

**REPORT TO CITY COUNCIL**

**DATE: MAY 8, 2013**

**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 REVIEW OF A PROPOSED GENERAL PLAN AMENDMENT AND ZONE CHANGE TO ALLOW A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION FOR PROPERTY LOCATED AT 29621 AGOURA ROAD (A.P.N. 2061-003-027) (AGOURA LANDMARK, LTD., APPLICANT, CASE NO 13-PSR-001)**

---

Martin Teitelbaum, on behalf of Agoura Landmark, Ltd., is requesting direction from the City Council on whether to proceed in filing an application for a proposed General Plan Amendment and Zone Change to allow a Residential High Destiny (RH) land use designation for property located at 29621 Agoura Road. This vacant, 5.25 acre parcel is located on the north side of Agoura Road, between Ladyface Court and Roadside Road, and has a current general plan land use designation of BP-M (Business Park-Manufacturing) and a zoning designation of BP-M-FC (Business Park-Manufacturing-Freeway Corridor). The purpose of the pre-screen review is for the applicant to receive non-binding comments and direction from the City Council. This is consistent with the City's policy of conducting pre-screen reviews of requests that may require legislative changes.

Although currently vacant, the parcel was previously approved for development. In 2006, the Planning Commission approved a Site Plan/Architectural Review application for a 94,000 square foot, two-story office building. The entitlement expired and the property owner filed a new application for a 100,634 square foot, two-story office complex within five separate buildings. That project was approved by the Planning Commission in 2009. In 2011, a one-year extension of the entitlement was granted by the Director of Planning and Community Development but has since expired. Thus, no development entitlement is currently active for the property.

The property owner, Mr. Teitelbaum, previously met with staff and the Land Use/Economic Development Committee (LU/EDC) to discuss his proposal to develop the property with multi-family residential units. Both staff and the LU/EDC shared concerns with the proposal as discussed below, and informed him that he still had the opportunity to receive the City Council's comments on this proposal through the pre-screen review process. A pre-screen review application for a proposed 131-unit apartment complex was subsequently filed. A copy of the application and the applicant's justification for a proposed General Plan Amendment and Zone Change, as well as a conceptual site plan and architectural rendering, are attached for reference.

There are several factors concerning the proposal that the City Council may wish to consider. The property is situated between the Bank of America corporate office complex to the west, the Los Angeles County Animal Shelter to the east, the 101 Freeway to the north, and Agoura Road and the Gateway Foursquare Church property to the south. The request for the change in land use designation is isolated to the one parcel and does not include any adjacent parcels to the east or west that are within the BP-M district. The applicant notes in his application that the current demand for housing is strong and in short supply. Staff agrees, and California's Housing Element law requires each city and county to develop local housing programs to meet its "fair share," in their General Plan Housing Elements, of future housing needs for all income groups. The City has met this requirement by zoning properties for future residential development at different densities on existing vacant properties, including within the Agoura Village Specific Plan area. Thus, the City is not obligated to designate additional properties for residential use under the current Housing Element, which was certified by the State in 2008, nor under the new pending Housing Element Update.

The applicant is contemplating developing the site with 131 apartment units with a General Plan and zoning designation of Residential High Density (RH). The RH designation allows a range of 15 to 25 units per acre and thus the applicant will be requesting the maximum residential density allowed per the General Plan (of 25 units per acre). Although such density may be technically feasible, consideration of the air quality and noise impacts associated with the adjacent 101 Freeway, as well as the noise and other impacts associated with the animal shelter to the east, should also be taken into account when considering future residential use on this property. Sound walls and privacy walls may be needed on the perimeter of the property. Consideration should also be given that such a project would create an isolated residential community in the midst of a corporate and industrial environment which could change the character of the area and that unlike in residential neighborhoods, there is no social infrastructure or public amenities to support residential development at this location, as there are no parks, public schools, or public transportation stops in proximity that exist or are planned.

The development standards for the BP-M zone are different than for the RH zone. Consideration should be given to whether the differences in development standards could further change the character of the area. For example, the minimum setback requirement in the BP-M zone for the front setback is the greater of 20 feet or the height of the building and for the side setback is 70 feet combined with no less than 15 feet on any side. In comparison, for the RH zone, the required minimum front set back is 15 feet and the side setback is 7 feet. Regarding building coverage, the maximum allowed in the BP-M zone is 30% as compared to 50% in the RH zone.

Other issues regarding existing and future adjacencies should also be considered when reviewing requests for general plan amendments and zone changes. General Plan Land Use Designation Sub Area 5 is located east of the animal shelter, and encompasses both sides of Roadside Road. A land use mix of retail, office, commercial recreation, entertainment, and some residential, subject to a special study, is called for in Sub Area 5. However, the subject property is not adjacent to this Sub Area or any other residentially zoned property. Also, when the LU/EDC last reviewed Sub Area 5, it was recommended that any residential use be concentrated on the east side of the area boundary, as close as possible to the Agoura Village Specific Plan mixed-use area at the Kanan Road/Agoura Road intersection. Thus, the applicant's proposed apartment development would not have a physically close land connection with either Sub Area 5 or Agoura Village. The property is also located across lands in the Ladyface Mountain Specific

Plan area which calls for Business Park-Office/Retail development. Therefore, the requested residential zoning could become an island surrounded by commercial zoning. Moreover, per the General Plan, all properties in our city abutting the south side of the freeway are zoned for and developed commercially.

Given the existing and future surrounding development and adjacency to the freeway and Agoura Road, which will soon be widened to four lanes by the City, the City Council should consider whether the subject parcel is more appropriate for business park development or residential development. As demonstrated by two previous office development entitlements granted by the City, there are no physical obstacles or lot configuration issues inhibiting commercial development of the property. Staff would also note that office development is not the only permitted use of the property. The BP-M zoning designation of the property also allows for various manufacturing uses, including but not limited to, research and development, biotech, high tech, and other light industrial companies that provide employment opportunities. Other uses permitted in the BP-M zone include private schools, churches, restaurants, hotels, and certain ancillary retail uses. Also, large, vacant, flat, freeway fronting properties, that are served by improved freeway interchanges, such as the subject property, provide opportunity for integrated business park development, including build-to-suit projects. Therefore, the Council may also wish to consider if this one parcel were to be re-designated for residential use, whether future opportunities for business park development and job creation could be lost and potentially set a precedent for future fragmented residential development requests.

While the project would provide for construction-related employment, the City Council may wish to consider whether there are other community benefits the project would provide, such as what was provided for the Oak Creek commercial/residential project. The Council may also wish to keep in mind the fiscal impacts of the change to high density residential. Compared to commercial development, the cost of long-term services required of cities for residential development generally exceeds the local sales tax and property tax revenue collected from the particular project.

The applicant notes that high density residential development at this particular location will provide convenient housing locations to current and future workers in Agoura Hills as well as in the immediate area. While it is correct that any residential development near or next to existing commercial development could provide convenient housing options for workers, there are other factors such as environmental concerns, land use compatibility, community benefit, and long-term community land use, development, and economic goals, as noted above, to consider when evaluating changes in land use policy. Also, it is uncertain about the number of the residents of the proposed project that would work in the immediate area as Southern California Association of Governments reports from the U.S. Census Bureau that only 5.1% of Agoura Hills working residents commute to work within the City limits.

As the City Council is aware, the General Plan Update was adopted in 2010. Comprehensive, long range, city-wide analysis was conducted as part of the General Plan Update by the General Plan Advisory Committee, the Planning Commission and City Council and there was no discussion regarding changing the land use designation on the subject property from its current BP-M designation. The purpose of this report is to provide the City Council with information to consider in evaluating the pre-screen review request for possible change in land use designation from Business Park-Manufacturing to High Density Residential on this one particular parcel.

## RECOMMENDATION

Staff respectfully requests the City Council conduct a pre-screen review and provide non-binding comments and direction to the applicant on whether to proceed in filing a General Plan Amendment and Zone Change application to allow a high density residential land use designation for property located at 29621 Agoura Road (A.P.N. 2061-003-027).

- Attachments:
- A. Applicant's Pre-Screen Review Application
  - B. Aerial Map
  - C. Vicinity Map / Zoning Map
  - D. Applicant's Conceptual Site Plan
  - E. Applicant's Conceptual Architectural Rendering

# EXHIBIT A

**THIS PAGE INTENTIONALLY LEFT BLANK.**



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

PETITION FOR A GENERAL PLAN AMENDMENT

TO THE CITY COUNCIL:

APPLICANT	Name: <u>Agoura Landmark, Ltd.</u> (Person, Organization or Agency)
	Address: <u>569 Constitution Ave., Suite H, Camarillo, CA 93012</u> (Street, City, State and Zip Code)
	Phone Number: <u>805-383-2221</u>
	Signature: <u></u> (Applicant or Authorized Representative)
PROPERTY OWNER	Name: <u>Agoura Landmark, Ltd.</u>
	Address: <u>569 Constitution Ave., Suite H, Camarillo, CA 93012</u>
	Phone Number: <u>805-383-2221</u>
	Signature: <u></u>

LOCATION OF PROJECT:

29621 Agoura Road  
Parcel 3 of Parcel Map 13342  
APN 2061-003-027

DESCRIPTION OF PROPOSED GENERAL PLAN AMENDMENT:

(Identify land use designations)

From: Business Park Manufacturing To: High Density Residential

Acres: 5.25 Number of Units: 131 Net Density: \_\_\_\_\_

PURPOSE OF PROPOSED GENERAL PLAN AMENDMENT:

To facilitate development of vacant and under utilized infill land (currently zoned Business Park-Manufacturing) and create a high density, multifamily housing project that will serve to address the housing and social needs of the community.

---

GENERAL PLAN ELEMENTS AFFECTED:

- Land Use
- Circulation
- Community Design
- Housing
- Public Facilities
- Conservation/Open Space
- Public Safety
- Utilities and Services
- Noise
- Seismic/Safety
- Scenic Highway

JUSTIFICATION FOR AMENDMENT:

The subject land is located within the Business Park-Manufacturing zone that is saturated with languishing vacant office product that is sufficient to serve the community's need for such space for many years, while high density, lower cost, sustainable designed housing remains in strong demand and short supply.

A General Plan Amendment, or possibly another zoning entitlement mechanism, will allow the central location of the subject property

continued on next page...

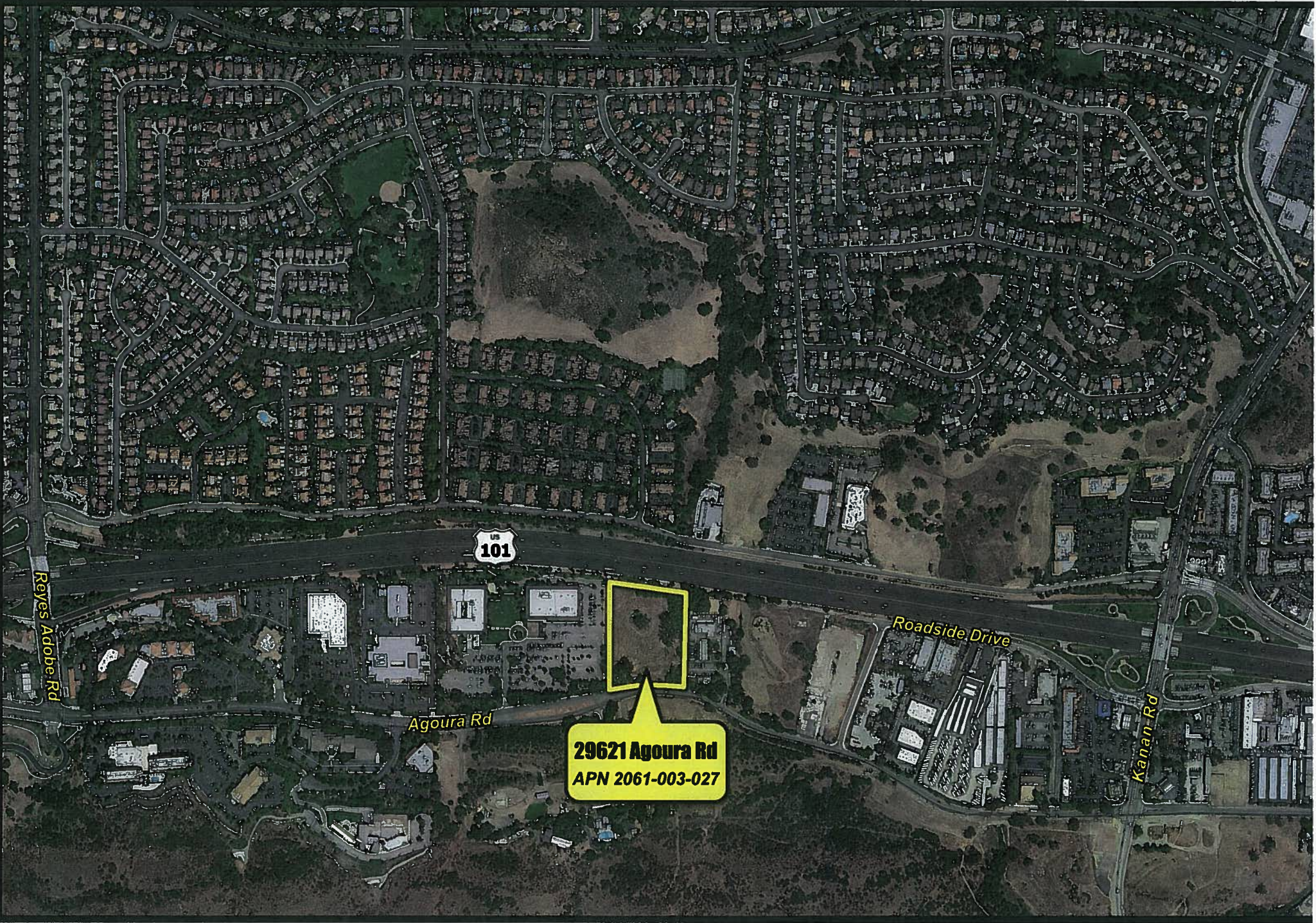


to fulfill the need for the creation of a high density housing development that meets the sustainability goals of increased pedestrian friendliness, an enhanced quality of life and reduced need for automobile trips, all based on its connectivity to the adjacent Mixed-Use, Business and Entertainment Centers contemplated within the adjacent Planned Development District 5 and 7.

Additionally, the subject property borders on the perimeter of the Agoura Hill's Business Park District making walking or bicycling to work an available life-style enhancement of daily life. The creation of the proposed high quality project will allow a viable housing alternative for (a) young adults who grew up in Agoura Hills wishing to return to the area, (b) aging residents of Agoura Hills desiring to downsize their residences, and (c) citizens with a desire to live in Agoura Hills, presently commuting from outside the community, who work in the area for local businesses.

# EXHIBIT B





US  
**101**

Reyes Adobe Rd

Agoura Rd

Roadside Drive

Kanan Rd

**29621 Agoura Rd**  
**APN 2061-003-027**



# EXHIBIT C





**Vicinity Map / Zoning Map**



# EXHIBIT D

AGOURA ROAD

30'-0"

U.S. HIGHWAY 101



**Morison Teitelbaum**  
569 Constitution Ave., Suite #1  
Camarillo, California 93012  
Telephone: 805.383.2221  
Facsimile: 805.383.5959  
CA License # 149971

## AGOURA LANDMARK





# EXHIBIT E





Martin Teffeldorf  
569 Chestnut Ave., Suite H  
Cazadero, California 93012  
Telephone: 035.383.2221  
Facsimile: 035.383.5950  
CA License # 148671

## AGOURA LANDMARK