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**PLANNING DEPARTMENT**

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**ACTION DATE:** June 2, 2016

**TO:** Planning Commission

**APPLICANT:** Bishan Seneviratne  
Montessori of the Oaks, Inc.  
24201 Park Granada  
Calabasas, CA 91302

**CASE NO.:** CUP-01211-2016

**LOCATION:** 30610 Thousand Oaks Boulevard (A.P.Ns. 2054-017-015,  
016, & -017)

**REQUEST:** Request for the Planning Commission to approve a child  
day care facility in an existing building and associated  
outdoor play area.

**ENVIRONMENTAL  
DETERMINATION:** Exempt from the California Environmental Quality Act per  
Section 15303.

**RECOMMENDATION:** Staff recommends the Planning Commission approve  
Conditional Use Permit Case No. CUP-01211-2016.

**ZONING DESIGNATION:** RS-(5)-7,500 (Residential Single Family Zone – 5 units per  
acre – 7,500 minimum lot size)

**GENERAL PLAN  
DESIGNATION:** Residential Single Family (RS)

**I. PROJECT DESCRIPTION AND BACKGROUND**

The applicant for this project is Ronald Marshall of MacMar, Inc. representing Bishan Seneviratne, owner of Montessori of the Oaks, Inc. The request is for the approval of a Conditional Use Permit (Case No. CUP-01211-2016) to operate a child care facility in an existing, single-story building on a developed parcel located at 30610 Thousand Oaks Boulevard. The site is bordered by the cul-de-sac of Mainmast Drive to the south, to the east and west by residential properties, and to the north by Thousand Oaks Boulevard with more residential properties beyond. The site is accessible from Thousand Oaks Boulevard.

The property is owned and occupied by Saint Paul Lutheran Church. In 1989, the City of Agoura Hills constructed a building opposite the church sanctuary to house the City Department of

Community Services, which offers recreational programs to the community, including outdoor toddlers' camps during the spring, summer, and winter breaks. The Department vacated the site in December 2015 to relocate into a larger facility, and the building has been vacant since. The applicant is proposing to occupy this vacant building and utilize the outdoor area to the west of the building for a playground.

As is noted in the Zoning Ordinance, due to their unusual or special characteristics conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. In this instance, the applicant is requesting to operate a conditionally allowed commercial use in a single-family residential zoning district. In order to achieve these purposes, the Planning Commission is empowered to grant or deny application for Conditional Use Permits, and to impose reasonable conditions upon the granting of the Conditional Use Permit.

## II. STAFF ANALYSIS

### Zoning Standards

The 1.86-acre parcel is located in the Residential Single Family zone (RS-5-7,500) which extends in all directions of the project site, with land zoned Residential Single Family-Cluster Development (RS-CD) to the east of the parcel. Day nurseries are conditionally permitted in the RS zone. The parcel is approximately 500 feet from the intersection of Thousand Oaks Boulevard and Lake Lindero Drive on the south side of Thousand Oaks Boulevard. The rear of the parcel is bordered by Mainmast Drive which is at a higher elevation than Thousand Oaks Boulevard and does not allow access to the site. The development is oriented toward Thousand Oaks Boulevard from which it takes its access. The nearest residence is about 100 feet west of the building. The church sanctuary and office buildings are placed along the east side of the property and the freestanding, now vacant, building on the west side of the parcel. Both buildings/uses share access to the parking lot currently providing 78 parking spaces. Residential zones, specifically the RS zone, allow for ancillary uses such as religious facilities, homes for aged persons, community care facilities, as well as day nurseries with the approval of a Conditional Use Permit.

The building that is being considered for the childcare facility is an existing 3,500 square-foot, one-story building. A 158 square-foot covered patio area exists on the east elevation surrounded by a handrail that separates the pedestrian circulation from the traffic of the parking lot to create a protected drop off area. The structure is not proposed to be modified architecturally, but only upgraded inside to address accessibility requirements.

The proposed improvements to the parcel would include an outdoor activity area to the west of the building that would be fenced with wrought iron and landscaped with a hedge along the side facing Thousand Oaks Boulevard. The area would be divided into two age-appropriate play yards totaling 4,535 square feet. The larger 3,455 square-foot outdoor area would be graded into two levels. The top level would accommodate a play structure and the slope between both levels would act as a gathering area for the children. The 1,080 square-foot smaller outdoor area, which is intended for a younger age group, would be level with the building pad and also enclosed with wrought iron fencing. As a whole, the outdoor area would occupy a little less than one third of a large open space area currently landscaped with grasses and a variety of trees along the property lines. No protected oak trees currently grow near the area where the grading will take place.

The Zoning Ordinance does not impose development restrictions for uses other than residential uses in a residential zone, therefore the structures are subject to the same height and setback requirements as a single-family development. In this case, the RS-5-7,500 zone requires a maximum 35-foot high building while the existing building is 20 feet high. The zone requires a combined side yard setback of 18 feet with not less than eight (8) feet on any one side, and 20 feet for the front and rear yard setbacks of the property. Currently, the building is set back 117 feet from the western, 360 feet from the east, 46 feet from the front, and 53 feet from the rear property lines, and its location and size will remain as existing. The separation between the existing buildings also complies with the development standards of the zone with over 255 feet, whereas a 10-foot minimum separation is required. The edge of the outdoor activity area would be 42 feet, at its closest point, and 52 feet at its furthest point, from the western property line, 70 feet from the street or front property line, and over 32 feet from the rear property line. Both the building and outdoor activity area would be over 20 feet below Mainmast Drive and the adjacent house pad elevation. The site plans show that a 45-foot wide buffer zone with landscaping would remain between the outdoor play area and the adjacent residential property. The concept landscape plan/hardscape plan shows the proposed hedge along the northern fence. A site visit revealed that there is mature landscaping along the closest residence to the west providing visual screening. There is a significant difference in elevation between that of Mainmast Drive and the proposed activity area, and the adjacent residential property to the west and the activity area, minimal visual and noise impacts are expected onto adjacent properties.

The physical improvements in the play area include a child-friendly rubber material applied to the surface of the activity area to retain the soil, a fence, a play structure and two (2) new ground mounted pole light fixtures. The pole lights would be a maximum of 14 feet in height shorter than the building roof line, and would match the ones installed in the parking lot, which are constructed with rectangular boxes with flat lenses directed toward the ground and painted brown. The pole lights would supplement the existing, fixtures mounted on the building. The proposed wrought-iron fence would be six (6) feet in height, and the play structure, 15 feet. A six (6)-foot high wood fence is added around the existing air condensing units adjacent to the building for screening and noise attenuation purposes. Both the building and the outdoor play area are well within the buildable area of the lot and do not encroach in the side, front or rear yards areas. The new play structure will comply with the side, front and rear setback of the RS zone. The existing 16 percent building coverage would remain the same and would be below the 50 percent maximum allowable for the zone because the outdoor play area does not contribute toward the lot coverage.

The population of children would range from the ages of infancy to six (6) years old. The child care facility would operate between the hours of 6:30 a.m. and 6:30 p.m. Monday through Friday. Outdoor activities would include gardening, archeology digs, art work, and physical education. There would be a maximum of 60 children outside at any one time under the supervision of six (6) teachers. Typical pupil-teacher- ratios are one (1) teacher for every 12 children, whereas the owner intends to have one (1) teacher for every ten (10) children. The hours of operation of the children facility are limited to weekdays during regular office business times, and use of the playground would not be continuous throughout the day. Therefore, impact from noise to surrounding neighbors is not expected to be a significant impact. There are not expected to be adverse visual impacts from the playground use, which includes a ground cover material and play equipment. A vegetative screen of hedges is proposed along the playground frontage bordering Thousand Oaks Boulevard.

The Zoning Ordinance requires one (1) parking space for every five (5) children for day nurseries and preschools, which would translate into a demand of 11 parking spaces. The site currently provides 78 spaces, which would be sufficient for the week day use of the property by both the church and the childcare facility. The parking is designed such that the parking spaces are easily accessible by both uses and the two-way circulation is available to all the spaces. Since the peak period of the church use is on weekends when the childcare facility would be closed, and the weekday church-related activities parking demand is minimal, the existing number of parking spaces is anticipated to be adequate for the new use.

No physical changes are proposed to the exterior of the building and to the parking lot and none are required. The building architecture fits with the style of architecture of the church and the surrounding neighborhood and does not necessitate changes for the purpose of improving the aesthetics of the property. The existing light fixtures are wall-packs (wall-mounted rectangular, commercially looking fixtures) that serve to provide safety for the walking paths.

Signage will be reviewed administratively by the Planning Director. A monument sign exists; only the face, approximately 10 square feet, would be replaced to show the name of the school. The applicant also proposes an identification sign that would hang from the patio on the eastern elevation to let the patrons know where to enter the facility. The sign would be 16 inches high by nine (9) feet four (4) inches long and made out of wood. The letters would be white on a brown background, applied to the wooden face and would not be internally illuminated.

The site slopes toward Thousand Oaks Boulevard. The grading of the outdoor play area would not require export or import of soil, but recountouring the slope to create two flat pads to stand on. No retaining walls are proposed. Irrigation for the new planting along the northern side of the fence would be extended from the existing irrigation system.

### III. GENERAL PLAN CONSISTENCY

The project would be consistent with the following applicable General Plan goals and policies:

#### Goal LU-2. City of Diverse Uses

A mix of land uses that meets the diverse needs of Agoura Hills' residents, offers a variety of employment opportunities, and allows for the capture of regional population and employment growth.

The project complies with Goal LU-2 to provide employment opportunities, and serves the community residents' childcare needs in a residential environment.

#### Goal LU-4 City Form and Structure

Structure and form of development that respects Agoura Hills' natural setting; maintains distinct and interconnected places for residents to live, shop, work, and play; and is more compact to reduce automobile dependency.

The project complies with Goal LU-4 by providing childcare in a developed neighborhood. The property is located within walking distance to potential users of the childcare facility.

#### IV. FINDINGS

Findings pursuant to Section 9673.2.E of the Municipal Code for approval of the Conditional Use Permit are provided below.

- A. The proposed use 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, and will comply with each of the applicable provisions of the Zoning Ordinance. The RS zone allows uses that serve the community, including religious and childcare facilities. The use would operate during the weekday daytime hours only and not conflict with other uses on the site. The improvements to the property are minimal and outdoor, and meet the setback requirements of the zone as would a residential project. The indoor portion of the project would be in an existing building, with no exterior improvements proposed to it.
- B. The proposed use is compatible with the surrounding properties. The use is located in an area that does not impact the nearby residence given the distance and the difference in elevation of the use and the residences nearby. The residence is bordered by mature landscaping providing screening of the outdoor space, which will be retained. The additional traffic generated by the use would originate from Thousand Oaks Boulevard, a major arterial which serves other commercial uses. No traffic generated by the childcare facility would use the nearby residential street, Mainmast Drive, because it is not connected to the site.
- C. 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 use would operate from 6:30 a.m. to 6:30 p.m. Monday through Friday when the church facility operates with minimal staff, therefore there is ample parking to accommodate the child care patrons and staff's vehicles without creating congestion in the parking lot and/or overflow of traffic into the street. Lighting would be limited to the existing building mounted light fixtures to illuminate the walkways and two new light poles near the building to light the outdoor play area during the winter hours. The new outdoor play area is enclosed and screened with landscaping as viewed from Thousand Oaks Boulevard. The project is subject to the Zoning Ordinance standards with respect to noise, light, and operational standards. Egress and ingress to and from the project site and the circulation throughout the site would not change.
- D. The proposed use will comply with each of the applicable regulatory provisions of the Zoning Ordinance. The outdoor area is the only development proposed for an already developed property. The interior building improvements will be constructed to comply with the most current Building Code requirements. The project is subject to the Zoning Ordinance standards with respect to noise, light, and operational standards. The proposed structure in the outdoor activity area meets the setback requirements of the zone.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Other childcare facilities exist in the City, the closest being over two miles

away. Childcare facilities can serve families located in the near vicinity or in the larger region, and are frequently located throughout a community.

- F. The proposed use is consistent with the goals, objectives and policies of the general plan. The project would be consistent with Goals LU-2 and LU-4 in that the business would generate employment and services to residents without impacting the character of the area, and within walking distance to residences.

### Environmental Review

Staff has determined that the project to operate a childcare facility and create an outdoor activity area is exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures). No significant impacts are expected from development of this project. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including but not limited to, subsection (c) which relates to unusual circumstances that could have a significant effect on the environment.

### **V. RECOMMENDATION**

Based on the foregoing review and analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. CUP-01211-2016, subject to conditions, based on the findings of the attached draft Resolution.

### **VI. ATTACHMENTS**

- Draft Resolution for the Conditional Use Permit with Conditions of Approval
- Vicinity/Zoning Map
- Reduced Photocopies of Project Plans
- Photos of the Site

**Case Planner:** Valerie Darbouze, Associate Planner

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01211-2016 FOR THE MONTESSORY OF THE OAKS, INC. LOCATED AT 30610 THOUSAND OAKS BOULEVARD.

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

Section I. An application was duly filed by Ron Marshall of MacMar, Inc. for Bishan Seneviratne of the Montessori of the Oaks, Inc., with respect to the real property located at 30610 Thousand Oaks Boulevard, (Assessor Parcel No. 2054-017-015, -016, & -017), requesting approval of a Conditional Use Permit (Case No. CUP-01211-2016) to operate a child day care facility in an existing building and construct an outdoor play area.

Section II. The project is a request to operate a childcare facility and create an outdoor activity area is exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures). No significant impacts are expected from development of this project. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including but not limited to, subsection (c) which relates to unusual circumstances that could have a significant effect on the environment.

Section III. The Planning Commission of the City of Agoura Hills considered the applications at a public hearing held on June 2, 2016 at 6:30 p.m. in the City Hall 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.

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

Section V. Conditional Use Permit. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, that:

A. The proposed use 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, and will comply with each of the applicable provisions of the Zoning Ordinance. The RS zone allows uses that serve the community, including religious and childcare facilities. The use would operate during the weekday daytime hours only and not conflict with other uses on the site. The improvements to the property are minimal and outdoor, and meet the setback requirements of the zone as would a residential project. The indoor portion of the project would be in an existing building, with no exterior improvements proposed to it.

B. The proposed use is compatible with the surrounding properties. The use is located in an area that does not impact the nearby residence given the distance and the difference in elevation of the use and the residences nearby. The residence is bordered by mature landscaping providing screening of the outdoor space, which will be retained. The additional traffic generated by the use would originate from Thousand Oaks Boulevard, a major arterial which serves other commercial uses. No traffic generated by the childcare facility would use the nearby residential street, Mainmast Drive, because it is not connected to the site.

C. 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 use would operate from 6:30 a.m. to 6:30 p.m. Monday through Friday when the church facility operates with minimal staff, therefore there is ample parking to accommodate the child care patrons and staff's vehicles without creating congestion in the parking lot and/or overflow of traffic into the street. Lighting would be limited to the existing building mounted light fixtures to illuminate the walkways and two new light poles near the building to light the outdoor play area during the winter hours. The new outdoor play area is enclosed and screened with landscaping as viewed from Thousand Oaks Boulevard. The project is subject to the Zoning Ordinance standards with respect to noise, light, and operational standards. Egress and ingress to and from the project site and the circulation throughout the site would not change.

D. The proposed use will comply with each of the applicable regulatory provisions of the Zoning Ordinance. The outdoor area is the only development proposed for an already developed property. The interior building improvements will be constructed to comply with the most current Building Code requirements. The project is subject to the Zoning Ordinance standards with respect to noise, light, and operational standards. The proposed structure in the outdoor activity area meets the setback requirements of the zone.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Other childcare facilities exist in the City, the closest being over two miles away. Childcare facilities can serve families located in the near vicinity or in the larger region, and are frequently located throughout a community.

F. The proposed use is consistent with the goals, objectives and policies of the general plan. The project would be consistent with Goals LU-2 and LU-4 in that the business would generate employment and services to residents without impacting the character of the area, and within walking distance to residences.

Section VI. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. CUP-01211-2016, subject to the attached conditions, included as Exhibit A, with respect to the property described in Section I hereof.

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



Draft Resolution No. \_\_\_\_\_

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PASSED, APPROVED, and ADOPTED this 2<sup>nd</sup> day of June, 2016, by the following vote to wit:

AYES: (0)

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

\_\_\_\_\_  
John O'Meara, Chairperson

ATTEST

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

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**(Case No. CUP-01211-2016)**

**PLANNING DEPARTMENT 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. 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 accept, all conditions of this permit with the Planning Department.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled Site Plan, Landscape Plan, Elevation Plan and Concept Grading Plan.
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. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in this permit or on the approved Site Plan.
7. No occupancy shall be granted for any new building until all conditions of approval have been complied with as determined by the Planning Director.
8. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
9. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
10. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-01211-2016 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
11. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.

12. The applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of the approval of this application. Although the applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the applicant of any obligation under this Condition.
13. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, and employees from and against any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul any approval or condition of approval. The City shall notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.
14. Exterior lighting shall be turned off at close of business each day.
15. New fencing shall not exceed six feet in height.

#### BUILDING AND SAFETY DEPARTMENT CONDITIONS

16. All exterior materials used for eaves, sidings, porch, patio, decks, carport, canopies and other similar structures shall meet the Very High Fire Hazard Severity Zone as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code.
17. This project is subject to the 2013 California Residential Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Code, and Green Building Codes and Agoura Hills Municipal Code.
18. All new areas as proposed for this project shall meet 2013 California Building Code Chapter 11 requirements for Accessibility, including accessible paths to the play areas and play equipment.
19. Existing elements within the project shall be consistent with Chapter 11 of the 2013 California Building Code, including transition areas, restrooms, doors and thresholds, reach ranges, kitchen and break rooms and parking to building paths.

#### ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

20. The applicant shall obtain and submit to the City of Agoura Hills written approval from Las Virgenes Water District for the fence encroaching on the water easement.

#### SOLID WASTE MANAGEMENT CONDITIONS

21. 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 Planning Department 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.

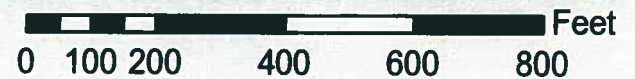
22. The project shall comply with the City's Waste Reduction & Recycling Plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion 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 to and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
23. 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.

END

# City of Agoura Hills

CONDITIONAL USE PERMIT CASE NO. CUP-01211-2016

Vicinity & Zoning Map





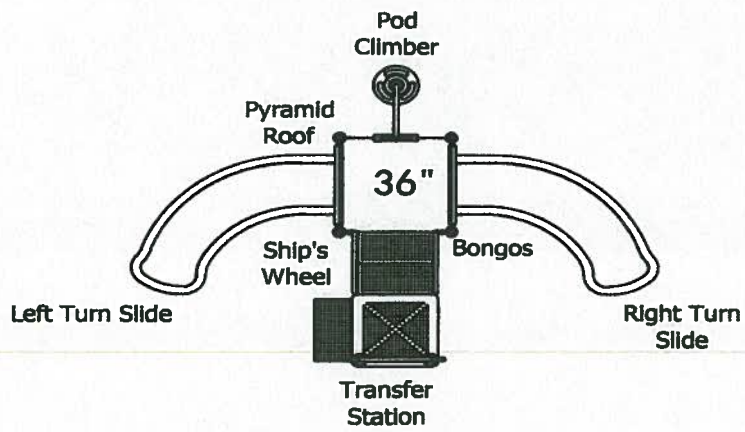








# BANANA-SPLIT PLAYGROUND EQUIPMENT

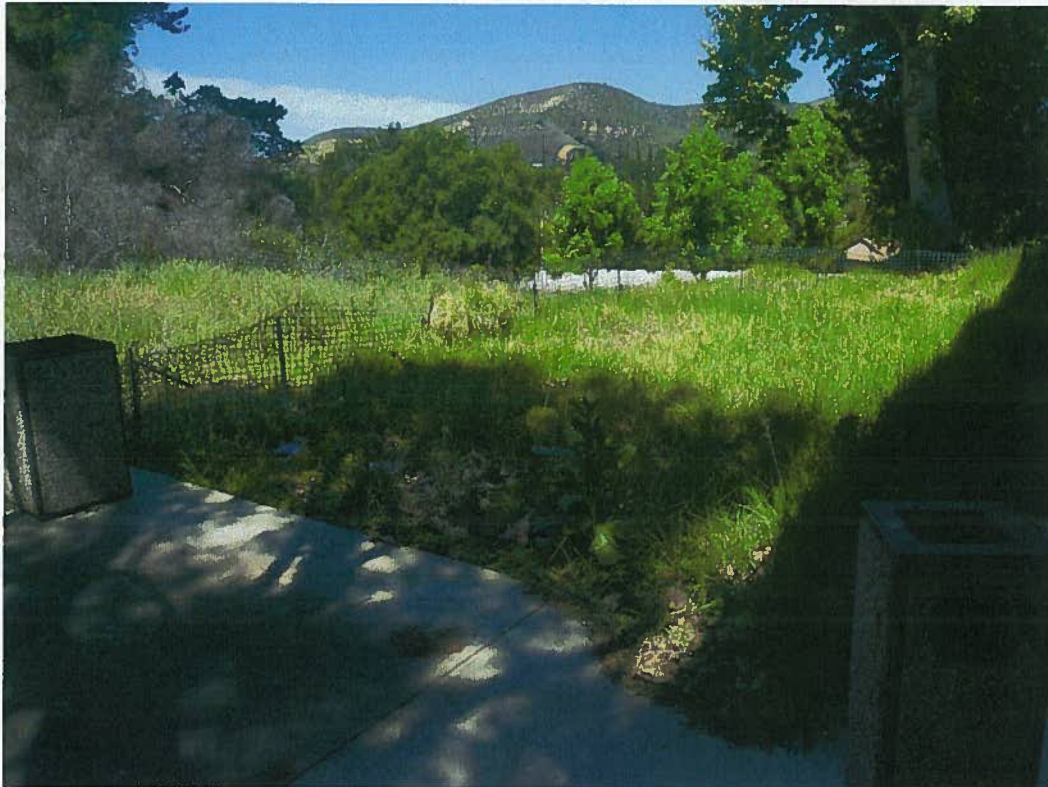


**CONDITIONAL USE PERMIT CASE NO. CUP-01211-2016  
SITE PHOTOGRAPHS**

**WEST VIEW – BUILDING ENTRANCE**



**WEST VIEW – OUTDOOR PLAY AREA**



**EAST VIEW – PARKING LOT**



**SOUTH VIEW – PROPERTY ACCESS**

