

REPORT TO CITY COUNCIL

DATE: AUGUST 28, 2024
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: NATHAN HAMBURGER, CITY MANAGER
BY: DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR
KATRINA GARCIA, ASSOCIATE PLANNER

SUBJECT: CONDUCT A DE NOVO PUBLIC HEARING TO CONSIDER AN APPEAL (CASE NO. APCC-2024-0003) OF THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN/ARCHITECTURAL REVIEW PERMIT CASE NO. SPR-2022-0020 AND OAK TREE PERMIT CASE NO. OAK-2022-0056 FOR 5066 CHESEBRO RD (AIN 2061-013-033), A REQUEST TO CONSTRUCT A NEW OFFICE BUILDING

On February 15, 2024, the Planning Commission held a Public Hearing to consider an application to construct a new 2,545-square-foot two-story commercial office building ("Project"). After hearing testimony from the public and from the applicant, the Public Hearing was continued to June 20, 2024, where the applicant was given an opportunity to respond to the Planning Commission's initial feedback on the architectural style and traffic concerns. On June 20, 2024, the Planning Commission heard further testimony from the public and the applicant, and voted with three "ayes", and one "no" (with one absent), to approve the project and have staff return to a subsequent meeting with a resolution supporting their findings of approval. On July 18, 2024, the Planning Commission approved Resolution No. 24-1293. Attached to this staff report you will find the Planning Commission Staff Report Packet dated February 15, 2024 (Attachment 1), and the Planning Commission Staff Report Packet from June 20, 2024 (Attachment 2). Attachment 2 contains the plans that were ultimately approved by the Planning Commission.

The Project is for a two-story office building located on a corner lot of Chesebro Road and Palo Comado Canyon Road, within the CRS-FC-OA zone (Commercial Retail/Service – Freeway Corridor and Old Agoura Overlay Districts), and specifically in the Old Agoura (OA) Commercial Center. As stated above, during the Public Hearing on February 15, 2024, the Planning Commission gave the applicant feedback on the architectural style and voiced concerns regarding traffic. In response to the comments made by the Planning Commission, the applicant made changes to the materials used on the building to include more wood cladding on the elevations. Additionally, Staff conducted an additional speed study and provided data on collisions and standard line-of-sight requirements. Information on this analysis can be found in Attachment 2, which also includes the City Traffic Engineer's data analysis, which were all presented to the Planning Commission at the continued public hearing on June 20, 2024.

Staff recommended approval to the Planning Commission because the Project was found to be consistent with the General Plan, the Architectural Design Standards and Guidelines (ADS&G), and the Agoura Hills Municipal Code (AHMC), specifically, the CRS zoning district, OA Commercial Center, and Freeway Corridor (FC) overlay standards, including development standards for building height, building coverage, landscaping, and yard setbacks. This is further discussed in the Planning Commission Staff Report dated February 15, 2024, and its respective attachments. The Project also substantially conforms to the General Design Standards of the AHMC § 9655, as discussed in detail in the Planning Commission Staff Report dated June 20, 2024, and its respective attachments. The Planning Commission ultimately agreed with staff and could make the findings to approve the project, as described in Resolution No. 24-1293 (Attachment 3).

Prior to the adoption of the resolution, the City worked with both the developer and the Dioji business owner, adjacent to the applicant, to develop a construction plan through the Conditions of Approval. The City sought input from Dioji and translated the input into feasible project Conditions that are enforceable and within the realm of the City's standard construction Conditions of Approval.

Following the approval of the Project, Daniel Farkash, representing the Old Agoura Homeowner's Group (appellant), filed an appeal application with the City prior to August 1, 2024. The appellant's application is attached to the end of this report. A follow-up email was received and included additional reasons for the appeal, as stated below:

1. *Building is architecturally inconsistent with the Old Agoura Overlay.*
2. *The building may? Not comply with fire code, as there are glazed openings at the property line.*
3. *General concerns over the height and visual impact to the adjacent lower lot. (Dioji)[sic]*

The aforementioned is not limited to our concerns over proposed development.

After the appeal period, which ended on August 1, 2024, the appellant provided a separate write up for their appeal found in Attachment 5 ("Appeal Letter from Old Agoura Homeowner's Group").

The request before the City Council is to consider the appeal application, taking into consideration all documents constituting the record and any public testimony. The City Council may affirm, reverse, or modify the decision made by the Planning Commission on June 20, 2024, based on the following findings located in the AHMC:

AHMC §9677.5 Site Plan Review Findings

- A. *That the proposed use is consistent with the objectives and provisions of this article and the purposes of the land use district in which the use is located;*

- B. *That the proposed use and the manner in which it will be operated or maintained will not be detrimental to the public health, safety, or general welfare;*
- C. *That the proposed use shall not conflict with the character and design of the buildings and open space in the surrounding area;*
- D. *That the proposed use will comply with each of the applicable provisions of this chapter, except for approved variances or modifications;*
- E. *That the proposed use is consistent with the City's General Plan;*
- F. *That the proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development.*

AHMC §9677.6 Architectural Review Findings

- A. *To recognize the interdependence of land values and aesthetics and provide a method by which the city may implement this interdependence to its benefit;*
- B. *To encourage the development of private and public property in harmony with the desired character of the City and in conformance with the standards provided in this article with due regard for the public and private interests involved;*
- C. *To promote attainment of those sections of the General Plan which specifically refer to the preservation and enhancement of the particular character and unique assets of the City and its harmonious development, through encouraging private and public interests to assist in the implementation process;*
- D. *To assure that the public benefits derived from expenditures of public funds for the improvements and beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of buildings and open spaces to include street landscaping, median strips, parks and other amenities and aesthetic improvements.*

AHMC §9657.C.3 Oak Tree Permit Findings

- a. *That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject property;*
- b. *That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;*
- c. *That the removal or relocation of the oak tree(s) proposed is necessary because the continued existence at present location(s) prevents the planned improvement or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive; or that the placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized; or that the oak tree(s)*

proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s).

FISCAL IMPACT

This appeal application will have no impact on the City's Fiscal Year 2024-25 Budget as the applicant has paid all applicable fees, which covers staff's time to process the case and public notification fees.

RECOMMENDATION

Staff respectfully recommends the City Council conduct a De Novo Public Hearing to consider the appeal of the Planning Commission's approval of SPR-2022-020 and OAK-2022-0056, taking into consideration all documents constituting the record and any public testimony, and direct staff to draft a resolution based on the Council's decision which include the following options:

1. Affirm the Planning Commission's original decision and approve the project as presented; or
2. Affirm the Planning Commission's decision and approve the project with modifications and/or amend the project's conditions of approval; or
3. Reverse the Planning Commission's decision and deny the project as presented.

Attachments:

1. Planning Commission Staff Report, dated February 15, 2024
 - a. Draft Resolution with draft Conditions of Approval
 - b. Project Plans
 - c. Colors and Materials
 - d. Renderings
 - e. Existing On-site photos
2. Planning Commission Staff Report, dated June 20, 2024
 - a. Planning Commission Staff Report packet with attachments, dated February 15, 2024
 - b. Revised Project Plans and Renderings
 - c. Memo from Kimley-Horn dated April 12, 2024
 - d. Public Comments received since the February 15, 2024 Public Hearing
3. Planning Commission Resolution 24-1293 (approving SPR-2022-0020 and OAK-2022-0056)
4. Appeal Application filed by Daniel Farkash for Old Agoura Homeowner's Group
5. Old Agoura Homeowner's Group Letter