

REPORT TO PLANNING COMMISSION

DATE: FEBRUARY 15, 2024

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: ROBBY NESOVIC, PRINCIPAL PLANNER

BY: VALERIE DARBOUZE, ASSOCIATE PLANNER

SUBJECT: ADOPTION OF RESOLUTION NO. 24-1285 UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION AND REJECTING THE APPLICANT'S APPEAL REGARDING SPECIALTY RETAIL STORES IN THE AGOURA VILLAGE SPECIFIC PLAN AREA

At their February 1, 2024, scheduled hearing, the Planning Commission opened the public hearing to hear staff's presentation and the applicant's oral and written testimony. With a vote four "Ayes" and one "Absent", the Planning Commission upheld the Community Development Director's decision that furniture stores are not "similar and compatible" to specialty stores or home decorator shops, which are listed in Agoura Village Specific Plan Table 4.1 (Allowable Use Table). The Planning Commission directed staff to prepare a resolution reflecting the decision at the next scheduled hearing.

Attached is a copy of the resolution.

FISCAL IMPACT

There is no impact to the 2023-2024 adopted budget because the applicant paid fees for the appeal which covers the City's cost of bringing the item to the Planning Commission.

RECOMMENDATION

Staff respectfully requests that the Planning Commission adopt the attached resolution.

Attachment: Resolution No. 24-1285

RESOLUTION NO. 24-1285

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION AND REJECTING THE APPLICANT'S APPEAL REGARDING SPECIALTY RETAIL STORES IN THE AGOURA VILLAGE SPECIFIC PLAN AREA

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 Kanan Properties West, LLC, and New Rugs and Furniture (collectively, the "Applicant") with respect to the real property located at 5019 Kanan Road (Assessor Identification Number No. 2061-004-032), appealing the Community Development Director's decision regarding the interpretation of "Specialty Retail Stores," a permitted use listed in Table 4.1 in the Agoura Village Specific Plan ("Project"). On a vote of 4-0-1, with Commissioner Reinhardt absent, the Planning Commission upheld the Community Development Director's decision regarding specialty retail stores in all zones of the Agoura Village Specific Plan and rejected the applicant's request to sell furniture as a primary use.

Section II. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and staff determined that the Project is not a "discretionary project," pursuant to California Code of Regulations (CCR) § 15357, because the Planning Commission merely has to determine whether there has been conformity with applicable statutes, ordinances, regulations, or other fixed standards.

Section III. The Planning Commission of the City of Agoura Hills considered the appeal at a public hearing held on February 1, 2024, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, means of participation in, and purpose of the aforementioned hearing was duly given and published as required by state law.

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. Based on the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission makes the following findings, pursuant to Chapter 9 of the Agoura Village Specific Plan – Required Findings for Similar and Compatible Uses.

1. The characteristics of and activities associated with furniture stores are not similar to specialty retail stores or home decorator shops and will involve substantially greater intensity than the uses listed for that sub district.

2. The operation of a furniture store would not be consistent with the purpose and vision of the applicable sub district. The Zone D area should contain a range of uses and activities including specialty retail, lifestyle entertainment, offices, commercial services, restaurants, and movie theatres. A furniture store does not meet the purpose and vision of a specialty retail store and is not listed as an allowable use, therefore it is not consistent with the purpose and vision of Zone D.

3. Furniture stores would not be consistent with the intent of the specific plan. The vision of the Agoura Village Specific Plan is to provide for a pedestrian-oriented village environment and provide for a narrow selection of goods and services within a relatively small footprint. More intensive uses, such as furniture stores, are not listed as allowable uses and would not fit into the vision of the specific plan.

4. Furniture stores would not be compatible with the other uses listed for the applicable sub district. Zone D area should contain a broad range of uses and activities including specialty retail, lifestyle entertainment, offices, commercial services, restaurants, and movie theatres. Furniture stores are not similar and compatible to a specialty retail store or home decorator shop, therefore furniture stores are not consistent with the purpose and vision of Zone D.

Section VI. Based on the aforementioned findings, the Planning Commission hereby upholds the Community Development Director's decision and rejects the applicant's appeal by resolution 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.

PASSED, APPROVED and ADOPTED this 15th day of February 2024, by the following vote to wit:

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

John Asuncion, Chairperson

ATTEST:

Robby Nesovic, Secretary