

REPORT TO CITY COUNCIL

DATE: APRIL 13, 2011

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: CONDUCT A PUBLIC HEARING AND INTRODUCE ORDINANCE NO. 11-386 AMENDING ZONING ORDINANCE SECTIONS 9654.5.A. AND 9654.5.C PERTAINING TO PARKING LOT LANDSCAPING TREE CANOPY COVERAGE FOR RETAIL DEVELOPMENT; CONSIDERATION OF RESOLUTION NO. 11-1625 TO AMEND THE CITY ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES FOR PARKING LOT LANDSCAPING; AND ADOPT A NEGATIVE DECLARATION (CASE NO. 10-ZOA-003)

The purpose of this item is for the City Council to conduct a public hearing to consider amending the Zoning Ordinance and the City's Architectural Design Standards and Guidelines regarding tree canopy coverage at retail project parking lots.

On October 27, 2010, the City Council conducted a Pre-screen Review regarding this matter and gave direction to staff to proceed. Prior to the City Council Pre-screen Review, staff also discussed this matter with the Council Economic Development Subcommittee. Hence, staff has conducted the research and analysis and presented recommendations to the Planning Commission who conducted a public hearing on this matter on March 17, 2011. The Planning Commission's recommendations to the City Council are contained herein.

The tree canopy coverage is one of three principal minimum requirements for providing new landscaping and maintaining landscaping over the life of a project. The Zoning Ordinance requires that parking lot landscaping is to include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit. The Zoning Ordinance also requires commercial projects provide a landscape plan to demonstrate that the site will provide a minimum of 10% to 20% landscape planter coverage of the entire parcel and that the parking lot itself has a minimum 15% landscape planter coverage. Together, these requirements contribute to a reduction in the heat island effect, noise, and air pollution. They also provide shade coverage for parked vehicles, breaks up the visual "sea of parking" effect, and improves the outdoor experience for pedestrians. Moreover, reintroducing trees after the development of a vacant parcel helps retain some of the vegetation that once occupied the site.

These requirements have been applied to all new projects, but the expected benefits of the tree canopy coverage, specifically, have been diminished for several reasons. Landscape plans are subject to the Los Angeles County Fire Department's requirements, which have increasingly become more stringent. Currently, the Fire Department's policies dictate that no trees be planted in parking lots in which canopies could overhang in fire equipment access areas (primarily driveways), and that trees cannot be located close to buildings for fuel modification reasons. As a result, these policies reduce the choice of trees that can be planted in an urbanized setting and the maturity a tree can reach.

Furthermore, the parking lot tree canopy coverage requirement can cause, over time, unintended consequences such as a reduced visibility of tenant signage at retail centers. This is based on the testimony of shopping center owners and commercial brokers describing their tenants' specific desire for more visibility from the street frontage and freeway. In order to remedy the issue, the maintenance crews have often been directed to prune, thin, and sometimes remove trees. As a result, the landscaping tree canopy no longer complies with the requirement, and the shopping center loses its visual quality.

Finally, with respect to the requirement itself, difficult sites, such as small, unusually shaped, or sloped properties, can constrain the ability to meet the 50% tree canopy requirement. Also, unlike other development standards in the Zoning Ordinance in which the requirements are met when the construction is completed, the 50% tree canopy coverage requirement is not expected to be achieved until 15 years in the future, and is subject to natural and man-made events that could profoundly affect its growth.

Staff conducted research and analysis to address the above issues in crafting the Ordinance Amendment. The following are the major components of the changes as presented to the Planning Commission on March 17, 2011. The Planning Commission's comments and recommendations are also noted. Each Planning Commissioner's specific comments are listed on the attached Exhibit D.

Tree Canopy Reduction Option:

As discussed at the pre-screen, the Ordinance has been drafted to apply only to new retail developments or exterior remodel of existing retail projects that include changes to the parking lot, or any other parking lot remodel at existing retail developments. The Planning Commission did not recommend any changes to applicability.

The tree canopy coverage requirement will remain at 50% after 15 years, but the proposed ordinance adds an option for property owners to request a reduction from 50% to as low as 30%, provided that the reduction is offset by permanent pedestrian amenities. Therefore, if this option is exercised, the 50% coverage of the parking lot can be achieved with a combination of trees and amenities.

Staff presented this option to the City Council, upon first review by the EDC, at the pre-screen meeting. The Council at that time generally agreed with this approach and gave direction to staff

to proceed in drafting an ordinance to allow pedestrian amenities to offset the reduction in tree canopy coverage.

This solution would provide a more immediate impact and was found to be an effective way to resolve the challenges. For example, this would allow the site to progressively develop shade coverage over a period of 15 years to reach 30% of the total parking area and an additional 20% of the parking area would have enhanced pedestrian amenities plus hardscape areas immediately upon completion of the project. Examples of pedestrian amenities include shade structures such as trellises, carports, and arbors, as well as other pedestrian level amenities such as enhanced pavement materials, planter benches, fountains, and public art. The combination of tree canopy coverage and pedestrian amenities would allow for greater creativity in developing a site layout and provide flexibility in the design for difficult sites. Trees and other amenities can be strategically placed such that they do not interfere with tenant storefront sign visibility.

Within the list of amenities, the draft ordinance recommends that the credit for coverage be applied in two ways. For amenities that offer shade coverage, such as trellises and carports, full credit toward the tree canopy coverage will be given as they could have similar shade coverage amount as trees, yet are lower than a tree and remain the same height and volume over time, thus not blocking sign visibility. They also provide constant shade, and can be built of non-combustible materials. For other amenities, such as flatwork, half-credit will be given. These other amenities are more conducive to pedestrian usage and can be utilitarian as benches and separated, enhanced pedestrian walkways.

At the March 17 Planning Commission meeting, the majority of the Planning Commissioners expressed certain concerns with the proposed change in parking lot tree canopy coverage. With modifications and clarifications to the proposed Ordinance, however, the Planning Commission unanimously recommended approval to the City Council.

During the Planning Commission's deliberation, Vice Chair Buckley Weber stated her concern about the parking lot tree canopy coverage reduction from 50% to 30% and would prefer an option for a smaller reduction (say to 40%) since landscape coverage is a significant part of what defines Agoura Hills. She also expressed that amenities may not have the same benefit as tree canopy coverage and the potential of having little tree canopy coverage left if the in-lieu fee option is exercised regularly, and questioned whether the Ordinance will resolve the underlying maintenance problems. Commissioner O'Meara stated that he can support the reduction in tree canopy coverage to 30%, with amenities to offset the reduction, as difficult sites could benefit from this options. He also felt that there is value in amenities, and that in some cases, amenities can be as valuable as the tree canopy, but recommended that the Commissioners should have discretion in selecting the various types of amenities. Commissioner Moses expressed concerns with the tree canopy reduction and stated that the 50% parking lot tree canopy coverage can be easily accomplished and recommended that, in the event that amenities are used, the Planning Commission should have the discretion to select better quality amenities. Commissioner Justice stated that any request for reduction in tree canopy coverage should be subject to Planning Commission approval.

The Planning Commission's consensus was to recommend approval to the City Council the option to allow reduction in tree canopy coverage from 50% to as low as 30%, as long as applicants were required to come before the Planning Commission for any request to reduce the percentage of the tree canopy coverage to less than 50%. Applicants would still be required to compensate for the gap between the 50% and the percentage being requested, by providing amenities such as planter benches, fountains, separated walkways and shade structures. Moreover, the Commissioners would review and approve a detailed parking lot plan showing the landscaping and amenities. The Planning Commission's recommended modifications to the Ordinance are shown in the proposed draft ordinance (Exhibit A) as double underlined and bolded text.

In addition, staff drafted a City Council resolution that would amend the City's Architectural Design Standards and Guidelines to reflect the new ordinance provision regarding the parking lot tree canopy and amenities coverage, which the Planning Commission also recommended approval. A copy of the draft City Council resolution is attached (Exhibit B).

In-Lieu Fee

Staff presented the option of an in-lieu fee at the pre-screen, after review by the EDC, and the City Council had mixed comments: in favor, opposed, or conditional. Staff drafted language in the proposed ordinance to include an option for an in-lieu fee for review and consideration by the Planning Commission and City Council. This option would allow applicants to pay an in-lieu fee in the event that the 50% combined tree canopy and amenities requirement cannot be met.

The Planning Commission generally expressed concerns about the payment of the in-lieu fee, especially if it was relied upon regularly. The Commission's consensus was that the in-lieu fee option should be used sparingly and that the amount should be equivalent to a higher costing tree to discourage use. Furthermore, they indicated that the in-lieu fee payment options should be subject to review and approval by the Planning Commission, and as recommended in the draft ordinance, certain property hardship findings must be made before granting the in-lieu fee payment option request.

If the City Council's decision is to allow the in-lieu fee payment option, the language in the attached draft ordinance will remain, and staff will return with the in lieu fee amount under separate resolution. The in-lieu fees can be calculated based on industry standards similar to oak tree mitigation in-lieu fees and could be based on the overall square footage of the canopy coverage deficiency. Typically, the fee would equate to the cost of one 24"-box tree (including the purchase, installation and one year worth of maintenance) for every 400 square feet of area not shaded. The collected fees would be used to purchase open space land and/or replant landscaping on public property elsewhere in the City.

Maintenance and Enforcement

At the pre-screen meeting, staff also presented information regarding maintenance and enforcement per discussion with the EDC. The issues revolved around how to deal with inappropriate, overaggressive tree pruning and long-term maintenance of landscaping. Staff

prepared and presented options for the Planning Commission to recommend to the City Council regarding maintenance and enforcement.

Currently, maintenance is broadly defined in the ordinance and simply states that landscaping shall be maintained in perpetuity and that the Planning Department can collect a security deposit for a one-year period after landscape installation to monitor maintenance. Staff presented three options for the Planning Commission to consider that would expand the City's processes for landscape maintenance compliance to recommend to the City Council:

Option 1: One option is an educational approach that would involve staff developing information material to educate the retail property owners and the public about proper maintenance policies and inform landscape design and maintenance professionals. It could take the form of handouts, guidelines and standards, and downloadable flyers which provide advice on how to trim trees and landscape maintenance tips. This approach may not generate enough interest and incentive to change current pruning practices, but it would certainly start a process of education.

Option 2: A second approach, in addition to handing out educational material, could be to discuss pruning issues with the maintenance crews and arrange meetings at City Hall or in the field to provide advice before the tree trimming occurs. This approach, although more proactive, may lack incentives for property owners to comply. The City has instituted both Options 1 and 2 in the past, but on a limited basis. In addition, these two options could be supplemented by providing financial incentives such as reduced fees for oak tree trimming permits.

Option 3: The third, and the most regulatory approach, is to expand the City's Tree Preservation Ordinance beyond Oak Trees by requiring tree pruning permits, conducting periodic inspections, and initiating code enforcement actions in cases of poor trimming practices and instituting penalties. This option would require the adoption of a new Ordinance, a new permitting process, allocation of time for the City Oak Tree/Landscape Consultant and Code Enforcement Officer and legal cost in the event of poor compliance or blatant violation of the code.

Staff preliminarily researched other cities' practices and found that, in most instances, landscaping is enforced at installation of new projects and most landscape enforcement actions on existing sites are complaint-based, and most cities do not pro-actively enforce maintenance of the landscaping on commercial properties. However, several cities have adopted Tree Preservation Ordinances to control the removal and/or pruning of protected indigenous trees.

In reviewing these options, the general consensus of the Planning Commission was that the City should not add another layer of bureaucracy and was opposed to the concept of a pruning permit requirement. The Commissioners agreed that the approach should incorporate all of Option No. 1, which proposes to make information material available, and Option No. 2, which proposes a more proactive approach in landscape maintenance education, but with some form of Option 3, the more regulatory option. The Commission generally agreed that the City should prescribe standards for landscape maintenance and protocol for enforcement, as needed.

The Planning Commission concurred that staff work with the City Attorney's office in researching other cities and bring back ideas to consider. Options regarding standards and enforcement can be researched with information regarding responsibility for enforcement and pro and cons for each option. If the City Council concurs with this approach, staff will commence working with the City Attorney's office and will return at a later date.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the City's local CEQA Guidelines, staff prepared an Initial Study of the potential environmental effects of the approval of the ordinance. Based upon the findings contained in the Initial Study, staff determined that there was no substantial evidence that the project could have a significant effect on the environment and a Negative Declaration was prepared.

The Negative Declaration was made available for public review for a 30-day period, ending March 14, 2011. One written comment was received from the California Department of Fish and Game, and addressed. The Planning Commission reviewed the Negative Declaration on March 17, 2011, at a public hearing and found that (1) the Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the project will have a significant effect on the environment; and (3) the Negative Declaration reflects the independent judgment and analysis of the Planning Commission. The Planning Commission unanimously recommended the City Council make these same findings and adopt the Negative Declaration.

RECOMMENDATION

- A. Staff respectfully recommends the City Council conduct a public hearing, introduce, read by title only, and waive further reading of Ordinance No. 11-386 (Exhibit A), amending Zoning Ordinance Sections 9654.4.A and C. regarding parking lot tree canopy coverage for retail development, and adopt the Negative Declaration. Draft Ordinance No. 11-386 contains the Planning Commission's recommendation that applications to exercise the option to reduce the tree canopy coverage are subject to review and approval by the Planning Commission.
- B. Staff respectfully recommends the City Council approve Resolution No. 11-1625 (Exhibit B), to amend the City Architectural Standards and Guidelines for parking lot landscaping, and adopt a Negative Declaration.
- C. Staff respectfully recommends that the City Council give direction to staff regarding the in-lieu fee option. If the Council is in favor of instituting the in-lieu fee option, the Planning Commission recommends that that the option of paying the in-lieu fee be subject to Planning Commission approval and subject to the Commission making the findings of approval in Ordinance No. 11-386 (Exhibit A). Staff will return with a separate in-lieu fee resolution for review and approval by the City Council.
- D. Staff respectfully requests direction from the City Council regarding parking lot landscape maintenance and enforcement. The Planning Commission recommended that

staff and the City Attorney's office research tree pruning and preservation standards and ordinances from other cities and report back with recommendations.

Attachments:

- Exhibit A – Ordinance No. 11-386
- Exhibit B – City Council Resolution No. 11-1625
- Exhibit C – Planning Commission Resolution No. 11-1030
- Exhibit D – Planning Commission comments
- Exhibit E – Draft March 17, 2011 Planning Commission Meeting Minutes
- Exhibit F – March 17, 2011, Planning Commission Meeting Staff Report
- Exhibit G – October 27, 2010, Report to City Council on Pre-screen Review
- Exhibit H – Negative Declaration

DRAFT ORDINANCE NO. 11-386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTIONS 9654.5.A AND 9654.5.C OF THE AGOURA HILLS MUNICIPAL CODE PERTAINING TO PARKING LOT LANDSCAPING TREE CANOPY COVERAGE FOR RETAIL DEVELOPMENT

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council has considered an amendment to Article IX, Chapter 6, Part 2, Division 4, Sections 9654.5.A and 9654.5.C of the Agoura Hills Municipal Code and finds that the amendment will enhance the visual environment, enhance pedestrian experience, address difficulty in meeting the parking lot landscape shade coverage requirement, and address visibility of tenant signage and compliance with Fire Department fuel modification requirements.

SECTION 2. The proposed amendment complies with the General Plan Land Use and Community Form Element goal. The revisions provide options that encourage the development of exterior spaces that are of human scale and encourage pedestrian activity.

SECTION 3. Article IX, Chapter 6, Part 2, Division 4, Section 9654.5.A of the Agoura Hills Municipal Code is amended to read:

“A. Purpose. The intent and purpose of this section is to provide ~~attractive landscaping by regulative~~ an enhanced pedestrian experience and exterior visual interest of non-residential properties regulating size, placement, and design of ~~said landscaping and other amenities accessible to the public.~~ Parking area landscaping ~~Together, landscaping and other outdoor amenities are~~ is intended to enhance the visual environment, promote public safety, moderate the temperature, and reduce noise and glare.”

SECTION 4. Article IX, Chapter 6, Part 2, Division 4, Section 9654.5.C. of the Agoura Hills Municipal Code is amended to read:

“C. Special landscape design standards.

1. Parking lot landscaping shall include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen years after the issuance of the building permit for the related building, structure or other improvement.
2. ~~Reserved.~~ Canopy reduction option for retail developments. **-Planning Commission Review.**

A. For any new retail developments, any exterior remodel of existing retail developments that includes changes to the parking lot, or any other parking lot remodel at existing retail developments, the fifty (50) percent tree canopy coverage requirement of Section 9654.5.C.1 may be reduced by up to twenty (20) percent provided that the parking area, including driveways, are enhanced with pedestrian amenities with an equivalent square foot coverage area to offset the reduction of tree canopy coverage. **The request for reduction in the 50% tree canopy coverage requirement in Section 9654.5.C.1 shall be reviewed by the Planning Commission.**

(a) The pedestrian amenities shall include:

- i. Shade structures such as carports, trellises, and arbors;
- ii. Other amenities such as decorative paving and walkways in the parking lot, raised landscape planter seats, benches, fountains, art pieces, and other pedestrian amenities of similar intent approved by the City.

(b) Calculation of the coverage:

- i. Shade structures defined in Section 9654.C.2.A.(a).i.: The total square footage of shade structures shall apply toward equivalent tree canopy coverage.
- ii. Other amenities defined in Section 9654.5.C.2.A.(a).ii: One-half of the square footage of coverage of other amenities shall apply toward equivalent tree canopy coverage.

(c) **Parking lot plan review: An application for a Site Plan Review application shall be filed with the Department of Planning and Community Development along with a parking lot plan. The parking lot plan shall show the existing and proposed landscaping with the proposed pedestrian amenities and any other pertinent information deemed applicable for the Planning Commission to render a decision.**

B. In the event that an applicant's development cannot meet the requirements of Section 9654.5.C.1, such applicant may request the option of paying an in-lieu fee, in amount established by resolution of the City Council. Only those properties that cannot meet the requirements of Section 9654.5.C.1 are eligible for the option of the payment of said in-lieu fee only if all of the following findings can be made by the Planning Commission.

(a) Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of Section 9654.5.C.1 deprives

such property of privileges enjoyed by other property in the vicinity and other retail developments.

- (b) The granting of the in-lieu fee payment request will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and other retail developments.
- (c) The strict interpretation and enforcement of Section 9654.5.C.1 of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of this article; and
- (d) The granting of the in-lieu fee payment request will not be detrimental to the public health, safety or welfare, or materially injurious to the subject property or adjacent properties.

SECTION 5. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of 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 6. Environmental Findings. The City Council hereby makes the following environmental findings and determinations in connection with the approval of the Parking Lot Landscaping Ordinance Amendment (the "Project"): Pursuant to California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines. City staff prepared an Initial Study of the potential environmental effects of the approval of the Parking Lot Landscaping Ordinance Amendment as described in the Initial Study (the "Project"). Based upon the findings contained in that Study, City staff determined that there was no substantial evidence that the Project could have a significant effect on the environment and a Negative Declaration was prepared.

- A. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration as required by law. The public comment period commenced on February 10, 2011, and expired on March 14, 2011. Copies of the documents have been available for public review and inspection at the offices of the Department of Community Development, located at City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.
- B. One written comment was received prior to the public hearing, and a response to the comment made therein was prepared, submitted to the City Council and incorporated into the administrative record of the proceedings.

- C. The City Council has reviewed the Negative Declaration and the comment received regarding the Negative Declaration prior to and at the April 13, 2011, public hearing, and based on the whole record before it, finds that: (1) the Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Negative Declaration reflects the independent judgment and analysis of the City Council.
- D. Based on the findings set forth in this Resolution, the City Council hereby adopts the Negative Declaration prepared for the Project. The Director of Community Development is authorized and directed to file a Notice of Determination in accordance with CEQA.

SECTION 7. The City Clerk shall publish and cause notice of this ordinance to be given according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2011, by the following vote:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig Steele, City Attorney

DRAFT RESOLUTION NO. 11-1625

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN AMENDMENT TO ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES (CASE NO. 10-ZOA-003)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

WHEREAS, the City Council has considered an amendment to amend Section D.2.c. of the Architectural Design Standards and Guidelines. This amendment was considered in conjunction with Zoning Ordinance Case No. 10-ZOA-003. A public hearing was duly held on April 13, 2011, in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of public hearing was duly given; and

WHEREAS, the revised Zoning Ordinance allows an option to reduce the parking lot tree canopy coverage up to 20% for parking lots of retail centers from 50% to 30% and to add pedestrian amenities coverage to equate to the deficiency; and

WHEREAS, the amendment will enhance the visual environment, enhance pedestrian experience, address difficulty in meeting the parking lot landscape shade coverage requirement, and address visibility of tenant signage and compliance with Fire Department fuel modification requirements; and

WHEREAS, the Architectural Design Standards and Guidelines were first adopted in 1992 and various amendments have been made over the years, e.g., for lighting, signage, and the Old Agoura Residential Design Standards; and

WHEREAS, the Architectural Standards and Guidelines serves as a tool to implement the General Plan Land Use and Community Form Element Goal. It is updated to be consistent with the adopted amendment to the Zoning Ordinance and to provide guidance to the applicant in design and staff in evaluation and the Planning Commission and the City Council in decision-making; and

WHEREAS, the City Council hereby makes the following environmental findings and determinations in connection with the approval of the Parking Lot Landscaping Ordinance Amendment (the "Project"):

- A. Pursuant to California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Parking Lot Landscaping Ordinance Amendment as described in the Initial Study (the "Project"). Based upon the findings contained in that Study, City staff determined that there was no substantial evidence that the Project could have a significant effect on the environment and a [Mitigated] Negative Declaration was prepared.

- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration as required by law. The public comment period commenced on February 10, 2011, and expired on March 14, 2011. Copies of the documents have been available for public review and inspection at the offices of the Department of Community Development, located at City Hall, 30001 Ladyface Court, California, 91301.
- C. One written comment was received prior to the public hearing, and a response to the comment made therein was prepared, submitted to the City Council and incorporated into the administrative record of the proceedings.
- D. The City Council has reviewed the Negative Declaration and the comment received regarding the Negative Declaration prior to and at the March 17, 2011, public hearing, and based on the whole record before it, finds that: (1) the Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Negative Declaration reflects the independent judgment and analysis of the Planning Commission.
- E. Based on the findings set forth in this Resolution, the City Council hereby recommends that the City Council adopt the Negative Declaration prepared for the Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Agoura Hills adopts the amendment to the Architectural Design Standards and Guidelines (Exhibit A).

PASSED, APPROVED, and ADOPTED this 13th day of April 2011, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig Steele, City Attorney

Exhibit A

Proposed Amendment to the City of Agoura Hills Architectural Design Standards and Guidelines

“Section D. Parking/Site Circulation/Site Access

2. Parking Area Design

- c. Parking areas, both interior and perimeter, shall be landscaped. The Zoning Ordinance requires 50% shade cover at 15 years maturity.

Exception: In the case of retail centers, the landscape shade coverage of the parking area may be reduced up to 20% provided that the parking area is enhanced with pedestrian amenities to offset the reduction of the tree canopy coverage. The amenities shall include carports, shade structures, arbors, trellis covers, enhanced pavement, public sitting areas, a combination of raised landscape planter, fountains, artwork, benches and other amenities of similar intent approved by the City. A credit of one hundred percent of the coverage provided by the shade structure shall be counted toward the requirement, and a credit of fifty percent for other types of amenities.”

Exhibit C

RESOLUTION NO. 1030

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT
PERTAINING TO PARKING LOT LANDSCAPING STANDARDS AND ASSOCIATED
OPTIONAL IN-LIEU FEE, AND RECOMMENDING APPROVAL OF AMENDMENTS
TO
ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES
(CASE NO. 10-ZOA-003)**

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

WHEREAS, the Planning Commission has considered a code amendment to the Zoning Ordinance Article IX, Chapter 6, Part 2, Division 4, Section 9654.5.A. and C, of the Agoura Hills Municipal Code specifically to revise the parking lot landscaping standards, recommending adoption of an in-lieu fee option, and to amend Section D.2.c. of the Architectural Design Standards and Guidelines. A public hearing was duly held on March 17, 2011, in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of public hearing was duly given;

WHEREAS, the proposed code amendment complies with the General Plan Land Use and Community Form Element Goal in that the revised parking lot landscaping standards encourage the development of exterior spaces that are of human scale and encourage pedestrian activity.

WHEREAS, the current Zoning Ordinance's requirements contribute to a reduction in the heat island effect, and the reduction of noise and pollution, provide shade coverage for parked vehicles, and improve the outdoor experience for pedestrians. Moreover, reintroducing trees after the development of a vacant parcel helps retain some of the vegetation that once occupied the site and contributes to the regional biodiversity.

WHEREAS, the parking lot tree canopy coverage requirement, however, can sometimes cause, over time, unintended consequences such as a reduced visibility of tenant signage at retail centers.

WHEREAS, some development sites, such as small, unusually shaped or sloped properties, have experienced difficulty meeting the 50% tree canopy requirement.

WHEREAS, the revised Zoning Ordinance allows for a reduction in tree canopy coverage up to 20% in all parking lots of retail centers provided that the parking area and driveways be enhanced with other amenities with a square foot coverage equivalent to the amount of tree canopy being reduced; and

WHEREAS, a 20% reduction in the required 50% tree canopy coverage is appropriate if an equivalent area is provided in the form of pedestrian amenities in the parking lot.

WHEREAS, the amendment complies with the General Plan in that the in-lieu fee represents an implementation measure of the Land Use and Community Form specifically Goal LU-16.3 which allows the City to expand the urban forest to mitigate impacts caused by traffic and developments.

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. The Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Parking Lot Landscaping Ordinance Amendment (the "Project"):

- A. Pursuant to California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Parking Lot Landscaping Ordinance Amendment as described in the Initial Study (the "Project"). Based upon the findings contained in that Study, City staff determined that there was no substantial evidence that the Project could have a significant effect on the environment and a Negative Declaration was prepared.
- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration as required by law. The public comment period commenced on February 10, 2011 and expired on March 14, 2011. Copies of the documents have been available for public review and inspection at the offices of the Department of Community Development, located at City Hall, 30001 Ladyface Court, California, 91301.
- C. One written comment was received prior to the public hearing and a response to the comment made therein was prepared, submitted to the Planning Commission and incorporated into the administrative record of the proceedings.
- D. The Planning Commission has reviewed the Negative Declaration and the comment received regarding the Negative Declaration prior to and at the March 17, 2011 public hearing, and based on the whole record before it, finds that: (1) the Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Negative Declaration reflects the independent judgment and analysis of the Planning Commission.
- E. Based on the findings set forth in this Resolution, the Planning Commission hereby recommends that the City Council adopt the Negative Declaration prepared for the Project.

Section 2. Based on the findings set forth above and on all other evidence in the record, the Planning Commission hereby recommends that the City Council adopt the attached Ordinance (Exhibit A) amendment to Article IX, Chapter 6, Part 2, Division 4, Section 9654.5.A.

Resolution No.1030

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and C of the Agoura Hills Municipal Code specifically to revise the parking lot landscaping standards and adopt an in-lieu fee option and amend Section D.2.c. to the Architectural Design Standards and Guidelines (Exhibit B).

PASSED, APPROVED, and ADOPTED this March 17, 2011, by the following vote to wit:

AYES: Rishoff, Buckley Weber, Moses, O'Meara, and Justice
NOES: None
ABSENT: None
ABSTAIN: None

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

Exhibit D

Zoning Ordinance Amendment Case No. 10-ZOA-003
March 17, 2010

Planning Commissioners Comments Summary

A. Tree Canopy Coverage Reduction Option

The majority of the Planning Commissioners expressed certain concerns with the proposed change in parking lot tree canopy coverage. With modifications and clarifications to the proposed Ordinance, however, the Planning Commissioners unanimously recommended approval to the City Council. The change recommended by the Planning Commission includes a requirement for applicants to come before the Planning Commission for any request to reduce the tree canopy coverage to less than the 50% requirement as a compromise amongst the various opinions shared at the meeting. The applicant is to submit a detailed parking lot plan showing the landscaping and amenities for the Planning Commission to evaluate before obtaining an approval to proceed. The concerns shared by the Commissioner are as follows:

- a. Vice Chair Buckley Weber stated a concern about the reduction from 50% to 30% in that it was too great, but if this option was chosen by the City Council, would favor only a smaller amount of a reduction say to 40%. Furthermore, the Vice Chair cautioned about the potential of having little tree canopy coverage left if the in-lieu fee option is exercised regularly and consequently would maintain the status quo in existing centers.
- b. Commissioner O'Meara stated that he can support the reduction in tree canopy coverage to 30%, with amenities to offset the reduction, as difficult sites could benefit from this options. He also felt that there is value in amenities, and that in some cases, amenities can be as valuable as the tree canopy, but recommended that the Commissioners should have discretion in selecting various types of amenities as different amenities have different values.
- c. Commissioner Moses stated that the 50% can easily be accomplished almost all the time. The question is how to enforce good maintenance practices following the installation of the landscaping during the life of the project. In the event that amenities are used, the Planning Commission should have the discretion to review the specific amenities and the Commissioners, in making their decision, should lean toward better quality amenities.
- d. Commissioners Justice stated that any request for reduction in tree canopy should be reviewed and approved by the Planning Commission.

B. In Lieu Fee Option

The Planning Commission generally had concerns with the in-lieu fee option and recommended that the request to pay the in-lieu fee can only be approved if the Planning Commission can make all the hardship findings outlined in the proposed section. The Planning Commission also expressed concerns about the propensity for developers to exercise the in-lieu fee option rather than attempting to meet the requirement.

- a. Commissioner O'Meara stated that the in-lieu fee should be equivalent to the cost of a higher quality tree in order to discourage applicants from choosing this option while maintaining the nexus between the fee and the loss of canopy.
- b. Commissioner Moses agreed with Commissioner O'Meara.
- c. Commissioner Justice stated this current ordinance should state the purpose of the in-lieu fee in addition to being defined in a future City Council Resolution.
- d. Vice Chair Buckley Weber stated that in-lieu fees should not be the norm and should only be granted if findings can be made.
- e. Chair Rishoff clarified the Planning Commission's comments.

C. Maintenance/Enforcement of permanent landscaping

The Planning Commission commented on the approach the City should take in regards to the enforcement of good landscape maintenance practices. Options were provided in the staff report for the Planning Commission to discuss from. The Commissioners agreed that the approach should incorporate Option Nos. 1, and 2 of which included educational material and face-to-face discussions about proper landscape maintenance with property owners and maintenance crews, and some form of enforcement measures discussed in Option No. 3. Furthermore, the Commissioners emphasized that the City's expectations should be clearly defined in the written standards, either ordinance or guidelines, without being overly punitive and without adding another layer of bureaucracy, such as a pruning permit.

- a. Commissioner O'Meara stated that the City should establish clear standards before going after violators and that if the property owners do not comply that code enforcement actions should be started but that we should not add another layer of bureaucracy, such as a pruning permit.
- b. Commissioner Justice supported the concept of no additional bureaucracy. He wants to see some form of Options 1 and 2 but no pruning permit. He also stated that he would like to see further information from staff regarding enforcement options.
- c. Vice Chair Buckley Weber stated that she wants to use Options 1, and 2 and some form of 3. The City should consider giving an opportunity to property owners to comply but if they don't that they would be subject to enforcement.
- d. Chair Rishoff wanted to use Options 1 and 2 and some form of Option 3 without being specific. Agreed that a pruning permit is not preferred.
- e. Commissioner Moses opposed everyone being required to getting a pruning permit, but enforcement should occur through written maintenance and pruning standards adopted by the City.

Exhibit E



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
March 17, 2011

CALL TO ORDER:

Chair Rishoff called the meeting to order at 6:32 p.m.

FLAG SALUTE:

Commissioner Justice

ROLL CALL:

Chair Stephen Rishoff, Vice Chair Buckley Weber, Commissioners Michael Justice, Rick Moses and John O'Meara.

Also present were Assistant City Attorney Candice Lee, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Associate Planner Valerie Darbouze, City Oak Tree and Landscape Consultant Ann Burroughs, and Recording Secretary Sheila Keckhut.

APPROVAL OF AGENDA:

On a motion by Commissioner Moses, seconded by Commissioner Justice, the March 17, 2011 Agenda was approved without objection.

PUBLIC COMMENTS:

There were no public comments.

APPROVAL OF MINUTES

1. Minutes – February 17, 2011 Planning Commission Meeting

On a motion by Commissioner Justice, seconded by Vice Chair Buckley Weber, the Planning Commission moved to approve the Minutes of the February 17, 2011 Planning Commission Meeting. Motion carried 4-0. Commissioner Moses abstained.

**CONTINUED PUBLIC HEARING ITEM NO. 3, WAS MOVED TO BE HEARD
BEFORE CONTINUED PUBLIC HEARING ITEM NO. 2**

CONTINUED PUBLIC HEARINGS

2. REQUEST: Request for recommendation of approval to the City Council regarding an amendment to Zoning Ordinance Section 9654.5.A. and 9654.5.C. to modify the development standards for parking lot landscaping; amendments to the Architectural Design Standards and Guidelines; establishment of a landscape installation in-lieu fee; and adoption of a Negative Declaration.
- APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
- CASE NO.: 10-ZOA-003
- LOCATION: Citywide
- ENVIRONMENTAL ANALYSIS: The proposed Ordinance Amendment is found to be consistent with the 2010 General Plan EIR.
- RECOMMENDATION: Staff recommended that the Planning Commission adopt a resolution recommending that the City Council approve Zoning Ordinance Amendment Case No. 10-ZOA-003.
- PUBLIC COMMENTS: Chair Rishoff opened the public hearing.

There were no speakers on this item.

Chair Rishoff closed the public hearing.
- ACTION: On a motion by Commissioner Moses, seconded by Vice Chair Buckley Weber, the Planning Commission moved to adopt Resolution No. 11-1030, recommending that the City Council approve Zoning Ordinance Amendment Case No. 10-ZOA-003. Motion carried 5-0.

3. REQUEST: Request for approval of a Site Plan/Architectural Review to construct a 4,700 square-foot, one story single-family residence with a 672 square-foot detached garage on a previously developed parcel, and an Oak Tree Permit to encroach in the protected zone of (4) off-site Oak trees.
- APPLICANT: Allen Adel, Lorient & Associates for Parviz Amini
5890 Fairhaven Avenue, #A
Woodland Hills, CA 91367
- CASE NOS.: 10-SPR-001 & 10-OTP-011
- LOCATION: 5622 Foothill Drive
(A.P.N. 2055-017-007)
- ENVIRONMENTAL ANALYSIS: Categorically Exempt from CEQA, per Section 15303(a)
- RECOMMENDATION: Staff recommended the Planning Commission continue the hearing, for Site Plan/Architectural Review for Case No. 10-SPR-001 and Oak Tree Permit Case No. 10-OTP-011, to the April 7, 2011 regularly scheduled Planning Commission Meeting.
- ACTION: On a motion by Vice Chair Buckley Weber, seconded by Commissioner Justice, the Planning Commission moved to continue the hearing, for Site Plan/Architectural Review for Case No. 10-SPR-001 and Oak Tree Permit Case No. 10-OTP-011 to the April 7, 2011 regularly scheduled Planning Commission Meeting. Motion carried 5-0.

PLANNING COMMISSION/STAFF COMMENTS

None

ADJOURNMENT

At 8:19 p.m., the Planning Commission moved to adjourn the meeting to the next scheduled Planning Commission meeting on Thursday, April 7, 2011 at 6:30 p.m. Motion carried 5-0.

Exhibit F



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: March 17, 2011

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: 10-ZOA-003

LOCATION: Citywide

REQUEST: Request for a recommendation of approval to the City Council regarding an amendment to Zoning Ordinance Section 9654.5.A. and 9654.5.C. to modify the development standards for parking lot landscaping; amendment to the Architectural Design Standards and Guidelines; establishment of a landscape installation in-lieu fee; and adoption of a Negative Declaration.

ENVIRONMENTAL DETERMINATION: Negative Declaration

RECOMMENDATION: Staff recommends that the Planning Commission adopt a motion to recommend that the City Council adopt the Draft Resolutions and Draft Ordinance.

I. BACKGROUND AND DISCUSSION

At their October 27, 2010 meeting, the City Council conducted a Pre-Screen Review, and directed staff to prepare a Zoning Ordinance Amendment to modify the development standards for parking lot landscaping of non-residential development, specifically to change the tree canopy coverage requirements at retail developments. The Planning Commission is being asked to provide comments and a recommendation to the City Council on the proposed amendment. This matter was continued by the Planning Commission at their February 17, 2011 meeting without taking public comments.

The tree canopy coverage is one of three principal minimum requirements for providing new landscaping and maintaining landscaping over the life of a non-residential project. The Zoning

Ordinance requires that parking lot landscaping to include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvements.

The Zoning Ordinance also requires commercial projects provide a Landscape Plan to demonstrate that the site will provide a minimum of 10% to 20% landscape coverage of the entire parcel, and a minimum 15% landscaping of the parking lot area.

Together, these requirements contribute to a reduction in the heat island effect, a result of long exposure of paved surfaces to the sun, and the reduction of noise and pollution. They also provide shade coverage for parked vehicles, break-up the visual "sea of parking" effect, and improve the outdoor experience for pedestrians. Moreover, reintroducing trees after the development of a vacant parcel helps retain some of the vegetation that once occupied the site and contributes to the regional biodiversity.

These requirements have been systematically applied to all new projects but the expected benefits of the canopy coverage specifically have been diminished for several reasons. Landscape plans are subject to the Los Angeles County Fire Department's requirements which have increasingly become more stringent. Currently, the Fire Department's policies dictate that no trees be planted in parking lots in which canopies could overhang in fire equipment access areas (primarily driveways), and that trees cannot be located close to buildings for fuel modification reasons. As a result, these policies reduce the choice of trees that can be planted in an urbanized setting and the maturity a tree can reach.

Furthermore, the parking lot tree canopy coverage requirement can cause, over time, unintended consequences such as a reduced visibility of tenant signage at retail centers. This is based on the testimony of shopping center owners and commercial brokers describing their tenants' specific desire for more visibility from the frontage street and freeway. In order to remedy the issue, the maintenance crews have often been directed to prune, thin and sometimes remove trees. As a result, the landscaping tree canopy no longer complies with the requirement and the shopping center loses its visual quality.

Finally, with respect to the requirement itself, difficult sites, such as small, unusually shaped or sloped properties, can constrain the ability to meet the 50% tree canopy requirement. Also, unlike other development standards in the Zoning Ordinance in which the requirements are met when the construction is completed, the 50% tree canopy coverage requirement is not expected to be achieved until 15 years in the future, and is subject to natural and man-made events that could profoundly affect its growth.

Prior to the City Council's discussion of these issues in their Pre-Screen Review, staff discussed amending the Zoning Ordinance with the Economic Development Committee (EDC) specifically for retail projects, including shopping centers. The EDC recommended reducing the 50% tree canopy shade requirement to 30%, and supplementing the canopy coverage with more permanent improvements such as pedestrian amenities. The EDC felt this solution would provide an immediate impact and would be the most effective way to resolve the challenges. Examples of pedestrian amenities could include shade structures, trellised carports, enhanced pavement

materials, planter benches, fountains, pedestrian scaled landscaping, arbors, public art, bike racks and the like. The combination of tree canopy coverage and pedestrian amenities would allow for greater creativity in developing a site layout and provide flexibility in the design for difficult sites. Trees and other amenities can be strategically placed such that they do not interfere with tenant storefront sign visibility. The EDC also recommended quantifying the coverage of amenities to match the 20% reduction in canopy coverage. This would translate into a site that would progressively develop shade coverage over a period of 15 years to reach 30% of the total paved parking area and an additional 20% of the same parking area plus hardscape areas to be enhanced by other amenities immediately upon completion of the project. These recommended modifications would apply to new retail development and major redevelopment and could also apply to redevelopment of existing parking lots. The revised standards would not apply to office and manufacturing properties.

In the event that a commercial property cannot meet the requirement of the tree planting, property owners could have the option to pay an in-lieu fee. In the past, the City has used the payment of an in-lieu fee option for projects that could not meet the City's Oak Tree Ordinance. The in-lieu fee funds have been used by the City to preserve and enhance oak habitat by planting oaks in City-owned properties and rights-of-way, and to purchase open space land for permanent preservation. Consideration could be given to extending this option to the tree canopy requirement. Acceptance of the in-lieu fee option would be at the discretion of the City and could be limited to on-site physical hardship cases.

During their Pre-Screen Review discussion, the Council agreed with the recommendation of the EDC on reduced canopy coverage, but that the on-site amenities provided in lieu of tree coverage be reviewed on a case-by-case basis with the goal to encourage more canopy overall and that it only apply to retail centers. The City Council has given direction to staff to proceed in drafting an ordinance to allow pedestrian amenities on commercial property to offset of tree canopy coverage reductions.

II. STAFF ANALYSIS

Within the list of amenities, staff recommends the coverage credit be applied in two ways. For amenities such as trellises which offer shade coverage 100% of the total square footage could be applied toward the required tree canopy coverage whereas amenities such as planters, pavers, benches, fountains, and pedestrian separated walkways 50% of coverage requirement be applied. Trellises have multiple advantages in that they can be built over parking spaces and walkways and can be used as extensions of the tenant spaces. They have the same benefits as tree canopy coverage, yet they are lower than a tree and remain the same height and volume over time, provide constant shade, and can be built with non-combustible materials. Other amenities are more conducive to just pedestrian usage and should be distributed in a manner as to serve all users of the center and not one specific business and maintain a safe pedestrian circulation throughout the site. They can be utilitarian such as benches or decorative such as art pieces. This proposed amendment provides another option for developing parking areas. In addition, to tree canopy, certain amenities in parking lots can be credited toward the parking lot shading requirement.

These recommendations are also intended to encourage property owners to refurbish the parking lot landscaping rather than forcing the City to consider implementing punitive measures. The City does not have a current mechanism in place to control tree pruning other than for oak trees. Landscape maintenance practices are enforced through Code Enforcement. The amendments would not change the required landscaping coverage for the site, nor would it cause the removal of the existing healthy and protected trees in the parking lot. The landscape plan still incorporates the same number and size of planters and the variety of planting as currently required by the Code.

Some of the Council members considered an in-lieu fee as an option to be used only in the case of extreme site hardships or non-conforming sites where redevelopment is proposed. The in-lieu fees can be calculated based on industry standards similar to oak tree mitigation in-lieu fee and could be based on the overall square footage of the canopy coverage deficiency. Typically, it equates to the cost of one 24"-box tree (including the purchase, installation and one year worth of maintenance) for every 400 square feet of area not shaded. The collected fees could be used to purchase open space land and/or replant landscaping elsewhere in the City.

However, in-lieu fees can discourage property owners from making the physical improvements if the option is available. Therefore, if the in-lieu fee is considered as an option, staff recommends that applicants be required to demonstrate, on a landscape plan reviewed by City staff, that it is in fact unfeasible.

The proposed Ordinance amendment complies with the General Plan goals LU-5.3, LU-10 and 22, LU-13.4 and NR-11 by reducing the heat island effect, improving the pedestrian experience and visual interest of commercial properties and economic benefit. Furthermore, the implementation of the amendment strikes a balance between the City's goals of quality sustainable development with the economic viability. The proposed language for this Zoning Ordinance amendment is as follows:

Section 9654.5.A.

~~“Purpose. The intent and purpose of this section is to provide attractive landscaping by regulative an enhanced pedestrian experience and exterior visual interest of non-residential properties with regulative size, placement, and design of said landscaping and other amenities accessible to the public. Parking area landscaping Together, landscaping and other outdoor amenities are is intended to enhance the visual environment, promote public safety, moderate the temperature, and reduce noise and glare.”~~

Section 9654.5.C:

“Special landscape design standards.

1. Parking lot landscaping shall include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen years after the issuance of the building permit for the related building, structure or other improvement.

2. ~~Reserved.~~

This provision shall apply to new retail development, major remodel in existing retail centers, and redevelopment of existing parking lots at retail developments.

The fifty (50) percent tree canopy coverage requirement of Section 9654.5.C.1, parking lots may be reduced up to twenty (20) percent provided that the parking area including driveways are enhanced with pedestrian amenities with an equivalent area to offset the reduction of said area. The amenities shall include carports, shade structures, enhanced pavement, public sitting areas, and a combination of raised landscape planter, benches and other amenities of similar intent approved by the City. Full credit for meeting this requirement shall be given to structures that provide shade coverage and half credit shall be given for other pedestrian amenities serving other purposes.

An in-lieu fee may be considered to compensate for the lack of amenities. The amount will be based on the cost of one 24"-box tree (including purchase, installation and maintenance) for every 400 square feet of canopy coverage deficiency. The in-lieu fee shall be considered only after the applicant has demonstrated on a landscape plan prepared by a licensed landscape architect that the 30% canopy coverage and/or the 20% added pedestrian amenities cannot be met."

Staff also recommends amending the City Architectural Standards and Guidelines for consistency with the proposed Zoning Ordinance amendment.

The Architectural Design Standards and Guidelines:

"Section D. Parking/Site Circulation/Site Access

2. Parking Area Design

- c. Parking areas, both interior and perimeter, shall be landscaped. The Zoning Ordinance requires 50% shade cover at 15 years maturity.

Exception: In the case of retail centers, a minimum of 30% of the total parking area shall be shaded at 15 years maturity with tree canopies.

In addition, parking lots shall be enhanced with public amenities to offset the reduction of the tree canopy coverage in retail centers. The amenities shall include carports, shade structures, arbors, trellis covers, enhanced pavement, public sitting areas, a combination of raised landscape planter, fountains, artwork, benches and other amenities of similar intent approved by the City. A credit of one hundred percent of the coverage provided by the shade structures shall be counted toward the requirement, and a credit of fifty percent for other types of amenities."

As mentioned in this report, the EDC and City Council recommended additional landscape maintenance enforcement. One option is to require a permit for the pruning of any tree on retail property. Although the discussion of "enforcement" may have a punitive connotation, it provides an avenue by which the City's can become pro-active in encouraging property owners of retail shopping centers in maintaining their landscaping.

Other than in the case of impacts to an oak tree, the City has initiated code enforcement actions only in rare instances when the landscaping of a non-residential property was deteriorating or the new landscaping did not meet the city guidelines. Currently, the property maintenance is broadly defined in the Code. The Code simply states that landscaping shall be maintained in perpetuity and also states that the Planning Department can collect a security deposit for a period of one-year after completion of a project to monitor the maintenance.

The Planning Commission may wish to consider three different approaches to parking lot landscaping maintenance enforcement. One approach, least regulatory, is an educational approach that would involve staff developing information material to educate the retail property owners and the public about proper maintenance policies and inform landscape design and maintenance professionals. It could take the form of handouts, guidelines and standards, and downloadable flyers which provide advice on how to trim trees, and landscape maintenance tips. In the past, the City also solicited the assistance of other organizations such as the Chamber of Commerce, to disseminate information to their members which could be an avenue to further educate the business community. This effort could start upon City Council approval of the revised ordinance and would not require other procedural changes. This approach may not generate enough interest and incentive to change current pruning practices but it would certainly start a process of education.

A second approach, in addition to handing out educational material, could be to discuss pruning issues with the maintenance crews and arrange meetings at City Hall or in the field to provide advice before the tree trimming occurs. This approach, although more pro-active, may lack incentives for property owners to comply. This approach could be supplemented by providing financial incentives such as reduced fees for oak tree trimming permits.

The third and the most regulatory approach is to expand the City's Tree Preservation Ordinance beyond Oak Trees by requiring Tree Trimming Permits, conduct periodic inspections, and initiate code enforcement actions when poor trimming practices are occurring and institute financial penalties. This option would require the adoption of a new Ordinance, a new permitting process, allocation of time for the City Oak Tree/Landscape Consultant and Code Enforcement Officer and legal cost in the event of poor compliance or blatant violation of the code.

Staff researched other cities' practices and found that landscaping is enforced at installation of new projects and most landscape enforcement actions on existing sites are referral-based and most cities do not pro-actively enforce proper maintenance of the landscaping on commercial properties. However, several cities have adopted Tree Preservation Ordinances to control the removal and/or trimming of protected indigenous trees. The Planning Commission's recommendation on these enforcement options will be forwarded to the City Council.

Attached to the report, are a Draft Resolution recommending approval to the City Council of the text amendment to the Zoning Ordinance and the Architectural Design Standards and Guidelines; a draft Ordinance for the proposed Zoning Ordinance amendment. Staff has also prepared a Draft Resolution to consider the adoption of an in-lieu fee for the Planning Commission's consideration for recommendation to the City Council.

III. ENVIRONMENTAL REVIEW

Staff has reviewed the project and finds the proposed Ordinance will not cause a significant negative effect on the environment and the effects derivative from the adoption of the Ordinance are found to have no impacts per the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15070 of the State CEQA Guidelines (Title 14 CCR. 15061(b)(3).) This finding is premised on the fact that the adoption of this Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration. The Agency and has made a determination that the Zoning Ordinance Amendment, Case No. 10-ZOA-003, is consistent with the 2010 General Plan EIR and no significant impacts will occur based on the findings of the Negative Declaration as a result of the proposed amendment.

The Planning Commission's recommendation will be forwarded to the City Council for final action.

IV. RECOMMENDATION

Staff recommends the Planning Commission adopt a motion to approve the attached Draft Resolutions recommending the City Council approve Zoning Ordinance Amendment Case No. 10-ZOA-003; amend the Architectural Design Standards and Guidelines; recommend payment of landscape installation in-lieu fee; and recommend adoption of Negative Declaration. The recommendation of the Planning Commission will be forwarded to the City Council for final action.

V. ATTACHMENTS

- Draft Resolution (Zoning Ordinance & Architectural Design Standards and Guidelines Amendment)
- Draft Ordinance (Exhibit A)
- Draft Architectural Design Standards and Guidelines Amendments (Exhibit B)
- Draft Resolution (In-Lieu Fees)
- Zoning Ordinance Excerpts
- Negative Declaration

Case Planner: Valerie Darbouze, Associate Planner

Exhibit G

REPORT TO CITY COUNCIL

DATE: OCTOBER 27, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: PRE-SCREEN OF ZONING ORDINANCE AMENDMENT REGARDING PARKING LOT TREE CANOPY COVERAGE FOR RETAIL PROJECTS

Staff respectfully seeks non-binding City Council comments through a Pre-screen Review on a possible Zoning Ordinance Amendment pertaining to parking lot tree canopy coverage for retail projects.

Currently Section 9654.5.C of the Zoning Ordinance regarding parking lot tree canopy coverage states as follows:

"Parking lot landscaping shall include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvements."

In order to comply with the Landscape Ordinance in the Zoning Code, applicants of all commercial projects are required to submit a landscape plan which includes a planting plan, an irrigation plan, water usage calculations, as well as a tree canopy coverage plan. The proposed landscaping is evaluated against standards which include, depending on the zone, minimum 10% to 20% landscape coverage of the entire site, minimum 15% landscaping of the parking lot, as well as the aforementioned minimum 50% tree canopy coverage of the parking lot after 15 years.

There are many benefits of tree canopy coverage in parking lots. The tree canopy breaks up the "sea of parking" effect, reduces heat generated by paved surfaces, provides shade coverage for parked vehicles, contributes to the reduction of noise and pollution, and improves the outdoor experience for pedestrians. Moreover, reintroducing trees after the development of a vacant parcel helps retain some of the vegetation that once occupied the site.

However, the parking lot tree canopy coverage requirement has caused unintended consequences of reduced visibility of tenant signage and poor visual quality when pruning is done poorly. Staff has heard comments from shopping center owners and commercial brokers about their tenants' desire for storefront sign visibility, and that the tree canopy blocks visibility of the storefront and signage. Moreover, current Los Angeles County Fire Department policies dictate that no trees be planted in the parking lot in which canopies would overhang in fire equipment access areas, and

that trees cannot be located close to buildings for fuel modification reasons. Also, difficult sites, such as small or unusually shaped or sloped properties, have difficulties in meeting the 50% tree canopy requirement. Unlike other development standards in the Zoning Ordinance in which the requirements are met when the construction is completed, the 50% tree canopy coverage requirement in 15 years is more akin to a target that is reached prospectively 15 years in the future, but is subject to natural and manmade events that could profoundly alter the actual canopy coverage over the course of those 15 years.

Staff met with the Economic Development Committee on two occasions regarding the possibility of amending the Zoning Ordinance section pertaining to the 50% parking lot tree canopy coverage requirement for retail projects, including shopping centers. Staff proposed that the EDC recommend that the current ordinance be modified as follows:

1. Change the 50% tree canopy coverage requirement to 30%, but pedestrian amenities could be added to the landscape plan to achieve a 50% equivalency. The combination of tree canopy coverage and pedestrian amenities would allow for greater creativity in developing a site layout and provides flexibility in the design for difficult sites. Trees can be strategically placed such that they do not interfere with visibility, thus obviating the need for aggressive pruning to expose signs for visibility. Examples of pedestrian amenities include shade structures, enhanced pavement materials, planter benches, fountains, pedestrian scaled landscaping, arbors, public art, and trellised carports. Another option is to keep the tree canopy coverage at 50% but to change it from a requirement to a guideline as recommended by Kay Greeley, the City landscape and oak tree consultant, in the attached memorandum.
2. Advocate increased pedestrian level amenities – Instead of placing total focus on meeting the tree canopy requirement, staff would propose developing new language in the “purpose” section of the landscape ordinance meant to enhance the pedestrian experience and visual interest with the pedestrian level amenities as mentioned above. Pedestrian level amenities would also include pedestrian safety features, especially in shopping center parking lots. Unlike trees that take up to 15 years to reach maturity, pedestrian amenities have immediate benefit.
3. Institute an in-lieu fee payment – In the past, the City has used the payment of an in-lieu fee option for projects that cannot meet the City’s Oak Tree Ordinance. The in-lieu fee has been used in the past for the City to purchase open space land for permanent protection. Consideration could be given to extending this option to the tree canopy requirement and to explore other uses for the in-lieu fee such as street trees and park trees. Acceptance of the in-lieu fee option would be at the discretion of the City and could be limited to hardship cases such as difficult sites.

These modifications would apply to new development and major re-development and can be used in combination with each other. The modifications would also apply to maintenance of existing projects where staff has witnessed many aggressive pruning jobs in response to tenants’ desires for sign visibility. The modifications would not apply to offices and manufacturing uses but only to retail, as the visibility of signage is considered vital to the retail business community.

Retail establishments are used mostly by our residents and they would enjoy the benefits of pedestrian amenities. It takes 15 years of growth for the trees to reach a level of maturity and half of the parking lot area becomes shaded. One day of over-pruning, for the sake of sign visibility, can destroy 15 years of growth and canopy coverage. While staff believes that the original intent of the canopy coverage requirement was good, the difficulties in implementation and enforcement, as well as the consequences of loss of signage visibility, need to be addressed. The proposed approach by staff, as outlined above, attempts to strike a balance between the City's goals of quality sustainable development with the retail business community's goal of visibility.

The EDC accepted the above three options, but recommended additional requirements regarding enforcement to promote perpetual maintenance. One additional option was to require a permit for pruning. Currently, the only trees that are protected under the Agoura Hills Municipal Code are oak trees. Thus, oak trees in shopping center parking lots are subject to an oak tree permit for pruning. The EDC suggested that one way to enforce proper pruning of tree canopy and maintenance of parking lot landscaping was to require a permit for pruning of any tree, following the establishment of pruning and tree care guidelines. The EDC also suggested that the City require a property owner to post a bond for landscape maintenance as a way to enforce proper pruning of tree canopy.

Staff recommends that, in order to expedite processing of this ZOA, the Council may wish to limit the scope of the proposed ZOA, at this time, to planning and design only and not to enforcement. At Council's direction, staff could return with additional analysis of enforcement options for maintenance at a later date, under a separate Pre-screen Review.

Staff has also preliminarily surveyed other cities in the area regarding their requirements, policies, and enforcement of parking lot tree canopy coverage. One city has a 50% canopy coverage requirement, but is enforced only at design. Two cities have 50% canopy coverage as guidelines only, and places emphasis on maintenance of mature protected trees, such as oak and sycamore trees, or restrictions on removal of mature trees through special permits. Deferring discussion regarding enforcement for maintenance would allow staff to more fully research other options used by cities.

RECOMMENDATION

Staff is requesting the City Council provide non-binding comments and direction regarding the proposed Zoning Ordinance Amendment regarding canopy coverage requirement for retail centers. Staff will make a Power Point presentation at the meeting to assist the Council in its deliberation.

Attachments:

- Memorandum from the City Oak Tree/Landscape Consultant, Kay Greeley
- "Parking Lot Landscaping – Tree Canopy Coverage" Handout

284 Valley Gate Road
Simi Valley, California 93065
(805) 577-8432 phone
(805) 577-8433 fax

**Seven Elk Ranch
Design Inc.**

Memo

To: Mike Kamino, City of Agoura Hills
From: Kay Greeley, Landscape and Oak Tree Consultant
Date: January 20, 2010
Re: Parking Lot Canopy Coverage

This memo summarizes my recommendations with respect to issues associated with Municipal Code Section 9654.3.C.1, which states "Parking lot landscaping shall include shade trees, from an approved list, placed as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement."

Over the years, this requirement has resulted in a number of issues, including the following:

1. Merchants and shopping center owners express frustration with respect to visibility of signage for commercial establishments located in shopping centers, especially those removed from the immediate right-of-way.
2. Current Los Angeles County Fire Department policy that dictates that no trees may be planted that will ever overhang any area that might be accessed by fire equipment. This policy effectively eliminates most trees surrounding structures and vastly limits tree planting in parking lots, especially those presenting limited circulation options.
3. Tight and unusual parcel geometry creates design challenges in new developments that only allow for small planters that are generally not suitable for shade tree planting.
4. Poor tree maintenance practices rarely allow trees to reach their full potential and the value of the canopy coverage is rarely achieved.

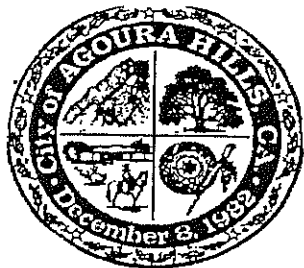
Some commercial sites have achieved the canopy coverage goal over the years. One notable example was the Mann Theater center on Agoura Road. We maintained a very strong working relationship with the property manager and had excellent cooperation for many years. However, the property changed hands in the last year or so and the new owners chose to top the trees, despite the fact that we had met with them and discussed the importance of maintaining the current canopy coverage. The value of the canopy developed over twenty years was lost in a single day. It can never be regained due to the damage to the basic structure of the trees.

Given the difficulties associated with design and sustainability of canopy coverage, it is my recommendation that the City of Agoura Hills consider amending the Municipal Code to change the canopy coverage requirement to a guideline for landscape development. To balance the loss of the canopy coverage requirement, the new guidelines could also suggest that applicants create a more comprehensive pedestrian-oriented landscape design.

A more pedestrian-oriented landscape plan could consider the following elements:

- More intricate plant palette and arrangement
- More interesting and pronounced hardscape elements, including enhanced pavement
- Vined trellises, benches, fountains, art, etc. to create more scale and visual interest in lieu of trees
- Other design concepts that would continue to promote the natural, rural feel of the City of Agoura Hills, but that would specifically consider the challenges faced by commercial centers in today's economic climate.

Please advise if you have any questions at this time.



The City of Agoura Hills

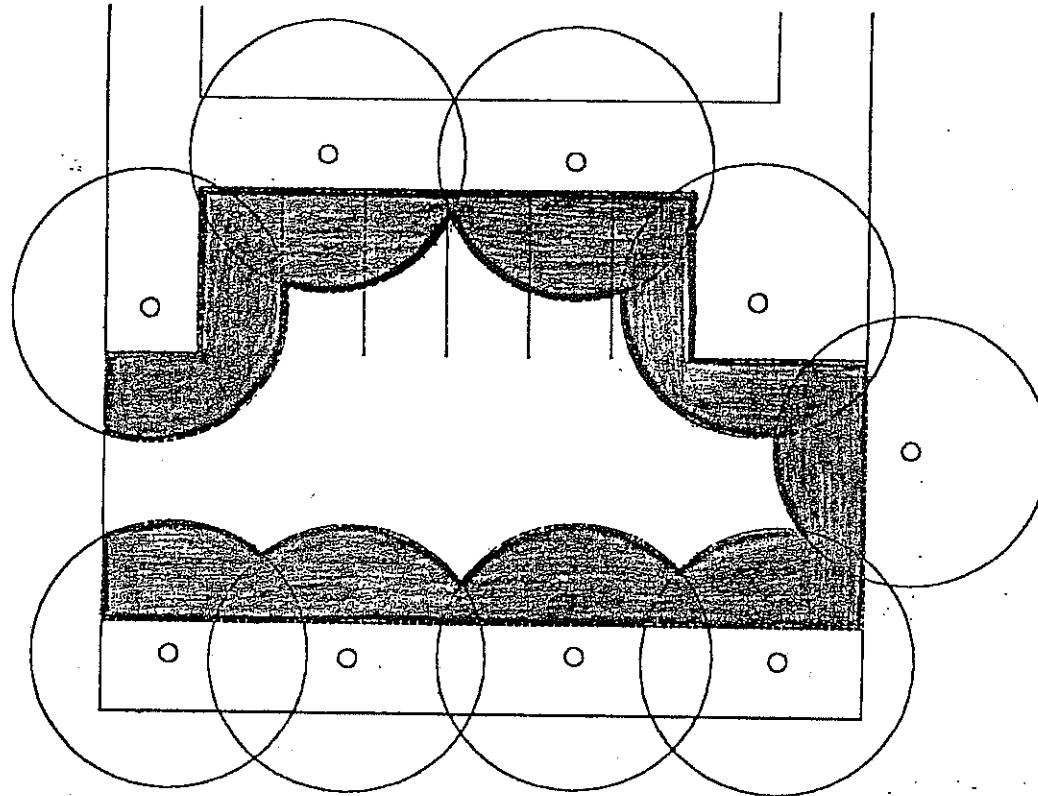
Parking Lot Landscaping - Tree Canopy Coverage

Agoura Hills Municipal Code Section 9654.5.C.1: Parking lot landscaping shall include shade trees, from an approved list, placed so as to cover fifty (50) percent of the total parking area with tree canopies within fifteen (15) years after the issuance of the building permit for the related building, structure or other improvement.

The intent of this section is to provide attractive landscaping by regulating the size, placement, and design of parking lot landscaping. Parking lot landscaping is intended to enhance the visual environment, promote public safety, moderate the temperature, and reduce noise and glare.

The exhibit on the reverse side provides how the tree canopy coverage requirement can be met. A small parking lot is shown, having an area of 3,462 square feet. The parking lot area includes driveways and parking aisles, in addition to the parking stalls. The shaded area on the diagram is the portion of the parking lot covered by the mature tree canopy. In this example, the shaded area covers 1,930 square feet, or 56% of the parking lot area. Sample trees are shown surrounding the parking lot. The diameter of these trees at fifteen years is assumed to be approximately 75% of the maximum value listed for trees in the Sunset Western Garden Book.

Parking Lot Landscaping Tree Canopy Coverage



Parking Lot = 3,462 square feet
Area covered by canopy = 1,930 square feet or 56%

Section 9654.5C.1

Scale: 1"=20'

5/2000

Exhibit H



CITY OF AGOURA HILLS
NOTICE OF AVAILABILITY AND INTENT TO ADOPT A
NEGATIVE DECLARATION
CASE NO. 10-ZOA-003

A Draft Negative Declaration has been prepared for the following project pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date.

PROJECT LOCATION: Citywide in the City of Agoura Hills, Los Angeles County.

PROJECT DESCRIPTION: The purpose of this Zoning Ordinance Amendment (Case No. 10-ZOA-003) is to amend the Parking Ordinance related to parking lot tree canopy coverage and public amenities to be provided in retail centers, and amendments to the City's Architectural Design and Standards Guidelines. This action requires a Planning Commission review and a recommendation to the City Council.

DRAFT ENVIRONMENTAL DOCUMENT: An Initial Study and Draft Negative Declaration (IS/ND) that evaluate environmental effects of the project have been prepared and are available for review and comment. The analysis identifies no impact at this time.

DOCUMENT AVAILABILITY: The printed Draft IS/ND is available for review at the Planning and Community Development Department, at City Hall which is located at 30001 Ladyface Court, Agoura Hills, between the hours of 7:00 AM and 5:00 PM, Monday through Thursday and between the hours of 7:00 AM and 4:00 PM on Fridays. The document is also available on the City's website for viewing and/or download. Any questions regarding the project may be directed to Valerie Darbouze, Associate Planner, at (818) 597-7328, or by email at vdarbouze@ci.agoura-hills.ca.us.

PUBLIC COMMENT PERIOD: The City of Agoura Hills encourages the public to provide written comments on the environmental document. The public review period begins on February 10, 2010. Comments on the Draft ND must be submitted by March 14, 2011 at 5:00 PM. Please send your comments to: Valerie Darbouze, Associate Planner, City of Agoura Hills, Planning and Community Development Department, 30001 Ladyface Court, Agoura Hills, CA 91301, or send them electronically to vdarbouze@ci.agoura-hills.ca.us.

PUBLIC HEARING: The Planning Commission will hold a public hearing considering approval of the project and considering certification of the environmental document on March 17, 2011 at 6:30 PM in the City Council Chambers, at 30001 Ladyface Court.

If you challenge the permit approval or environmental document in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission, or in a public hearing on the project.

INTRODUCTION

This Initial Study and Negative Declaration (IS/ND) addresses the potential environmental effects resulting from a Zoning Ordinance Amendments (ZOA) to revise regulations applicable to the parking landscaping in commercial areas of the City of Agoura Hills.

LEGAL AUTHORITY AND FINDINGS

This Initial Study/Negative Declaration has been prepared in accordance with the CEQA Guidelines and relevant provisions of the California Environmental Quality Act (CEQA) of 1970, as amended.

Initial Study. Section 15063(c) of the CEQA Guidelines defines an Initial Study as the proper preliminary method of analyzing the potential environmental consequences of a project. The purposes of the Initial Study are:

- (1) To provide the Lead Agency with the necessary information to decide whether to prepare an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND);
- (2) To enable the Lead Agency to modify a project, mitigating adverse impacts, thus avoiding the need to prepare an EIR; and
- (3) To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

Negative Declaration or Mitigated Negative Declaration. Section 15070 of the CEQA Guidelines states that a public agency shall prepare a Negative Declaration or Mitigated Negative Declaration for a project subject to CEQA when:

- (a) The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment; or
- (b) The Initial Study identifies potentially significant effects but:
 1. Revisions in the project plans or proposals made by, or agreed to by, the applicant before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and
 2. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

An IS/ND may be used to satisfy the requirements of CEQA when the physical effects of the proposed project are anticipated to have no significant unmitigable effects on the environment. As discussed further in subsequent sections of this document, implementation of the proposed project would not result in any significant effects on the environment.

IMPACT ANALYSIS AND SIGNIFICANCE CLASSIFICATION

The following sections of this IS/ND provide discussions of the possible environmental effects of the proposed project for specific issue areas that have been identified in the CEQA Initial Study Checklist. For each issue area, potential effects are discussed and evaluated.

A "significant effect" is defined by Section 15382 of the CEQA Guidelines as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." According to the CEQA Guidelines, "an economic or social change by itself shall not be

considered a significant effect on the environment, but may be considered in determining whether the physical change is significant."

The following information applies to the Initial Study Checklist:

- (1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, and EIR is required.
- (4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- (5) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D) in this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
- (6) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (a) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
 - (b) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- (7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- (8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- (9) The explanation of each issue should identify:
 - (a) The significance criteria or threshold, if any, used to evaluate each question; and
 - (b) The mitigation measure identified, if any, to reduce the impact to less than significant.

INITIAL STUDY CHECKLIST

Project Title: Parking Landscaping Ordinance Amendment

Case Number: 10-ZOA-003

Lead Agency Name and Address: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

Contact Person and Phone Number: Valerie Darbouze -- Associate Planner
City of Agoura Hills
(818) 597-7310

Project Location: Citywide

Project Sponsor's Name and Address: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 93101

General Plan Designation: All designations Citywide

Zoning: CRS and CS Zoning Districts

Project Description: The project consists of the amendment of Article IX, Chapter 6, Part 2, Division 4, which consists of amending Sections 9654.5.A and 9654.5.C to modify the purpose and tree canopy coverage development requirements. The Ordinance would apply to CRS and CS (retail) zoned parcels of the City. The Draft Ordinance is included in its entirety as Exhibit 1.

In addition to amending the Zoning Ordinance, the process will require amending the City's Architectural Design and Standards Guidelines to reflect the new requirement. A copy of the proposed revisions to Section D of the guidelines is attached.

The project being analyzed as part of this environmental document is an amendment to the text found in the Zoning Ordinance, and not any specific development proposal. In the future, each individual commercial development project being proposed would need to undergo separate and specific CEQA review, beyond this current document.

Surrounding Land Uses: Citywide

Site Description and Environmental Setting: Citywide

Other Public Agencies Whose Approval Is Required: None

Entitlements: No entitlements or permits are required for the ZOA.

ENVIRONMENTAL FACTORS AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that could be lessened to a level of insignificance through incorporation of mitigation.

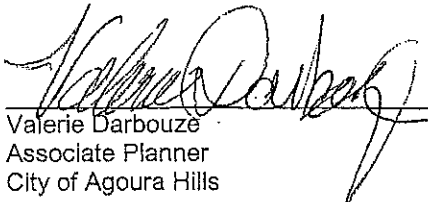
- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Hazards/Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

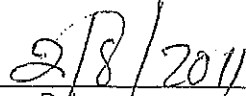
DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to an earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Report Preparer:


 Valerie Darbouze
 Associate Planner
 City of Agoura Hills


 Date

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(1) LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?				X
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?				X

Discussion:

- a) The project consists of a Zoning Ordinance Amendment (ZOA) and revisions to the City Adopted Architectural Design and Standards Guidelines, and is therefore not a physical development capable of dividing an established community. The proposed changes would simply allow for additional amenities to be provided in parking lot for new, major remodel or landscaping upgrade in commercial retail centers. Each individual proposal for future commercial development would be analyzed pursuant to CEQA, separate from this ND. The project would result in **no impact**.

- b) The ZOA remains in compliance with the recently adopted General Plan 2035 and the General Plan EIR 2010 which addresses other agencies concerns. The new language would provide for more flexibility and options to improve conditions in parking lots with respect to aesthetics and heat island effects. As noted above under Item a), each development project would be analyzed per CEQA as individual project applications come forward. Therefore, there would be **no impact** from implementation of the ZOA.

- c) There are no habitat conservation plans or natural communities' conservation plans applicable to the geographical area of the ZOA, either within or in the vicinity of, and so the project would result in **no impact**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(2) BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
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Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				X
g) Result in damage to, loss of, or removal of native oak trees or other locally identified specimen trees of significance?				X

Discussion:

- a) Much of the ZOA affected zones (and the City as a whole) are already developed with urban uses, and any additional development would be considered infill. As a result, the potential for sensitive habitat is somewhat limited, based on human activities including annual brush clearance for fire prevention purposes. All outdoor improvements required by this Ordinance amendment would be introduced to already a disturbed environment. In the case of the ZOA, there is no physical development that could adversely affect sensitive biological species. Therefore, there would be **no impact**. Any proposal to build new commercial building and/or accessory structures would be analyzed separately under CEQA as part of project specific environmental review, which would need to consider the habitat further.
- b), c) Please see the discussion in Item a) above. The project is not a physical development that could adversely affect wetlands, riparian habitat or other sensitive natural communities regulated by the California Department of Fish and Game or the U.S. Fish and Wildlife Service or the Army Corps of Engineers. Therefore, there would be **no impact**. Any future proposals to develop commercially zoned parcels would be separate projects under CEQA, and would undergo environmental review, including considering the habitat further, as a specific development proposal comes forward for review.
- d) Please see the discussion in Item a) above. Because the project is not a physical development, it does not have the potential to interfere with the movement of fish or wildlife. Any future proposals to develop commercial sites would be separate projects under CEQA, and would undergo environmental review, as a specific development proposal comes forward for review. Therefore, there would be **no impact**.
- e), g) Since the project is not a proposal for a physical development in the area, there would be no impacts to oak trees and furthermore, the decision is not in conflict with existing policies to protect the local oak tree resource. Any future proposals to develop these commercial sites, which would be a separate project under CEQA, would need to consider the oak trees impacts if any and no oak tree would be removed as a

result of the new requirement. However, the current project would not adversely affect the oak trees, and there would be no impact.

- f) There are no Habitat Conservation Plans (HCPs) or Natural Communities Conservation Plans (NCCPs) or other conservation plans in or near the project area, nor in the City as a whole, so there would be no impact.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(3) **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

a)-c) The City of Agoura Hills is located within the South Coast Air Basin, and is governed by the South Coast Air Quality Management District (SCAQMD). Since the project is not a proposal for a physical development, there would be no impacts to air quality as a result of the amendments and additions to the Zoning Ordinance. In any case, according to the Air Pollution Control District (APCD) Guidelines, to be consistent with the Air Quality Management Plan (AQMP), a project must conform to the local General Plan. The project is not a use with air quality impacts but rather a site improvement and any policies related to landscaping discussed in the General Plan Environmental Impact Report (EIR), for the City as a whole. As such, there would be no impact.

d)-e) The project does not include a physical development that could result in air quality emissions. The project would not adversely affect air quality in these circumstances, and so there would be no impact.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(4) CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
e) Result in physical disruption of an identified sacred place or other ethnographically documented location of significance to native Californians?				X

Discussion:

a)-e) The project is not a physical development capable of impacting cultural resources that may exist on or under the ground, or within a given area. In any case, the remaining vacant lots in the City are not currently known areas of historical, archaeological, or paleontological sensitivity, nor are there any human remains expected to be located here. Additionally, the area is not considered an identified sacred place or other ethnographically documented location of significance to native Californians. None of the proposed regulations under the ZOA would create cultural resource preservation concerns. Any proposal to build or remodel commercial projects would be analyzed separately under CEQA as part of project specific environmental review as a development proposal is submitted to the City, which would need to consider potential site specific cultural resources. Therefore, the current project would result in **no impacts**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(5) GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
(ii) Strong seismic ground shaking?				X
(iii) Seismic-related ground failure, including liquefaction?				X
(iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				X

Discussion:

a)-e) Per the City's General Plan Master Environmental Assessment, there are no active or inactive faults within the City limits, and therefore potential hazard from faulting is remote. However, there are several active and/or potentially active faults in the surrounding region that could produce ground shaking in the area. Other geologic or soil conditions are specific to individual sites. Nonetheless, the project that is the subject of this IS/ND is not a physical development with the potential for causing adverse impacts in the area of geology and soils. None of the proposed regulations or changes to the Zoning Ordinance would create additional geologic safety concerns. As previously noted, any proposal to build commercial projects would need to be analyzed separately under CEQA as part of project specific environmental review. The site specific geologic conditions and the type of development and construction methods would be assessed at that time for the actual development project. Therefore, the current project would result in no impact.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(6) HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X

Discussion:

- a)-d) The ZOA does not address a use but rather a site improvement. Because it is not a physical development proposal, the project would not result in the use of substantial hazardous materials, nor their storage, disposal or transport. The project, being a ZOA, would also not cause an accidental release or upset of such materials. Any future proposal to build commercial retail centers or remodel center or improve the parking lot landscaping would be considered a separate project under CEQA, and would need to undergo separate project and environmental review per CEQA, aside from the current project, where these environmental issues would be further analyzed. Therefore, the current project would result in **no impact**.
- e)-f) There are no airports or airstrips in the vicinity of the City of Agoura Hills. Therefore, the ZOA project would result in **no impact**.
- g) There are no known currently adopted emergency response plans or emergency evacuation plans in the intended properties. In any case, the project itself, not being a physical development, would not interfere with such plans if created in the future. None of the proposed regulations or changes to the Zoning Ordinance would interfere with such plans. As specific development projects are proposed, they would be analyzed under separate CEQA review to ensure that they do not conflict with such plans. Therefore, the ZOA project would result in **no impact**.
- h) The project does not include specific physical development proposals. Any future proposal to develop in commercial zones would be considered a separate project under CEQA, and would need to undergo separate project and environmental review per CEQA, aside from the project. The project would result in **no impact**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(7) HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site?				X
d) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
e) Otherwise substantially degrade water quality?				X
f) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i) Inundation by seiche, tsunami, or mudflow?				X

Discussion:

a)-e), i) The project that is the subject of this IS/ND is not a physical development with the potential for causing adverse impacts in the area of hydrology and water quality. None of the proposed regulations or changes to the Zoning Ordinance would adversely affect hydrology and water quality. As noted previously, any proposal to remodel commercial centers would be analyzed separately under CEQA as part of project specific environmental review. The site specific hydrology and the type of development and construction methods would be assessed at that time for the actual development project. Therefore, the current project would result in **no impact**.

f)-h) The project is not a physical development that could cause flood concerns. None of the proposed regulations or changes to the Zoning Ordinance would result in greater flood concerns in the project area. Each specific future development proposal would be considered a separate project under CEQA that would need to undergo separate environmental review, including flood impact analysis. Therefore, the current project would result in **no impact**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(8) **AESTHETICS.** Would the project:

a) Have a substantial adverse affect on a scenic vista?				X
b) Substantially damage scenic resources including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the project site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
e) Significantly impact any existing streetscape or public space which has been designed to provide areas of public assembly and congregation?				X

Discussion:

- a) The City General Plan Scenic Highways Element identifies Local Scenic Highways, County Scenic Highway, and areas eligible for state scenic highway designation. Many of the City's commercial areas do not impact vistas of Ladyface Mountain and the ridgelines along the north and south sides of the City. Nonetheless, the project consists of a ZOA, and is not a physical development proposal. The project does not involve any direct physical changes to the environment. As such, it would result in **no adverse impact** to scenic vistas. As individual development projects are proposed, CEQA review, separate from this IS/ND, would be required to assess any potential impacts from building construction in the future.
- b) There are no state scenic highways in the project area, although U.S. Highway 101 is eligible for state scenic highway designation. There are no historic buildings or rock outcroppings in or adjacent to the U.S. Highway 101. In any case, since the project is not a specific physical development proposal, the project would result in **no impact**. As individual development projects are proposed, CEQA review, separate from this IS/ND, would be required to assess any potential impacts from building construction on aesthetics.
- c) The project does not involve any direct physical changes to the environment. As such, it would result in **no impact** to the visual character or quality of the area. As individual development projects are proposed, and the details of the proposed improvements, CEQA review, separate from this IS/ND, would be required to assess any potential impacts from building construction in the future.
- d) Since the project is not a physical development proposal, it would not result in impacts from lighting and glare. As previously described, any proposal to build a new commercial or remodel a center would be analyzed separately under CEQA as part of project specific environmental review, which would include a development project-specific lighting and glare assessment. Therefore, the current project would result in **no impacts**.
- e) The area subject to the ZOA is not located in the immediate vicinity of any known streets or public spaces used for the assembly and congregation of people. Therefore, there would be **no impact**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(9) NOISE. Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial, temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). For the most sensitive uses, such as single family residential, 60 dBA Day-Night average level (Ldn) is the maximum normally acceptable exterior level. Ldn is the time average of all A-weighted levels for a 24-hour period, with a 10 dB upward adjustment added to those noise levels occurring between 10:00 PM and 7:00 AM to account for the general increased sensitivity of people to nighttime noise levels. The Community Noise Equivalent Level (CNEL) is similar to the Ldn except that it adds 5 dB to evening noise levels (7:00 PM to 10:00 PM). The City of Agoura Hills utilizes the CNEL for measuring noise levels. Sensitive noise receptors include residential units, libraries, hospitals and nursing homes. In the project vicinity, the sensitive noise receptors would be residences, schools and homes for the elderly.

- a),c),d) The project would not result in any physical development. The proposed regulations would not result in any changes to the types of uses allowed in commercial zones, or to any noise standards. Any proposal for development in the project area would be analyzed separately under CEQA as part of project specific environmental review. The site specific noise conditions and the type of development and construction methods would be assessed at that time for the actual development project. Therefore, the current project itself would result in **no impacts**.
- b) Because it is not a physical development, the proposed project would not result in any impacts related to excessive groundborne vibration. As specific development projects are proposed, along with information about construction and grading details and methods, these projects would need to undergo separate CEQA review, including analysis of this issue area. Therefore, the current project would result in **no impacts**.
- e),f) The area affected by the proposed project is not located within the vicinity of an airport or private airstrip, and would not be affected by air traffic noise impacts. There would be **no impact**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(10) POPULATION AND HOUSING. Would the project:

a) Result in direct or indirect population related growth inducement impacts (significantly expand employment opportunities, remove policy impediments to growth, or contribute to potential extensions of growth inducing infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Discussion:

- a) The project would not result in any physical development. In any case, regulations proposed by the ZOA would not increase the density of commercial development described in the General Plan (See Section (3) AIR QUALITY), and so there would not be any increase in population above that already accounted for in the General Plan as a result of the project. Therefore, the project would result in **no impacts** to population growth.
- b) The project does not consist of any physical development. Consequently, the proposed regulations do not result in the displacement of current housing. As specific development projects are proposed, these projects would need to undergo separate CEQA review, including analysis of this issue area. Therefore, there would be **no impacts**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(11) PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

a) Fire protection				X
b) Police protection				X
c) Schools				X
d) Parks				X
e) Other public facilities				X

Discussion:

- a),b) The City of Agoura Hills is served by the Los Angeles County Fire Department (LACFD) and the Los Angeles County Sheriff's Department (LACSD). The project itself would not require additional police or fire protection services, as no development is proposed. As such, the project would result in **no impacts**. As individual development projects are proposed in the project area at a later date, separate CEQA review would be undertaken to assess potential fire and police protection services impacts on an individual level. In any case, as the area affected by the project is already within a developed area currently served by these agencies, impacts to such services would likely not be significant, especially regarding the need to expand such services. Any future development project would be required to comply with Fire Code and LACFD standards, including specific construction specifications, access design, location of fire hydrants, and other design requirements.
- c) In 1990, school facilities legislation (California Government Code Section 65995) was enacted to generate revenue for school districts for capital acquisitions and improvements. This legislation allows a maximum one-time fee of \$1.93 per square foot of residential floor area and \$0.31 per square foot of commercial and industrial space for development projects. This fee is divided between the primary and secondary schools and is termed a "Level One Fee." Adjustments to these Level One fees have occurred periodically, and the fees have been increased. The project would not result in impacts to schools, as no physical development is being proposed as part of the project itself. Therefore, there would be **no impacts** from the current project. As individual self-storage development proposals come forward each development would undergo specific CEQA review and be assessed for school impacts. Such a development project would likely be required to pay school impact fees at the current commercial/industrial development rate to the local school district, Las Virgenes Unified School District.
- d) The project would not result in physical development. As individual development proposals come forward, each development would undergo specific CEQA review and be assessed for parks impacts. Such a development project would likely be required to pay the City park fee. Therefore, there would be **no impacts**.
- e) Since the proposal is for a ZOA, not a development proposal, the project would not contribute to the demand for any other public facilities. Therefore, there would be **no impacts**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(12) RECREATION. Would the project:

a) Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion:

- a),b) Since the project is not a particular development proposal, there would be **no impacts** to recreational facilities. As individual development projects are proposed in the project area, separate CEQA review would be undertaken to determine the specific project's impacts to recreation.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(13) TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards related to existing intersections or roadway design features (e.g., sharp curves or dangerous intersections), or to incompatible uses (e.g., residential traffic conflicts with farm equipment)?				X
e) Result in inadequate secondary or emergency access?				X
f) Result in inadequate parking capacity?				X

Discussion:

- a) Since the project is not a particular development proposal, there would be **no impacts** to traffic and circulation. As individual development projects are proposed in the project area, separate CEQA review would be undertaken to determine the specific project's impacts to traffic and circulation.
- b) The Los Angeles County Congestion Management Plan (CMP) requires a regional traffic impact analysis when a project adds 150 or more trips in each direction to a freeway segment. Based on the discussion in Item "a" above, there would be **no impacts**.
- c) There are no airports or airfields in the project vicinity, so the proposal would result in **no impacts**.
- d), e) As discussed in Section (11) PUBLIC SERVICES, the ZOA is not a development proposal and so would not result in traffic-related hazards or impacts to access. As individual new commercial and remodel of commercial centers are proposed, separate CEQA review would be undertaken to determine the specific project's impacts these items. The current project would result in **no impacts**.
- f) The proposed project is not a development proposal and so would not result in impacts to parking. As individual residential development projects are proposed in the project area, separate CEQA review would be undertaken to determine the specific project's impacts on parking capacity. The current project would result in **no impacts**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(14) UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion:

- a) - e) As the project is not a physical development proposal, it would not result in impacts to wastewater, water or storm water. As individual development projects are proposed in the project area, separate CEQA review would be undertaken to determine the specific project's impacts to these services. The current project would result in **no impacts**.
- f) - g) As noted above, the proposed ZOA would not constitute a development proposal and so would not result in impacts to solid waste. As individual development projects are proposed in the ZOA, separate CEQA review would be undertaken to determine the specific project's impacts to these services. The ZOA would result in **no impacts**.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
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(15) MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion:

- a) Given that the project consists of a ZOA, but with no physical development component, it would not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Therefore, there would be no impacts.
- b) As listed in the specific environmental issue sections, the project is not expected to have any impacts, so there would be no cumulative impacts. The project complies with the intent of the General Plan EIR 2010.
- c) As listed in the specific environmental issue sections, the project is not expected to have any impacts, so there would be no effects that would cause substantial adverse effects on human beings.

REFERENCES

- Agoura Hills, City of. *General Plan*. 2035.
- Agoura Hills, City of. *Architectural Standards and Guidelines*. November 1992.
- Agoura Hills, City of. *Municipal Code*, revised 2010.
- Agoura Hills, City of. *General Plan Master Environmental Assessment*, July 1992.
- Agoura Hills, City of. *General Plan EIR*, 2010