



PLANNING DEPARTMENT

DATE: December 1, 2016

TO: Planning Commission

APPLICANT: Selleck Development Group, Inc.
31770 Russell Ranch Road, Suite 1
Westlake Village, CA 91361

CASE NO.: ABN-01304-2016

LOCATION: Portion of Roadside Drive, west of Roadside Road.

REQUEST: Request for the Planning Commission to find the proposed street vacation of a section of Roadside Drive, west of Roadside Road to be in conformance with the General Plan.

ENVIRONMENTAL DETERMINATION: The request is consistent with the Final Initial Study/Mitigated Negative Declaration adopted for the Agoura Park Project (Vesting Tentative Map No. 73266, and Site Plan/Architectural Review Case No. 14-SPR-003)

RECOMMENDATION: Staff recommends that the Planning Commission approve the Draft Resolution, setting forth its findings of fact and recommendation to the City Council relative to the vacation of the portion of Roadside Drive west of Roadside Road, and determining the street vacation to be consistent with the General Plan.

ZONING DESIGNATION: POM-FC (Planned Office and Manufacturing – Freeway Corridor Overlay District)

GENERAL PLAN DESIGNATION: POM (Planned Office and Manufacturing)

I. BACKGROUND, DESCRIPTION AND ANALYSIS

On December 3, 2015, the Planning Commission approved Site Plan/Architectural Case No. 14-SPR-003, Oak Tree Permit No. 14-OTP-016, Vesting Tentative Parcel Map No. 73266,

and Variance Case No. 14-VAR-003 for the Agoura Park Project (Rosenheim & Associates for Selleck Development Group, Inc.), allowing for the development of a new 45,000 square-foot, two-story fitness facility building; and a 4,000 square-foot, one-story retail/fast service restaurant building, located at 29431 and 29439 Agoura Road, on the west side of Roadside Road. The Planning Commission also adopted the Final Initial Study/Mitigated Negative Declaration for the project. The City Council considered an appeal of the Planning Commission's decision on January 27, 2016, and upheld the Planning Commission's approval of the project, subject to additional changes and conditions. Included with the project's conditions of approval was the requirement for the City to vacate the remaining portion of Roadside Drive west of Roadside Road. An exhibit of the area to be vacated is attached to this report for the Commissions' review.

The right-of-way was originally acquired by the State of California in conjunction with the U.S. 101 Freeway for fee ownership. After construction was completed, the State transferred the excess right-of-way to the County of Los Angeles, which was eventually inherited by the City upon incorporation. This portion of Roadside Drive has not been used for years, and is currently blocked by K-Rail barriers. Staff finds that the remaining portion of Roadside Drive proposed to be vacated is not an essential part of the transportation network within the City. However, the applicant is required to construct a private driveway in the abandoned area for Fire Department access to the fitness facility; and to provide ingress/egress to the adjacent property to the west.

The fitness facility development plans are currently in plan check for grading and building permit issuance. Pursuant to the project's conditions of approval, the applicant has filed an application for the street vacation. Prior to the City Council taking action on the request to vacate the unimproved portion of Roadside Drive, adjacent to the north side of the project site, the Planning Commission must determine whether the vacation and the future sale of this public land, would be in conformance with the General Plan Infrastructure and Community Services Element, Mobility Section.

The abandonment of the right-of-way would be consistent with General Plan Goal M-1. Local Circulation System. This goal calls for "a safe and efficient roadway system in Agoura Hills that facilitates the movement of goods and people while utilizing advanced technologies to minimize travel delays." This goal will be met with the development of this project and the adjacent property to the west (Marriott Hotel) by each having access to Agoura Road; the private driveway in the abandoned section of Roadside Drive; and a bisecting driveway connected to Roadside Road.

Should the street vacation be approved by City Council, as proposed, Roadside Drive would continue to serve as part of a balanced roadway system that provides adequate accessibility

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to existing and future land uses. In addition, the vacation would be in conformance with the Mobility Section of the City's General Plan in that sufficient road right-of-way will remain after the vacation, and will not alter the right-of-way needed for Roadside Drive as it currently exists.

Staff finds the proposed street vacation to be consistent with the Final Initial Study/Mitigated Negative Declaration adopted for the Agoura Park Project.

II. RECOMMENDATION

Staff recommends that the Planning Commission approve the Draft Resolution, setting forth its findings of fact and recommendation to the City Council relative to the vacation of the portion of Roadside Drive west of Roadside Road, and determining the street vacation to be consistent with the General Plan.

III. ATTACHMENTS

1. Draft Resolution
2. Street Vacation Exhibit and Legal Description (Exhibit A)
3. Vicinity Map

Prepared by: Ramiro Adeva, Director of Public Works/City Engineer

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS FINDING THAT THE PROPOSED VACATION OF A PORTION OF ROADSIDE DRIVE, WEST OF ROADSIDE ROAD CONFORMS TO THE GENERAL PLAN (CASE NO. ABN-01304-2016)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. The City of Agoura Hills ("City") received an application from Selleck Development Group, Inc., requesting approval of the vacation of a portion of Roadside Drive located west of Roadside Road. The City right-of-way proposed to be vacated is an irregular shaped 22,369 sq. ft. parcel comprised of vacant land and an asphalt paved road, and is legally described and depicted in Exhibit "A", attached hereto and incorporated herein by this reference.
- B. Pursuant to California Streets & Highways Code Section 8313 and Government Code Section 65402, prior to the City Council's approval of a street vacation, the Planning Commission must report to the City Council whether the proposed street vacation is in conformity with the City's adopted General Plan.
- C. In order to be in conformity with the City's General Plan, the proposed partial street vacation must be consistent with and conform to the General Plan's policies and goals.
- D. Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), this is consistent with the Final Initial Study/Mitigated Negative Declaration adopted for the Agoura Park Project (Vesting Tentative Map No. 73266, and Site Plan/Architectural Review Case No. 14-SPR-003).
- E. The Planning Commission is being tasked with making a report as to the conformity of the proposed street vacation with the City's General Plan within 40 days of the Planning Commission's review of the proposed street vacation, which can be accomplished by the Planning Commission reviewing the street vacation and adopting a resolution making a finding of consistency with the General Plan.

Section 2. Findings. The Planning Commission hereby makes the following findings in connection with the proposed street vacation of a portion of Roadside Drive on property generally described as Avenue, which property is located west of Roadside Road, and legally described and depicted in Exhibit "A" attached hereto and incorporated herein by reference.

- A. Recitals A through E of Section 1, above, are true and correct.
- B. The proposed vacation of the portion of Roadside Drive is justified under Streets and Highways Code Section 8320, *et seq.* because the street is unnecessary for present or prospective public use because the result would only be the loss of vacant land and a portion of a paved roadway, and the remaining roadway on

Roadside Drive would be sufficient in size to meet the Circulation Infrastructure and Community Services Element's goal for the area.

- C. The proposed vacation will conform to the General Plan of the City of Agoura Hills, including the Infrastructure and Community Services Element, in that the portion of Roadside Drive to be vacated is not an essential part of the City's transportation network.
- D. The proposed vacation of the portion of Roadside Drive, as described and depicted in Exhibit "A", is in the interest of the public health, safety, and general welfare by eliminating unnecessary street right-of-way.

Section 3. Determination and Recommendation. Based upon the facts contained in the record and the findings set forth above and subject to the conditions listed below, the Planning Commission finds that the proposed vacation of a portion of Roadside Drive located west of Roadside Road is in conformity and consistent with the Agoura Hills General Plan, including the Infrastructure and Community Services Element:

- A. Pursuant to Streets and Highways Code Section 8340, the City should reserve and except from the vacation an easement and right, at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over or across the street to be vacated, and pursuant to any existing franchise or renewals thereof, to construct, maintain, operate, replace, remove, renew and enlarge pipes and other structures, equipment and fixtures for the operation of gas pipelines, telegraphic and telephone lines, and for the transportation and distribution of electrical energy, petroleum, and water.
- B. The City should reserve and except from the vacation any easement and right necessary to maintain, operate, remove, replace or renew any public utility facilities.

Section 4. Certification. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and this certification to be entered in the Book of Resolutions of the Planning Commission of the City.

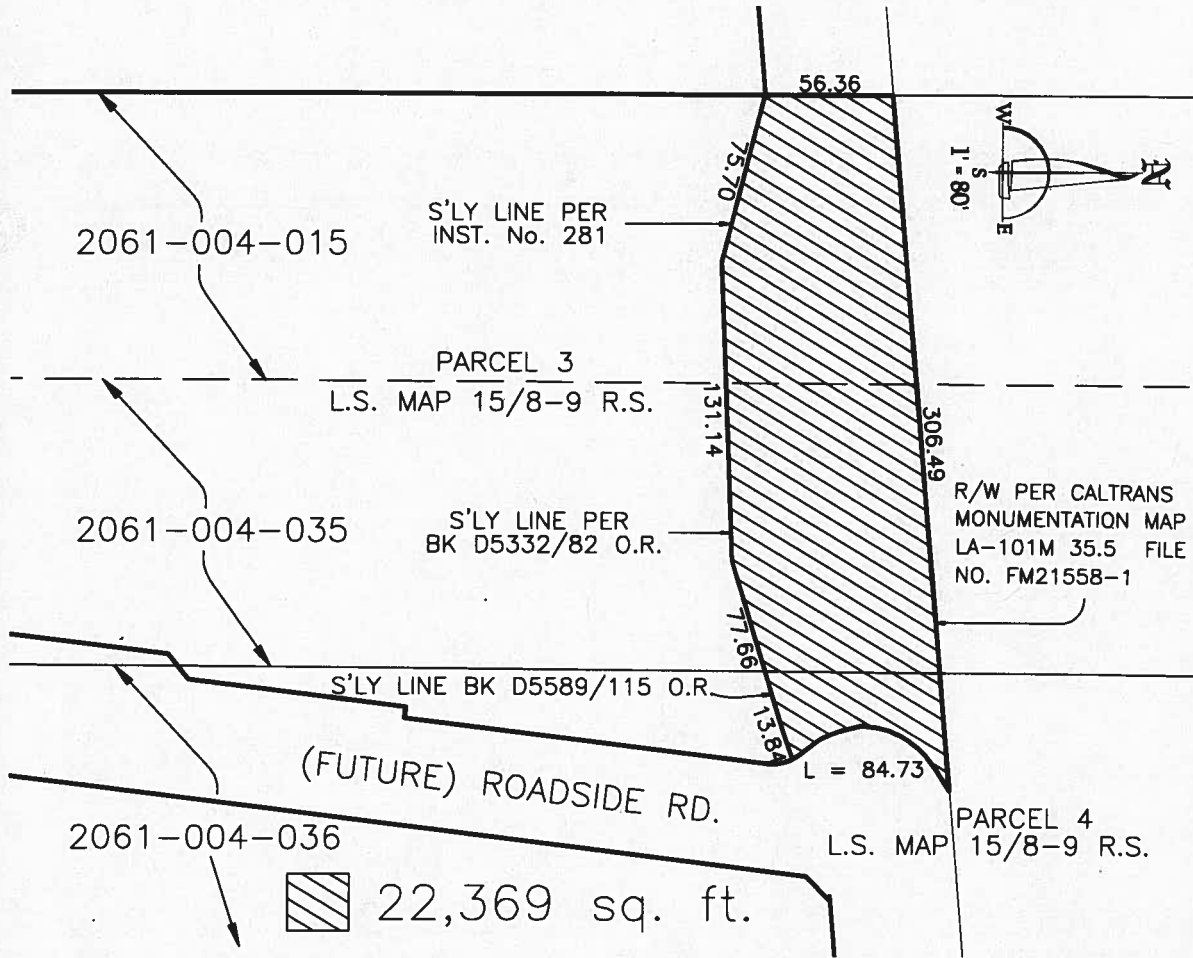
Passed, Approved, and Adopted this 1st day of December, 2016, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

John O'Meara, Chairperson

Allison Cook, Secretary

EXHIBIT "A"



Preliminary Description for Appraisal Purposes

Those portions of Parcels 3 and 4, in the County of Los Angeles, State of California, as per Licensed Surveyors Map filed in Book 15 pages 8 and 9 of Records of Survey, in the Office of the County Recorder of said County, bounded on the South by the Southerly line of Inst. No. 281 O.R., the Southerly line of Deed per Book D5332 page 82 O.R. and the Southerly line of Deed per Book D5589 Page 115 O.R. and bounded on the North by the Caltrans Right-of-Way per Monumentation Map LA-101M 35.5 File No. FM21558-1 and bounded on the East by the future Right-of-Way of Roadside Road, to be determined.

Vicinity Map

