



**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

**ACTION DATE:** August 7, 2014

**TO:** Planning Commission

**APPLICANT:** Bryce Wendel  
Dioji K-9 Dog Care  
618 Litchfield Lane  
Santa Barbara, CA 93109

**CASE NO.:** 14-SPR-002

**LOCATION:** 5076 Chesebro Road (APN 2061-013-032)

**REQUEST:** Request for the Planning Commission to approve a Site Plan/Architectural Review to construct a 1,296 square foot canopy shade structure in the yard area of a dog care facility.

**ENVIRONMENTAL ANALYSIS:** Exempt from the California Environmental Quality Act (CEQA) per Section 15303 of the CEQA Guidelines.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve Site Plan/Architectural Review Case No. 14-SPR-002, based on the findings in the attached Draft Resolution.

**ZONING DESIGNATION:** CRS-FC-OA (Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay)

**GENERAL PLAN DESIGNATION:** CRS (Commercial Retail Service)

**I. BACKGROUND AND PROJECT DESCRIPTION**

On March 20, 2014, Planning Commission held a public hearing and unanimously approved Bryce Wendel's request for a Conditional Use Permit to operate a dog care facility (Dioji K-9 Resort & Athletic Club), with overnight boarding, at 5076 Chesebro Road. The applicant also received approval to renovate the existing on-site commercial building, parking lot and yard

areas to accommodate the use. The property is located on the southeast corner of Chesebro Road and Dorothy Drive, and within the Old Agoura Design Overlay (OA) and Freeway Corridor Overlay (FC) zoning districts.

Building permits for the renovation of the building and property have been issued and construction has commenced. The applicant has received a building permit to install replacement awnings of dark brown canvas material over the windows on the front (west) building elevation and north side building elevation, as approved by the Planning Commission. Two new shade canopies attached to the building and located over the roll-up doors were later approved administratively by staff. Both shade canopies are located within the fenced yard area, with one located on the south end of the front (west) building elevation and is nine (9) feet in height, and 292 square feet (19.5' x 15') in size. The second shade canopy is located on the south side of the buildings and is eleven (11) feet in height, and 810 square feet (30' x 27') in size. Since both shade canopies will be attached to the building, will screen the roll-up doors, and be of a tan colored canvas material to match the building colors, staff considered those canopies to be ancillary and compatible with the building they serve.

After the building permits were issued, the applicant realized more shade was needed in the dog yard area and requested administrative approval to install an additional, permanent, 1,296 square foot (36' x 36'), 14-foot high shade sail canopy structure in the dog yard area, on the south side of the property. Due to the size and height of the proposed free-standing structure, and the fact that the Planning Commission had not considered this accessory structure during their review of the site renovation, the Planning Director requested the applicant seek the Planning Commission's approval of this particular shade canopy. The applicant subsequently filed a Site Plan/Architectural Review application.

## **II. STAFF ANALYSIS**

Staff understands the applicant's need for shade canopies as part of the business. Staff further understands the applicant's desire to accommodate more shade in the dog yard area, as the summer weather conditions were not considered by the applicant when submitting their Conditional Use Permit for the use. However, as noted above, staff was concerned about the size of the proposed shade canopy structure when recently approached by the applicant. Its 1,296 square foot size would be larger than the combined size of two administratively approved shade structures that will be attached to the building. Its 36' x 36' dimensions will cover 11.4% of the dog yard area that, in addition to the approved shade structures, also includes a dog pool and a protected oak tree.

After speaking with staff regarding our concerns, the applicant reduced the proposed height of the structure from 14 feet to 11 feet. Staff finds that this height reduction will greatly reduce its mass as viewed from the adjacent streets as it will also be screened by an 8-foot high wooden

fence on the perimeter of the dog yard area. The placement of the structure of the on the south end of the property will not interfere with the light industrial complex to the east of the property, the office uses located across Chesebro Road to the west, the gasoline service station located across Dorothy Drive to the north, nor the vacant commercial parcel located to the south. The yard fencing and adjacent oak tree located at the southwest corner of the property will assist in screening the shade structure from public view, and the structure will not encroach within the protected zone of the oak tree.

The footings for the four support posts would be located underground and the sides of the structure would remain open (no enclosure). The shade cover material proposed for the structure is a tightly woven plastic yarn material (HDPE - High Density Polyethylene monofilament) that will provide shade and UV protection for the dogs and employees. Although canvas will be used for the two approved shade structures that will be attached to the building, the tan color chosen for the proposed shade structure will be compatible in color with the building and other shade structures, and will maintain the rural style of the Old Agoura Design Overlay district.

The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The project consists of a proposed detached canopy shade structure that is accessory to an existing commercial building and is, thus, exempt from CEQA pursuant to Section 15303 of the Guidelines (New Construction or Conversion of Small Structures).

For these reasons noted above, staff can support the proposed shade structure, subject to the compliance with the conditions of approval included in the attached Draft Resolution.

### **III. RECOMMENDATION**

Based on our analysis of the project and the project's compliance with the development standards CRS, Freeway Corridor Overlay, and Old Agoura Design Overlay zones, staff recommends that the Planning Commission approve Site Plan/Architectural Review Case No. 14-SPR-002, subject to conditions.

### **IV. ATTACHMENTS**

- Exhibit A: Draft Resolution and Conditions of Approval
- Exhibit B: Vicinity Map
- Exhibit C: Reduced Copy of Project Plans

Case Planner: Doug Hooper, Assistant Director of Community Development

# EXHIBIT A



DRAFT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 14-SPR-002 FOR CONSTRUCTION OF A CANOPY SHADE STRUCTURE AT 5076 CHESEBRO ROAD

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Bryce Wendel, with respect to the real property located at 5076 Chesebro Road (A.P.N. 2061-013-032), requesting approval of a Site Plan/Architectural Review to construct shade canopy structure. A public meeting to consider Case No. 14-SPR-002 was duly held on August 7, 2014, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public meeting.

Section III. Based on the evidence presented at the public meeting, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Sections 9677.5 and 9677.7.G of the Agoura Hills Municipal Code, that:

- A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The use is located in the Commercial Retail Service (CRS) zoning district, which calls for uses to exhibit a high level of architectural and site design quality, providing a positive experience for visitors and community residents, and fostering business activity. The business activity will be enhanced through the use of the proposed canopy, which will provide for needed outdoor shading of the dogs the business serves, as well as the business employees.
- B. The proposed use, as conditioned, and the manner in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. The proposed canopy structure will be located within a private, fenced yard area, with permanent posts and a shade cover that meet City Building Code standards and will not, therefore, be detrimental to the public health, safety, or general welfare.
- C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and open space in the surrounding area. The design of the shade canopy, which includes tan colored, woven plastic fabric, will be compatible with the building design and rural character of the Old Agoura Design Overlay District, and will be compatible with the surrounding neighborhood.

- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The shade canopy structure complies with the provisions of the CRS zone, the Freeway Corridor Overlay zone, and the Old Agoura Design Overlay zone in regards to its ancillary use on the subject property, lot coverage, and structure height.
- E. The proposed use, as conditioned, is consistent with the City's General Plan, in that the shade canopy structure enhances the redevelopment of the property that is located in the Freeway Corridor Overlay zone, thereby facilitating the development of vacant and underutilized freeway parcels with commercial uses that capitalize on their freeway access and visibility in an aesthetically pleasing manner, as called for in General Plan Land Use Goal LU-12.
- F. The proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed shade structure is compatible with the single-story building it will serve in terms of color, size. It will provide needed shade in the yard area and will be partially screened from public view by a perimeter yard fence, and will not detract from neighboring properties and uses.
- G. The proposed development, as conditioned, is consistent with the design standards adopted by the City Council with the incorporation of earthtone colors and woven plastic fabric to match the building it serves.
- H. The design and location of the proposed development, as conditioned, and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion. The shade structure is considered to be an accessory structure to the dog care use of the property, and will not generate additional traffic. The structure will be within a fenced yard and will not interfere with the use and enjoyment of existing developments or proposed developments in the vicinity of the subject property.
- I. The design of the proposed development, as conditioned, is in keeping with the character of the surrounding commercial and residential neighborhoods, and is not detrimental to the harmonious, orderly, and attractive development contemplated by the Zoning Ordinance and General Plan of the City. As described above, the design of the shade canopy, which includes tan colored, woven plastic fabric, will be compatible with the building design and rural character of the Old Agoura Design Overlay District, and will be compatible with the surrounding neighborhood.

- J. The design of the proposed development, as conditioned, would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors. The proposed structure will provide for desired and needed shading in the dog yard area of the property and is made of materials and textures that are aesthetically compatible with the building it serves and the surrounding neighborhood.
- K. The proposed use, as conditioned, complies with all applicable requirements of the district in which it is located and all other applicable requirements in that all development standards of the CRS, Freeway Corridor Overlay, and Old Agoura Design Overlay zoning districts will be met, and the project will comply with City Building Code requirements.
- L. The overall development of the subject property, as conditioned, is designed to ensure the protection of the public health, safety, and general welfare. The structure is located a sufficient distance from the property lines to allow for adequate light, air, and open space. The proposed shade canopy structure will be located within a private, fenced yard area, with permanent posts and awnings that meet City Building Code standards and will not, therefore, be detrimental to the public health, safety, or general welfare.

Section IV. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The project consists of a proposed detached canopy shade structure that is accessory to an existing commercial building and is, thus, exempt from CEQA pursuant to Section 15303 of the Guidelines (New Construction or Conversion of Small Structures).

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 14-SPR-002, subject to the attached Conditions, with respect to the property described in Section I hereof.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Draft Resolution No. \_\_\_\_  
Page 4

PASSED, APPROVED and ADOPTED this 7<sup>th</sup> day of August, 2014, by the following vote to  
wit:

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

\_\_\_\_\_  
Michael Justice, Chairperson

ATTEST:

\_\_\_\_\_  
Mike Kamino, Secretary



CONDITIONS OF APPROVAL  
(CASE NO. 14-SPR-002)

STANDARD CONDITIONS

1. This decision for approval of the Site Plan/Architectural Review application (Case No. 14-SPR-002), or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant has agreed in writing that he is aware of, and accepts, all Conditions of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the Site Plan, Elevation Plan, colors and materials submitted for Site Plan/Architectural Review Case No. 14-SPR-002 and approved by the Planning Commission.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless this approval is used within two (2) years from the date of City approval, Site/Plan Architectural Review Case No. 14-SPR-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
8. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
9. All requirements of the Zoning Ordinance must be complied with unless set forth in this permit.

Conditions of Approval (Case No. 14-SPR-002)

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10. The applicant shall obtain a building permit for the approved structure. The structure shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
11. The applicant shall comply with the requirements, if any, of the Los Angeles County Fire Department prior to the issuance of a building permit.
12. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a building permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of Building Permit issuance.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

13. All exterior materials used on the structure shall meet the Very High Fire Hazard Severity Zone requirements as outlined in Chapter 2 of Article VIII of the Agoura Hills Municipal Code. The applicant shall identify the types of materials being used.
14. As part of the building permitting review process and prior to permit issuance, two (2) full sets of construction plans, including Architectural and Structural Plans, and calculations shall be submitted to the Building and Safety Department for plan review and approval.

PLANNING CONDITIONS

15. No portion of the structure or its footings shall not encroach within the protected zone of the on-site oak tree located in the dog yard area.

END

# EXHIBIT B



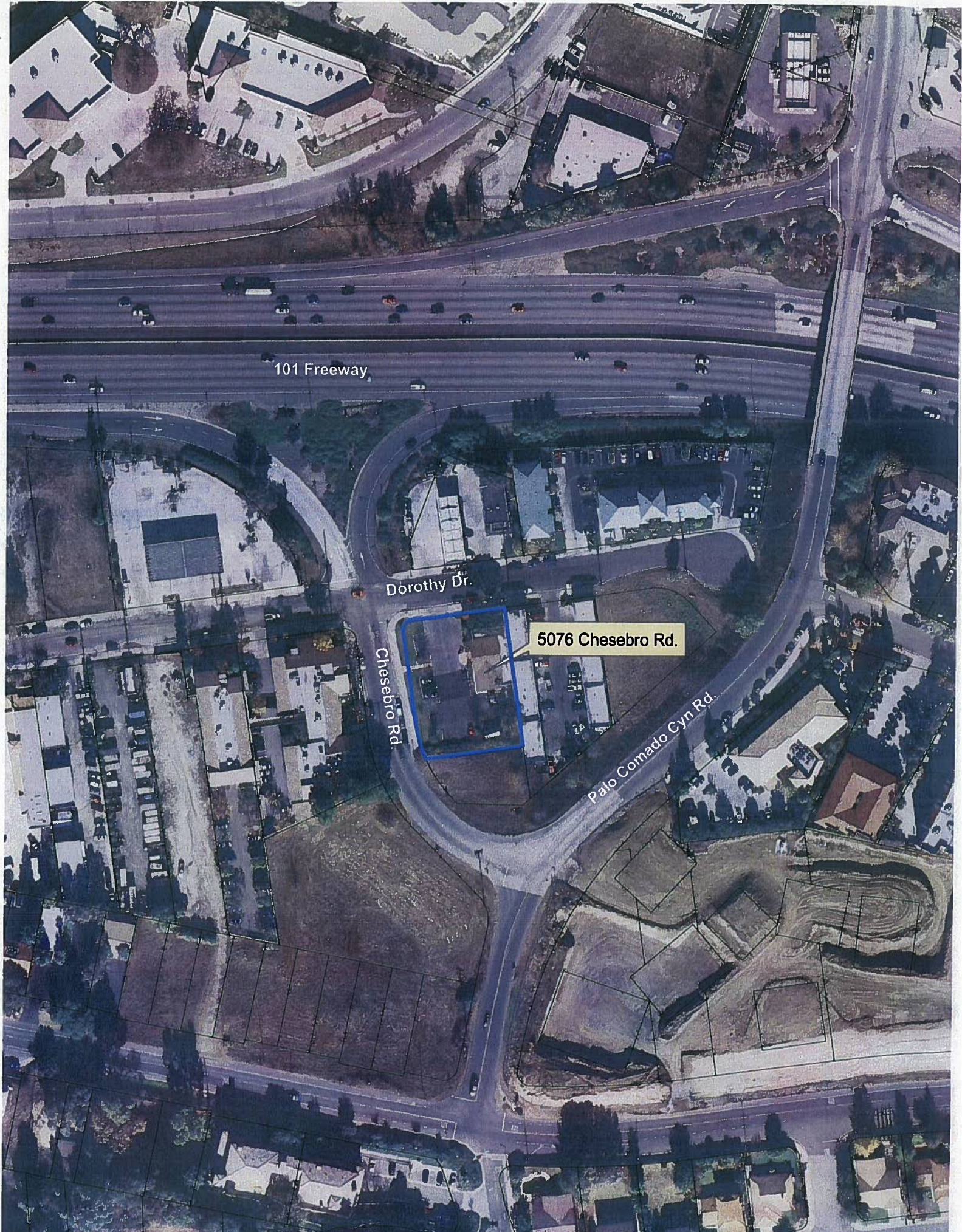
101 Freeway

Dorothy Dr.

Chesebro Rd.

5076 Chesebro Rd.

Palo Comado Cyn Rd.



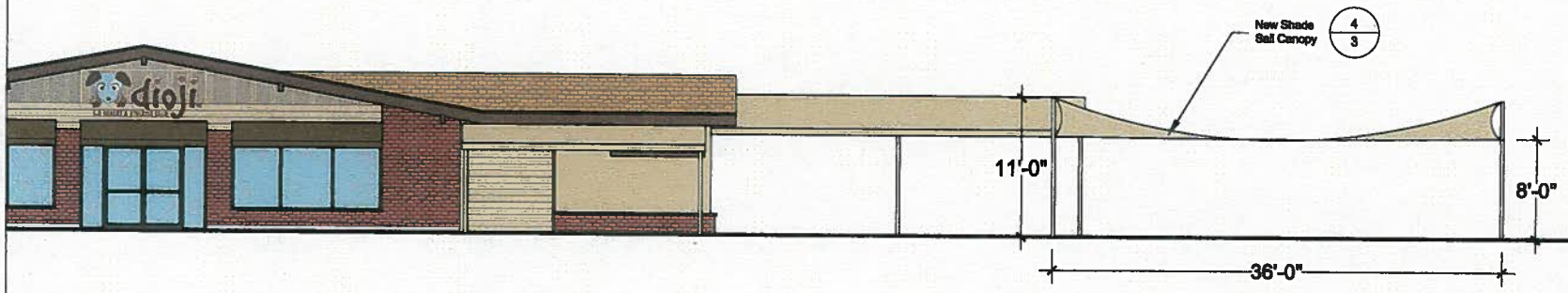


# EXHIBIT C





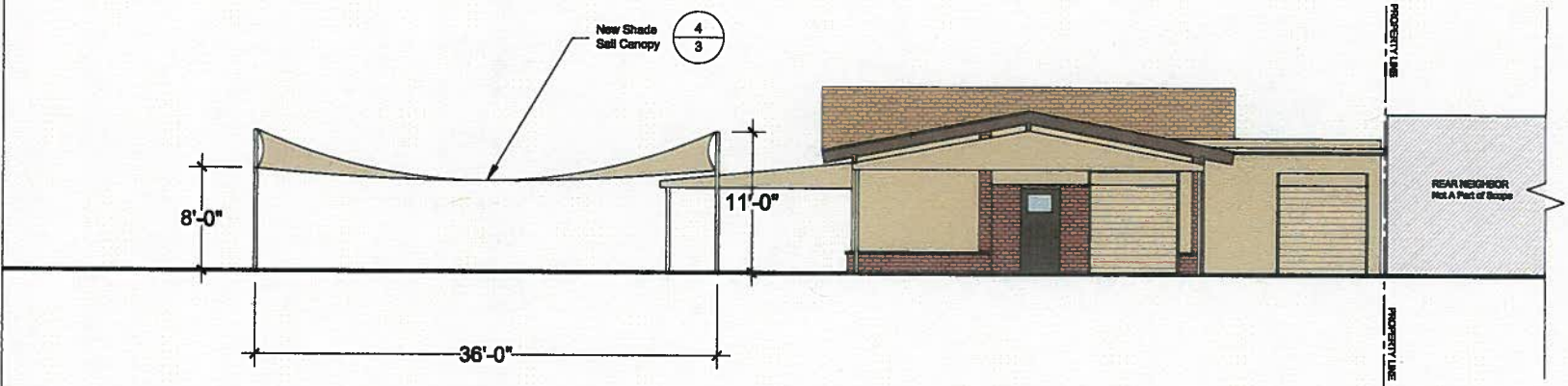
ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE SHALL BE FIELD VERIFIED BEFORE COMMENCEMENT OF WORK.



DATE	07/18/2014
REVISION	Δ

1 - WEST ELEVATION

SCALE: NTS



PROJECT:  
 DIJOI K-9 DOG CARE  
 AWNINGS & CANOPIES  
 5576 Chestnut Rd  
 Agoura Hills, CA  
 91301

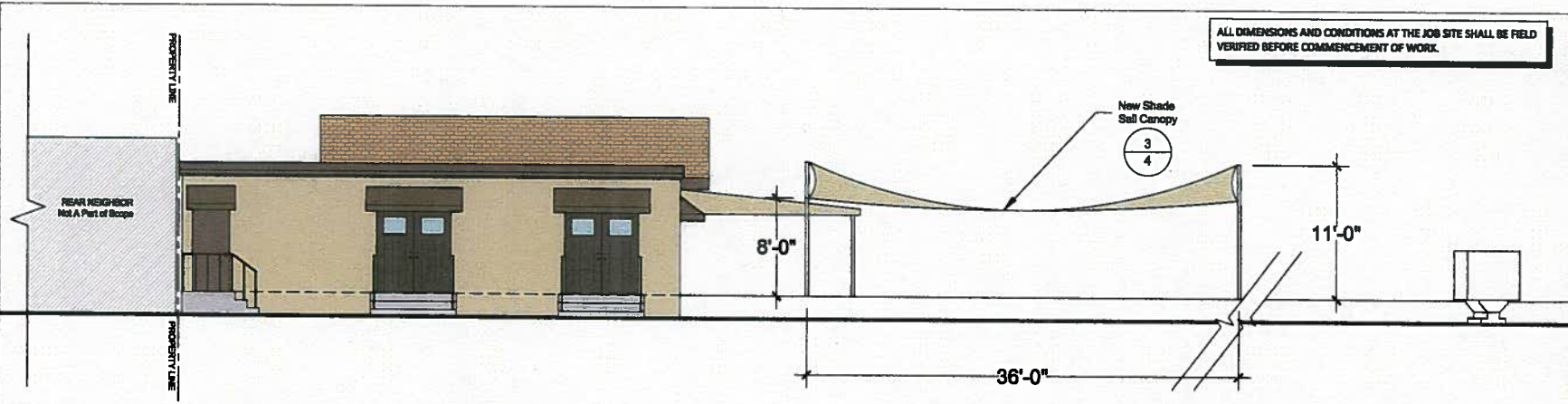
SHEET TITLE  
**1**

2 - SOUTH ELEVATION

SCALE: NTS



ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE SHALL BE FIELD VERIFIED BEFORE COMMENCEMENT OF WORK.



3 - NORTH ELEVATION

SCALE: NTS

ISSUE: 07/10/2014

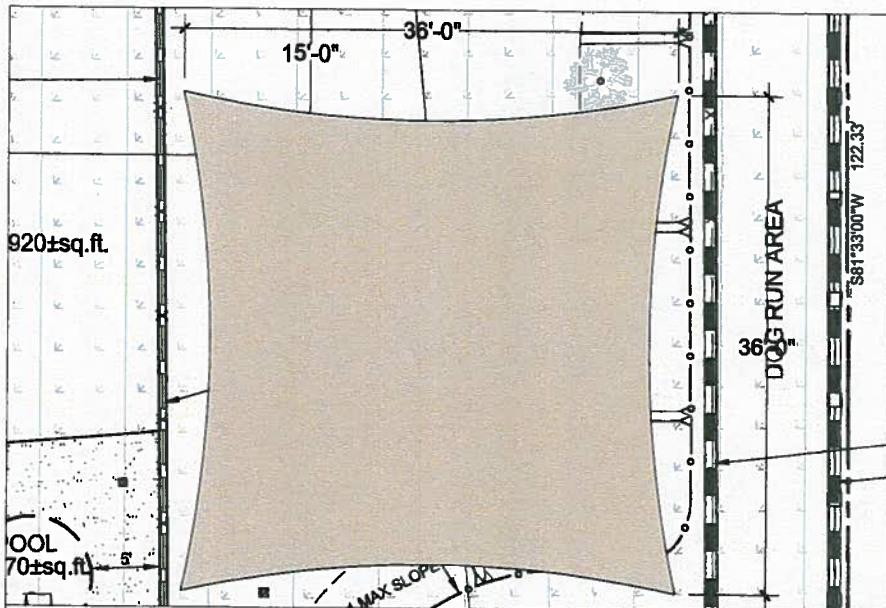
REVISION: A

PROJECT: DINO'S K-9 DOG CARE ARMINGS & CANOPIES  
5078 Chesbro Rd  
Alpharetta, GA  
30301

FILE NAME:  
PROJECT NO.:  
SCALE: AS NOTED  
DRAWN BY: MOHRAN KEOLYAN  
CHECKED BY:

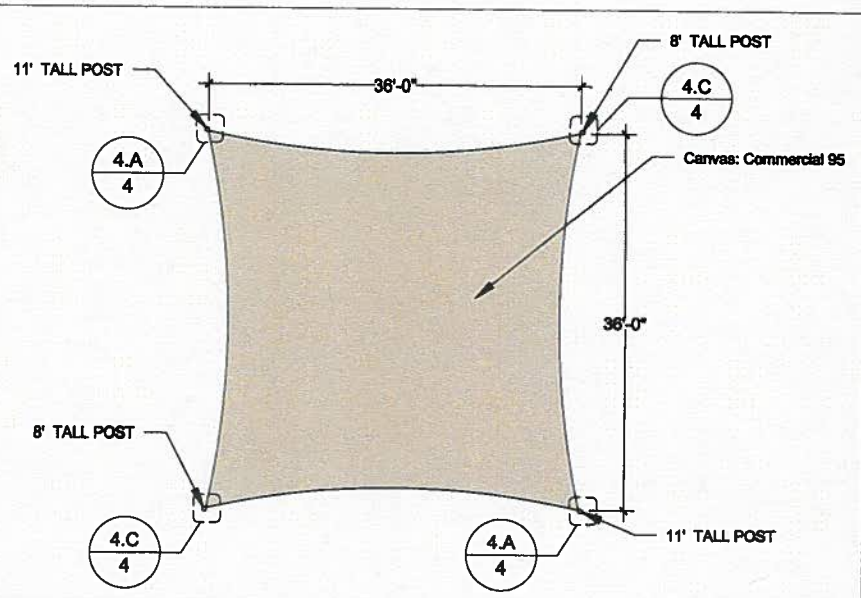
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SHEET NO.:



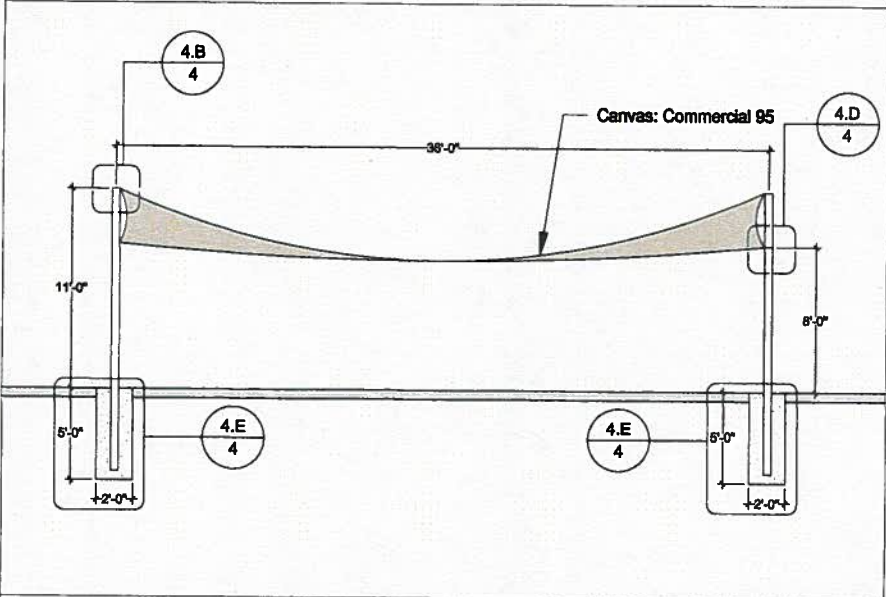
4 - SHADE SAIL CANOPY PLAN

SCALE: NTS



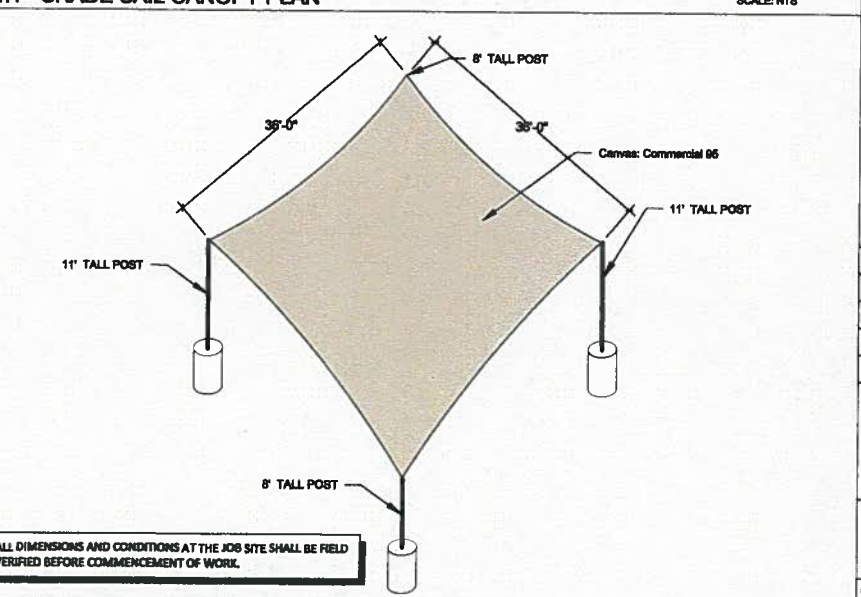
4.1 - SHADE SAIL CANOPY PLAN

SCALE: NTS



4.2 - SHADE SAIL CANOPY ELEVATION

SCALE: NTS



ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE SHALL BE FIELD VERIFIED BEFORE COMMENCEMENT OF WORK.

4.3 - SHADE SAIL CANOPY AXONOMETRIC

SCALE: NTS



DATE: 08/28/2014

REVISION:

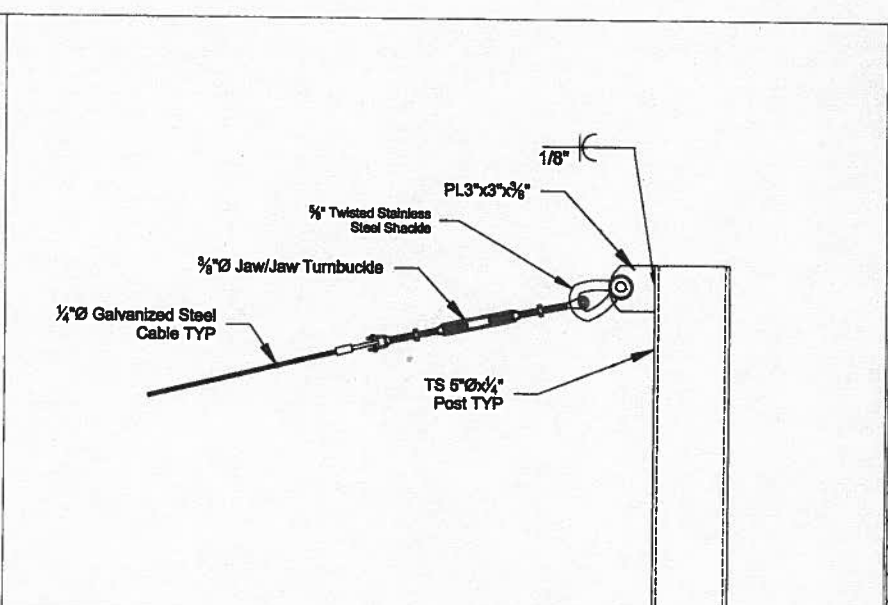
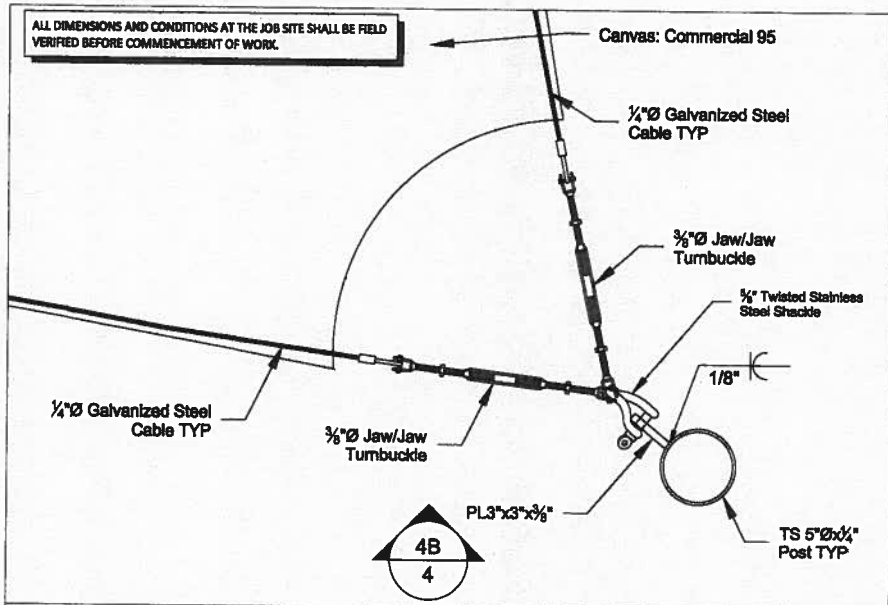
PROJECT: DIOU K-9 DOG CARE AWNINGS & CANOPIES  
5076 Chabro Rd  
Agoura Hills, CA 91301

FILE NAME:  
PROJECT NO.:  
SCALE: AS NOTED  
DRAWN BY: SHIVAN KEOLYAN  
CHECKED BY:

SHEET TITLE: 3

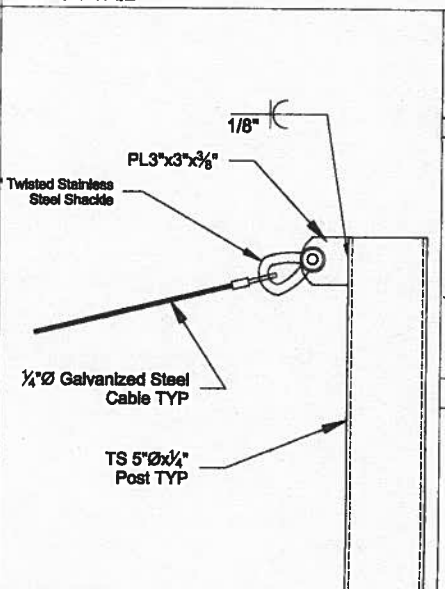
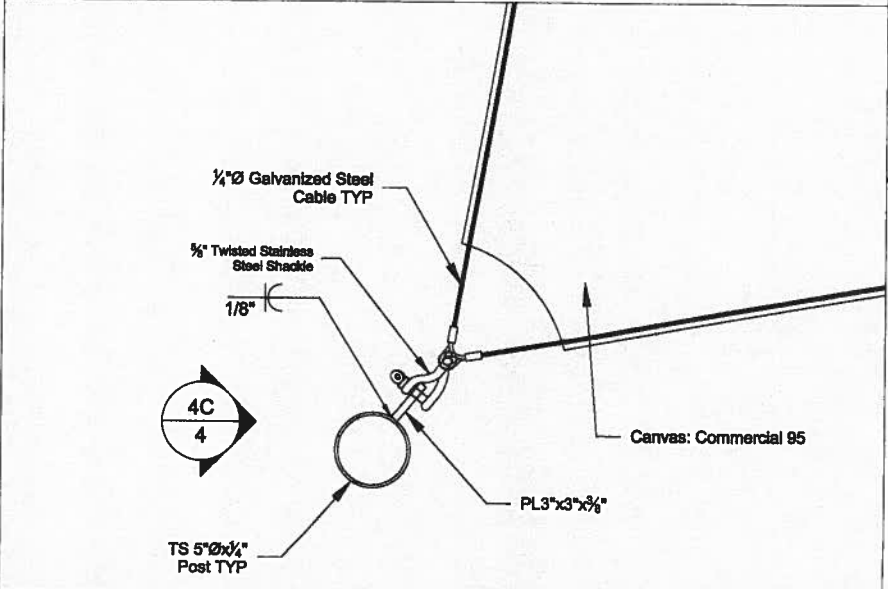
SHEET NO.:

ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE SHALL BE FIELD VERIFIED BEFORE COMMENCEMENT OF WORK.



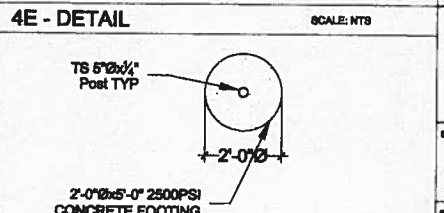
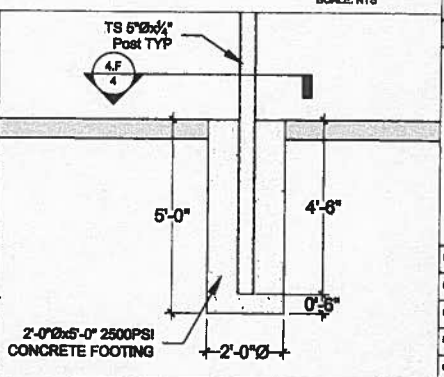
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4B - DETAIL SCALE: NTS



4C - DETAIL SCALE: NTS

4D - DETAIL SCALE: NTS



4E - DETAIL SCALE: NTS

4F - DETAIL SCALE: NTS



DATE: 09/28/2014

REVISION:  $\Delta$

PROJECT: DDM K-2 DOG CARE AWNINGS & CANOPIES  
6076 Chestnut Rd  
Agoura Hills, CA 91301

FILE NAME:  
PROJECT NO.:  
SCALE: AS NOTED  
DRAWN BY: MR. RAN KEOLYAN  
CHECKED BY:

SHEET TITLE: 4

SHEET NO.:



# Commercial 95™ - Synthesis (COOLAROO®)

118 inches wide, 10.5 oz. per sq. yd.

Coolaroo® is designed specifically for heavy duty, professional grade architectural shade fabric for tensioned structures and other commercial shade applications. It is constructed to block up to 98.8% of harmful UV sun rays and is made from UV stabilized HDPE mono filament and tape yarns. Coolaroo fabric is 100% lead and phthalate free. The fabric has a specialized lock stitch knit for more air movement and better channeling of cooling breezeways. This construction prevents tearing and fraying, while the colors remain vivid for years. All backed by a 10-year limited warranty.

Flame Resistant, ASTM E-84, Class A



865024  
Desert Sand

