

REPORT TO CITY COUNCIL

DATE: MAY 23, 2007

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT

SUBJECT: INTRODUCTION OF ORDINANCE NO. 07-344; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, AMENDING THE MUNICIPAL CODE RELATING TO THE RECONSTRUCTION OF DAMAGED NON-CONFORMING STRUCTURES

On March 14, 2007, the City Council held a public hearing on amendments to the Zoning Ordinance relating to the reconstruction of damaged nonconforming structures. At the conclusion of the City Council discussion, the Council continued the hearing to allow staff time to meet with Mr. Tucker, the owner of the Whizin's Center, to discuss the ordinance in more detail as it related to his property.

Mr. Tucker had expressed that he would like to retain the historic and architectural character of the Whizin Center and felt that the proposed ordinance did not sufficiently address this. After further discussion and consideration, staff decided the best solution to address the concerns raised about the proposed non-conforming ordinance would be to eliminate the two-tiered approach for reconstruction of damaged non-conforming, non-residential structures. The proposed ordinance specifies that a non-conforming, non-residential structure constructed prior to December 8, 1982 (date of City incorporation) may be reconstructed if the total cost of reconstruction does not exceed 25% of the total reconstruction cost of the building. Non-conforming, non-residential structures constructed after December 8, 1982 can be reconstructed if the total cost of reconstruction does not exceed 50% of the total reconstruction cost of the building. Eliminating the 25% provision would address the concern that the 25% threshold is too low and even minor damage would mean that a structure would need to be built per current development standards. The 50% threshold is utilized by many cities and the existing ordinance, adopted in urgency, uses a 50% threshold. The intent of adding the 25% threshold was to address the buildings that were built prior to City incorporation and thus could be significantly out of character with the City's standards. However, to address the non-conforming nature of buildings that are significantly out of character with current City standards, the Director would still be able to require upgraded landscaping and architectural features as part of the Site Plan Review process.

In addition, if a structure is damaged beyond 50% of the total reconstruction cost, it would most likely have incurred significant damage and may need to be demolished. If a structure needs to be demolished due to damage, then the new project would then need to meet the City's current development standards.

There are several options the City Council could consider. These options include the following:

1. As discussed above, eliminate the two-tier approach proposed in the ordinance. Thus, the 50% reconstruction cost threshold would be the criterion used for damage to non-conforming, non-residential structures. Only residential structures and the four non-residential structures already identified in the Zoning Ordinance as historically significant (Amazing Kate's, Stage Door Theater, old Post Office and Agoura sign) would be exempt. The 50% threshold is the same as in the existing ordinance.
2. Keep the ordinance as originally written with the two-tier approach.
3. Keep the two-tier approach but add a section that allows the City Council to deem a structure "architecturally important" to the City. A structure could be deemed architecturally important if it meets the following characteristics: (1) has character, interest or value as part of the development, heritage or cultural characteristics of Agoura Hills, and (2) represents an established and familiar visual feature of the community as a whole. This determination would be made at the time the structure is damaged and could not be made prior to the damage.
4. Keep the two-tier approach but add the Whizin's Center to the proposed list of historically significant buildings. This list includes the four non-residential structures listed in Option 1 that are identified in the Zoning Ordinance as historic. This is the option preferred by Mr. Tucker.

Staff finds that Option 1 is the most objective and most even-handed approach to address the concerns raised about the proposed ordinance. The attached draft Ordinance No. 07-344 reflects Option 1. The Whizin's Center is in the Agoura Village Specific Plan which already permits a more creative approach to development in terms of required setbacks and the pedestrian orientation of projects. If it was destroyed or damaged beyond 50% of the reconstruction cost, the center should meet the standards identified in the Agoura Village Specific Plan.

Staff does not believe the Whizin's Center should be treated any differently than other commercial building in the City. There are other buildings along the eastern portion of Agoura Road such as Padri's and the other commercial buildings in the Old Agoura area that were built around the same time as the Whizin's Center or that may be consider architecturally important. Staff finds that if and when any of these buildings are damaged or destroyed they be treated the same as other buildings in the City using the 50% reconstruction cost threshold. By eliminating the two-tiered approach, the main change to the proposed non-conforming ordinance would be to allow a damaged building to be rebuilt to its original building footprint, envelope, and square footage provided that the damage did not exceed 50 percent of the reconstruction cost.

RECOMMENDATION

It is recommended the City Council conduct a public hearing, introduce, read by title only, and waive further reading of Ordinance No. 07-344.

ATTACHMENTS: (A) Ordinance No. 07-344
 (B) March 14, 2007 City Council Meeting Minutes
 (C) March 14, 2007 City Council Report w/o attachments