



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

ACTION DATE: November 16, 2006

APPLICANT: Rabbi Moshe Bryski for Chabad of Conejo
30345 Canwood Street
Agoura Hills, CA 91301

CASE NOS.: 06-CUP-006 & 06-VAR-002

LOCATION: 30345 Canwood Street
(A.P.N. 2054-020-038 & 039)

REQUEST: A request for approval of a Conditional Use Permit to remodel an existing temple and build a new, 6,999 square-foot, two-story office building for religious education classes and administrative offices; and a Variance request from Zoning Ordinance Sections 9333.4.C., 9654.6.B. and 9654.5.B. & C. to provide a 5-foot rear yard setback instead of the required 35 feet; to provide 8 parking spaces instead of the required 64 spaces and to provide a reduced amount of required parking lot landscaping and tree canopy coverage.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommends approval of Conditional Use Permit Case No. 06-CUP-006, Variance Case No. 06-VAR-002, subject to conditions, based on the findings of the attached Resolutions.

ZONING DESIGNATION CRS-FC (Retail Service Commercial – Freeway Corridor Overlay District)

GENERAL PLAN DESIGNATION: CG (Commercial Retail Service)

BACKGROUND AND PROJECT DESCRIPTION

The applicant, Rabbi Bryski, a representative of the Chabad of the Conejo, is requesting approval to remodel an existing 3,362 square-foot temple assembly hall with ancillary classes into a 3,320 square-foot temple for assembly use only. The request also includes the construction of a new, 6,999 square-foot, two-story office building for religious education and administrative office uses on a vacant lot behind the existing temple building. The project site is within two contiguous parcels located front to back at 30345 and 30347 Canwood Street. The parcels, each under separate ownership, are zoned Commercial Retail Services (CRS) in the Freeway Corridor (FC) Overlay District where places of worship is permitted with the approval of a Conditional Use Permit. In addition, as proposed, the project will require consideration of a Variance from Zoning Ordinance Section 9333.4.C. to reduce the rear yard setback from 35 feet to 5 feet for the new construction, consideration of a Variance from Section 9654.6.B. to reduce the parking requirement from 64 to 8 parking spaces for the existing temple and a Variance from Section 9654.5.B. and C. to reduce the parking landscape coverage and tree canopy coverage for the new construction. A similar application was approved in August 2002 but all entitlements for that project have lapsed.

STAFF ANALYSIS

A. Site Plan:

The temple has a total square footage and footprint of 3,320 which is a decrease from the existing 3,362 square feet. Adjustments in size come from the removal of a mezzanine and squaring-off the building on the southeast and northwest corners. The office/classroom building proposed on the rear parcel will be a two-story structure with a roof-mounted equipment enclosure. The square footage is proposed to be slightly under 7,000 square feet with a footprint of 3,799 square feet. The existing temple is located along the west side of the parcel in the front and the office/classroom building is located close to the rear property line on the rear parcel. The building coverage overall for both parcels represents 29% of the land area. The remainder is used for parking, landscaping, access and trash enclosure. Both buildings and property line walls provide screening for most of the parking area. This “court yard” approach to the design provides seclusion and concentrates circulation in and out of the buildings away from the public right-of-way. The development characteristics along Canwood Street will remain the same with buildings located close to the front property line and parking in the rear or sides. The addition of the new office/classroom building will not change these characteristics.

The development standards for the zone and the proposal are summarized below:

| | Existing | Proposed | CRS Required |
|------------------|--|-----------------|---------------------|
| PARCEL 1 (Front) | | | |
| Size | 8,815 sq.ft. (excluding the dedication) | 8,815 sq.ft. | 10,000 sq.ft. min. |
| Dimensions | 100 x 100 ft. | 100 x 100 ft. | 100 x 100 ft. min. |
| PARCEL 2 (Rear) | | | |
| Size | 15,390 sq.ft. | 15,390 sq.ft. | 10,000 sq.ft. min. |

| Dimensions | 255 x 100 ft. | 255x100 ft. | 100 x 100 ft. min. |
|-----------------------------------|-----------------|------------------|--------------------------------|
| | Existing | Proposed | CRS Required |
| BUILDING | | | |
| <u>Size</u> | | | |
| Temple: | 3,362 sqft. | 3,320 sqft. | n/a |
| Office/ Classroom Bldg.: | None | 6,999 sqft. | n/a |
| Parking Trellis: | <u>None</u> | <u>512 sqft.</u> | n/a |
| Total: | 3,362 sqft, | 10,831 sqft. | |
| <u>Height</u> | | | |
| Temple: | 19.16 ft. | 19.16 ft. | 35 ft. max. |
| Office /Classroom Building: | n/a | 35 ft. | 35 ft. max. |
| Parking Trellis: | n/a | 10 ft. | 14 ft. max. |
| LOT COVERAGE | | | |
| <u>Parcel 1:</u> | | | |
| Temple: | 38.1% | 37.66 % | 60% max. |
| <u>Parcel 2:</u> | | | |
| Office/Classroom Building: | n/a | 24.68% | 60% max. |
| w/ Parking Trellis: | n/a | 28% | 60% max. |
| PROPOSED BUILDING SETBACK | | | |
| <u>Temple:</u> | | | |
| Front: | 20 ft. | 20 ft. | 20 ft. min. |
| Rear: | 5 ft. | 5 ft. | Bldg. height/10 ft. minimum |
| East Side: | 3 ft. | 3 ft. | 0 ft. min. |
| West Side: | 34 ft. | 34 ft. | 0 ft. min. |
| From Existing Bldg: | n/a | 116 ft. | 10 ft. min. |
| <u>Office/Classroom Building:</u> | | | |
| Front: | n/a | 105 ft. | 20 ft. min. |
| Rear: | n/a | 5 ft. | Bldg. height/10 ft. Minimum |
| Side (East): | n/a | 5 ft. | 0 ft. min. |
| Side (West): | n/a | 5 ft. | 0 ft. min. |
| Off-site Bldg.: | n/a | 116 ft. | 10 ft. min. |
| <u>Parking Trellis:</u> | | | |
| Front: | n/a | 26 ft. | 20 ft. min. |
| Rear: | n/a | 66 ft. | 10 ft. min. |
| Side (East): | n/a | 0 ft. | 45 ft. min. |
| Side (West): | n/a | 0 ft. | 0 ft. min. |

The parcels were created one behind the other and surrounded by parking lots on three sides. The parcel where the temple exists has frontage onto Canwood Street and access is

provided by a driveway along the eastern property line. Access leads currently to a rough-graded parcel. Another access easement was created so the traffic exiting from the office building to the east can also use the driveway as an ingress and egress to and from Canwood Street.

The elevation of the finished grade would be around 916.67 feet above sea level. Currently, the street elevation is at 915 feet and the freeway elevation is approximately 6 feet higher. The front parcel remains at the same elevation and the rear parcel which is already rough graded as well. Although the temple building in the front would undergo a complete exterior and interior remodel, the building and parking, including access and spaces, would remain in the same location. The proposed office/classroom building will be located closest to the rear property line of the northern lot. The new building location complies with the required front (south) yard setback of 20 feet. No minimum side yard setback is required on the sides in the CRS zone, provided that the construction meets the Building Code requirements for fire, ventilation and escape routes. The proposed rear setback of the new building, however, does not comply with the Zoning Ordinance which specifies a distance equal to the height of the building. As such, the applicant was required to apply for a Variance to deviate from Section 9333.4.C. The height of the building was proposed to be 35 feet, therefore, the setback distance required would be 35 feet between the rear property line and the building envelope whereas a five-foot setback is proposed.

Parking and circulation will be provided in the front of the proposed building with a separation between the two buildings of 116 feet. The new parking lot area would provide 23 parking spaces, including 1 handicap parking space and a landscaped island where a future monument is proposed. The project also includes a trellis structure designed to provide shade to 7 of the 23 parking spaces along the west side of the parcel. The front parcel would preserve the existing 8 parking spaces but a new required handicap access path would cause the shifting of the spaces by 4 feet further east.

The distances between the newly proposed building and the office/classroom buildings to the east and west are between 45 feet and 70 feet. A residential development does exist to the rear beyond the parking lot and the distance between the new building on the rear lot and the closest residential structure would be 200 feet and 20 feet higher. The north elevation of the office/classroom building which faces the residential development includes four second-story windows placed close together. The windows are located all in line at 16 feet above the ground level. The residences in the rear are located above the parking lot area. Landscaping separates the sloped residential parcels from the commercial parcels below. The location of the new building is expected to preserve light and privacy between uses.

A 100-foot long by 6-foot high, masonry wall is proposed to be built the length of the western side of the parking lot. A wrought iron fence is proposed to connect to the masonry wall and wrap around the rear portion of the parcel to the drive-aisle on the east, also 6 feet in height.

B. Architectural Review:

The proposed architectural style for the remodeled building, as well as the new building, is contemporary in nature. The buildings were designed to match each other. The applicant chose this particular style of architecture to incorporate the project into a commercial zone and provide an institutional appearance to the design in order to be recognizable by the temple congregation. The Architectural Review Panel recommends approval of the building designs after the applicant had addressed their recommendations regarding the application of stone veneer, and trellis and on-site lighting details.

The proposed color and material indicates that the buildings would be finished with smooth stucco in a beige color and a stone veneer. The stone veneer would be applied as a wainscoat on three sides of the new building. The building is constructed with a flat roof with parapet walls. An equipment storage room was added on the east half the flat roof which was designed higher than the rest of the roof line. This added feature, although intended as a screen, breaks up the evenly designed roof line. A prominent half-dome entry feature rises 32 feet above the ground and 23 feet above the entry door. Four glass panels on the front elevation are compartmentalized and recessed into the envelope of the building. A similar treatment is proposed for the temple front elevation but instead of being recessed, the windows are surrounded on two sides by a pre-cast molding and which is attached to the façade. Both systems provide the shadowing that is intended to produce a more interesting architecture. The roof line of the temple is flat and incorporates a tiled shed roof on each side of the building. The overall building roof line will be approximately 16 feet below that of the office building in the rear.

The applicant proposes to install seven light fixtures to light the parking area. These fixtures are mounted on poles. The Zoning Ordinance allows a maximum height of 16 feet with provisions that the light be directed away from the residential areas and public streets. In this case, the rear building exceeds the height of the fixtures by 19 feet and would shield the light source from the residential areas in the rear. The existing temple building height is in excess of 17 feet high and would provide sufficient screening of the view of the light fixtures from street traffic. The applicant also has selected a fixture that directs the light source toward the ground thereby preventing the light from spilling over onto neighboring properties. The light fixtures are subject to review and approval by the Planning Commission.

Although signage was indicated on the plans, it is not part of this approval. The conceptual location includes wall-mounted signs on the buildings and a monument sign in one of the planters of the rear parcel. The project would be entitled to a 50-square-foot sign on each building with a monument sign. A Sign Permit application will have to be applied for at a later date.

C. Operational Review:

The overall project encompasses Sabbath services in a temple, office use, religious education to children and adult education. Presently, the Sabbath services commence at sunset (approximately 7:00 p.m.) everyday until 10:00 p.m. Sunday services start at 10:00 a.m. until 1:30 p.m. The offices currently operate from 9:00 a.m. to 4:00 p.m. Religious education occurs between the hours of 4:00 and 6:00 p.m. and adult education occurs between the hours of 8:00 p.m. and 9:30 p.m. These hours will be maintained

within the two buildings once the project is complete. The applicant will be at the hearing to provide further information on the specific operational details.

D. Parking Requirement Review:

The Site Plan indicates 31 parking spaces for the combined uses. The Code requires, for an assembly use, one space for every 28 square feet of seating area where there is no fixed seating. Thus, the parking requirement for the project would be 64 spaces (1,791 square feet divided by 28). The applicant proposes 31 spaces for the combined uses (8 in the front and 23 in the rear lot.) Since the Code requires that parking be based on the primary use and the use with the greatest parking demand, the assembly area must be used to calculate the parking requirement. Therefore, there is no separate parking requirement of the classrooms and offices. Even though a combined total of 31 parking spaces is proposed, a parking variance from 64 to 8 is necessary because the main sanctuary is provided on the front parcel. Discussion on this variance is provided in Section G of this report.

E. Engineering Department Review:

The proposed grading quantities for construction of the new building includes 100 cubic yards of cut soil and 90 cubic yard of fill soil with approximately 225 cubic yards of removal and 800 cubic yard of over-excavation. A soils report was also submitted to the City's Geotechnical/Geological Engineer Geodynamics, Inc. The planning/feasibility issues have been adequately addressed and approved by the City Consultant in a letter dated July 13, 2006. The letter is attached to this report for the Commission's review. A preliminary Hydrology Report was also submitted, is being reviewed by the Engineering Department. On-site drainage system remains to be reviewed and approved. Concurrently, the pavement installation will be a function of the Geotechnical/Geological reports findings.

F. Landscaping Review:

The applicant will be providing landscaping around the structure and within the parking lot. The CRS zone requires a minimum overall landscape coverage of 10% with a minimum of 15% provided in the parking lot area. In addition, the project is required to provide 50% mature tree canopy coverage in the parking lot. Since the scope of the Conditional Use Permit encompasses both parcels, the landscaping requirements are being applied to both parcels together. The project proposes 14% landscaping for the entire project, 8% of the parking area and 17% of canopy coverage and with the added trellis 26%. These proposed deficiencies require a Variance. Findings have been provided below for the Commission's review. Independently, the parcels comply with the site landscape coverage with 11% in the front and 19% in the rear parcel whereas the requirement is 10%. Each parcel is deficient in the parking lot landscape coverage by 7% and 6% and tree canopy coverage by 38% and 16% however. The applicant, in an attempt to compensate for the deficiency of the tree canopy coverage on the rear parcel, has provided a trellis to be built above 7 of the 23 car spaces proposed to minimize the effects of the weather. This solution requires minimal use of the grounds by comparison to the landscape planters and still provides shade. There are no Oak trees on the site or nearby the project boundary that would necessitate the review of an Oak Tree Permit.

G. Variance Request Summary:

The applicant is requesting a Variance from the Zoning Ordinance Sections 9333.4.C, 9654.6.B. and 9654.5.B and C. to allow a reduction in the rear yard setback from 35 feet to 5 feet for the proposed project, a reduction in the number of parking spaces from 64 to 8 and a reduction in parking landscape coverage from 15% to 8% including a reduced tree canopy coverage in the parking lot from 50% to 12%.

In order for the Planning Commission to grant approval of the Variance, each of the following five (5) findings must be made pursuant to Section 7676.2.E. of the Zoning Ordinance. The applicant has prepared the attached Burden of Proof to justify the granting of the Variance.

1. Required Finding:

Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this article deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

The setback variance only applies to the rear lot. Although the new building is proposed to be setback 5 feet from the rear property line, the surrounding parking lot provides more separation between the proposed building and the residences to the rear. The parking lot contributes to a 200-foot separation between the on-site and off-structures.

Assembly uses are required to provide parking based on the number of seats or size of the gathering area. The applicant has indicated that as an Orthodox Jewish Temple, the congregation must walk to services on the Sabbath and therefore does not need to have the number of parking required by the Zoning Ordinance to accommodate vehicle parking. Thus, the peak parking demand for the Chabad of the Conejo is not during services. As such, staff has calculated the parking requirement for the other uses that occur throughout the week such as the offices and evening classes. Based on the square footage of the new office/classroom building, the 23 spaces that would be provided on the back parcel would be sufficient. It is also important to note that even though there is a reciprocal access with the property to the east, there is not reciprocal parking with the property to the east. The Chabad of the Conejo is agreeable to a condition that any future use must be a similar Orthodox congregation with similar parking restrictions. Moreover, future offices would be allowed.

The applicant has demonstrated that the overall site required landscape coverage of 10% can be met but that the landscape coverage applicable to the parking area remains short of the requirement of 15% for non-residential projects. The size of the parking lot is small by comparison to other commercial structures in the vicinity thereby limiting the opportunity for the required parking landscaping. The number of adjacent parking spaces does not exceed 10 spaces and therefore the applicant is not required to provide finger planters that would provide an opportunity for additional landscaping.

With regard to the tree canopy coverage, the applicant has proposed a 512 square feet trellis cover over 7 of the 23 spaces which does not take additional space on the ground and helps in minimizing the effects of the weather and the heat

generated by the new paving. The structure can be considered as having a similar effect to providing the required tree canopy coverage in the parking lot.

2. Required Finding:

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.

Since the buildings along Canwood Street were built before the City was incorporated, many do not meet the setback requirements. The project would not benefit from a special privilege that have not been enjoyed by other commercial properties and the typical uses found in a CRS zone.

The office building would be open during regular business hours and is parked at the required number of spaces. Although the parcels are zoned CRS, the use does not function as a retail use. Religious uses are permitted with the approval of a Conditional Use Permit which allows the implementation of custom-tailored conditions that would minimize impacts to the neighboring properties and maintain fair and equal treatment of the uses.

With regard to landscaping, the parcels are surrounded on three sides by office developments that have approximately the same ratio of development to landscaping. The canopy coverage is not met either in the surroundings as the requirements for landscaping have changed over time. The project benefits from the wide landscaping of the front parcel that is proposed to be maintained after the completion of the project.

3. Required Finding:

The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

The parking variance is required for the front parcel that is already developed because the main use is located in the front. Additional parking is available on an adjacent parcel to the north, which mitigates the reduction in parking on the front parcel. Furthermore, the relatively small expanse of parking area will minimally impact the environment and additional landscaping would reduce the supply of parking which would require an additional Variance. The parcel is a land-locked parcel located almost 100 feet from the street. Thus, the reduction in rear yard setback and landscaping would not be visible from the street.

4. Required Finding:

The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The reduced landscaping has allowed the circulation throughout the site to comply with minimum standards which apply to the size of the parking spaces, drive-aisles and the handicap path of travel. In addition, the site will be enclosed and screened from surrounding parcels so as to not cause headlights impacts and parking spill over. Lighting is provided to aid in the circulation since the use operates at night. The parking lot is designed to provide access for emergency vehicles as dictated by the Fire Department and the project is required to abide by the Building Code requirements. The trellis cover and the

reduced landscaping are designed in such a way as to not impact the line-of-sight of the vehicles traveling in and out of the site.

5. Required Finding:

The granting of the Variance will be consistent with the character of the surrounding area. The properties will be developed using similar standards of development as adjacent properties. The use proposed in the rear lot operates as an office/classroom and is designed to provide sufficient parking for the total square footage proposed. The hours of operation match the permitted uses on adjacent parcels and the uses operate similarly. The landscape coverage is similar to that of adjacent parcels.

H. Environmental Determination

The Planning Commission finds that the proposed Conditional Use Permit to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15303, in that the project involves the construction of new non-residential small structures not exceeding the maximum allowable number on any legal parcel.

RECOMMENDATION

Based on the above analysis, staff recommends approval of Conditional Use Permit Case No. 06-CUP-006 and Variance Case No. 06-VAR-002, subject to the findings and conditions in the attached Resolutions.

ATTACHMENTS

- CUP Draft Resolution and Conditions of Approval
- VAR Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Applicant's Variance Burden of Proof
- Exhibit C: Environmental Determination
- Exhibit D: City Landscape/Oak Tree Consultant's Memorandum
- Exhibit E: Letter from the City Geotechnical/Geological Consultant
- Exhibit F: Reduced Copy of the Architectural, Landscaping and Grading Plans
- Exhibit G: Photographs of the Site with a copy of the Color and Material Board

CASE PLANNER: Valerie Darbouze, Associate Planner