REPORT TO CITY COUNCIL

DATE: DECEMBER 11, 2013

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY

DEVELOPMENT MK

SUBJECT: CONDUCT A PRE-SCREEN REVIEW AND PROVIDE DIRECTION

REGARDING AN AMENDMENT TO THE LADYFACE MOUNTAIN SPECIFIC PLAN TO ALLOW SENIOR APARTMENTS ON ASSESSOR'S PARCEL NO. 2061-001-025, WITHIN THE LADYFACE MOUNTAIN SPECIFIC PLAN AREA (CASE NO. 13-

PSR-002)

Carlos Khantzis is seeking non-binding direction from the City Council on whether to proceed with an amendment to the Ladyface Mountain Specific Plan to allow residential senior apartments on his parcel that is within the Specific Plan area. Mr. Khantzis owns a 7.1-acre parcel on the westerly end of the Ladyface Mountain Specific Plan area (Assessor's Parcel No. 2061-001-025) and wishes to develop a 46unit senior apartment complex. The purpose of the pre-screen review is to provide an opportunity for the City Council to offer comments to assist the applicant in determining whether he should continue to proceed with his formal request to amend the Specific Plan. The City Council conducted requests for a pre-screen review by the same applicant, for the same parcel, in April of 2002, February of 2005, and February of 2006, for a proposed senior condominium unit project. Nearly eight years have passed since the City Council last reviewed his proposed multi-family residential concept and given the change in project from senior condominiums to senior apartments, the applicant is seeking further direction and comments from the City Council on whether to proceed with his request to amend the Specific Plan to allow for development of senior apartments instead of business park uses.

The project is proposed on an irregularly shaped parcel located directly east of the existing Archstone Apartment complex along the south side of Agoura Road, at the westerly City limits (30800 Agoura Road). The parcel is situated at the toe of the north-facing slopes of Ladyface Mountain and rises in elevation from approximately 870 feet above sea level (adjacent to Agoura Road) to over 1,000 feet (at the southern property line). Two watercourses, under the jurisdiction of the California Department of Fish and Game and the Army Corps of Engineers, divide the parcel into two natural pad areas, and a third watercourse separates the parcel from the lots to the east. Much of the area proposed for building is located adjacent to Agoura Road and has

been previously modified through brush clearance. The steeper slopes, south of the proposed development, consist of undisturbed biological habitat.

At the time of Specific Plan adoption in 1991, the City Council concluded that the land uses most compatible with the sensitive nature of the hillside were business park-type developments, including offices and other ancillary uses. Business park-type developments were generally preferred at the time of Specific Plan adoption due to the more compact nature in which they can be designed (i.e., avoidance of large graded pad area for surface parking through incorporation of underground parking) as compared to the typical residential tract that would likely require the construction of an extensive vehicle circulation system and large level building pad area. In addition, the standard single-family residential developments and high-density apartment units were found more likely to create increased demand on the City's public schools, recreational facilities and shopping facilities. Moreover, at the time of the Specific Plan adoption, it was found that unlike business parks, which are primarily weekday uses, residential development would result in human presence 24 hours a day, which could further encroach onto the sensitive environment of the hillsides.

The Ladyface Mountain Specific Plan currently permits the development of the subject parcel as a business park use of up to 34,000 square feet of building area. The maximum allowable development pad area is limited to 2.42 acres. The maximum traffic budget allotted to the parcel is 90 vehicle trips during the PM peak hour period.

For the City Council's Pre-Screen Review in 2002, the applicant provided information regarding the development concept. The project proposal included 48 senior condominium units distributed among 10 individual residential structures, with 4-5 units per structure. The project also included underground parking structures. While staff had reservations about the proposed density, staff found that the subterranean parking concept, along with the placement of small residential pads, could reduce the potential environmental effects caused by mass on-site grading. Also, the proposal to construct senior housing units were found to likely generate less traffic and reduce the impacts on neighborhood support facilities. Thus, unlike a tract of traditional single-family homes or a high-density multi-family project, the City would not be compelled to provide convenient neighborhood facilities, such as schools and parks. Staff also noted that the proposal would be compatible with the Archstone Apartments – a multi-family residential development located directly west of the proposed project site.

The City Council expressed their willingness in allowing the applicant to proceed with an application to amend the Specific Plan to allow for a senior housing project, but only for this specific site. At the time, the City Council did not provide direction on the proposed density (number of units) of the project, but staff did note that a final determination of the maximum allowable density would need to be calculated, based on the City's Hillside and Significant Ecological Area development criteria, since residential development was not contemplated in the Ladyface Mountain Specific Plan area and thus not analyzed as part of the Specific Plan adoption. Staff also informed

the City Council that the applicant's proposal to construct 48 condominium units may likely need to be reduced based on these standards.

Staff subsequently worked extensively with the applicant in determining a density for the project that could meet the City's development criteria. The average topographic slope of the property is 16-20%, which the Hillside Ordinance would allow for a maximum density of 10 units on the site (0.66 acres per unit). If the City were to theoretically apply a Cluster Development Overlay designation to the property, the allowable density could be increased by up to 100%, or 20 units on the site. The 20 unit density could also theoretically be increased if specific criteria of the Ladyface Mountain Specific Plan were applied, including allowing for the maximum building area on the parcel of 34,000 square feet, or allowing a density based on the traffic budget of 90 vehicle trips in the PM hour. Allowing for development within the maximum allowable pad area of 2.42 acres for the parcel could also increase the project density beyond the 1.5 acre total pad area that was proposed at the time.

Based on these criteria, the applicant proceeded in the development of design plans under an administrative Pre-Application Review Process. However, in 2004, the applicant and staff were informed that California Civil Code Section 51.3.4 requires a minimum density of 35 units for a residential project to qualify as a "senior citizen housing development." If the project were to have a density of less than 35 units, the City could not restrict the occupancy of the residents to exclusively seniors. The question posed to the City Council in February of 2005 was whether the City would be willing to allow the applicant to proceed with the Specific Plan Amendment with the understanding that a minimum of 35 units would be required for development of a senior housing project.

In order to provide for the 35 units, the applicant proposed to cluster 23 two-story condominium units on the western side of the property, in close proximity to the Archstone Apartments. Twelve (12) detached, two-story, single-family units were proposed on the east side of the property. The City Council was split in their support for a clustered development proposal. However, the Council was receptive to a project density of 35 units, while acknowledging that such project on the site would create more impacts than what, theoretically, could be allowed under the residential slope density factor.

The applicant returned to the City Council in 2006 with a Pre-Screen Review for his proposal to develop the site with a density of 46 attached, senior housing condominium units within two buildings and a 3,400 square foot public senior citizen recreation center. The preliminary site plan included underground parking and two levels of residential units that range in size from 1,800 square feet to 2,000 square feet. The applicant had noted that the increase in density from 35 units to 46 units could be mitigated within the development parameters of the Ladyface Mountain Specific Plan. For instance, the 46 condominium units could be designed to occupy approximately 1.2 acres of pad area (or 18% of the total site), instead of the Specific Plan maximum pad area of 2.42 acres for business park development. The City

Council supported the proposed density increase while acknowledging that clustered units would allow for the site to be graded within concentrated areas while providing for more undisturbed, private open space areas. The City Council also acknowledged that the project would also produce significantly fewer vehicle trips in the PM peak hour than the 90 vehicle trip budget assigned for this parcel under the Specific Plan.

In 2008, the applicant submitted his formal application for a Specific Plan Amendment and development applications, including a Conditional Use Permit, Tentative Tract Map, Variances, and an Oak Tree Permit, for senior condominium units. The project went through initial design review, but was placed on hold by the applicant until 2011, when revised plans were submitted. The most current iteration of the project includes two, two-story buildings of 48,982 square feet and 52,152 square feet in size. The two buildings, which are designed with a craftsman-style architecture, are proposed to be separated by a private recreational park space. Underground parking under each building is proposed to accommodate the 46 total one-bedroom and two-bedroom units within the complex. The project applications remain incomplete as more technical information is needed of the applicant for staff's review.

The applicant is now requesting feedback from the City Council, through the Pre-Screen Review Process, to construct on the site 46 leasable apartment units, instead of owner-occupied condominium units. As noted in the applicant's attached project description (Exhibit A), the property owner is seeking to develop a 71,206 square foot senior apartment complex comprised of two separate two-story buildings of 30,716 square feet and 40,490 square feet in size, which is nearly a 30% reduction in habitable floor area from the current condominium proposal. The two buildings are generally sited in the same location as previously presented to the City Council. While the proposed building area of 71,206 square feet is greater than the maximum 34,000 square feet called out for this parcel in the Ladyface Mountain Specific Plan, the applicant notes that the residential project could be developed within a one-acre pad area, which is below the maximum allowable 2.42 acre pad area for the parcel. The applicant also notes the projected traffic generation associated with the residential project is 12 p.m. peak hour trips, which is less than the 90 peak hour trips called out for this parcel in the Specific Plan. The apartment project would also include multipurpose rooms and office space within the two buildings, and public access and shared visitor/public parking located on the west side of Building "B" for a future trailhead connection to the Ladyface Mountain trails. The proposed building architecture is of a contemporary craftsman style that would be subject to design review.

Variances would be needed for reduced front, side, and rear yards for the western most building (Building "A"), a reduced front yard for the eastern most building (Building "B"), and retaining walls in excess of 6 feet in height. The required front yard setback distance from street right-of-way is equal to twice the building height. In this instance, the required front yard setback would be 64 feet. At its closest point, Building "A" would be located approximately 29 feet from the Agoura Road right-of-way, and the first-story porches located approximately 20 feet from the right-of-way.

Building "B" would be located 43 feet from the Agoura Road right-of-way, and 90 feet away at its furthest point. The proposed front yard setbacks are generally the same as previously presented to the City Council. Proposed project plans are attached for reference as Exhibit F.

The proposed Site Plan does not reflect the City's upcoming Agoura Road widening project, which will include widening improvements along the subject property frontage. The applicant would be responsible for any additional frontage and street improvements determined to be necessary for development of his property. Two onsite detention basins would also need to be reconstructed per flood control requirements. The extent of the potential construction impacts to existing Oak trees has not been addressed at this stage. Several Oak trees will need to be removed from the public right-of-way along the property frontage for the widening of Agoura Road. Most on-site Oak trees are located on the perimeter of the lot and between the proposed westerly residential building and the recreation center.

Upon submittal of a revised project description and plans, staff would conduct a more thorough analysis of the applications, including environmental clearance pursuant to the California Environmental Quality Act. The requests would be reviewed by the Planning Commission at a public hearing for a recommendation to the City Council at a subsequent public hearing.

RECOMMENDATION

Staff recommends the City Council provide non-binding comments to the applicant as to whether he should proceed with his request to amend the Ladyface Mountain Specific Plan to allow for the proposed development of 46 senior apartments on the parcel.

Attachments: Exhibit A: Applicant's Project Description

Exhibit B: City Council Meeting Minutes – April 24, 2002 Exhibit C: City Council Meeting Minutes – February 23, 2005 Exhibit D: City Council Meeting Minutes – February 8, 2006

Exhibit E: Vicinity Map Exhibit F: Project Plans

EXHIBIT A

ATTACHMENT A

BACKGROUND/PROJECT INFORMATION

THE PARK AT LADYFACE A SENIOR HOUSING COMMUNITY

30800 Agoura Road Assessor's Parcel No. 2061-001-025 Agoura Hills, CA 91301

PROJECT OVERVIEW/REQUEST

The Applicant, Agoura Hills Center Properties, LLC, is seeking to construct, use and maintain an approximately 71,206-square foot senior housing apartment development, comprised of two separate, two-story apartment buildings approximately 32 feet in height at 30800 Agoura Road (the "subject property") in the City of Agoura Hills. The project will consist of 46-residential apartment units; 2,050 square feet of common area, in the form of multi-purpose rooms and office space; and public access for future trailhead connection to the Ladyface Mountain trails. The project will provide 128 parking spaces (2 covered and 0.50 uncovered spaces per residential unit and 13 additional uncovered parking spaces). The subject property is approximately 7.1 acres (308,983-square feet) and is within the boundary of the Ladyface Mountain Specific Plan area.

The Applicant is requesting a SPECIFIC PLAN AMENDMENT, to permit the residential use on the subject property, which is otherwise not permitted by the Ladyface Mountain Specific Plan. As part of the AMENDMENT application, the Applicant will also be requesting VARIANCE to permit reduced front, side and rear yards for the western most building (Building "A") on the subject property; VARIANCE to permit a reduced front yard for the eastern most building (Building "B") on the subject property; VARIANCE to permit four retaining walls to exceed the permitted height of 6-feet; VARIANCE to allow the building height of Building "A" and Building "B" to exceed the maximum permitted height of 35 feet; a CONDITIONAL USE to permit development within the Ladyface Mountain Specific Plan area; a TENTATIVE TRACT MAP for 46-residential apartment units on the subject property; and an OAK TREE PERMIT to permit the removal, relocation, and encroachment of oak trees during development.

BACKGROUND

Subject Property:

The subject property is located within the City of Agoura Hills, on the south side of Agoura Road between Reyes Adobe Road and Lindero Canyon Road. It occupies approximately 7.1 acres (308,983-square feet) and is presently undeveloped. The project site is within Section 31, Township 1N, Range 18W, as shown on the Thousand Oaks, California 7.5-minute USGS topographic map. The subject property is located at 30800 Agoura Road and is bordered by the

Archstone Agoura Hills apartment complex on the west, several office buildings and associated surface parking lots to the north, an undeveloped parcel of land on the east, and Ladyface Mountain to the south. The site is zoned for uses in accordance with the Ladyface Mountain Specific Plan, which designates the subject property for "Business Park" uses. Business Park uses are identified in the Commercial Land Use Tables for the BP-OR (Business Park-Office Retail) Zone, Section 9312.2 of the Agoura Hills Zoning Ordinance. Typical uses include office, hotel, restaurant and retail uses; residential uses are not permitted.

Topography of the site is relatively flat in the north section of the property, abutting Agoura Road. The topography gently slopes up towards the south with increasing numbers of oak trees on steeper ascending slopes, approaching Ladyface Mountain. Low gradient areas characterize the northern part of the site with slopes less than 5:1 (horizontal to vertical). Slopes are steeper in the southern part of the property. Here slopes are typically 3:1 (horizontal to vertical) or less, but limited areas along the southern property line are as steep as 1.5:1. Three natural drainages dissect the site into two gently sloped areas that will serve as the location of the proposed housing. Elevation within the site ranges from approximately 950-feet to about 1,015 feet above mean sea level.

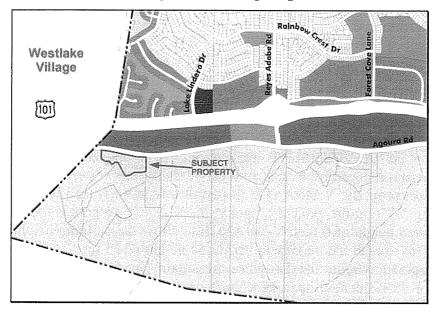


Figure 1: Zoning Map

Project Description:

The proposed project consists of grading a portion of the subject property and the construction of two, two-story residential buildings. The two residential structures will provide 46-residential apartment units for senior citizens.

¹ Preliminary Geotechnical Investigation – The Park at Ladyface Mountain, Senior Housing Community, APN# 2061-001-025 and 30800 Block of Agoura Road, Agoura Hills, California. Gorian & Associates, October 12, 2000.

Building "A", located along the western portion of the subject property, will comprise a floor area of approximately 30,716 square feet (Gross Floor Area) on two floors and will feature 20, one- and two-bedroom dwelling units, and approximately 842 square feet of common area, provided within two multi-purpose rooms. Building "A" will have a building height of 31-feet, 6-inches to the highest point of the building, with the exception of the east elevation. The east building elevation will have maximum building height of 41-feet, 8-inches at the entrance of the subterranean parking. Two covered spaces and 0.50 uncovered parking spaces are required per dwelling unit (see **Table 1**, below). The covered parking spaces will be provided in a single level subterranean parking structure, accessed through a private driveway. Surface parking spaces will provided for guest parking. Building "A" will comprise a pad area of approximately 19,300 square feet.

Building "B", located along the eastern portion of the subject property, will comprise a floor area of approximately 40,490 square feet (Gross Floor Area) on two floors and will feature 26, one- and two-bedroom dwelling units, and approximately 1,208 square feet of common area within two multi-purpose rooms. Building "B" will have a building height of 32-feet to the highest point of the building, with exception of the west building elevation. The west building elevation will have maximum building height of 42-feet, 2-inches at the entrance of the subterranean parking garage. Two covered spaces and 0.50 uncovered parking spaces will be provided per dwelling unit (see **Table 1**, below). The covered parking spaces will be provided in a single level subterranean parking structure, accessed through a private driveway. Surface parking spaces will be provided for guest parking. Building "B" will comprise a pad area of approximately 23,700 square feet.

The area between Buildings "A" and "B" will provide open space, and accommodate a future trailhead connection to the Ladyface Mountain trails.

	Dwelling Units	Residential Buildings - Floor Area	Parking Required		Parking Provided	
			Resident	Guest	Resident	Guest
Building A	20	30,716 SF	40	10	40	11
Building B	26	40,490 SF	52	13	52	25

Table 1: Floor Area and Parking.

The architecture and design of the structures will be consistent with the Architectural Design Standards and Guidelines for the City of Agoura Hills and the Ladyface Mountain Specific Plan.

The proposed project will occupy a total pad area of approximately 1 acre (43,000 SF) on the 7.1-acre site. The Lady Face Mountain Specific Plan permits a total pad area of 2.42 acres (see **Table 2**, below), with the development of a "business park" use. The development of the subject property for senior housing will result in a smaller pad area, fewer trips (12 PM Peak

Hour trips versus 43 PM Peak Hour trips for a 34,000 SF business park²), and fewer negative impacts than might otherwise arise should the subject property be developed with a "business park" use with a surface parking area. The inclusion of subterranean parking for the residential portion of the project will reduce the lot coverage of the overall project, thereby reducing the potential environmental impacts to existing drainages. Development will result in impacts to oak trees on-site, with the removal of 38 trees and their subsequent replacement at a 4-to-1 ratio. The small pad area will minimize disturbances to the subject property.

The project will provide four decorative retaining walls on site. One decorative retaining wall will be located along the western and southern property line, adjacent to Building "A". This wall is generally a 3-foot retaining wall and will gradually be built up to a maximum height of 15 feet behind the southwest corner of Building "A". A second retaining wall, 9.5 feet in height, will be located along the western portion of the parking stalls for the recreational park. A third retaining wall will be located on the south side of the surface parking area, south of Building "B". This wall will gradually be built up from 1-foot to a maximum height of 27-feet at the southwest corner of Building "B" before stepping back down to 1-foot. The fourth retaining wall, 8-feet in height, will be located to the east of Building "B", along the boundary of the flood control easement. Views of the four retaining walls will be limited from the property frontage along Agoura Road due to the use of landscaping and the presence of the proposed buildings on the subject property.

Maximum Development Potential – Scenario 1-A³ Parcel Total Average % Development % Open Total Land Use Developable Traffic No. Acreage % Slope Area Allowed Space Developable **Building Square** Budget⁵ of Parcel (acres) Required Pad Area Footage 4 Permitted 2061-1 7.10 11.15 % 67.5 % 32.5 % 2.42 acres Business 34,000 SF 90 25 acres (4.79 acres) Park

Table 2: Subject Property, Maximum Development Potential

Surrounding Properties:

With the exception of the office complex located to the north, across Agoura Road, surrounding properties are also located within the Lady Face Mountain Specific Plan Area. The property to the west is developed with the Archstone Agoura Hills development, containing approximately 178 apartment units. The property located to the east of the subject property is located within the Lady Face Mountain Specific Plan area and is presently undeveloped. Lady Face Mountain is located to the south of the subject property and remains undeveloped.

² ITE 2009 Traffic Generation Table, Senior Adult Housing.

³ Ladyface Mountain Specific Plan, Chapter IV. Development Regulations and Requirements, Table IV-1.

⁴ Ladyface Mountain Specific Plan, Chapter IV. Development Regulations and Requirements, Table IV-2.

⁵ Ibid.

The property to the north of the subject property, along the north side of Agoura Road, is classified within the BP-M "Business Park, Manufacturing" Zone and developed with an office building and associated parking.

STREETS AND CIRCULATION

The project frontage is along Agoura Road. Street improvements along the project frontage at Agoura Road will be consistent with the City of Agoura Hills Agoura Road Widening Project. The two existing detention basins would be restructured to meet current federal, state and county flood control requirements.

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EXHIBIT B

MINUTES REGULAR MEETING OF THE AGOURA HILLS CITY COUNCIL April 24, 2002 at 7:00 p.m.

The meeting was called to order at 7:03 p.m.

The Flag Salute was led by Councilmember Corridori.

Present were:

Mayor Denis Weber, Mayor pro Tem Jeff Reinhardt,

Councilmember Ed Corridori, Councilmember Dan Kuperberg,

and Councilmember Louise Rishoff

Also present were:

City Manager Dave Adams, City Attorney Craig Steele, Assistant City Manager Greg Ramirez, Director of Planning & Community

Development Mike Kamino, Planner Joyce Parker-Bozylinski, Environmental Analyst Jasch Janowicz & City Clerk Carol Tubelis

APPROVAL OF AGENDA

On a motion by Mayor pro Tem Reinhardt, seconded by Councilmember Kuperberg, the Agenda was approved without objection.

ORAL COMMUNICATIONS

There were no speakers.

<u>PRESENTATIONS</u>

There were no presentations.

INTERGOVERNMENTAL AND SPECIAL PURPOSE COMMITTEE REPORTS

There were no reports.

CONSENT CALENDAR

1. Approve Demand Register No. 442

ACTION:

Approved 5-0

2. Approve Treasurer's Report for March 2002

ACTION:

Approved 5-0

3. Award Professional Services Contract for Tree Trimming

ACTION:

Approved 5-0

4. Approve 2002 Durham School Services Beach Bus Contract

ACTION!

Approved 5-0

5. Deny Claim for Damages - John Long III

ACTION:

Approved 5-0

6. Deny Claim for Damages - Indalesia Mendoza Gonzales

ACTION:

Approved 5-0

ACTION:

On a motion by Councilmember Kuperberg, seconded by Councilmember Corridori, the Consent Calendar was approved without objection.

ORDINANCE

7. (A) Approve Resolution No. 02-1237 Certifying the Final Environmental Impact Report (SCH#2000111155) prepared for the J.H. Snyder Project

(B) 2nd Reading and Adoption of Ordinance 02-311 Approving Zone Change Case No. 01-ZC-003 (to amend the Zoning Map from CRS-FC (Commercial-Retail/Service-Freeway Corridor) to RH-CD-FC (High Density Residential 15-25 dwelling units/acre-Cluster Development-Freeway Corridor), OS (Open Space) and OS-FC (Open Space-Freeway Corridor) on a portion of property located on the north side of (Canwood Street east of Kanan Road.)

ACTION:

Following discussion;

(A) On a motion made by Councilmember Rishoff and seconded by Councilmember Kuperberg, Resolution No. 02-1237 was approved 5-0; and

(B) On a motion made by Councilmember Kuperberg and seconded by Mayor pro Tem Reinhardt to waive further reading and adopt by title only, Ordinance No. 02-3 1 Approving Zone Change Case No. 01-ZC-003 was adopted on a roll call vote of 5-0.

DISCUSSION

8. Request for Pre-screen Review of Specific Plan Amendment to allow residential development within the Ladyface Mountain Specific Plan area

Ray Franco, 12345 Ventura Blvd., Studio City, 91604, representing Khantzis/EPI, gave a preliminary overview of a senior housing project being reviewed for possible development. The project would necessitate a formal request to amend the Ladyface Mountain Specific Plan.

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ACTION:

Following the presentation and discussion, the Council did not express problems with allowing the applicant to proceed with an application for amendment to the Ladyface Mountain Specific Plan but only as it relates to this specific project site as presented.

COUNCIL, STAFF COMMENTS

Mayor pro Tem Reinhardt admitted, "...he just couldn't wait for SpringFest!"

Councilmember Kuperberg gave a futuristic history of SpringFest due to take place on the coming Sunday, April 28th, and thanked Recreation Manager Dale Sumersille, for all her efforts toward the event. He commended the Trashbusters task force of over 100 individual groups who picked up 88 bags of trash in the city.

Councilmember Corridori, adding to Mr. Kuperberg's comments on the Trashbusters event, noted that the groups filled up one big dumpster with unbelievable trash!

Mayor Weber thanked Mayor pro Tem Reinhardt for acting as Mayor two weeks ago, and asked Council to adjourn the meeting in honor of his nephew who died unexpectedly a little over two weeks ago due to a tragic accident.

<u>ADJOURN</u> to 7:00 p.m. on Wednesday, May 8, 2002 for the next Regular Meeting of the City Council to be held in the Council Chambers located at 30001 Ladyface Court, Agoura Hills.

EXHIBIT C

MINUTES REGULAR MEETING OF THE AGOURA HILLS CITY COUNCIL

30001 Ladyface Court, Agoura Hills, CA 91301 February 23, 2005 at 7:00 p.m.

The meeting was called to order at 7:06 p.m.

The flag salute was led by Mayor Corridori.

Present were:

Mayor Ed Corridori, Mayor Pro Tem Denis Weber,

Councilmember John Edelston, and Councilmember Jeff

Reinhardt.

Councilmember Kuperberg was absent.

Also Present were:

City Manager Greg Ramirez, City Attorney Craig Steele, Director

of Planning and Community Development Mike Kamino, Assistant to the City Manager Carol Tubelis, and City Clerk

Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the Closed Session pursuant to Government Code Section 54956.9 (a) regarding the Agoura Hills/Calabasas Community Center Joint Powers Authority v. Fassberg Construction Co., Inc., LC 067191. The City Council gave direction to staff and took no reportable action.

APPROVAL OF AGENDA

On a motion by Council member Reinhardt, second by Councilmember Edelston, the Agenda was approved without objection. Councilmember Kuperberg was absent.

ORAL COMMUNICATIONS

Louis Masry, 14490 Shawnee Street, Westlake, California, incoming President of the Agoura/Oak Park/Conejo Valley Chamber of Commerce, thanked the City for honoring outgoing President Alex Soteras, spoke about membership, and announced upcoming Chamber events.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL AND SPECIAL PURPOSE COMMITTEE REPORTS

There were no reports.

CONSENT CALENDAR

Councilmember Edelston pulled Agenda Item No. 4 for discussion.

On a motion by Mayor Pro Tem Weber, second by Councilmember Reinhardt, Agenda Item Nos. 1, 2 and 3 were approved 4-0, with Councilmember Kuperberg absent.

1. Approve Demand Register No. 510

ACTION:

Approved 4-0, Kuperberg absent

2. Approve Minutes of the Regular City Council Meeting of February 9, 2005

ACTION:

Approved 4-0, Kuperberg absent

3. Approve Treasurer's Report for January 2005

ACTION:

Approved 4-0, Kuperberg absent

DISCUSSION/ACTION

5. Conduct a Pre-Screen Review and Provide Direction Regarding an Amendment to the Ladyface Mountain Specific Plan to Allow Residential Development within the Ladyface Mountain Specific Plan Area (Case No. 04-PSR-007)

Brad Rosenheim, 21800 Oxnard Street, #480, Woodland Hills, California, representing Agoura Hills Center Properties, LLC, provided an overview of the applicant's preferred development scenario for a proposed 35-unit senior housing project. A formal request for a Specific Plan Amendment would have to be filed by the applicant to develop the project.

Steve Rice, 7655 Haskell Avenue, Van Nuys, California, provided an overview of the landscape and design of the project.

ACTION:

Following the presentation and discussion, the City Council, with Councilmember Kuperberg absent, provided non-binding comments to the applicant to proceed with the formal request to amend the Ladyface Mountain Specific Plan to allow for senior housing residential development on the parcel.

6. Conduct a Pre-Screen Review to Consider a Zoning Ordinance Amendment Regarding Self-Storage Facilities (Case Nos. 04-PSR-008 and 04-PSR-003)

The applicant for Case No. 04-PSR-003 asked that his request be placed on hold. The City Council conducted a pre-screen review for Case No. 04-PSR-008.

Jack Dwyer, applicant, 641 West Kendle Lane, Thousand Oaks, California, representing Chigaridas family, spoke about the business storage solutions proposed by the applicant.

Neal Scribner, Architect, 4765 Via Don Luis, Thousand Oaks, California, provided an overview of the design of the proposed self-storage facility.

Tom Gesler, 657 Bristol Avenue, Simi Valley, California, representing Canwood Storage and Offices, reported that the intent of the project was to provide a full-scale business resource center for small business entrepreneurs in the City and that in addition to offering storage and executive office space; shipping facilities and printing services would also be provided.

The City Council recessed at 8:57 p.m. and reconvened at 9:04 p.m.

ACTION:

Following the presentation and discussion, the City Council, with Councilmember Kuperberg absent, supported the staff recommendations related to expanding the ordinance regarding self-storage facilities and did not express problems with the applicant proceeding with a formal application for a zoning ordinance amendment.

CONSENT CALENDAR ITEM\PULLED FOR DISCUSSION

4. Approve Resolution No. 05\1362; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS AUTHORIZING AN AGREEMENT EXTENDING THE TERMINATION DATE OF THE CABLE TELEVISION FRANCHISE AGREEMENT WITH CENTURY-TCI CALIFORNIA, L.P., DBA ADELPHIA CABLE COMMUNICATIONS

Steven Naber, 2323 Teller Road, Newbury Park, California, representing Adelphia, reported that the original data provided to the Council in April 2004 contained several errors; provided an updated comparison sheet of the broadcast and classic cable tiers and the calculated CPI; also provided a comparison analysis related to the varied tier rates throughout the County; mentioned that the difference in tier rates between communities are often affected by previous cable operator contracts; and indicated that Adelphia was on a dual path of either coming out of bankruptcy or selling the company to another cable operator.

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ACTION:

Following discussion, the motion by Councilmember Edelston to continue the item to the next meeting to have the opportunity to examine the new data presented by Adelphia, was seconded by Mayor Corridori.

City Attorney Steele advised the Council that the City was not a rate regulator in this particular franchise and that, given the uncertain state of Adelphia's business and their potential sale, it was his opinion that there was value and protection to the City to have the franchise in effect at all times.

ACTION:

Based on the recommendation by the City Attorney, Mayor Corridori withdrew his second. Councilmember Edelston called for a vote on the motion. Mayor Corridori concurred with his request. Upon a voice vote, Mayor Pro Tem Weber and Councilmember Edelston were in favor and Councilmember Reinhardt and Mayor Corridori were opposed. Councilmember Kuperberg was absent. No action was taken.

City Attorney Steele indicated that by not approving the extension, it creates uncertainty regarding the status of the franchise and the franchisee's obligations to the City and its customers. The City is best protected legally by having the franchise in place given the amount of money involved and the uncertain corporate status of the franchisee. His recommendation was to take action on the extension.

ACTION:

Following discussion, Councilmember Reinhardt moved to approve the extension, seconded by Mayor Corridori. Upon a voice vote, Councilmember Reinhardt and Mayor Corridori were in favor and Mayor Pro Tem Weber and Councilmember Edelston were opposed. Councilmember Kuperberg was absent.

By default, the item was continued to the meeting of March 9, 2005.

COUNCIL, STAFF COMMENTS

Councilmember Reinhardt reported on the General Plan Advisory Committee meeting; announced that the DRT (Disaster Response Team) classes would begin on March 8, 2005 at 7:00 p.m. in the Community Room; and commended the Public Works crews for their services during the recent rains.

Councilmember Edelston encouraged public participation in the DRT program and reported that the Junior Paramedic Program is scheduled for the last week of May at Yerba Buena Elementary School.

City Council Regular Meeting Minutes February 23, 2005 Page 5

ADJOURNMENT

At 10:29 p.m., on a motion by Mayor Pro Tem Weber, second by Councilmember Reinhardt, with Councilmember Kuperberg absent, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, March 9, 2005 for a regular meeting of the City Council in the Council Chambers of the Civic Center with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills.

Kimberly M. Rodrigues, CMC

City Clerk

EXHIBIT D

MINUTES REGULAR MEETING OF THE AGOURA HILLS CITY COUNCIL

Civic Center – Council Chambers 30001 Ladyface Court, Agoura Hills, CA 91301 February 8, 2006 at 7:00 p.m.

The meeting was called to order at 7:08 p.m.

The flag salute was led by Mayor Pro Tem Kuperberg.

Present were:

Mayor Denis Weber, Mayor Pro Tem Dan Kuperberg,

Councilmember John Edelston, Councilmember William D. Koehler,

and Councilmember Harry Schwarz.

Also Present were:

City Manager Greg Ramirez, Assistant City Manager Jim Thorsen, Assistant to the City Manager Nathan Hamburger, Director of Planning and Community Development Mike Kamino, Assistant Community Development Director Doug Hooper, Senior Planner Allison Cook, City Engineer Ken Berkman, Director of Finance Georgette Holt, Director of Community Services Amy Brink, Recreation Manager Donna Conlin, and City Clerk Kimberly

Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the Closed Session pursuant to Government Code Sections 54956.8 (two cases), 54956.9(a), and 54957. Direction was given to staff and no reportable action was taken.

APPROVAL OF AGENDA

On a motion by Mayor Pro Tem Kuperberg, second by Councilmember Edelston, the Agenda was approved without objection.

ORAL COMMUNICATIONS

Rudy C'Dealva, 4062 Jim Bowie Road, Agoura Hills, expressed his concerns related to the removal/confiscation of directional open house signs by code enforcement, without notification, and requested the City Council review the language of the sign ordinance to clarify the (in)appropriate placement of open house signs by realtors for the homeowners when selling their property.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE & DEPARTMENTAL REPORTS

There were no reports.

CONSENT CALENDAR

On a motion by Councilmember Edelston, second by Councilmember Schwarz, the Consent Calendar was unanimously approved 5-0.

1. Approve Minutes of the Regular City Council Meeting of January 25, 2006

ACTION:

Approved 5-0

2. Approve Demand Register No. 533

ACTION:

Approved 5-0

3. Approve Notice of Completion for the 2005/2006 Street Resurfacing Project; NIB 05-04

ACTION:

Approved \$-0

Approve Resolution No. 06-1403; A RESOLUTION OF THE CITY COUNCIL OF THE 4. CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE COMPENSATION THE CLASSIFICATION OF COMMUNITY SERVICES PLAN; ESTABLISHING DIRECTOR AND PART-TIME/TEMPORARY THE CLASSIFICATION EMERGENCY OPERATIONS/MEDIA COORDINATOR; SETTING THE SALARY AND HOURLY AND RATE RESPECTIVELY; APPROVE EMPLOYMENT AGREEMENT BETWEEN THE CITY AND AMY K. BRINK TO SERVE AS COMMUNITY SERVICES DIRECTOR

ACTION:

Approved 5-0

DISCUSSION/ACTION

5. Conduct a Pre-Screen Review and Provide Direction Regarding an Amendment to the Ladyface Mountain Specific Plan to Allow a Senior Residential Development within the Ladyface Mountain Specific Plan Area (Case No. 05-PSR-004)

Brad Rosenheim, 21800 Oxnard Street, #480, Woodland Hills, California, representing Agoura Hills Center Properties, LLC, provided an overview of the applicant's preferred development scenario.

ACTION:

Following the presentation and discussion, the City Council provided non-binding comments to the applicant to proceed with the formal request to amend the Ladyface Mountain Specific Plan to allow for the proposed clustering of 46 senior housing condominium units and possible construction of a public senior citizen recreation building on the parcel.

6. Discussion of the Triangle Ranch Project

Colleen Holmes, 3700 Old Oak Road, Agoura, representing the Cornell Preservation Organization, stated that the organization is not against development but that Ladyface Mountain, the Significant Ecological Area (SEA), and the density of the project has to be taken into consideration. She also spoke about concerns related to the traffic and wildlife corridor impacts and the size of the proposed project and recommended the City Council support Alternative #4 of the Draft Environmental Report.

ACTION:

Following presentation of the staff report and a question and answer period, the motion by Mayor Pro Tem Kuperberg to:

- 1. Direct staff to write a letter to the County Regional Planning Commission with a copy forwarded to Supervisor Zev Yaroslavsky;
- 2. The City Council go on record opposing the project as it is currently proposed with 71 homes;
- 3. The City believes that a project significantly closer to Alternative #4, as found in the Draft Environmental Report, would be preferable;
- 4. The City's comments be incorporated into the project, and the City be consulted and to stay in the loop with County staff and the Regional Planning Commission;
- 5. The City Council expressly adopts and approves City staff's letters dated May 11, 2005 and January 19, 2006; and,
- 6. Direct staff to send a representative to attend the February 22, 2006 meeting.

was seconded by Councilmember Schwarz and unanimously approved 5-0.

7. Discussion of FY2005-2006 Md-Year Budget

ACTION: Following presentation of the staff report and a question and answer period, the motion by Mayor Pro Tem Kuperberg to approve the following Revenue/Expenditure changes be included in the FY2005-06 budget:

Revenue

- 1. Increase Account #010-0000-3310.03 VLF GAP Loan (\$18,565).
- 2. Increase Account #010-0000-3950.03 Sale of property (\$72,000).
- 3. Decrease Account #260-0000-3345.03 State Park Grant (\$250,000).

Expenditures

- 1. Reallocate \$250,000 from Account #260-4620-6105.00 (grant fund) to Account #010-4620-6105 (general fund).
- 2. Increase Account #010-4620-6102.00 Driver Equestrian Trail Design (\$20,000).

was seconded by Councilmember Koehler and unanimously approved on a roll call vote of 5-0.

COUNCIL, STAFF COMMENTS

City Manager Ramirez announced that the Community Services Department would be recognized with an Award of Excellence from the California Park and Recreation Society for their marketing campaign for the Reyes Adobe Days event. He also announced that 24 people, including residents from the surrounding communities, attended the Community Emergency Response Team (CERT) training session held last night in the Community Room.

Mayor Pro Tem Kuperberg commended staff on the diverse issues and projects presented this evening and complimented City Manager Ramirez and the entire staff for their excellence in providing accurate and concise information which gives the City Council the opportunity to make decisions in the best interest of the City.

Councilmember Edelston expressed appreciation to the Los Angeles County Fire Department for their quick action in putting out the Malibu fire.

Councilmember Schwarz echoed Mayor Pro Tem Kuperberg's comments and expressed his appreciation for the information that staff prepares for Council consideration.

Mayor Weber echoed the comments of Mayor Pro Tem Kuperberg and Councilmember Schwarz and requested the meeting be adjourned in memory of City Manager Greg Ramirez' mother-in-law, Joy Thompson, who passed away over the weekend.

City Council Regular Meeting Minutes February 8, 2006 Page 5

ADJOURNMENT

At 8:52 p.m., on a motion by Councilmember Schwarz, second by Mayor Pro Tem Kuperberg, the Council unanimously consented to adjourn, in memory of Joy Thompson, to 7:00 p.m., Wednesday, February 22, 2006 for a Regular Meeting of the City Council in the Council Chambers of the Civic Center with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Kimberly M. Rodrigues, CMC

City Clerk



EXHIBIT E

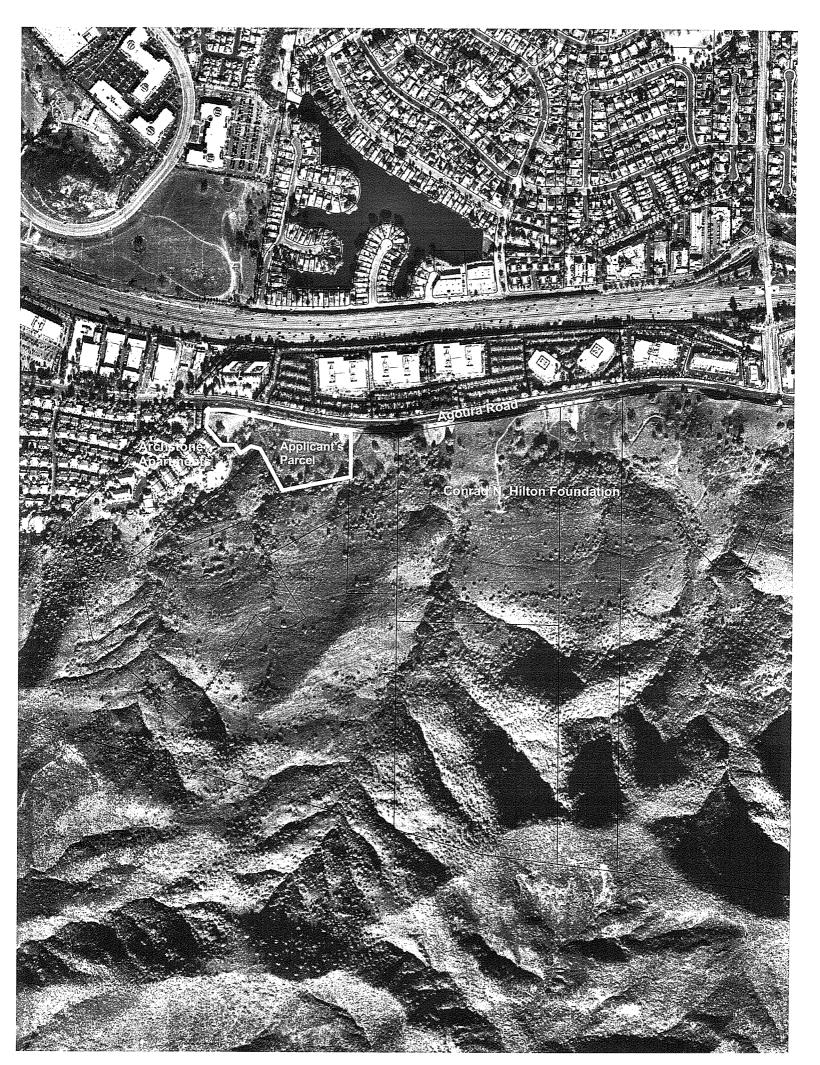
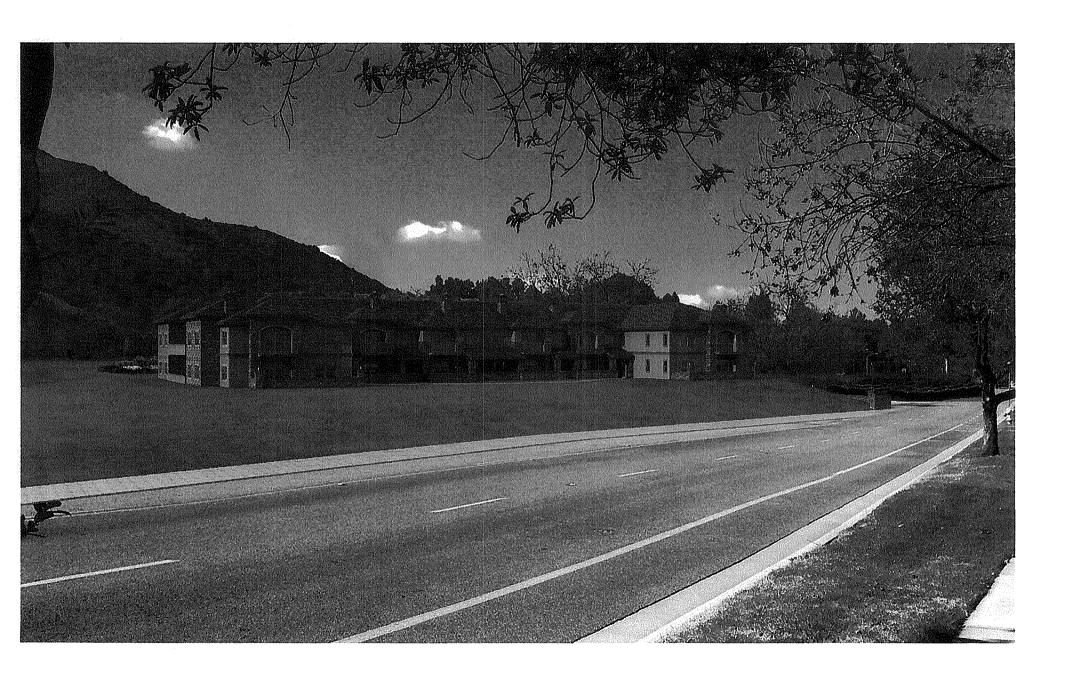
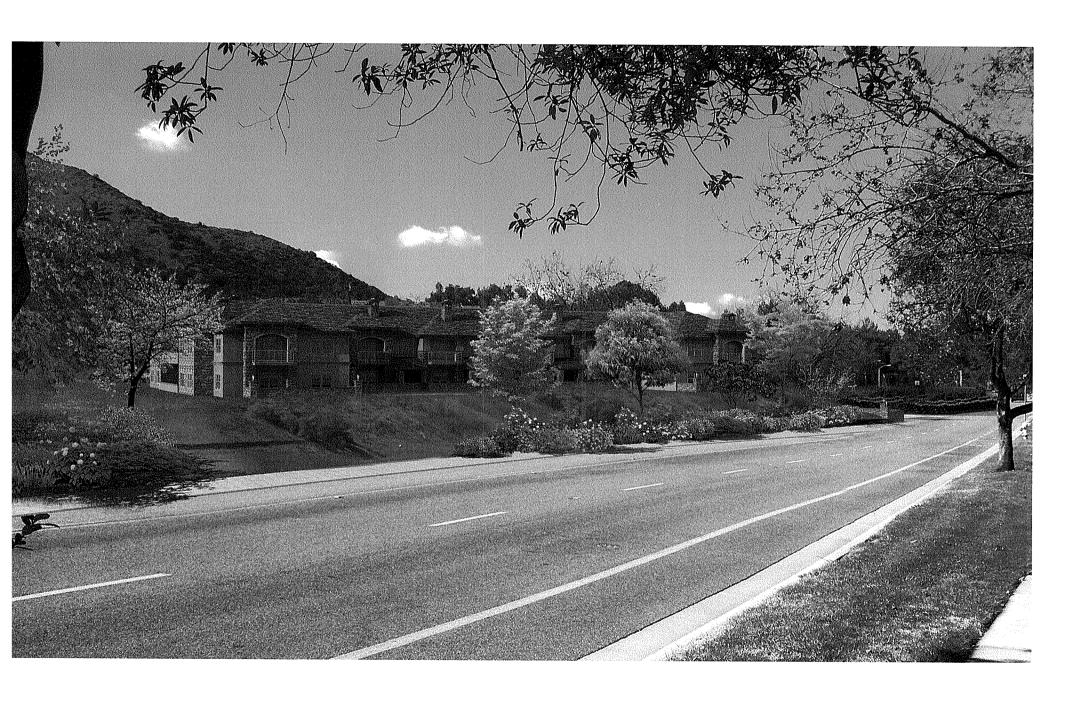


EXHIBIT F



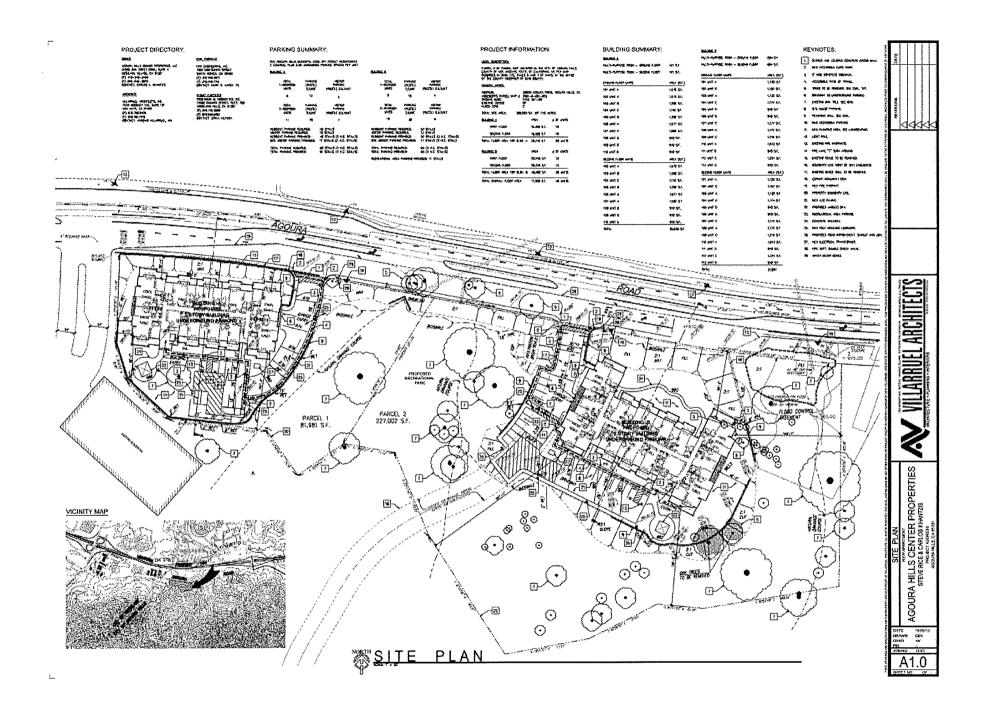








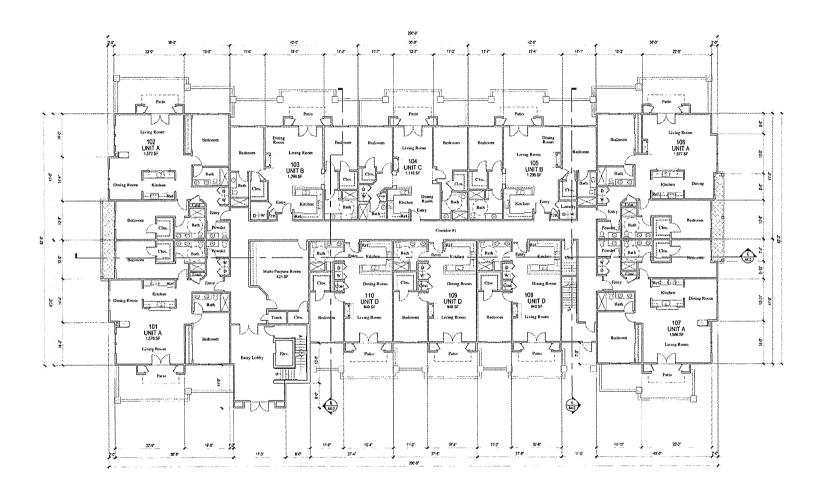




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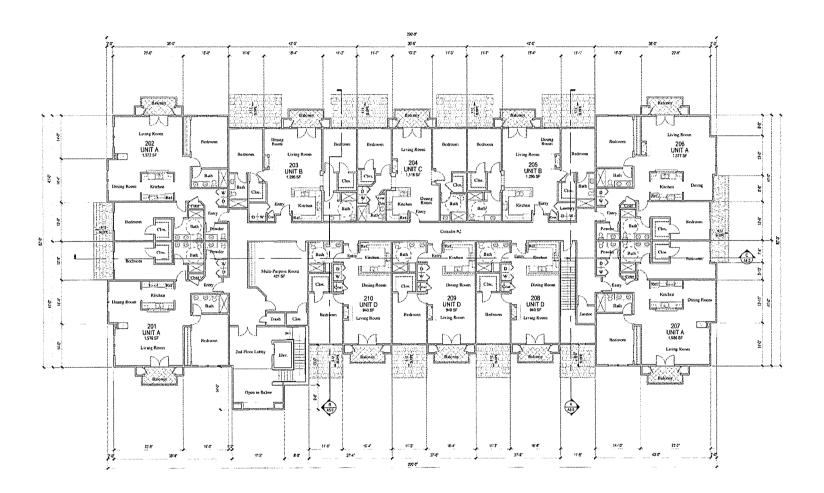
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BUILDING "A" BASEMENT FLOOR PLAN





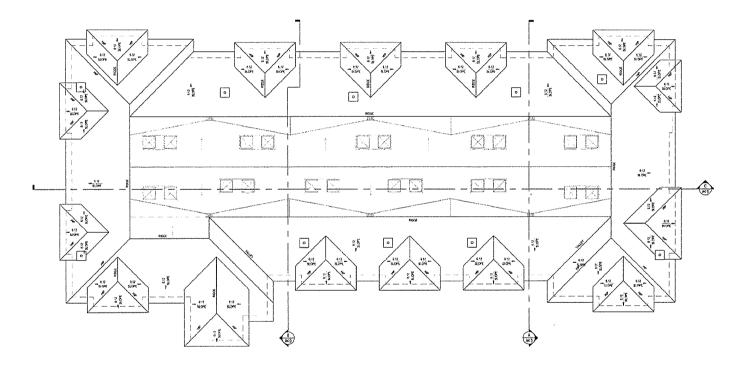
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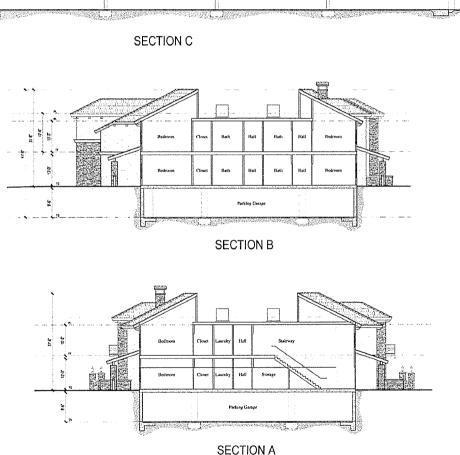
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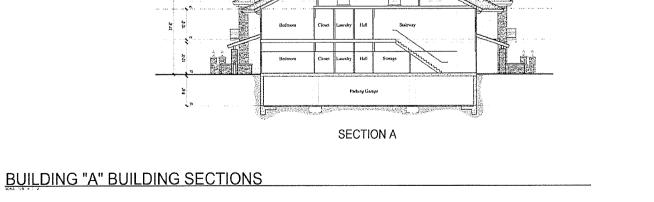
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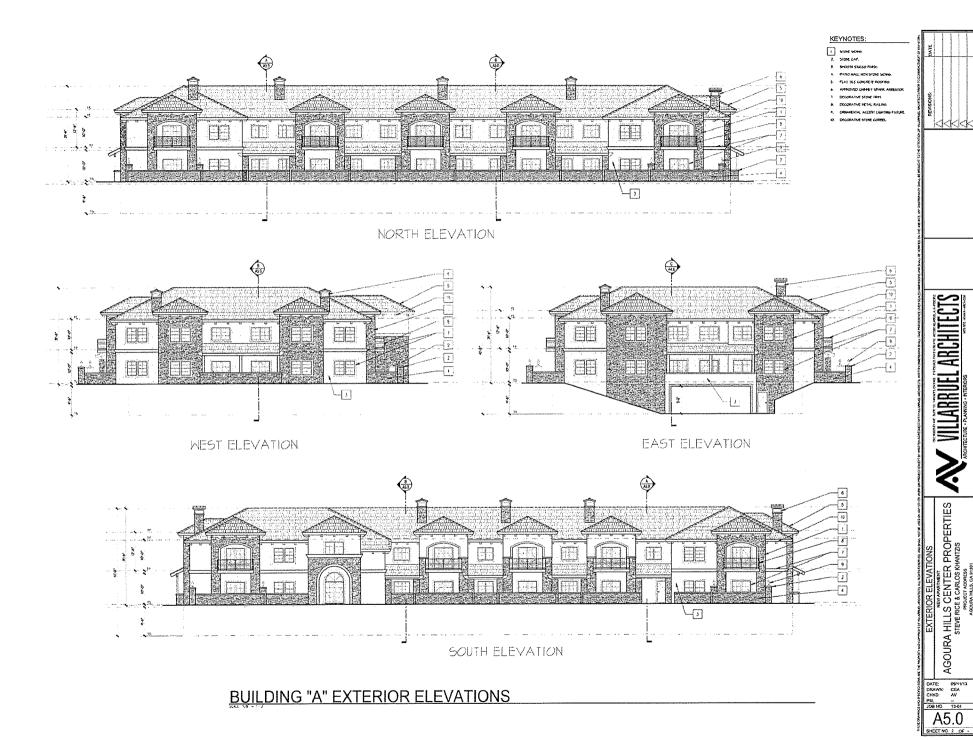
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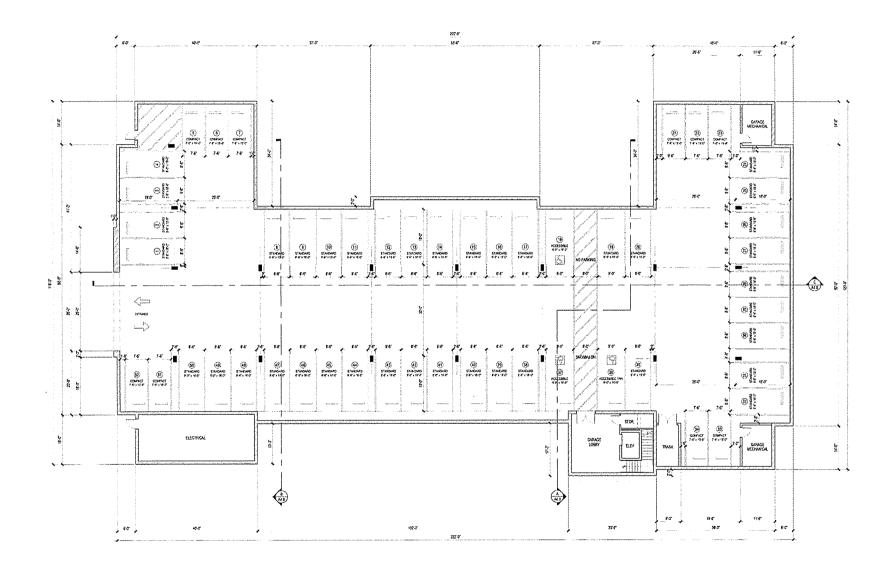


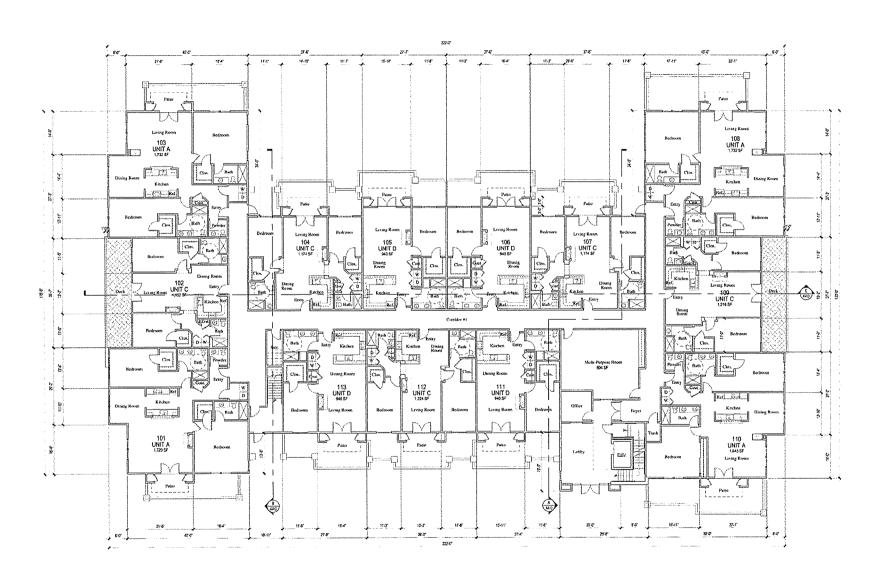




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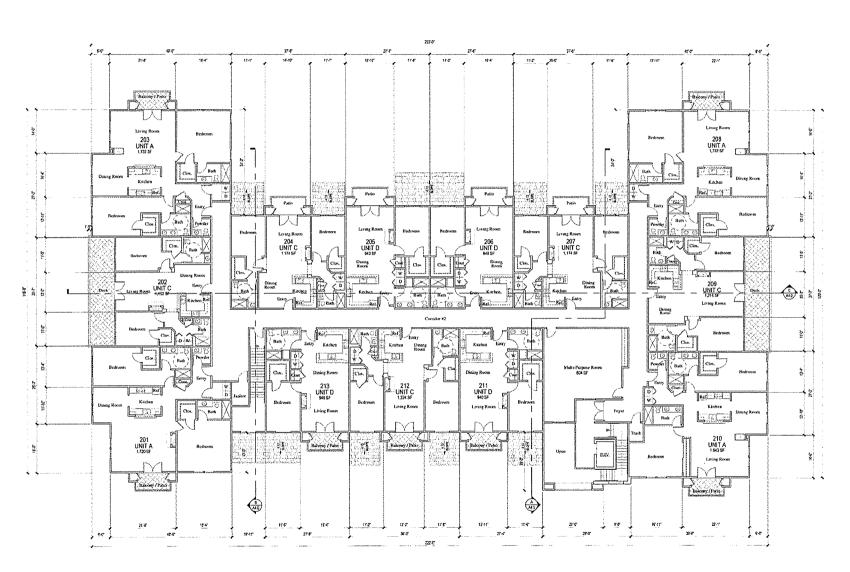
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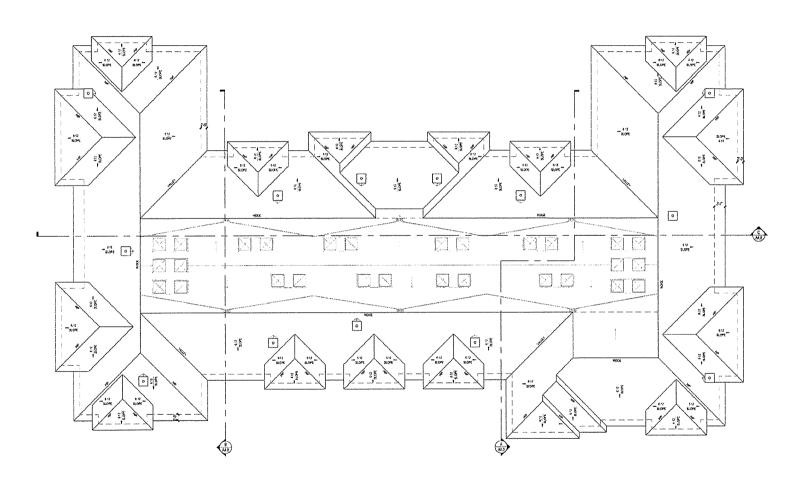


BUILDING "B" FIRST FLOOR PLAN



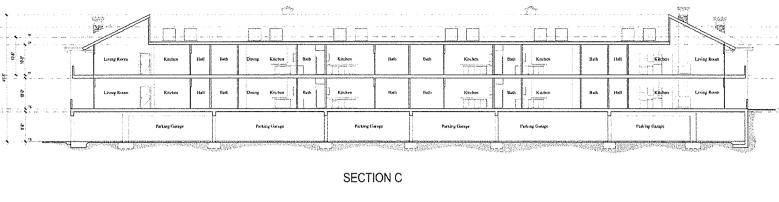


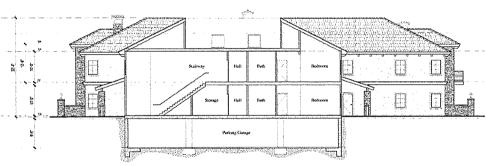




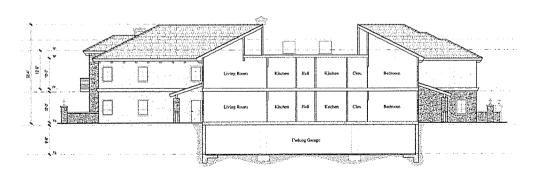
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STEVE RICE & CARLOS KHANTZIS
MOLECA ADDRESS.

BUILDING "B" ROOF PLAN





SECTION B



SECTION A

BUILDING "B" BUILDING SECTIONS



