRIAN OVERLAY ZONE



**RESOLUTION NO. 09-1513**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING AMENDMENTS TO THE CITY'S ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES TO ADDRESS NEIGHBORHOOD COMPATIBILITY ISSUES**

**THE AGOURA HILLS CITY COUNCIL HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:**

**WHEREAS**, the Planning Commission held study sessions on amendments to the City's Architectural Design Standards and Guidelines and on changes to the Zoning Code to address neighborhood compatibility issues on April 17, 2008 and August 7, 2008; and in addition to the study sessions, staff held a community workshop on June 4, 2008, and made a presentation to the Old Agoura Homeowners Association (OAHA) members on July 27, 2008; and

**WHEREAS**, the Planning Commission considered all of the public comments and staff analysis from the study sessions at a regularly scheduled public hearing on November 6, 2008; and

**WHEREAS**, the Planning Commission recommended that the City Council approve the amendments to the City Architectural Design Standards and Guidelines including Neighborhood Compatibility Guidelines for properties located in the RS (Residential Single Family) zoning district outside of Old Agoura and the Old Agoura Residential Design Guidelines for properties located in the RR (Rural Residential District) RV (Residential Very Low Density District), RL (Residential Low Density District), RS (Residential-Single Family District) and (OS Open Space District) zones within the Old Agoura Overlay zone; and

**WHEREAS**, the Planning Commission further recommended that: (1) the Residential Neighborhood Compatibility Ordinance and Guidelines be reviewed by the Planning Commission two years after its adoption to ensure that the ordinance and guidelines are working as intended, (2) the City's administrative process be modified to include a requirement for the posting of an early notification sign advising of application submittal to allow greater public participation in the planning review process, and (3) the application submittal requirements be modified to provide discretion to the Director of Planning and Community Development or the Planning Commission to require story poles on a case-by-case basis to provide a visualization tool to assist the Commission and public in understanding what the project will look like when built.

**NOW, THEREFORE, THE AGOURA HILLS CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The City Council considered the Planning Commission's recommendation to amend the City Architectural Design Standards and Guidelines during a public hearing held on January 14, 2009.

Section 2. The proposed Neighborhood Compatibility Guidelines for Non-Old Agoura areas are intended to ensure that new homes or additions to existing homes, are harmonious with and enhance the surrounding neighborhood character. Neighborhoods that were constructed as part of a residential tract, or by the same builder, generally have common features, such as similar lot sizes, setbacks, architectural styles and details. New or modified structures should be designed so that they are in keeping with the neighborhood character and scale.

The Old Agoura Overlay District is characterized by a mixture of custom designed homes built on lots with a variety of lot sizes and shapes. The issue of large homes in Old Agoura is both a neighborhood character issue and an issue of preserving viable space for horse keeping. In addition, the “neighborhood” in Old Agoura represents the entire residential community of Old Agoura as opposed to one subdivision. The Old Agoura Residential Design Guidelines will ensure that new and remodeled homes are harmonious with and enhance the surrounding neighborhood character and are designed consistent with the semi-rural character of Old Agoura.

Section 3. The proposed amendments to the City Architectural Design Standards and Guidelines, as listed in attached ‘Exhibit A’ are hereby adopted.

Section 4. The Planning Commission’s recommendations that (1) the Residential Neighborhood Compatibility Ordinance and Guidelines be reviewed by the Planning Commission two (2) years after its adoption to ensure that the ordinance and guidelines are working as intended, (2) the City’s administrative process be modified to include a requirement for the posting of an early notification sign advising of application submittal to allow greater public participation in the planning review process, and (3) the application submittal requirements be modified to provide discretion to the Director of Planning and Community Development or the Planning Commission to require story poles on a case-by-case basis to provide a visualization tool to assist the Commission and public in understanding what the project will look like when built, are hereby adopted.

**PASSED, APPROVED, and ADOPTED** this 14<sup>th</sup> day of January, 2009, by the following vote to wit:

AYES:           ( )  
NOES:           ( )  
ABSENT:       ( )  
ABSTAIN:       ( )

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Denis Weber, Mayor



ATTEST:

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Kimberly M. Rodrigues, City Clerk

## **Exhibit ‘A’**

### Amendments to the City Architectural Design Standards and Guidelines

[Insert “Neighborhood Compatibility Guidelines” and “Old Agoura Residential Design Guidelines”]