# EXHIBIT H-4

Planning Commission Staff Report (May 21, 2009)



# DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE:

May 21, 2009

TO:

Planning Commission

APPLICANT:

Agoura Business Center West

5301 Derry Avenue Agoura Hills, CA 91301

CASE NOS.:

07-GPA-001, 07-ZC-001, 07-CUP-010, VTPM 69426, 07-

SP-036 and 08-VAR-006

LOCATION:

Northwest Corner of Derry Avenue and Canwood Drive

(A.P.Ns. 2048-012-022 & 027)

REQUEST:

Request for the Planning Commission to provide a recommendation of approval to the City Council regarding a proposed Conditional Use Permit to construct a 22,617 square foot retail center; a Sign Permit for the centers' sign program; a Variance from Zoning Ordinance Section 96.06.2.E. to construct a 17 foot high retaining wall, instead of a maximum 6 foot high wall, and a Variance from Sections 9655.8.B.1.a & j for the proposed Sign Permit to allow non-primary frontage signs based on a maximum of one square-foot per one linear foot of building elevation; a Vesting Tentative Parcel Map to reconfigure two parcel boundaries; a General Plan Amendment to change the land use designation of approximately 1.82 acres of the property from Business Park-Manufacturing (BP-M) to Commercial-Retail/Service (CG); a Zone Change to change the zoning designation of approximately 1.82 acres of the property from Business Park-Manufacturing-Freeway Corridor Overlay (BP-M-FC) to Commercial Retail Service-Freeway Corridor Overlay (CRS-FC); and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.

ENVIRONMENTAL DETERMINATION:

Mitigated Negative Declaration

RECOMMENDATION:

Staff recommends approval of the attached resolutions recommending that the Planning Commission approve General Plan Amendment — Case No. 07-GPA-001, Zone Change — Case No. 07-ZC-001, Conditional Use Permit —

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(Case Nos. 07-GPA-001, 07-ZC-001, 07-CUP-010. VTPM 69426, 07-SP-036 & 08-VAR-006)

Case No. 07-CUP-010, Vesting Tentative Parcel Map No. 69496, Sign Permit Case No. 07-SP-036 and Variance Case No. 08-VAR-006 subject to Conditions.

ZONING DESIGNATION:

BP-M-FC (Business Park -Manufacturing- Freeway Corridor Overlay District) and CRS-FC (Commercial Retail Services - Freeway Corridor Overlay District)

GENERAL PLAN DESIGNATION: BP-M (Business Park - Manufacturing) & CG (Commercial-Retail/Service)

#### I. BACKGROUND AND PROJECT DESCRIPTION

The applicant, Agoura Business Center West, is requesting a Conditional Use Permit to build a 22,617 square-foot retail center on two vacant parcels located on the northwest corner of Derry Avenue and Canwood Street. The southerly of the two parcels is zoned Commercial Retail Services (CRS-FC) and the northerly of the two parcels is zoned Business Park Manufacturing (BP-M-FC). Both parcels are within the Freeway Corridor Overlay zone. The northerly parcel was pregraded when the northerly business park was developed. The southerly parcel was reduced in sized with extension of Canwood Street to the east of the project site. The applicant is also seeking a General Plan Amendment and Zone Change to apply the CRS land use designation to both parcels for consistency. The applicant is requesting approval of a Vesting Tentative Parcel Map (PM 69426) to adjust the parcel lines of the properties. The request will reduce the total square footage of the multi-tenant building industrial park from 31.21 acres to 29.2 acres, and the existing parcel on which the project is proposed will increase from a 0.19 to 2.01 acres.

The project will require the use of a 17-foot high retaining wall along the north of the property line. which necessitates a Variance application since its height exceeds the maximum 6-foot requirement. Finally, a Sign Permit is required for the review of all on-site signage. The proposed sign program was reviewed against current standards which allow for a determination by the Planning Commission regarding primary frontage. Variance findings were provided in this report based on staff's interpretation of the requirement so as to obtain a decision for all the entitlements.

The proposed project would be permitted in the CRS zone. The following is a summary of the proposed development relative to the applicable Zoning Ordinance development standards:

## Pertinent Data for the Proposal:

1.	Lot Area	Existing	Proposed	Requirement
1.	Lot Aica	39,204 sqft. (0.90 acres)	87,555.6 sqft. (2.01 acres)	10,000 sq.ft.
2.	Building Size	N/A	22,617 sqft.	N/A
3.	Building Height	N/A	18-27 feet	35 feet max.
4.	Lot Coverage	N/A	25.8%	60% max.
5.	Landscape Coverage  • Project	N/A	25.8%	10% max.
6.	Bldg. Setbacks  Front (South) Rear (North) Side (East) Side (West)	N/A N/A N/A N/A	18-27 ft 120 feet 20 feet 47 feet	20 feet or height of bldg. 10 feet or height of bldg. 0 feet 0 feet
7.	Parking  Existing Business Park	N/A	89 spaces	@ 1/250 = 83 spaces
8.	Oak Trees to be provided	None	2	1 per 15,000 sqft. of bldg.

## II. STAFF ANALYSIS

The applicant proposes development on two parcels located at the northwest corner of Derry Avenue and Canwood Street. The vacant parcels are adjacent to a Business Park-Manufacturing zoned industrial park to the north, a retail building to the south and a retail center to the east of Derry Avenue and a vacant lot to the west. The project would accommodate a 22,617 square-foot, multi-tenant retail use building. In order to comply with the minimum development standards of the CRS zone, the applicant needs to enlarge the boundaries of the CRS-zoned parcel. The applicant, owner of both the CRS-zoned parcel and BP-M-zoned parcel to the north, is looking to adjust the property line to enlarge the CRS parcel by reducing the size of the BP-M parcel. The area that would be reduced from the larger parcel was a graded pad but never developed. The pad was intended for one more industrial building. This project would result in a pad elevation that would be 17 feet lower than the pad elevation of the northerly, pre-graded pad, to be generally consistent with the elevation of Canwood Street.

This proposed Site Plan configuration is a result of several discussions between staff and the applicant. Given the size and shape of the parcel, as well as the required distance of vehicle ingress and egress points from the intersection of Canwood Street and Derry Avenue the position and footprint of the retail building was critical to achieving a quality design. The concepts used for evaluating this project were based on maintaining a pedestrian scale, that the project's identity be based on its building design rather than its parking lot, as well as its relationship to the surrounding topography and developments, and impacts of the freeway.

## Architectural Design

One of the stated purposes of the City Architectural Design Standards and Guidelines is to preserve the semi-rural character of the community. The Freeway Corridor Overlay standards are intended to promote the City's image and preserve the City's natural environment. The applicant has attempted to meet these standards through the use of appropriate building forms, colors, materials and detailing through the use of natural materials and natural color tones. Staff and the Architectural Review Panel worked with the applicant to design a building that would integrate itself to the mix of architectural style, including a tilt-up construction to the north and a Mediterranean style to the south and multiple Craftsman inspired showrooms to the east. A combination of stucco, glass and stone-veneered walls are used for this building. The style also includes trellis covers and green screens. The street side elevation is stepped back to follow the angle-shaped parcel and the interior elevation provides an arcade for pedestrian circulation. The Canwood elevation is well articulated to minimize the "back of the building" appearance. The applicant changed the project from three buildings to one with a frontage on two streets and with a single architectural theme instead of three. The applicant has chosen a combination of earthtone colors for the exterior walls and a clay tile for the roof. Other features of the retail center include a round tower at the corner of the parcel and square towers on each end of the building. With recommended changes, the Architectural Review Panel finds the project to comply with the City Architectural Design Standards and Guidelines.

The visibility of the project as viewed from the freeway was evaluated for potential aesthetics impacts to the community; staff finds that any type of development on a lower pad helps integrate the project with its surrounding. The center was designed with an interior access to the individual tenant spaces which dictated that the building be built closer to the front property line. Although the building has a more prominent streetscape, the visual prominence of the industrial park is reduced now that the new building is proposed to be built at a lower elevation rather than on the existing upper pad as originally proposed.

Furthermore, the site is surrounded by a variety of land uses. The CRS zoning allows for a greater variety of uses and generally requires the most parking. Moreover, the proposed CRS zoning provides the flexibility to potentially accommodate uses that would serve the existing surroundings. Retail centers also are generally more aesthetically pleasing architecturally; this particular project was designed with pedestrians in mind; the use does not provide loading docks that could be potentially visible from the right-of-way and the refuse area is located in the rear of the parcel and

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screened by landscaping.

## Lighting

The applicant has selected a rectangular box-like type of light fixture. The lighting and photometric plan must meet the City lighting guidelines including no more than one foot candle of illumination at the property lines and the intent of the recently adopted lighting standard guidelines. The proposed Lighting Plan shows eight (8) single-fixture light poles to be installed on the perimeter of the parking lots and drive aisles two out of the eight would be shielded, and three (3) light poles in the area of the parking lot where the spaces are head-to-head. These light poles will not exceed 16 feet in height, including the base. The fixture specifications are attached to the plans for the Commission's review.

## Sign Program

The applicant is requesting a Sign Program to install 13 on-building signs, excluding the address number and two directory signs. The signs are proposed to be installed on the north elevation (Signs C.1 on the Sign Program Plans) and south elevation (Signs B.1 and B.2) of the building, as well as on the west elevation (C.2) for one of the tenants. The applicant has designed the Sign Program based on the premise that the south elevation of the building facing Canwood Street is considered the primary frontage. Signs above the entrance of each tenant on the north elevation (the parking lot side) are proposed as secondary signs. The south elevation's signs would be installed in relation to the architectural features and the north elevation's signs would be installed at the same height and centered over the tenant space on the arcade wall. The spacing between each sign would vary depending on the length of the tenant's name.

The signs are proposed to be built with individually mounted, aluminum channel letters which would occupy a pre-determined square footage but without restrictions on the length and height measurement, as long as they comply with the maximum square footage allowed for the tenant spaces. The letters would be back-lit as well as through the face of the letter. With respect to the color of the letters, font style, logo and business descriptive, the applicant has not established a requirement. The signs on the parking lot side of the center are 18 square feet and 10 square feet for the one proposed on the west elevation as a result, the corner tenant, Tenant 1, would have two signs. With respect to the signs on the south, street-facing elevation, five of the six signs would be 28 square feet and the sixth one would be 18 square feet in size.

The monuments signs are proposed at the southwest corner of the parcel near the driveway and at the southeast corner of the parcel near the intersection; both are designed with a 48 square-foot area for the center and tenants' names. The southeast sign would be integrated into a retaining wall and the other one would be built free-standing. The structure would be built with the same colors and materials as applied to the building. The tenants' name would be with a uniform style of lettering, specifically "Gill Sans MT Regular". The monument sign would be externally illuminated. In addition, an address sign is proposed on the tower closest to the driveway, at the northeast corner of the parcel, and a tenant information sign is proposed on each window of each tenant,

approximately, 1 square-foot in size. The monument signs comply with the Zoning Ordinance. The address and window signs are not subject to a Sign Permit.

The proposed sign program for the building was reviewed for compliance with the Sign Ordinance Design Guidelines. Although the sign location, size and illumination are identified, the sign program is left open-ended with respect to font style and color, and logo style and location. The tenants would be required to obtain management and staff's approval before installing a sign. The style of the signs of nearby commercial properties varies from channel letters to cabinet signs. Some are internally lit and other externally lit. The proposed sign program allows for both internal and halo lighting.

According to the Code, in multiple tenant buildings such as this, it is up to the Planning Commission to determine primary frontage and the location of primary signage when reviewing requests for sign program approval. Moreover, the sign program must be designed to be integrated with the building design. As the proposed building orientation, storefronts, and pedestrian building entries face the parking lot, the Planning Commission may find it difficult to consider the Canwood Street elevation to be the primary frontage. The applicant, however requests the street facing elevation be considered the primary frontage. Consequently, the signs must comply with the primary signs requirements which limit the size of the sign based on the linear feet of frontage of the tenant space and how the primary signs predetermine signage on other sides of the building, i.e., secondary signs and corner tenants' signs. If the Planning Commission considers the street-facing south elevation to be the primary frontage then the parking lot elevation would be allowed secondary signage above an entry which can only be 10 square feet; in this case, the signs are proposed at 18 square feet. This request would require a Variance.

If the Planning Commission determines that the north elevation (parking lot side of the center) is the primary frontage, the primary signs, as proposed, comply with the Sign Ordinance. However, the signs proposed on the south and west sides of the building are in addition to what is currently permitted. Therefore, a Variance would be required to be approved for the sign program as proposed.

This would be the first development approved in the City in which the back of a multi-tenant retail center would have individual tenant signs. Staff acknowledges the applicant's desire for individual tenant identification signage visible from the street. From a design standpoint, the building is designed such that the Canwood Street elevation is well articulated to minimize the "back of the building" appearance and in certain instances designed to resemble storefronts. For these reasons, staff can support limited signage on the Canwood side elevation. The applicant is proposing signs on the Canwood Street elevation that are either 18 or 28 square feet. Staff finds instead of a fixed sign size that it would be appropriate to base the allowable sign area in proportion with the width of the tenant space and recommends a ratio of one-half square ft. of sign area per one linear feet of tenant storefront. Thus, given that the tenant storefronts range from 36 to 47.5 linear feet, the signs on the Canwood elevation should range from 18 to 23.75 square feet. If the Planning Commission

finds the sign on the west elevation to be appropriate, staff recommends that the size of the sign on the Canwood street elevation for that tenant be reduced accordingly. The sign program proposes that the signs be either halo-lit or internally-lit channel letters. The Planning Commission may wish to consider other options for the non-parking lot facing (Canwood and west elevation) signs such as externally spot-lit, under-canopy lit, or flood-lit signs and possibly no descriptive text to reduce the visual prominence of secondary signs.

Findings for a Variance are provided later in this report. In order to finalize the sign program for this project, staff is seeking direction form the Planning Commission on which elevation is the primary frontage and the maximum allowable sign area of the secondary signs.

## Landscaping Review

The project is required to include at least 10% landscape coverage for the total site, and at least 15% landscape coverage for the parking area, with 50% tree canopy coverage. These measures are intended to enhance the visual appearance of the project, promote public safety, moderate the temperature and reduce noise and glare. The applicant is providing 23% landscape coverage for the whole site but is unable to meet the 50% parking lot tree canopy coverage due to the policies of the Los Angeles County Fire District for tree canopy clearance. However, staff will be meeting with the Fire District to discuss options that may be available to satisfy the City's landscape goals and maintain public safety. Staff is asking the Planning Commission to allow the Planning Director to continue working with the Fire District during the post entitlement phase of development with respect to landscaping coverage in the parking areas. With respect to screening the soil nail wall, a planter is provided at the base of the retaining wall to allow for the vertical growth of shrubs and trees. The applicant will continue to work with staff during the plan check phase to achieve a native and naturalistic landscaping required by the Freeway Corridor Overlay zone.

## Grading

The site has been pre-graded. The project will generate an estimated cut of 9,000 cubic yards of soil, 1,500 cubic yards of fill, and an estimated 7,500 cubic yards of export soil from the site as a result of lowering the northerly pad. The proposed building pad elevation will be equal to the retail center to the east approximately 10 feet above Canwood Street. The existing pre-graded pad elevation varies from 876 feet to 903 feet, where the northerly industrial buildings are located. The applicant has provided staff with photo simulations of the project to illustrate the pad and building height.

The building pad would require a 17-foot high retaining wall along the rear of the parcel, and a 4-foot high retaining wall near the driveway on Canwood Street. Staff worked with the applicant to find an aesthetically pleasing option for a retaining wall. The applicant chose a soil-nail retaining wall design that is patterned to resemble a rock formation. The construction requires a restricted access easement be defined along the length of the wall on the adjacent northerly parcel, in order to protect the wall's structural components. The alternative to constructing the soil-nail wall is to

construct a series of terraced, six-foot high walls to retain the upper parcel. That approach, however, would reduce the developable area of the project site.

Extensive relocation of work water, sewer, storm drain and fire hydrant facilities will be required. The utilities were originally installed where the alignment of Canwood Street was originally planned. Canwood Street was since re-aligned and built closer to the freeway, but the underground utilities were never relocated. The applicant is responsible for relocating the lines with the development of this project.

The City Geotechnical Consultant has reviewed the geotechnical report, prepared by Gorian and Associates, and all subsequent supplemental information, for this project and recommends the project be approved from a Planning/Feasibility as well as from a geotechnical perspective. Conditions of Approval are included to ensure that recommendations contained in the report are incorporated into the Grading Plan are adhered to during construction. A letter of recommendation from the consultant is attached to the report.

## Traffic/Circulation/Street Improvements

The City's Traffic Engineer reviewed the proposed project with respect to on-site circulation and access to and from the site. These are two points of ingress and egress onto the site. A two-way driveway is proposed at the westerly end of the site fronting Canwood Street and a two-way driveway is proposed at the southerly end of the site fronting Derry Avenue. The driveways are located as far away from the intersection for traffic safety reasons.

The required street improvements include, in addition to relocating all the utilities in the street, striping of Derry Avenue to accommodate a left pocket, and striping Canwood Street to accommodate a potential of 3 left pockets. The project required that a Traffic Impact analysis be submitted. The report, prepared by Kunzman and Associates, indicated that the project will generate 28 additional vehicular trips during the AM peak hour, and 56 vehicular trips during the PM peak hour. The increase is not significant enough to require additional off-site improvements to the City's transportation system. The Municipal Code requires that a Transportation Improvement Funds (TIF) fee be paid as apart of any commercial development. The fee is based on the square footage of the project and type of use; the funds will be used by the City to improve the circulation system within City boundaries. All recommended conditions of the City Engineer for this project are included in the attached Draft Conditions of Approval and the Mitigated Negative Declaration.

## Parking

The proposed project includes 89 parking spaces, 4 of which are required to be designated as handicap spaces. A minimum of 83 parking spaces are required by the Zoning Ordinance for the proposed retail use of the center. Thus, a surplus of 6 parking spaces is provided on-site.

## Vesting Tentative Parcel Map

The applicant is requesting a Vesting Tentative Parcel Map for the reconfiguration of the property lines. A Vesting Tentative Parcel Map is allowed by the Subdivision Map Act and is identical to a Tentative Parcel Map, except that when a local jurisdiction approves a Vesting Map, the developer receives the vested right to build the project laid out in the Tentative Map. The Vesting Map protects against possible future growth restrictions or other regulatory reversals, only after a Building Permit is issued and the developer has made a "substantial investment" in the project. In this case, the Tentative Parcel Map will section off a portion (2 acres) from the parcel to the north and add it to the remainder parcel adjacent to Canwood Street which becomes a 2.01 -acre parcel. The parcel will be adjusted from a triangular shape to a parallelogram shape to make it practical for development. The applicant is also undertaking relocating all underground utilities and has provided staff with a Utilities Relocation Plan and the infrastructure work will be shown on the Final Map. The City Engineer has reviewed the Vesting Tentative Parcel Map and supports the request, with conditions. The final map requires City Council approval.

## General Plan Amendment/Zone Change

In order for this project to be approved, a change in the property land use designations would be required. This process requires a Zone Change and a General Plan Amendment. The southerly parcel is already partially zoned CRS and CG in the General Plan and the northerly parcel is zoned BP-M and also designated as BP-M in the General Plan; the applicant is requesting that the new 2.01-acre parcel be zoned entirely CRS and CG in the General Plan. Properties to the east and south of the project site are zoned CRS. The site has an FC (Freeway Corridor) overlay zone and is highly visible from the freeway. The image of the City depends strongly on its image in the freeway corridor. Commercial rather than industrial development would be more appropriate as viewed from the freeway. Over time, the segment of Canwood Street west of Kanan Road has developed into an area for specialty retail stores. This site would potentially continue the trend and/or provide support services to the existing business, i.e., coffee shops, printing, and mailing businesses. This project would serve as a transition area between the freeway corridor and the industrial zone and thus a transitional commercial development would be a more suitable use. The building pad elevation is currently almost level with the street elevation which lends itself to a development design that is compatible with the ones on adjacent parcels. The proposed retaining wall would ultimately be screened by the proposed building. The cut into the slope would open up the Canwood Corridor and give the illusion of the existing industrial park to be further away from the freeway right-of-way.

The loss of BP-M industrial space would be negligible and would minimally affect the City's total industrial land use base. A viable commercial development would generate sale tax revenue while sustaining employment opportunities and would serve as a gateway to the industrial park.

The Planning Commission is requested to provide a recommendation to the City Council for final action on the General Plan Amendment and Zone Change. If this legislative action is not approved, all other entitlements associated with this project would not be valid.

## Planning Commission

## Variance

In order for the Planning Commission to grant the Variance for the applicant to build a 17-foot high retaining wall instead of the maximum allowed height of 6 feet, and allow additional signage the Zoning Ordinance requires that the following five (5) findings be made for each request. Staff has analyzed the applicant's requests for the retaining wall height Variance and the sign Variance per the required findings and recommends that the Variance be approved.

## A. Variance – Retaining Wall Height

1. Required Finding That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Analysis: The grade differential between the upper and the lower pad is substantial and would require stacking of several retaining walls for the proposed parking lot grade. The soil-nail option provides a solution that resembles a natural rock formation, instead of a typical manufactured slope with a tiered wall system. The soil nail wall allows the lower parcel to be developable without impacting the upper parcel size and other development standards requirements.

2. Required Finding. That 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 in which the subject property is situated.

Staff Analysis: Two pads currently exist on the property with significant grade differential. The retaining wall is required for slope stability and development of the site. 3. Required Findings. That 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 this the Zoning Ordinance.

<u>Staff Analysis</u>: A typical retaining wall system of multiple walls all under 6 feet would have reduced the useable pad and could not have allowed development of the lot.

4. Required Finding. That 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.

Staff Analysis: A soil nail wall would have a natural appearance and will be screened with landscaping and engineered to comply with the Building Code standards.

 Required Finding. That the granting of the Variance will be consistent with the character of the surrounding area. Staff Analysis: The wall will maintain a similar pattern of development along Canwood Street and provide a transition between the low elevation of the intersection of Canwood and Derry Street in the upper pad of the business park. A similar wall was built east of Kanan Road. The wall was designed to resemble a rock formation and will be screened from the road by the new building.

## B. Variance - Sign Program

1. Required Finding. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

<u>Staff Analysis</u>: The building orientation restricts the tenant identification as viewed from the street. Thus, street-facing signage is needed for identification.

2. Required Finding. That 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 in which the subject property is situated.

<u>Staff Analysis</u>: Adjacent retail stores have signage that is visible from Canwood Street and the signage serves to identify the tenants and the entry to the tenant spaces since no other entry exists.

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3. Required Findings. That 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 this the Zoning Ordinance.

Staff Analysis: One of the purposes of the City Sign Ordinance is to support and promote viable businesses by allowing signage that provides adequate identification while also promoting and enhancing the quality of the visual environment of the City. Street facing signage would provide the street identification desired by the tenants, and interior facing signs would provide identification of tenant entries.

4. Required Finding. That 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.

Staff Analysis: The signage will be integrated in the architecture of the building and not out of proportion with the building elevations walls it is attached to, and would not cause a distraction to vehicular traffic.

<u>5. Required Finding.</u> That the granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis: The additional signage will help establish the identity of the building as a retail center and promote a local economic base. Visually, the request to provide signage on the Canwood Street side would be in keeping with the nearby stores.

## Environmental Review/Mitigated Negative Declaration

An Initial Study was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) to analyze the potential environmental consequences of the proposed project. The purposes of an Initial Study are:

- A. To provide the Lead Agency (City of Agoura Hills) with the necessary information to decide whether to prepare an Environmental Impact or a Mitigated Negative Declaration;
- B. To enable the Lead Agency to modify a project, mitigating adverse impacts thus avoiding the need to prepare an EIR;
- C. To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

In the case of the proposed project, staff found that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions to the project have been made by or agreed to by the applicant and, therefore, a Draft Mitigated Negative Declaration (MND) was prepared for review and adoption by the Planning Commission.

The following matrix briefly identifies the environmental issue areas addressed in the MND that were found to have potentially significant impacts, and identifies the recommended mitigation measures. All impacts were found to be mitigable to a less than significant level upon implementation of the measures.

Issue Area Production	dmpari sa	Mitigation 4
Biological Resources	Potential nesting birds within a regulated distance	Survey for nests prior to construction and avoid work until nests have been vacated.
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Cultural Resources	Unexpected discovery of archaeological or paleontological resources or human remains	Monitor construction if discovery of a resource. Work to cease and the appropriate officials contacted and find assessed; mitigation work as necessary.

Asur Asea	impact . The same to the same	Miligations
Geology and Soils	Soil expansion	Comply with all measures in the geotechnical report
	During construction soil erosion	AQMD Rule 403 and SPPP implementation required
	Post Construction soil erosion	Additional paving and strategically placed landscaping

The Draft MND was circulated for a 30-day review period, ending on April 30, 2009. The applicant has accepted the proposed mitigation measures which staff finds would reduce the environmental impacts associated with the project to less than significant levels. For these reasons, staff finds the use of a Mitigated Negative Declaration for CEQA processing of this application to be appropriate.

If the Planning Commission votes to deny the project, no action on the Final MND is required. If the Planning Commission's desire is to approve the application, CEQA requires that the Planning Commission also adopt a "mitigation monitoring program" (MMP) to ensure compliance during project construction and operation.

## V. RECOMMENDATION

As there are two legislative actions (the General Plan Amendment and Zone Change) associated with the project. The entitlements associated with the project including the Conditional Use Permit, the Variance, the Sign Permit, and the Vesting Tentative Parcel Map will be forwarded to the Council for final action concurrent with the General Plan Amendment and Zone Change.

It is recommended that the Planning Commission recommend approval of Conditional Use Permit Case No. 07-CUP-010, Vesting Tentative Tract Map No. 69426, Sign Permit Case No. 07-SP-036 and Variance Case No. 08-VAR-006, subject to conditions as well as the General Plan Amendment Case No. 07-GPA-001, and Zone Change Case No. 07-ZC-001 for the proposed development.

Staff also recommends the Planning Commission approve the Final Mitigated Negative Declaration and Mitigation Monitoring Program.

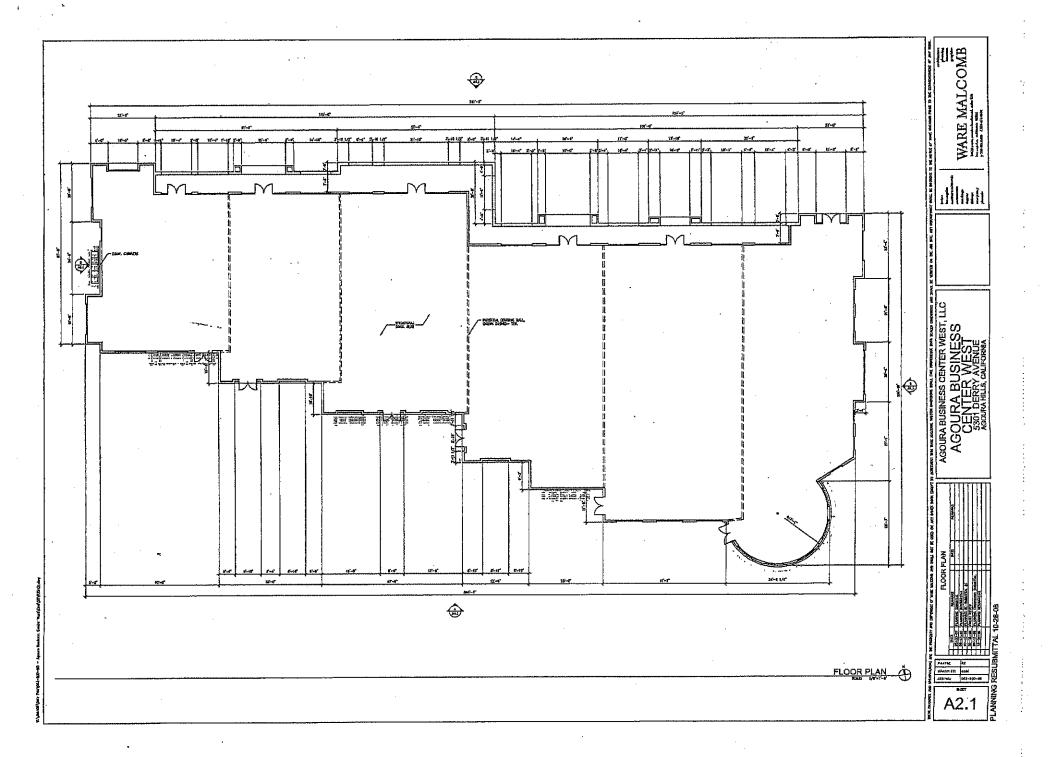
## VI. ATTACHMENTS

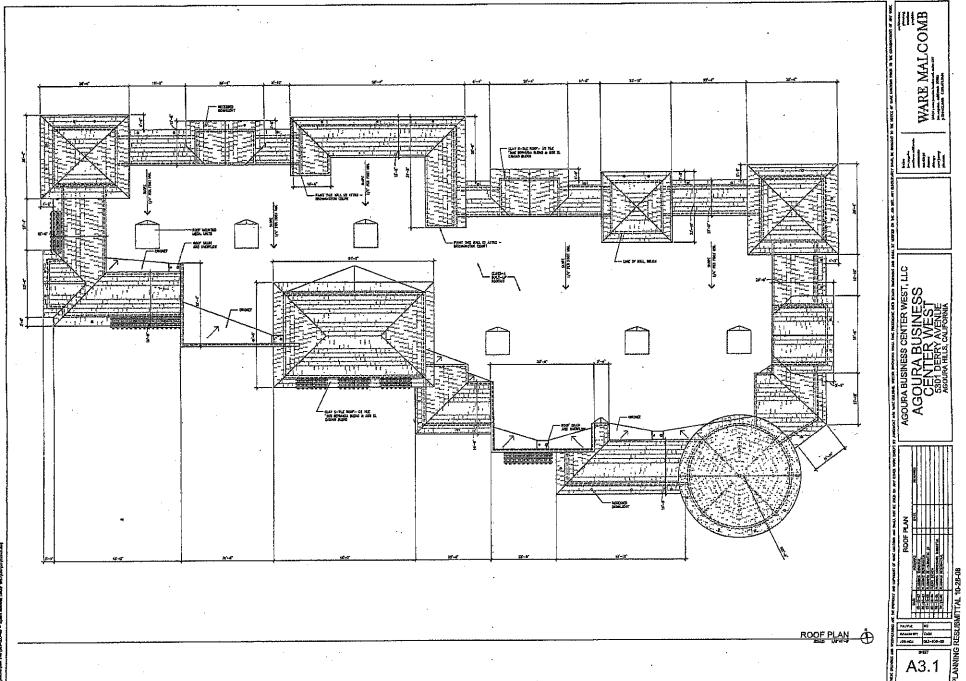
- Draft Resolution and Conditions of Approval for the Conditional Use Permit and Sign Permit
- Draft Resolution and Conditions of Approval for the Variance Request

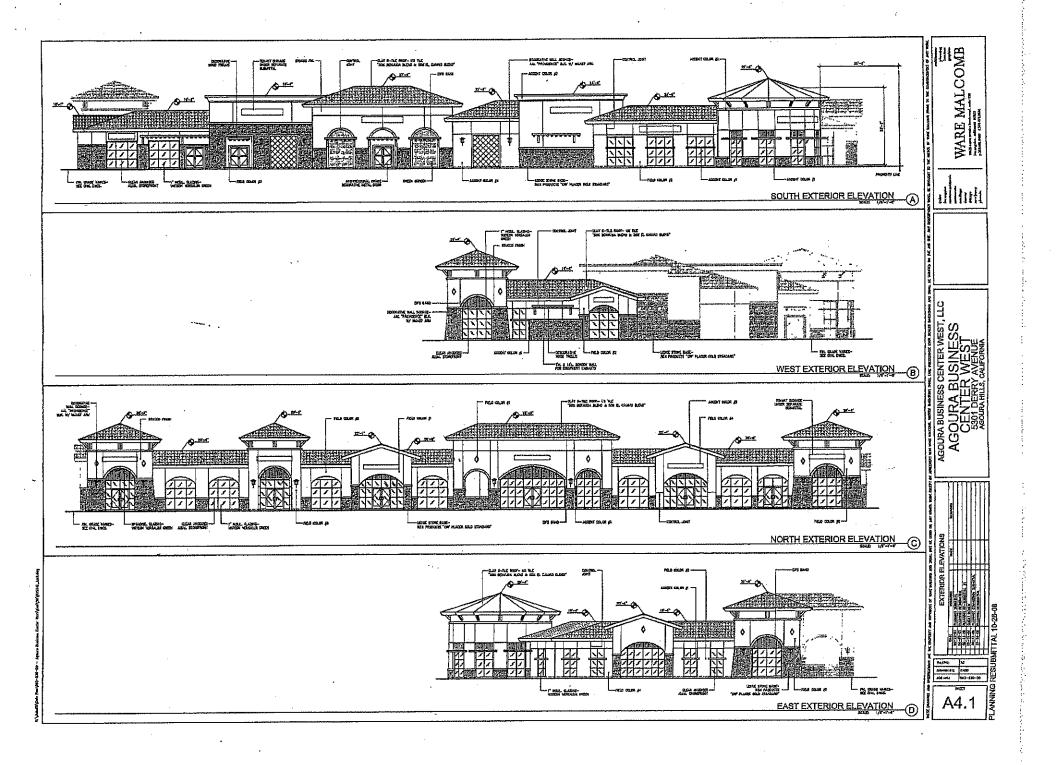
## VI. ATTACHMENTS (Continued)

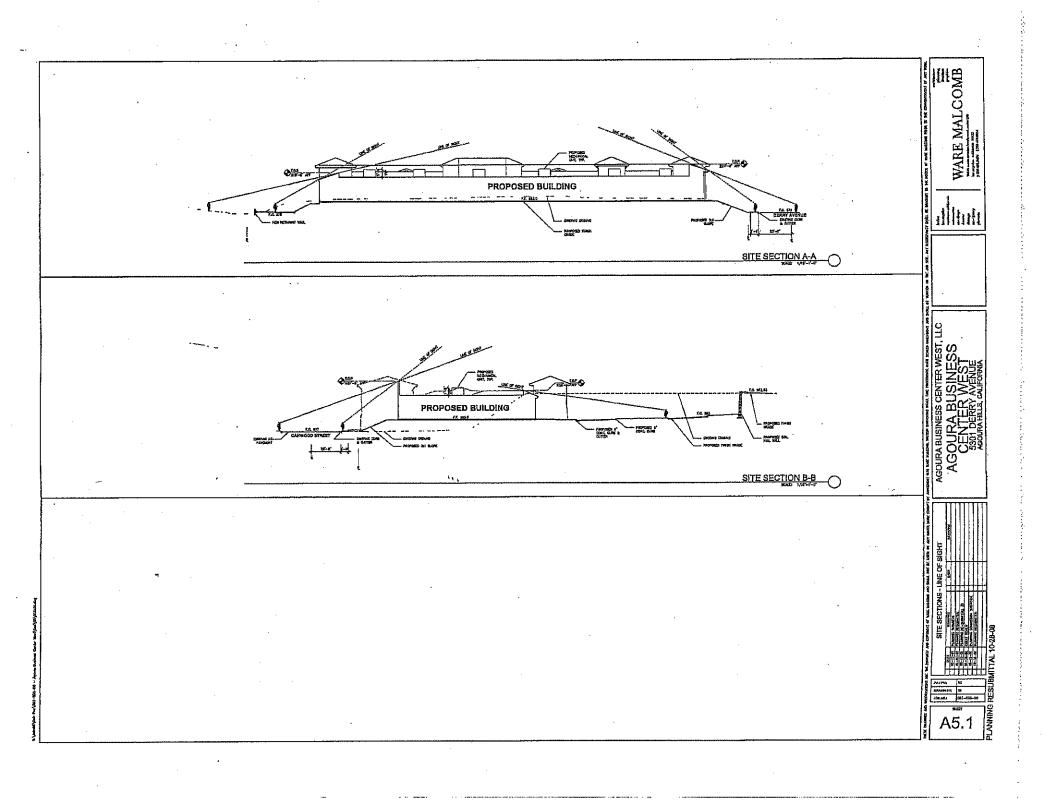
- Draft Resolution and Conditions of Approval for the Vesting Tentative Parcel Map
- Draft Resolution for the General Plan Amendment
- Draft Resolution for the Zone Change
- Draft Ordinance with Exhibit Page
- Exhibit A: Applicant's Burden of Proof for the Wall and Signage
- Exhibit B: Applicant's Letter
- Exhibit C: Vicinity/Zoning Map
- Exhibit D: Reduced Photocopies of the Plans
- Exhibit E: Renderings and Photo-simulations
- Exhibit F: Photographs of the Site and Color Copy of the Color and Material Board

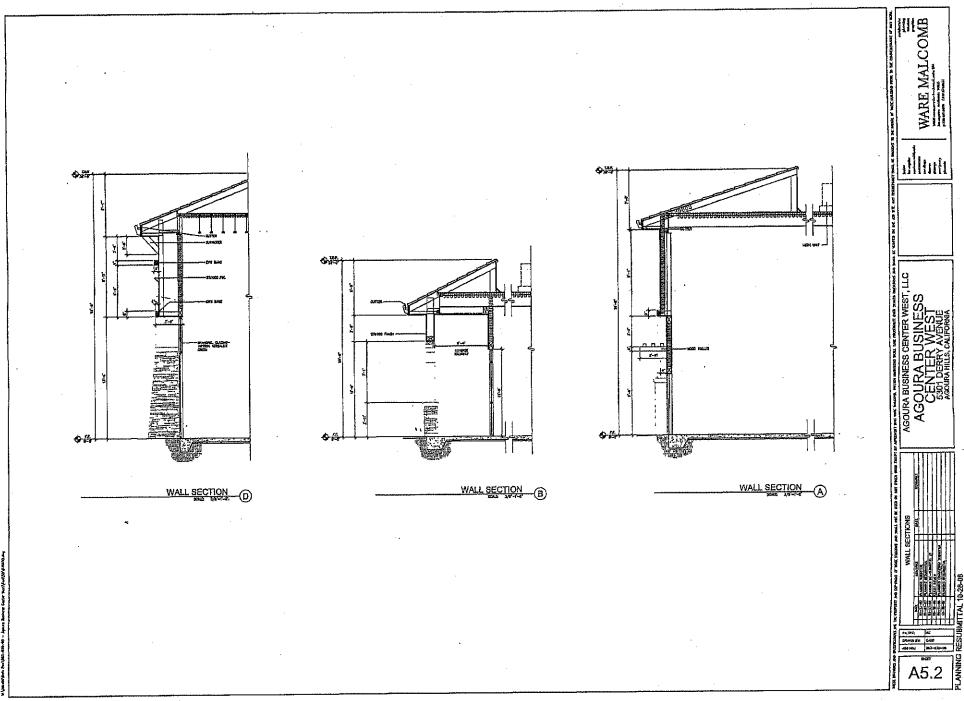
CASE PLANNER: Valerie Darbouze, Associate Planner



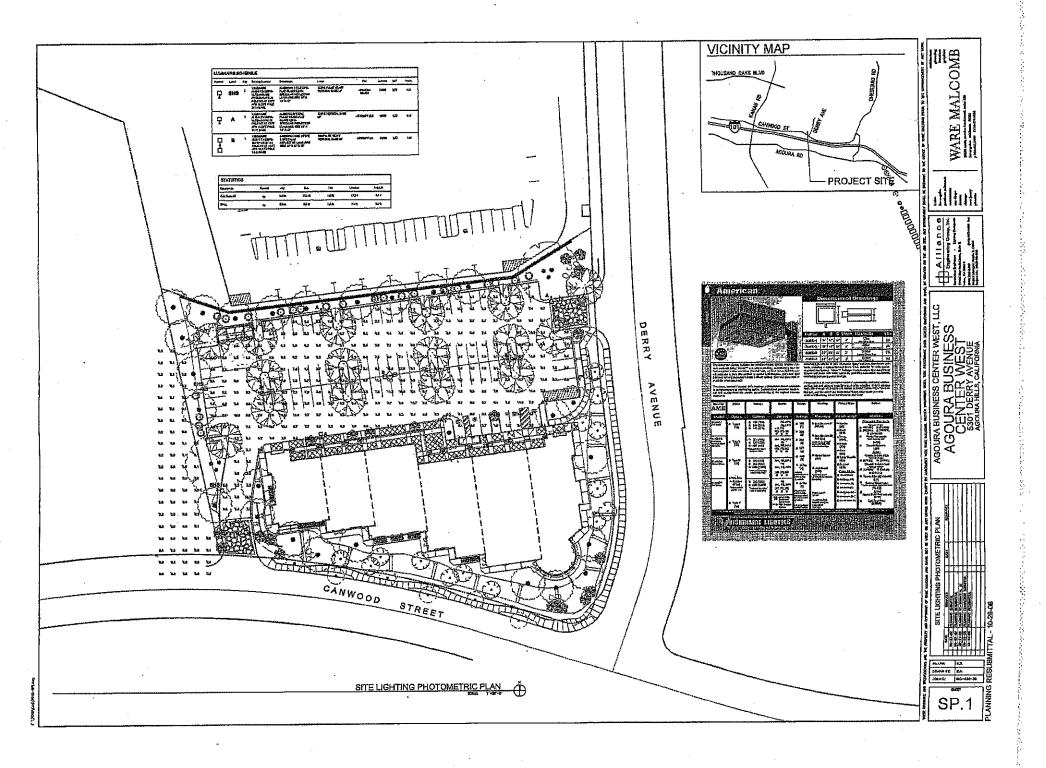


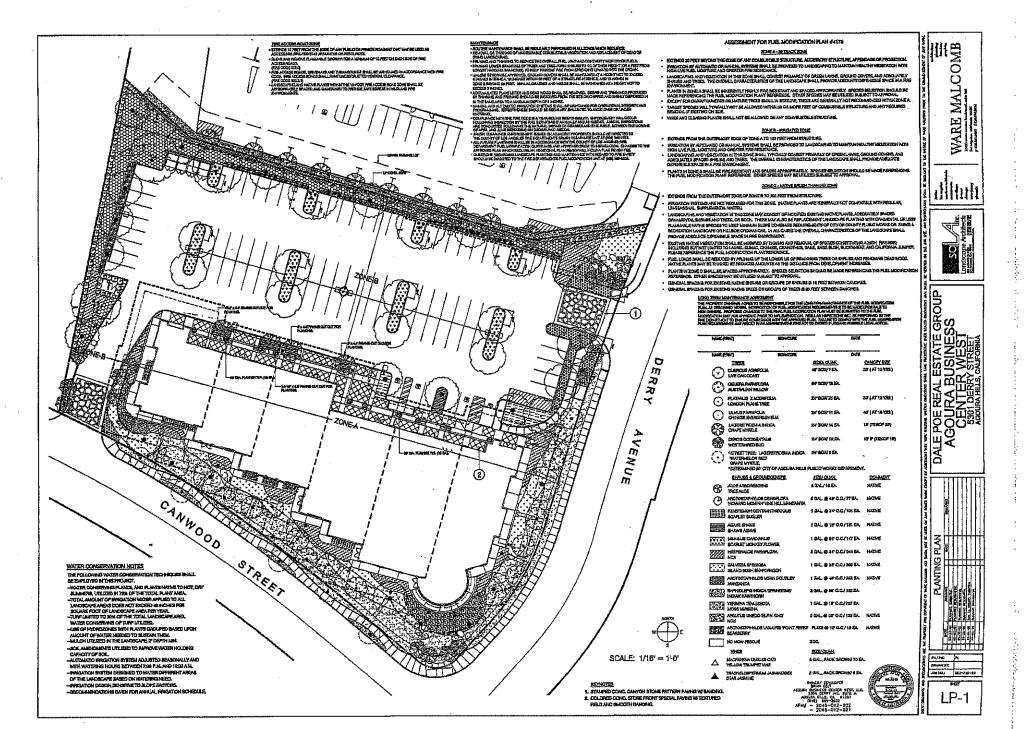


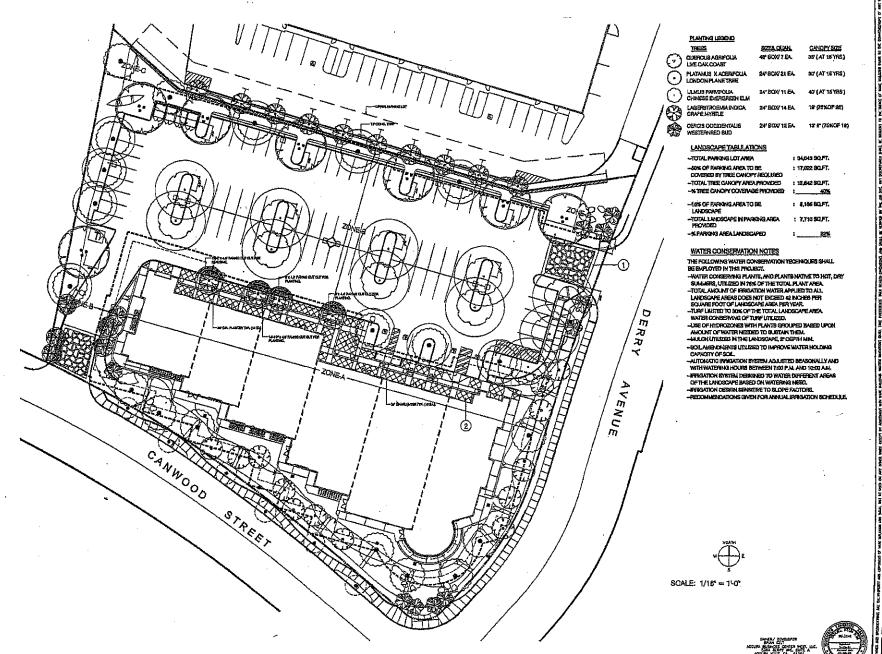




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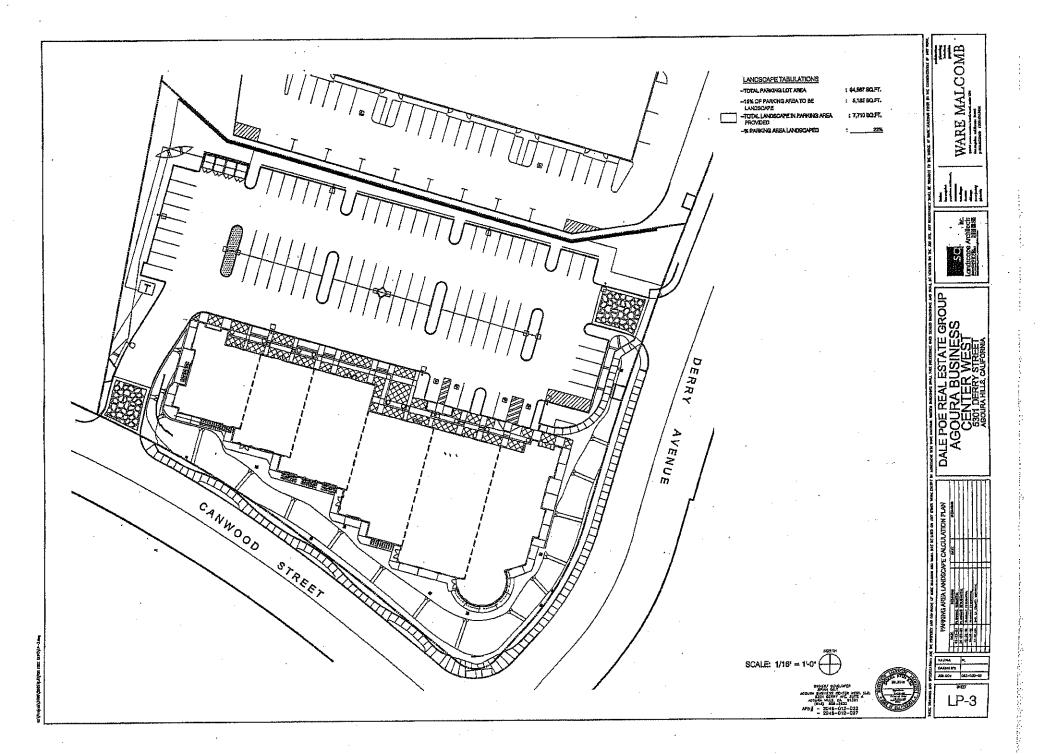
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DALE POE REAL ESTATE GROU AGOURA BUSINESS CENTER WEST 5301 DERRY STREET

SHADING PLAN

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LP-2



#### LANDSCAPE PLANTING NOTES

- 1, THE LANDSCAPE CONTRACTOR SHALL FURNISH ALL LABOR, EQUIPMENT, MATERIALS AND SERVICES FOR THE COMPLETE INSTALLATION AS DESCRIBED BY THE LANDSCAPE
- DITAYINAS

  2. ANY DEVIATION FROM THE PLAN IS TO HAVE PROR WRITTEN APPROVAL BY THE
  OWNER OR HE REPRESENTATIVE

  3. THE LANDSCAPE CONTRACTOR IS TO FEMOVE ALL WEEDS AND OR GRASSES
  (INCLUDING THE ROOTS) EXISTING IN THE PROPOSED GROUND COMERAREA.
- INCLUDIG THE ROOTS EASTING IN THE PROFOSED GROWN COVER AREA.

  4. THE PROFOSED GROWN COVER AREA SHALL RECEIVE THE PRE-EMERGENT HERBICIDE SURFLAN TOW FER MANUFACTURERS INSTRUCTIONS. APPLICATION OF THIS REPOCLDE SHALL BE DONE BY PERSONNEL LICENSED TO HANDLE AGRICULTURAL CHEMICALS.

  BROUGH GRADING OTHER THAN THAY TOOD ON THE LANDSCAPE DYMANGS IS BY THE GENERAL CONTRACTOR FINISH GRADING WILL CONSIDER THAN THAY TOO ONSIDE ON THE LANDSCAPE DYMANGS IS BY THE GENERAL CONTRACTOR FINISH GRADING WILL CONSIST OF RACKING ALL AREAS TO A SMOOTH GRADE, LOOSENING TO THE SOIL TO A DEPTH OF IF AND REMOVING ALL PROCESS OR GLODS OF \$7 DIALETER IS INCLUDED, FINISH GRADE IS TO BE AT BLOWTOP OF ADMICIENT CURBS AND SIDEWALES.

  6. ALL LANDSCAPE AREAS ARE TO RECEIVE AN EVEN APPLICATION OF IS CUBIC YARDS OF NITROGEN MINERALIZED STABILIZED WOOD SAWOUST, SO POUNDS OF SHADO SAWOUST, SO POUNDS OF PETET, THE AREAS AREAS THE TOT SECRET ARE SAVOURDED THE FOR EVEN AND SAVOURD AS THE TOP OF SAVOURDED THE TOP OF SAVOURDED THE TOP OF SAVOURD AS THE TOP OF SAVOURDED THE PROPERTY OF SAVOURDED THE
- THE ABOVE AMENDMENTS ARE TO BE INCORPORATED UNIFORMLY INTO THE TOP 8" OF SOIL
- OF SOIL.

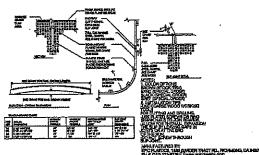
  7. ALL POCK OR LINBROKEN SOIL CLODS OVER 1" IN DIAMETER BROUGHT TO THE SURFACE ARE TO BE REMOVED FROM THE SITE.

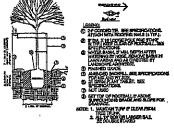
  8. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE HORMCULTURAL SOLS FERTILITY REPORT FIGUR TO SOIL PREPARATION AND PLANT INSTALLATION. SOIL.

  CONDITIONING AMPLIAMENT AND PLANTING BACKFILL MICE SHALL BE IN ACCORDINACE TO SOIL AND FLANTING BACKFILL MICE SHALL BE IN (14)-282-8777, 1594 N. MAIN STREET; OR MICE CARBOTT LING, THE CROWN OF THE THE PLANTING APET OF BEIT PLANTED SO THAT AFTER SETTLING, THE CROWN OF THE THE RANTS BY WITH FINSH GRADE, ROOTS FLUT COVERED WITH SOIL AND FIRMED, 10. WATERING OF PLANTS IS TO TAKE PLACE IMMEDIATELY AFTER PLANTING.
- 11, MULCH ALL SHRUB AND GROUNDCOVER AREAS WITH A 1" LAYER OF 1/2" TO
- 11. MILLARLES AND STRUCTURE AN
- 18. THE LANDSCAPE CONTRACTOR IS TO MAINTAIN ALL LANDSCAPE AREAS FOR A PERIOD OF THIRTY CALENDAR DAYS FROM THE DATE OF COMPLETION, ESTABLISHED BY THE OWNER OR
- CALENDAR DAYS FROM THE DATE OF COMPLETION, ESTABLEMED BY THE OWNER OR HIS REPRESENTATIVE. ALL AREAS ARE TO BE KEET WELL WASTERD, FREE OF GRASSES AND TRASH DURING THIS MANIFEMANCE PERIOD.

  A. AN APPLICATION OF FERTILIZES (FISH MITTECEN), OR FINOSPHORIC, OR POTASH)
  IS TO BE MADE ALST PRIOR TO THE COMPLETION OF THE MANITEMANCE PERIOD, OR AT 30 DAYS INTERVALS IF MAINTEMANCE PERIOD IS GREATER THAN 30 DAYS.

  18. ALL TREES, SPAILES AND PLANT MATERIAL, (CHIREN THAN PLATTED MATERIAL) LESS THAN 15 GALLON SZE SHALL BE GUARANTEED FOR A PERIOD OF 1 MONTH;
  18 GALLON SZE SHALL BE GUARANTEED FOR A PERIOD OF 30 DAYS. ALL MATERIAL LARGER THAN 15 GALLON BIZE SHALL BE GUARANTEED FOR A PERIOD OF 30 DAYS.





1 TREE PLANTING



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PAYING CURE, BLKEDING, OR HEADER - SHOWING PLANTING ARRADAM

(2) SHRUB & GROUNDCOVER SPACING



# DEEP WATERING RANGE BEFORECECATION

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(A) WOODS SACKETT, SEE SETTIFICATIONS PLANING THE PLACE SHATES UP THOUGHT BUTTON

SCARRY SIDES AND BOTTOM OF STARTING ST.

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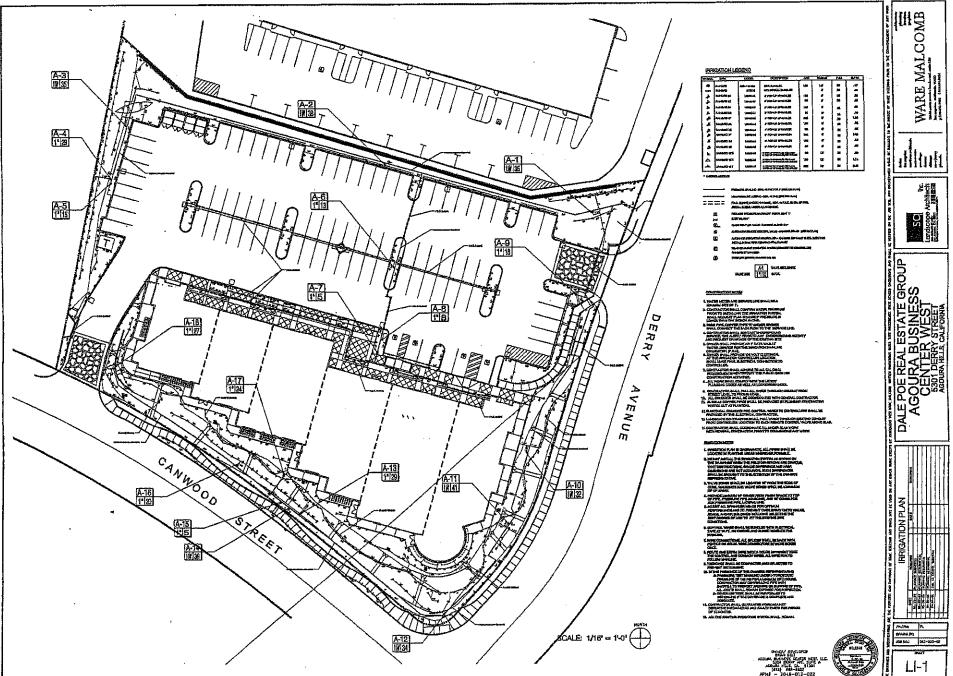
(3) SHRUB PLANTING



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SHEET BETALEDON. THE CONTROL VALVE (DECEMBER HEND F SEE NOTE 2 OR TANKE VALVE CHOSTABLE SENDOR PRE-100 GNDetails/irrigation/ET Manager.jpg 114 THE STATE SHART INNOVINON INSTELL

> (D) PLANTED POT O WOODSANKALLER (3) SHINLE POOTEM

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() DUICK-COLFLER VALVE



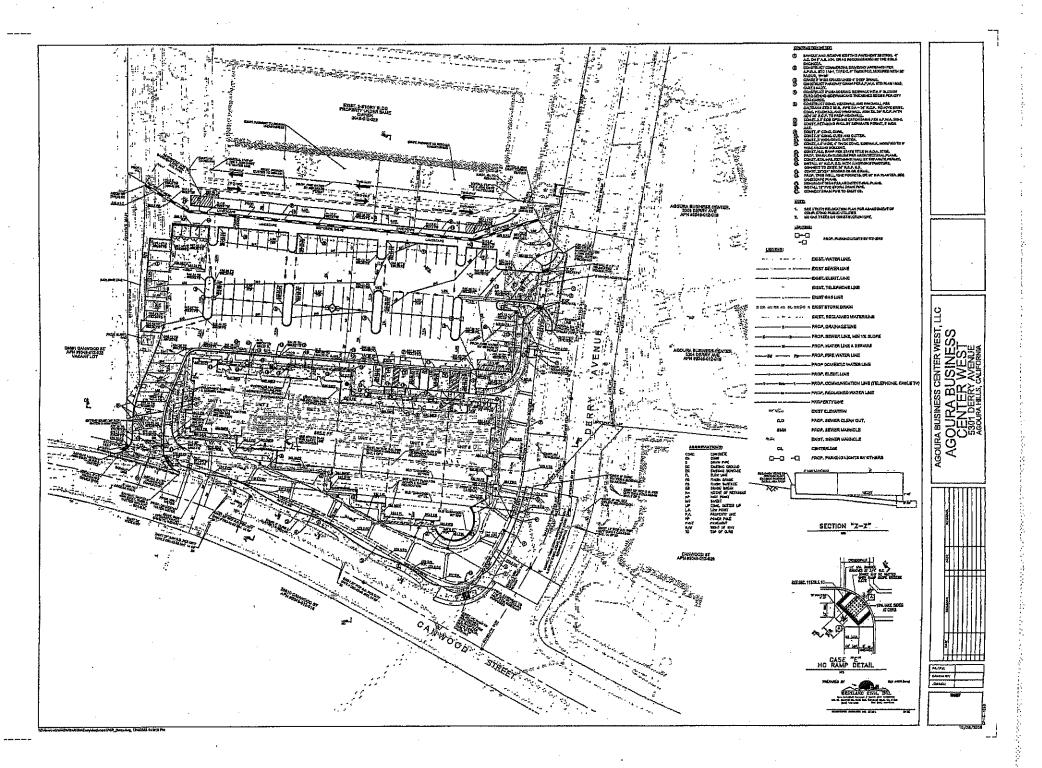
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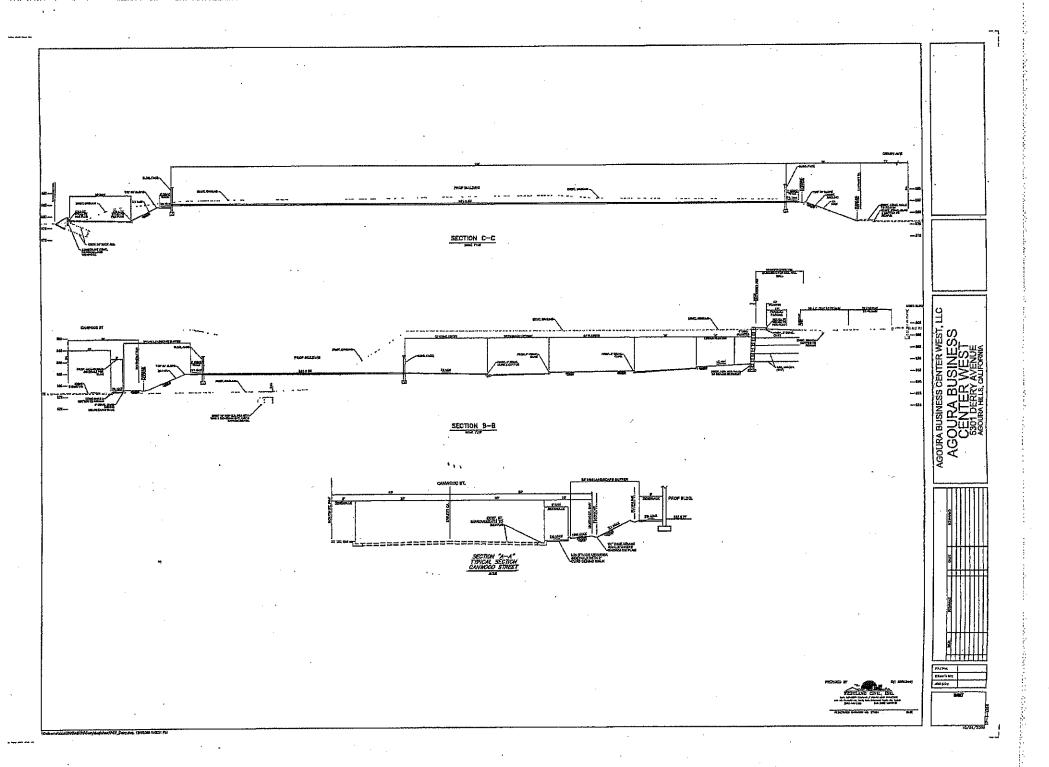
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PRICATION NOTES:





#### **GRADING NOTES**

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- ANY CHARGES IN THE WORK HEADON MALL SE SUBJECT TO THE APPROVAL OF THE CHY
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#### INSPECTION NOTES

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#### GRADING PLAN LEGEND

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## ABBREVIATIONS

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#### STORMWATER POLLUTION NOTES

- APPLICATE IN MAFFORMALE FOR REMAINING A STEEL SPECIES, "STORM WATER FOLLINGS PREVENCE AND STREET AN
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#### CONCRETE REMOVAL NOTES

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- EXTENSION.

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#### **EARTHWORK QUANTITIES NOTES**

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#### PRIVATE ENGINEER'S NOTES TO CONTRACTOR

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#### INSPECTION NOTES

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- c. Frall When Gredno has reek Couplity of all Breinary Brance Potaleo, Rioff Planting Establisho, Ruscator Eyezbus Pestaleo and Del Albert Plant, Required Statements, and Reports have been Submitted.
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#### SUSMP NOTES

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#### OAK TREE NOTES

CONTRACTOR SHAT CONTACT CITY DAY TREE CONSULTANT, (816) 597-7331, TO CONTAIN PAGLECT SPECIFIC "CANTREE NOTES!" SEE COMBITCH NOTES HEASON

DATE

#### AGENCY NOTES

A PIRMET TO OPERATE IN FIRE ZONE 4 MUST BE DETAINED FROM THE PIRE
DOPARTMENT PRIOR TO COMMERCING WORK CALL \$13) 217-24ET FOR
MYCRIMATION.

#### PUBLIC UTILITIES / SERVICES

LAS VARIENES MUNICIPAL WATER DATA 4111 LAS VARIENES ROAD CALABASAT, CA FILES (111) 544-4116

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REGISTRATURE ATT

STAN WALL OF BLOCK STAN MARKETE (EXIS)

SDITMERNI CALIFORNEA GAS MADE GAMBALE ANTONIE CHATSWORTH, GASHIST (410) 791-3254

LA COUNTY, EEPT, OF PUBLIC WORKS LA COUNTY, EMPT. OF PUBLIC WORKS
SEWER MARTEMANICE DIVERSOR
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ALMANDERA, CASTOVS
(EIG) 204-2248

TELEPHONE

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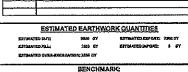
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INDEX OF DRAWINGS

PRELIMINARY GRADING PLAN - SCALE 1-10'

PRELIMINARY COMPOSITE UTILITIES PLAN

PRELIMINARY COVER SHEET

PRELIMINARY SECTIONS SHEET

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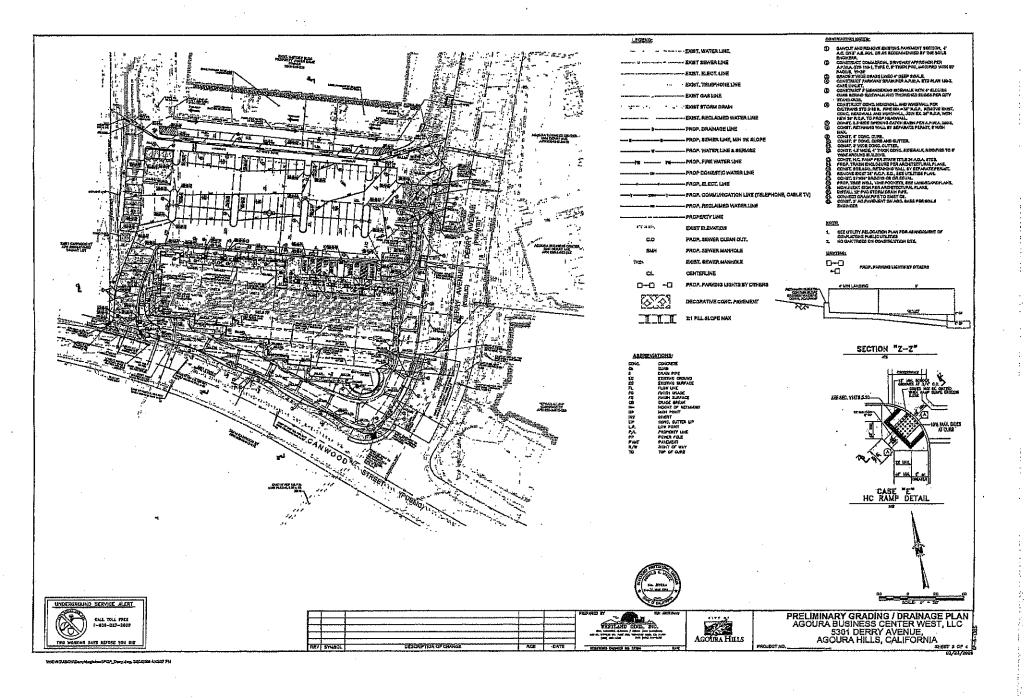
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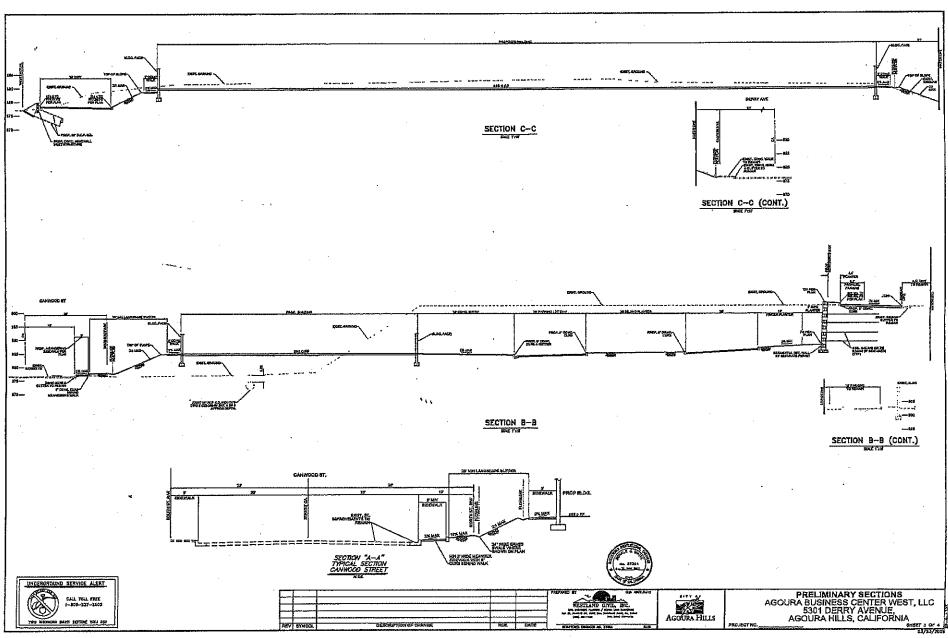
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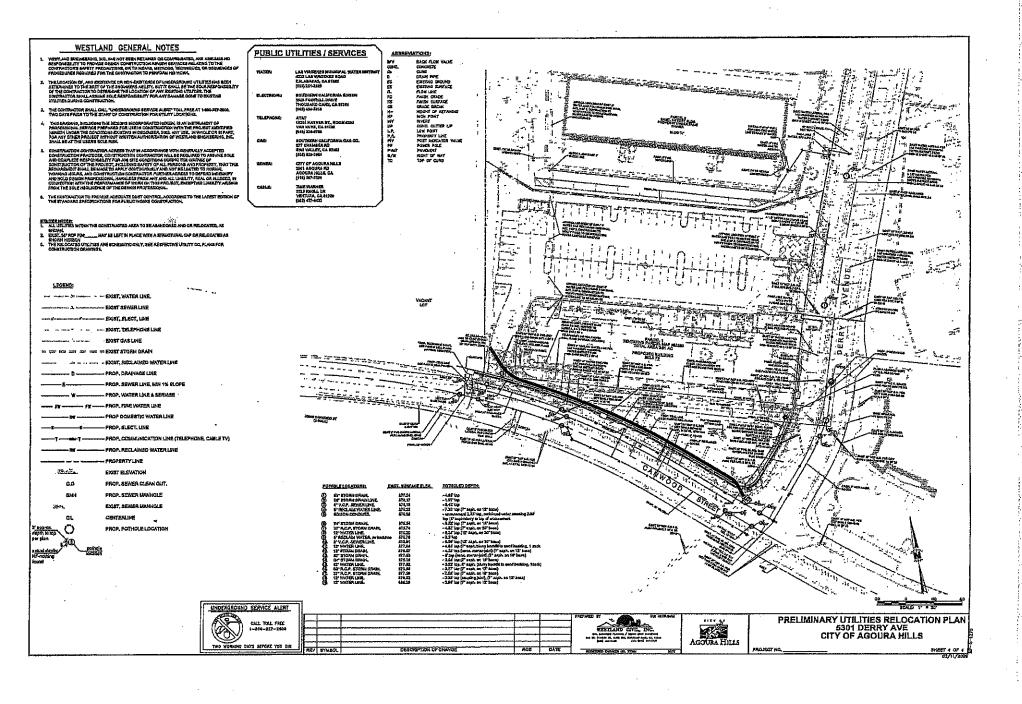
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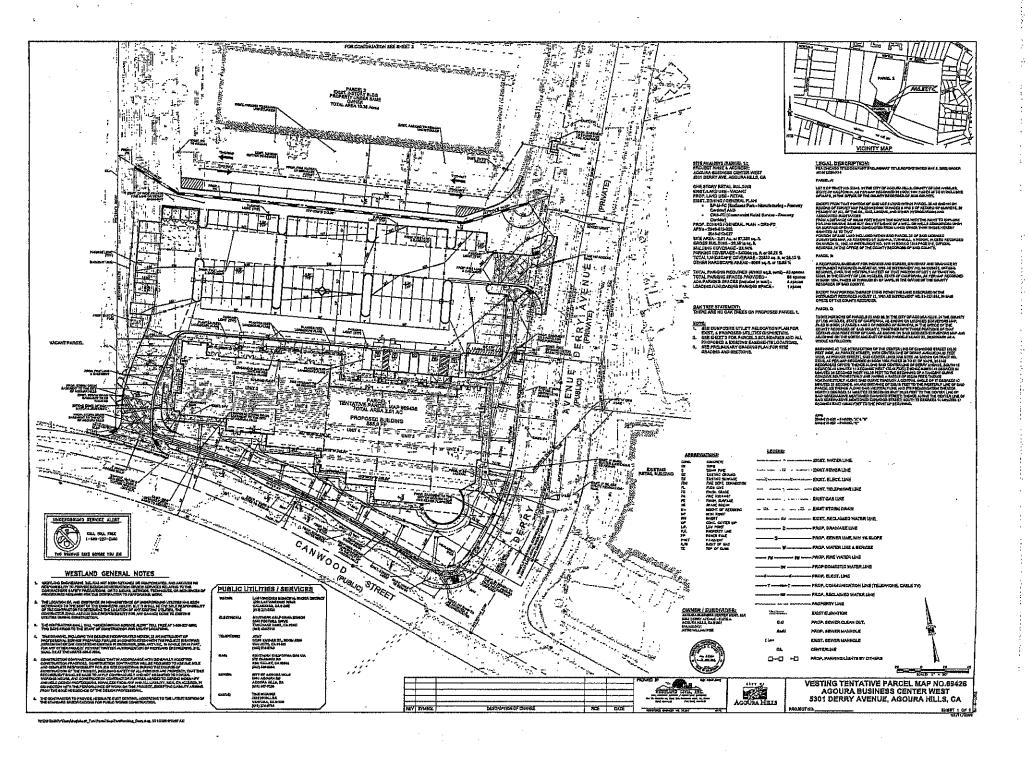
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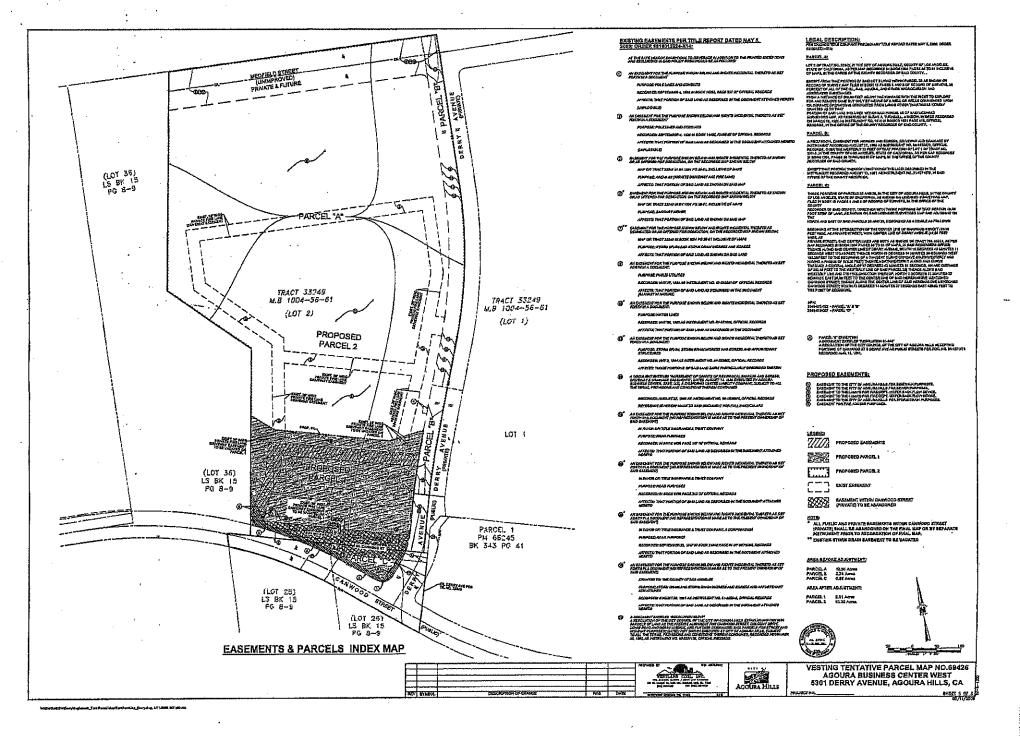
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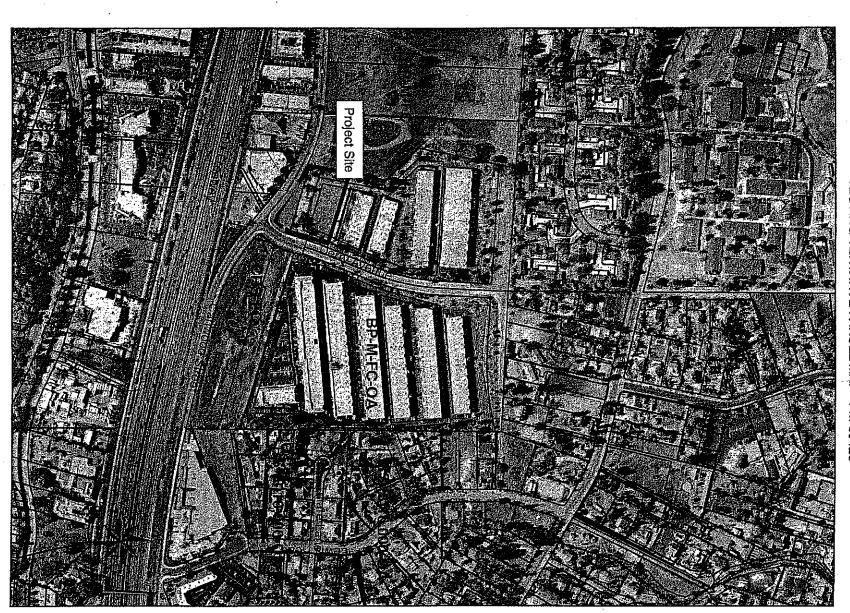








# Vicinity/Zoning Map



SIGN PERMIT - CASE NO. 07-SP-036
GENERAL PLAN AMENDMENT - CASE NO. 07-GPA-001
ZONE CHANGE - CASE NO. 07-ZC-001
VARIANCE REQUEST - CASE NO. 08-VAR-006
VESTING TENTATIVE PARCEL MAP - PM 69426