

REPORT TO CITY COUNCIL

DATE: JULY 13, 2005

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT CASE NO. 04-CUP-007, OAK TREE PERMIT CASE NO. 04-OTP-020 AND TENTATIVE PARCEL MAP NO. 62245, WHICH ALLOWS FOR THE CONSTRUCTION OF A FURNITURE/RETAIL CENTER ON THE NORTHEAST CORNER OF CANWOOD STREET AND DERRY AVENUE; AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION (ADLER REALTY INVESTMENTS, APPLICANT)

The request before the City Council is to conduct a public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit Case No. 04-CUP-007, Oak Tree Permit Case No. 04-OTP-020 and Tentative Parcel Map No. 62245, which allows for the construction of a furniture/retail center. The vacant property is 7.18 acres in size and is located on the northeast corner of Canwood Street and Derry Avenue.

The Planning Commission held two public hearings and approved Alder Realty Investments' request for a Conditional Use Permit to construct a 118,162 square foot furniture/retail center. The property owner/project applicant also requested approval of an Oak Tree Permit to remove three (3) street trees for the proposed construction. A Tentative Parcel Map was also requested to reconfigure three parcels into two lots of 1.42 and 5.76 acres in size for the proposed construction.

The applicant proposed 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. The 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 FC (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. Municipal Code Section 9306 (Measure H) would allow for a project of this size, but precludes an individual retail tenant from occupying

more than 60,000 square feet on the property. A condition of approval was included to ensure compliance with Measure H.

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, which fronts on the Lewis Road cul-de-sac, is within the Old Agoura Design Overlay zone. Adjacent property uses include an industria/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. Specific development data is included in the attached Planning Commission staff reports.

The Planning Commission considered the project at a public hearing held on April 7, 2005. The Planning Commission requested that design revisions be provided for their consideration and continued the hearing. On May 5, 2005, on a 3-0 (Chair Koehler and Commissioner Zacuto abstained), the Planning Commission approved the Conditional Use Permit, Oak Tree Permit and Tentative Parcel Map. The Planning Commission also adopted the Final Mitigated Negative Declaration prepared for the project.

On May 20, 2005, Council Member Kuperberg filed an application for appeal of the Planning Commission's decision based on the following reasons: *"I appeal the Planning Commission decision on the "Adler" project based on the following (not necessarily in any order): size of the buildings; distance between buildings; amount and location of parking; landscaping; and overall site layout."*

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 vary by 14 feet and would be located approximately 5 feet above Canwood Street, as measured in front of each building. The buildings would also be situated 6 to 20 feet above the freeway; 30 feet below the closest residential structure to the northeast; 7 to 14 feet below the industrial complex to the north; and 8 to 12 feet below the Reeds and Son furniture store to the west

Buildings 1 and 2 are located approximately 90 feet from the south property line (Canwood Street). Building 3 is located 68 feet from the south property line at its closest 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 discussed by the Planning Commission. While the distance between the buildings is approximately 70 feet, the City Architectural Review Panel and staff had 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.

After submitting several different site plan configurations, the applicant proposed to the Planning Commission a plan that allows for customer parking in close proximity to the building's main entrance, fire service access and loading at 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 proposed a landscape planter of approximately 30 feet in width along Derry Avenue, and a 20-foot wide landscape planer along Canwood Street, except in from 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 requested 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.

Since the projects provides for considerably more parking than what is required by the Zoning Ordinance and the applicant was unwilling to reduce the size of the buildings, staff recommended that the Planning Commission consider removing the row of parking spaces along Canwood Street in front of Buildings 2 and 3 and instead require more landscaping along Canwood Street. This would help reduce the linear massing of the buildings, 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 elimination of the entire row of parking spaces in front of Buildings 2 and 3, adjacent to Canwood Street, would also have allowed for meandering walkways in front of the building, making the driveway less linear, and providing more pedestrian amenities on the site, including benches, raised planters for seating, and more trellises.

At the first meeting on April 7, the Planning Commission agreed that more landscaping would reduce the massing of the buildings. In response to the Planning Commission's direction, the applicant returned to the Commission on May 5 with a revised Site Plan to include wider landscape finger planters at both driveway entries along Canwood Street, and provided three additional finger planters and widened the easterly finger planters in front of Building 3, in the parking aisle adjacent to Canwood Street. These changes resulted in the loss of 10 parking spaces. The applicant is also agreeable to the Planning Commission's condition of approval that the triangular shaped portion of Lot 2, located on the south side of Canwood Street, be heavily landscaped, which will help soften the views of Building 1 from the freeway. The applicant also returned to the Planning Commission with design changes to Building 1 as requested by the Commission.

In order to address the concerns raised in the appeal being considered by the City Council, the applicant has modified the project plans to reduce the size of Building 3 by approximately 1,628 square feet. This has allowed for the landscape planter in front of the building, adjacent to Canwood Street, to be widened from 10 feet to 15 feet. This change also results in Building 3 being placed 5 feet further north on the site.

The applicant has further attempted to address the issue of building massing raised in the appeal by stepping portions of the second floor on Building 2 approximately 5 feet back from the tower entry elements, resulting in 318 square foot reduction in second floor area. The building designs have not changed since the Planning Commission's approval of the project. The building elevations are articulated with natural exterior building elements,

varied rooflines and varied building facades that are setback over 65 feet from the south property line. 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.

The Planning Commission approved a Tentative Parcel Map to reconfigure the property into two lots. The applicant has since indicated that it is his intention to merge all existing parcels on the site into one lot. However, this change in the Tentative Parcel Map would require review and approval by the Planning Commission. As such, staff recommends that if the City Council is to approve the project, the Council should take action on the Tentative Parcel Map approved by the Planning Commission.

RECOMMENDATION

It is recommended the City Council conduct a public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit No. 04-CUP-007, Oak Tree Permit Case No. 04-OTP-020 and Tentative Parcel Map No. 62245. If the City Council votes to uphold the decision of the Planning Commission and approves the project, it is recommended that attached Resolution Nos. 05-1380 and 05-1381 be adopted, subject to conditions. The City Council also has the discretion to include additional conditions. Adoption of the Resolutions would also include the City Council's adoption of the Mitigated Negative Declaration prepared for the project, finding that it adequately analyzes the project's environmental impacts, and adopting the proposed mitigation and monitoring program prepared for this project. If the City Council votes to overturn the Planning Commission decision and denies the project, revised Resolutions will be brought back for adoption at the next earliest possible City Council Meeting.

Attachments: City Council Resolution Nos. 05-1380 and 05-1381
Mitigation Monitoring Program
Appeal Application
Planning Commission Meeting Minutes (April 7, 2005 and May 5, 2005)
Planning Commission Staff Reports (April 7, 2005 and May 5, 2005)
Reduced Copies of Project Plans
Planning Commission Resolution Nos. 807 and 808