



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: July 6, 2006

TO: Planning Commission

APPLICANT: RT-AH Associates
1201 Camino Del Mar
Del Mar, CA 92014

CASE NOS.: 03-CUP-018 (Amendment)

LOCATION: 28901 Canwood Street
(A.P.N. 2048-011-062)

REQUEST: A request to amend an approved Conditional Use Permit to change the approved exterior building materials of a new hotel that is under construction.

**ENVIRONMENTAL
DETERMINATION:** The request is not considered a “project” under CEQA, per Section 15378 of the CEQA Guidelines and, therefore, no CEQA review is necessary.

RECOMMENDATION: Staff recommends that the Planning Commission determine whether the request is appropriate for the development project. If the Planning Commission desires to approve the request, it is recommended that the Planning Commission adopt the draft Resolution and conditions of approval.

ZONING DESIGNATION: CRS-FC (Commercial Retail Service - Freeway Corridor Overlay)

**GENERAL PLAN
DESIGNATION:** CRS (Commercial/Retail-Service)

I. BACKGROUND AND PROJECT DESCRIPTION

In December of 2003, the Planning Commission unanimously approved Conditional Use Permit Case No. 03-CUP-018, which was a request of HBF Holdings, LLC, to construct a 125-unit Homewood Suites Hotel. The project site is located at 28901 Canwood Street, east of Kanan Road and west of Clareton Drive.

In January of 2004, the City Council considered an appeal of the Planning Commission's approval of the Conditional Use Permit. After conducting the appeal hearing, the City Council upheld the decision of the Planning Commission, subject to conditions of approval. Included in the conditions was the requirement for the applicant to comply with all building material samples approved by the Planning Commission (reference condition no. 77 of attached City Council Resolution No. 04-1312). The basic architectural design of the four structures of the hotel was described to the Planning Commission and City Council as an incorporation of contemporary style design elements on non-intrusive, multi-story buildings. The major design elements approved for the project included craftsman materials of cedar panel shakes, cultured stone veneer, exposed rafter tails, and flat cement shake roof shingles. All of these elements were found to be consistent with the master architectural design concept previously approved for the Oak Creek tract.

During the plan check phase of development, the Building and Safety Department required that the cedar panel shake materials to be placed on the building elevations be fire-proof. A replacement, Hardie-shake material consisting primarily of cement, but fabricated with a wood grain texture, was approved by the Director of Planning and Community Development. However, during construction of the hotel and without City approval, Hardie-plank, horizontal siding was installed on each building, instead of the replacement shake material. This change from simulated wood shake to simulated wood siding is considered by staff to be a significant deviation from the approved materials and warrants consideration by the Planning Commission. The applicant has filed for an amendment to the conditions of approval of the Conditional Use Permit to allow the plank siding to remain on the buildings. The rationale for the applicant's request is noted in his attached letter.

The cedar panel shake material was shown on the development plans that were reviewed by the Architectural Review Panel, the Planning Commission and the City Council during the design review process. The shake materials were also shown on the approved building elevation plans that were issued by the Building and Safety Department for construction. Since the alternate siding material is already installed on the buildings, staff is requesting the Planning Commission to determine whether the siding material can remain, or whether it should be replaced with the shake material. Material samples and photographs of the hotel buildings will be presented at the Planning Commission meeting.

II. RECOMMENDATION

If the Planning Commission desires to approve the request, it is recommended that the Planning Commission adopt the draft Resolution and conditions of approval. If the Planning Commission denies the request, staff will return with a draft Resolution for adoption at the next Planning Commission meeting.

III. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Letter from Applicant
- Reduced copies of Approved Project Plans
- City Council Resolution No. 04-1312

Case Planner: Doug Hooper, Assistant Director of Community Development

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING AN AMENDMENT
TO CONDITIONAL USE PERMIT CASE NO. 03-CUP-018

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS,
RESOLVES AND ORDERS AS FOLLOWING:

Section 1. An application was duly filed by RT-AH Associates with respect to real property located at 28901 Canwood Street (A.P.N. 2048-011-062), requesting approval of a Conditional Use Permit amendment to change approved building materials for a hotel. A Public Hearing was duly held on July 6, 2006 at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. The Planning Commission finds that the request to install plank siding on the hotel in lieu of cedar shingles is acceptable given that there are no changes that the alternate material is architectural compatible with the building it serves and the surrounding developed area. The Planning Commission, pursuant to the Agoura Hills Zoning Ordinance, finds that the findings contained in City Council Resolution No. 04-1312, approved on January 28, 2004, are still valid and state as follows:

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The property is located in the Commercial Retail Service (CRS) zone and Freeway Corridor Overlay zone. The project provides for hotel use, which may be permitted in the CRS zone, subject to the issuance of a Conditional Use Permit.

B. The proposed use, as conditioned, is compatible with the surrounding properties in that a hotel is a permitted use within the CRS zone, subject to issuance of Conditional Use Permit. The building design, materials and colors are compatible with the Oak Creek apartment complex located to the north within the same tract and with the overall architectural design concept approved for the J.h. Snyder mixed use development project. The project meets or exceeds all development standards, including yard areas, building height, parking and lot coverage. Also, the potential mass of the project is mitigated through the design of four separate buildings that encompass 24% of the parcel, which is below the 60% building lot coverage allowed for the zone.

C. The proposed use, as conditioned, and the condition in which it will be maintained will not be detrimental to the public health, safety, or general welfare. The project will be developed in full compliance with all Building Code and measures identified in the Mitigation Monitoring Program, which was developed as part of the tract EIR and in the EIR Addendum prepared for this project. From the perspective of the California Environmental Quality Act (CEQA), traffic impacts associated with the hotel project are fully mitigated. The property owner's contribution to traffic improvements will allow the City to begin construction of the 101 Freeway interchange improvements at Kanan Road and the realignment of Canwood Street, which will serve traffic on Canwood Street and Kanan Road, will be completed prior to completion of the hotel's construction.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The projects meets the development standards of the CRS and FC zones relative to required yard areas, building height, off-street parking, lot coverage and landscape coverage. The height of the buildings will not exceed the 35-foot height limit of the zone, and the buildings will be placed 81-96 feet from the front yard property line, in excess of the minimum 35-foot front yard requirement of the zone

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Two hotels are located within the city. Both existing hotels are located near the Agoura Road/Reyes Adobe Road intersection and are more than one mile away from the project site and only one existing hotel in the City offers extended stay suites.

F. The proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan. 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 provide for a visitor-serving commercial use, which is a policy of attaining this General Plan goal.

Section 4. The request to change approved building materials for construction an approved hotel is not considered a "project" under the California Environmental Quality Act (CEQA), per Section 15378 of the CEQA Guidelines and, therefore, no CEQA review is necessary.

Section 5. Based upon the aforementioned findings, the Planning Commission hereby approves an amendment to Conditional Use Permit Case No. 03-CUP-018, with respect to property described in Section 1 hereof, subject to the attached Conditions of Approval.

Draft Resolution No. ____

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PASSED, APPROVED and ADOPTED this 6th day of July, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Phil Ramuno, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(CASE NO. 03-CUP-018 AMENDMENT)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing at the applicant is aware of and accepts all conditions of this permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved plans as approved by the City Council on January 28, 2004.
4. It is hereby declared to be the intent that if any provision of this permit is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a condition of this action that if any condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.

SPECIAL CONDITIONS

6. All Conditions of Approval in City Council Resolution No. 04-1312, except as modified herein, are valid and shall remain valid for the life of the project. The Conditions of Approval in City Council Resolution No. 04-1312 are amended as follows:

“Planning Conditions:

77. The applicant shall comply with all building material samples approved by the Planning Commission. The cedar panel shake material shall be replaced with Hardie plank siding of “Khakie Brown” color (Product No. JH20-30). Prior to final painting and final application of stone veneer on the buildings, the applicant shall provide color samples on the building wall for review and approval by the Director of Planning and Community Development.”

END