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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**ACTION DATE:** September 6, 2007

**APPLICANT:** Behr Browers Properties, LLC  
340 North Westlake Boulevard, #250  
Westlake Village, CA 91362

**TO:** Planning Commission

**CASE NOS.:** 06-SPR-006 & 06-OTP-024 Amendment and PM 27094

**LOCATION:** 28371 Agoura Road  
(A.P.N. 2061-009-041, 042, 045, 047 & 049)

**REQUEST:** Request for approval of a one-year time extension for a previously approved Site Plan/Architectural Review, which allowed the construction of a 9,440 square-foot, two-story office building; a request of a one-year time extension for an approved Oak Tree Permit which allowed for encroachment within the protected zone of one (1) oak tree and removal of four (4) oak trees for the approved construction; and a request for approval of Tentative Parcel Map No. 27094.

**ENVIRONMENTAL DETERMINATION:** The Amendment to Case Nos. 06-SPR-006 and 06-OTP-024 is not a project and Tentative Parcel Map No. 27094 is categorically exempt pursuant to CEQA guidelines per Section 15332.

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a motion to approve an amendment to Site Plan/Architectural Review Case No. 06-SPR-006 and Oak Tree Permit Case No. 06-OTP-024 and approve Tentative Parcel Map No. 27094, subject to conditions, based on the findings of the attached Draft Resolutions.

**ZONING DESIGNATION:** BP-OR-OA-FC (Business Park – Office Retail – Old Agoura Design Overlay District – Freeway Corridor Overlay District)

**GENERAL PLAN DESIGNATION:** BP-OR (Business Park – Office/Retail)

## **I. PROJECT DESCRIPTION**

On July 17, 2003 the Planning Commission reviewed a Site Plan/Architectural Review application (Case No. 02-SPR-016) for a proposed office building to be located at 28371 Agoura Road, on the north side of Agoura Road, 1,000 feet west of Lewis Road. The project consisted of a 9,440 square-foot, two-story office building on six lots merged into one 0.67-acre lot through the approval of a Tentative Parcel Map No. 27094 to merge the existing six (6) lots into one. Also requested for the construction of the building was an Oak Tree Permit (Case No. 02-OTP-011) to encroach within the protected zone of one (1) oak tree and the removal of four (4) oak trees. The Planning Commission unanimously approved the Site Plan/Architectural Review, the Oak Tree Permit and the Tentative Parcel Map No. 27094.

Pursuant to the provisions in the Zoning Ordinance and the project conditions of approval, the Site Plan/Architectural Review and Oak Tree Permit were valid for an initial two (2)-year period (expiring July 17, 2005). As allowed by the Zoning Ordinance and the conditions of approval, the applicant requested a one (1)-year administrative extension of the Site Plan/Architectural Review and Oak Tree Permit, which was granted by the Director of Planning and Community Development and expired on July 17, 2006. If upon expiration of that Time Extension, an additional time extension is requested, a new Site Plan/Architectural Review application must be submitted and reviewed by the Planning Commission. The application for an extension was approved in September 2006 expiring in September of 2007. Unable to begin construction of the project before the expiration date, the applicant is requesting another one-year time extension that can be reviewed as an amendment to the Site Plan/Architectural Review Case No. 06-SPR-006 which would expire in September 2008.

Concurrently, the applicant is also requesting the approval of Tentative Parcel Map No. 27094. The Subdivision Map Act requires a new application be submitted when the life of the entitlement exceeds 36 months. Before a Final Parcel Map can be considered by City Council, a Tentative Parcel Map would also need to be approved by the Planning Commission.

## **II. STAFF ANALYSIS**

### Site Plan/Architectural Review/ and Oak Tree Permit:

The project characteristics have not changed. The conditions of approval pertaining to the site development and architectural design would remain valid. A copy of the original staff report and adopted Resolution and conditions of approval are attached for reference. The Grading Plan is now being reviewed by the Engineering Department; however, grading permit issuance is pending upon approval of the renewal of the entitlements.

With respect to the Oak Tree Permit, the City Oak Tree Consultant has conducted a site inspection and has reviewed the original conditions of approval and has found the project to be in keeping with the original scope of the approved work. Despite the continued growth

of on-site oak trees, the City Oak Tree Consultant is in support of the time extension for the Oak Tree Permit and does not recommend additional conditions be required of the Permit.

Tentative Parcel Map:

The parcels vary in size from 0.06 to 0.16 acres. All parcels are irregular in shape. The parcels are juxtaposed to one another, all front Agoura Road and abut the Los Angeles County Flood Control Channel in the rear. All parcels are zoned Business-Park Office/Retail (BP-OR) with an Old Agoura Design Overlay (OA). The BP-OR zone dictates the minimum size, width and depth. The parcels are vacant at this time. A Tentative Parcel Map is required to merge these non-conforming lots into one parcel for this development project. This lot merger will bring the parcel size in compliance with the zone and allow the construction of an office building as permitted by the BP-OR and Old Agoura Design Overlay zones.

The following is a summary of the development standards relative to this project.

<u>Lot Size</u>	Existing Conditions	Proposed	Required
Lot 13:	0.11 acres		20,000 sqft.
Lot 14:	0.11 acres		(0.46 acres)
Lot 15:	0.09 acres		
Lot 16:	0.14 acres		
Lot 18:	0.16 acres		
Lot 19:	<u>0.06 acres</u>		
<b>Total:</b>	<b>0.67 acres or</b>	<b>29,185.2 sqft.</b>	

A 29,185 sqft lot with a:

Lot Width:	N/A	362 ft.	200 ft. min.
Lot Depth:	N/A	101 ft.	100 ft. min.

Building Setbacks:

Office Building:

Front:	N/A	2 ft.	Discretionary
Rear:	N/A	4 ft.	Discretionary
Side (west):	N/A	29 ft.	Discretionary
Side (east):	N/A	134 ft.	Discretionary

Building Size: N/A 9,440 sqft. N/A

Building Height: N/A 35 ft. 35 ft.

Building Lot Coverage 25% N/A 50% min.

Landscape Coverage: 22% N/A 20% min.

Since the Old Agoura Design Overlay District development standards allow greater flexibility with respect to the setback distances, smaller and irregular front, rear and sides

setbacks can be provided and considered by the Planning Commission for this site, without the need for a Variance. This allows the applicant flexibility in proposing a Site Plan that conforms to the constraints of the property.

The City Engineer has reviewed the Grading Plan and the Tentative Parcel Map and has provided revisions to the previously approved conditions. The amended conditions of approval are attached to the Draft Resolutions. The City Engineer supports the one-year time extension (Amendment) to the Site Plan/Architectural Review application and the new Tentative Parcel Map application. If the Planning Commission chooses to approve the Tentative Parcel Map, the applicant would be required to prepare a Final Parcel Map for the City Council's approval and recording.

The City Environmental Analyst has reviewed the request to extend the Site Plan/Architectural Review and Oak Tree Permit and finds it to be consistent with the project described in the Categorical Exemption submitted with the original project pursuant to the California Environmental Quality Act (CEQA). The action of extending the life of the permit is not considered a project, however, and does not require additional environmental review. With respect to the Tentative Parcel Map, the application is considered a project and is categorically exempt from CEQA per Section 15332.

Based on the foregoing review and analysis, staff believes that the Amendment to the Site Plan/Architectural Review and Oak Tree Permit requests are acceptable as there are no changes that are proposed to the project to date, and that there are no significant changes to the site, to the surrounding area, nor the regulations that affect the site. Staff finds that the previous findings for approval that were made regarding the Site Plan/Architectural Review, Oak Tree Permit and the Tentative Parcel Map are still valid.

### **III. RECOMMENDATION**

Staff recommends that the Planning Commission adopt a motion to approve the Amendment to the Site Plan/Architectural Review Case No. 06-SPR-006 and Oak Tree Permit Case No. 06-OTP-024 granting a new, one (1)-year time extension entitlement for this project that will expire on September 7, 2008, and a motion to approve Tentative Parcel Map No. 27094, subject to conditions, based on the findings of the attached Draft Resolutions.

### **IV. ATTACHMENTS**

- SPR/OTP & PM Draft Resolutions of Approval and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Reduced Photocopies of Project Plans
- Exhibit C: September 7, 2006 Planning Commission Meeting Minutes
- Exhibit D: September 7, 2006 Planning Commission Meeting Staff Report
- Exhibit E: Resolution No. 885 with Conditions of Approval
- Exhibit F: Letter from a Neighbor

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