

REPORT TO CITY COUNCIL

DATE: JUNE 23, 2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

**BY: DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR
JESSICA CLEAVENGER, SENIOR PLANNER**

**SUBJECT: PRESscreen REVIEW OF A PROPOSED GENERAL PLAN
AMENDMENT AND ZONING ORDINANCE AMENDMENT FOR THE
CREATION OF AN OVERLAY DISTRICT OR ZONE CHANGE FOR A
MULTIFAMILY DEVELOPMENT LOCATED AT 28000 DOROTHY DRIVE
(APPLICANT: JOE OFTELLE – CASE NO. PSR-2021-0002)**

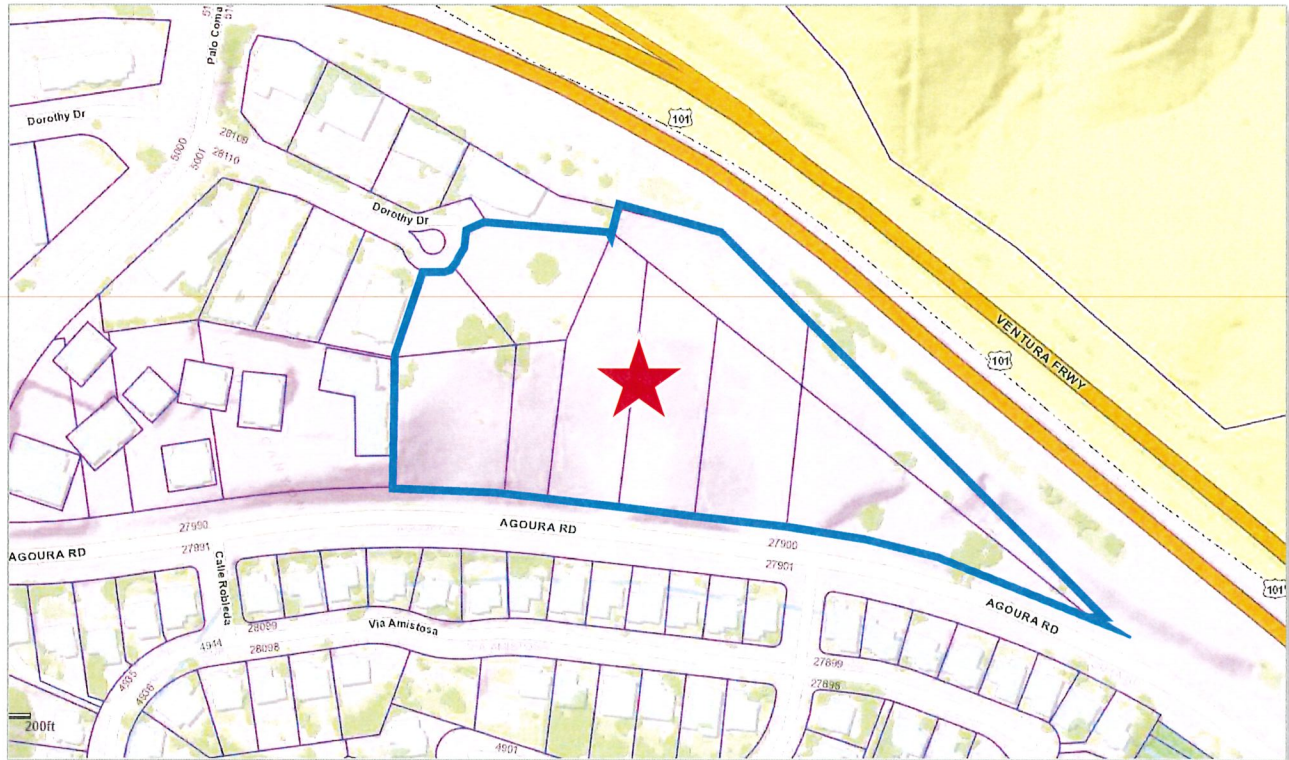
Joe Oftelle (“Applicant”) has applied for a prescreen review of a preliminary proposal to amend the General Plan and Zoning Ordinance to create an overlay district or process a Zone Change for a multifamily residential facility referred to as Dorothy Place. The proposed project consists of 74 two-story townhouse units that include 39 three-bedroom units, 35 four-bedroom units, and 172 above-ground parking spaces. Based on existing regulations, the proposed project will likely require a variance from the Hillside Ordinance, as discussed further in this report, an Oak Tree Permit, a Conditional Use Permit (CUP) and a Site Plan Architectural Review (SPAR). Based on the preliminary Site Plan, two and a half acres of open space would be provided on-site and the existing mature tree canopy around the perimeter of the site would be maintained where feasible.

The prescreen review provides the Applicant with non-binding comments from the City Council. The Applicant’s request for non-binding individual comments from the City Council is consistent with the City’s policy of conducting prescreen reviews for legislative changes. As the prescreen review is an informal process, and the Applicant is only required to submit concept plans with no technical studies, staff’s comments are general in nature. Staff comments focus on the policy and land use implications arising from the proposed development and not on the design of the project. The Architectural Review Panel has not yet reviewed the proposal. If the developer would like to pursue a formal application, the project would be subject to compliance with the Development Project Public Forum Guidelines and the Story Pole Procedures. The conceptual project plans, site photographs, and project summary are included as Exhibits A, B, and C.

The subject property is zoned Business Park – Office Retail (BP-OR). It is 8.23 acres in size and located north of Agoura Road and south of Highway 101, at the end of Dorothy Drive (Figure 1 – Vicinity Map). The site consists of 10 parcels with the following Assessor’s Identification Numbers (AINs): 2061-013-001, -002, -003, -004, -005, -024, -025, -036, -039, and -040. For the project, the parcels would need to be merged into a

single parcel. The project site is accessed from Dorothy Drive for the main entrance and Agoura Road for a secondary entrance.

Figure 1 –Vicinity Map



Source: LA County Assessor Portal

As shown in Table 1, the surrounding land uses consist of a mix of commercially zoned parcels, residentially zoned parcels, and vacant, unincorporated Los Angeles County land to the immediate north.

Table 1 – Surrounding Land Uses

Direction	Address/ Parcel No.	Zoning	Land Use
North	AIN: 2052-009-901	Unicorp. LA County	Open Space
South	Multiple	RS-(5)-7, 500-FC ¹	Residential
Southwest	Multiple	BP-OR-OA-FC ²	Residential
Northwest	Multiple	CRS-FC-OA ³	Retail / Office

¹ RS-(5)-7,500-FC: Residential Single-Family District – (maximum density per acre of five) – minimum lot size of 7,500 square feet. – Freeway Corridor

² BP-OR-OA-FC: Business Park - Office Retail District – Old Agoura - Freeway Corridor zoning designation

³ CRS-FC-OA: Commercial Retail/Service District – Freeway Corridor – Old Agoura zoning designation

While the site's average percent slope is not yet known, given the visible topography, it may be considered a hillside lot. In such case, the Hillside Ordinance standards would apply. The Hillside Ordinance limits the amount of building square footage in order to protect the hillside. Other Hillside Ordinance requirements include view preservation; erosion control; architectural enrichments and variations in roof massing; breaking up building massing and varying materials and fenestration placement; providing architectural treatment on all sides of a structure; blending material and color schemes with the natural landscape; use of native and other plants that blend naturally with the landscape; and natural landform planting and informal arrangements of plants. Development findings require the project to be compatible with environmental and natural resources, including on-site open space, and complement the community character.

The proposed project would also be subject to California's housing element law and the City's Inclusionary Housing Ordinance (IHO). California's housing element law acknowledges that, in order for the private market to adequately address the housing needs and demands of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain), housing development. The Regional Housing Needs Allocation (RHNA) identifies the number of residential units needed for a jurisdiction to meet their projected housing needs per RHNA Cycle. The City of Agoura Hill's allocation for the 6th RHNA Cycle is 318 residential units.

In addition, in 2019 the Governor declared a "statewide housing emergency" and signed the Housing Accountability Act (SB 330) which prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low- or moderate-income households. As such, the project would be required to comply with the City's IHO which stipulates that a portion of the units be set-aside for "affordable" housing or an in lieu-fee paid to the City's Inclusionary Housing Fund. Pursuant to the City's IHO (AHMC⁴ §9133), seven percent of the proposed units would be required to be sold to very low-income households, four percent to low-income households, and four percent to moderate-income households. The Applicant has indicated that he is willing to comply with the City's IHO and provide the required "affordable" units.

The project site is zoned BP-OR and is within the Freeway Corridor Overlay District (FC Overlay District). The purpose of the BP-OR zoning district is to create planned commercial spaces for office and retail use that include:

"...areas for smaller planned developments, renovations, and additions, including offices and incidental retail commercial uses, within a campus environment that are harmonious with the adjacent commercial or residential development. These developments are characterized by pedestrian walkways and outdoor activity areas, landscaped open spaces,..."

⁴ AHMC – Agoura Hills Municipal Code

The FC Overlay District includes land along Highway 101, west of Chesebro Road, extending south to the parcels along Agoura Road, and just beyond Lewis Road to the west. The FC Overlay District standards reflect the importance of the land use, architectural design, and appearance of development within the freeway corridor to the City's image. The FC Overlay District was established to create areas within the City that serve as "gateways" and are seen first by visitors and residents as they pass through the City, and as they exit the freeway to enter the City. These areas establish the City's identity and character in the minds of visitors and residents.

The FC Overlay District development standards have been adopted to ensure compatibility of design (where applicable) within the Overlay District. As previously stated, a prescreen review is an informal process and, as such, the Applicant is only required to submit concept plans with no technical studies. Based on the concept plans and exhibits submitted, the proposed project complies with:

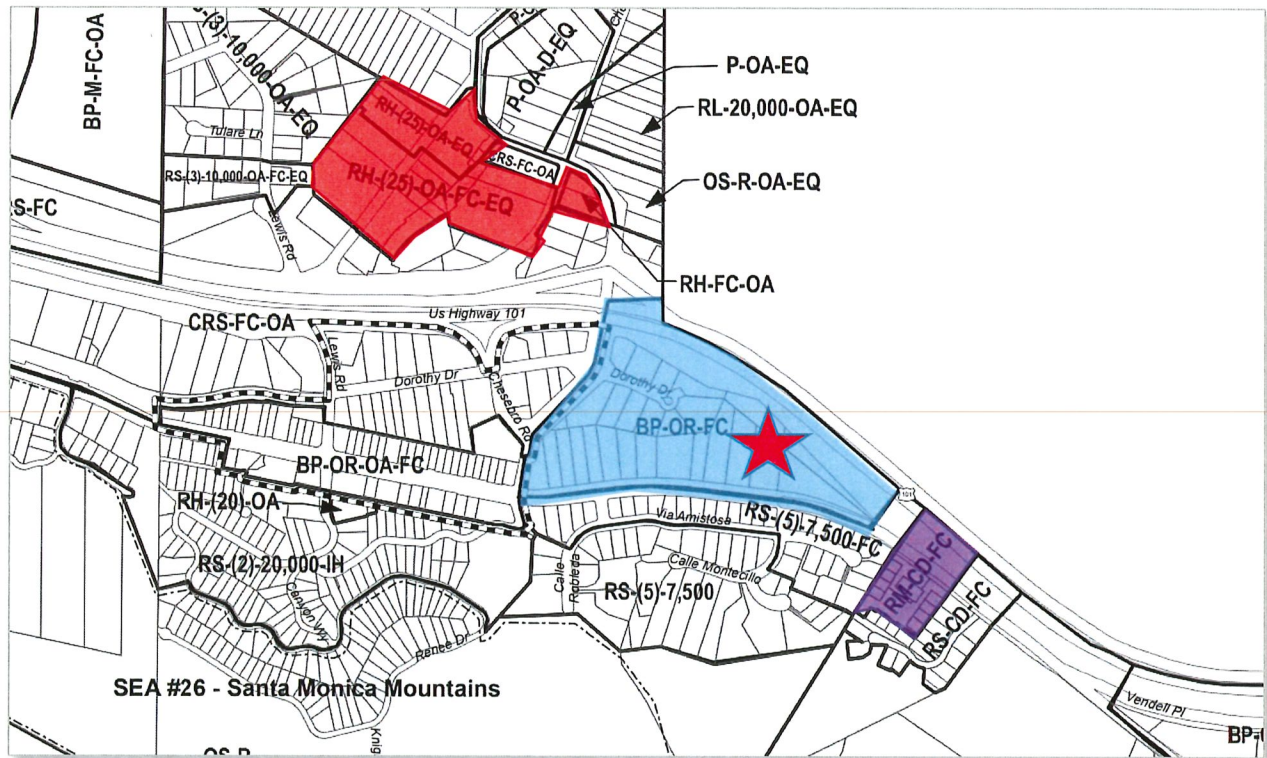
1. The use of naturalistic and native landscaping, particularly native oaks, throughout the development;
2. Preservation of designated open space corridors and trails;
3. Installation and maintenance of landscaping, including street trees, center median treatment, and parkway treatment; and
4. Use of compatible colors and materials to preserve and enhance the scenic quality of the freeway corridor.

Permitted uses within the FC Overlay District include all uses in the underlying district, in this case, the BP-OR zoning designation. The Applicant has proposed two potential options to allow the residential use on the project site:

- Option 1: A Zone Change (ZC) with a possible Zoning Ordinance Amendment (ZOA); or
- Option 2: The creation of an Overlay District with a ZOA and General Plan Amendment (GPA).

The first option proposed by the Applicant, which is Staff's recommendation, is to allow a Zone Change. As previously discussed, the subject property's current zoning designation is BP-OR-FC. The subject property is located within 280 feet of a group of parcels zoned Residential Medium Density (RM) within the Cluster Development and Freeway Corridor Overlay Districts (RM-CD-FC) shown in purple in Figure 2 and approximately 750 feet from a group of parcels zoned Residential High Density (RH) within the Freeway Corridor shown in red.

Figure 2 – Adjacent Zoning Designations



Source: City of Agoura Hills Zoning Map

Pursuant to the General Plan Table LU-1, the RH land use category allows a range of dwelling units per acre from 15 units to 25 units. The RM land use category allows a range of six (6) to 15 units per acre. The Applicant is proposing approximately nine (9) dwelling units per acre which would fall into the RM dwelling unit range. As such, the Applicant is proposing a Zone Change from BP-OR-FC to RM.

City Council may consider a ZC and amend the Zoning Map. With this option, only the subject parcels would be re-zoned. The subject parcels would no longer be in the BP-OR-FC zoning designation. The existing zoning designation boundary would be revised to remove these parcels. A ZOA may be required with this option, as the Zoning Ordinance does not currently specify that condominiums or townhouses are allowed within the zone. A General Plan Amendment (GPA) would also be needed to change the land use designation to RM.

The second option to consider is a ZOA and GPA to create an Overlay District. This new Overlay District would allow multifamily residential development in designated areas within the City. The additional overlay zoning designation would allow staff to review development projects, including multifamily development, within the overlay zone on a case-by-case basis. These development projects could be analyzed and reviewed on a discretionary basis where each project is required to meet a set of findings designed to ensure the project does not exceed infrastructure capacity or create negative impacts on the surrounding neighborhoods. This alternative would create an opportunity to focus the

multifamily development in areas within the City that are more compatible with this type of development.

Should City Council support the creation of a new Overlay District, staff suggests the ZOA include an amendment to AHMC Chapter 5 (Overlay Districts) and §9312.2 (Commercial Use Table). Other legislative changes to the General Plan would also be necessary in order to ensure consistency between the General Plan and the Zoning Ordinance. The GPA would include, but may not be limited to:

- Policy LU-1.1 (Growth and Change);
- Table LU-1 (Land Use/Development Capacity);
- Policies LU-12.1 and LU-12.2 (Diverse Districts and Corridors);
- Goal LU-15 (Quality Business Parks); and
- Goal LU-16 (Well-Designed and Attractive Business Parks).

If the Applicant proceeds with either the Zone Change or the creation of a new Overlay District, the request would be considered by the Planning Commission, followed by the City Council, concurrently with other applicable discretionary actions to develop this site. The Planning Commission would make a recommendation to the City Council on the legislative changes. The City Council would review and take final action on the requested legislative changes and the development proposal.

As proposed, the project would likely require the following discretionary actions:

Option 1 (Zone Change):

1. Zone Change (ZC) and Zoning Map Change to:
 - Remove the BP-OR-FC zoning designation from the subject property and rezone the property to RM.
2. Zoning Ordinance Amendment (ZOA) to:
 - Incorporate condominiums and townhouses in the conditionally permitted uses listed in the AHMC §9252.4 (Conditional uses).
3. Conditional Use Permit (CUP) to develop in the RM zoning designation including;
 - (Potential) Variance for relief from the Hillside Ordinance for dwelling unit density.
4. Site Plan Architectural Review (SPAR) for the proposed new construction.
5. Potential Oak Tree Permit (OTP) for oak tree impacts.

Option 2 (Overlay District):

1. General Plan Amendment (GPA) to:
 - Incorporate residential use into Policy LU-1.1, the Business Park – Office/Retail Land Use Classification and Goal LU-29.

2. Zoning Ordinance Amendment (ZOA) to:
 - Incorporate residential use into both the FC Overlay District and the BP-OR zoning designation (AHMC Section 9371.1 (BP-OR Permitted Uses) including;
 - AHMC Section 9312.2 (Commercial Use Table);

3. Conditional Use Permit (CUP) to develop in the BP-OR-FC zoning designation including;
 - (Potential) Variance for relief from the Hillside Ordinance for dwelling unit density.

4. Site Plan Architectural Review (SPAR) for the proposed new construction.

5. Potential Oak Tree Permit (OTP) for oak tree impacts.

Additionally, an environmental document per the California Environmental Quality Act (CEQA) would be prepared for the project.

RECOMMENDATION

Staff respectfully requests the City Council provide non-binding comments and direction to the Applicant regarding this request for Zoning Ordinance Amendment and General Plan Amendment prescreen review.

Attachments:

- Exhibit A: Concept Project Plans
- Exhibit B: Site Photographs
- Exhibit C: Project Summary

Exhibit A

Conceptual Plans



SITE INFORMATION

Address: 28000 Dorothy Avenue
 Site Area: 8.23 ac
 City: Agoura Hills
 County: Los Angeles
 Existing Zoning/GP: BP-OR
 (Business Park Office Retail)
 Proposed Zoning: TBD (potential Residential Overlay District)

Proposed Standard
 Front Yard Setback: 15 Feet
 Side Yard Setback: 7 Feet
 Street Site Yard: 12 Feet
 Rear Yard setback: 15 Feet
 Building Height: 35 Feet/2-Story

Lot Coverage: 60% max

Site Plan Summary

Site Area: ±8.23 ac
 Units: 74 du
 Site Density: ±9.0 du/ac

Units:

Plan 1: 39 units (1,400sf - 3bd/2.5ba)
 Plan 2: 35 units (1,800sf - 4bd/2.5ba)
 Total: 74 units

Parking Provided

Garage: 148 spaces
 Guest: 24 spaces
 Total: 172 spaces (±2.3 sp/du)

Open Space Provided

Graded Slope/Paseos/OS: ±2.5 acres
 Slope/OS north of Spine Road: ±1.6 acres
 Total OS Provided: ±4.1 acres



Architecture + Planning
 888.456.5849
 ktgy.com

WARWINGTON RESIDENTIAL
 3050 Fullman Street
 Costa Mesa, CA 92626

28000 DOROTHY AVENUE
 AGOURA HILLS, CA # 2021-XXXX

CONCEPTUAL DESIGN
 MAY 12, 2021



SITE PLAN

SP.01



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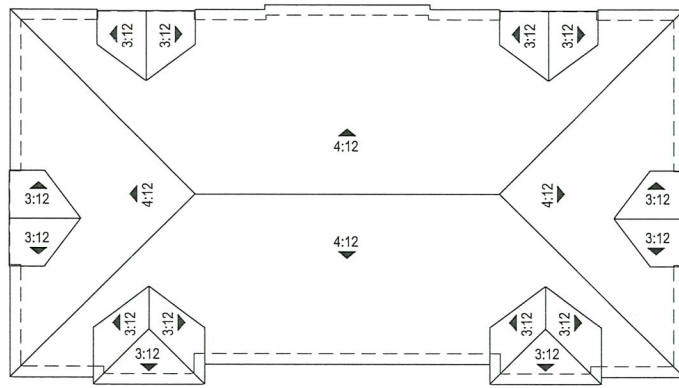


Warmington
RESIDENTIAL

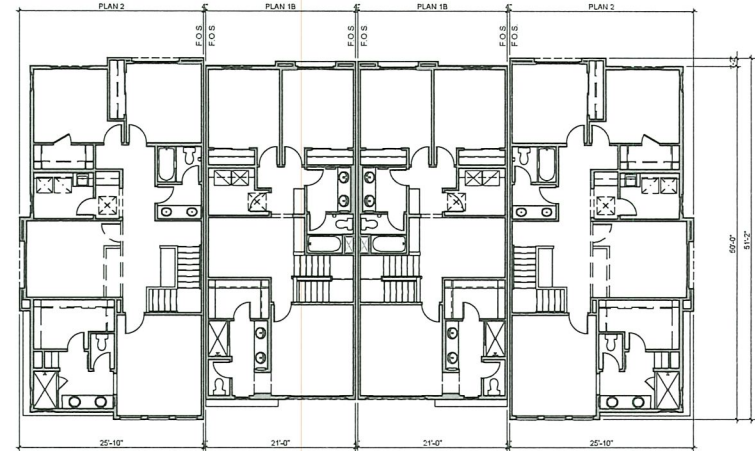
The Warmington Residential
3030 Pullman Street
Costa Mesa, CA 92626
714.434.4439

28000 DOROTHY AVENUE
AGOURA HILLS, CA 2021-0146

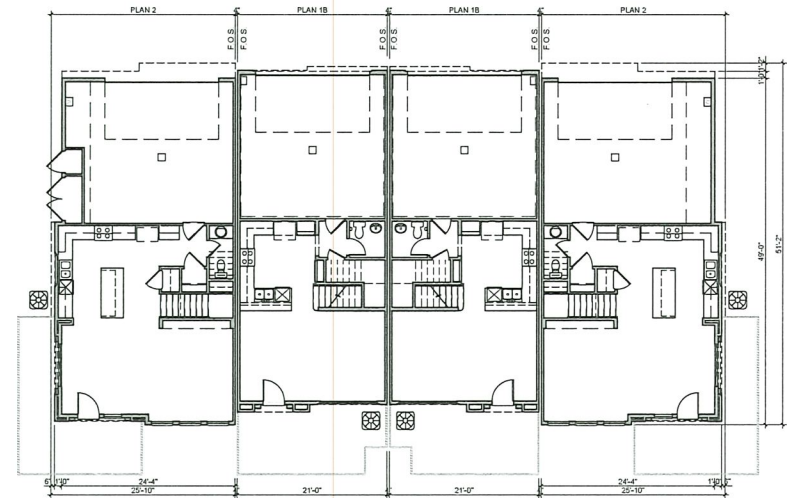
SPANISH | A2.0



ROOF PLAN



SECOND FLOOR



FIRST FLOOR

4-PLEX BLDG PLAN

SCALE: 1/8"=1'-0"

A3.0



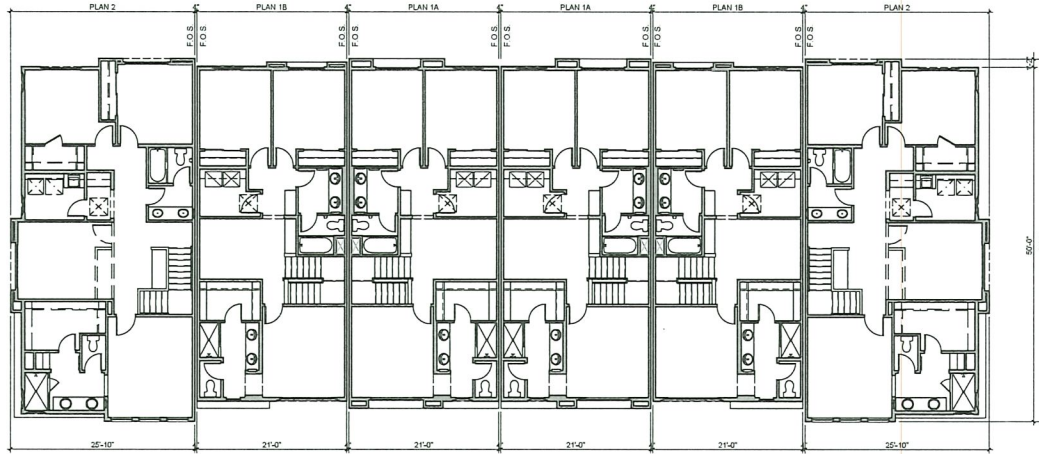
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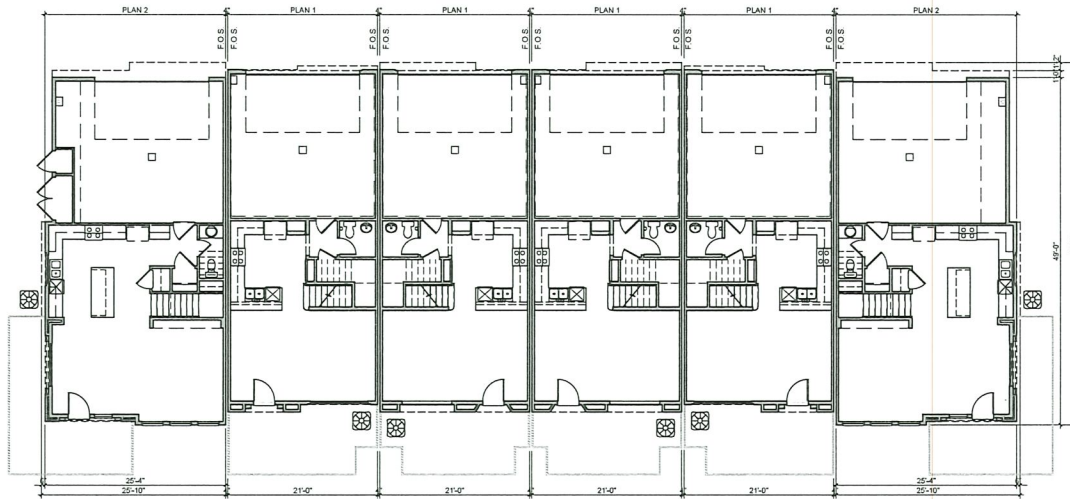
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SECOND FLOOR



FIRST FLOOR



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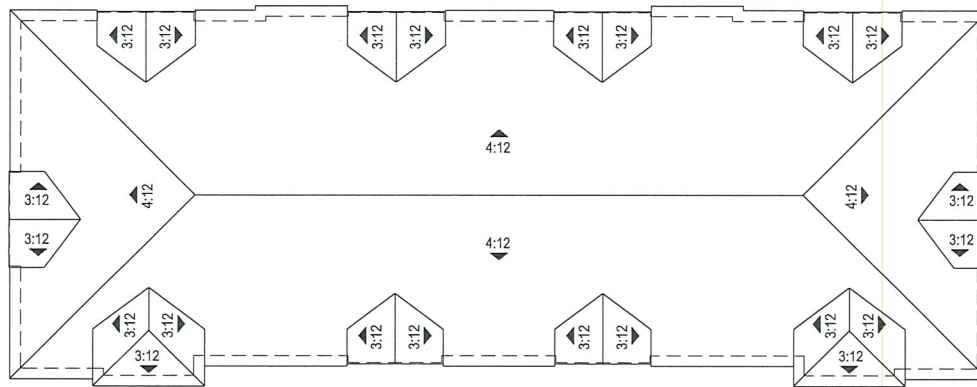
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6-PLEX BLDG PLAN

SCALE: 1/8"=1'-0"

A3.1



ROOF PLAN



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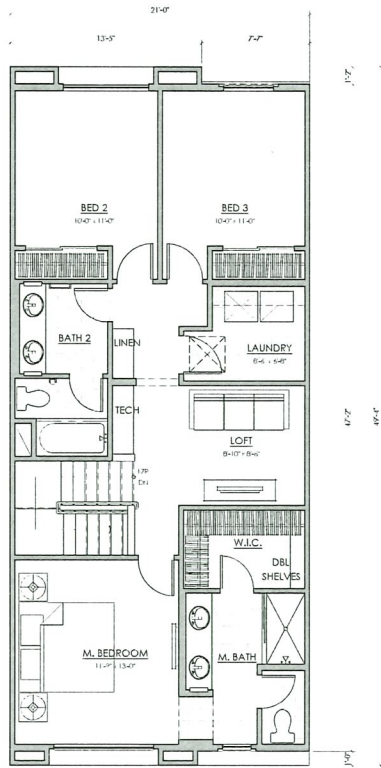
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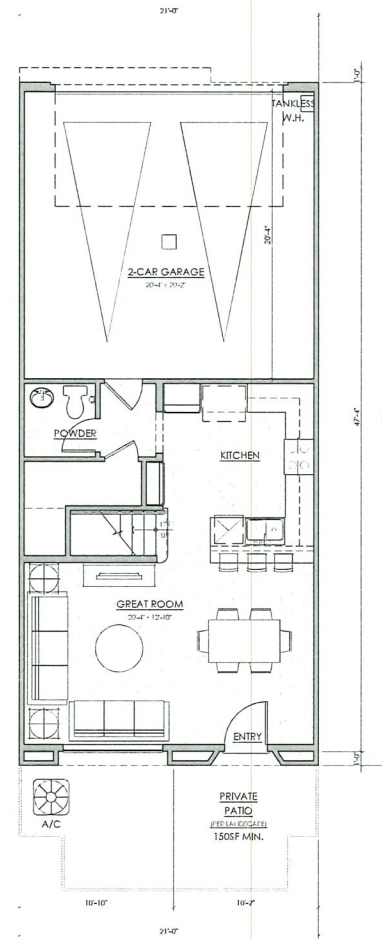
6-PLEX BLDG PLAN

SCALE: 1/8"=1'-0"
0' 1" 2" 4" 8"

A3.2



SECOND FLOOR



FIRST FLOOR

NET SF	
1ST FLOOR	519 SQ. FT.
2ND FLOOR	883 SQ. FT.
TOTAL LIVING	1403 SQ. FT.
GARAGE	413 SQ. FT.



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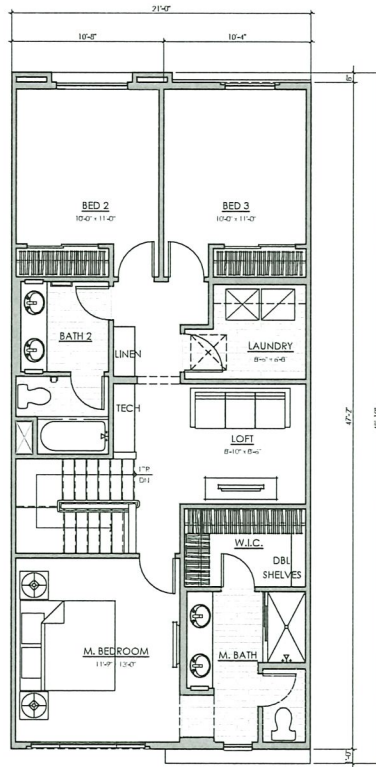
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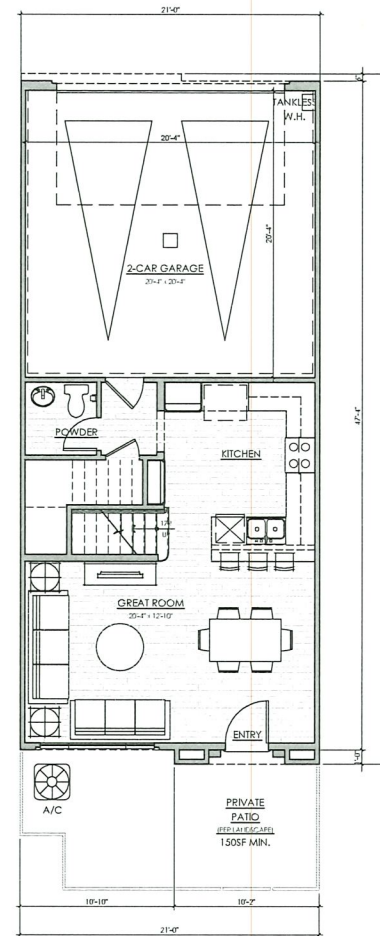
PLAN 1A FLOOR PLANS

SCALE: 1/4"=1'-0"
0 7 14

A4.0



SECOND FLOOR



FIRST FLOOR

NET SF	
1ST FLOOR	319 SQ. FT.
2ND FLOOR	885 SQ. FT.
TOTAL LIVING	1403 SQ. FT.
GARAGE	413 SQ. FT.



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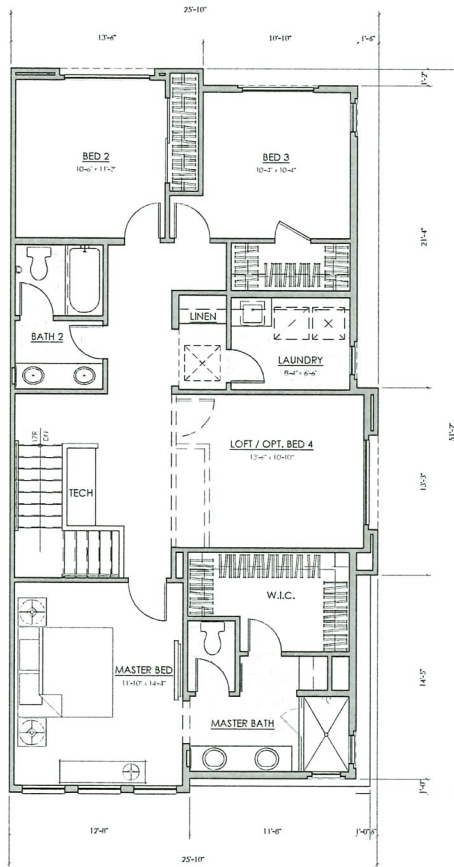
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PLAN 1B FLOOR PLANS

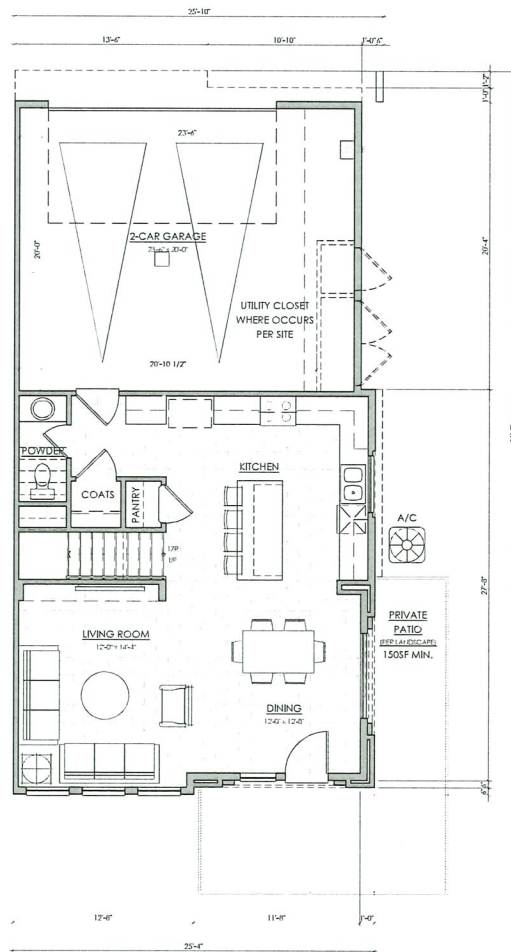
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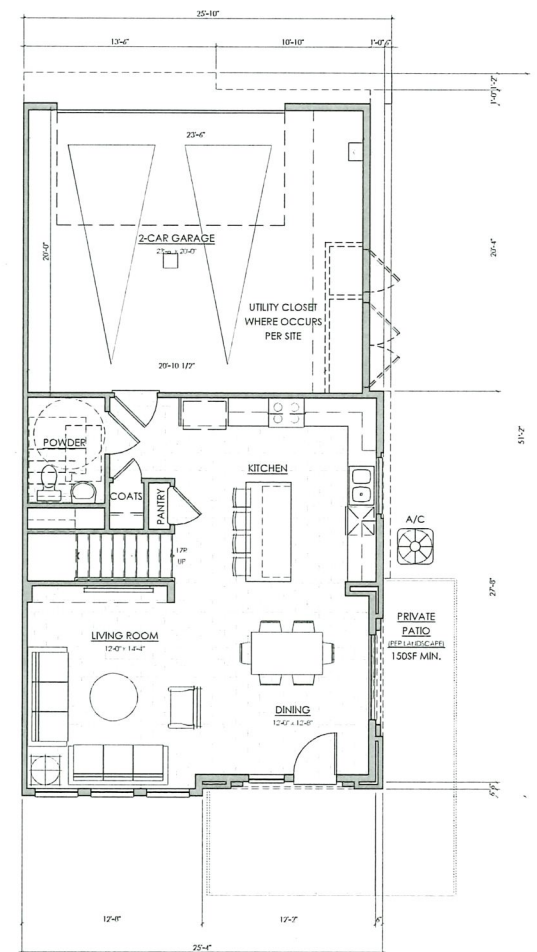
A4.1



SECOND FLOOR



FIRST FLOOR



FIRST FLOOR - ACCESSIBLE UNIT

NET SF	
1ST FLOOR	458 SQ. FT.
2ND FLOOR	1118 SQ. FT.
TOTAL LIVING	1776 SQ. FT.
GARAGE	470 SQ. FT.



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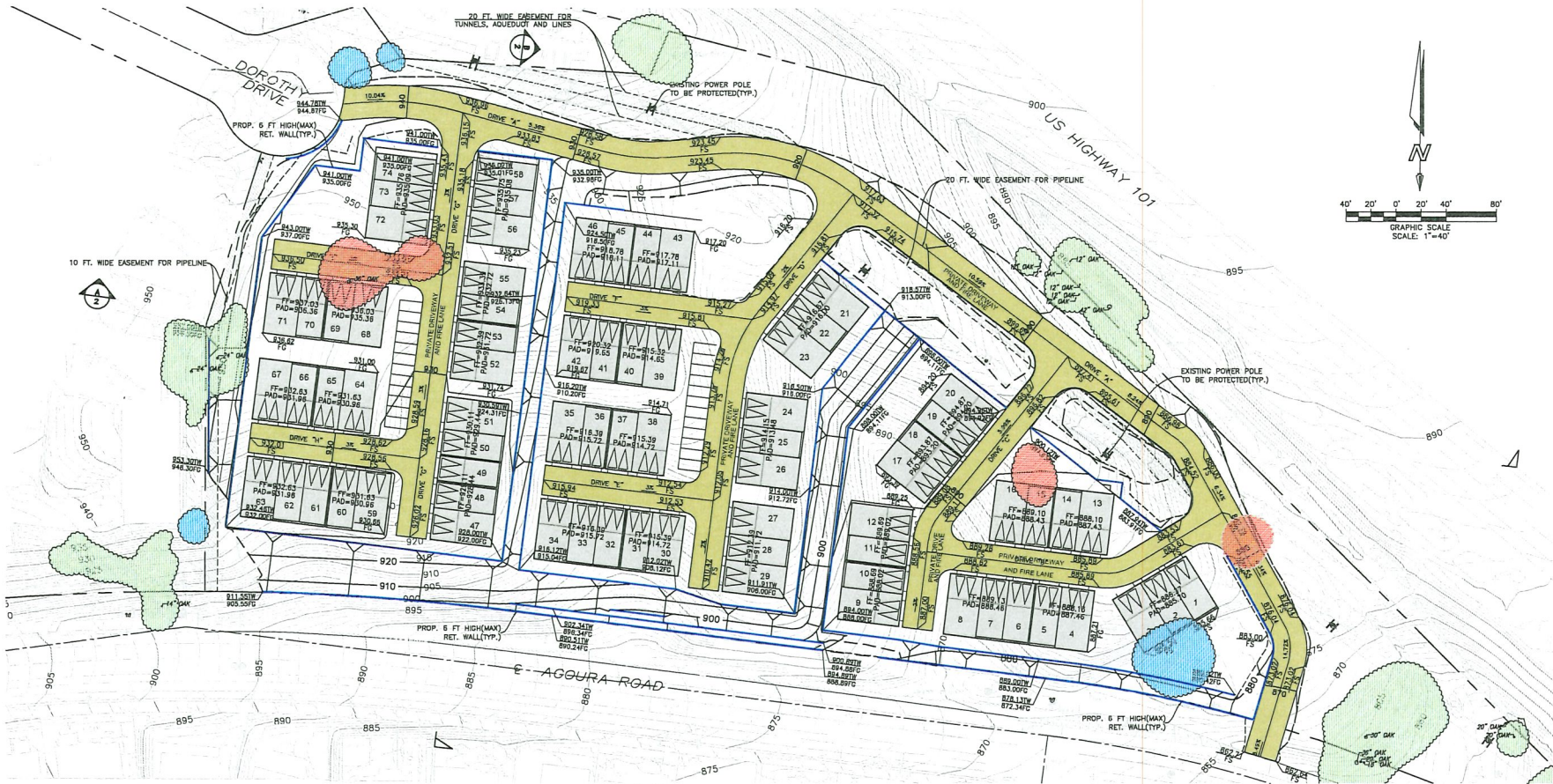
PLAN 2 FLOOR PLANS

SCALE: 1/4"=1'-0"
0 2 4 8

A4.2

CONCEPTUAL GRADING PLAN

DOROTHY DRIVE SITE CITY OF AGOURA HILLS



LEGEND

- OAK - PROTECT *
- OAK - REMOVE *
- SYCAMORE *
- PROP. BUILDING
- PROP. STREET
- PROP. RETAINING WALL

* ALL TREES TO BE VERIFIED BY PROJECT'S ARBORIST



ESTIMATED EARTHWORK QUANTITIES

EARTHWORK	QUANTITIES
RAW CUT	51,000 CY
RAW FILL	32,700 CY
EXPORT = 18,300 CY	

PREPARED FOR: WARMINGTON RESIDENTIAL

DOROTHY DRIVE SITE
AGOURA HILLS, CA
COUNTY OF LOS ANGELES

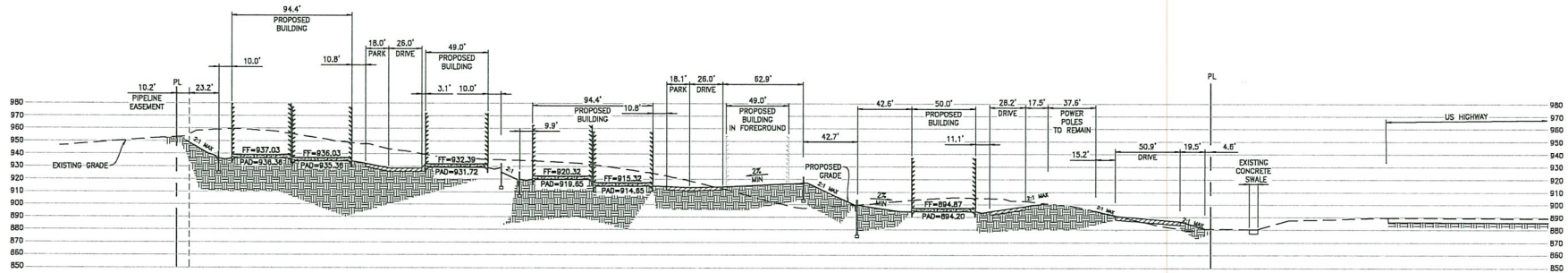


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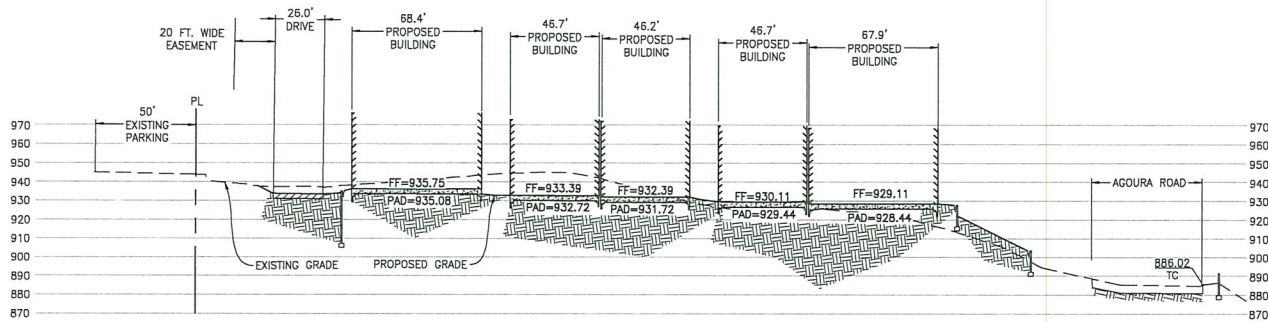
CROSS SECTIONS

DOROTHY DRIVE SITE

CITY OF AGOURA HILLS



SECTION A



SECTION B



PREPARED FOR: WARMINGTON RESIDENTIAL

Exhibit B

Site Photographs



Exhibit B



Exhibit C

Project Description

Project Description

Dorothy Place

28000 Dorothy Drive, Agoura Hills – Proposed Subdivision of 8.23 acres to Develop Seventy-Four “For Sale” Townhome Condominiums

Subject Property

The subject property at 28000 Dorothy Drive, Agoura Hills, CA consists of 8.23 acres, with APN #'s 2061-013-001;002; 003; 004; 005; 024; 025; 036; 039; & 040 and is owned by Plaza International. Warmington Residential Group is under contract to purchase the property and is proposing to re-entitle the property to allow for 74 residential “for sale” townhomes.

Existing Improvements and Uses

The subject property is currently vacant, and there are 8 power poles running along the northern portion of the property. The subject property is zoned BP-OR.

Adjacent Properties – Improvements and Uses

Surrounding the subject property in the four cardinal directions are different ownerships and land uses. The property is bordered by Agoura Rd to the south and bordering the southern edge of Agoura Rd is a Single Family Detached neighborhood that is Zoned RS and a General Plan Land Use Designation of RS. Highway 101 is to the north and northeast. To the west of the property is an existing office use located at 5020 Chesebro Rd. which is Zoned Business Park-Office Retail, with a General Plan Land Use Designation of Business Park-Office Retail. To the north/northwest of the subject property is an existing office use located at 28001 Dorothy Dr. which is Zoned Business Park-Office Retail, with a General Plan Land Use Designation of Business Park-Office Retail. To the west of property is an existing warehouse (industrial) use at 28024 Dorothy Dr. which is Zoned Business Park-Office Retail, with a General Plan Land Use Designation of Business Park-Office Retail.

Proposed Project and Proposed Operational Uses

The proposed project is for the development of 74 “for sale” 2 story attached townhomes with 2 Plan Types: 37 ea Plan 1’s at 1,400 sf – 3bd/2.5 ba, and 37 ea Plan 2’s at 1,800 sf – 4bd/2.5 ba, with a Gross Density of 9.0 DU/A’s, and a Net Density of 11.2 DU/A’s. The project will include Open Space and Amenity Areas for the residents’ use.

Entitlements

The proposed project will require a Tentative Parcel Map (“TPM”) for “Airspace Condominiums”, and we assume a Conditional Use Permit to allow the residential use and the associated Site Plan Review, potentially an “Overlay District” to Residential Use OR a Zone Change from the present BP-OR zoning to Residential Medium Density, an Affordable Housing Agreement, the necessary CEQA document as will be determined upon the formal submittal of the entitlement package, and compliance with the Oak Tree Ordinance.