

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING VARIANCE REQUEST
CASE NO. 06-VAR-002

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by Rabbi Moshe Bryski for Chabad of the Conejo, with respect to the real property located at 30345 Canwood Street, Assessor's Parcel Numbers 2054-020-038 & 039 requesting approval of 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, and a reduction in the parking lot landscape coverage from 15% to 8%, a reduction in the tree canopy coverage in the parking lot from 50% to 12% on the north parcel and a reduction in the number of parking spaces from 64 to 8 spaces on the south parcel. A Public Hearing was duly held on November 16, 2006 at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, Sections 9333.4.C, 9654.6.B. and 9654.5.B and C that:

- A. 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 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.

- B. 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.

- C. 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. Additional parking is available on an adjacent parcel to the north. 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.

- D. 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.

- E. 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.

Section 4. 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 small structures not exceeding the maximum allowable number on any legal parcel.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Variance Request Case No. 06-VAR-002 in conjunction with Conditional Use Permit Case No. 06-CUP-006, with respect to the property described in Section 1.

PASSED, APPROVED and ADOPTED this November 16, 2006, by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Phil Ramuno, Chairperson

ATTEST:

Doug Hooper, Secretary