



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: December 1, 2005

TO: Planning Commission

APPLICANT: Realty Bancorp Equities
21800 Burbank Blvd., Suite 330
Woodland Hills, CA 91367

CASE NOS.: 02-CUP-008 (Amendment); 02-VAR-007 (Amendment)
and 01-OTP-013 (Amendment)

LOCATION: 29901 Agoura Road
(A.P.N. 2061-003-037)

REQUEST: Request for approval of a one-year time extension for a previously approved Conditional Use Permit which allowed for the construction of a 76,710 square foot, two-story office and research development building; request for a one-year time extension for a Variance which allowed an increase in the maximum allowable building coverage from 30% of the lot to 34.6% of the lot; and a request for a one-year time extension for an approved Oak Tree Permit which allowed for encroachment within the protected zone of 44 Oak trees for the approved construction.

ENVIRONMENTAL DETERMINATION: The proposed project is consistent with the Mitigated Negative Declaration on December 5, 2002 by Planning Commission Resolution No. 721.

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 02-CUP-008 (Amendment), Variance Case No. 02-VAR-007 (Amendment) and 01-OTP-013 (Amendment), subject to conditions, based on the findings of the attached Draft Resolutions.

ZONING DESIGNATION: BP-M-FC (Business Park-Manufacturing – Freeway Corridor Overlay)

GENERAL PLAN DESIGNATION: BP-M (Business Park-Manufacturing)

I. PROJECT DESCRIPTION

On December 5, 2002, the Planning Commission reviewed a Conditional Use Permit application (Case No. 02-CUP-008) for a proposed office /research and development building to be located at 29901 Agoura Road, on the north side of the Agoura Road/Ladyface Court intersection. The project consists of a 76,710 square foot, two-story building located on a pre-graded pad south of the existing Line 6 corporate office building. A Tentative Parcel Map was requested to subdivide the 7.12 acre parcel into two lots of 3.00 acres and 4.12 acres in size. Also requested for construction of the building was a Variance to increase the allowable building lot coverage from 30% to 34.6%, and an Oak Tree Permit to encroach within the protected zone of forty-four (44) Oak trees. The Planning Commission approved the Conditional Use Permit, Variance, Oak Tree Permit and Tentative Parcel Map on a 5-0 vote.

Pursuant to the provisions in the Zoning Ordinance and the project conditions of approval, the Conditional Use Permit, Oak Tree Permit and Variance were valid for an initial two (2) year period (to December 5, 2004). The Final Parcel Map was approved by the City Council and recorded. As allowed by the Zoning Ordinance and the conditions of approval, the applicant requested and received a one (1) year administrative extension of the Conditional Use Permit, Variance and Oak Tree Permit to December 5, 2005. The applicant is now seeking approval of a second, one-year extension of the permits that would expire on December 5, 2006. The Zoning Ordinance allows the Planning Commission to consider this extension request for Conditional Use Permit applications in a public hearing. If granted, no additional extensions may be granted by the City for this project and the applicant would be required to complete foundation inspections prior to December 5, 2006, in order to retain their entitlement.

II. STAFF ANALYSIS

In the applicant's attached letter, he notes that he has not yet submitted his building plans into plan check with the Building and Safety Department. This is due to his current consideration of modifying the approved project plans. Line 6, which occupies the property building to the north of the project site, was originally expected to be the tenant of the new building, but they are now considering relocating, according to the applicant. THQ, which recently remodeled and occupied the adjacent office building to the west at 29903 Agoura

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Road, is considering occupying the new building and creating a campus for their headquarters. With THQ's recent occupancy of the neighboring building, the Planning Commission permitted THQ to use a portion of the Line 6 property for off-site parking. The off-site parking was constructed to match the parking lot plan approved for the new 76,710 square foot office and research/development building. A change in occupancy of the new building will require some design renovations. Thus, the applicant would like additional time to consider how he wishes to proceed with the project. Any significant modifications, however, would require approval of a new Conditional Use Permit by the Planning Commission.

To date, the project has not changed from its original approval and all conditions of approval would remain valid, with the exception of the City Engineer's conditions that include recommended amendments. A copy of the original staff report and adopted Resolutions and conditions of approval are attached for reference. It is feasible that applicant can obtain building permits and begin construction within the next 12 months.

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. No Oak trees are proposed for removal to complete the project. The Oak trees to be encroached upon are generally in the same condition as when the project 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, with amended conditions included in the draft Resolution. While the Kanan Road/101 Freeway Interchange Project is underway and there have been other projects approved and constructed in the area since the project was approved in December of 2002, the City Engineer finds that the original conditions regarding traffic impact mitigations and fees are still current.

The City Environmental Analyst has reviewed the request to extend the Conditional Use Permit, Variance and Oak Tree Permit and finds it to be consistent with the project described in the Mitigated Negative Declaration (MND) adopted pursuant to the California Environmental Quality Act (CEQA). Upon review of the attached mitigation measures included in the adopted MND, the City Environmental Analyst has determined that impacts would still be reduced to less than significant levels. Therefore, no further review under CEQA is required.

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III. RECOMMENDATION

Based on the foregoing review and analysis, staff believes that the Conditional Use Permit, Variance 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. Therefore, staff finds the previous findings of approval made the Conditional Use Permit, Variance and Oak Tree Permit are still valid. Staff recommends that the Planning Commission adopt a motion to approve an amendment to Conditional Use Permit Case No. 02-CUP-008, Variance 02-VAR-007 and Oak Tree Permit Case No. 01-OTP-013, granting a new one (1) year entitlement that would expire on December 5, 2007, subject to conditions, based on the findings of the attached draft Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Letter from Applicant
- Approved Resolution Nos. 721 and 722 and Conditions of Approval
- Reduced Photocopies of Project Plans
- December 5, 2002 Planning Commission Meeting Minutes
- December 5, 2002 Staff Report
- Mitigation Monitoring Plan

Case Planner: Doug Hooper, Assistant Director of Community Development

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING AN AMENDMENT
TO CONDITIONAL USE PERMIT CASE NO. 02-CUP-008
VARIANCE CASE NO. 02-VAR-007
AND OAK TREE PERMIT CASE NO. 01-OTP-013
FOR THE PURPOSE OF GRANTING A ONE-YEAR TIME EXTENSION

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

Section 1. An application was duly filed by Realty Bancorp Equities with respect to real property located at 29901 Agoura Road (A.P.N. 2061-003-037), requesting approval of a Conditional Use Permit amendment, Variance amendment and an Oak Tree Permit amendment for a one-year entitlement to start construction of a 76,710 square foot, two-story office/research and development building; to increase the allowable building lot coverage from 30% to 34.6%; and to encroach within the protected zone of forty-four (44) Oak trees. A Public Hearing was duly held on December 1, 2005 at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. The Planning Commission finds that the request for a time extension is acceptable given that there are no changes that are proposed to the project and that there are no significant changes to the site, to the surrounding area and to the regulations that affect the site. The Planning Commission, pursuant to the Agoura Hills Zoning Ordinance, finds that the findings contained in Planning Commission Resolution Nos. 721 and 722 approved on December 5, 2002 are still valid and state as follows:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the district in which the use is located. The property designation allows for development of an office and research/development building and the proposal meets the development standards for the BP-M-FC zone relative to building height and building setbacks from the property lines. Pursuant to Section 9654.2.L of the Zoning Ordinance, the Planning Commission may allow off-site parking through review of the Conditional Use Permit for a project, subject to certain criteria prescribed in the Ordinance. The 51 off-site parking spaces meets the Zoning Ordinance requirements of being located 26 feet from the proposed building site, well within the 500-foot limit, and the use of only 51 spaces equates to 21% of the total required parking for the project, which is below the 50% Zoning Ordinance limit .

B. The proposed use, as conditioned, is compatible with the surrounding properties. The proposed office use is allowed within the Business-Park/Manufacturing zone. The building design, materials and colors are compatible with the surrounding development, in that stone veneer and earthtone stucco colors are used throughout several adjacent office buildings along Agoura Road. The building meets all yard setbacks and building height requirements, as conditioned, of the Business Park-Manufacturing zone. It is not uncommon to utilize off-site parking to share parking between developments. Other surrounding development projects along Agoura Road, like Hampton Inn and the Katell office building share adjacent parking spaces in order to meet parking needs.

C. The proposed use and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, or welfare. Access to the property will be via Agoura Road and sufficient on-site parking and circulation will be provided. The placement and design of the building would preserve the light, air, privacy and open space to the surrounding neighboring parcels. The project, as conditioned, meets the maximum building coverage standards for the Business Park-Manufacturing zone. The off-site parking will be located on the site, to rear of and behind the proposed building, approximately 26-feet away. There are no barriers between the proposed building and the off-site parking spaces and there is no parking delineation between the proposed building's parking lot and the existing building's parking lot. Off-site parking can be accessed without using the public right-of-way, therefore no risk is posed to the general public.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of this Zoning Ordinance in that the project is consistent with the development standards of the Business Park-Manufacturing zone. An exception would be the increasing of the maximum building coverage from 30% to 34.6%. A variance has been filed to address this.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community because the proposed office and research/development building is surrounded by the 101 Freeway to the north and office buildings to the east, west and south. The office type use is an appropriate land use adjacent to the freeway.

F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed office and research/development building is a permitted use as prescribed in the General Plan Land Use Element. The project facilitates the development of office centers within the freeway corridor to provide employment, as called for per Policy 1.2 of the General Plan Land Use Element.

G. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, in which the strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other property

in the vicinity and under identical zoning classification. The applicant is reducing the amount of surface parking area by providing a covered parking garage. While outdoor surface parking is not considered lot coverage, the applicant is unduly burdened by providing enclosed parking that is considered building lot coverage.

H. The granting of the variance will no constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone. In most cases office buildings are not designed to include amenities such as outdoor landscaped patio areas or parking structures within the actual building footprint. Furthermore, lot coverage generally includes the structure and the building floor area used in relationship to the office uses. In this case the project includes these amenities within the building footprint. As such, granting a variance would not constitute a special privilege because the proposed building without these amenities would reduce the total lot coverage to 25.2%, which is much less than the required 30%.

I. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would not result in practical difficulty or unnecessary hardship inconstant with the objectives of the Zoning Ordinance. Had the applicant not proposed a parcel map to separate the property into two lots, the lot coverage of the two buildings together on the 7.12 acre parcel would be produced a lot coverage of 26.7%, which is below the required 30% percent maximum lot coverage. Additionally, the site design is a unified office complex with two buildings that have shared parking, shared driveway access, shared pedestrian walkways from one building to the other, and shared landscaping.

J. 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. This project exceeds the required setbacks and height requirements by providing a 173-foot front yard setback, a 76.5-foot combined side yard setback and a 41.5 –foot rear yard setback, and a building height of 35 feet. The project, therefore, sufficiently preserves the light, air, privacy and open space to the surrounding parcels. In addition, the building would be constructed in accordance with City building codes.

K. The granting of the Variance will be consistent with the character of the surrounding area. One of the intents of the lot coverage is to make sure that the building footprint is not so large as to cover a significant portion of the property and to allow for sufficient space between buildings. The project meets this intent by providing a distance between buildings of 10-3 feet. Both on-site building uses are like and similar in that they both function as an office and research/development type use. Additionally, both buildings share parking, overall common landscaping as well as access to the site.

Section 4. Upon review of the mitigation measures included in the adopted Mitigated Negative Declaration previously prepared for this project, the Planning Commission determines that impacts would still be reduced to less than significant levels. Therefore, the Planning Commission hereby finds that no further review under the California Environmental Quality Act is required.

Section 5. Based upon the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 02-CUP-008 Amendment, 02-VAR-007 Amendment and 01-OTP-013 Amendment, with respect to property described in Section 1 hereof, subject to the attached Conditions of Approval.

PASSED, APPROVED and ADOPTED this 1st day of December, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

William Koehler, Chairperson

ATTEST:

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(CASE NOS. 02-CUP-008 AMENDMENT, 02-VAR-007 AMENDMENT,
AND 00-OTP-013 AMENDMENT)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing at the applicant is aware of and accepts all conditions of this permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved plans as approved by the Planning Commission on December 5, 2002.
4. It is hereby declared to be the intent that if any provision of this permit is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a condition of this action that is any condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. The Conditional Use Permit, Variance and Oak Tree Permit shall be valid for one (1) year and shall expire on December 5, 2006.
7. The applicant shall obtain a building permit and commence construction before December 5, 2006, or the entitlement will become void.
8. All Conditions of Approval in Resolution Nos. 721 and 722, except as modified herein, are valid and shall remain valid for the life of the project. The Conditions of Approval in Resolution No. 721 are amended as follows:

“Public Works’ Conditions:

General

29-A. A title report is required to be submitted with the project plans. The plans shall show all proposed and existing easements.

Grading

32-A. Prior to the issuance of a grading permit the following must be satisfied: the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.

33. For any grading operations conducted between ~~November 1~~ October 1 and April 15 of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.

Drainage

~~37. Prior to the issuance of a grading permit, the applicant shall submit a Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles. This will require treatment of the first 0.75 inches of surface runoff during a rainstorm. The plan shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in storm water discharges from the construction site during the construction period and after construction as required. The plan shall specifically address how oil and grease from the parking lot will be collected and treated. Surface runoff from paved surfaces shall be directed to landscaped areas wherever practical.~~

37. SWPPP shall be prepared in compliance with the Development Construction Model Program for Stormwater Management within the County of Los Angeles, and shall be subject to approval by the City Engineer. The SWPPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in stormwater discharges from the construction site during the construction period, and after construction as required.

37-A. Prior to issuance of a grading permit, the applicant shall prepare a Standard Urban Stormwater Mitigation Plan (SUSMP), as outlined in the Development Planning Model Program for Stormwater Management within the County of Los Angeles, subject to approval by the City Engineer. The plan will demonstrate treatment of the first ¾" of rainfall, as required by the Model Program.

37-B. A Best Management Practice (BMP) Covenant and Deed Restriction shall be prepared and recorded with the Los Angeles County Recorder's Office by the applicant prior to issuance of a Certificate of Occupancy."

END