



**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

**ACTION DATE:** November 3, 2005

**TO:** Planning Commission

**APPLICANT:** Adler Realty Investments  
21800 Burbank Blvd., Suite 300  
Woodland Hills, CA 91367

**CASE NO.:** P.M. 62245

**LOCATION:** Northeast corner of Canwood Street and Derry Avenue (A.P.N. 2048-012-017, 018 and 2055-003-064)

**REQUEST:** Request for approval of a Tentative Parcel Map to reconfigure three (3) parcels into one (1) parcel of 7.18 acres in size for the purpose of developing an approved furniture/retail center on the property.

**ENVIRONMENTAL ANALYSIS:** Consistent with a previously approved Mitigated Negative Declaration.

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a motion to approve Tentative Parcel Map No. 62245, subject to conditions, based on the findings of the draft Resolution.

**I. BACKGROUND AND DESCRIPTION**

On May 5, 2005, the Planning Commission approved Conditional Use Permit Case No. 04-CUP-007 and Tentative Parcel Map No. 62245, allowing for the construction of a furniture/retail center on the northeast corner of Canwood Street and Derry Avenue. The City Council considered an appeal of the Planning Commission's decision on June 13, 2005 and upheld the Planning Commission's approval of the Conditional Use Permit and Tentative Parcel Map.

The approved Tentative Parcel Map consisted of the reconfiguration of the three existing parcels on the site to two parcels of 1.42 acres and 5.76 acres in size. At the time, the property owner had considered selling one of the three buildings on the property and, therefore, desired to separate parcels for the project. Although the Tentative Parcel Map was approved, the Final Parcel Map has not been submitted for the City Council's approval, which is required prior to recordation of the Parcel Map.

The property owner, Adler Realty Investments, now desires to merge the three (3) parcels into one parcel of 7.18 acres in size. The newly created lot would comply with the minimum 10,000 square foot lot size and lot dimension requirements of the CRS zone. The proposed single parcel would also include the 8,600 square foot, triangular portion of land located east of Northwest Rugs, and between Canwood Street and the 101 Freeway, which is a remnant piece that was created when Canwood Street was extended. As was conditioned with the previous Tentative Parcel Map for this project, staff recommends that the applicant be conditioned as part of this proposal to landscape and irrigate this irregularly shaped and small piece of property and agree to relinquish all development rights, including rights for signage, on this portion of the larger parcel.

Staff finds the proposed Tentative Parcel Map to allow for suitable development of the property and to be consistent with its Commercial Retail Service land use designation and development standards. Also, the City Engineer finds the Tentative Parcel Map to be compliant with the Subdivision Map Act and the City's Subdivision Ordinance. The applicant will be required to record a Final Parcel Map prior to issuance of a building permit for the approved furniture/retail center to be located on the property.

The proposed project represents a minor change from the previously approved Tentative Parcel Map. The changes to the Tentative Parcel Map would not cause additional environmental impacts and there have been no changes in the environmental setting of the project site. Therefore, staff determined that the Mitigated Negative Declaration approved by the Planning Commission and City Council for development of the furniture/retail center on this property (Conditional Use Permit Case No. 04-CUP-007 and Tentative Parcel Map No. 62245) is adequate for compliance with the California Environmental Quality Act (CEQA). No additional CEQA review is necessary for this proposed project.

## **II. RECOMMENDATION**

Staff recommends that the Planning Commission adopt a motion to approve the attached draft Resolution, approving Tentative Parcel Map No. 62245, subject to conditions.

**III. ATTACHMENTS**

- Draft Resolution and Conditions of Approval
- Reduced Tentative Parcel Map No. 62245
- Vicinity Map

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 TENTATIVE PARCEL MAP NO. 62245

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

Section I. An application was duly filed by Adler Realty Investments with respect to the real property located on the northeast corner of Canwood Street and Derry Avenue (Assessor's Parcel No. 2048-012-017,018 and 2055-003-064), requesting approval of a Tentative Parcel Map to reconfigure three (3) parcels into one (1) parcel of 7.18 acres in size. A Public Hearing was duly held on November 3, 2005, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearings.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance and Subdivision Ordinance, that:

A. The proposed Tentative Parcel Map, as conditioned, is consistent with the City's General Plan designation of CRS (Commercial-Retail/Service) in that the proposed Parcel Map will assist in facilitating the development of vacant parcels with commercial uses that capitalize on their freeway access and visibility, as called for in the Land Use Element of the General Plan.

B. The site is physically suitable for future development in that the parcels of the Tentative Parcel Map have been pre-graded and both proposed parcels will exceed the minimum required parcel size and parcel dimensions for the CRS zone.

C. The design of the Tentative Parcel Map and proposed improvements are not likely to cause substantial environmental damage or serious public health problems. Street improvements and on-site property improvements will be required upon development of the vacant parcels.

D. The design of the Tentative Parcel Map or type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed development. Access to the parcels will be provided via Canwood Street and Lewis Road.

Section IV. The proposed Tentative Parcel Map is considered a minor change from the approved Tentative Parcel Map No. 62245. There are no changes to the proposed Tentative Parcel Map that would cause additional environmental impacts and there are no changes to the environmental setting of the project site. The Mitigated Negative Declaration approved by the City for development of the site (Conditional Use Permit Case No. 04-CUP-007 and Tentative Parcel Map No. 62245) is adequate for compliance with the California Environmental Quality Act (CEQA) and no additional CEQA review is necessary for the proposed Tentative Parcel Map.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Tentative Parcel Map No. 62245, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 3<sup>rd</sup> day of November, 2005, by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
William Koehler, Chairperson

ATTEST:

\_\_\_\_\_  
Doug Hooper, Secretary

## **CONDITIONS OF APPROVAL (Tentative Parcel Map No. 62245)**

### 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 the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Tentative Parcel Map No. 62245.
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 if 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. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth on the approved Tentative Parcel Map.
7. The applicant must comply with all requirements of the City Subdivision Ordinance.
8. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless the Final Parcel Map is recorded, Tentative Parcel Map No. 62245 shall expire within two (2) years from the date of Planning Commission approval. A written request for a one-year extension may be considered prior to the expiration date.
10. Tentative Parcel Map No. 62245 shall only be valid with Conditional Use Permit 04-CUP-007.

#### ENGINEERING DEPARTMENT CONDITIONS

11. The Parcel Map, unless otherwise authorized in writing by the City Engineer, shall be based on a field survey, and shall be prepared in accordance with Article X, Subdivisions, of the City's Municipal Code and the State Subdivision Map Act.
12. Pursuant to Article X, Subdivisions, of the City's Municipal Code, the Parcel Map shall be submitted to the City, along with all necessary supporting documents including title reports, guarantees and applicable fees, for review and acceptance by the City Engineer.
13. All existing and proposed easements shall be shown on the Parcel Map. All proposed easements for water, sewer and storm drains shall be a minimum of fifteen feet wide. Access easements, if applicable, shall be of adequate width, as approved by the City Engineer.
14. Right-of-way and easement dedications and all project improvements shall conform to the City's General Plan and the Department of Public Works specifications.
15. The applicant shall post necessary improvement securities for all construction work within the public right-of-way and public/utility easements.
16. All improvement plan sheets shall be 24" x 36" and must have City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate for record keeping. All lettering on plans shall be a minimum of 1/8th inch in size to ensure proper reproduction and microfilming. All original/reproducible plans shall be drawn in ink.
17. All required improvement plans must be prepared by a California State Registered Civil Engineer for review and acceptance by the City Engineer prior to the Parcel Map approval by the City.
18. All required improvements shall be completed pursuant to Section 66411.1 of the Subdivision Map Act, including, but not limited to: street sections, curb, gutter, sidewalk, driveway approaches, street trees, water, sewer and storm drain facilities, and traffic control devices.
19. The applicant is requesting the City to vacate excess public right-of-way along Canwood Street. The excess right-of-way is beyond the required one-half street improvements of 30-feet. The applicant's Parcel Map shall clearly show all land to be vacated by the City along the project frontage. The right-of-way vacation and Parcel Map will require City Council approvals in accordance with State law. In the event that City Council chooses to retain the road right-of-way, the applicant shall redesign the project to comply with setbacks and all other zoning requirements.
20. All required boundary monuments shall be installed prior to the recordation of the Parcel Map.

21. Signatures of record fee title interest holders shall appear on the Parcel Map.

SPECIAL CONDITIONS

22. Prior to recording the Final Map, the applicant shall relinquish all development rights, including signs, on the portion of Parcel 1 located south of Canwood Street. The manner in which the development rights are relinquished shall be subject to approval by the City Attorney. The applicant shall also agree to landscape and irrigate this same portion of Parcel 1 in perpetuity. The landscape and irrigation plans shall be subject to review and approval by the Director of Planning and Community Development prior to the issuance of a building permit.

END