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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**ACTION DATE:** September 7, 2006

**TO:** Planning Commission

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

**CASE NOS.:** 06-SPR-006 & 06-OTP-024

**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 for the construction of a 9,440 square foot, two-story office building; and a request for 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.

**ENVIRONMENTAL DETERMINATION:** The request is not a project pursuant to CEQA guidelines

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

**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 approval of a Tentative Parcel Map. 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 removal of four (4) oak trees. The Planning Commission unanimously approved the Site Plan/Architectural Review and Oak Tree Permit.

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 (ending 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. Thus, in order for the applicant to continue with this project, the Planning Commission must approve a new Site Plan/Architectural Review.

## **II. STAFF ANALYSIS**

To date, the project has not substantially changed from its original approval, although exterior design alterations have since been reviewed and approved by the Director of Planning and Community Development. All previous conditions of approval would remain valid. New special conditions have been added to reflect the new City requirements with regard to recycling construction debris and screening the site during construction. A copy of the original staff report and adopted Resolution and conditions of approval are attached for reference. The Grading Plans are now in plan check, however, grading permit issuance is pending upon approval of this renewal of entitlements.

The City Oak Tree Consultant has reviewed the original conditions of approval and has found the project to be in keeping with the original scope of approved work. Some of the oak tree encroachments have changed slightly, but the same trees will be preserved as was originally approved. The City Oak Tree Consultant feels that no additional conditions are needed and supports the request for the time extension.

The City Engineer has also reviewed the request and the previously approved conditions of approval and supports the time extension. A Tentative Parcel Map was approved by the Planning Commission. The map has expired and the applicant will need to file a new application in order to obtain a new approval as a condition of this project. The filing procedure is dictated by the Subdivision Map Act. Tentative Parcel Maps cannot be extended beyond 36 months and must be resubmitted formally for City approval.

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 environmental review.

### **III. RECOMMENDATION**

Based on the foregoing review and analysis, staff believes that the Site Plan/Architectural Review and Oak Tree Permit requests are acceptable as there are no significant 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. Therefore, staff finds the previous findings of approval that were previously made regarding the Site Plan/Architectural Review and Oak Tree Permit are still valid. Therefore, staff recommends that the Planning Commission adopt a motion to approve 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 would expire on September 7, 2007, subject to conditions, based on the findings of the attached draft Resolution.

### **IV. ATTACHMENTS**

- Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Approved Resolution Nos. 747 and 748 and Conditions of Approval
- Exhibit C: Reduced Photocopies of Project Plans
- Exhibit D: July 17, 2003 Planning Commission Meeting Minutes
- Exhibit E: July 17, 2003 Staff Report

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