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**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

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**ACTION DATE:** April 7, 2005

**TO:** Planning Commission

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

**CASE NOS.:** 04-CUP-007; 04-OTP-020; and PM 62245

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

**REQUESTS:** A request for approval of a Conditional Use Permit to allow the development of a 118,162 square foot furniture retail center; a request for an Oak Tree Permit to remove three (3) Oak trees for the proposed construction; a request for approval of a Tentative Parcel Map to reconfigure three parcels into two lots of 1.42 and 5.76 acres in size for the proposed construction; and a request for adoption of a Mitigated Negative Declaration.

**ENVIRONMENTAL  
DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit Case No. 04-CUP-007; Oak Tree Permit Case No. 04-OTP-020; and Tentative Parcel Map No. 62245, subject to conditions. Staff also recommends adoption of the Mitigated Negative Declaration prepared for the project.

**ZONING DESIGNATION:** CRS-FC-OA (Commercial Retail Services-Freeway Corridor Overlay- Old Agoura Design Overlay)

**GENERAL PLAN DESIGNATION:** CG (Commercial-Retail/Services)

## **I. BACKGROUND AND PROJECT DESCRIPTION**

The subject property encompasses 7.18 acres located on the northeast corner of Canwood Street and Agoura Road. Since the City's incorporation in 1982, several projects have been proposed for development of the property, including office uses and a miniature golf course. The last development proposal for the site was considered by the Planning Commission on July 19, 2001. The Planning Commission approved a request for construction of two, two-story office buildings on the site totaling 128,343 square feet. The applicant did not obtain a building permit for the project and the entitlement for construction expired. The property has since been sold and the new owner is seeking approval of a Conditional Use Permit to construct a two-story furniture center totaling 118,162 square feet in size. This development proposal is the largest retail project to be considered by the City since incorporation, and is larger than the Agoura Hills City Mall, Twin Oaks Plaza, or Agoura Meadows Shopping Center. The Zoning Ordinance requires consideration of a Conditional Use Permit for this project since it is located in the Freeway Corridor Overlay District; includes structures with a cumulative building area of greater than 100,000 square feet; and is located in the CRS (Commercial Retail Service) zone.

The applicant is proposing three separate buildings on the property that would allow for an estimated total of seven furniture/retail tenants. The size of the buildings are 20,000 square feet, 54,629 square feet and 43,533 square feet. Municipal Code Section 9306 limits the gross floor area of a retail store to not exceed 60,000 square feet. This Code provision further states that "the 60,000 square foot limitation shall apply to individual retail stores for which permits are sought and also to the cumulative sum or related or successive permits for retail stores that are part of a larger project, such as piecemeal additions to a building or multiple buildings on a lot or adjacent lots." This Code provision restricts the size of an individual retail tenant's space, rather than restricting the size of a larger building with multiple tenants. Thus, for this project, no individual retail tenant could occupy more than 60,000 square feet on the property.

The development proposal includes a request for a Parcel Map to reconfigure the existing three parcels into two parcels of 1.42 acres and 5.76 acres in size. The applicant is also seeking approval of an Oak Tree Permit to remove three (3) Oak trees for the proposed construction.

The topography of the lot is relatively flat and it slopes slightly downhill to the southwest, toward Derry Avenue. The property is located in the CRS and FC zones. The eastern portion of the property, proposed strictly for parking use, is within the OA (Old Agoura Design Overlay) zone. A furniture retail center is a permitted use within these zones. The project meets the development standards relative to height, lot coverage, landscape coverage and required parking. Adjacent property uses include an industrial/warehouse complex and single-family residences to the north; Canwood Street/101 Freeway to the south, Reeds & Son furniture store and Lewis Road to the east; and Canwood Street/vacant business-park/manufacturing zoned property to the west.

The following is a summary of the proposed development relative to the City Code requirements.

Pertinent Data for the Proposal

	Existing	Proposed	Allowed/ Required
1. Lot Area			
Parcel 1:	N/A	1.42 acres	10,000 sq. ft. (0.23 acres) minimum
Parcel 2:	N/A	5.76 acres	10,000 sq. ft. (0.23 acres) minimum
2. Lot Width (north-south)			
Parcel 1:	N/A	250 ft.	100 ft. min.
Parcel 2:	N/A	250 ft.	100 ft. min.
Lot Depth (west-east)			
Parcel 1:	N/A	238 ft.	100 ft. min.
Parcel 2:	N/A	1200 ft.	100 ft. min.
3. Building Size			
Building 1:	N/A	20,000 sq. ft.	N/A
Building 2:	N/A	54,629 sq. ft.	N/A
Building 3:	N/A	43,533 sq. ft.	N/A
Total	N/A	118,162 sq. ft.	N/A
4. Bldg. Height			
	N/A	35 feet max.	35 feet max.
5. Building Lot Coverage			
Parcel 1:	N/A	32%	60% max.
Parcel 2:	N/A	33%	60% max.

Pertinent Data for the Proposal

	Existing	Proposed	Allowed/ Required
6. Bldg. Setbacks (Parcel 1)			
Front (West):	N/A	32 feet	35 feet (height of building) min.
Rear (East):	N/A	32 feet	35 feet (height of building min.)
Side (North):	N/A	15 feet	10 feet min.
Side (South)	N/A	88 feet	10 feet min.
Bldg. Setbacks (Parcel 2)			
Front (East)	N/A	485 feet	35 feet (height of bldg.) min.
Rear (West)	N/A	29 feet	35 feet (height of bldg.) min.
Side (North)	N/A	15 feet	10 feet min.
Side (South)	N/A	68 feet	10 feet min.
7. Parking	N/A	299 spaces	158 spaces minimum for furniture sales
8. Landscape Coverage	N/A	23.5%	10 % min.
9. No. of Oak Trees	15 in vicinity	12 to be retained	N/A

**II. STAFF ANALYSIS**

Site Plan

The three buildings are to be located in the northern portion of the property, with southern and eastern portions of the lot dedicated to parking. The finished floors of the three buildings are shown at averages of 886, 892 and 900 feet above sea level respectively. The elevation of Canwood Street, in front of the project, rises from west to east from 878 feet to 895 feet. The

freeway elevation in front of the project varies from 880 feet to 890 feet. The relatively new industrial complex north of the project site has an average finished floor elevation of approximately 897 feet, and the finished grade of the residences to the north of the easterly parking area range from 925 feet to 930 feet. Reeds furniture store to the southeast has a finished floor elevation of approximately 908 feet. Thus, the finished floor elevations of the three proposed buildings would be approximately 5 feet above Canwood Street, as measured in front of each building; 6 to 20 feet above the freeway; 30 feet below the closest residential structure; and 7-14 feet below the industrial complex to the north; and 8 to 12 feet below the Reeds furniture store.

Parcel 1 fronts on Canwood Street and Derry Avenue. In such an instance, the Zoning Ordinance considers the narrowest frontage to be the front yard in determining required yards/setback areas. Therefore, the minimum 35-foot required front yard area is measured from Derry Avenue. Most of Building 1's west elevation is located 35 feet from the west property line, however the southwest corner of the building encroaches approximately 3 feet into the required front yard area. The minimum setback distance from the rear (east) property line of Parcel 1 is also 35 feet. Most of Building 1's east elevation meets this setback requirement, although the closest point of the building is located 32 feet from the east property line.

In addition, Building 2 on Parcel 2 is required to be located at least 35 feet from rear (west) property line of Parcel 2. However, the entry element at the southwest corner of the building is located 28 feet from the rear property line. Since no Variance was filed for the encroachment, staff recommends that the project be conditioned to provide for a 35-foot, front and rear yard setbacks. This can be accomplished by removing small portions of Buildings 1 and 2. The applicant can also consider reducing the height of the buildings to accommodate the setbacks shown on the Site Plan.

Each building is located 10-15 feet from the north property line. There is no minimum setback distance within this side yard area, except where the north property line abuts residences, in which case the minimum distance is 10 feet. A 5-foot walkway is proposed behind each of the three buildings for fire service access.

Buildings 1 and 2 are located approximately 90 feet from the south property line (Canwood Street). The Building 3 is located 68 feet from the south property line at its closet point. Although the locations of the buildings exceed the minimum 10-foot distance from the south property line, the issue of building location and prominence was an issue of extensive discussions between staff and the applicant. As proposed, the City Architectural Review Panel and staff have concerns about the linear placement of the buildings, which is parallel to the 101 Freeway to the south, and its massing as viewed from the freeway.

The applicant had initially proposed a different site plan configuration that included placing Building 1 near the southwest corner of the property, and providing parking behind the building. Such a plan would have screened a portion of the parking lot from public view, and would have also provided visual relief as viewed from the freeway. The applicant instead proposed the current plan that allows for customer parking in close proximity to the building's main entrance, fire service access and loading to the rear, and the elimination of a driveway to Derry Avenue.

Screening of the parking lot from public view and providing a sufficient amount of landscaping on the property to provide for visual relief were issues stressed by staff and the Architectural Review Panel. The applicant is providing a landscape planter of approximately 30 feet in width along Derry Avenue, and a 20-foot wide landscape planter along Canwood Street, except in front of Building 3. The Zoning Ordinance allows the Planning Commission to consider a request for a reduction in the landscape planter width provided that it does not exceed 50% of the length of the street frontage and that additional landscaping amenities beyond what is required by Code are provided on site. The applicant is requesting that the planter located adjacent to Canwood Street, in front of Building 3, be reduced to 10 feet in width for a distance of 330 feet, which is approximately 33% of the length of the Canwood Street frontage.

Staff understands the applicant's desire to provide as much parking as possible near the building entrances and that specific tenant space sizes are being contemplated for this project, but the applicant is unwilling to reduce the size of the buildings. Since the project provides for considerably more parking than what is required by the Zoning Ordinance, the Planning Commission should consider requiring more landscaping in front of Building 3, especially since the site is highly visible from the freeway and there is little landscaping south of Canwood Street in the freeway right-of-way. The parking lot and buildings will be placed above a 2:1 slope along Canwood Street. This street frontage extends approximately 1,000 feet. Additional landscaping in front of Building 3 will help reduce the linear massing of the buildings. Thus, staff recommends that the entire parking row (35 spaces) located along Canwood Street, in front of Building 3, be removed. This would provide for 30 feet of distance between the parking lot drive-aisle and Canwood Street, which could accommodate a change in the building footprint or placement of the building. The elimination of the parking row could also allow for meandering walkways in front of the building, making the drive-aisle less linear, and providing more pedestrian amenities on the site, including benches, raised planters for seating, and more trellises. A twenty-foot wide landscape planter could also be incorporated into the Site Plan, along the Canwood Street frontage, similar to the landscaping provided on the adjacent Reeds furniture store site. Building 2 could also be enhanced with additional landscaping. Similar to the recommendations given for Building 3, the Planning Commission could consider including a condition deleting the row of parking (22 spaces) along Canwood Street, in front of Building 2 to provide for more creative design opportunities. At a minimum staff recommends that the finger planters, especially the end planters along this parking row fronting on Canwood Street, be widened by at least 8 additional feet.

Building 1 is located a greater distance from the freeway due to the alignment of Canwood Street and, therefore, will not have the same visual presence as Buildings 2 and 3 as viewed from the freeway. Thus, staff supports the landscaping on this parcel as proposed. Staff does recommend, however, that the triangular shaped portion of Lot 2, located south of Canwood Street, be heavily landscaped, which will help soften views of Building 1 from the freeway.

Staff also recommends that the landscape planters located adjacent to Lewis Road be at least 20 feet in length. This would result in the loss of two (2) parking spaces along the north parking row, adjacent to Lewis Road. Also, the Fire District is requesting a design change to the easterly parking lot for fire truck access. Specifically, the driveway length of the cul-de-sac portion of the parking lot, located adjacent to the northeast corner of Building 3, cannot exceed 150 in length without the requirement of a fire truck turn-around area. It is, therefore, recommended that the driveway length in this area be shortened to meet the Fire District's requirements. This would result in the loss of approximately 4 parking spaces and modifications to the grading plan due to drive-aisle grade differentials within this area.

With the site plan changes recommended above, as well as the incorporation of the City Landscape Consultant's recommendations given in the landscape analysis section of this report, the project can be enhanced as viewed from the freeway without losing building area.

### Architectural Design

The property is located adjacent to the 101 Freeway in the Freeway Corridor Overlay and Old Agoura Design Overlay zones. Because this site has approximately 1,000 feet of frontage along Canwood Street, this development would be highly visible from the freeway and would make a strong visual statement to people driving through the City on the freeway.

The applicant has articulated the building elevations through a craftsman style design that uses varied rooflines and varied building façades that are setback over 65 feet from the south property line to help reduce the visual scale of the buildings. Exterior building facades will include smooth troweled plaster, exposed wood roof rafters, ledgerstone veneer, bronze tinted window glazing and flat concrete roof shingles. The buildings' colors will be subtle, relatively neutral earth tone colors. Variations in roof lines are used to add interest and to help reduce the massive scale and bulk of large buildings. The proposed roof features are intended to compliment the character of adjoining neighborhoods.

The Architectural Review Panel worked extensively with the applicant to produce a building design that would be compatible with the Old Agoura neighborhood and neighboring structures. The Panel's recommendations included the use of exposed roof eaves and support trusses, the natural building materials and full roof elements. The Panel made several recommendations which have been incorporated into the building design to help achieve a pedestrian scale to the project,

including variations in the front building facades and the incorporation of pedestrian walkways and trellises. The Reeds furniture store building to the east and the NW Rugs store south of Canwood Street are somewhat Mediterranean in style and are articulated with the use of brick, ledgerstone, and stucco. The Dale Poe industrial buildings recently approved for the lot above and to the north consist of tilt-up concrete with brick columns.

While the Architectural Review Panel generally supports the project design, they did note that the entry element of Building 1 is not architecturally compatible with the other two buildings. Also, a terraced building design was preferred by the Panel, which would have recessed the second stories to achieve vertical relief. Due to the nature of the proposed retail use and the desire to achieve a certain leasable building area, the applicant has preferred the current design. In addition, the linear mass of the project was of concern to the Panel. While the applicant varied the footprints along the front of the buildings, the siting of the buildings on the property is linear and it does not offer significant variation, such as significant pop-outs to achieve visual depth and may, therefore, appear more massive as seen from the freeway.

While tenant signage is shown on the building elevation plans, they are simply conceptual in location and scale. A detailed sign program has not been submitted and staff is recommending that the applicant be conditioned to submit a sign program for the Planning Commission's review and approval at a later date.

The applicant has submitted light fixture details for the project, however per the recently adopted Lighting Standards, staff is recommending that prior to the issuance of a building permit the applicant be required to submit a more detailed lighting plan for review and approval by the Planning Commission. The plan will be required to comply with the newly adopted lighting standards contained within the City Architectural Design Guidelines and Standards, including the requirement that the lighting and photometric plan be prepared by a licensed lighting professional. The lighting plan would also be subject to review by the Architectural Review Panel prior to review by the Planning Commission.

Of particular concern is that all lighting within the project, especially in the light sources that are visible from neighboring residential properties, be downcast and be shielded and oriented in a manner that will prevent spillage or glare. Staff is also concerned with the potential visibility of the parking lot light fixtures as seen from Canwood Street and the 101 Freeway. The light fixtures that are proposed at this time appear to lack required shielding to prevent horizontal glare. Although a lighting plan will be subject to the Planning Commission's review, staff would recommend that the applicant be required to reduce the intensity of the lights if staff finds that, upon installation, that they are too intense for the area. Wall-mounted light fixtures would be at the discretion of the Planning Commission.



Mechanical equipment will be mounted on the roof of each building and shielded from public view by use of parapet walls that will exceed the height of the equipment. While the specific location of the mechanical equipment has not been identified, with proper screening the City Environmental Analyst determined that potential noise impacts to surrounding neighbors would be less than significant.

The Old Agoura Homeowners Association has reviewed the latest design proposal and has provided their attached letter for the Planning Commission's consideration.

#### City Engineer / Public Works Department

The City Engineer reviewed the project plans for required improvements within the public right-of-way. Based on his review, the City Engineer recommends that the applicant:

- Provide for curbs, gutters and sidewalks along Canwood Street, Lewis Road, and Derry Avenue
- Obtain the City's vacation of the public right-of-way for roadway purposes along the Canwood Street frontage.
- Repair Canwood Street's eastbound lane along the project frontage.
- Pay the City Arterial Street System Development Fee of \$6.588/square foot. The estimated fee for a 118,162 square foot building on this lot is \$778,451.

#### Oak Trees and Landscaping

An Oak Tree Report was prepared for the project which evaluated 15 Oak trees located in the vicinity of the project. The applicant is requesting approval of an Oak Tree permit to remove three street trees for the proposed construction. Two of the three trees have a trunk diameter of 2 inches and are located along Canwood Street. The third tree is located on the Lewis Road cul-de-sac and has a trunk diameter of 4 inches.

The City Oak Tree Consultant found the three trees to be immature street trees of relatively poor health and appearance. She supports their removal to accommodate the construction, provided that the applicant plant six (6), 36-inch box size Oak trees within the project as mitigation.

The applicant has submitted a preliminary landscape plan that has been reviewed and preliminarily approved by the City Landscape Consultant. The proposed landscape plan meets the required shade coverage for the property. In accordance with the development standards of the Freeway Corridor Overlay zone, the City landscape consultant recommends that the plant palette be revised to incorporate a more naturalistic and native theme along the perimeter of the site. In order to further screen the parking lot from view from the freeway and Canwood Street, as recommended by the Architectural Review Panel, the City Landscape Consultant recommends that the applicant

install a decorative split-rail type fence with planted vines along the entire Canwood Street frontage, at the top of the landscape planter slope. This can be accomplished within a 20-foot landscape planter. The landscape plan shows a mounded berm as a proposed alternative to the landscape planter with stone retaining walls, however staff does not support this alternative. It is also recommended that in addition to the Oak trees required for mitigation purposes, the landscape plan should include seven (7), 24-inch box size Oak trees within the project. Staff is also recommending that the portion of Parcel 2 located south of Canwood Street be heavily landscaped to soften the visual presence of the project from the freeway. In order to screen the easterly parking lot from the neighboring residences to the north, staff recommends that garden wall be located on the north property line of the parking lot, extending from Lewis Road to a distance equal to one-half the length of the parking lot. Staff also recommends that the planter located between the east parking lot and the north property line provide for landscape screening of the residential property. Recommended conditions regarding landscaping are included are attached for review.

#### Traffic and Parking

The City Traffic Engineer has reviewed the traffic report prepared by Linscott, Law and Greenspan, Engineers for the proposed furniture center. For the purposes of the traffic report, a total project size of 118,090 square feet consisting of 109,353 square feet of furniture uses, and 8,737 square feet of retail uses. The traffic report forecasts that the project would generate 816 vehicle trips (entering or exiting the site) per day, with 25 trips in the morning peak hour, and 73 trips in the afternoon peak hour.

Two key intersections were analyzed for changes in traffic operations as a result of this project. The intersection of Canwood Street/Derry Avenue and the intersection of Chesebro Road/Driver Avenue were both analyzed. The traffic report estimates that 45% percent of the project's traffic will approach and exit the site via the Chesebro Road/Driver Avenue intersection. The remaining 55% of the project's traffic will approach or exit the property via the Canwood Street/Derry Avenue intersection. The traffic report concluded that the project is not expected to create a significant impact at either of the two intersections and, thus, no mitigation measures were required or recommended.

Three driveways would serve the property. Two driveways are proposed on Canwood Street and one driveway is proposed on Lewis Road. The City Traffic Engineer and the County Fire District have reviewed the proposed internal circulations plan and have recommended modifications to the site for delivery and emergency access circulation. The City Traffic Engineer recommends that the westerly driveway on Canwood Street be redesigned to accommodate semi-truck ingress and egress turning movements. As mentioned within this report, the Fire District is requesting a design change to the easterly parking lot for fire truck access. Specifically, the driveway length of the cul-de-sac portion of the parking lot, located adjacent to the northeast corner of Building 3, cannot exceed 150 in length without the requirement of a fire truck turn-around area. To meet this requirement, it is

recommended that the driveway length in this area be shortened to meet the Fire District's requirements. This would result in the loss of approximately 4 parking spaces. The recommended site plan modifications have been included in the Engineering Department's draft conditions of approval.

A total of 299 parking spaces proposed to accommodate the project, which exceeds the 158 minimum number of parking spaces required for strictly furniture use. The site plan changes recommended by staff may result in the loss of up to 63 parking spaces. But the remaining 236 parking spaces would still exceed the 181 parking spaces required for furniture sales and the 8,737 square feet of retail space being considered by the applicant, as well as provide flexibility to convert areas initially contemplated for furniture sales to other uses such as retail, office or restaurants. Since driveways and parking spaces will be shared within the center, staff is requesting that the applicant be conditioned to record a reciprocal parking agreement between the two parcels, prior to building permit issuance.

#### Geological and Geotechnical Review

The site was pre-graded, presumably when the industrial park subdivision occurred prior to City incorporation. A large portion of the site slopes gently downhill to the southwest, towards Derry Avenue. On-site grading quantities would be kept minimal due to the rough-graded condition of the site. The current site plan calls for 10,460 cubic yards of cut with 15,811 cubic yards of fill soil, resulting in the transport of 5,351 cubic yards of transported fill to the site. Due to the relatively flat condition of the parcel, significant remedial grading activities will not be required to prepare adequate building pad areas. Remedial grading will not result in any cut/fill slopes that exceed the permitted 2:1 slope gradient.

Retaining walls would be necessary to make the proposed site layout possible. A continuous retaining wall, not to exceed six feet (6') in height, is proposed along the rear portion of the buildings, between the buildings and the north property line. A series of three retaining walls, each of 6-feet in height, are proposed between Building 3 and the closest residential property to the northeast. A retaining wall of 1-foot to 4 feet in height is proposed along the entire north side of the flag parking lot, between the parking aisle and the north property line. In the area east of Building 3, the flag parking lot is to be situated approximately 19 feet above the finished floor of the building.

The preliminary geotechnical and geological report prepared by Advanced Geotechnical Services, Inc. evaluated the feasibility of the proposed construction. The report concludes that no landslides or adverse seismic features are present on the property and no fault traces trend across the development area. The City Geotechnical Consultant has reviewed the report and recommends the project be approved from a geotechnical perspective at this planning review stage. Geotechnical conditions of approval are included to ensure that recommendations contained in the report are incorporated into the grading plan and are adhered to during construction.

### Tentative Parcel Map

The applicant is requesting approval of a Tentative Parcel Map that would reconfigure the three existing parcels that comprise the site into two parcels. Parcel 1, which is intended to serve Building 1, would be 1.42 acres in size. The remaining 5.76 acres of property, including an 8,600 square foot, triangular portion of land located east of Northwest Rugs, and between Canwood Street and the 101 Freeway, would be within Parcel 2. The newly created lots would comply with the minimum 10,000 square foot lot size and lot dimension requirements of the CRS zone.

The land located between Canwood Street and the Freeway is a remnant piece that was created when Canwood Street was extended. Given the small size of this piece of property and its irregular shape, staff recommends that the applicant be conditioned to landscape and irrigate the property and to agree to relinquish all development rights on this portion of Parcel 2.

### Environmental Review/ Mitigated Negative Declaration

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

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

In the case of the proposed project, the City Environmental Analyst found that it would not result in any significant effects on the environment that cannot be mitigated to less than significant levels, and therefore prepared a Draft Mitigated Negative Declaration (MND) for review and adoption by the Planning Commission.

The primary issues of concern for the subject site included land use compatibility, geotechnical planning and geologic hazards, water resources, air quality, transportation and circulation, biological resources, hazards and risk of upset, noise, utilities and service systems, and aesthetics and visual resources. To adequately address these potentially significant concerns, technical reports prepared by qualified professionals and field surveys were completed as part of this analysis.

Mitigation measures were developed based on the degree of perceived significance related to the foregoing issues. A summary of the more notable environmental planning topics is provided below.

Land use compatibility issues were addressed by the siting of the buildings on the two parcels. The buildings are situated on the property to retain the southern views enjoyed by the adjacent homeowners to the northeast by locating the finish floor elevation well below the existing single-family residential pads, and keeping the height of the buildings within the 35-foot limitation. Moreover, all City standards relative to exterior lighting, parking lot landscaping and overall site landscaping are included as mitigation measures or conditions of approval for this proposed project. These measures should reduce land use compatibility impacts to less than significant levels.

The value of on-site biological habitat was considered low. Invasive grasses and other non-native ruderal vegetation occupy the pre-graded lot. Oak tree related impacts were addressed by the City's Oak Tree Consultant. Standard landscape replacement specimens were considered adequate mitigation for those impacts.

Issues related to engineering such as Hydrology/Drainage and Geology were addressed by the City Engineering Department and the City's Geotechnical Engineer. Hydrology studies confirmed that adequate site drainage could be provided. The City's Geotechnical Consultant has reviewed the proposed project and has approved the conceptual grading plan from a geotechnical and seismic safety perspective.

Finally, project noise has always been a concern of the adjacent residential community. To address this issue, mitigation measures have been prepared which include restricting construction on weekends, obtaining City approval of construction material storage sites within the project area, and screening mechanical equipment that serves the buildings. Normal operational activities would not create noise in excess of City standards and would likely not be noticeably audible. Construction related noise impacts are anticipated, but standard mitigation measures should reduce construction noise to less than significant levels.

The City Environmental Analyst found that the project would not result in any significant effects on the environment that could not be mitigated to less than significant levels. The Draft MND circulated for a 20-day review period, which ends on April 7, 2005. Staff requests that the Planning Commission accept public oral and written testimony regarding the Draft MND during the public hearing. Prior to taking action on the Draft MND and the development entitlement requests, staff will return with a final version of the MND which incorporates written responses to the comments received and include a Mitigation Reporting and Monitoring Program. Upon reviewing the Final MND, the Planning Commission would then be requested to adopt the Final MND and Mitigation Monitoring Plan, as well as the development entitlement requests.

### III. FINDINGS

The Zoning Ordinance states that in order for the Planning Commission to approve this project, the Planning Commission must be able to make the specific findings for approval. The project as proposed, does appear to meet the minimum development requirements for the zone. The Planning Commission may use its discretionary authority to require more than minimal Code requirements. If the Commission finds that the project, as conditioned, is appropriate for the site, location, topography, etc., the appropriate findings for approval of the Conditional Use Permit, Oak Tree Permit and Tentative Parcel Map have been prepared for the Planning Commission's consideration.

To approve development of buildings greater than 60,000 square feet or having cumulative building area greater than 100,000 square feet in the CRS of the Freeway Corridor Overlay, the following neighborhood compatibility and design-related findings that are listed in Zoning Ordinance Section 9545.1 must be made by the Planning Commission as part of the approval of the Conditional Use Permit:

1. Finding: The project is compatible with the City's semi-rural character and does not overwhelm the City's low-intensity development style.

Analysis: The project is compatible with the City's semi-rural character and does not overwhelm the City's low intensity development style. The potential visual mass of the buildings is reduced by its location at the northern end of the property and the separation between each of the three buildings. The site plan layout, combined with recommended increased landscaping along Canwood Street, helps provide a pedestrian scale environment similar to what is promoted in the Agoura Hills/Ventura Freeway/Canwood Corridor Visions Plan and the city's Freeway Corridor Overlay zone.

2. Finding: The project's features and space enhance the site so that the buildings are integral parts of the community fabric. To the maximum extent feasible, taking into consideration more than just economic feasibility, the project is situated on the site to maximize the views of the City's points of natural scenic beauty, such as Medea Creek, Ladyface Mountain or Strawberry Hill.

Analysis: The craftsman architectural elements and use of natural colors and materials, as well as the separation between the buildings, enhance the site so that the buildings are integral parts of the community fabric. The project site plan, as conditioned, provides a pedestrian scale environment through the use of streetscape landscaping, pedestrian walkways and trellises that are in keeping with the Agoura Hills/Ventura Freeway/Canwood Corridor Visions Plan. The project does not negatively impact the views of the City's point of natural scenic beauty, such as Medea Creek, Ladyface Mountain or Strawberry Hill.

3. Finding: Parking areas provide safe and convenient access. Parking areas are situated on the site and landscaped to avoid vast expanses of uninterrupted parking spaces. A parking study shall be prepared to determine parking adequacy.

Analysis: The project has provided for safe and convenient access by incorporating three separate means of ingress and egress at Canwood Street and Lewis Road. Parking areas, as conditioned, are situated on the site and landscaped to avoid vast expanses of uninterrupted parking spaces in that the proposed parking lots incorporate landscaped planters throughout the vehicle parking spaces. The City Traffic Engineer has analyzed the adequacy of the proposed on-site parking areas and found the project to be in conformance with the City parking requirements and that it would provide sufficient parking for this type of retail use.

4. Finding: The site design works with characteristics of the existing terrain and maximizes preservation of open space to the greatest extent feasible, taking into consideration more than just economic feasibility. The existing terrain and natural contours have been incorporated into the site plan design to the maximum extent feasible, taking into consideration more than just economic feasibility. Where features of special interest such as hillsides, streams, or oak trees exist on the project site, they have been integrated into the design. The Planning Commission has the discretion to impose conditions as it may deem to be necessary to minimize and mitigate grading, the use of retaining walls, and the use of large flat pads.

Analysis: The proposed project works with the characteristics of the existing, pre-graded terrain and maximizes the preservation of open space, hillsides and oak trees in that the development area has been located on the flattest portion of the development parcel and, therefore, will preserve the existing slopes located along the northeast portion of the development, adjacent to residential properties.

5. Finding: The project design avoids or mitigates significant impacts to sensitive or endangered plants and animals and sensitive plant communities such as oak woodlands or riparian habitat.

Analysis: A Mitigated Negative Declaration was prepared for the project. The project design avoids significant impacts to sensitive or endangered plants and animals and sensitive plant communities such as oak woodlands in that the site is situated in a developed, urban corridor. The site was previously graded and invasive grasses and other non-native ruderal vegetation comprise the on-site plant community. Very limited on-site native plants or habitat remains within the property boundary due to previous grading activities. The site is of no biological or botanical significance.

6. Finding: The development design conveys the high quality image envisioned in the General Plan. Views of the site from the freeway, City gateways, and abutting residential areas compliment and enhance the city's low intensity and semi-rural character. Line-of-sight studies shall be prepared to determine the visual impacts of the project.

Analysis: The proposed development design conveys the high quality image envisioned in the General Plan. The proposed retail center is a permitted use as prescribed in the General Plan Land Use Element. The proposed retail center, as conditioned, will provide design features such as trellises, pedestrian walkways, and landscaping against the buildings that will provide a pedestrian scale to maintain a sense of openness in the developed areas as called for per Policy 2.7 and 2.8 of Goal No. 2 of the General Plan Land Use Element. Line-of-sight studies have been prepared for the purposes of determining the visual impact of the project.

7. Finding: Building facades are articulated on all sides: There are no long, unbroken facades. The building facades are of natural, non-reflective or low-reflective materials such as wood, stone, brick, or textured concrete. The building's predominant colors are subtle, neutral, or earth tone. Variations in roof lines are used to add interest and reduce the massive scale of large buildings. Roof features compliment the character of adjoining neighborhoods.

Analysis: The applicant has articulated the building elevations through the use of varied rooflines and varied building façades that are setback over 65 feet from the south property line to reduce the scale of the buildings. Exterior building facades will include smooth troweled plaster, exposed wood roof rafters, ledgestone veneer, bronze tinted window glazing and flat concrete roof shingles. The buildings' colors will be subtle, relatively neutral earth tone colors. Variations in roof lines are used to add interest and reduce the massive scale of large buildings. Roof features compliment the character of adjoining the Old Agoura neighborhood.

8. Finding: Landscaping compliments the natural setting of the region.

Analysis: The landscaping compliments the natural setting of the region in that native trees, shrubs and grasses will be incorporated into the project landscape plan.

9. Finding: Traffic, light, noise, and other environmental impacts shall be mitigated to the maximum extent feasible, taking into consideration more than just economic feasibility. A project shall not be approved if, after implementation of any required traffic mitigation measures, the project's traffic will significantly reduce the existing level of service on any local street in a residential neighborhood. A traffic study shall be prepared to determine impacts and identify mitigation measures.



Analysis: Traffic, light, noise and other environmental impacts have been mitigated to the maximum extent feasible. A Mitigated Negative Declaration (MND) has been prepared for the project and will include a set of mitigation measures designed to ensure that environmental impacts resulting from both project construction and operation are reduced to less than significant levels. A traffic report prepared for the project concluded that the project will not significantly impact the City road system.

10. Finding: If any point on any line of any parcel on which the development is proposed to be located is within five hundred (500) feet of any point on any lot line of any residentially zoned property (including property in any open space district in which residential uses are permitted or conditionally permitted), the project is compatible with the residential uses. This finding is imposed in recognition of the impact on such developments on residential uses, including impacts on local street traffic, noise, light, security, view corridors, and other environmental impacts. The Planning Commission has the discretion to impose such conditions as it may deem to be necessary to ensure compatibility with residential uses, including but limited to conditions related to:

1. The size, scale and configuration of the development;
2. Glare on residential properties from outdoor lighting;
3. Noise from loading docks, parking areas, and other outdoor areas of development;
4. Security in the neighborhood;
5. Traffic and circulation in the neighborhood;
6. Landscaping and other design features to buffer the aesthetic impacts on residential properties; and
7. Other environmental impacts.

Analysis: The proposed project is compatible with the adjacent residential neighborhood located north the flag (east) parking lot. The project will include a 1-foot to 4-foot high retaining wall and five feet (5') of landscaping to buffer the parking lot from residences to the north. Also, this flag parking lot serves as a buffer and transition between the Reeds furniture building and the residences. The parking lot lighting will be limited to 1-foot candle at the property lines. The project will not negatively impact the aesthetic character of the neighboring residential community in that the project site plan has placed the buildings on the relatively flat portions of the property and the building pads will be established at elevations which maintain adequate grade separation from the adjacent residential buildings pads. The project complies with the height limitation imposed on developments within the CRS-FC-OA zone and the project has incorporated the use of natural building materials and significant landscape buffers which will reduce the visual impacts of the project as viewed from scenic corridors and residential uses within the area.

Draft Conditions of Approval are attached for the Planning Commission's review. If the Planning Commission finds that the project, with essentially the attached draft Conditions, is appropriate for the site, location, topography, etc., appropriate findings for approval of the Conditional Use Permit, Oak Tree Permit, and Parcel Map will be prepared within draft Resolutions for the Planning Commission to adopt at a later date. Meanwhile, it is recommended that the Planning Commission receive all public testimony for this case and the Draft Mitigated Negative Declaration during the April 7, 2005 public hearing, and that the public hearing then be closed with direction given to staff to prepare the necessary documents for final action.

However, if the Planning Commission finds that substantial revisions are appropriate, it is recommended that the Commission provide specific direction to the applicant and staff regarding the scope of the changes and continue the item to a certain date in order for the applicant to return with revised plans.

#### **IV. RECOMMENDATION**

Based on the forgoing review and analysis, it is recommended that the Planning Commission adopt a motion directing staff to return with a Draft Resolution of Approval for Conditional Use Permit Case No. 04-CUP-007; Oak Tree Permit Case No. 04-OTP-020; and Tentative Parcel Map No. 62245, subject to conditions. It is also recommended that the Planning Commission direct staff to prepare the Final Mitigated Negative Declaration and Mitigation Monitoring Program for adoption.

#### **V. ATTACHMENTS**

- Draft Resolution and Conditions for Conditional Use Permit and Oak Tree Permit
- Draft Resolution and Conditions for Tentative Parcel Map
- Letter from Old Agoura Homeowners Association
- Letter from City Geotechnical Consultant
- Reduced Photocopies of the Plans
- Vicinity Map

Case Planner: Doug Hooper, Principal Planner