



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: November 1, 2007

APPLICANT: Elias Ben Hazany
5226 Palo Comado Canyon Road
Agoura Hills, CA 91301

TO: Planning Commission

CASE NO.: 07-CUP-001

LOCATION: 5226 Palo Comado Canyon Road
(A.P.N. 2052-008-030)

REQUEST: Request for approval of a Conditional Use Permit to remodel the interior of an existing gas station and a request to allow the operation of a “Mini Food Mart.”

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15301.

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 07-CUP-001, subject to conditions, based on the findings of the attached draft resolution.

ZONE DESIGNATION: CRS-FC-OA (Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay) zones

GENERAL PLAN DESIGNATION: CG (Commercial Retail /Service)

I. BACKGROUND AND PROJECT DESCRIPTION

The applicant, Ben Hazany, owner/operator of the Alliance gas station, is requesting approval of a Conditional Use Permit application to remodel the interior of an existing

gas station, and to allow the operation of a new “Mini Food Mart.” Food markets that are ancillary to service stations are allowed in all commercial and industrial zones in the City, subject to the Planning Commission’s approval of a Conditional Use Permit.

The site was previously occupied by a Texaco service station and was remodeled into a Shell gas station. On April 3, 2003, the Planning Commission approved Site Plan/Architectural Review Case No. 02-SPR-009 to remodel the Shell gas station, and included a condition requiring a Conditional Use Permit approval by the Planning Commission for the existing ancillary mini-mart use at this site, which was operating without a Conditional Use Permit. The Site Plan/Architectural Review approval by the Planning Commission included a number of conditions to the site, elevation, and landscape plans to help substantially improve the exterior appearance. The decision was appealed to the City Council, but Shell decided to make other changes to the building and site which the City Council subsequently approved.

On May 1, 2003, the Planning Commission denied a Conditional Use Permit application by Shell Oil Products Company/Equilon Enterprises LLC., to allow the operation of a mini-mart as an ancillary use for an existing service station. The Planning Commission’s decision to deny the mini-mart was based on the site not meeting the development standards relative to required number of parking spaces, landscaping requirements and adequate accommodation for additional traffic circulation on-site for the mini-mart use.

The Conditional Use Permit was appealed to the City Council but withdrawn by the applicant, therefore, the existing 200 square foot mini-mart was required to revert to a cashier area with minor sales. The Site Plan/Architectural Review that was approved by the City Council on appeal provided for meeting all the development standards mentioned above.

The operator of the station, Ben Hazany, has operated the station for a number of years and purchased the site in April of 2004. The site is located at 5226 Palo Comado Canyon Road and is currently being used as an Alliance gas and auto service station. Mr. Hazany made the improvements to the building and site as approved by the City in 2003 as well as removing the 60 foot high freeway facing pole sign. Access to the site is taken from both Palo Comado Canyon Road and Canwood Street by two driveways on each street. Additionally, there is sufficient on-site parking and adequate circulation on-site to accommodate this use.

The applicant is proposing to expand the existing cashier area by eliminating the auto service bays and proposing a minor remodel of the floor area within the existing building (no additional square footage). The proposed mini-mart use ancillary to the service station is permitted in the CRS-FC-OA zone with the granting of a Conditional Use Permit. The existing service station building in which the mini-mart will be located meets the required development standards relative to setbacks, height, lot coverage and parking. Adjacent property uses include a vacant lot to the east, the 101 Freeway to the south, a Chevron gas station to the west and a vacant residential lot to the north. Pertinent data for the project is given below.

Pertinent Data for the Proposal

<u>Development Standards</u>	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/ Required</u>
1. Lot Size	0.45 acres (19,602 sq. ft.)	0.45 acres (19,602 sq. ft.)	10,000 sq. ft. min. (0.22 acres min.)
2. Building Size	1,455 sq. ft.	1,455 sq. ft.	N/A
3. Building Height	21 ft.	21 ft.	35 ft. max.
4. Building Setbacks			
a. Front (west):	45 ft.	45 ft.	20 ft. or the height of the bldg. (21-feet), which- ever is greater.
b. Rear (east):	80 ft.	80 ft.	Equal to the height of the bldg. or a max. of 10 ft. (21 feet)
c. Side (north):	26 ft.	26 ft.	None, except when adjacent residential then 10 feet is required.
d. Side (south):	39 ft.	39 ft.	None, except when adjacent residential then 10 feet is required.
5. Bldg. Lot Coverage	7%	7%	50% max.
6. Parking	10 spaces	10 spaces	10 spaces min.
7. Landscaping	21.5%	21.5%	15%

II. STAFF ANALYSIS

Site Plan

The subject property is 0.45 acres in size with an existing building of 1,455 square feet on the site. The building is one story and has an attached, two-bay, automobile lube service garage.

The automobile lube bays located within the existing building are proposed to be removed as part of the proposed interior remodel of the service station to accommodate a new food mini mart. No additional building area is proposed although the interior portion of the gas station will also be remodeled. Partition walls will be removed to expand the existing storage room and cashier area. The separate men's restroom and women's restroom will be combined into a unisex restroom and reduced in size to also allow more space for the storage and sales areas.

The proposed mini-mart would operate seven (7) days a week, opening at 7:30 a.m. and closing at 8:00 p.m. (gas station hours are 7:30 a.m. – 10:00 p.m.) There is currently one employee operating the station and possible another employee will be hired at a later time, depending on business. The 1,455 square foot building consists of an approximate 215 square foot cashier area, 300 square foot storage room, 60 square foot restroom, and an 880 square foot mini-mart area. The mini-mart area would have shelving with food displaced, refrigerator coolers with drinks, newspaper racks, soda dispensers and a coffee maker for selling coffee. The off-site sale of alcoholic beverages is prohibited in the Freeway Corridor Overlay zone.

The Chevron service station on Palo Comado Road, across the street from the proposed site, obtained approval from the Planning Commission to operate a mini-mart.

Engineering/Public Works

The City Engineer has reviewed the project and recommends the southerly driveway on Palo Comado Canyon Road, closest to the intersection with Canwood Street, be removed and replaced with straight curb, gutter and sidewalk, when requested by the City for potential traffic safety reasons. The removal of this driveway is currently not warranted, but given possible changes to the road improvements in the future and potential new development in the area, the Public Work's Department would like to retain the discretion to require removal of that driveway if and when deemed necessary. The City Engineer also recommends the applicant repair existing damaged curb, gutter and sidewalk along Canwood Street, and repair an existing swale, a leaning fence adjacent to the swale, and the eroded slope areas on the north side of the property. A handicap curb ramp is required for this project, per the American Disability Act (ADA), located on the southwest corner of the property. A new curb ramp is proposed on the east side of the gas station building to allow for on-site pedestrian/handicap access into the building.

Parking

The Zoning Ordinance requires that a self-service gas station provide a minimum of one (1) parking space for each employee on the largest shift. In addition, a food market use requires one parking space for every 250 square feet of gross floor area. In this instance, a total of 7 parking spaces are required. However, ten parking spaces are provided on the site as required by the prior Site Plan/Architectural Review Case No. 02-SPR-009, so the current condition requiring the property owner to provide at least ten parking spaces on site is adequate, and is also a recommended condition of this project.

Architectural Design

The building is single-story in height and consists of cream color wood siding, stone wainscot, and brown wood trim. The existing 1,455 square foot size of the building is not proposed to increase. Proposed changes to the building include the removal of roll-up garage doors on the front building elevation, to be replaced with a new store front window and double door. Existing exterior restroom doors are also being removed. Colors are to be consistent with the existing building. The Old Agoura Homeowners Association has reviewed the project. A copy of their letter is attached to the report for the Commission's review.

Landscape Plan

The City Landscape Consultant reviewed the plans and does not feel that landscape modifications are needed to the currently approved landscape plan on file. However, she did note that the existing condition of the landscaping requires improvement to bring it into compliance with the approved landscaping plan. Therefore, it is recommended that the applicant be required to remediate the landscaping prior to occupancy of the mini-mart.

Environmental Review

The project includes alterations to an existing commercial building, parking lot and street improvements and is determined by City Environmental Analyst to be Categorically Exempt from the California Environmental Quality Act per Section 15301. A copy of the notice of exemption prepared by the City Environmental Analyst regarding the project is attached.

III. RECOMMENDATION

Based on the foregoing analysis, it is recommended that the Planning Commission approve Conditional Use Permit Case No. 07-CUP-009, subject to conditions, by adopting a motion to approve the Draft Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Reduced Photocopies of the Plans
- Exhibit B: Environmental Determination
- Exhibit C: Vicinity Map
- Exhibit D: Letter from Old Agoura Homeowners Association

Case Planner: Renee Madrigal, Assistant Planner