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## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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**ACTION DATE:** January 15, 2015

**TO:** Planning Commission

**APPLICANT:** California Community Church  
30125 Agoura Road, Units B, C, D, & 2<sup>nd</sup> Floor  
Agoura Hills, CA 91301

**CASE NOS.:** CUP-01021-2014 & VAR-01022-2014

**LOCATION:** 30125 Agoura Road, Suites B, C, D & 2<sup>nd</sup> Floor  
(A.P.N. 2061-005-011)

**REQUEST:** Request to approve a Conditional Use Permit to operate a church in an existing retail center; and to approve a Variance from Zoning Ordinance Section No. 9654.6.B. to exceed the allocated on-site parking supply by 70 parking spaces; and make a finding of exemption under the California Environmental Quality Act.

**ENVIRONMENTAL ANALYSIS:** Exempt from the California Environmental Quality Act (CEQA) per Section 15301(a) of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01021-2014 and Variance Case No. VAR-01022-2014, subject to conditions, based on the findings of the attached Resolutions.

**ZONING DESIGNATION:** CS-FC (Commercial Shopping Center – Freeway Corridor)

**GENERAL PLAN DESIGNATION:** CS (Commercial Shopping Center)

### **I. PROJECT DESCRIPTION AND BACKGROUND**

The applicant, California Community Church is requesting approval of a Conditional Use Permit to locate its sanctuary and office in a tenant space of the Agoura Hills Town Center (Case No.

CUP-01021-2014) located at 30125 Agoura Road. Several suites, in the retail center, have been vacated by an office use. The church would occupy Suites B, C, D and a portion of the second floor of the northerly (central) portion of the center, for a total of 13,718 square feet. The church serves on average 200 members and holds sermons and counseling sessions to its membership. Currently, California Community Church holds services at the Sheraton Hotel in Agoura Hills and group meetings at the members' private homes and is looking to occupy a permanent location.

Religious institutions are allowed in the Commercial Shopping Center (CS) zone, subject to the approval of a Conditional Use Permit. Accordingly, the applicant is requesting the Planning Commission's approval of that Conditional Use Permit request. The Conditional Use Permit allows the Planning Commission to review the request and apply and any appropriate conditions included on a case-by-case basis, following a public hearing. The applicant is also requesting a Variance from Zoning Ordinance Section No. 9654.6.B. to exceed the allocated on-site parking supply by 67 parking spaces (Case No. VAR-01022-2014).

## **II. STAFF ANALYSIS**

The use is permitted in the Commercial Shopping Center (CS) zone. The applicant proposes to make modifications on the interior of the tenant space but maintain the exterior of the building with no changes. The applicant's intent is to apply for an administrative sign permit at a later date.

The tenant space would provide a 4,200 square foot sanctuary area on the first floor. The remainder of the first floor space, 3,979 square feet, would be used for passive uses such as entry hall, storage and restrooms. The 5,539 square-foot, second floor space would be used for meeting rooms and administrative functions and is being designated as general office use. The Church intends on maintaining regular office hours during the week with an office staff of three full-time and four part-time employees to handle the administrative functions, and small size group meetings. The Church holds two services on Sundays at 9:00 a.m., and 11:00 a.m.

Only the sanctuary and office areas of the Church are considered for parking demand purposes. Thus, of the total square footage, 5,539 square feet would be subject to the office parking requirement at 1 space for every 300 square feet of gross floor area, and 3,000 square feet of the sanctuary would be subject to the assembly parking requirement at 1 space for every 28 square feet of assembly area. This would equate to a total demand of 125 parking spaces with 18 parking spaces for the offices and 107 parking spaces for the sanctuary assembly whereas a retail use, in the same tenant space, would require 55 parking spaces. The Church would operate like an office use six of the seven weekdays and as an assembly on Sunday morning. As previously noted, Church services are proposed to be held at 9:30 a.m. and 11:00 a.m. on Sundays. Per the applicant, the 11:00 o'clock sermon would generate the highest attendance with an estimated 110 vehicles.

The parking demand for the center varies from day to day, and hour to hour. Each tenant operates with an estimated parking demand and with different peak hours, which allows for shared parking within the center. Currently the shopping center is occupied by the following tenants:

TENANT	M-Th	FRI	SAT	SUN
<b>Grissini's Italian Restaurant</b>	11:00 am -10:00 pm	11:00 am-11:00pm	12:00 am-11:00 pm	closed
<b>Future Track Running</b>	10:00 am -7:30 pm	10:00 am-7:30 pm	10:00 am-6:00pm	11:00 am-4:00 pm
<b>Guy Matthew Salon</b>	8:30 am -8:00 pm	8:30 am-8:00 pm	9:00 am-5:00pm	closed
<b>JMP Physical Therapy</b>	7:00 am -7:00 pm	7:00 am -7:00 pm	closed	closed
<b>Rock Nation</b>	2:00 pm-8:00 pm	2:00 pm -8:00 pm	closed	closed
<b>The Lab Restaurant</b>	11:00 am -11:30 pm	11:00 pm -2:00 am	11:00 am-2:00 am	10:00 am-11:30 pm
<b>Water Wings School*</b> * Not open for business	9:00 am -7:30 pm	9:00 am-7:30 pm	9:00 am-3:00 pm	9:00 am- 3:00 pm

According to the applicant, four of the seven tenants are closed which would allow the church parishioners access to an additional 91 parking spaces. The parking lot provides 288 parking spaces. Although the City Traffic Engineer did not require a Parking Study, the applicant was asked to conduct a parking count. The count was conducted on December 14, 2014 from 8:00 a.m. to 1:00 p.m. to establish a base line. The results show that the parking lot is used less than 8% as shown in the table below:

Sunday Parking Count	Hours	Number of Vehicles	Total Number of Parking Spaces	Percentage of Total	Number of Tenants Open
	8:00 am	5	288	1.7	0
	9:00 am	6	288	2	1
	10:00 am	8	288	2.7	2
	11:00 am	15	288	5.2	3
	12:00 am	22	288	7.6	3

The count does not include Water Wings School which is anticipated to open in a few months. Regardless, the parking demand for this swimming school is anticipated to be low as they will operate on an appointment basis rather than an open public pool and special events would be limited to Sunday afternoons.

Since the proposed use exceeds the allowed on-site parking supply by more than 10%, the applicant is requesting a Variance from the Zoning Ordinance Section No. 9654.6.B. Staff provided the findings for the Planning Commission's review.

**A. Required Finding:**

Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

Analysis:

The Code does not take into consideration the operational characteristics of the use and neighboring tenants in the shopping center. The strict application of the parking requirement would deprive a religious establishment from renting space in a retail center, which is a preferred location as it provides large crowds direct access to the parking lot. Few office developments provide that option. The church operates like an office six days out of seven and during that time requires less parking than the retail tenants. The peak parking demand would coincide with the least amount of parking demand from the other tenants. As a result, the church maximizes the use of the parking with minimal impacts on the adjacent tenants.

B. Required Finding:

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning in which the subject property is situated.

Analysis:

The proposed church is a permitted use in the Commercial Shopping Center (CS) zone and will have a parking demand during six days of the week that is less than a permitted retail uses.

C. Required Finding:

That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

Analysis:

Permitted uses are allowed by right in the center regardless of the hours of operation therefore parking surplus can occur during specific hours and days. The Parking Ordinance does not take into consideration these periods of time when the parking is not occupied. Mathematically, the demand exceeds the supply which results in unnecessary hardship on the church when it can be demonstrated that the supply is available and the tenants in the center can operate independent of one another.

D. Required Finding:

That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

Analysis:

The request will not impact the on-site parking layout and circulation throughout the center. No exterior improvements are proposed. Access to the tenant space and around the shopping center will be provided.

E. Required Finding:

That the granting of the Variance will be consistent with the character of the surrounding area.

Analysis:

The request will not impact the on-site parking layout and circulation throughout the center. No exterior improvements are proposed. Access to the tenant space and around the shopping center will be provided. At the exception of a new building mounted sign, the project involves interior tenant improvements only.

### III. CONCLUSION

In conclusion, the proposed Church 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 permitted in the CS zone and meets the development standards specified for the zone at the exception of the parking requirement. The proposed use is compatible with the surrounding properties as no exterior modifications are proposed. The use will minimally increase the parking demand one day during the week with few tenants in the center operating concurrently. The use will provide a community service as encouraged by the General Plan.

Staff finds the proposed Conditional Use Permit application to be categorically exempt from the requirements of the California Environmental Quality Act as an existing facility, per Section 15301 and does not require the adoption of an environmental impact report or negative declaration. The project consists of remodeling an existing tenant space for the purpose of a religious institution.

### IV. RECOMMENDATION

Based on the above analysis, staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01021-2014 and Variance Case No. VAR-01022-2014, subject to conditions.

### V. ATTACHMENTS

Exhibit A: Draft Conditional Use Permit Resolution and Conditions of Approval

Exhibit B: Draft Variance Resolution and Conditions of Approval

Exhibit C: Vicinity/Zoning Map

Exhibit D: Applicant's CUP and VAR Burden of Proof

Exhibit E: Reduced Architectural Plans

Exhibit F: Photographs of the Shopping Center

**CASE PLANNER:** Valerie Darbouze, Associate Planner



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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01021-2014 TO ALLOW A CHURCH IN A RETAIL CENTER; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. An application was duly filed by California Community Church, with respect to the real property located at 30125 Agoura Road, Suites, B, C, D and Second Floor, Assessor's Parcel Number 2061-005-047 approving a Church to occupy multiple suites in a retail center. A public hearing to consider Case No. CUP-01021-2014 was duly held on January 15, 2015 at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given and published as required by state law.

Section 2. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and was considered by the Planning Commission at the aforesaid public hearing.

Section 3. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section No. 9673.2.E of the Agoura Hills Zoning Ordinance that:

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. Churches are permitted uses in the Commercial Shopping Center zone and Freeway Corridor Overlay District and the proposed use provides a community service, as intended for the zone.

B. The proposed use, as conditioned, is compatible with the surrounding properties, and with the other uses in the retail center. The church will operate similarly to an office use and will not require modifications to the exterior of the building.

C. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare. The increased parking demand on Sundays will occur only on a limited basis when other businesses within the center are closed. The on-site parking lot is large enough and ingress and egress is provided in three different locations which will limit circulation related issues for other users wanting to access the property.

D. With the exception of a parking Variance, the proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project does not change the exterior of the building, the parking lot layout, or the landscaping currently existing in the center.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Three religious establishments are located at 1,200, 3,500, and 4,000 feet as measured from the proposed use on Canwood Street, Thousand Oaks Boulevard, and Agoura Road, which provide sufficient separation to maintain diversity of uses.

F. The proposed use is consistent with the goals, objectives and policies of the General Plan. The proposed use meets Goal No. LU-18 of the General Plan Land Use Element in that it provides easily accessible community-supporting services designed to complement the City's neighborhood centers.

Section 4. The project is exempt from the California Environmental Quality Act, as defined in CEQA Guidelines Section 15301 (Class 1) and does not require the adoption of an environmental impact report or negative declaration. The project consists of remodeling an existing tenant space in a retail center.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-01021-2014, subject to the Conditions of Approval, which are attached hereto as Exhibit A and incorporated herein by this reference.

Section 6. 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.

PASSED, APPROVED, and ADOPTED this 15<sup>th</sup> day of January 2015, by the following vote to wit:

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

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Michael Justice, Chairperson

\_\_\_\_\_  
Doug Hooper, Secretary

**CONDITIONS OF APPROVAL**  
**(Case No. CUP-01021-2014)**

STANDARD CONDITIONS

1. This decision, 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 appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled architectural plans.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. 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.
6. 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.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case No. CUP-01021-2014 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. The applicant shall pay \$0.00141 per \$1 of building valuation or \$1.41/\$1000 of building valuation) toward the General Plan Update Recovery.
11. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
12. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.



13. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building.

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

14. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
15. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
16. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

SPECIAL CONDITIONS

17. No signage is approved as part of this application. Future proposals shall be submitted to the Planning Department for review and approval.
18. Roof-mounted equipment shall be entirely screened from view all around the parcel.

BUILDING AND SAFETY CONDITIONS

21. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures will be required to comply the Very High Fire Hazard Severity Zone

(VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC).

22. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans including, Electrical, Plumbing, Mechanical, Title 24, Structural calculations will be required to be submitted to the Building and Safety Department for plan review and approval.

END

DRAFT RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, APPROVING VARIANCE REQUEST CASE NO. VAR-01022-2014 TO EXCEED THE ALLOCATED ON-SITE PARKING SUPPLY BY 70 PARKING SPACES; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. An application was duly filed by California Community Church, with respect to the real property located at 30325 Agoura Road, Suites, B, C, D and Second Floor, Assessor's Parcel Number 2061-005-047 requesting approval of a Variance from the Zoning Ordinance Section No. 9654.6.B to exceed the allocated on-site parking supply by 67 parking spaces. A Public Hearing was duly held on January 15, 2015 at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and was considered by the Planning Commission at the aforesaid public hearing.

Section 3. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section No. 9676.2.E. of the Agoura Hills Zoning Ordinance that:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this article deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The Code does not take into consideration the operational characteristics of the use and neighboring tenants in the shopping center. The strict application of the parking requirement would deprive a religious establishment from renting space in a retail center, which is a preferred location as it provides large crowds direct access to the parking lot. Few office developments provide that option. The church operates like an office six days out of seven and during that time requires less parking than the retail tenants. The peak parking demand would coincide with the least amount of parking demand from the other tenants. As a result, the church maximizes the use of the parking with minimal impacts on the adjacent tenants.
- B. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The proposed church is a permitted use in the Commercial Shopping Center (CS) zone and will have a parking demand during six days of the week that is less than a permitted retail uses.

- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. Permitted uses are allowed by right in the center regardless of the hours of operation therefore parking surplus can occur during specific hours and days. The Parking Ordinance does not take into consideration these periods of time when the parking is not occupied. Mathematically, the demand exceeds the supply which results in unnecessary hardship on the church when it can be demonstrated that the supply is available and the tenants in the center can operate independent of one another.
- D. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The request will not impact the on-site parking layout and circulation throughout the center. No exterior improvements are proposed. Access to the tenant space and around the shopping center will be provided.
- E. The granting of the Variance will be consistent with the character of the surrounding area. The request will not impact the on-site parking layout and circulation throughout the center. No exterior improvements are proposed. Access to the tenant space and around the shopping center will be provided. At the exception of a new building mounted sign, the project involves interior tenant improvements only.

Section 4. The project is exempt from the California Environmental Quality Act, as defined in CEQA Guidelines Section 15301 (Class 1) and does not require the adoption of an environmental impact report or negative declaration. The project consists of providing community-supporting services and interior tenant improvements in an existing retail center without the expansion of space.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Case No. VAR-01022-2014, subject to the Conditions of Approval, which are attached hereto as Exhibit A and incorporated herein by this reference.

Section 6. 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.

PASSED, APPROVED and ADOPTED this January 15, 2015, by the following vote to wit:

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

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Michael Justice, Chairperson

ATTEST:

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Doug Hooper, Secretary

**CONDITIONS OF APPROVAL  
(CASE NO. VAR-01022-2014)**

STANDARD CONDITIONS

1. This decision, 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 appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled architectural plans.
4. 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.
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 the approval is used within two (2) years from the date of City approval, Case No. VAR-01022-2014 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. VAR-01022-2014 is valid only in conjunction with Conditional Use Permit Case No. CUP-01021-2014 and the approved Conditions of approval therein.

END



# City of Agoura Hills

Vicinity/Zoning  
Map

CONDITIONAL USE PERMIT CASE NO. CUP-01021-2014 & VARIANCE CASE NO. VAR-01022-2014





**CONDITIONAL USE PERMIT  
BURDEN OF PROOF FORM**

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Planning Commission, the following facts;

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare because;

The church offices will maintain normal weekday business hours with a small staff and few visitors. The church holds services on Sunday morning when most of the other tenant's businesses are closed. On Sunday morning the parking lot is virtually empty. The commercial zone will be unaffected and there are no residential units in the area. To the West there are two gas stations and an office building; to the South is the Sheraton Hotel where the church has met on Sundays for the past four years; to the East there is an office building and to the North there are commercial properties and the Ventura Freeway. Those attending church on Sunday are primarily from Agoura Hills and adjoining cities.

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- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area because:

The location of the church will be entirely within an existing commercial building. The interior existing space is approximately 13,731 sq. ft. that will accommodate the church's current attendance of 225 people and needing approximately 110 parking spaces. A church is an approved use in the commercial zoning of the property. Sunday morning is the only time when a church group of that size will be in the property. There is sufficient parking and interior space.

The total building area of the center is 60,000 sq. ft. and there are 288 parking spaces. The abundance of parking is the reason the church chose this location and the fact that both the balance of the property and the parking are little used on Sundays.

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**VARIANCES  
BURDEN OF PROOF FORM**

In addition to the information required in the application, the applicant shall substantiate, in writing, the following required findings of fact to the satisfaction of the Director. Please provide detailed answers and use additional sheets of paper, as necessary.

- 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

The parking criteria is based on occupancy of the entire center at the same time. Sundays most of the centers commercial tenants are closed. So for that day the criteria should be different. For that reason we are asking for this variance of parking criteria used from the overall code standard to this reciprocal use on Sundays. On Sundays there would be plenty of parking and would meet the intent of the code.

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2. That the granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

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The occupied space for the Church is approx. 13,731 sq.ft. with approx 225 persons and per code 143 parking spaces will be required . Most of the use for the church will only be a few hours on Sunday mornings. There is an existing 288 parking spaces provided now on site. Most of the building and parking spaces will be vacant and the intent of the parking code will be met. The use of a church in the commercial zoning of the property is an approved use and there has been reciprocal parking uses and approvals granted in the past.

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3. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance;

Parking would be the only reason to deny this use. Parking is based on use and on Sunday this use provides a reciprocal parking opportunity. Sunday the use of the other tenants which is primarily business would not be effected. To deny this use based on parking would be to ignore the current use of this commercial center. Zoning in general is to provide uses that are compatible and to use this site based on reciprocal parking would be the best and most compatible use of this commercial property.

The surrounding neighborhood is commercial and it would only benefit from this use. Before and after church, business including nearby restaurants, hotel and gas stations will benefit from the added persons coming and going to the site for services.

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4. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity; and

Zoning ordinances are to provide appropriate uses in areas whereby traffic, noise, pollution etc. can be controlled or mitigated. This use of a church in a commercial area/ zoning on Sunday mornings does not create any negative impact to this use. The contrary is apparent as the restaurant on site and other commercial properties will benefit from the influx of additional customers to the site.

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**CASE NOS. CUP-01021-2014 & VAR-01022-2014**

**SITE PHOTOGRAPHS**

