



**PLANNING DEPARTMENT**

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**DATE:** September 1, 2016

**TO:** Planning Commission

**APPLICANT:** Agoura Hills Center Properties, LLC  
31280 Oak Crest Drive, Suite 4  
Westlake Village, CA 91361

**CASE NOS.:** GPA-01219-2016; 08-SPA-001; 08-CUP-001; SIGN-01270-2016;  
08-VAR-002(A,B&C); 08-OTP-004; and VTTM 71742

**LOCATION:** 30800 Agoura Road (A.P.N. 2061-001-025)

**REQUEST:** Request for the Planning Commission to provide a recommendation to the City Council for the following: 1) a General Plan Amendment to accommodate multi-family housing for seniors on the project site; 2) a Ladyface Mountain Specific Plan Amendment (Ordinance) to allow for a 71,206 square-foot multi-family housing project for seniors on the project site; 3) a Conditional Use Permit to construct a 71,206 square-foot, 46-unit senior apartment complex; 4) an Oak Tree Permit to remove 30 oak trees and encroach within the protected zone of 35 oak trees; 5) a Sign Permit for construction of monument signs; 6) Variances from Zoning Ordinance Sections 9606.2(D) and 9655.4.8(A), and Ladyface Mountain Specific Plan Section IV.A.6, for retaining wall heights in excess of 6 feet, setbacks of less than 64 feet in the front yard and less than 48.37 feet in a side yard, and four monument signs instead of one serving the project; 7) a Vesting Tentative Tract Map to subdivide the parcel into two parcels; and 8) adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program under the California Environmental Quality Act.

**ENVIRONMENTAL DETERMINATION:** Initial Study/Mitigated Negative Declaration, pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines

**RECOMMENDATION:** Staff recommends the Planning Commission provide a recommendation to the City Council for approval or denial of the project (Case No. GPA-01219-2016; Specific Plan Amendment Case No. 08-SPA-001; Conditional Use Permit Case No. 08-CUP-001; Variance Case No. 08-VAR-002(A,B&C); Sign Permit SIGN-01270-2016; Oak Tree Permit Case No. 08-OTP-004; and Vesting Tentative Tract Map Case No. VTTM 71742), and whether to adopt the Final Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program prepared for the project.

**ZONING**

**DESIGNATION:** Planned Development (PD) (Ladyface Mountain Overlay District)

**GENERAL PLAN**

**DESIGNATION:** Planned Development District (PD)

**I. BACKGROUND**

Continued Public Hearing

This project was noticed for a public hearing to be held by the Planning Commission on July 21, 2016. At the request of the applicant, the Planning Commission continued the public hearing for this project, without receiving public testimony, to the September 1, 2016 Planning Commission meeting.

Pre-Screen Review

At the request of the project applicant, Carlos Khantzis of Agoura Hills Center Properties, LLC, the City Council discussed preliminary concept plans for his senior housing development concept on three different occasions as Pre-Screen Review agenda items. These discussions occurred in 2002, 2005, and 2006. The purpose of the pre-screen reviews was to provide opportunities for the City Council to offer comments to assist the applicant in determining whether he should proceed with a formal request to amend the Ladyface Mountain Specific Plan ("Specific Plan") for development purposes. In addition to seeking comments on his proposal for a Specific Plan amendment, Mr. Khantzis sought the City Council's comments on the proposed density and preliminary site planning for his proposal to develop either senior apartments or condominiums.

The subject hillside property is an irregularly shaped parcel totaling 7.1 acres, located directly east of the existing Lexington Apartment complex along the south side of Agoura Road, near the westerly City limits (A.P.N. 2061-001-025). 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). There is watercourse under the jurisdiction of the California Department of Fish and Game and the Army Corps of Engineers on the west end of the property, and on the eastern end. 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 areas 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 and office retail developments were generally preferred at the time of Specific Plan adoption.

The Ladyface Mountain Specific Plan currently permits the development of the subject parcel as a business park use with 24,000 to 34,000 square feet of building area. Under the existing regulations, 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, the applicant provided information regarding the development concept. The project proposal in 2002 included 48 senior condominium units distributed among 10 individual residential structures with 4-5 units per structure. The project also included underground parking structures. During the initial pre-screen review process, the City Council provided non-binding comments on the applicant's concept proposal for a senior housing project. The City Council did not provide direction on the proposed density (number of units) of the project.

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 state and federal laws contain regulations regarding the development of senior housing developments. Under California law, a "senior citizen housing development" is defined as a "residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units." See Cal. Civ. Code § 51.3. The question posed to the City Council in 2005, therefore, 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 Lexington Apartments complex. 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.

In 2006, the applicant again sought non-binding comments from the City Council on a 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. According to the applicant at the time, both residential buildings would include underground parking and two levels of residential units. The westerly building was to include 20 residential units and the easterly building would include 26 units. The buildings were to be separated by a guest parking lot and the proposed recreation center and included a craftsman style of architecture.

At the time, staff noted that the 46 condominium units would occupy approximately one acre of pad area (or 14% of the total site). The Specific Plan allows for maximum pad area, including

buildings and parking lot improvements, of 2.42 acres for business park development purposes. Some City Council members expressed concerns about the buildings' proximity to Agoura Road.

The applicant subsequently submitted development applications in 2008, but due to the recession the applicant chose to place the project on hold for several years. The applicant has not requested another Pre-Screen Review from the City Council. The current project proposal is described in Section II of this report and has changed since the initial proposal, including proposed senior-designated apartments, instead of senior-designated condominiums, and eliminating the proposal for an on-site recreation center.

### Ladyface Mountain Specific Plan

Excluding the construction of the City Hall/Library building, the former Temple Beth Haverim's synagogue project/current City Recreation and Event Center, and two office buildings, all of which were developed on pre-graded parcels located on Ladyface Court, the applicant's proposed office project will be the third development proposal located on vacant land reviewed under the Ladyface Mountain Specific Plan. The first development proposal was an office complex (The Ridge), located 30200 and 30300 Agoura Road. The second development proposal was the Conrad N. Hilton Foundation office campus, located at 30440 Agoura Road.

The Specific Plan provides the City with a comprehensive set of plans, policies, regulations, and conditions for guiding and ensuring the orderly development of properties located on the north side of Ladyface Mountain, between the Gateway Foursquare Church property (west of Kanan Road) and the westerly City limits. The purpose of the Specific Plan, which supersedes the City Zoning Ordinance, is three-fold:

1. To ensure that all development at the base of Ladyface Mountain is compatible with the unique nature of this natural asset of the community.
2. To encourage the coordinated development of a mixture of business park, commercial and limited residential uses within the study area.
3. To encourage developers to address compatibility of proposed projects with infrastructure capacity.

The predominant use allowed within the Specific Plan area is business park. Within the Specific Plan area, a maximum of 396,600 square feet has been allocated towards the development of business park uses. The methodology for determining the maximum development and density for parcels within the Specific Plan area consists of the following:

#### *1. Maximum Development Area and Minimum Open Space Area*

The maximum development areas and the minimum open space areas were developed by applying the City's hillside development criteria to each parcel. It also assumes that development is prohibited above the 1,100 foot elevation. For the proposed project site, the Ladyface Mountain Specific Plan requires at least 32.5% of the site remain as open space. The proposed non-disturbed/open space area for this project is approximately 84% of the total property.

2. Maximum Pad Area

Maximum pad areas were developed based on assumptions contained within the hillside development criteria, using 2:1 manufactured slopes, minimal retaining walls, and applying all setback requirements and the grading guidelines established for grading adjacent to scenic highways. The Specific Plan encourages the use of innovative siting techniques to reduce grading.

3. Maximum Developable Building Area

The maximum building areas were developed assuming that the pad areas for each parcel consist of a 2-story building with surface parking provided at a ratio of 1/300 square feet of building area. Other development standards of the Specific Plan include building setbacks, lot coverage, oak tree encroachment restrictions, retaining wall and grading guidelines, and landscaping.

4. Traffic Budget

In order to ensure that cumulative traffic generated from development within the Specific Plan area does not result in unacceptable levels of service at any of the eight intersections/interchanges in the vicinity of the Specific Plan area, a traffic budget has been established for each parcel in the Specific Plan area. A theoretical maximum building area was developed based on cumulative traffic forecasts generated from long-term build-out of the Specific Plan area, where each parcel has been assigned a maximum number of afternoon peak hour trips it may generate based on the conceptual building square footages. The traffic from the proposed project meets the required standards and the traffic analysis as discussed within this staff report.

5. Open Space

Preservation of open space is a key element of the Ladyface Mountain Specific Plan. The Specific Plan requires that lands above the 1,100-foot elevation be designated as permanent open space and access for designated trail systems be provided. Open space lands within the Ladyface Mountain Specific Plan area are intended to serve important functions, including: 1) Preserving significant hillsides and ridgelines of Ladyface Mountain for visual and aesthetic purposes; 2) Providing logical extensions to the existing regional park uses; 3) Preserving and enhancing existing wildlife habitats, and; 4) Providing a transitional area that can accommodate fuel modification zones, viewshed zones and site plan adjustments in critical areas.

The applicant's property consists of one parcel of 7.1 acres in size. The entire parcel is below the 1,100-foot elevation. Under the proposed development, approximately 6 acres of the property will remain as private open space, exceeding the 32.5% minimum requirement.

## II. PROJECT DESCRIPTION

The applicant, Agoura Hills Center Properties, LLC, is proposing to construct, use, and maintain a 71,206-square foot senior housing apartment complex, comprised of two separate, two-story apartment buildings approximately 32 feet in height. The project will consist of 46 total residential apartment units with approximately 2,050 square feet of common area, in the form of multi-purpose rooms and a leasing office. An outdoor jacuzzi spa is proposed behind both

buildings. The project will provide 128 parking spaces in compliance with the Zoning Ordinance parking requirements for apartment uses.

As stated above, the 7.1-acre subject property is located within the boundary of the Ladyface Mountain Overlay District and is, therefore, subject to the standards and guidelines outlined in the Ladyface Mountain Specific Plan. The Specific Plan is in conformance with the City's General Plan. As stipulated in the Specific Plan, in instances where there is conflict between the standards and guidelines of the Specific Plan and the provisions of the City of Agoura Hills Zoning Code, the Specific Plan will take precedence.

As part of the proposed project, the applicant is seeking entitlements for the following applications:

- General Plan Amendment to accommodate multi-family housing for seniors on the project site;
- Ladyface Mountain Specific Plan Amendment (Ordinance) to allow for a 71,206 square-foot multi-family housing project for seniors on the project site;
- Conditional Use Permit;
- Sign Permit for construction of monument signs;
- Variances for: 1) yard setbacks of less than 64 feet; 2) retaining wall heights in excess of 6 feet; and 3) four monument signs serving the complex, instead of one;
- Oak Tree Permit to remove 30 oak trees and encroach within the protected zone of 35 oak trees; and
- Vesting Tentative Tract Map to subdivide the subject parcel into two parcels of 81,981 square feet (1.88 acres) and 227,002 (5.21) square feet in size.

In connection with the proposed project and these approvals, the City has prepared a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA).

Zoning Ordinance Section 9497 states that all property in the PD zone shall be used only for the purposes allowed by the General Plan and the Specific Plan, or other similar regulatory document adopted for such property. Zoning Ordinance Section 9497.1 of the Code further explains that conditional uses are permitted in the PD zoning district as allowed per the specific plan or other regulatory document adopted for such property. A Conditional Use Permit is required for all development within the Specific Plan area.

Within the Ladyface Mountain Specific Plan, there are two subareas: Business Park-Office Retail (BP-OR) and Open Space. The subject property is within a BP-OR subarea, which does not allow for residential uses. Thus, an amendment to the Specific Plan is required for the proposed project. Only with the approval of the Ladyface Mountain Specific Plan Amendment to allow for a 71,206 square-foot multi-family housing project for seniors on the project site would the proposed project be a permitted use within the Specific Plan. The applicant is also seeking a Variance from the required building setbacks. Listed below are the proposed development data pertaining to the project:

<b>Table 1 - Pertinent Data</b>		
	<b>Proposed</b>	<b>Allowed/Required</b>
<b>Project Site (Parcels 1 and 2)</b>	7.1 acres (308,983 sq. ft.)	
Public Street Frontage	Approx. 990 feet	n/a
Lot Width	Approx. 990 feet	n/a
Lot Depth	Approx. 275 feet	n/a
<b>Lot Size (Parcel 1)</b>		
Lot Width	Approx. 425 feet	n/a
Lot Depth	Approx. 220 feet	n/a
<b>Lot Size (Parcel 2)</b>		
Lot Width	Approx. 565 feet	n/a
Lot Depth	Approx. 330 feet	n/a
<b>Building Height</b>		
Building A	31 feet, 9 inches	35 ft. max.
Building B	32 feet, 3 inches	35 ft. max.
<b>Building Floor Area</b>		
Building A – First Floor	15,358 sq. ft.	n/a
Building A – Second Floor	15,358 sq. ft.	n/a
Building A - TOTAL	<b>30,716 sq. ft.</b>	n/a
Building B – First Floor	20,245 sq. ft.	n/a
Building B – Second Floor	20,245 sq. ft.	n/a
Building B - TOTAL	<b>40,490 sq. ft.</b>	n/a
<b>TOTAL</b>	<b>71,206 sq. ft.</b>	n/a
<b>Bldg. Lot Coverage</b>		
Building A	15,358 sq. ft.	n/a
Building B	20,245 sq. ft.	n/a
<b>TOTAL</b>	14% (1 acre)	34% (2.42 acres) max.
<b>Setbacks – Building A</b>		
Front (North)	29 ft., 3in.	64 ft. min.
Rear (South)	60 ft.	64 ft. min.
Left Side (East)	150 ft.	48 ft. min.
Right Side (West)	20 ft.	48 ft. min.
<b>Setbacks – Building B</b>		
Front (North)	43 ft.	64 ft. min.
Rear (South)	135 ft., 5 in.	64 ft. min.
Left Side (East)	143 ft., 7 in.	48 ft. min.
Right Side (West)	221 ft., 11 in.	48 ft. min.
<b>Parking</b>	128 spaces	2 covered and 0.50 uncovered spaces per residential unit (115 total spaces required)
<b>Average Topographic Slope</b>	16-20 %	n/a

### III. STAFF ANALYSIS

#### Site Plan

The proposed senior apartments would be constructed on vacant land adjacent to an existing apartment complex to the southwest, commercial office uses across Agoura Road to the north, and undeveloped open space within the Specific Plan area to the east and south. The existing 7.1-acre project site is undeveloped and consists of rolling foothills at the base of Ladyface Mountain. The existing landscape is primarily grassland dotted with oak trees and woodland riparian corridors. The project site has an average topographic slope of 16 to 20 percent, rising from an elevation of approximately 950 feet above mean sea level (msl) at the northern property line to about 1,015 feet above msl at the southern property line (Agoura Hills, January 2014). Gradually steepening foothills on the northwestern side of Ladyface Mountain are visible through the project site to the south.

As stated previously, the property is mostly surrounded by a variety of commercial uses and vacant land. An undeveloped parcel is located adjacent and to the east of the project site, with the headquarters of the nonprofit Conrad N. Hilton Foundation two lots to the east of that property. Agoura Road and an office building with associated surface parking are located north of the site across Agoura Road. Lexington Apartments and the westerly City limits are adjacent to the west. Undeveloped open space in the foothills of Ladyface Mountain lies to the south.

As proposed, the project would cover 1.0 acres of the proposed subdivided parcels. Two building pads are proposed, on either side of a natural drainage course. Building A is proposed on the west side of the drainage course. This building consists of 20 units within two stories of building area (30,716 square feet), above a subterranean parking garage. The finished floor elevation of the first story is proposed approximately 13 feet above Agoura Road. Guest parking is located at the rear (south end) of the building. Variances are proposed for reduced front and side yards, and retaining wall heights in excess of 6 feet are required for this building pad location. Building A is to be accessed from Agoura Road via one on-site driveway that, due to a median in Agoura Road, would only accommodate right-turn-in and right-turn-out traffic.

Building B is proposed to be on the east side of the drainage course. This building consists of 26 units within two stories of building area (40,490 square feet), above a subterranean parking garage. The finished floor elevation of the first story is proposed approximately 13 feet above Agoura Road. Guest parking is proposed at the west and south sides of the building. Variances for the front yard, and retaining wall heights in excess of 6 feet, are required for this building pad location. Building B would be accessed from both directions of Agoura Road via one on-site driveway.

Although driveway gates are shown on the project plans, staff does not support their approval, in keeping with other multi-family residential projects throughout the City.

#### Architectural Design

The proposed buildings incorporate a contemporary style of architecture, with façades that combine stone siding and smooth stucco finish. Other building features include decorative metal railings on balconies, flat tile concrete roofing, and outer patio walls with stone siding. The



proposed building design and articulation reflect the recommendations of the Architectural Review Panel.

The proposed project will introduce lighting in an undeveloped area where no sources of nighttime lighting currently exist. The project will include minimal exterior building lights and lights on surface parking lots and driveways that will incrementally increase lighting within the City and in an area adjacent to open space. In addition to limited sconce lighting at building entry areas, cut-off-lens parking lot light fixtures of heights no greater than 16 feet are proposed in the guest parking areas and driveways for both buildings with maximum illumination of 5.8 footcandles behind the buildings, specifically between the buildings and retaining walls. The predominant illumination level throughout the property, as shown on the project photometric plan, will be 0.0 footcandles.

The proposed retaining walls at both driveway entrances are designed with stone siding and a cement plaster cap. These design features are consistent with the design guidelines outlined in Specific Plan Section III.B.4(a). The monument walls are three feet, six inches (3'-6") in height and slope upward to a maximum height of eight feet, seven inches (8'-7"). Monument signs, subject to approval of a Variance, are proposed on the retaining walls. The signs, each of a 25 square foot size, are composed of cast metal letters mounted to the wall. As previously noted above, staff does not support the wrought-iron entry gates shown on the plans.

Paving at the driveway entrance to the property is proposed to be scored and colored concrete in earth tones, consistent with the design guidelines outlined in Specific Plan Section III.B.4(b).

The two-story heights of the buildings are similar to the building heights of the surrounding office development in the vicinity of the project site. Story-poles have been erected on the property to demonstrate the proposed locations, size, height and massing of the two proposed buildings.

#### Public Art

The project is subject to the City's Art in Public Places requirement because the proposed building area would exceed 30,000 square feet. The location for the required artwork has not been identified. Should the project be approved, the applicant would work with the City Cultural Arts Council for the selection of an artist and the specific artwork. The artwork would need to be constructed before issuance of final occupancy of the buildings.

#### Parking

The project would provide 128 parking spaces, including 92 spaces for residents, 25 parking spaces for apartment visitors, in compliance with the Zoning Ordinance for apartment use. The applicant has also volunteered 11 surplus parking spaces. As proposed, Building A includes 40 residential parking spaces in the garage and 11 outdoor apartment visitor parking spaces (10 minimum visitor parking spaces are required). Building B would include 52 residential parking spaces in the garage, and 14 outdoor apartment visitor parking spaces (13 minimum visitor parking spaces are required) and the 11 surplus parking spaces within the Building B parking lot.

### Traffic/Circulation

A traffic impact analysis was prepared for this project and is included in the Initial Study/Mitigated Negative Declaration. The proposed building density will not reduce traffic Level of Service (LOS) on Agoura Road or neighboring intersections to a lower level of service, and the minor change to traffic generated by the project is offset by recent increases in roadway capacity and project-specific mitigation measures. The traffic impact study prepared for the project notes that the development is estimated to generate 267 vehicle trips to the City's road system. Of these total vehicle trips, 20 trips would occur during the AM peak period, and 24 during the PM peak period. LOS on Agoura Road in the vicinity of the project site is currently LOS A. The addition of project-generated traffic would have a minor impact on Agoura Road, with traffic conditions remaining at LOS A. Furthermore, the City's Agoura Road Widening Project increased the capacity of Agoura Road by providing for two through-lanes in both directions of Agoura Road, including along the project site's frontage, which will only serve to improve the LOS A conditions. A left-turn pocket lane and median opening is proposed in the westbound lanes of Agoura Road, serving access into and out of the Building B driveway. Two left-turn pocket lanes for this project were determined not to be feasible due to their need to be in close proximity to each other and the alignments of the existing driveways on the north and south side of Agoura Road in the vicinity of the project site. With the incorporation of the left-turn pocket lane into the driveway for Building B, and given that traffic will remain at LOS A, the project would not generate traffic impacts based on City thresholds.

### Hillside Development Standards and Conditional Use Permit

The project is subject to approval of a Conditional Use Permit per the requirements of the Specific Plan, and the standards of the City Hillside Ordinance which establishes development criteria within hillside lots. The regulations protect hillside areas from incompatible development, and preserve the natural terrain, quality environment, and aesthetic character while encouraging creative, innovative and safe residential development. The Hillside Ordinance encourages minimal grading that relates to the natural contours of the land, and minimal disturbance to the natural areas of the site. It requires appropriate erosion and drainage control protection measures, and ridgeline protection. With regard to design, the Ordinance encourages architectural enrichments and variation in roof massing and low profile roofs, as well as breaking up building masses through variety in materials and fenestration placement. Native or naturalized plants and natural landform planning are required.

The Hillside Ordinance includes a requirement for view preservation, calling for the retention of natural landforms and protecting views in hillside areas. The proposed locations and separation of the structures on the property would partially block some public views of the ridgeline of Ladyface Mountain from Agoura Road, as demonstrated by the story pole installation on the property.

The proposed project is located and designed on property with an average topographic slope of 16% to 20% so as to protect the safety of current and future community residents, and would not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, erosion hazards, or other hazards. If the project were approved, it would be conditioned to comply with Low Impact Development (LID) requirements of the Code to protect storm water quality and drainage, and will require the following: an approved

Grading Plan; an Erosion and Sediment Control Plan; and a Standard Urban Stormwater Mitigation Plan. A geotechnical report has been approved by the City Geological Consultant. The Consultant has concluded that the proposed use will not threaten the stability of the hillside, if certain conditions are met. If the City Council approves the project, those conditions shall be imposed as conditions of approval. Final geotechnical reports would be required for review and acceptance by the City prior to Grading Permit issuance.

To recommend approval of the requested Conditional Use Permit, the Planning Commission is required to find in favor of each of the following findings:

1. The proposed use is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located.
2. The proposed use is compatible with the surrounding properties.
3. The proposed use and the conditions under which it will be maintained will not be detrimental to the public health, safety, or general welfare.
4. The proposed use will comply with each of the applicable provisions of the Zoning Ordinance.
5. The distance from other similar and like uses is sufficient to maintain the diversity of the community.
6. The proposed use is consistent with the goals, objectives and policies of the General Plan.

#### Oak Trees and Landscaping

Existing undeveloped open space around drainages will retain natural vegetation, including oak trees. The proposed project also will preserve existing riparian woodland vegetation and introduce new landscaping. The existing landscape would be protected on 148,600 square feet (48 percent of the site, in the non-disturbed areas), while native and nonnative vegetation will be introduced on 63,115 square feet (20 percent of the site). The remaining 32% of the site would be developed.

A total of 175 oak trees protected under the City's Oak Tree Preservation Guidelines were identified in the project oak tree report, prepared by The Oak Collaborative, as being present on-site (and off-site within 250 feet of the development footprint), including 103 valley oaks and 72 coast live oaks, as well as many smaller saplings and seedlings that do not meet criteria for protection under the ordinance. Eight (8) oak trees located along the project street frontage, within the public right-of-way, have been removed by the City for the recent Agoura Road Widening Project. Grading and construction of the proposed project would require removal of 30 oak trees. Development would also encroach upon the canopy and protected zone of 35 additional protected oak trees. Thus, 145 on-site and off-site oak trees would be preserved as the eight trees removed for the widening of Agoura Road were transplanted on-site.

The proposal to remove 30 oak trees and encroach within the protected zone of 35 oak trees is unique and possibly unprecedented in the City for a development project of this size, although the fact that 175 oak trees are in the immediate vicinity of the project area is also unique. Significant revisions to the scale of the project and/or elimination of one of the buildings would likely be required to reduce the proposed oak tree impacts.

The project Initial Study/Mitigated Negative Declaration includes analysis of the oak tree impacts and concludes they would be less than significant with mitigation measures (IS/MND Mitigation Measures BIO-8 and BIO-9) requiring oak tree protection and replacement, and preservation. Under Mitigation Measure BIO-8, required replacement mitigation for the proposed project includes the requirement for four (4) oak trees to be planted on-site to replace each tree that is approved for removal (120 new oak trees). The four mitigation trees are to be of the following sizes: two (2) 24-inch box; one (1) 36-inch box; and one (1) 15-gallon. The City may also consider the payment of an in-lieu fee, in an amount determined by the City per ISA standards, to mitigate for the oak trees if the City determines there is insufficient space available on-site to accommodate the required oak tree replacement, as noted in Mitigation Measure BIO-8.

Under Mitigation Measure BIO-9, the oak tree preservation program for this project would need to include specific requirements regarding the following components: tree protection during construction, including fencing of the oak trees to be preserved; pruning and deadwooding under the supervision of a qualified arborist and observation by the City Oak Tree Consultant; water and fertilization; disease and pest monitoring; and grading within protected zones with hand tools.

To recommend approval of the requested Oak Tree Permit the Planning Commission is required to find in favor of each of the following findings:

1. The proposed construction will be accomplished without endangering the health of the remaining trees on the subject property.
2. The removal and encroachment of the oak trees will not result in soil erosion through the diversion or increased flow of surface waters in which cannot be satisfactorily mitigated.
3. The removal and encroachment of the oak trees is necessary because the continued existence at present locations prevents the planned improvement to such an extent that alternative development plans cannot achieve the same permitted density.

The preliminary landscape plan has been reviewed by the City Landscape Consultant for compatibility with the Ladyface Mountain Specific Plan. The proposed landscape plan includes a variety of native trees including Coast Live and Valley oaks (including mitigation oak trees), and California sycamore trees that will provide shade and screening around the buildings. A native hydroseed mix is proposed to be spread on-site to stabilize manufactured slopes around both building pad areas. The final landscape plan would be subject to review by staff for compliance with City Water Efficient Landscape Ordinance and the installation of additional on-site oak tree mitigation planting, and will also be subject to the Fire Department's approval of a final Fuel Modification Plan.

### Vesting Tentative Tract Map

The applicant is requesting approval of a Vesting Tentative Tract Map to subdivide the 7.1-acre subject parcel into two separate parcels of 81,981 square feet (1.88 acres) and 227,002 square feet (5.21 acres) to allow for the two proposed buildings to be on separate lots.

The proposed Tentative Tract Map was reviewed by the City Engineering Department for compliance with the Subdivision Map Act. However, the applicant has not provided staff with their rationale for proposing the subdivision of the property as it is not required for approval of the 46-unit senior housing project.

To recommend approval of the Vesting Tentative Tract Map, the Planning Commission is required to find in favor of each the following findings:

1. The proposed Vesting Tentative Tract Map is consistent with the City's General Plan designation of PD (Planned Development).
2. The design or improvements of the proposed development is consistent with the General Plan Ladyface Mountain Specific Plan.
3. The site is physically suitable for the type of development proposed.
4. The design of the development or the proposed improvements is not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat.
5. The design of the development or the type of improvements is not likely to cause serious public health problems.
6. The design of the development or the type of improvement will not conflict with easements acquired by the public at large for access through or use of the property within the proposed development.

### Public Works/Engineering Department

Construction of the proposed project is expected to take place over 14 months, including two months for grading. Construction traffic would have access to the 101 freeway from nearby Reyes Adobe Road to the east, via Agoura Road. The finished proposed first floor elevations of both buildings are at approximately the existing topographic elevation of the building locations. These existing elevations happen to be approximately 13 feet above Agoura Road. Grading of the site would consist of a cut/fill operation to create level building pads and at-grade parking lots. Grading cut quantities of 1,270 cubic yards, and fill quantities 38,575 cubic yards, are proposed. Thus, 37,305 cubic yard of import fill soil would be needed for the grading of this project. The primary proposed fill areas are the lower-lying slopes that would underlie developed areas on the northern part of the site. No manufactured slope will exceed a 2:1 ratio, per City requirements. Erosion control measures would be included during grading and prior to the completion and construction of permanent drainage controls. Development would be focused

on the flatter lower-lying slopes on the northern portion of the property, preserving the steeper sloped, southern portion of the property at the base of Ladyface Mountain in its natural state.

Retaining walls are proposed to be constructed to support the proposed development and reduce the extent of grading on the site, thereby preserving oak trees and other existing biological resources. With the exception of retaining walls located east of Building A, exposed walls would be screened from view along Agoura Road by landscaping and the buildings themselves. The retaining walls are further analyzed within this report under the variance requests.

The project site includes three main existing drainages: two are roughly parallel and flow northward near the center of the site, and a third borders the eastern property line. A Los Angeles County Flood Control District easement is located in an existing debris basin on the northeastern corner of the site and no improvements proposed within this easement area. Runoff from the developed areas of the site will be routed to a proposed infiltration basin at the northwest side of Building B and to several bioswales around the apartment buildings.

#### Variance Requests

The Variance requests listed below include reduced yard areas, retaining wall heights in excess of 6 feet, and multiple monument signs. Acceptance of both the yard variance and retaining wall height variance would be necessary to recommend approval of the Project. To recommend approval of the Variances, the Planning Commission is required to find in favor of each the following findings for each separate request:

1. 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.
2. The grading to 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 located.
3. 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 the Zoning Ordinance.
4. The granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
5. The granting of the Variance will be consistent with the character of the surrounding area.

#### *Yards/Building Setbacks*

The yard requirements for the Specific Plan call for a front yard equal to twice the height of the buildings, but not less than 25 feet. Since the maximum height of both buildings would be 32.25 feet, the required front yard setbacks for both buildings are 64.5 feet minimum. Due to the

irregular shape and sloped topography of the lot as well as the location of the natural drainage and oak trees within the property boundaries, and the fact that two separate buildings are proposed for the project, the building area is limited and the applicant is requesting a Variance from the front (north) and side (west of Building A) yard requirements. The applicant is proposing to situate the buildings closer to the front and west side property line than the required 64.5-foot setback. The proposed location of Building A would provide for a minimum front yard of 29 feet, while the proposed location of Building B would provide for a front yard varying from 43 feet to 90 feet. Similarly, the required side yard setback, per the Specific Plan, is equal to 0.75 times the sum of the two building heights, or 48.37 feet. The proposed westerly side yard for Building A is proposed at 20 feet.

### *Retaining Walls*

The applicant is requesting a Variance to exceed the maximum 6-foot height for proposed retaining walls within the project. Four retaining walls would be constructed to protect the developed areas around Building A (primarily on the southern side) and Building B (mainly on the southeastern and northwestern sides). One retaining wall is proposed to be located along the western and southern property line, adjacent to Building A. This wall would generally have a height of three feet and would rise to a maximum height of 15 feet behind the southwest corner of Building A. A retaining wall, 0.5 to 11.4 feet in height, will be located between the natural drainage course and parking stalls to the west of Building B. A third retaining wall would be placed on the south side of the surface parking area to the south of Building B. This wall would gradually rise from a height of one foot to a maximum height of 23.5 feet at the southwest corner of Building B. A fourth retaining wall, eight feet in height, is proposed east of Building B, along the boundary of an existing flood control easement.

If a Variance were approved for the construction of walls in excess of six feet in height, the Ladyface Specific Plan would require those exposed walls to be rock-faced or of other decorative surfaces

### *Monument Sign (and Monument Sign Permit)*

The Sign Ordinance allows for one 48 square foot monument sign to identify the project. Instead of a single 48-square foot sign, the applicant is requesting a Sign Permit and Variance to construct two monument signs for each building (for a total of four signs). The total square footage of these signs would be approximately 100 square feet. Due to the location of these two buildings on the project site, two separate entrances are proposed to allow for feasible internal circulation as well as to provide adequate access to the project. At each entrance from Agoura Road, a garden wall is proposed. Mounted on each garden wall, on either side of the driveways, a monument sign of individual metal letters is proposed to identify the complex.

Each entrance is proposed to have two monument signs approximately twenty-five (25) square feet at both sides of the two driveway entrances serving the project (50 total square feet of monument signs for each building entrance). The signs are proposed to consist of cast metal letters identifying "The Park at Ladyface Mountain East" and "The Park at Ladyface Mountain West", as well as the property address. The signs would be externally illuminated with a garden light. Staff would note that fixed, wrought iron entry gates are shown on the Sign Plans, for

which staff is not supporting its approval, finding the proposed gates to be inconsistent with other multi-family development projects in the City.

### General Plan Amendment

The City General Plan includes goals and policies for the Planned Development District-Ladyface Mountain Specific Plan (West End), within the Land Use and Community Form Element. Per the existing uses allowed within the Specific Plan, the General Plan Goal for the Specific Plan addresses business parks and open spaces. Residential uses are not allowed for this area in the General Plan. To approve the applicant's proposed multi-family senior housing project, it must be consistent with the General Plan. As such, the applicant is requesting approval of a General Plan Amendment to allow specifically for multi-family housing for seniors on properties adjacent to existing multi-family housing uses in the Ladyface Mountain Specific Plan Area. The proposed amendment to General Plan Goal LU-23 is as follows (new text underlined):

“Goal LU-23 - Business Park and Natural Open Spaces. An economically viable business park that is scaled and designed to reflect its natural setting at the base of Ladyface Mountain, while providing high quality jobs and incorporating a diversity of uses that minimize the need for employees to travel, including multi-family housing for seniors on properties adjacent to existing multi-family housing uses that are also located within the Ladyface Mountain Specific Plan area”

### Ladyface Mountain Specific Plan Amendment

As previously noted in this staff report, the intent of the Specific Plan is three-fold: to ensure that all development at the base of Ladyface Mountain is compatible with the unique nature of this natural asset of the community; to encourage the coordinated development of a mixture of business park, commercial and limited residential uses within the study area; and to encourage developers to address compatibility of the proposed project with infrastructure capacity.

As the proposed use is not allowed in the existing Ladyface Mountain Specific Plan, the applicant is requesting approval of an Ordinance to amend the Specific Plan in three areas. Specific Plan Section IV.B.1 includes a list of uses that are prohibited in the BP-OR zone, including residential uses. Should the Planning Commission and City Council wish to accommodate the proposed use on the applicant's parcel, Specific Plan Section IV.B.1 would need to be amended as follows (new text underlined):

“Additionally, residential uses are not permitted except at 30800 Agoura Road (A.P.N. 2061-001-025) for multi-family housing for seniors, subject to approval of a Conditional Use Permit. For the purpose of this section, “multi-family housing for seniors” shall mean a residential development that complies with state and federal laws regarding housing for older persons, and which is either: (a) housing occupied entirely by persons 62 years of age or older, or (b) a housing development of at least 35 units where 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older.”



In addition to the change in use, the proposal would require a Specific Plan amendment to address the allowable density. The maximum permitted density of development for each parcel specified in the Specific Plan is the maximum permitted building area provided in Scenario 1-A, Table IV. A property owner may request in connection with an application for a conditional use permit that the maximum building area and traffic budget for his/her parcel be increased by an amount not exceeding the maximum density and traffic budget provided on Scenario 2-A.

Under Scenario 1-A, Specific Plan Section IV.A, Table IV-1 includes a business park use on this parcel of 24,000 square feet. Should the Planning Commission and City Council wish to accommodate the proposed use, the Specific Plan table would need to be amended for this particular parcel (A.P.N. 2061-001-025) as follows (new text underlined):

“Parcel No. 2061-001-025:

Land Use & Developable

Building Square Footage: Business Park: 24,000  
Multi-family housing for seniors: 71,206”

Likewise, to accommodate the proposed use, should the Planning Commission and City Council wish to accommodate the proposed use, Specific Plan Section IV.A, Table IV-2 (Maximum Development Potential Scenario 2-A) would need be amended for this particular parcel to note as follows (new text underlined):

<u>“Assessor’s Parcel #</u>	<u>Permitted Land Use</u>	<u>Maximum Bldg. Area</u>	<u>Traffic Budget</u>
2061-001-025	bus. park	34,000 s.f.	90
	<u>multi-family housing for seniors</u>	<u>71,206 s.f.</u>	<u>90”</u>

As currently written, the proposed amendments to the Specific Plan include a total maximum building area of 71,206 square feet for the *existing* parcel. Since the applicant is proposing to subdivide the parcel into two separate parcels, however, the Commission and Council may wish to consider whether it is more appropriate to establish a separate maximum building area for each parcel at this point. If the City would like to amend the regulations and thereby allow the proposed development in this manner, these amendments to the Specific Plan should reflect the maximum building area that should be allowed on each parcel.

As shown in this proposed amendment, the maximum traffic budget for the parcel is proposed to remain at 90. This is the same as the maximum traffic budget currently allowed for the parcel with a business park-office retail development.

The maximum development potential of the parcel includes a development area of 34% of the parcel. The maximum buildable lot coverage of the project site is 2.42 acres. The applicant is

proposing building lot coverage totaling 1.0 acre. As such, the project already complies with existing standards with respect to lot coverage and building pad. In addition, the proposed project complies with existing requirements regarding minimum open space. These standards would not need to be amended in order to approve the project.

To recommend approval of the Specific Plan amendments, the Planning Commission is required to find in favor of each the following findings:

1. The proposed Specific Plan amendments are consistent with the General Plan.
2. The Specific Plan amendments will allow for the intent of the Specific Plan to be met.
3. The Specific Plan amendments are sensitive to the maintenance and protection of the natural terrain and environment.
4. The Specific Plan amendments will allow for adequate traffic generation that will not exceed the acceptable levels of service established by the Specific Plan.
5. The Specific Plan amendments will allow for circulation to and from the site to be maintained.

#### Environmental Review

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project, in compliance with the California Environmental Quality Act (CEQA). The IS/MND concluded that, although potentially significant impacts to biological resources, cultural resources, and geology and soils may occur, these impacts would be reduced to a level of "less than significant" with incorporation of the mitigation measures outlined in the IS/MND. The following issues areas were found to have no impact: agricultural and forest resources, and mineral resources, while less than significant impacts were found for the following: aesthetics, air quality, greenhouse gas emissions, hazards and hazardous material, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems. Air quality impacts were found to be less than significant; however, the IS/MND lists standard dust minimizing measures to be implemented during construction, as recommended by the South Coast Air Quality Management District (SCAQMD)].

The Draft IS/MND was circulated for public review from April 14, 2016 to May 16, 2016. The Notice of Availability and Notice of Intent to Adopt the MND (NOA/NOI) was published in The Acorn newspaper on April 14, 2016, and posted at City Hall, the Agoura Hills Library, and at the City Recreation Center, as well as on the City's website. The NOA/NOI was also mailed to public and regulatory agencies and interest groups that typically receive CEQA document notices. A hard copy of the IS/MND was made available for public review at the Planning Counter at City Hall and at the Agoura Hills Library, and the document was posted on the City's website. The City received five (5) comments on the Draft IS/MND. Comments received during the public review period were addressed in writing as part of the Response to Comments section of the IS/MND (refer to Final IS/MND Appendix J). The Final IS/MND includes the Responses

to Comments and the Mitigation Monitoring and Reporting Program (refer to Appendix I in the Final IS/MND), which outlines when each mitigation measure will be implemented and what entity is responsible for ensuring it is implemented. Changes to the text of the Draft IS/MND were made for the Final IS/MND. The changes are noted in underline and strike-thru text and include clarification of the oak tree impacts (refer to Page 43 of the Final IS/MND), and Biological Resources Mitigation BIO-8–Oak Tree Replacement (refer to Pages 49 and 50 of the Final IS/MND). The Public Services discussion section was also amended to clarify that the City is within, and part of, the Consolidated Fire Protection District of Los Angeles County (refer to Page 80 of the Final IS/MND).

A copy of the Final IS/MND has been posted on the City's website. A notice of availability of the Final IS/MND and the Planning Commission hearing to consider adoption of the Final IS/MND has been published in The Acorn newspaper and sent to the entities on the CEQA document mailing list. All persons and entities that provided comments on the Draft IS/MND have been provided with a notice of the public hearing and a copy of the Responses to Comments.

Pursuant to CEQA, for the City to adopt the IS/MND, the Planning Commission and City Council must find that they independently reviewed the IS/MND and all comments received regarding the document, and based on the whole record before it, find that: (1) the IS/MND was prepared in compliance with CEQA and the City's local CEQA Guidelines; (2) that City staff has correctly concluded that there is no substantial evidence that the Project may have a significant effect on the environment; and (3) the IS/MND reflects the independent judgment and analysis of the Planning Commission.

#### **IV. SUMMARY**

State law requires that the Planning Commission provide the City Council with a recommendation regarding the General Plan Amendment and Specific Plan Amendment. Based on the deliberations and recommendation of the Planning Commission, staff will provide resolutions to be adopted after the close of the public hearing. The Planning Commission's stated reasons for its recommendations regarding all of the applications, as well as the MND and MMRP, will be provided to the City Council for final action.

#### **V. RECOMMENDATION**

Staff recommends the Planning Commission provide a recommendation to the City Council for approval or denial of the project (Case No. GPA-01219-2016; Specific Plan Amendment Case No. 08-SPA-001; Conditional Use Permit Case No. 08-CUP-001; Variance Case No. 08-VAR-002(A,B&C); Sign Permit SIGN-01270-2016; Oak Tree Permit Case No. 08-OTP-004; and Vesting Tentative Tract Map Case No. VTTM 71742), and whether to adopt the Final Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program prepared for the project.

## **VI. ATTACHMENTS**

1. Vicinity Map/Project Location
2. Colored Elevations and Colors and Material Board
3. Reduced Copies of Plans
4. Mitigation Monitoring and Reporting Program
5. Final Initial Study and Mitigated Negative Declaration (under separate distribution)

Case Planner: Doug Hooper, Planning Director