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**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

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**ACTION DATE:** December 6, 2007

**TO:** Planning Commission

**APPLICANT:** Danari Oak Creek, LLC  
c/o Adler Realty Investments, Inc.  
20950 Warner Center Drive, Suite C  
Woodland Hills, CA 91367

**CASE NOS.:** 06-CUP-007 and 06-SP-037

**LOCATION:** 28941-29145 Canwood Street  
(A.P.N. 2048-011-(049-053) and 2048-011-061)

**REQUESTS:** A request for approval of a Conditional Use Permit to construct five (5) detached buildings totaling 33,680 square feet in size for retail and restaurant use (Shops at Oak Creek); and a request for a Sign Permit for approval of the project's proposed sign program.

**ENVIRONMENTAL  
DETERMINATION:** Compliant with the Certified Environmental Impact Report for the Tract

**RECOMMENDATION:** If the Planning Commission wishes to approve Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037, staff will return with a Resolution and conditions approval for adoption.

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

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

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

As background, on June 12, 2002, the City Council approved J.h. Snyder Company's Oak Creek residential and commercial subdivision on property located on the north side of Canwood Street, east of Kanan Road, on 38.72 acres of land. Specifically, the City Council approved Tract Map No. 53752 and Conditional Use Permit No. 01-CUP-009, granting entitlement for the development of 336 apartment units which were completed in 2004. The City Council's approval of the Tract Map allowed for the property to be subdivided into seven lots consisting of two (2) multi-family residential lots, five (5) commercial lots, and three (3) permanent open space lots. The five commercial lots were located across the southern edge of the property, adjacent to Canwood Street, and extended onto the west and east sides of Medea Creek, within the Commercial Retail Service (CRS) zone and the Freeway Corridor (FC) Overlay zones. These five lots were conceptually assumed to accommodate approximately 85,000 square feet of office space in two buildings located on two separate parcels, as well as approximately 23,700 square feet of restaurant buildings located on three separate parcels. The City Council's approval of the Tract Map was part of the overall Kanan Road/101 Freeway interchange project and included a significant change in zoning of the property from Commercial Retail Service to a mix of High Density Residential and Commercial Retail uses. The Kanan Road/101 Freeway interchange project also involved the realignment of Canwood Street, removal of the Denny's Restaurant and three (3) commercial buildings, modifications to the creek, removal of non-conforming billboards, undergrounding of utilities, land exchange, and dedication of the hillsides as open space.

On March 6, 2003, the Planning Commission approved the applicant's request to amend the Tentative Tract Map to reconfigure the five commercial lots into six (6) commercial lots. This map reconfiguration was intended to still allow for two office buildings, as well as four restaurants, instead of three restaurants. The combined size of the commercial lots did not change from the original Tentative Tract Map. The Final Map was approved by the City Council on August 27, 2003.

In lieu of developing one of the two anticipated office buildings in the tract, HBF Holdings LLC, received the City Council's approval of a Conditional Use Permit to construct a 125-unit Homewood Suites Hotel on a 3.15 acre parcel (Parcel 8), at the eastern end of the tract. The three-story hotel includes four detached buildings totaling 88,109 square feet in size. The property owner, J.h. Snyder Company, received the Planning Commission's approval of a Lot Line Adjustment to increase the size of the lot from 2.54 acres to accommodate the construction of the hotel. To accomplish the increased lot size, the Lot Line Adjustment application included a request to reduce the size and reconfigure the lot lines of two adjoining parcels (Lots 7 to the west and Lot C to the north).

When the City Council originally approved the Master Tentative Tract Map and the Conditional Use Permit in 2002, they included a condition of approval that requires the applicant to submit new Conditional Use Permit applications for development and approved uses on the commercial lots. It was originally anticipated that each parcel would be sold separately and developed separately. Thus the Conditional Use Permit was a way to control and review each project incrementally. Instead, Alder Realty Investments, Inc. bought the remaining vacant parcels and plans to develop them at once. While the size of the buildings are shown for each commercially zoned parcel on the Tract Map, as part of Conditional Use Permit review the Planning Commission has discretion on the size, location, design and use of the individual buildings. The Planning Commission also has discretion in determining how each use and development of the commercial lots is compatible with the others and with the overall development of the Oak Creek project concept. The Master Plan for the tract shows the vacant lots to have development potential for up to 40,000 square feet of office space and 23,700 square feet of restaurant space within the vacant lots, but the property owner could request buildings of smaller sizes and alternate uses for the Planning Commission's consideration.

In this instance, the applicant is requesting approval to construct five (5) separate buildings within the five (5) vacant lots within the Commercial Retail Service (CRS) and Freeway Corridor Overlay (FC) zones. Specifically, the project includes 13,440 square feet of retail space and 20,240 square feet of restaurant space. Two stand-alone restaurants are proposed, on either side of the Medea Creek, which are 7,500 square feet and 6,800 square feet in size. Four smaller restaurants of 980 square feet to 2,000 square feet in size within a multi-tenant building (Building A). Each of the five buildings would be single-story in height.

The development proposal will require administrative approval of a Lot Line Adjustment to reconfigure the existing five parcels to accommodate the proposed uses and required on-site parking. The applicant is also seeking a Sign Permit from the Planning Commission for approval of a Sign Program.

The property has been pregraded with the development of the apartments to the north, and is relatively flat. However, additional fill is proposed to raise the pad elevations above the current condition. On the west side of the creek, the topography descends to the southeast. The property descends to the southwest on the east side of the creek.

Access to the property would be taken from two driveways on Canwood Street, on the west side of the creek, and one driveway on the east side of the creek that would be shared with the existing Homewood Suites Hotel to the east. McDonald's Restaurant is located west of the project site and the Archstone Oak Creek Apartments are located to the north. Canwood Street and the 101 Freeway is located to the south. The required development standards for the project are noted below.

Pertinent Data for the Proposal

	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/ Required</u>
1. Lot Area			
Parcel 3	1.65 acres	1.41 acres	0.23 ac. min.
Parcel 4	0.90 acres	0.61 acres	0.23 ac. min.
Parcel 5	1.00 acres	1.53 acres	0.23 ac. min.
Parcel 6	1.33 acres	1.47 acres	0.23 ac. min.
<u>Parcel 7</u>	<u>0.82 acres</u>	<u>0.68 acres</u>	<u>0.23 ac. min</u>
Total	5.70 acres	5.70 acres	N/A
2. Building Size			
A (Parcel 3)	N/A	7,380 sq. ft.	N/A
B-1 (Parcel 4)	N/A	6,000 sq. ft.	N/A
B-2 (Parcel 5)	N/A	6,800 sq. ft.	N/A
C-1 (Parcel 6)	N/A	7,500 sq. ft.	N/A
<u>C-2 (Parcel 7)</u>	<u>N/A</u>	<u>6,000 sq. ft.</u>	<u>N/A</u>
Total	N/A	33,680 sq. ft.	N/A
3. Bldg. Height			
A (Parcel 3)	N/A	22.5 ft. (30.16 ft. to peak)	35 ft. max.
B-1 (Parcel 4)	N/A	17.75 ft. (22 ft. to peak)	35 ft. max.
B-2 (Parcel 5)	N/A	22.75 ft. (26 ft. to peak)	35 ft. max.
C-1 (Parcel 6)	N/A	To be determined	35 ft. max.
C-2 (Parcel 7)	N/A	27.75 ft.	N/A
4. Building Lot Coverage			
A (Parcel 3)	N/A	12%	60% max.
B-1 (Parcel 4)	N/A	22%	60% max.
B-2 (Parcel 5)	N/A	11%	60% max.
C-1 (Parcel 6)	N/A	12%	60% max.
<u>C-2 (Parcel 7)</u>	<u>N/A</u>	<u>21%</u>	<u>60% max.</u>
Total	N/A	14%	60% max

Pertinent Data for the Proposal

	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/ Required</u>
5. Parking			
A (Parcel 3)	N/A	87 spaces	84 spaces min.
B-1 (Parcel 4)	N/A	24 spaces	24 spaces min.
B-2 (Parcel 5)	N/A	83 spaces	82 spaces min.
C-1 (Parcel 6)	N/A	83 spaces	73 spaces min.
<u>C-2 (Parcel 7)</u>	<u>N/A</u>	<u>24 spaces</u>	<u>24 spaces min.</u>
Total	N/A	301 spaces	287spaces min
6. Landscape Coverage	N/A	12%	10% min.
7. No. of Oak Trees	1	1 (to be retained)	N/A

**II. STAFF ANALYSIS**

Site Plan

With the exception of Building B-2, on the west side of the creek, each of the buildings is proposed to be situated along the Canwood Street frontage, with parking proposed to the north. Public access to each of the five buildings would be taken from the parking lot, rather than on the street frontage side. Each building will have finished floor elevations above Canwood Street, allowing for visibility from the street and 101 Freeway. Specifically, the east portions of Building A will be approximately 2 feet higher than the street but, on average, will be approximately level with Canwood Street. Buildings B-1 and B-2 will be approximately 3 and 4 feet respectively above Canwood Street. Building C-1, located on the east side of Medea Creek, is proposed 12 feet above Canwood Street and Building C-2 is proposed to be situated 14 feet above Canwood Street.

With the exception of Building A, the project meets the development standards of the zone, building coverage (60% maximum), building height (35 feet maximum) and setbacks from property lines. The minimum front and rear setback requirements of the CRS zone are equal to the height of the buildings. Building A is 22.5 feet in height, however the grading plan notes a minimum front (south) yard setback of 20 feet. Since no Variance application was filed for the encroachment, the applicant will be required to relocate or reconfigure the building to meet this minimum setback requirement. There is no minimum side yard setback requirement that is applicable for this project.

Although the locations of the buildings, as conditioned, exceed the minimum distance from the south property line, the issue of building locations and prominence was an issue of extensive discussions between staff, the Economic Development Committee and the applicant. Since our review of the project in its preliminary design stage, staff expressed concerns to the applicant about the linear placement of the buildings, which is parallel to Canwood Street and the 101 Freeway to the south. By locating the buildings along Canwood Street, the parking lots are screened from the roadways, as recommended in the City's Architectural Design Guidelines and Standards, and provide a privacy buffer to the apartment residents to the north. Previous iterations of the site plan called for all five building located along Canwood Street. At staff recommendation, the applicant considered locating Building B-1 adjacent to the north property line, but reconsidered due to potential impacts to the apartment residents to the north, as well as rear yard setback requirements. Instead, the applicant relocated Building B-2 further north, adjacent to the creek. Staff had also recommended that footprint of Building B-1 be cantered, similar to Buildings C-1 and C-2 on the east side of the creek, to reduce the visual massing of the building as viewed from the roadway and freeway, but the applicant has chosen not to make this change.

A key component in the City's approval of the tract was the opportunity to develop the mixed use site with an emphasis on pedestrian amenities. The first phase of the tract development included the residential component to the north, which provides walkways and hiking trails that provide access into the commercial lots to the south. The natural features of the Medea Creek were enhanced with native revegetation of the creek through the commercial lots. The City has anticipated that the creek would be a draw for pedestrians, with pedestrian paths on both sides of the creek and outdoor dining areas overlooking the creek. In fact, the name of the tract, "Oak Creek," is symbolic of the City's desire to develop the site with a strong orientation to the creek and its natural features.

The applicant is proposing such amenities, however staff and the Architectural Review Panel has encouraged the applicant to further enhance the site plan. Specific recommendations included eliminating the six (6) parking spaces located east of Building B-1, adjacent to Canwood Street to provide more landscaping features near the pedestrian courtyard that is adjacent to the creek. Other recommendations included 1) adding more trellises along parking lot walkway between the apartments and Building A, 2) providing landscaping in lieu of the 4 parking space island located northwest of Building A; 3) reconfiguring Building A in an "L-shaped" configuration, which would allow a more private outdoor seating courtyard for the small restaurants and break the linear mass of the building; 4) providing more outdoor seating on the east end of Building A and on the north end of Building B-2, which would have views of the adjacent Oak tree, which could also be up-lit in the evening; 5) re-angling the driveway between Buildings A1-5 and B-1 to provide a direct view of the Oak tree as motorists enter the site; and 6) providing greater pedestrian amenities to interact with the creek in addition to the walkways. Such amenities can include covered trellises, more benches and more enhanced railing.

The applicant has chosen not to make these changes for the following reasons: 1) additional trellises in front of Building A may conflict with the trellis within the outdoor seating area; 2) the elimination of any parking spaces within the site will impact require a reduction in building sizes; 3) the addition more outdoor dining near the Oak tree may be unnecessary since outdoor dining is proposed on the creek side of the building and more outdoor seating area will require more on-site parking; and 4) since the Oak tree is situated below the parking lot, it may not be necessary to orient the main driveway to offer clearer visibility of the Oak tree. Rather motorists entering the site would be visually drawn to the bermed landscape feature within the parking lot, west of Building B-2. The applicant has provided a courtyard and on the west side of the creek which includes benches, and a walkway, open rail fencing and bollard light at the top of the creek slopes. However, there may be more opportunities to enhance these areas with a wider landscape buffer between the parking lots, buildings and the walkways.

To further enhance the creek orientation, another feature that staff suggested to the applicant was to incorporate a pedestrian bridge over Medea Creek, or some other method to connect the east and west sides of the creek. Access between the five lots will be provided via a sidewalk on Canwood Street and the applicant has not expressed an interest in constructing a new bridge. However, such a bridge would offer a key, and safe, linkage between the buildings and a strong interest for pedestrians to interact with the creek.

The Oak Creek project was master planned as a residential and commercial development that is designed with compatible uses and site planning that takes advantage of the unique creek and hillside environment. Another goal was to make sure that the project is designed as one integrated pedestrian oriented center as opposed to five separate projects. The site is highly visible from the freeway and the Freeway Corridor Overlay zone also calls for development and design that compliments and enhances the city's low-intensity and semi-rural character. The Planning Commission has discretion to incorporate site plan changes that they deem necessary to accomplish these goals.

### Architectural Design

The applicant is requesting approval of the elevation plans for four of the five buildings. Building elevations for Building C-1, on the east side of Medea Creek, were withdrawn since they were drawn for a specific client who has since opted not to locate at this site. It is the applicant's desire to obtain approval of the Site Plan configuration proposed for Building C-1, but return at a later date with new building elevations under a new and separate Conditional Use Permit application specifically for that building.

One of the intended purposes of the City Architectural Design Guidelines and Standards is to preserve the surrounding semi-rural character of the community. The Freeway Corridor standards are intended to promote the City's image as viewed from the freeway and to recognize the

importance of the land use, architectural design, and appearance of development with the freeway corridor. The single-story design of the building is intended to achieve a low-scale, pedestrian-friendly appearance. The Architectural Review Panel reviewed several iterations of the project and supports the proposed building elevation plans that are intended to incorporate craftsmen elements and colors that are of compatible architectural vocabulary with the apartments and hotel within the tract. Materials and colors proposed for the buildings vary, but include variations of off-white, tan, beige and taupe colored wood siding colored siding; green and off-white colored wood trim; ledge stone veneer on each building except Building C-2; and charcoal colored concrete roof shingles on each building. The buildings are proposed with a mansard roofs and the heights of the buildings, vary from 17.75 feet (Building B-1) to 27.75 feet (Building C-2). In order to provide articulation and help break up the linear massing of the buildings, a tower element and cupola elements are proposed on Buildings A, B-1 and B-2. These roof elements add to the height of the buildings, but would not exceed the 35-foot maximum building height for the zone. Since the towers are considered architectural elements and do not function as two stories, the building height was measured by staff to the top of the single-story parapets. Thus, the buildings will comply with the required development standards relative to front and rear yard setbacks, as conditioned. Other elements include wood trellis over the outdoor eating areas of Building A and over the trash enclosures.

This project is unique in that four of the five buildings are placed along the street frontage, but the pedestrian entries are from the interior of the lot. Therefore, as the backs of the buildings front onto the street it is important that the street elevations do not appear as backs of the buildings. The applicant has proposed a number of design enhancements to address the Canwood Street building frontage, including use of varying roof planes and treatment, differing window styles and placement, trellises, a mix of wood and stone siding, and slight off-sets of wall planes. The building elevations are generally found to be consistent with the “Oak Creek Design Guidelines” which were adopted as part of the Master Plan and was intended to promote a unifying design theme for the entire development.

### Sign Program

The applicant is requesting approval of a Sign Permit for approval of Sign Program for the project. The applicant has stated that the Sign Program provided for consideration is intended to present sign design guidelines that address size, scale, location, methods of fabrication and illumination for future commercial tenants. Since the tenants within the project may change, the applicant has stated that the guidelines contextually illustrate the scale and proportion of possible tenant sign types.

The proposed sign program includes a proposed, perpendicular-oriented monument at each driveway entrance indicating the building addresses and name of the center (“Shops at Oak Creek”). The sign is proposed to include a ledge stone base and columns, with reverse pan channel,



gold colored lettering with LED illumination for halo perimeter lighting reflecting off the brown colored sign panel. The sign panel would not exceed the maximum size of 48 square feet, nor 6 feet in height.

Since each building has frontage on Canwood Street, as well as a public entrance facing the parking lot, each tenant would be entitled to two signs. The size of the primary signs is dictated by the amount of frontage each tenant space has, not to exceed 50 square feet or one square foot of sign area per linear foot of tenant frontage. The secondary sign cannot exceed 10 square feet. The proposed sign program shows conceptual tenant signs that exceed these requirements. Staff requests the Planning Commission comment on the proposed locations of the signs and their compatibility and proportions with the building architecture. Staff also requests the Planning Commission provide direction on whether the primary (larger) tenant signs be allowed to be oriented toward the street frontage (south sides of the buildings), or whether the larger signs should be oriented toward the parking areas, at the public entrances. The Sign Program calls for each tenant sign to be halo-lit. As stated in the previous section, as four of the five buildings back onto Canwood Street, any signs facing Canwood Street should be of a design and scale that enhances the street elevation rather than detracts from it. Sign location and method of illumination would be also be important in achieving a well designed sign program that compliments the buildings, particularly as this site is highly visible from the freeway.

Since the specific sign proposals are subject to change at this time, staff recommends the Planning Commission provide comment and direction on the Sign Program and require each tenant to receive the Planning Commission's approval of a Sign Permit when such specific signage is proposed. Staff also recommends that the on-site directional and traffic safety signage that is proposed as part of the Sign Program be subject to staff's approval prior to building permit issuance.

### Lighting Plan

A lighting plan has been submitted for the Planning Commission's consideration. The Architectural Review Panel recommends approval of the plan, with recognition given to the City's desire to achieve a pedestrian-friendly and inviting project. Accordingly, the applicant is providing bollard lights along the pedestrian paths adjacent to the creek and Oak tree. Although discouraged in the City Lighting Guidelines, wall-mounted sconces are proposed on each building as an evening attraction. Staff supports the sconce lighting because they're primarily internally oriented, thus pedestrian oriented, and not oriented toward the street. In addition, directional lights are proposed under each trellis.

Staff supports the lighting plan, but requests the Planning Commission comment on the lantern-style fixture lights proposed within the parking lot. While the Architectural Review Panel supports the style for this pedestrian-oriented project, staff is concerned that the horizontal glare from such fixtures may be a visual nuisance as viewed from Canwood Street and the 101 Freeway.

While the applicant has submitted light fixture details for the project, a detailed lighting and photometric plan has not been submitted. Staff is recommending that prior to the issuance of a building permit the applicant be required to submit a detailed photometric plan for review and approval by the Director of Planning and Community Development.

### Oak Trees and Landscaping

One (1) Oak tree is located on the west side of Medea Creek, at the northeast corner of Parcel 5. This is the only Oak tree identified in the project area but it would not be disturbed by the project construction. When the apartments to the north of the project site were constructed and surrounding lots graded, this Oak tree was preserved with a retaining wall on three sides of the tree. The base of the tree is situated approximately 11 feet below the proposed adjacent parking lot elevation. The protected zone of the Oak tree, and its existing retaining wall system, will not be disturbed or encroached upon as part of the proposed commercial construction. As such, the City Oak Tree Consultant did not require an Oak Tree Permit for this project and no mitigation measures were deemed necessary.

The applicant has submitted a preliminary landscape plan that has been reviewed by the City Landscape Consultant. The proposed landscape plan notes that 12% of the entire project site will be landscaped, which will exceed the minimum required landscape coverage of 10% for the CRS zone. However, the City Landscape Consultant is uncertain whether there will be sufficient landscaping in the parking lot areas. The landscape plan indicates that 17.3% of the parking lot will be landscaped and that 58% shade coverage would be provided. It appears, though, that the drive aisles within the parking lots were excluded from these calculations. The City Landscape Consultant requested the parking lot areas be recalculated to include drive-aisles, which is staff's policy for all commercial projects, but the applicant's landscape architect has not provided this information. As such, the City Landscape Consultant recommends that the applicant be conditioned to landscape at least 15% of the parking lots and that at least 50% shade coverage is provided. With the inclusion of the drive-aisles in the landscaping calculations, the applicant may be required to provide additional landscape planters in the parking lot areas, which could impact the number of on-site parking spaces and, consequently, the sizes of the buildings. However, there is surplus parking, as noted in the next section.

Landscaping along the street should compliment the buildings elevation since they are the backs of the buildings, which can be evaluated by the City Landscape Consultant in review of the final landscape plan. This would include the incorporation of landscape berms along the street frontage. Staff also recommends an open, split-rail designed fence be located between the sidewalk and westerly parking lot, west of Building A. Landscape screening of the loading areas will also be evaluated. One switch-back handicap ramp is proposed within the street frontage east of the creek, at the southwest corner of the site, however staff feels the pathway and retaining walls can be properly screened with landscaping.

### Traffic and Parking

The original EIR which was prepared for the tract and certified by the City Council found two significant impacts that were unavoidable, even with the use of mitigation measures: air quality and traffic. The traffic impact of full development of the tract was found to be significant and unavoidable until the Kanan Road/ Highway 101 interchange and associated improvements were implemented. These improvements were completed in the Summer of 2007. The original applicant agreed through the project development agreement to provide traffic mitigation improvements for the entire tract that included: 1) \$3,150,000 of street improvements and utility undergrounding; 2) \$1,469,872 of Traffic Impact Fees; 3) the dedication of 2.4 acres of land for the Kanan Road/101 interchange project, including the realignment of Canwood Street.

The current applicant has provided additional traffic information to staff indicating that the current project would result in less traffic trips being generated than that assumed under the tract's Final EIR. The current project is expected to generate approximately 4,839 daily trips, including 285 AM peak hour and 428 PM peak hour trips. It was previously estimated that the Homewood Suites Hotel within the tract would result in 60 AM peak hour trips and 69 PM peak hour trips. Thus, total number of peak hour trips estimated to be generated from the commercial development within the tract, including the hotel, is 345 AM peak hour trips and 497 PM peak hour trips. The project analyzed in the EIR would have generated 411 AM and 541 PM peak hour trips. Since the project has been vested by certification of the Final EIR and, more importantly execution and implementation of the terms of the tract's Development Agreement, no additional environmental analysis, including traffic mitigation analysis, may be prepared by the City. However, based on the information provided to staff, it appears that the traffic impacts of this project would be comparable, if not less, than that originally anticipated in the Final EIR.

The required number of on-site parking spaces to be provided is based on the various proposed uses. Specifically, the Zoning Ordinance requires 1 space per 250 square feet of gross retail area; 1 space per 300 square feet of gross office area; and 15 spaces per 1,000 square feet of gross restaurant seating and waiting area. Based on the floor area for each tenant space provided by the applicant, a minimum of 287 parking spaces are required for the project. The applicant is proposing 301 parking spaces. All proposed parking spaces are required to be of standard size: 8.5 feet by 18 feet.

Staff would note that although the uses within the buildings may change, each tenant will be required to have sufficient on-site parking. The lot line adjustments proposed by the applicant will provide, as currently proposed, sufficient on-site parking for each use within their individual parcels. However, the property owner is required per the conditions of approval for the tract to enter into a shared parking agreement. This agreement would allow each commercial use within the tract, including the Homewood Suites Hotel to the east, to use neighboring, off-site parking spaces if needed. In fact, the existing westerly driveway serving Homewood Suites Hotel would serve as the primary access driveway to Parcels 6 and 7 to the west.

### Engineering Review

The project area has been rough graded to accommodate the construction of the Archstone Oak Creek Apartments to the north. The site will still require remedial dragging in removal and recompaction of the soil to provide suitable building pad areas and vehicular access driveways. The grading of the site will require approximately 2,530 cubic yards of cut and 9,620 cubic yards of fill on the west side of Medea Creek (Parcels 3, 4 and 5), and 4,324 cubic yards of cut and 2,361 cubic yards of fill on the east side of Medea Creek (Parcels 6 and 7). A total of 7,394 cubic yards of import is proposed for the west side of Medea Creek and a total of 1,590 cubic yards of export is proposed for the east side of Medea Creek. Staff would note that earlier this year the City Engineer approved the applicant's request for an administrative stock pile permit as issued this year for the placement of 8,000 cubic yards of soil to be spread on the project site, west of Medea Creek, at a maximum 2-foot depth. This soil, which was exported from the Agoura Design Center project on Canwood Street, is intended to be used for on-site grading purposes. However, the issuance of a stock pile permit does not grant grading entitlement for this proposed development project.

A series of retaining walls exist on the project site. On the west side of Medea Creek, a 7-foot high retaining wall is located on the southwest edge of the Oak tree. Two, 6-foot high retaining walls are located along the north property, adjacent to the apartments, and extend along the west property line of Parcel 3. New retaining walls will be required for pedestrian access between the apartments and the westerly parking lot. The Building Official is requiring this access to be modified to accommodate handicap access. One new, 4-foot high retaining wall is proposed southwest of the Oak tree, between the parking lot and pedestrian walkway and three new retaining walls to accommodate the pedestrian plaza area and access stairwell, east of Building B-1 and adjacent to Medea Creek and Canwood Street. Staff recommends the new retaining walls be of decorative split-face block, or similar material, approved by the Director of Planning and Community Development.

On the east side of Medea Creek, a soil nail retaining wall is located on the north side of Parcels 6 and 7, and three retaining walls are located along the embankment of Medea Creek. New retaining walls of 3-5 feet in height are proposed to accommodate a new handicap access ramp and outdoor dining area southwest of Building C-1, and two separate water/irrigation service pads adjacent to Canwood Street.

The grading plan establishes finished floor elevations of Building A1-5 of 871 to 874 feet, which will be approximately level with the average elevation Canwood Street, in front of the building. The finish floor elevations of Buildings B-1 and B-2 will be approximately 3 and 4 feet respectively above Canwood Street. Building C-1, located on the east side of Medea Creek, is to have a finished floor elevation of 872 feet, which will be 12 feet above Canwood Street. Building C-2 will be situated 14 feet above Canwood Street.

The City Engineer is requiring the applicant to provide meandering sidewalks where feasible, which is the City's policy for new commercial and multi-family residential projects. The City Engineer will consider the topography of adjacent on-site slopes in making this determination. For this project, meandering sidewalks appear more feasible, without requiring additional retaining walls, on the west side of Medea Creek. Meandering sidewalks will serve to promote the pedestrian experience and connectivity with internal walkways and walkways along the creek. Street improvements will also include new curbs and gutters, as well as possible striping for new left-turn pockets into the project site. The City Engineer will also require his approval of Lot Line Adjustment to accommodate the proposed reconfigured parcels.

The pre-grading of the property was reviewed by the City Geotechnical Consultant and was included in the scope of work for development of the apartments to the north. The applicant's geotechnical consultant, The J. Byer Group, submitted an addendum to the original geotechnical reports prepared for the site for the specific development of this proposed project. The City Geotechnical Consultant found the report to be in general compliance with the City standards and has recommended approval of this updated report, subject to compliance with the conditions noted in the attached letter dated October 4, 2007. These conditions may be addressed prior to issuance of a Building Permit.

#### Environmental Review

The project involves the proposed development of retail and restaurant uses on a 5.71 acre site. The Final Environmental Impact Report (EIR) was prepared for the J.h. Snyder Company mixed use development project dated May, 2002, which include this proposed site, among contiguous other parcels. The City Environmental Analyst determined that this proposed project is generally consistent with the project analyzed in the prior EIR, and is consistent with the Commercial Retail Service zoning for the site. For this particular site, the EIR assumed two office buildings of a total of 95,000 square feet, and three restaurants of 17,000 square feet, resulting in a grand total of 112,000 square feet of building area on 8.98 acres. This area has since been developed with the Homewood Suites Hotel, with the remaining site area to the west (5.7 acres) currently being proposed for approximately 20,000 square feet of restaurant uses and 13,400 square feet of retail uses.

A Development Agreement was prepared between the original project and the City of Agoura Hills in July of 2002. The project is vested per the Development Agreement that was approved by the City Council. The EIR found two significant impacts that are unavoidable, even with the use of mitigation measures: traffic and air quality. The traffic impact was found to be significant and unavoidable until the planned Kanan Road/Highway 101 interchange and associated improvements were implemented. This work has now been accomplished. A discussion of air quality impacts, if prepared for this proposed project, would be somewhat different than the EIR based on changes in analysis since 2002 as mandated by the South Coast Regional Air Quality Board. The mitigation measures in the EIR, nonetheless, would still be required.

The City Environmental Analyst concludes that because the project has been vested by the Final EIR, and more importantly, the execution of a Development Agreement, no additional environmental analysis per the California Environmental Quality Act (CEQA) may be prepared by the City.

### **III. FINDINGS**

The Zoning Ordinance states that in order for the Planning Commission to approve this project, the Commission must be able to make the specific findings for approval. The project as proposed and conditioned, meets the development requirements for the CRS (Commercial Retail Services) and the FC (Freeway Corridor Overlay) zones. Various retail and restaurant uses are allowed in the zones. As conditioned, the project complies with the development standards with regard to building height, lot coverage, and parking. It also complies with the General Plan in that this project facilitates the development of vacant and underutilized freeway parcels with commercial uses which capitalize on their freeway access, as called for in Policy 1.2 of the Land Use Element.

The Planning Commission may use its discretionary authority to require more than minimal Zoning Code requirements as well as other design changes to meet the original intent of this mixed use development. The Planning Commission also has the discretion to impose conditions as it may deem necessary to ensure compatibility of the uses with surrounding developments and may include, but not be limited to: requiring special yards; open spaces, buffers, fences, and walls; requiring more landscaping; regulation of vehicular access and traffic circulation; regulation of signs; regulation of hours or operation and methods of operation; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; and description of development schedules and development standards. If the Planning Commission finds that the project, as conditioned, is appropriate for the site, location, topography, etc., staff will return with a Resolution of Approval and Conditions for the Planning Commission's adoption. Meanwhile, staff has prepared the attached draft list of project Conditions for the Planning Commission's consideration.

### **IV. RECOMMENDATION**

Based on the forgoing review and analysis, it is recommended that the Planning Commission direct staff to return with the appropriate Resolution for adoption.

### **V. ATTACHMENTS**

- Draft Conditions for Conditional Use Permit and Sign Permit
- Letter from City Geotechnical Consultant
- Reduced Photocopies of the Plans
- Vicinity Map

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