

**EXHIBIT H**

**MARCH 26, 2003 CITY COUNCIL STAFF REPORT**

REPORT TO CITY COUNCIL

DATE: MARCH 26, 2003  
TO: HONORABLE MAYOR & MEMBERS OF THE CITY COUNCIL  
FROM: DAVE ADAMS, CITY MANAGER *DA*  
BY: MIKE KAMINO, DIRECTOR *mk*  
PLANNING AND COMMUNITY DEVELOPMENT  
SUBJECT: APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF  
CONDITIONAL USE PERMIT NO. 98-CUP-012 AND OAK TREE  
PERMIT NO. 98-OTP-010, WHICH ALLOWS FOR THE  
CONSTRUCTION OF TWO OFFICE BUILDINGS (SCHEU  
DEVELOPMENT COMPANY, APPLICANT).

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Staff is requesting that the City Council conduct a public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010, which allows Scheu Development Company to construct two office buildings.

The Planning Commission held public hearings on January 16, 2003 and February 6, 2003 to consider Scheu Development Company's request for a Conditional Use Permit to construct two, two-story office buildings of 43,109 square feet and 42,640 square feet in size. The applicant also requested approval of an Oak Tree Permit to remove ten (10) oak trees and to encroach within the protected zone of ten (10) other oak trees for the proposed construction. The property is located on vacant land on the south side of the Agoura Road/Reyes Adobe Road intersection, west of the Renaissance Hotel, at 30200 and 30300 Agoura Road. The parcel is within the Ladyface Mountain Specific Plan Area.

On a 3-2 vote, the Planning Commission approved the project and certified the Environmental Impact Report that was prepared for the project. Chairperson Koehler and Commissioner Schwarz voted against the project, stating concerns with the architectural design of the buildings and the prominence of the development on the property.

On February 21, 2003, Council Member Corridori filed an application for appeal of the Planning Commission decision. In his attached appeal application, Council Member Corridori stated the following reasons for the appeal:

"The parcel is unique in the city because of its elevation and prominence. The project does not warrant the density increase and is not adequately screened by landscaping. The architecture is not consistent with the mountainside location."

The following is a description and analysis of the project.

## I. BACKGROUND

### A. Ladyface Mountain Specific Plan

Excluding the construction of the City Hall/Library building and Temple Beth Haverim's synagogue project, both of which were developed on pre-graded parcels located on Ladyface Court, the applicant's proposed office project will be the first development proposal located on vacant land reviewed under the Ladyface Mountain Specific Plan. 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 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.

#### 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 such as sculpturing the building into the hillside through terraced designs, preserving oak trees and other natural features, screening parking areas and cut slopes, etc. The pad location proposed for this project is generally consistent with the one contemplated in the Ladyface Mountain Specific Plan for this parcel. If the pad were to be located further north and closer to Agoura Road, more grading and cut/fill slopes would be required due to the steep and undulated topography in this area and according to the City Environmental Analyst, more environmental impacts would likely result.

3. Maximum Developable Building Area

The maximum building areas were developed assuming the pad areas for each parcel consists of a 2-story building with on-grade parking provided at a ratio of 1/300 square feet of building area. Other assumed development standards included 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 of the specific plan 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 building 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.

B. Open Space

The Ladyface Mountain Specific Plan is the primary land use document governing the applicant's proposed project, which consists of two, two-story office buildings of 42,640 square feet and 43,109 square feet in size. Preservation of open space is a key element of the plan. The Specific Plan requires that lands above the 1,100-foot elevation be designated as permanent open space. As part of any development, lands above the 1,100-foot elevation shall be dedicated to a public parkland agency.



On August 28, 2002 the City Council accepted the donation of the southern portion of the applicant's property as permanent open space (all land above the 1,100 foot elevation). The applicant voluntarily donated the land prior to seeking development entitlement for his office project. This action assures that the 80 acres of donated land that extend south towards the summit of Ladyface Mountain will remain undeveloped and will provide significant long-term protection to an important habitat linkage within the Ladyface Mountain Wildlife Corridor. The applicant is aware, however, that his development proposal is at the discretion of the Planning Commission and City Council and is subject to the development standards that apply to his property.

The applicant has submitted an application for a lot line adjustment application to legally separate the dedicated open space from the remaining land development area (25.22 acres). Lot line adjustment applications are processed administratively. As such, the Planning Commission adopted a condition of approval that requires the applicant to complete the lot line adjustment to the satisfaction of the City Engineer.

## II. PROJECT DESCRIPTION

The applicant, Scheu Development Company, is proposing construction on two vacant parcels totaling 105.22 acres in size. The property is located at 30200 and 30300 Agoura Road, adjacent to the westerly boundary of the Renaissance Hotel, and extends west of the Reyes Adobe/Agoura Road intersection along the south side of Agoura Road. The south side of this intersection will serve as the sole access for the proposed Corporate Pointe Business Center. Both parcels are located within the Ladyface Mountain Specific Plan area. The lower, developable portion of the property is located within the Business Park Office/Retail (BP-O/R) sub-area of the Specific Plan. The parcels are irregularly shaped, having a northern frontage along Agoura Road of approximately 1208 feet. Eastern and western property boundaries extend approximately 750 feet south from Agoura Road. Adjacent land uses include:

<u>Location</u>	<u>Zone</u>	<u>Current Use</u>
North:	Business Park Office/Retail	Shell Gas Station, Hampton Inn and Katell Office Building
South:	Ladyface Mountain Specific Plan	Permanent Open Space
East:	Ladyface Mountain Specific Plan	Renaissance Hotel
West:	Ladyface Mountain Specific Plan	Vacant

The project includes the construction of two separate commercial office buildings, each being two stories in height. The buildings are 43,109 square feet and 42,640 square feet in size and placed over 5.22 acres of building pad area that would also accommodate 296 parking spaces and new landscaping. The development would occur on the northern portion of the site, within 25.22 acres that are below the 1,100-foot elevation and are adjacent to Agoura Road. On August 28, 2002, the City Council accepted the donation of the southern 80 acres of the site as open space.

Access to the site would be taken from Agoura Road, at the Agoura Road/Reyes Adobe intersection. The applicant has provided a rendering of the on-site driveway entry features (on Plan Sheet L-2) that include decorative paving, a landscaped median and two circular retaining walls on the side of the driveway that are intended to serve as raised planters and sign identification.

The project required the approval of a Conditional Use Permit (CUP), as specified in the Ladyface Mountain Specific Plan. An Oak Tree Permit (OTP) was also required for construction impacts that would necessitate the removal of ten (10) oak trees and encroachment within the protected zone of ten (10) other oak trees.

The required development standards for the project are noted below.

	<u>Proposed</u>	<u>Allowed/Required</u>
Lot Size	105.22 acres	N/A
Building Height	35 feet	35 feet max.
Building Pad Area:	5.22 acres	5.23 acres max.
Building Coverage	1.0% of 105.22 acres (entire parcel); 4.2% of 25.22 acres (developable parcel); 46,325 square feet of building coverage	30% maximum below the 1,100 foot elevation

	<u>Proposed</u>	<u>Allowed/Required</u>
Building Setbacks:		
Front (North):	360 and 497 feet	70 feet min.
Rear (South):	2500 feet +	70 feet min.
Side (East):	472 feet	70 feet min.
Side (West):	330 feet	52.5 feet min.
Parking:	296	286
No. of Oak Trees:	114 proposed to be retained	124 existing
Landscaping Coverage:	78% (includes existing landscaping)	20% min.

### III. STAFF ANALYSIS

#### A. Site Plan

On-site grade elevations along Agoura Road average approximately 960 feet above mean sea level. The on-site terrain of the proposed development area rises approximately 150 feet in elevation in a northeasterly direction from 950 to 1100 feet above sea level. The parcel includes a relatively level building pad area created out of a north-facing hillside on the lower region of Ladyface Mountain. In general, the topography of the site slopes to the northeast, resulting in a 17% average slope for the property.

The northern portion of the parcel, approximately 25.2 acres of land below the 1,100-foot elevation, will be modified to provide the proposed building pad areas and will also be used for project landscaping, vehicular access, drainage facilities, and cut slope construction. The proposed building pad area will be created through remedial grading procedures on 5.22 acres of the site. The project will consist of two, two-story office buildings of 43,109 square feet and 42,640 square feet in size that are angled from the frontage road (Agoura Road) and are oriented to the northwest. Both buildings will be placed at a finish floor elevation of 1,065 feet and are 35 feet in height.

Primary vehicular access to the office buildings will be provided by a two-lane, 38-foot wide driveway that which would traverse the property from the eastern edge of the development parcel. The driveway rises 100 feet over of distance of 1000 feet (an average slope of 10%). The driveway entrance is to be located at the south end of the Agoura Road/Reyes Adobe Road intersection.

The project includes the incorporation a center court landscape feature to help promote pedestrian activity within the development. The Planning Commission required that prior to issuance of a building permit, the applicant provide a site plan for review by the Planning and Community Development Director which documents on-site pedestrian amenities. The applicant will also be required to comply with the City's Art in Public Ordinance, which could add to the on-site pedestrian amenities.

#### B. Architectural Review

The Planning Commission found that the proposed building design generally meets the intent of the Ladyface Mountain Specific Plan Guidelines and the City Hillside Design Guidelines. The basic architectural design of the structures is intended to incorporate contemporary style design elements into non-intrusive, multi-story buildings. The major design elements for the project are the terraced architectural design and rotunda, tan colored stucco with tan colored accents, recessed green colored aluminum trimmed windows, gray colored, flat concrete tile roof shingles, and red brick veneer. The terraced design of the proposed structures against the hillside backdrop, and proposed landscaping are intended to help diminish the structures' visual dominance. The exterior second story building facades will be significantly set back and the roof forms will be pitched with generous roof overhangs for shade. Front setbacks measured from Agoura Road will be approximately 360 and 497 feet. The visual impacts associated with the project are discussed in the Visual Impacts section of this report.

A majority of the Planning Commissioners found the design of the buildings to be sensitive to the area and acknowledged that the glass building facades facing the interior parking area and the exterior building entrance rotundas are typical architectural elements found on professional office building, yet are subtle and are compatible with the natural environment. The two Planning Commissioner who voted against the project expressed concern with the 35-foot high rotundas, finding them to be too prominent and unnecessarily bold. The appellant also stated in his appeal application that the architecture is not consistent with the mountain side location. The most prominent rotunda element is located on the northwest elevation of the northerly building (Building #300). This rotunda element will be visible from the 101 Freeway and Agoura Road, west of the project site, but will be partially

screened by existing and proposed landscaping adjacent to the building and surrounding the adjacent parking and driveway areas. The rotunda will be finished with a textured tan colored stucco. A separate, smaller and detached rotunda element clad in brick veneer is also proposed in front of the subject two-story building rotunda element, providing additional visual relief.

### C. Lighting

A lighting and photometric plan has been submitted for review. The Planning Commission required that final light details be submitted to the Community Development Director for approval. Of particular concern to the Planning Commission was that all lighting along the perimeter of the natural areas, particularly street lamps, be downcast and be shielded and oriented in a manner that will prevent spillage or glare into the remaining natural and open space areas to the south and west.

The Planning Commission was also concerned with the potential visibility of the parking lot light fixtures. The standard requirement of limiting light intensity to one footcandle measured at the property lines may not be sufficient to mitigate the prominent visibility of the on-site fixtures. Therefore, the Planning Commission required the applicant to submit a revised photometric plan for review by the City's Environmental Analyst, and that the applicant reduce the intensity of the lights if staff finds that, upon installation, that they are to intense for the area. This condition of approval is intended to apply to the lighting within the parking areas and along the driveway.

### D. Signage

No Sign Plan for the project has been submitted. The applicant indicated to the Planning Commission, however, that he will likely be requesting an identification sign and the Agoura Road driveway entrance as well as building wall-mounted signage. The applicant prefers to discuss signage options with the future tenants of the building prior to submitting a Sign Permit application, which would be subject to the Planning Commission's approval.

The Ladyface Mountain Specific Plan allows for building wall signage, as well as project identification signage at the driveway entrance. Driveway entry signage that identifies the project is to be incorporated into retaining or planter walls. A monument sign is another alternative that could be considered. Monument signs may be single or double-faced, located near the driveway entrance. The Specific Plan also allows for wall-mounted signage that includes low levels of illumination and that are compatible with the architecture of the buildings in regard to size, proportions, location and colors.

E. Grading

The development of the project will require remedial grading in the form of removal and recompaction to provide suitable building pad areas and a primary vehicular access driveway. The grading of the site will require approximately 120,142 cubic yards of cut and 31,627 cubic yards of fill. Portions of the site have been rough graded to provide interim access routes primarily for field investigation purposes.

Cut slopes of approximately 25 feet to 45 feet in height are currently located along the property frontage and were installed when Agoura Road was extended. The grading plan calls for new 25 to 45-foot high cut slopes along this frontage at 1.5:1 gradients. On the east end of the front of the lot the applicant is also proposing a 40 foot high fill slope that would be adjacent and above a 30-foot high cut slope. This cut and fill is necessary primarily to accommodate the on-site driveway and the widening of Agoura Road per the General Plan standards and also for the on-site driveway.

Maximum 40-foot high 2:1 fill slopes are proposed along the eastern edge of Building #200 and along the descending slopes of the proposed driveway. The fill slope behind Building #200 will be screened from most views by the location of the building pad areas, its distance from the roadway, and landscaping. The grading plan establishes finish floor elevations of 1065 feet for the proposed office structures, which is approximately 100 feet higher than the Agoura Road elevation. Both buildings will be 35 feet in height, measured to the top of the mansard roofs, but will be setback 365 and 501 feet respectively from Agoura Road.

The Specific Plan calls for manufactured slopes not to exceed 25 feet in height and for cut slopes not to exceed a slope of 2:1. Pursuant to the General Plan Circulation Element street widening improvements to Agoura Road would eventually be needed regardless of this project. Slopes steeper than 2:1 currently exist along the front property line, adjacent to Agoura Road, and the applicant will likely be required to provide a low, approximately 2-foot high retaining wall along the front property line and provide a 1.5:1 cut slope behind the wall. This approach reduces the need for multiple retaining walls that may have a greater visual impact due to their potential exposure from various viewshed corridors.

In 1986 the City Council adopted a Resolution (No. 329) intended to maintain consistency with the General Plan Scenic Highway Element by limiting the height of cut and fill slopes to 25 feet, provided that the Planning Commission that it can be adequately demonstrated that the slope will not be viewable from a major street or highway, or other visual corridor. This 25-foot height limit is iterated in the Ladyface Mountain Specific Plan. However, the cut slopes are necessary for the required widening of Agoura Road. Fill slopes in excess of 25

feet in height are needed for the driveway location, which is dictated primarily by the topographic constraints of the property. Another high fill slope is needed to accommodate the building pad, the area of which is identified in the Specific Plan for development.

The City Building Code gives the Planning Commission and the City Council the discretion to consider approving cut slopes steeper than 1.5:1 on a case-by-case basis and the City Geotechnical consultant is satisfied with the safety of the proposed grading. The Planning Commission found the 1.5:1 cut slopes to be appropriate and consistent with the area and chose not to require alternative grading plans, including the provision of a higher retaining wall along Agoura Road, or soil-nail retaining walls (similar to those recently approved for the Snyder Company Apartment Complex on Canwood Street), both of which would reduce the steepness of the proposed cut slopes. Completion of the road widening and concomitant grading of the hillside will permanently change the viewscape of Agoura Road. However, the Planning Commission found that an alternate retaining wall system could have an even higher degree of visual impacts from the roadway.

The City's Geotechnical Consultant has approved the proposed grading plan and the Planning Commission found that the project is appropriately situated on the site to provide access to the buildings and to screen the proposed fill slopes. The project will require the construction of several retaining walls of 2-6 feet in height to sufficiently protect Oak trees near the driveway and parking facilities. The proposed landscape plan will eventually result in landscape screening of all cut and fill slopes, and on-site retaining walls.

#### F. Visibility

The General Plan contains considerable guidance about the protection of scenic resources in the Scenic Highways Element and Community Design Element. The important goals of these elements call for 1) creation of an efficiently organized and aesthetically pleasing City; 2) maintenance of the City's rural atmosphere; 3) adoption of design standards; 4) development of adequate buffer areas; and 5) provision of adequate landscaping.

In addition, the Ladyface Mountain Specific Plan includes a comprehensive set of plans, policies, regulations and conditions for guiding and ensuring orderly development. The main purpose of this planning document (with respect to aesthetics and visual resources) is "to ensure that all development at the base of Ladyface Mountain is compatible with the unique nature of this natural asset to the community."

The proposed project has several unique features compared to many other portions of the City that are presently being considered for commercial development. The first of these features

are the undeveloped north-facing slopes of Ladyface Mountain. This landform represents one of the City's most visible scenic resources. Thus development within the Specific Plan area is required to be well coordinated, environmentally sensitive and aesthetically pleasing. The existing Renaissance Hotel is located directly east of the proposed development, while portions west of the project site are currently undeveloped.

Due to grade differences between the proposed project and the adjacent transportation corridors, the project will be visible from portions of Agoura Road, Reyes Adobe Road, the 101 Freeway, and Canwood Street. The prominent visibility of the project and the 35-foot high buildings was a concern expressed by the appellant, as well as the two Planning Commissioners who voted against the project. The proposed building pad is to be located at the 1,065 foot elevation, which is approximately 42 feet higher than the roof of the adjacent Renaissance Hotel, and approximately 95 feet higher than the building pad elevation of the hotel.

The Environmental Impact Report (EIR) prepared for this project includes a comprehensive analysis of the project's visual impacts, including photo simulations. The following are the findings in the EIR.

The EIR found that the visibility of the project from the Agoura Road corridor would not be excessive due to the significant grade differential between the proposed project and the roadway elevation. The most visible component would be the new cut slope along Agoura Road. Although the project will not be highly visible from Agoura Road along the project frontage (due to the front yard building setbacks combined with 1.5:1 cut slopes near the roadway), the project will be highly visible from vantage points both east and west of the proposed building envelope and at the intersection of Agoura Road and Reyes Adobe Road. Although the building mass will be highly visible, the project is to include large quantities of native landscaping (approximately 20.6 acres) as a component of the development. According to the City Landscape Consultant, this landscaping will help provide visual screening. The Planning Commission found that this design element, combined with the limitation of development below the 1,100-foot elevation, the incorporation of unique exterior architectural features complimentary to the surrounding environment and the provision of significant setbacks from Agoura Road will reduce the visual impact to the Agoura Road corridor.

Modifications to existing view conditions along the Agoura Road corridor include 1) the creation of entry monumentation and intersection improvements at the Agoura Road / Reyes Adobe Road intersection; 2) landform fills and roadway improvements necessary to access the project; 3) partial elimination of the dominant foreground view of the Oak tree canopy



along Agoura Road; and 4) the creation of the building mass. However, given the site topography in relation to the street, the passing motorist on Agoura Road would have only a modest 5-10 second duration of the building and cut slope visibility from the Agoura Road corridor.

The project would be partially visible from select locations within the Canwood Street corridor. The most prominent viewshed impact on Canwood Street would occur approximately 240 feet west of the Reyes Adobe Road/ Canwood Street intersection. However the duration of views of the project site along the western portion of the Canwood Street corridor for pedestrians, bicyclists and motorists would range from about 5-10 seconds. The architecture of the building and proposed landscaping will help mitigate the viewshed impacts of the project. Also, the recently constructed Hampton Inn Hotel and the Katell Office Building provide screening of the parcel as viewed from portions of Canwood Street.

The project would also be highly visible from the Reyes Adobe Road corridor due to grade differences between the proposed building pad area and the roadway elevation. However the prominent ridgelines of Ladyface Mountain will not be impacted by the proposed development. Although the development will modify a portion of the lower slopes on Ladyface Mountain, viewshed impacts can be mitigated by the proposed landscaping and building design.

Portions of the project will be highly visible from the Ventura (101) Freeway Corridor. The freeway is situated at a lower elevation than the project site. This condition, combined with the existing freeway landscaping, provides a partially obstructed view of the proposed development. Depending on the direction and speeds at which vehicles travel this freeway, the duration of views along the corridor for motorists would range from approximately 5-10 seconds. However, the location of the Hampton Inn Hotel, the Katell Office Building and the incorporation of unique urban design and architectural techniques can mitigate potential viewshed impacts from the freeway corridor.

Given the siting of the project towards the rear of the development parcel, preservation of ridgelines, and the donation of two-thirds of the overall property into preserved open space, the Environmental Impact Report concludes that no significant loss of open space perception will result from the development of the project. The applicant redesigned the project during initial staff review, which eliminated a third office building. View corridor changes will not significantly alter the community viewshed of this property for either foreground or background perspectives from the existing developed portion of the City. Residents in the immediate vicinity of the project will experience some modification of near street level views but these effects could be diminished by a number of design features including improved

landscaping compared to existing conditions and strict design control of portions of the development that may be visible along these corridors.

This parcel is one of several parcels that are envisioned for development within the Ladyface Mountain Specific Plan area. Two attached exhibits from the Specific Plan show how the development and the base of the mountain is envisioned. The applicant's proposal is in keeping with what was envisioned in terms of development area. In fact, the applicant's proposal is less impacting from an environmental perspective than the three separate on-site pad areas called for in the Specific Plan. In addition, the proposed building pad height is similar to other building pad locations envisioned for neighboring development with the Specific Plan area.

While the loss of open space within the project area resulting from the development would be biologically significant (but subject to effective mitigation), the permanent open space dedication offsets this impact to the maximum extent feasible. From an aesthetic standpoint, the modifications to the existing open space in the northern third of the property where the development is proposed would not be significant from the vantage point of the developed portion of the City since the dominantly visible ridgeline along the property perimeter will not be visibly changed.

#### G. Compliance with the Specific Plan and Land Use Compatibility

The preferred development scenarios of property in the Ladyface Mountain Specific Plan area are identified in Scenario 1-A of the Specific Plan. This scenario, as it applies to the applicant's property, allows for it to be developed with a maximum 52,000 square foot business park use on a 5.23-acre pad area.

The preferred maximum pad area of 5.23 acres and maximum building area of 52,000 square feet for this parcel were established in the Specific Plan. However, as these maximums were established only on a theoretical basis, a property owner may request, in connection with a Conditional Use Permit application, that the maximum building area be increased provided that the applicant meets his burden of complying the required findings listed in the Specific Plan. The applicant requested, as a component of the current application, that the Planning Commission allow the maximum building area be increased from 52,000 square feet to 85,749 square feet. The burden of proof must be based on tangible evidence as manifested through more detailed analysis such as a project-specific EIR, a traffic report, a soils report, a grading plan, etc. This increase to 85,749 square feet is within the 97,300 square foot maximum permitted under Scenario 2-A of the Ladyface Mountain Specific Plan.

Listed below are the findings required to be met for the proposed increase in building size, and the Planning Commission's justification for approving the applicant's request:

1-A. Finding: The proposed use is consistent with the objectives of the City Zoning Ordinance and the purposes of the zoning district in which the use is located.

Commission Analysis: The property is located in the Ladyface Mountain Specific Plan area. The project provides for business park development as called for this parcel within Specific Plan.

1-B. Finding: The proposed use is compatible with the surrounding properties.

Commission Analysis: The project is adjacent to similar land uses including the Teradyne research and development facility and uses that are ancillary to office development, including two hotels and two service stations. Property located to the west of the project is currently vacant. However, the applicant's donation of approximately 2/3 of his parcel as open space will help sustain the natural habitat of the area.

1-C. Finding: The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare.

Commission Analysis: The applicant will be required to construct the project in full compliance with the City Building Code and development standards of the Ladyface Mountain Specific Plan. Additionally, the applicant is responsible to mitigate against potentially significant environmental impacts relating to the project prior to and during construction.

1-D. Finding: The distance from other similar and like uses is sufficient to maintain the diversity of the community.

Commission Analysis: The Agoura Road corridor, west of Kanan Road, has recently been developed with office complexes. The Ladyface Mountain Specific

Plan calls for a continuation of this office development on the south side of Agoura Road. The nearest general office complexes to the applicant's property are located at 2,500 feet to the west and 1,000 feet to the east.

1-E Finding: The proposed use will not mar the property's unique natural elements and has a positive relationship to the character of Ladyface Mountain.

Commission  
Analysis:

Although the building mass will be visible, the project is to include large quantities of native landscaping (approximately 20.6 acres) as a component of the development. This landscaping will provide significant visual screening. This design element combined with the limitation of development below the 1,100 foot elevation, the incorporation of unique exterior architectural features terraced design elements complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of significant setbacks from Agoura road will reduce the visual impact to the Agoura Road corridor. The location and configuration of the buildings are intended to screen views of the parking lot, thereby reducing the visual impacts of the graded pad area.

1-F. Finding: Adequate evidence and guarantees have been provided to indicate that all provisions of the Specific Plan can be satisfied.

Commission  
Analysis:

The applicant has worked closely with staff and the Architectural Review Panel in designing a project within a pad area that is allowed per the Specific Plan. Creative design techniques have preserved on-site oak trees and allowed for fewer retaining walls while providing for access to two buildings that incorporate varied roof lines and natural building materials that are compatible with the natural features of the area.

1-G. Finding: The proposed use is consistent with the goals, objectives and policies of the General Plan.

Commission  
Analysis:

Goal No. 1 of the General Plan Land Use Element calls for the provision of a mix of land uses which meet the diverse needs of the Agoura Hills residents, offers a variety of employment opportunities, and allows for capture of regional growth. The proposed project will contribute to the establishment of a variety of employment opportunities and will allow for the capture of regional growth. The project will also provide for a variety of business park uses, including commercial office development, and research and development, and will therefore meet a policy of Goal No. 1.

2. Finding: The increased density will not adversely affect the goals, objectives and policies of the General Plan or the Specific Plan.

Commission  
Analysis:

As called for in the General Plan Land Use Element the project will continue to enhance community identity and development quality for the City and its neighborhoods. The design criteria of the Ladyface Mountain Specific Plan help ensure that all development within the Specific Plan area is compatible with the surrounding natural environment and includes architectural design of utmost quality. Additionally, the project will promote extensive landscaping while emphasizing drought-tolerant plant materials. The recent donation of southern portion of the property as preserved open space will assist in the General Plan goal of maintaining open space resources for the purposes of maintaining the visual quality of the City.

3. Finding: The increased density will not reduce traffic Level of Service (LOS) at any intersection in the City to below LOS C as determined by the General Plan. In the event that the existing LOS is below C, then the increased density will not reduce the existing level of service to a lower level. Any increase in the traffic budget is offset by increases in roadway capacity or other acceptable mitigation measures.

Commission  
Analysis:

The traffic impact study prepared for the project notes that the development would generate 1,162 vehicle trips to the City's road system. Of these, 162 trips would occur during the AM peak period and 173 during the PM peak period. Project trip generation during the

off-peak hours (primarily between 9:00 AM to 4:00 PM) would be approximately 800 trips, or less than 100 per hour. The PM peak period traffic estimates generated by the project is within the 190 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A).

While the proposed development will result in significant traffic impacts at some study intersections, the relative contribution of the project to traffic volume growth in the area is small. Also, intersection capacity at several locations in the study area is already deficient. The applicant will be required to mitigate traffic impacts to levels of insignificance through roadway improvements included in the proposed mitigation and monitoring program that is included in the EIR.

4. Finding: The increased density will not create any potentially significant environmental effects.

Commission  
Analysis:

The Final Environmental Impact Report (FEIR) prepared for this project includes a detailed analysis the following issues: Aesthetics/Visual Resources, Air Quality, Biological Resources, Geotechnical and Geological Hazards, Hydrology and Water Quality, Land Use, Noise, Public Utilities, Public Services, and Traffic and Circulation. While anticipated environmental impacts are identified within the FEIR, all can be mitigated to levels of insignificance. The City's Environmental Analyst has found that while the proposed siting of the buildings is at the highest part of the developable area on the site, the proposed pad area is likely the least environmentally impacting in comparison with other areas on the site.

5. Finding: Manufactured slopes do not exceed a ratio of 2:1.

Commission  
Analysis:

Cut slopes of 1.5:1 are proposed along Agoura Road, but are necessary for the required widening of Agoura Road. The City Geotechnical Consultant has tentatively approved the grading plan that allows for a reduction in the number of required on-site retaining walls through the use of cut slopes that are steeper than 2:1. The City Building Code

allows the Planning Commission to consider cut slopes that are steeper than 2:1 on a case-by-case basis.

6. Finding: The increased density will not result in an increased loss of oak trees.

Commission  
Analysis:

The increased density will not impact the increased loss of oak trees. The majority of oak trees proposed for removal are located near the Agoura Road frontage, where road widening improvements would be required regardless of the proposed increase in density. Driveway improvements will also result in the three (3) loss of oak trees, but the driveway location is appropriate for any building density located within the proposed pad area.

7. Finding: Exposed retaining walls will be used only to enhance design or to protect oak trees.

Commission  
Analysis:

Most retaining walls will be used to protect or enhance the oak trees. A continuous retaining wall of approximately two feet in height will be located along the Agoura Road frontage. Existing topographic conditions in this area require the retaining wall for required road widening purposes.

8. Finding: Grading will be limited and innovative building techniques such as stepped massing, sculpturing the building into the hillside, undergrounding parking, or other similar mitigating measures will be incorporated into the project.

Commission  
Analysis:

The building pad area is appropriate for the locations of the building in that the placement of the buildings will not require removing oak trees within their immediate areas. The meandering driveway is appropriate for the varying contours of the parcel and the highest fill slope will be screened behind one of the proposed buildings. In addition, the applicant has staggered the placement of the two buildings on the property and is offering stepped massing to reduce the visual impact of the two story structures. The buildings are oriented and configured to reduce visibility of the parking lots.

9. Finding: Landscaping will be provided that exceeds the minimum requirements.

Commission  
Analysis:

The conceptual landscape plan for the project proposed the planting of several large boxed oak tree specimens in the incorporation of decorative and native shrubs into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan.

Including existing vegetation, 78% of the proposed development will be landscaped. The entrance to the building will have a pronounced landscape treatment and will also incorporate on-site native oak trees.

10. Finding: The proposed project with the increased density will comply with the maximum developable land area, maximum building pad, and minimum open space requirements provided for Scenario 1-A in Table IV-1.

Commission  
Analysis:

The maximum development potential of the parcel, as specified in Scenario 1-A in the Specific Plan, includes a development area of 52.5% of the parcel (under the Hillside Ordinance regulations) and a requirement of 47.5% to remain as open space. The maximum developable pad area, however, is 5.23 acres.

The applicant has donated 80 acres of his lot as open space and is proposing to confine the development with a 5.22 acre sized pad area, thereby meeting the development potential of the parcel. (Staff would note, though, that this represents nearly full build-out of the site, and would leave virtually no room for future expansion of the pad area unless the Specific Plan were amended.)

In summary, the Planning Commission found that the requested increase in density from 52,000 square feet to 85,749 square feet was justified based on the evidence presented by the applicant and analysis conducted in the EIR and by staff. The Planning Commission also determined that the project is compatible in scale and characteristics with adjacent land uses and the project would not result in land use conflicts that would be detrimental to the well-being and privacy of existing uses.



H. Traffic and Parking

Traffic

The traffic impact study prepared for the project notes that the development would generate 1,162 vehicle trips to the City's road system. Of these, 162 trips would occur during the AM peak period and 173 during the PM peak period. Project trip generation during the off-peak hours (primarily between 9:00 AM to 4:00 PM) would be approximately 800 trips, or less than 100 per hour. The PM peak period traffic estimates generated by the project is within the 190 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A).

While the proposed development will result in significant traffic impacts at some study intersections, the relative contribution of the project to traffic volume growth in the area is small. Also, intersection capacity at several locations in the study area is already deficient. Correcting these problems is beyond the capability of any single project and the City Traffic Engineer concurs with the findings of the traffic report prepared for this project (included in the Final EIR) that the traffic impacts of the project can be mitigated to levels of insignificance provided that the applicant complete roadway improvements to mitigate traffic impacts and improve traffic circulation along Agoura Road. Required improvements approved by the Planning Commission include:

- 1) half street widening along the project frontage (east bound lanes of Agoura Road);
- 2) half street improvements creating a bike lane and a 5-foot sidewalk;
- 3) full street improvements that taper and transition to join existing paving and striping;
- 4) the creation of a 200 foot left turn lane from eastbound Agoura Road onto northbound Reyes Adobe Road;
- 5) construction of a 14-foot wide raised median;
- 6) signal improvements to the Agoura Road/ Reyes Adobe Road intersection;
- 7) designing traffic improvements for the southbound 101 Freeway off-ramp that is located west of Reye Adobe Road, including providing one exclusive left-turn lane, one shared through/right-turn lane and one right-turn only lane in the southbound direction;
- 8) reservation of an easement to allow for possible future access to the adjacent Renaissance Hotel from a shared, on-site driveway;
- 9) payment of TIF Fee (estimated to be \$527,270.60 based on \$6.149 per square foot (85,749 square feet)). Portions of the required Traffic Improvement Fee

- (TIF) are intended to be applied to the future widening of the Reyes Adobe bridge / freeway overpass; and
- 10) compliance with the City's Transportation Demand Ordinance which requires to the applicant to provide incentives for employee carpooling and offers employees information on available alternative transportation options (i.e. bus route, bicycle lane, carpooling information).

Agoura Road is improved on the east side of the Reyes Adobe Road intersection to four lanes. Three lanes of traffic (two on the westbound side and one on the east bound side) are provided on Agoura Road, west of the Reyes Adobe Road intersection. The applicant will be required to widen Agoura Road by 40 feet along his property frontage to allow for two lanes of traffic on both sides of the street, as well as a bicycle lane and sidewalk. Agoura Road would transition back to the existing three-lane road width between the applicant's property and the westerly City limits.

#### Parking

The Zoning Ordinance requires that general office uses provide for one parking space for each 300 square feet of gross floor area. In this instance, the two buildings total 85,749 square feet in size and therefore require a minimum of 286 on-site parking spaces. The applicant is proposing 296 parking spaces. The recently approved amendments to the office parking spaces ordinance would provide further flexibility in parking.

The parking spaces are distributed within three parking lots, one being in front of Building #300, one being between the two buildings, and one being behind #200. The Planning Commission acknowledged concerns with the potential visibility of the parked cars and their headlights and therefore required the applicant to incorporate a combination of bermed landscaping or a low hedge or wall on the perimeters of the parking areas that would be subject to review of the final landscape plan. The Planning Commission also required that all required guard rails on the perimeter of the parking areas and driveway be made of wood or some similar, natural material, and painted in a non-reflective brown color.

1. Oak Trees/Landscaping

#### Oak Trees

The location of the required road widening improvements on Agoura Road will result in the loss of six (6) oak trees. On-site driveway improvements will result in the loss of three (3) oak trees. One (1) oak tree located north of the pad area is also to be removed. The trees

proposed for removal (nos. 4, 39, 87, 102, 103, 112, 113, 122, 123, and 124) vary in size from 3-inch trunk diameters to 40-inch trunk diameters. The majority of these trees are in fair to below-average health, with the largest trees being in the poorest health. Encroachment within the protected zone of ten (10) other oak trees is also needed for development purposes.

The applicant had made several alternative grading design revisions prior to the Planning Commission's review of the project to save as many on-site oak trees as possible. As previously stated, six of the ten oak trees proposed for removal are impacted by the required widening of Agoura Road in front of this project. The Planning Commission approved the Oak Tree Permit for this project, with the condition that the applicant complies with the recommended conditions of approval included in the draft resolution. These conditions include the requirement that the applicant provide additional on-site oak trees that have combined trunk diameters of 142 inches, and that they include at least ten 36-inch box trees and twenty 24-inch box trees.

#### Landscaping

The application for appeal states that the project is not adequately screened by landscaping. The conceptual landscape plan for the project, as approved by the Planning Commission, proposed the planting of several large boxed oak tree specimens in the incorporation of decorative and native shrubs into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan. Including existing vegetation, 78% of the proposed development will be landscaped. Dominant vegetation on the site consists mostly of ruderal (weed) and grass cover, oak woodland savannah, and native chaparral species.

The entrance to the building will have a decorative landscape feature and will also incorporate on-site native oak trees. The proposed landscape plan would result in the new landscape materials to appear somewhat denser than the existing vegetation. A combination of native and non-native/ornamental landscaping will be incorporated within the building pad and parking lot areas. However, native landscape materials, which are important to help perpetuate the natural hillside appearance, are proposed to screen the on-site driveway, cut and fill slopes, and building pad areas. Landscaping on the proposed cut slopes will be difficult to maintain, but it is possible. The Planning Commission required the applicant to hydro-seed the slopes and emulate the natural terrain as much as feasible with low-growing, native ground covers.

According to the City Landscape Consultant, the proposed landscaping will also provide stability to the cut and fill slopes and will sufficiently screen the building and parking lot areas

while maintaining a natural landscape appearance in the undisturbed areas of the lot. The City Landscape Consultant and the Planning Commission support the overall landscape design considerations that will help ensure the building's harmonious existence with the natural surroundings. However, the City Council has discretion to require additional landscaping for this project. The Planning Commission required that the final landscape and irrigation plans be subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development.

#### IV. ENVIRONMENTAL REVIEW

Since the proposed project requires discretionary approval from the City it is subject to the California Environmental Quality Act (CEQA). As part of the CEQA review, staff determined that an Environmental Impact Report (EIR) was necessary and directed the City's Environmental Analyst (The Planning Corporation) to proceed with the preparation of the environmental document. The Environmental Analyst then completed an Initial Study and distributed a Notice of Preparation (NOP) on February 7, 2001 as required by CEQA. Based on the Initial Study and comments received in response to the NOP the following issues were identified for detailed analysis in the Draft EIR (DEIR): Aesthetics/Visual Resources, Air Quality, Biological Resources, Geotechnical and Geological Hazards, Hydrology and Water Quality, Land Use, Noise, Public Utilities, Public Services, and Traffic and Circulation.

As required by CEQA, the DEIR identified the potential environmental impacts from the proposed project. The DEIR established "thresholds of significance" for each type of impact. The threshold is typically a quantifiable measurement, such as the number of vehicle trips generated per day or per hour, a defined noise level, or a certain amount of pollutant to be emitted into the air. The DEIR analyzed the existing environment, and the environment with the addition of the project. When the project causes an impact that exceeds the threshold of significance, that impact is considered to be significant. For significant impacts, the DEIR then analyzed whether feasible mitigation measures can be imposed on the project that will reduce the impact to a level of insignificance. When significant environmental impacts are identified that cannot be mitigated to a level of insignificance, the impact has been found to be unavoidably significant.

One of the basic purposes of an EIR is to ensure that the City, applicant and public have a clear understanding of the significant environmental consequences of a proposed project. Once a Draft EIR is completed, there is a public review period to allow decision-makers, public agencies, applicants and the public an opportunity to comment on whether they believe the DEIR has adequately analyzed the environmental impacts of the project. CEQA establishes a minimum 45-day comment period when the document is sent to the State

Clearinghouse. During the comment period Cities and agencies can hold a public hearing to receive verbal comments on the adequacy of the DEIR, but a public hearing is not required. The City typically holds at least one public hearing during the comment period to ensure that the public has an opportunity to comment verbally on the adequacy of the DEIR before the Final EIR is prepared.

The Planning Commission held a public hearing for receiving public comment on the adequacy of this project's DEIR on June 20, 2002. The City Environmental Analyst mentioned at the meeting that the DEIR concluded that a majority of the environmental impacts of the project can be mitigated to less than significant levels. However, air quality impacts during the construction phase of the project was found to be unavoidably significant on a short-term basis. However, no comments regarding the adequacy of the DEIR and proposed mitigation measures were offered by the public or the Planning Commission. The 45-day comment period for the project ended on July 3, 2002.

The City Environmental Analyst subsequently addressed each of the written comments received during the comment period and incorporated the responses within the project Final EIR. The Final EIR was completed and distributed to the Planning Commission for further consideration and certification or denial. On February 6, 2003, the Planning Commission certified the Final EIR, meaning that the Planning Commission believed the Final DEIR was completed in compliance with CEQA and adequately analyzes the project's environmental impacts and that the proposed project alternatives discussed within the Final EIR have been considered.

As part of this appeal hearing, the City Council is required to also consider certifying the Final EIR. If the City Council feels the Final EIR does not adequately analyze the project impacts, the EIR consultant would be directed to remedy any deficiencies in the Final EIR and present the revised Final EIR for further consideration. Certifying the Final EIR is not the same as upholding the Planning Commission's approval of the Conditional Use Permit. The two decisions are separate. It should be noted, however, that if the Planning Commission's approval of the Conditional Use Permit is not upheld, no action is required regarding the Final EIR.

Anticipated impacts of this project have been identified for each environmental resource discussed within the Final EIR. By implementing the recommended mitigation measures, each potential impact can be reduced to levels of insignificance. Although short-term air quality impacts associated with the project were identified in the DEIR as being unavoidably significant, the City Environmental Analyst has revised the air quality computations and analysis (reference attached memorandum dated December 17, 2002).

The emission of significant and unavoidable concentrations of nitrogen oxides and reactive organic compounds during project construction were largely based on an estimation of the number and type of construction equipment projected for use during grading.

CEQA requires that agencies attempt to avoid a project's significant environmental impact when it is feasible to do so. Therefore, clarifications were obtained from the project applicant related to the type and number of equipment proposed for use during project grading and other construction activities. With the incorporation of these revised equipment types and construction timeframes into the air quality model, estimated air quality emissions were substantially reduced below State thresholds of significance. Therefore, within the incorporation of the mitigation measures proposed in Section 7.4 of the Final DEIR, air quality impacts resulting from project construction would be less than significant. Therefore, Findings of Overriding Considerations are not necessary.

To assure that all recommended mitigation measures will be appropriately addressed prior to and during building construction, the applicant will be responsible for complying with the Environmental Mitigation Monitoring Program attached to this report and listed in Chapter 18 of the Final DEIR.

#### RECOMMENDATION

It is recommended that the City Council conduct a public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010. If the City Council votes to uphold the decision of the Planning Commission and deny the appeal request, it is recommended that attached Resolution No. 03-1274 be adopted, subject to conditions. The City Council also has the discretion to include additional conditions. Adoption of this Resolution would also include the City Council's certification of the Final Environmental Impact Report prepared for this project, finding that it adequately analyzes the project's environmental impacts, and adoption of the proposed mitigation and monitoring program prepared for this project. If the City Council votes to overturn the Planning Commission decision and approve the appeal, a revised Resolution will be brought back for adoption at the next earliest possible City Council Meeting.

City Council Staff Report  
Appeal of 98-CUP-012 and 98-OTP-010  
March 26, 2003  
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#### ATTACHMENTS

- Draft City Council Resolution No. 03-1274
- Appeal Application
- Ladyface Mountain Specific Plan Exhibits
- Planning Commission Resolution No. 730
- Planning Commission Meeting Minutes (January 16, 2003 and February 6, 2003)
- Planning Commission Staff Report
- Reduced Copies of Building Renderings and Project Plans

**EXHIBIT I**

**JUNE 9, 2004 CITY COUNCIL MEETING MINUTES**



**MINUTES  
REGULAR MEETING OF THE  
AGOURA HILLS CITY COUNCIL  
June 9, 2004 at 7:00 p.m.**

The Flag Salute was followed by a moment of silence in memory of the 40<sup>th</sup> President, Ronald Reagan, who died the fifth day of June 2004.

Present were: Mayor Dan Kuperberg, Mayor pro Tem Ed Corridori, Councilmember John Edelston, Councilmember Jeff Reinhardt, and Councilmember Denis Weber

Also present were: City Manager Greg Ramirez, City Attorney Craig Steele. Assistant City Manager Jim Thorsen, Director of Planning & Community Development Mike Kamino, Principal Planner Doug Hooper, City Landscape Consultant Kay Greeley, City Environmental Consultant Matt Hayden, and Assistant to the City Manager/City Clerk Carol Tubelis

**CLOSED SESSION**

City Attorney Steele commenting on the Closed Session at 6:00 PM this evening pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator, reported direction was given to staff and no reportable action was taken.

**APPROVAL OF AGENDA**

On a motion by Councilmember Weber, seconded by Councilmember Reinhardt, the Agenda was approved without objection.

**ORAL COMMUNICATIONS**

Cyrena Nouzelle, 6085 Chesebro Road, Agoura Hills, as Chair of the Equestrian Trails and Use Committee for the Old Agoura HOA, requested the City review the bridal path network throughout the Old Agoura neighborhood and the impact development of large mansions is having on the network, add horse keeping language to the City Code, and seek grant monies to enhance the horse trails.

*Mayor pro Tem Corridori requested the City Council put an item on the agenda in the future to consider both the "mansionization" and the horse trail issues in Old Agoura for the purpose of providing direction to the Planning Commission to begin the revision of the Agoura Hills Municipal Code as it relates to these issues. Subsequently, direction was given to staff to bring these issues back to City Council for consideration.*

**PRESENTATIONS**

There were no presentations.

## **INTERGOVERNMENTAL AND SPECIAL PURPOSE COMMITTEE REPORTS**

Mayor pro Tem Corridori, referencing the recent articles in the local newspapers on the Santa Monica Mountain Conservancy, said there is another side to the Santa Monica Conservancy issue than what's being reported in the paper and offered to respond to any e-mail request for further information on the topic. *City Attorney Steele added an Information Packet responding to the charges made is on the MRCA's website.*

Mayor Kuperberg reported an invitation-only Open Space Forum was held last Friday with approximately 40 persons in attendance to discuss how the cities can work together to preserve open space. He thanked City staff members Mike Kamino, Doug Hooper, Valerie Darbouze, Renee Madrigal and Chris Dodd for their help with the event.

## **CONSENT CALENDAR**

On a motion by Councilmember Reinhardt, seconded by Mayor pro Tem Corridori, the Consent Calendar was approved without objection following a brief discussion on Items #8, 9 & 10.

1. Approve Demand Register No. 493

ACTION: Approved 5-0

2. Approve Minutes of the City Council Budget Priorities Workshop of April 21, 2004

ACTION: Approved 5-0

3. Approve Minutes of the City Council Meeting of April 28, 2004

ACTION: Approved 5-0

4. Approve Minutes of the City Council Meeting of May 12, 2004

ACTION: Approved 5-0

5. Approve Minutes of the City Council Budget Workshop of May 26, 2004

ACTION: Approved 5-0

6. Approve Minutes of the City Council Meeting of May 26, 2004

ACTION: Approved 5-0

7. Request Approval of Agreement for Services of Environmental Consultant

ACTION: Approved 5-0

8. Request Authorization to Seek Bids for FY 2004-2005 Street Resurfacing Project;  
NIB 04-05

ACTION: Approved 5-0

9. Request Approval to Enter into a Professional Engineering Services Agreement with  
Washington Group International to Complete the Engineering Design for the Reyes  
Adobe Road Interchange Project

ACTION: Approved 5-0

10. Request Approval of Resolution No. 04-1329; Establishing Fulltime Parking Prohibitions  
on the North Side of Agoura Road from Liberty Canyon Road to 1,000 Feet West of  
Liberty Canyon Road

ACTION: Approved 5-0

11. Request Approval of Resolution No. 04-1328; Amending the Compensation Plan,  
Setting Salary Ranges for City Employees Effective July 1, 2004, and Amending the  
Benefit Package

ACTION: Approved 5-0

### **PUBLIC HEARING**

12. Appeal of the Planning Commission's Approval of Conditional Use Permit No. 98-CUP-  
012 and Oak Tree Permit No. 98-OTP-010 which Allows for the Construction of Two  
Office Buildings at 30200-30300 Agoura Road (Scheu Development Company,  
Applicant)

Mayor Kuperberg opened the Public Hearing.

Speaking on behalf of the Applicant:

Chuck Cohen, 2801 Townsgate, Westlake Village; and  
Mark Scheu, 4550 E. Thousand Oaks Blvd., #202 Westlake Village.

Public Comments:

Mayor Kuperberg noted for the record the Council received written comments, each voicing some concern regarding the project, from Pat MacGregor; Bob Holmes on behalf of the Cornell Preservation Organization; and Hal Standel.

Vicky Leary, 5503 Rainbow Crest Drive, Agoura Hills expressed concerns that the project will add additional unnecessary office space and increased traffic to the City and is more visible on the hill than the existing hotel. She urged the project's lighting plan be kept to a minimum.

Joan Yacovone, 27328 Country Glen, Agoura Hills asked if non reflective clear window glass could be substituted for the bronze reflective window glass being used and if the

7,000 sq. ft. patio could be eliminated as well as the extra 37 parking spaces, thereby shrinking the building foot print; inquired into the possibility of moving the art in public places to an alternate site where it would be more visible; and urged Council to adhere to existing ordinances, avoid variances and even amend existing ordinances to tighten up development criteria.

Marty Sadoff, 30856 Agoura Road, Agoura Hills asked how this particular development as an office building in the pristine mountain area was going to help the community of Agoura Hills.

Fred Aronowitz, 5539 Alfredo Court, Agoura Hills said, while he understands the developers rights, at the same time he shares the concerns of the others and the importance of this prominent site. He thinks the project design to be unremarkable; is concerned about the lack of a photometric plan as to how the lighting will be viewed from a distance; and thinks a ban on smoking appropriate for the project due to its hazardous location.

Prior to closing the Public Hearing, Mayor Kuperberg recognized Chuck Cohen for the purpose of answering the concerns expressed during public comments.

Mayor Kuperberg closed the Public Hearing.

**ACTION:** Following discussion, the motion made by Councilmember Weber and seconded by Councilmember Edelston to approve Resolution No. 03-1274 with the following amendments being made to the Conditions of Approval: (1) Adding to Condition 79 - "Disking shall not be used for fuel modification." and (2) Adding to Condition 90 - "The Lighting Plan shall provide for timed on and off functions for onsite lighting to reduce night lighting impacts while still providing adequate onsite security lighting." was approved on a 3-2 vote with Mayor Kuperberg and Mayor pro Tem Corridori voting no.

### COUNCIL, STAFF COMMENTS

Councilmember Reinhardt announced the Concerts in the Parks Series will be starting on Father's Day, June 20<sup>th</sup>, and requested tonight's meeting be adjourned in honor of President Reagan.

**ADJOURN** in memory of President Reagan to 7:00 p.m. June 23, 2004 for the next regular meeting of the City Council in the Council Chambers of the Civic Center, with Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills.

**EXHIBIT J**

**JANUARY 14, 2004 CITY COUNCIL MEETING MINUTES**

**MINUTES  
REGULAR MEETING OF THE  
AGOURA HILLS CITY COUNCIL**

**January 14, 2004 at 7:00 p.m.**

The meeting was called to order at 7:03 PM

The flag salute was led by Mayor pro Tem Corridori

Present were: Mayor Dan Kuperberg, Mayor pro Tem Ed Corridori,  
Councilmember John Edelston, Councilmember Jeff Reinhardt,  
And Councilmember Denis Weber

Also present were: Interim City Manager Greg Ramirez, City Attorney Craig Steele,  
Director of Public Works/City Engineer Jim Thorsen, Building  
Official Tony Falcone, Director of Planning & Community  
Development Mike Kamino, Principal Planner Doug Hooper, Oak  
Tree Consultant Kay Greeley, Environmental Consultant Jasch  
Janowicz, Facilities & Operations Supervisor Chris Dodd and  
Assistant to City Manager/City Clerk Carol Tubelis

**APPROVAL OF AGENDA**

On a motion by Councilmember Reinhardt, seconded by Councilmember Weber, the Agenda was approved without objection following the addition (due to weather considerations) to the Agenda of Emergency Consent Item Award of Contract for Adobe Construction, Plaster & Repair, NIB 03-08, on a motion made by Councilmember Reinhardt and seconded by Mayor pro Tem Corridori and approved 5-0.

**ORAL COMMUNICATIONS**

Lynn Rosenblum, 5625 Slicers Circle, Agoura Hills, requested the City Council consider providing additional safety measures for the intersection of Lake Lindero Drive and Thousand Oaks Blvd and submitted a petition containing 110 signatures in support of this request.

Jake Rosenblum, 5625 Slicers Circle, Agoura Hills, reiterated his mother's request, adding that without additional safety measures at the intersection he is not allowed to walk to school by himself.

**PRESENTATIONS**

There were no presentations

**INTERGOVERNMENTAL AND SPECIAL PURPOSE COMMITTEE REPORTS**

There were no reports

CONSENT CALENDAR

On a motion by Councilmember Weber seconded by Councilmember Reinhardt the Consent Calendar was approved without objection and to include the following Emergency Consent Item:

Award of Contract for Adobe Construction, Plaster & Repair, NIB 03-08

ACTION: Approved 5-0

1. Approve Demand Register No. 482

ACTION: Approved 5-0

2. Approve Demand Register No. 483

ACTION: Approved 5-0

3. Approve minutes of the City Council Meeting of December 10, 2003

ACTION: Approved 5-0

4. Approve Treasurer's Report for November 2003

ACTION: Approved 5-0

5. Request for approval of Amendment No. 1 to the Professional Services Agreement with Washington Infrastructure Services Inc. for the Reyes Adobe Road/U.S. 101 Interchange Project

ACTION: Approved 5-0

6. Request for denial of Claim for Damages – Timothy Ray

ACTION: Approved 5-0

7. Approve Planning Commission Appointments for 2004 - 2006

ACTION: Approved 5-0

8. Request for approval to enter into a letter agreement to fund the Malibu Creek Watershed Monitoring Program

ACTION: Approved 5-0

9. Request for approval of Resolution No. 04-1311 of the City Council of the City of Agoura Hills establishing parking restrictions on Laro Drive near Willow School

ACTION: Approved 5-0

10. Award of Contract for Masonry NIB 03-09(R) for the Historic Reyes Adobe Site Rehabilitation Project.

ACTION: Approved 5-0

11. Award of Contract for Concrete Work for the Historic Reyes Adobe Site, NIB 03-07(R)

ACTION: Approved 5-0

12. Award of Contract for Landscaping & Irrigation Work for the Historic Reyes Adobe Site, NIB 03-06(R)

ACTION: Approved 5-0

13. Award of Contract for Grading for the Historic Reyes Adobe Site, NIB 03-04

ACTION: Approved 5-0

### PUBLIC HEARING

14. Introduction & first reading of Ordinance No. 04-321; an ordinance of the City Council of the City of Agoura Hills amending Section 6402.2 of the Agoura Hills Building Code, as adopted by Ordinance No. 02-315, regarding roof coverings

Mayor Kuperberg opened the public hearing.

There were no speakers.

Mayor Kuperberg closed the public hearing.

ACTION: The motion made by Mayor pro Tem Corridori and seconded by Councilmember Weber to introduce and conduct 1<sup>st</sup> reading by title only of Ordinance No. 04-321 was approved on a roll call vote of 5-0

15. Approve Resolution No. 04-1310; Authorizing the City of Agoura Hills to participate in the Los Angeles County Community Development Block Grant Program for the thirtieth program year (2004-2005), and selecting projects to be funded

Mayor Kuperberg opened the public hearing.



There were no speakers

Mayor Kuperberg closed the public hearing.

ACTION: On a motion made by Councilmember Weber and seconded by Councilmember Reinhardt, Resolution No.04-1310 was approved without objection.

16. Appeal of the Planning Commission's approval of Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010, which allows for the construction of two office buildings at 30200-30300 Agoura Road (Scheu Development Company, Applicant)

Mayor Kuperberg opened the public hearing.

City Attorney Steele entered into the record two written statements:

The first submitted by Charles W. Cohen of the law offices of Weston Benshoff Rochefort Rubalcava MacCuish, 2801 Townsgate Road, Westlake Village on behalf of the Applicant; and

The second submitted by The Cornell Preservation Organization, P.O. Box 1875, Agoura Hills.

Speaking on behalf of the Applicant, Scheu Development Company were:

Chuck Cohen, 2801 Townsgate Road, Westlake Village; and

Mark Scheu, 4550 E. Thousand Oaks Blvd #202, Westlake Village.

Mayor Kuperberg closed the public hearing.

ACTION: Following discussion and an initial motion made by Councilmember Weber and seconded by Councilmember Edelston, the motion was withdrawn, the public hearing reopened and continued to March 10, 2004, with the applicant being offered specific suggestions as to how the appeal might be denied; on a motion by Mayor pro Tem Corridori, seconded by Councilmember Reinhardt and approved on a roll call vote of 5-0.

## DISCUSSION

17. Pre-screen Review of a proposed zoning ordinance amendment to allow outdoor rock climbing recreation facilities in the Commercial Retail Service (CRS) Zone (Case No. 03-PSR-003)

ACTION: Following discussion, non-binding recommendations and direction were given to the applicant that the proposed location was not right for his project.

**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS CITY COUNCIL**  
**March 26, 2003 at 7:00 p.m.**

The meeting was called to order at 7:05 p.m.

The flag salute was led by Councilmember Rishoff

Present were: Mayor Jeff Reinhardt, Mayor pro Tem Dan Kuperberg,  
Councilmember Ed Corridori, Councilmember Louise Rishoff, and  
Councilmember Denis Weber

Also present were: Assistant City Manager Greg Ramirez, City Attorney Craig Steele,  
Director of Planning & Community Development Mike Kamino,  
Director of Public Works/City Engineer Jim Thorsen, Principal  
Planner Doug Hooper, City Environmental Consultant Jasch  
Janowicz, City Oak Tree Consultant Kay Greeley and Assistant to  
the City Manager/City Clerk Carol Tubelis

**APPROVAL OF AGENDA**

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

**ORAL COMMUNICATIONS**

Gale Trumbeau, 5610 Colodny Drive, Agoura Hills asked the City Council to consider displaying a "Yellow Ribbon" at the Civic Center in support for our troops and not as a political statement.

Jess Thomas, 6064 Chesebro Road, Agoura Hills, speaking on behalf of the Old Agoura Homeowners Association, commented on the Heschel School issue, thanking the City for developing the report on the technical and legal components of the proposal.

**PRESENTATIONS**

Mayor Reinhardt introduced the new Assistant Fire Chief for the Los Angeles Fire Department, Reggie Lee.

Mayor Reinhardt introduced the new head of the Lost Hills Sheriff Station, Captain Tom Martin, and presented him with a Proclamation for Safe Communities Week, March 24<sup>th</sup> to 29<sup>th</sup>.

**INTERGOVERNMENTAL AND SPECIAL PURPOSE COMMITTEE REPORTS**

There were no reports.

3/31/03 - 4:24 PM

**EXHIBIT K**

**MARCH 26, 2003 CITY COUNCIL MEETING MINUTES**

### CONSENT CALENDAR

On a motion by Councilmember Rishoff, seconded by Mayor pro Tem Kuperberg, the Consent Calendar was approved without objection.

1. Approve Demand Register No. 464  
ACTION: Approved 5-0
2. Approve the minutes of the City Council Meeting on March 12, 2003  
ACTION: Approved 5-0
3. Deny Claim for Damages for Rodger Blair  
ACTION: Approved 5-0
4. Approve Treasurer's Report for February 2003  
ACTION: Approved 5-0
5. Approve agreement with Melvyn Green & Associates for Engineering/Architectural Services for the Reyes Adobe Site Rehabilitation Project  
ACTION: Approved 5-0
6. Notice of Completion for Chumash Park Playground Addition  
ACTION: Approved 5-0
7. Approve Resolution No. 03-1275; Declaring Intention to Vacate Public Right-of-Way of Unused and Dead-end Streets  
ACTION: Approved 5-0

### PUBLIC HEARING

*Mayor Reinhardt inquired of the audience if there was anyone here to speak on Item 8. Hearing of none, the Mayor allowed the public hearing for Item 9 to be heard first as there were several speaker cards for this item.*

9. Appeal of the Planning Commission's approval of Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010, which allows for the construction of two office buildings (Scheu Development Company, Applicant)

Following presentation by staff, Mayor Reinhardt opened the public hearing.

Mark Scheu, 4550 E. Thousand Oaks Blvd. #202, Westlake Village, speaking on behalf of Scheu Development Company as Applicant, responded to the following reasons for the appeal by Councilmember Corridori:

- The parcel is unique in the city because of its elevation and prominence;
- The project does not warrant the density increase and is not adequately screened by landscaping; and
- The architecture is not consistent with the mountainside location.

Following the Applicant's comments and questions from Members of the Council, Mayor Reinhardt acknowledged the following speakers from the audience:

Vicky Leary, 5503 Rainbow Crest Drive, Agoura Hills, expressed concern over the loss of views by homeowners, the loss of oak trees, the added lighting in the parking lots at night, and the visual height of the buildings as a result of this project. She asked if the project would require any blasting.

Jess Thomas, 6064 Chesebro Road, Agoura Hills, speaking on behalf of the Old Agoura Homeowners Association's Planning & Zoning Committee, complimented the developer on his effort to save the oak trees. He said the Committee's only objection is to the rotunda which is so out of place in the vision.

Fred Aronowitz, 5539 Alfredo Court, Agoura Hills, speaking on behalf of the Oakview Ranch Homeowners Association and himself, expressed concern regarding the height, the light pollution, the prominence of the building itself on the hill, the unharmonious vision of the rotunda, the green glass, and the duration it will take for the landscaping to mature.

Mark Hontas, 5533 N. Alfredo Court, Agoura Hills, expressed concern about the night light and the view from their backyard.

Joan Yacovone, 27328 Country Glen, Agoura Hills, complimented Mr. Scheu on the design of his project, expressed concern about the grading; wondering if the 1100' max of the building height will be at grading or natural height and if the slopes along Agoura Road will be 1½ to 1 slopes as opposed to 2 to 1; and expressed concern that the gold rotunda would not fit in with the overall design of the project.

At the invitation of the Mayor, Applicant Mark Scheu returned to the podium to address the comments and questions by the City Council and the public speakers.

**ACTION:** Following deliberation by the City Council, on a motion by Councilmember Rishoff, seconded by Councilmember Corridori, and approved 5-0, the public hearing was held open and continued to the next meeting of the City Council on April 9, 2003; and staff was directed to meet with the Applicant to address concerns expressed at tonight's meeting.

**EXHIBIT L**

**FEBRUARY 6, 2003 PLANNING COMMISSION  
STAFF REPORT**



DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

**ACTION DATE:** February 6, 2003

**TO:** Planning Commission

**APPLICANT:** Scheu Development Company  
4550 E. Thousand Oaks Blvd, Suite 202  
Westlake Village, CA 91362

**CASE NOS.:** 98-CUP-012 and 98-OTP-010

**LOCATION:** 30200 and 30300 Agoura Road (South of the Agoura  
Road/Reyes Adobe Road Intersection) (APN 2061-  
002-022)

**REQUEST:** Request for approval of a Conditional Use Permit to  
construct two, 2-story commercial office buildings of  
42,640 square feet and 43,109 square feet in size; and  
a request for an Oak Tree Permit to remove ten (10)  
Oak trees and to encroach within the protected zone  
of ten (10) Oak trees for the proposed construction.

**ENVIRONMENTAL ANALYSIS:** Draft Environmental Impact Report

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a  
motion to approve Conditional Use Permit No. 98-  
CUP-012 and Oak Tree Permit No. 98-OTP-010,  
subject to conditions, based on the findings in the  
attached Draft Resolution; and certify the Final  
Environmental Impact Report and adopt the  
Mitigation Monitoring Program prepared for the  
project, based on the findings of the Draft Resolution.

**ZONING DESIGNATION:** SP (Ladyface Mountain Specific Plan).

**GENERAL PLAN  
DESIGNATION:** Ladyface Mountain Specific Plan.

## I. BACKGROUND

On January 16, 2003, the Planning Commission opened the public hearing for Scheu Development Company's request for a Conditional Use Permit (Case No. 98-CUP-012). The applicant is requesting approval to construct two, 2-story office buildings of 42,640 square feet and 43,109 square feet in size on vacant land located west of the Renaissance Hotel, at 30200 and 30300 Agoura Road. The applicant is also requesting approval of an Oak Tree Permit to remove ten (10) Oak trees and to encroach within the protected zone of ten (10) Oak trees for the proposed construction. A copy of the January 16, 2003 Planning Commission Staff Report for this project is attached for reference.

Due to the late hour of the last meeting, the Planning Commission continued the public hearing for this project to February 6, 2003. The Commission did, however, take testimony from staff and the applicant's architect. Based on the testimony presented, staff was asked to return with answers to the Planning Commission's following questions and comments:

### Landscaping and Oak Trees

1. What landscaping is proposed on the visible cut and fill slopes?
2. Can the equipment required for landscape maintenance be reduced by the use of more natural landscaping?
3. The Oak tree inventory may be dated. Is it still valid?
4. Will the proposed grading impact the drainage patterns and possibly the existing water source for some Oak trees?
5. Most Oak trees are rated "C" in health and appearance, yet the trees appear to be in good health. Please explain the rating methodology used in the Oak Tree Report.

### Environmental Review

1. The projections of traffic are over three years old. Are they still valid?
2. The list of projects in Table 3 of the traffic report does not include recently approved projects. What is the implication of this? Does this impact the traffic analysis?
3. Is there a blue line stream on the eastern edge of the site?



4. Will there be an impact to this stream/watershed?
5. Is the driveway traversing this watershed?
6. Is the drainage/hydrology data in the EIR current, or is it outdated?
7. Identify the location of the stone foundation. Will it be removed?
8. What is the frequency of maintenance for the fossil filter?
9. Commercial landscape maintenance crews are required to use electric equipment. How will this mitigation measure be enforced?

#### Traffic

1. What is the timing for traffic mitigation implementation?
2. When will the "fair share" traffic mitigation be implemented?
3. Will the freeway off-ramps at Reyes Adobe Road be improved?
4. Will the required TIF fees help widen the Reyes Adobe bridge? When will the bridge be widened?
5. Is there a reason why the driveway entrance is located at the Agoura Road/Reyes Adobe Road intersection and not further west?

#### Grading

1. Explain the required grading near Agoura Road that is necessary to accommodate the road widening.
2. Where are the 1.5:1 slopes located? Are the 1.5:1 slopes necessary? Why can't 2:1 slopes be used to accommodate the on-site driveway?
3. What are some options to reduce the height/steepness of the proposed slopes? Will additional retaining walls reduce the steepness and height?

The Commission also asked the applicant's architect to explain how the building and site designs had changed, and how they resulted in the most current project design. Answers to this question and the questions listed above will be presented at the February 6, 2003 hearing by staff and the applicant.

## II. DISCUSSION

A copy of a draft Resolution of Approval is attached for the Planning Commission reference. The Resolution includes draft conditions of approval that have been modified since the last public hearing for this project. These changes include addition of Standard Conditions Nos. 1, and 7-19. The City Engineer has changed the wording of Condition Nos. 69 and 72 (which were nos. 57 and 61 in the previous draft Resolution). The City Engineer has also deleted Condition Nos. 58 and 63 from the previous draft Resolution. Planning Condition No. 90 of the previous draft Resolution has also been deleted and is now reference in the most current draft Resolution as Condition Nos. 17 and 18.

## III. RECOMMENDATION

Based on our analysis of the project including the Planning Commission Staff Report of January 16, 2003, and the project's compliance with the development standards of the Ladyface Mountain Specific Plan and Zoning Ordinance, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 98-CUP-012 and Oak Tree Permit Case No. 98-OTP-010, subject to conditions, by adopting the attached Resolution. By adopting the attached Resolution, the Planning Commission certifies the Final Environmental Impact Report prepared for this project, finding that it adequately analyzes the project's environmental impacts, and adopts the proposed mitigation and monitoring program prepared for this project.

Case Planner: Doug Hooper, Principal Planner

## ATTACHMENTS

- Draft Resolution and Conditions of Approval (including the Fire Department's Conditions/Memorandum)
- Planning Commission Staff Report of January 16, 2003

**EXHIBIT M**

**JANUARY 16, 2003 PLANNING COMMISSION  
STAFF REPORT**



DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

**ACTION DATE:** January 16, 2003

**TO:** Planning Commission

**APPLICANT:** Scheu Development Company  
4550 E. Thousand Oaks Blvd, Suite 202  
Westlake Village, CA 91362

**CASE NOS.:** 98-CUP-012 and 98-OTP-010

**LOCATION:** 30200 and 30300 Agoura Road (South of the Agoura  
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construction.

**ENVIRONMENTAL ANALYSIS:** Draft Environmental Impact Report

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a  
motion to approve Conditional Use Permit No. 98-  
CUP-012 and Oak Tree Permit No. 98-OTP-010,  
subject to conditions, based on the findings in the  
attached Draft Resolution; and certify the Final  
Environmental Impact Report and adopt the Mitigation  
Monitoring and Program prepared for the project,  
based on the findings of the Draft Resolution.

**ZONING DESIGNATION:** SP (Ladyface Mountain Specific Plan).

**GENERAL PLAN  
DESIGNATION:** Ladyface Mountain Specific Plan.

## 1. BACKGROUND

### Ladyface Mountain Specific Plan

Excluding the construction of the City Hall/Library building and Temple Beth Haverim's synagogue project, both of which were developed on pre-graded parcels located on Ladyface Court, the applicant's proposed office project will be the first development proposal located on vacant land reviewed under the Ladyface Mountain Specific Plan. 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 Kanan Road and the westerly City limits. The purpose of the Specific Plan, which supercedes 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. There are approximately 92 acres throughout the City that are designated for Business Park-Office/Retail development. This allows a total of approximately 3,000,000 square feet of lower intensity commercial office uses (a theoretical maximum). 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.

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 such as sculpturing the building into the hillside through terraced designs, preserving oak trees and other natural features, screening parking areas and cut slopes, etc. The pad location proposed for this project is generally consistent with the one contemplated in the Ladyface Mountain Specific Plan for this parcel. If the pad were to be located further north and closer to Agoura Road, more grading and cut/fill slopes would be required due to the steep and undulated topography in this area.

3. Maximum Developable Building Area

The maximum building areas were developed assuming the pad areas for each parcel consists of a 2-story building with on-grading parking provided at a ratio of 1/300 square feet of building area. Other assumed development standards included 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 of the specific plan 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 building 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.

Open Space

The Ladyface Mountain Specific Plan is the primary land use document governing the applicant's proposed project, which consists of two, two-story office buildings of 42,640 square feet and 43,109 square feet in size. Preservation of open space is a key element of the plan. The Specific Plan requires that lands above the 1,100-foot elevation be designated as permanent open space. As part of any development, lands above the 1,100-foot elevation shall be dedicated to a public parkland agency. Additionally, the provision of public access

to open space areas and trails, in cooperation with the Santa Monica Mountains Conservancy and the National Parks Service are required to be considered as part of any specific development. This may include the provision of trailheads, staging areas, etc., and includes connections to the San Juan Batista De Anza National Historic Trail.

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.

On August 28, 2002 the City Council accepted the donation of the southern portion of the applicant's property as permanent open space (all land above the 1,100 foot elevation). The applicant voluntarily donated the land prior to seeking development entitlement for his office project. This action assures that the 80 acres of donated land that extend south towards the summit of Ladyface Mountain will remain undeveloped and will provide significant long-term protection to an important habitat linkage within the Ladyface Mountain Wildlife Corridor. The applicant is aware, however, that his development proposal is at the discretion of the Planning Commission and is subject to the development standards that apply to his property.

The applicant has submitted an application for a lot line adjustment application to legally separate the dedicated open space from the land development area (25.22 acres). Lot line adjustment applications are processed administratively. If the development project is approved by the Planning Commission, the applicant will be responsible for completing the lot line adjustment to the satisfaction of the City Engineer.

## II. PROJECT DESCRIPTION

The applicant, Scheu Development Company, is proposing construction on two vacant parcels totaling 105.22 acres in size. The property is located at 30200 and 30300 Agoura Road, adjacent to the westerly boundary of the Renaissance Hotel, and extends west of the Reyes Adobe/Agoura Road intersection along the south side of Agoura Road. The south side of this intersection will serve as the sole access for the proposed Corporate Pointe Business Center. Both parcels are located within the Ladyface Mountain Specific Plan area. The lower, developable portion of the property is located within the Business Park Office/Retail (BP-O/R) sub-area of the Specific Plan.

The parcels are irregularly shaped, having a northern frontage along Agoura Road of approximately 1208 feet. Eastern and western property boundaries extend approximately 750 feet south from Agoura Road. Adjacent land uses include:

<u>Location</u>	<u>Zone</u>	<u>Current Use</u>
Northwest:	Business Park Office/Retail	Shell Gas Station and Hampton Inn
Northeast:	Commercial Shopping Center	Mobil Gas Station
East:	Ladyface Mountain Specific Plan	Renaissance Hotel
West:	Ladyface Mountain Specific Plan	Vacant

The project includes the construction of two separate commercial office buildings, each being two stories in height. The buildings are 43,109 square feet and 42,640 square feet in size and placed over 5.22 acres of building pad area that would also accommodate 296 parking spaces and new landscaping. The development would occur on the northern portion of the site, within 25.22 acres that are below the 1,100-foot elevation and are adjacent to Agoura Road. On August 28, 2002, the City Council accepted the donation of the southern 80 acres of the site as open space.

Access to the site would be taken from Agoura Road, at the Agoura Road/Reyes Adobe intersection. The applicant has provided a rendering of the on-site driveway entry features (on Plan Sheet L-2) that include decorative paving, a landscaped median and two circular retaining walls on the side of the driveway that are intended to serve as raised planters and sign identification.

The proposed project requires the approval of a Conditional Use Permit (CUP), as specified in the Ladyface Mountain Specific Plan. An Oak Tree Permit (OTP) is also required for construction impacts that would necessitate the removal of ten (10) Oak trees and encroachment within the protected zone of ten (10) Oak trees.

The required development standards for the project are noted below.



	<u>Proposed</u>	<u>Allowed/Required</u>
Lot Size	105.22 acres	N/A
Building Height	35 feet	35 feet max.
Building Pad Area:	5.22 acres	5.23 acres max.
Building Coverage	1.0% of 105.22 acres (entire parcel); 4.2% of 25.22 acres (developable parcel); 46,325 square feet of building coverage.	30% maximum below the 1,100 foot elevation
Building Setbacks:		
Front (North):	360 and 497 feet	70 feet min.
Rear (South):	2500 feet +	70 feet min.
Side (East):	472 feet	70 feet min.
Side (West):	330 feet	52.5 feet min.
Parking:	296	286
No. of Oak Trees:	114 proposed to be retained	124 existing
Landscaping Coverage:	78% (includes existing landscaping)	20% min.

### III. STAFF ANALYSIS

#### A. Site Plan

On-site grade elevations along Agoura Road average approximately 960 feet above mean sea level. The on-site terrain of the proposed development area rises approximately 150 feet in elevation in a northeasterly direction from 950 to 1100 feet above sea level. The parcel includes a relatively level building pad area created out of a north-facing hillside on the lower region of Ladyface Mountain. In general, the topography of the site slopes to the northeast, resulting in a 17% average slope for the property.

The northern portion of the parcel, approximately 25.2 acres, will be modified to provide the proposed building pad areas and will also be used for project landscaping, vehicular access, drainage facilities, and cut slope construction. The proposed building pad area will be created through remedial grading procedures and will consist of 5.22 acres. The project will consist of two, two-story office buildings of 43,109 square feet and 42,640 square feet in size that are oriented to the northwest. Both buildings will be placed at a finish floor elevation of 1,065 feet and are 35 feet in height.

Primary vehicular access to the office buildings will be provided by a two-lane, 38-foot wide driveway that which would traverse the property from the eastern edge of the development parcel. The driveway rises 100 feet over of distance of 1000 feet (an average slope of 10%). The proposed driveway entrance is located at the south end of the Agoura Road/Reyes Adobe Road intersection.

The applicant has proposed to incorporate a center court landscape feature to help promote pedestrian activity within the development. Prior to issuance of a building permit, the applicant will be required to provide a site plan for review by the Planning and Community Development Director which documents on-site pedestrian amenities. The applicant will also be required to comply with the City's Art in Public Ordinance, which could add to the on-site pedestrian amenities.

#### B. Architectural Review

In July of 1997, the applicant began discussions with staff regarding the proposed Corporate Point complex. Various site plans were reviewed and a conceptual site plan was submitted in September of 1997. In November of 1997 the Architectural Review Board (ARB) reviewed the preliminary project design. With consideration given to the ARB's comments, the applicant submitted a formal development proposal in September of 1998 for development of three office buildings totaling 84,873 square feet. The applicant withdrew the submittal two months later to consider redesigning the project.

In January of 1999 the applicant began the process of preparing a new site plan. Following several design meetings with staff and a meeting with the new Architectural Review Panel (ARP) in October of 1999, the applicant submitted development plans to the City in March of 2000 for a two-building office complex totaling 84,873 square feet.

In February and March of 2001 the applicant had additional ARP meetings and made changes in the parking lot design based on recommendations from the ARP and those included in the Oak Tree Report. In April of 2001 the applicant submitted three alternate conceptual site plans. The latest project plans incorporate the minor changes recommended by the ARP.

The proposed building design generally meets the intent of the Ladyface Mountain Specific Plan Guidelines and the City Hillside Design Guidelines. The basic architectural design of the structures is intended to incorporate contemporary style design elements into non-intrusive, multi-story buildings. The major design elements for the project are the terraced architectural design, tan colored stucco with tan colored accents, recessed green colored aluminum trimmed windows, gray colored, flat concrete tile roof shingles, and red brick veneer. The unique terraced design of the proposed structures against the hillside backdrop, and proposed landscaping are intended to help diminish the structures' visual dominance. The exterior second story building facades will be significantly set back and the roof forms will be pitched with generous roof overhangs for shade. Front setbacks measured from Agoura Road will be approximately 360 and 497 feet. The visual impacts associated with the project are discussed in the Visual Impacts section of this report.

### C. Lighting

A lighting and photometric plan has been submitted for review. Staff is recommending that final light details be submitted to the Community Development Director for approval. Of particular concern is that all lighting along the perimeter of the natural areas, particularly street lamps, be downcast and be shielded and oriented in a manner that will prevent spillage or glare into the remaining natural and open space areas to the south and west.

Staff is also concerned with the potential visibility of the parking lot light fixtures. The standard requirement of limiting light intensity to one footcandle measured at the property lines may not be sufficient to mitigate the prominent visibility of the on-site fixtures. Staff therefore recommends that the applicant be conditioned to submit a revised photometric plan for review by the City's Environmental Analyst. Staff also recommends 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. This recommendation is intended to apply to the lighting within the parking areas and along the driveway.

D. Signage

No Sign Plan for the project has been submitted. The applicant has indicated to staff, however, that he will likely be requesting an identification sign and the Agoura Road driveway entrance as well as building wall-mounted signage. The applicant prefers to discuss signage options with the future tenants of the building prior to submitting a Sign Permit application, which would be subject to the Planning Commission's approval.

The Ladyface Mountain Specific Plan allows for building wall signage, as well as project identification signage at the driveway entrance. Driveway entry signage that identifies the project is to be incorporated into retaining or planter walls. A monument sign is another alternative that could be considered. Monument signs may be single or double-faced, located near the driveway entrance. The Specific Plan also allows for wall-mounted signage that includes low levels of illumination and that are compatible with the architecture of the buildings in regard to size, proportions, location and colors.

E. Grading

The development of the project will require remedial grading in the form of removal and recompaction to provide suitable building pad areas and a primary vehicular access driveway. The grading of the site will require approximately 120,142 cubic yards of cut and 31,627 cubic yards of fill. Portions of the site have been rough graded to provide interim access routes primarily for field investigation purposes.

Cut slopes of approximately 25 feet to 45 feet in height are currently located along the property frontage, adjacent to Agoura Road. The grading plan calls for 25 to 45-foot high cut slopes along this frontage at 1.5:1 gradients. On the east end of the front of the lot the applicant is also proposing a 40 foot high fill slope that would be adjacent and above a 30-foot high cut slope. This cut and fill is necessary to accommodate the on-site driveway and the widening of Agoura Road.

2:1 fill slopes of a 40 high maximum height are proposed along the eastern edge of Building #200 and along the descending slopes of the proposed driveway. The fill slope behind #200 will be screened from most views by the location of the building pad areas, its distance from the roadway, and landscaping. The grading plan establishes finish floor elevations of 1065 feet for the proposed office structures, which is approximately 100 feet higher than the Agoura Road elevation. Both buildings will be 35 feet in height, measured to the top of the mansard roofs, but will be setback 365 and 501 feet respectively from Agoura Road.

The Specific Plan calls for manufactured slopes not to exceed 25 feet in height and for cut slopes not to exceed a slope of 2:1. Pursuant to the General Plan Circulation Element street widening improvements to Agoura Road would eventually be needed regardless of this project. Slopes steeper than 2:1 currently exist along the front property line, adjacent to Agoura Road, and the applicant will likely be required to provide a low, approximately 2-foot high retaining wall along the front property line and provide a 1.5:1 cut slope behind the wall. This approach reduces the need for multiple retaining walls that may have a greater visual impact due to their potential exposure from various viewshed corridors.

In 1986 the City Council adopted a Resolution (No. 329) intended to maintain consistency with the General Plan Scenic Highway Element by limiting the height of cut and fill slopes to 25 feet, provided that the Planning Commission that it can be adequately demonstrated that the slope will not be viewable from a major street or highway, or other visual corridor. This 25-foot height limit is iterated in the Ladyface Mountain Specific Plan. However, the cut slopes are necessary for the required widening of Agoura Road. Fill slopes in excess of 25 feet in height are needed for the driveway location, which is dictated primarily by the topographic constraints of the property. Another high fill slope is needed to accommodate the building pad, the area of which is identified in the Specific Plan for development.

The City Building Code gives the Planning Commission the discretion to consider approving cut slopes steeper than 1.5:1 on a case-by-case basis and the City Geotechnical consultant is satisfied with the safety of the proposed grading. The Planning Commission has the discretion, however, to require alternative grading plans, including the provision of a higher retaining wall along Agoura Road, or soil-nail retaining walls (similar to those recently approved for the Snyder Company Apartment Complex on Canwood Street), both of which would reduce the steepness of the proposed cut slopes. Completion of the road widening and concomitant grading of the hillside would permanently change the viewscape of Agoura Road.

The City's Geotechnical Consultant has approved the proposed grading plan and staff finds that the project is appropriately situated on the site to provide access to the buildings and to screen the proposed fill slopes. The project will require the construction of several of 2-6 feet in height to sufficiently protect Oak trees near the driveway and parking facilities. The proposed landscape plan will eventually result in landscape screening of all cut and fill slopes, and on-site retaining walls.

## F. Visibility

The General Plan contains considerable guidance about the protection of scenic resources in the Scenic Highways Element and Community Design Element. The important goals of these elements call for 1) creation of an efficiently organized and aesthetically pleasing City; 2) maintenance of the City's rural atmosphere; 3) adoption of design standards; 4) development of adequate buffer areas; and 5) provision of adequate landscaping.

In addition, the Ladyface Mountain Specific Plan includes a comprehensive set of plans, policies, regulations and conditions for guiding and ensuring orderly development. The main purpose of this planning document (with respect to aesthetics and visual resources) is "to ensure that all development at the base of Ladyface Mountain is compatible with the unique nature of this natural asset to the community."

The proposed project has several unique features compared to many other portions of the City that are presently being considered for commercial development. The first of these features are the undeveloped north-facing slopes of Ladyface Mountain. This landform represents one of the City most cherished scenic resources. Thus development within the Specific Plan area is required to be well coordinated, environmentally sensitive and aesthetically pleasing. The existing Renaissance Hotel is located directly east of the proposed development, while portions west of the project site are currently undeveloped. Due to grade differences between the proposed project and the adjacent transportation corridors, the project will be highly visible from portions of Agoura Road, Reyes Adobe Road, the 101 Freeway, and Canwood Street.

The Environmental Impact Report (EIR) prepared for this project includes a comprehensive analysis of the project's visual impacts. The EIR found that the visibility of the project from the Agoura Road corridor would not be excessive due to the significant grade differential between the proposed project and the roadway elevation. The most visible component would be the new cut slope along Agoura Road. Although the project will not be highly visible from Agoura Road along the project frontage (due to the front yard building setbacks combined with 1.5:1 cut slopes near the roadway), the project will be highly visible from vantage points both east and west of the proposed building envelope and at the intersection of Agoura Road and Reyes Adobe Road. Although the building mass will be highly visible, the project is to include large quantities of native landscaping (approximately 20.6 acres) as a component of the development. This landscaping will provide significant visual screening. This design element combined with the limitation of development below the 1,100-foot elevation, the incorporation of unique exterior architectural features complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of significant setbacks from Agoura Road will reduce the visual impact to the Agoura Road corridor.

Modifications to existing view conditions along the Agoura Road corridor include 1) the creation of entry monumentation and intersection improvements at the Agoura Road / Reyes Adobe Road intersection; 2) landform fills and roadway improvements necessary to access the project; 3) partial elimination of the dominant foreground view of the Oak tree canopy along Agoura Road ; and 4) the creation of the building mass. However, the passing motorist on Agoura Road would have only a modest 5-10 second duration of the building and cut slope visibility from the Agoura Road corridor.

The project would be partially visible from select location within the Canwood Street corridor. The most prominent viewshed impact on Canwood Street would occur approximately 240 feet west of the Reyes Adobe Road/ Canwood Street intersection. However the duration of views of the project site along the western portion of the Canwood Street corridor for pedestrians, bicyclists and motorists would range from about 5-10 seconds. The architecture of the building and proposed landscaping will help mitigate the viewshed impacts of the project. Also, the recently constructed Hampton Inn Hotel provides screening of the parcel as viewed from portions of Canwood Street.

The project would also be highly visible from the Reyes Adobe Road corridor due to grade differences between the proposed building pad area and the roadway elevation. However the prominent ridgelines of Ladyface Mountain will not be impacted by the proposed development. Although the development will modify a portion of the lower slopes on Ladyface Mountain, viewshed impacts can be mitigated by the proposed landscaping and building design.

Portions of the project will be highly visible from the Ventura (101) Freeway Corridor. The freeway is situated at a lower elevation than the project site. This condition, combined with the existing freeway landscaping, provides a partially obstructed view of the proposed development. Depending on the direction and speeds at which vehicles travel this freeway, the duration of views along the corridor for motorists would range from approximately 5-10 seconds. However, the location of the Hampton Inn Hotel and the incorporation of unique urban design and architectural techniques can mitigate potential viewshed impacts from the freeway corridor.

Given the siting of the project towards the rear of the development parcel, preservation of ridgelines, and the donation of two-thirds of the overall property into preserved open space, the Environmental Impact Report concludes that no significant loss of open space perception will result from the development of the project. The applicant redesigned the project during initial staff review, which eliminated a third office building. View corridor changes will not significantly alter the community viewshed of this property for either foreground or background perspectives from the existing developed portion of the City. Residents in the immediate vicinity of the project will experience some modification of near street level views

but these effects could be diminished by a number of design features including improved landscaping compared to existing conditions and strict design control of portions of the development that may be visible along these corridors.

While the loss of open space within the project area resulting from the development would be biologically significant (but subject to effective mitigation), the open space dedication offsets this impact to the maximum extent feasible. From an aesthetic standpoint, the loss of open space in the northern third of the property where the development is proposed would be insignificant from the vantage point of the developed portion of the City since the dominantly visible ridgeline along the property perimeter will not be visibly changed.

G. Compliance with the Specific Plan and Land Use Compatibility

Scenario 1-A of the Specific Plan allows for the property to be developed with a 52,000 square foot business park use on a 5.23-acre pad area. A property owner may request, in connection with a Conditional Use Permit application, that the maximum building area be increased provided that the applicant meets his burden of complying the required findings listed in the Specific Plan. The applicant has requested, as a component of the current application, that the maximum building area be increased from 52,000 square feet to 85,749 square feet. This increase is within the 97,300 square foot maximum permitted under Scenario 2-A of the Ladyface Mountain Specific Plan. As a result, the proposed increase in square footage would not require an amendment to the Specific Plan.

Listed below are the findings required to be met for the proposed increase in building size, and staff's analysis of each finding:

1-A. Finding: The proposed use is consistent with the objectives of the City Zoning Ordinance and the purposes of the zoning district in which the use is located.

Staff Analysis: The property is located in the Ladyface Mountain Specific Plan area. The project provides for business park development as called for this parcel within Specific Plan.

1-B. Finding: The proposed use is compatible with the surrounding properties.

Staff Analysis: The project is adjacent to similar land uses including the Teradyne research and development facility and uses that are ancillary to office development, including two hotels and two service stations. Property located to the west of the project is currently vacant. However, the applicant's donation of approximately 2/3 of his parcel as open space will sustain the natural habitat of the area.



1-C Finding: The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare.

Staff Analysis: The applicant will be required to construct the project in full compliance with the City Building Code and development standards of the Ladyface Mountain Specific Plan. Additionally, the applicant is responsible to mitigate against potentially significant environmental impacts relating to the project prior to and during construction.

1-D Finding: The distance from other similar and like uses is sufficient to maintain the diversity of the community.

Staff Analysis: While the Agoura Road corridor has several office complexes and development within the Ladyface Mountain Specific Plan is primarily intended for business park projects, the nearest general office complexes to the applicant property are located at 2,500 feet to the west and 1,000 feet to the east. Also, the applicant's property is the first truly vacant parcel within the Specific Plan area to be developed.

1-E Finding: The proposed use will not mar the property's unique natural elements and has a positive relationship to the character of Ladyface Mountain.

Staff Analysis: Although the building mass will be highly visible, the project is to include large quantities of native landscaping (approximately 20.6 acres) as a component of the development. This landscaping will provide significant visual screening. This design element combined with the limitation of development below the 1,100 foot elevation, the incorporation of unique exterior architectural features terraced design elements complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of significant setbacks from Agoura road will reduce the visual impact to the Agoura Road corridor.

1-F Finding: Adequate evidence and guarantees have been provided to indicate that all provisions of the Specific Plan can be satisfied.

Staff Analysis: The applicant has worked closely with staff and the Architectural Review Panel in designing a project within a pad area that is allowed per the Specific Plan. Creative design techniques have preserved on-site oak trees and allowed for fewer retaining walls while providing

for access to two buildings that incorporate varied roof lines and natural building materials that are compatible with the natural features of the area.

- 1-G. Finding: The proposed use is consistent with the goals, objectives and policies of the General Plan.

Staff Analysis: Goal No. 1 of the General Plan Land Use Element calls for the provision of a mix of land uses which meet the diverse needs of the Agoura Hills residents, offers a variety of employment opportunities, and allows for capture of regional growth. The proposed project will contribute to the establishment of a variety of employment opportunities and will allow for the capture of regional growth. The project will also provide for a variety of business park uses, including commercial office development, and research and development, and will therefore meet a policy of Goal No. 1.

2. Finding: The increased density will not adversely affect the goals, objectives and policies of the General Plan or the Specific Plan.

Staff Analysis: As called for in the General Plan Land Use Element the project will continue to enhance community identity and development quality for the City and its neighborhoods. The design criteria of the Ladyface Mountain Specific Plan help ensure that all development within the Specific Plan area is compatible with the surrounding natural environment and includes and architectural design of utmost quality. Additionally, the project will promote extensive landscaping while emphasizing drought-tolerant plant materials. The recent donation of southern portion of the property as preserved open space will assist in the General Plan goal of maintaining open space resources for the purposes of maintaining the visual quality of the City.

3. Finding: The increased density will not reduce traffic Level of Service (LOS) at any intersection in the City to below LOS C as determined by the General Plan. In the event that the existing LOS is below C, then the increased density will not reduce the existing level of service to a lower level. Any increase in the traffic budget is offset by increases in roadway capacity or other acceptable mitigation measures.

Staff Analysis: The traffic impact study prepared for the project notes that the development would generate 1,162 vehicle trips to the City's road system. Of these, 162 trips would occur during the AM peak period and 173 during the PM peak period. Project trip generation during the off-peak hours (primarily between 9:00 AM to 4:00 PM) would be approximately 800 trips, or less than 100 per hour. The PM peak period traffic estimates generated by the project is within the 190 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A).

While the proposed development will result in significant traffic impacts at some study intersections, the relative contribution of the project to traffic volume growth in the area is small. Also, intersection capacity at several locations in the study area is already deficient. The applicant will be required to mitigate traffic impacts to levels of insignificance through roadway improvements included in the proposed mitigation and monitoring program that is included in the EIR.

4. Finding: The increased density will not create any potentially significant environmental effects.

Staff Analysis: The Final Environmental Impact Report (FEIR) prepared for this project includes a detailed analysis the following issues: Aesthetics/Visual Resources, Air Quality, Biological Resources, Geotechnical and Geological Hazards, Hydrology and Water Quality, Land Use, Noise, Public Utilities, Public Services, and Traffic and Circulation. While anticipated environmental impacts are identified within the DEIR, all can be mitigated to levels of insignificance.

5. Finding: Manufactured slopes do not exceed a ratio of 2:1.

Staff Analysis: Cut slopes of 1.5:1 are proposed along Agoura Road, but are necessary for required road widening purposes. The City Geotechnical Consultant has tentatively approved the grading plan that allows for a reduction in the number of required on-site retaining walls through the use of cut slopes that are steeper than 2:1. The City Building Code allows the Planning Commission to consider cut slopes that are steeper than 2:1 on a case-by-case basis.

6. Finding: The increased density will not result in an increased loss of oak trees.
- Staff Analysis: The increased density will not impact the increased loss of oak trees. The majority of oak trees proposed for removal are located near the Agoura Road frontage, where road widening improvements would be required regardless of the proposed increase in density. Driveway improvements will also result in the loss of oak trees, but the driveway location is appropriate for any building density located within the proposed pad area.
7. Finding: Exposed retaining walls will be used only to enhance design or to protect oak trees.
- Staff Analysis: Most retaining walls will be used to protect or enhance the oak trees. A continuous retaining wall of approximately two feet in height will be located along the Agoura Road frontage. Existing topographic conditions in this area require the retaining wall for required road widening purposes.
8. Finding: Grading will be limited and innovative building techniques such as stepped massing, sculpturing the building into the hillside, undergrounding parking, or other similar mitigating measures will be incorporated into the project.
- Staff Analysis: The building pad area is appropriate for the locations of the building in that the placement of the buildings will not require removing oak trees within their immediate areas. The meandering driveway is appropriate for the varying contours of the parcel and the highest fill slope will be screened behind one of the proposed buildings. In addition, the applicant has staggered the placement of the two buildings on the property and is offering stepped massing to reduce the visual impact of the two story structures.
9. Finding: Landscaping will be provided that exceeds the minimum requirements.
- Staff Analysis: The conceptual landscape plan for the project proposed the planting of several large boxed oak tree specimens in the incorporation of decorative and native shrubs into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan.

Including existing vegetation, 78% of the proposed development will be landscaped. The entrance to the building will have a pronounced landscape treatment and will also incorporate on-site native oak trees.

10. Finding: The proposed project with the increased density will comply with the maximum developable land area, maximum building pad, and minimum open space requirements provided for Scenario 1-A in Table IV-1.

Staff Analysis: The maximum development potential of the parcel, as specified in Scenario 1-A in the Specific Plan, includes a development area of 52.5% of the parcel (under the Hillside Ordinance regulations) and a requirement of 47.5% to remain as open space. The maximum developable pad area, however, is 5.23 acres.

The applicant has donated 80 acres of his lot as open space and is proposing to confine the development with a 5.22 acre sized pad area, thereby meeting the development potential of the parcel.

In summary, the proposed project would result in the construction of a commercial office development that is in conformance with the present land use designations. The property can readily accommodate the proposed zone and use. Therefore, the request is consistent with the City's goals and policies contained in the Land Use Element of the City's General Plan and the Ladyface Mountain Specific Plan.

The project is compatible in scale and use characteristics with adjacent land uses. The project would not result in land use conflicts that would be detrimental to the well-being and privacy of existing uses. In addition, all development standards of the Specific Plan and Business Park - Office/Retail zone would be met and the project will contribute to the establishment of a variety of employment opportunities, and will allow for the capture of regional growth, as called for in Goal No. 1 of the General Plan Land Use Element.

#### H. Traffic and Parking

##### Traffic

The traffic impact study prepared for the project notes that the development would generate 1,162 vehicle trips to the City's road system. Of these, 162 trips would occur during the AM peak period and 173 during the PM peak period. Project trip generation during the off-peak hours (primarily between (9:00 AM to 4:00 PM) would be approximately 800 trips, or less

than 100 per hour. The PM peak period traffic estimates generated by the project is within the 190 peak hour trips the Specific Plan has alloted for development of this parcel at the higher density (Scenario 2-A).

While the proposed development will result in significant traffic impacts at some study intersections, the relative contribution of the project to traffic volume growth in the area is small. Also, intersection capacity at several locations in the study area is already deficient. Correcting these problems is beyond the capability of any single project and the City Traffic Engineer concurs with the findings of the traffic report prepared for this project (included in the Final EIR) that the traffic impacts of the project can be mitigated to levels of insignificance provided that the applicant complete roadway improvements to mitigate traffic impacts and improve traffic circulation along Agoura Road. Required improvements include:

- 1) half street widening along the project frontage (east bound lanes of Agoura Road);
- 2) half street improvements creating a bike lane and a 5-foot sidewalk;
- 3) full street improvements that taper and transition to join existing paving and striping;
- 4) the creation of a 200 foot left turn lane from eastbound Agoura Road onto northbound Reyes Adobe Road;
- 5) construction of a 14-foot wide raised median;
- 6) signal improvements to the Agoura Road/ Reyes Adobe Road intersection;
- 7) designing traffic improvements for the east side of Reyes Adobe Road between Canwood Street and the northbound 101 Freeway off-ramp, including providing an exclusive left-turn only lane, a through lane and a shared through/right-turn lane in the northbound direction;
- 8) designing traffic improvements for the southbound 101 Freeway off-ramp that is located west of Reye Adobe Road, including providing one exclusive left-turn land, one shared through/right-turn lane and one right-turn only lane in the southbound direction;
- 9) Reservation of an easement to allow for possible future access to the adjacent Renaissance Hotel from a shared, on-site driveway;
- 10) Payment of TIF Fee (estimated to be \$527,270.60 based on \$6.149 per square foot (85,749 square feet)). Portions of the required Traffic Improvement Fee (TIF) are intended to be applied to the future widening of the Reyes Adobe bridge / freeway overpass; and
- 11) Compliance with the City's Transportation Demand Ordinance which requires to the applicant to provide incentives for employee carpooling and offers employees information on available alternative transportation options (i.e. bus route, bicycle lane, carpooling information).

Agoura Road is improved on the east side of the Reyes Adobe Road intersection to four lanes. Three lanes of traffic (two on the westbound side and one on the east bound side) are provided on Agoura Road, west of the Reyes Adobe Road intersection. The applicant will be required to widen Agoura Road by 40 feet along his property frontage to allow for two lanes of traffic on both sides of the street, as well as a bicycle lane and sidewalk. Agoura Road would transition back to the existing three-lane road width between the applicant's property and the westerly City limits.

### Parking

The Zoning Ordinance requires that general office uses provide for one parking space for each 300 square feet of gross floor area. In this instance, the two buildings total 85,749 square feet in size and therefore require a minimum parking demand of 286 on-site parking spaces, 11 of which are required to be designated for handicap parking. The applicant is proposing to provide 296 shared parking spaces, eight of which are designated for handicap use. Thus, the applicant will be required to designate three of the standards stalls for handicap parking. In addition, the applicant is required to provide one, 12' x' 25' loading stall within the parking area for each building. The loading stalls are not shown on the proposed site plan, but will be required to be shown on the project plans prior to issuance of a building permit.

The parking spaces are distributed within three parking lots, one being in front of Building #300, one being between the two buildings, and one being behind #200. Staff is concerned with the potential visibility of the parked cars and their headlights. Staff therefore recommends that the applicant incorporate a combination of bermed landscaping or a low hedge or wall on the perimeters of the parking areas that would be subject to review of the final landscape plan. Staff also recommends that all required guard rails on the perimeter of the parking areas and driveway be made of wood or some similar, natural material, and painted in a non-reflective brown color.

#### 1. Oak Trees/Landscaping

### Oak Trees

The location of the required on-site driveway and required road widening improvements on Agoura Road will result in the loss of ten (10) oak trees, and encroachment within the protected zone of ten other Oak trees. The trees proposed for removal (nos. 4, 39, 87, 102, 103, 112, 113, 122, 123, and 124) vary in size from 3-inch trunk diameters to 40-inch trunk diameters. The majority of these trees are in fair to below-average health, with the largest trees being in the poorest health.

The applicant had made several alternative grading design revisions to save as many on-site oak trees as possible. The City Oak Tree Consultant recommends the Oak Tree Permit for removal and encroachment be approved, provided that the applicant complies with the recommended conditions of approval included in the draft resolution. These conditions include the requirement that the applicant provide additional on-site oak trees that have combined trunk diameters of 142 inches, and that they include at least ten 36-inch box trees and twenty 24-inch box trees.

#### Landscaping

The conceptual landscape plan for the project proposed the planting of several large boxed oak tree specimens in the incorporation of decorative and native shrubs into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan. Including existing vegetation, 78% of the proposed development will be landscaped. Dominant vegetation on the site consists mostly of ruderal (weed) and grass cover, oak woodland savannah, and native chaparral species.

The entrance to the building will have a pronounced landscape treatment and will also incorporate on-site native oak trees. The proposed landscape plan would result in the new landscape materials to appear somewhat denser than the existing vegetation. A combination of native and non-native/ornamental landscaping will be incorporated within the building pad and parking lot areas. However, native landscape materials, which are important to help perpetuate the natural hillside appearance, are proposed to screen the on-site driveway, cut and fill slopes, and building pad areas. Landscaping on the proposed cut slopes will be difficult to maintain, but it is possible. The City Landscape Consultant recommends the applicant be required to hydro-seed the slopes and emulate the natural terrain as much as feasible with low-growing, native ground covers.

The landscaping will also provide stability to the cut and fill slopes. The City Landscape Consultant supports the overall landscape design considerations that will help ensure the building's harmonious existence with the natural surroundings. Final landscape and irrigation plans will be subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development.

#### IV. ENVIRONMENTAL REVIEW

Since the proposed project requires discretionary approval from the City it is subject to the California Environmental Quality Act (CEQA). As part of the CEQA review, staff determined that an Environmental Impact Report (EIR) was necessary and directed the City's



Environmental Analyst (The Planning Corporation) to proceed with the preparation of the environmental document. The Environmental Analyst then completed an Initial Study and distributed a Notice of Preparation (NOP) on February 7, 2001 as required by CEQA. Based on the Initial Study and comments received in response to the NOP the following issues were identified for detailed analysis in the Draft EIR (DEIR): Aesthetics/Visual Resources, Air Quality, Biological Resources, Geotechnical and Geological Hazards, Hydrology and Water Quality, Land Use, Noise, Public Utilities, Public Services, and Traffic and Circulation.

As required by CEQA, the DEIR identified the potential environmental impacts from the proposed project. The DEIR established "thresholds of significance" for each type of impact. The threshold is typically a quantifiable measurement, such as the number of vehicle trips generated per day or per hour, a defined noise level, or a certain amount of pollutant to be emitted into the air. The DEIR analyzed the existing environment, and the environment with the addition of the project. When the project causes an impact that exceeds the threshold of significance, that impact is considered to be significant. For significant impacts, the DEIR then analyzed whether feasible mitigation measures can be imposed on the project that will reduce the impact to a level of insignificance. When significant environmental impacts are identified that cannot be mitigated to a level of insignificance, the impact has been found to be unavoidably significant.

One of the basic purposes of an EIR is to ensure that the City, applicant and public have a clear understanding of the significant environmental consequences of a proposed project. Once a Draft EIR is completed, there is a public review period to allow decision-makers, public agencies, applicants and the public an opportunity to comment on whether they believe the DEIR has adequately analyzed the environmental impacts of the project. CEQA establishes a minimum 45-day comment period when the document is sent to the State Clearinghouse. During the comment period Cities and agencies can hold a public hearing to receive verbal comments on the adequacy of the DEIR, but a public hearing is not required. The City typically holds at least one public hearing during the comment period to ensure that the public has an opportunity to comment verbally on the adequacy of the DEIR before the Final EIR is prepared.

The Planning Commission held a public hearing for receiving public comment on the adequacy of this project's DEIR on June 20, 2002. The City Environmental Analyst mentioned at the meeting that the DEIR concluded that a majority of the environmental impacts of the project can be mitigated to less than significant levels. However, air quality impacts during the construction phase of the project was found to be unavoidably significant on a short-term basis. However, no comments regarding the adequacy of the DEIR and proposed mitigation measures were offered by the public or the Planning Commission. The 45-day comment period for the project ended on July 3, 2002.

The City Environmental Analyst subsequently addressed each of the written comments received during the comment period and incorporated the responses within the project Final EIR. The Final EIR has been completed and distributed to the Planning Commission for further consideration and certification or denial. Certifying the Final EIR would simply mean that the Planning Commission believes the Final DEIR was completed in compliance with CEQA and adequately analyzes the project's environmental impacts and that the proposed project alternatives discussed within the Final EIR have been considered. If the Planning Commission feels the Final EIR does not adequately analyze the project impacts, the EIR consultant would be directed to remedy any deficiencies in the Final EIR and present the revised Final EIR for further consideration. Certifying the Final EIR is not the same as approving the Conditional Use Permit. The two decisions are separate. It should be noted, however, that if the Conditional Use Permit is not approved, no action is required regarding the Final EIR.

Anticipated impacts of this project have been identified for each environmental resource discussed within the Final EIR. By implementing the recommended mitigation measures, each potential impact can be reduced to levels of insignificance. Although short-term air quality impacts associated with the project were identified in the DEIR as being unavoidably significant, the City Environmental Analyst has revised the air quality computations and analysis (reference attached memorandum dated December 17, 2002). The emission of significant and unavoidable concentrations of nitrogen oxides and reactive organic compounds during project construction were largely based on an estimation of the number and type of construction equipment projected for use during grading.

CEQA requires that agencies attempt to avoid a project's significant environmental impact when it is feasible to do so. Therefore, clarifications were obtained from the project applicant related to the type and number of equipment proposed for use during project grading and other construction activities. With the incorporation of these revised equipment types and construction timeframes into the air quality model, estimated air quality emissions were substantially reduced below State thresholds of significance. Therefore, within the incorporation of the mitigation measures proposed in Section 7.4 of the Final DEIR, air quality impacts resulting from project construction would be less than significant. Therefore, Findings of Overriding Considerations are not necessary.

To assure that all recommended mitigation measures will be appropriately addressed prior to and during building construction, the applicant will be responsible for complying with the Environmental Mitigation Monitoring Program attached to this report and listed in Chapter 18 of the Final DEIR.

## V. RECOMMENDATIONS

Based on our analysis of the project and the project's compliance with the developed standards of the Ladyface Mountain Specific Plan and Zoning Ordinance, staff recommends that the Planning Commission approve Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010, subject to conditions, by adopting the attached Resolution. Staff also recommends that the Planning Commission certify the Final Environmental Impact Report prepared for this project, finding that it adequately analyzes the project's environmental impacts, and adopt the proposed mitigation and monitoring program prepared for this project.

Case Planner: Doug Hooper, Principal Planner

## ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Reduced Copies of Building Renderings and Project Plans
- Vicinity Map

**EXHIBIT N**

**FEBRUARY 6, 2003 PLANNING COMMISSION  
MEETING MINUTES**



DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

MINUTES OF THE REGULARLY SCHEDULED MEETING OF THE  
PLANNING COMMISSION

February 6, 2003

CALL TO ORDER:

Chair Koehler called the meeting to order at 6:31 p.m.

FLAG SALUTE:

Commissioner Schwarz

ROLL CALL:

Chair Koehler, Vice Chair Ramuno, Commissioners Walker, Schwarz, and Shackelford.

Also present, were Director of Planning and Community Development Mike Kamino, Special Projects Coordinator Joyce Parker, Principal Planner Doug Hooper, Environmental Consultant Jasch Janowicz, Landscape/Oak Tree Specialist Kay Greeley, City Engineer Jim Thorsen and Planning Technician Renee Madrigal.

1. APPROVAL OF MINUTES:

January 16, 2003 Meeting

On a motion by Vice Chair Ramuno, seconded by Commissioner Shackelford, the Planning Commission moved to approve the minutes of the January 16, 2003, Planning Commission Meeting. Motion carried 5-0.

5. COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:

None

6. CONSENT:

None

7. CONTINUED PUBLIC HEARINGS:

A. APPLICANT:

City of Agoura Hills

CASE NO.:

02-ZOA-003

LOCATION:

Citywide

REQUEST:

Request for a recommendation to the City Council to amend Zoning Ordinance Section 9654-9654.9 relative to the number of required parking spaces for general office and medical office uses.

ENVIRONMENTAL ANALYSIS:

Addendum to the General Plan EIR

RECOMMENDATION:

Staff recommended that the Planning Commission adopt a motion to approve a Resolution recommending the City Council approve Zoning Ordinance Amendment Case No. 02-ZOA-003.

PUBLIC HEARING OPENED:

Special Projects Coordinator Joyce Parker presented the project and answered questions of the Planning Commission.

Moshe Silagi, 101 Hodencamp, Suite 200, Thousand Oaks, CA, spoke in favor of the Zoning Ordinance Amendment, with suggested changes.

PUBLIC HEARING CLOSED:

Chair Koehler closed hearing.

ACTION:

On a motion by Commissioner Walker, seconded by Commissioner Shackelford, the Planning Commission moved to adopt Resolution No. 729 recommending the City Council approve Zoning Ordinance Amendment Case No. 02-ZOA-03. Motion carried 5-0.

B. APPLICANT:

So. Calif. Food Services Corp. (Wendy's)  
9041 Executive Park Dr., #300  
Knoxville, TN 37923

CASE NO.:

02-VAR-006

LOCATION:

North side of Dorothy Dr. (A.P.N. 2061-010-015 and 016)

REQUEST:

Request for approval of a Variance to allow a sign on the north elevation, which does not have an entitlement.

ENVIRONMENTAL ANALYSIS:

Categorically Exempt from CEQA-Class 3(b)

RECOMMENDATION:

Variance Case No. 02-VAR-006 was requested to be continued. No action by the Planning Commission is required.

ACTION:

On a motion by Commissioner Walker, seconded by Shackelford, the Planning Commission moved to continue Variance Case No. 02-VAR-006 to the next Planning Commission Meeting on February 20, 2003. Motion carried 5-0.

C. APPLICANT:

Scheu Development Company  
4550 E. Thousand Oaks Boulevard, Suite 202  
Westlake Village, CA 91362

CASE NOS.:

98-CUP-012 and 98-OTP-010

LOCATION:

30200 and 30300 Agoura Road (South of the Agoura Road/Reyes Adobe Road Intersection) (A.P.N. 2061-002-022)

REQUEST:

Request for approval of a Conditional Use Permit to construct two, 2-story commercial office buildings of 42,640 square feet and 43,109 square feet in size; and a request for an Oak Tree Permit to remove ten (10) Oak trees and to encroach within the protected zone of ten (10) Oak trees for the proposed construction.

ENVIRONMENTAL ANALYSIS:

Draft Environmental Impact Report

RECOMMENDATION:

Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010, subject to conditions, based on the findings in the attached Draft Resolution; and certify the Final Environmental Impact Report and adopt the Mitigation Monitoring Program prepared for the project, based on the findings of the Draft Resolution.

PUBLIC HEARING CONTINUED:

Continued from January 16, 2003, where Principal Planner Doug Hooper presented the project and answered questions of the Planning Commission.

City Engineer Jim Thorsen, Environmental Consultant Jasch Janowicz and Landscape/Oak Tree Specialist Kay Greeley also answered questions of the Planning Commission.

Mark Scheu, Applicant, 4550 Thousand Oaks Boulevard, Suite 202, Westlake, CA, presented the project and answered questions of the Planning Commission.

Heny Dong, Architect, 22900 Ventura Boulevard, Suite 120, Woodland Hills, CA presented the project and answered questions of the Planning Commission.

Gary Krause, Landscape Specialist, 31475 Lobo Canyon Road, Agoura Hills, CA, presented the project and answered questions of the Planning Commission.

PUBLIC HEARING CLOSED:

Chair Koehler closed hearing.

RECESS:

Chair Koehler called for a recess at 8:26 p.m.

RECONVENE:

Chair Koehler reconvened the hearing at 8:38 p.m.

ACTION:

On a motion by Commissioner Walker, seconded by Commissioner Shackelford, the Planning Commission moved to adopt Resolution No. 730 to approve Conditional Use Permit No. 98-CUP-012, and Oak Tree Permit No. 98-OTP-010, subject to amended conditions. Motion carried 3-2. (Chair Koehler and Commissioner Schwarz opposed).

8. DISCUSSION ITEM:

Exterior modification of an approved single-family residence located at 28232 Driver Avenue.

**EXHIBIT O**

**JANUARY 16, 2003 PLANNING COMMISSION  
MEETING MINUTES**





DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

MINUTES OF THE REGULARLY SCHEDULED MEETING OF THE  
PLANNING COMMISSION

January 16, 2003

- CALL TO ORDER: Chair Koehler called the meeting to order at 6:30 p.m.
- FLAG SALUTE: Commissioner Shackelford
- ROLL CALL: Chair Koehler, Vice Chair Ramuno, Commissioners Walker, Schwarz, and Shackelford.
- Also present were Director of Planning and Community Development Mike Kamino, Environmental Consultant Jasch Janowicz, Assistant Planner Roger Harada, Principal Planner Doug Hooper, City Engineer Jim Thorsen, Landscape/Oak Tree Specialist Kay Greeley and Planning Technician Renee Madrigal.
- APPROVAL OF MINUTES: December 19, 2002 Meeting
- ACTION: On a motion by Commissioner Walker, seconded by Vice Chair Ramuno, the Planning Commission moved to approve the minutes of the December 19, 2002 Planning Commission Meeting. Motion carried 5-0.
- COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:  
None
- CONSENT: None
- NEW PUBLIC HEARINGS:
- A. APPLICANT: Temple Beth Haverim  
29900 Ladyface Court  
Agoura Hills, CA 91310
- CASE NO.: 02-CUP-010
- LOCATION: 29900 Ladyface Court (A.P.N. 2061-005-031)
- REQUEST: Request for approval of a Conditional Use Permit to allow the construction and use of a temporary 3,580 square foot, stressed membrane congregational/assembly hall structure on a 5.97 acre lot.

ENVIRONMENTAL ANALYSIS:

Exempt from CEQA (Class 3(a))

RECOMMENDATION:

Should the Planning Commission approve Conditional Use Permit Case No. 02-CUP-010, staff had prepared a Draft Resolution of Approval, subject to conditions, based on the findings of the attached Draft Resolution.

PUBLIC HEARING OPENED:

Assistant Planner Roger Harada presented the project and answered questions of the Planning Commission.

John Bowman, Applicant, 1900 Avenue of the Stars, 7<sup>th</sup> Floor, Los Angeles, CA, presented the project and answered questions of the Planning Commission.

Rabbi Gershon Johnson, Applicant, 29900 Ladyface Court, Agoura Hills, CA, presented the project and answered questions of the Planning Commission.

David Gaulton, Applicant, 21515 Vanowen Street, #101, Canoga Park, CA, presented the project and answered questions of the Planning Commission.

Ray Scherr, 29900 Ladyface Court, Agoura Hills, CA, spoke in favor of the project.

PUBLIC HEARING CLOSED:

Chair Koehler closed hearing.

ACTION:

On a motion by Vice Chair Ramuno, seconded by Commissioner Schwarz, the Planning Commission moved to adopt Resolution No. 727 approving Conditional Use Permit No. 02-CUP-010, subject to amended conditions. Motion carried 4-1.

RECESS:

Chair Koehler called for a recess at 8:08 p.m.

RECONVENE:

Chair Koehler reconvened the hearing at 8:21 p.m.

APPLICANT:

So. Calif. Food Services Corp. (Wendy's)  
9041 Executive Park Dr., #300  
Knoxville, TN 37923

CASE NO.:

02-SPR-014, 02-OTP-009, and 02-VAR-006

LOCATION:

North side of Dorothy Dr. (A.P.N. 2061-010-015 and 016)

REQUEST:

Request for approval of a Site Plan/Architectural Review to construct a 3,200 square foot Wendy's fast-food restaurant on a 39,500 square foot lot. Also requested was approval of an Oak Tree Permit to allow removal of one Oak Tree for the construction; and a Variance to allow a sign on the north elevation, which does not have an entitlement.

ENVIRONMENTAL ANALYSIS:

Categorically Exempt from CEQA-Class 3(b)

RECOMMENDATION:

Staff recommended approval of Site Plan Architectural Review Case No. 02-SPR-014, 02-OTP-009, and Variance Case No. 02-VAR-006, subject to conditions.

**PUBLIC HEARING  
OPENED:**

Assistant Planner Roger Harada presented the project and answered questions of the Planning Commission.

Victor Newlove, Applicant/Architect, 1330 Olympic Boulevard, Santa Monica, CA presented the project and answered questions of the Planning Commission.

David Steinberg, Applicant/Director of Development, 3533 Old Conejo Road, Suite 101, Newbury Park, CA, presented the project and answered questions of the Planning Commission.

Mary Wesbrock, 6262 Timberlane, Agoura Hills, CA, spoke about the billboards on the property.

Pat Mac Gregor, 28909 Hollow Brook Avenue, Agoura Hills, CA, spoke about the billboards on the property.

Joan Yucavone, 27328 Country Glen, Agoura Hills, CA, spoke about the billboards on the property.

Bob Wachs, Old Agoura Homeowners Association, spoke about the billboards and wrought iron fence on the property.

Mark Dixon, 6231 N. Fairview Place, Agoura Hills, CA, spoke about the billboards on the property.

Chair Koehler closed hearing.

**PUBLIC HEARING  
CLOSED:**

**ACTION:**

On a motion by Commissioner Walker, seconded by Commissioner Schwarz, the Planning Commission moved to adopt Resolution No. 728 approving Site Plan Architectural Review Case No. 02-SPR-014 and Oak Tree Permit No. 02-OTP-009, subject to amended conditions. Motion carried 5-0.

On a motion by Commissioner Shackelford, seconded by Vice Chair Ramuno, the Planning Commission moved to continue Variance Case No. 02-VAR-006 to the Planning Commission Meeting on February 6, 2003. Motion carried 5-0.

**RECESS:**

Chair Koehler called for a recess at 10:25 p.m.

**RECONVENE:**

Chair Koehler reconvened the hearing at 10:35 p.m.

**C. APPLICANT:**

Scheu Development Company  
4550 E. Thousand Oaks Boulevard, Suite 202  
Westlake Village, CA 91362

**CASE NO.:**

98-CUP-012 and 98-OTP-010

**LOCATION:**

30200 and 30300 Agoura Road (South of the Agoura Road/Reyes Adobe Road Intersection) (A.P.N. 2061-002-022)

**REQUEST:**

Request for approval of a Conditional Use Permit to construct two, two-story commercial office buildings of 42,640 square feet and 43,109 square feet in size; and a request for an Oak Tree Permit to remove ten (10) Oak trees and to encroach within the protected zone of ten (10) Oak trees for the proposed construction.

**ENVIRONMENTAL ANALYSIS:**

Environmental Impact Report

**RECOMMENDATION:**

Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010, subject to conditions, based on the findings in the attached Draft Resolution; and certify the Final Environmental Impact Report and adopt the Mitigation Monitoring Program prepared for the project, based on the findings of the Draft Resolution.

**PUBLIC HEARING OPENED:**

Principal Planner Doug Hooper, presented the project and answered questions of the Planning Commission.

Henry Dong, Applicant/Architect, presented the project and answered questions of the Planning Commission.

**ACTION:**

On a motion by Vice Chair Ramuno, seconded by Commissioner Shackelford, the Planning Commission moved to continue the public hearing for Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010 to the Planning Commission Meeting on February 6, 2003. Motion carried 5-0.

**INFORMATION ITEM:**

2002 Development Summary

**ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA:**

Commission:

Vice Chair Ramuno had questions for staff regarding: whether outside lighting was on the Joint CC/PC Meeting Agenda and the Texco/Shell sign.

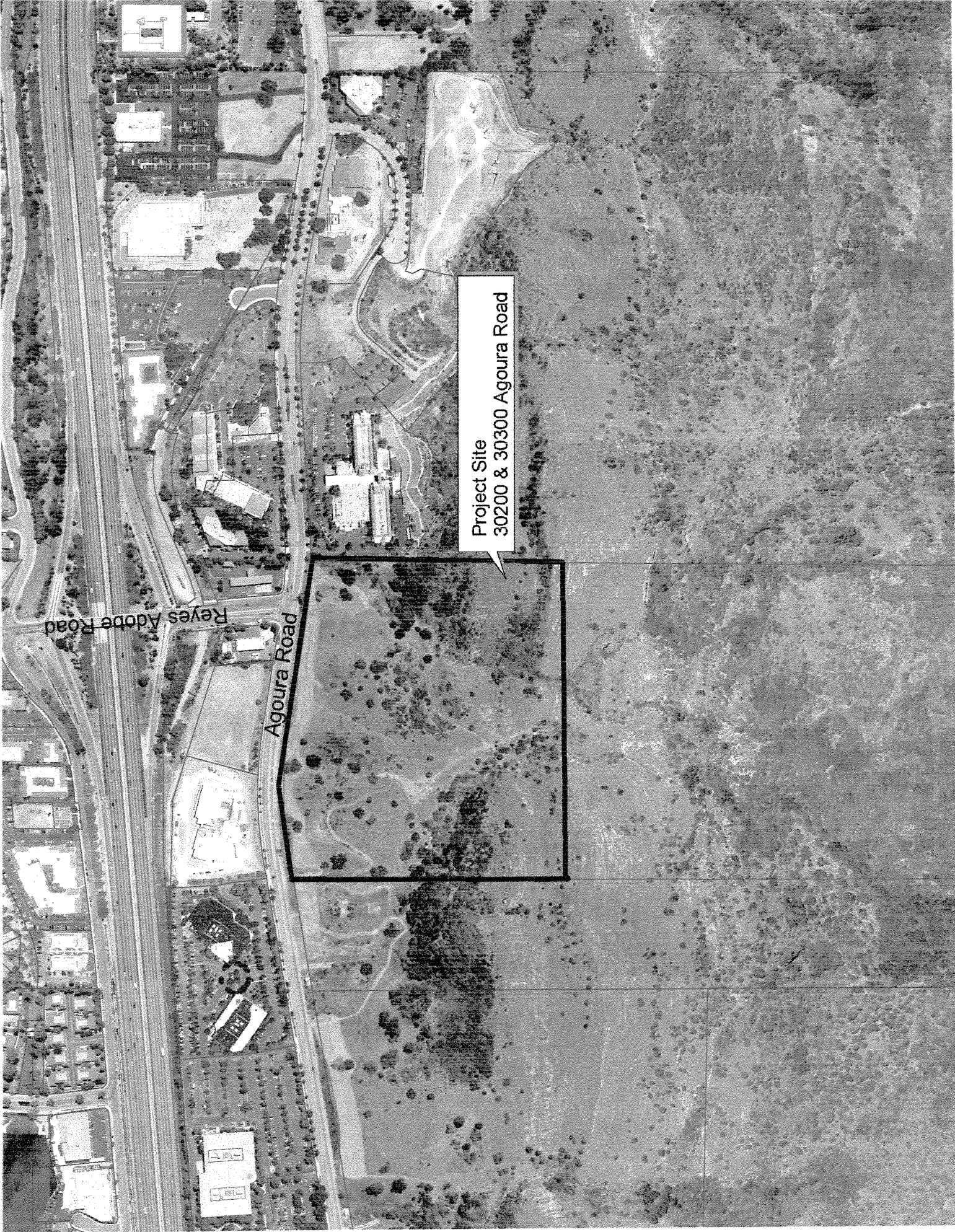
Staff:

**ADJOURNMENT:**

The Planning Commission will adjourn to the joint City Council/ Planning Commission workshop on January 29, 2003 at 6:30 p.m.

**EXHIBIT P**

**VICINITY MAP**



Project Site  
30200 & 30300 Agoura Road

Reyes Adobe Road

Agoura Road