

December 6, 2007  
Staff Report



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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 the 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

Case Planner: Doug Hooper, Assistant Director of Community Development

# Draft Conditions



**DRAFT CONDITIONS OF APPROVAL (Case Nos. 06-CUP-007 and 06-SP-037)**

**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 the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the Planning Commission: Site Plan, Building Elevation Plans, Floor Plans, Roof Plans, Grading Plans and Landscape Plans.
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.
6. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth in the Conditional Use Permit.
7. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
8. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If overhead utilities of 66 KV or greater exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.
9. If required, the applicant shall provide road markers opposite the existing or proposed fire hydrants serving the property to the satisfaction of the City Engineer.

10. A minimum of 287 parking spaces shall be provided on the subject property, at least twelve (12) of which shall be designated for handicap parking. All parking spaces shall include wheel stops and the spaces shall be of standard size and pinstriped, in conformance with the City Parking Ordinance.
11. The applicant shall install bicycle racks within the project area. The number and location of bicycle racks shall be subject to approval by the Director of Planning and Community Development.
12. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
13. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
14. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
15. Unless Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037 are used within two (2) years from the date of City approval, the permit will expire. A written request for a one-year extension may be considered prior to the expiration date.
16. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
17. Prior to the issuance of Grading Permit or Building Permits, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.42/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
17. The applicant shall pay to the City the applicable Fire District Developer Fee prior to the issuance of Building Permits. The current fee is \$0.7876/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.

18. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41 per \$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.
19. Prior to the issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.

#### LANDSCAPING CONDITIONS

##### Landscaping

20. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements, subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development:
  - a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - b. All plans shall be legible and clearly drawn.
  - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
  - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
  - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
  - f. The project identification number shall be shown on each sheet.
  - g. The plans shall accurately and clearly depict the following existing and proposed features:

- Landscape trees, shrubs, ground cover and any other landscaping materials
  - Property lines
  - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
  - Buildings and structures
  - Parking areas, including lighting, striping and wheel stops
  - General contour lines
  - Grading areas, including tops and toes of slopes
  - Utilities, including street lighting and fire hydrants
  - Natural features, including watercourses, rock outcroppings
- h. The Planting Plan shall indicate the botanical name and size of each plant.
21. Plant symbols shall depict the size of the plants at maturity. Tree spacing specifically shall be adjusted to allow for optimum growth of each tree species.
22. The final plans shall not include any palm species.
23. All parking lot finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) stalls apart.
24. All planters must have a minimum width of four feet (4'). Planters along the south side of the buildings along Canwood are too small to support trees. Larger planters would enable small trees to grow along the edges of the patios, through the proposed trellis.
25. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
26. The plans shall provide for the planting of one (1) twenty-four inch (24") box-size oak tree per fifteen thousand (15,000) gross square feet of building area.
27. The landscape plans shall prominently display the following notes:
- a. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.

- b. Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plans.
28. Proposed light standard locations shall be depicted on the planting plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Consultant.
29. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
30. The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings with a minimum of waste and over spray on adjoining areas.
31. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
  - a. Design and static pressures
  - b. Point of connection
  - c. Backflow protection
  - d. Valves, piping, controllers, heads, quick couplers
  - e. Gallon requirements for each valve
32. Three (3) copies of details and specifications shall be provided, addressing but not limited to, planting, soil preparation, tree staking, guying, installation details, and post installation maintenance.
33. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:
  - Site Plan
  - Elevations
  - Grading Plan
  - Conditions Of Approval

34. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
35. A minimum of fifteen percent (15%) of the total lot shall be landscaped.
36. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
37. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including parking spaces, driveways and aisles, shall be covered by tree canopies within fifteen (15) years after installation. The applicant shall submit an exhibit that demonstrates how this requirement has been met.
38. In accordance with the Freeway Corridor Overlay District, the final plant palette and arrangement along the outer borders of the project must reflect more naturalistic and native theme, emphasizing native oak trees.
39. All plant material must be considered compatible with Sunset Zone.
40. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
41. Poor landscape practices such as topping, hedging and “lollipoping” shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City Landscape consultant.

#### PUBLIC WORKS/ENGINEERING DEPARTMENT CONDITIONS

The following conditions are required with this permit:

##### Prior to Permitting (Grading, Building, Encroachment, Etc.)

42. This project requires a Lot Line Adjustment to be processed.
43. All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.

44. Provide a copy of proposed Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, to the City Engineer for review and approval of the City Attorney. These CC&R's shall ensure, among things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
45. For all work within the public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc. shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet Las Virgenes Municipal Water District (LVMWD) standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at [www.ci.agoura-hills.ca.us](http://www.ci.agoura-hills.ca.us).
46. All existing street and property monuments within or abutting this project site shall be preserved, consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's Office.
47. Detailed onsite utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals, water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the City Engineering Department until this detailed utility information is included on the plans.
48. The Grading Plan shall show the location(s) of all Oak trees within the vicinity of the site. The applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
49. The applicant shall submit electronic files (i.e. CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
50. The applicant shall submit a soils/geology report to the project engineer for review and approval in accordance with Government Code Section 66434.5 as required by the City Engineer.

51. Prior to the issuance of permits from the Engineering Department, this project will require a permit from the following agencies: 1) Los Angeles County Flood Control District; 2) FEMA; and 3) Las Virgenes Municipal Water District.
52. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. The applicant shall contact the Engineering Department for approved City certification forms.
53. The applicant shall provide a preliminary title report not older than thirty (30) days.
54. The applicant shall provide detectable warnings on all on-site and/or off-site ramps or walks where pedestrian (with visual disability) are required to enter hazardous vehicular areas.

#### Public Improvements

55. The applicant shall design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. Such public improvement on Canwood Street may include, but not be limited to, the following: 1) Replace damaged curb and gutter; 2) Provide a meandering sidewalk, where deemed appropriate and feasible by the City Engineer, along the entire frontage of the property; 3) Provide a new retaining curb along the sidewalk to combat mud and silt migration from newly created ground slopes. The final design of the curb shall be reviewed and approved by the City at Plan Check stage; 4) Provide/add detectable warning (truncated domes) on all existing curb ramps in compliance with ADAAG and 2007 CBC requirements; 5) Provide trees and landscaping in the parkways; 6) Provide new street lights along the entire frontage on Canwood Street; 7) Provide lateral(s) for sewer service; 8) Provide storm drain catch basins; 9) Modify traffic signage and striping; 10) Underground overhead utilities in compliance with the Municipal Code; and 11) Provide ADA compliant access to the Oak Creek apartments on the north side of Parcel 5, in-lieu of stairs.
56. Canwood Street will be cut for new services or be finished with curb and gutter and may require an asphalt concrete overlay.
57. This property is within the LVMWD service area. The applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.



Sewer

58. An 8-inch sewer line is available for connection by the project in Canwood Street (Ref. Sewer Plan Dwg. # CO2-0488-10).
59. The applicant shall use existing laterals, whenever provided, for connection to the public sewer system.

Water

60. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and the City.

Hydrology

61. A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.
62. Post-development flow shall not exceed the pre-development condition. Any excess flow shall be detained onsite by approved methods.
63. Post development flows shall not adversely alter the current natural condition of Medea Creek. Additional measures, as approved by the City Engineer, may be required if determined necessary at Plan Check stage.

Stormwater Quality (NPDES)

64. Prior to approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:

- A. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  - B. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff.
  - C. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
  - D. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded area during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
65. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) shall be submitted to and approved by the Engineering Department. The SUSMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.
66. All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction permit to the Engineering Department.
67. All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: [www.cabmphandbooks.com](http://www.cabmphandbooks.com) and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the

adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

- A. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
- B. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff.
- C. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
- D. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded area during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

Prior to Certificate of Occupancy

- 68. All remaining fees/deposits required by the Engineering Department must be paid in full.
- 69. All requirements including construction of improvements covered in Section 2, must be completed to the satisfaction of the City Engineer.
- 70. The applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for offsite improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction must be submitted to the City via the City's inspection prior to scheduling of final inspection for acceptance of the improvements. No final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless MYLAR, Record (as-built) Drawings, satisfactory to the City, are submitted.
- 71. The applicant shall record a covenant for continued stormwater maintenance, using City-approved forms, with Los Angeles County. An electronic copy of this document is available on the City's website: [www.agoura-hills.ca.us](http://www.agoura-hills.ca.us).

#### BUILDING AND SAFETY DEPARTMENT CONDITIONS

72. Each handicap parking stall must be located at the closest possible location to the building entrance and shown on the site plan.
73. The applicant shall note on the site plan the total number of on-site parking spaces, handicap parking spaces, and van-accessible parking spaces.
74. The required accessible path of travel from the public right-of-way (sidewalk) to the site and between the buildings shall be shown and noted on the site plan and grading plan. Handicap access shall also be provided west of Medea Creek, between the apartment complex to the north and the parking lot, in lieu of a stairwell.

#### FIRE DEPARTMENT CONDITIONS

75. The applicant shall comply with all conditions of the Los Angeles County Fire District prior to the issuance of a building permit.

#### SOLID WASTE MANAGEMENT STANDARD CONDITIONS

76. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
77. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the

applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.

78. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

#### PLANNING DEPARTMENT/SPECIAL CONDITIONS

79. A pre-construction conference shall be held prior to the issuance of a grading permit with all construction personnel involved with the grading operations. A procedure shall be established to handle any complaints received from the surrounding property owners or residents of the City during the grading and construction operations. Applicant shall deposit funds with the City necessary to cover costs of the City hiring an environmental mitigation monitor.
80. Roof-mounted mechanical equipment shall be screened from public view and views from adjoining properties in a manner that is architecturally compatible with the buildings and subject to review and approval by the Director of Planning and Community Development.
81. Prior to issuance of a building permit, the applicant shall provide locations and construction details for all transformer locations proposed for the project for approval by the Director of Planning and Community Development. The transformers shall be screened from public view by their locations and extensive landscape screening.
82. Prior to submitting plans into plan check for a building permit the applicant shall provide an exterior lighting photometric plan for review and approval by Director of Planning and Community Development. The light intensity of installed project light fixtures shall be subject to field review and approval by the Community Development Director. The lighting shall be of a low intensity that is compatible with the natural environment.
83. Pursuant to Municipal Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit a public art plan for the buildings which meets the requirements set forth by the City Council, for review and approval by the Director of Planning and Community Development. Prior to the issuance of

- occupancy for the buildings, the artwork shall be constructed and thereafter displayed for public view in a location approved by the Director of Planning and Community Development. If the approved art display is not maintained in good condition, or is altered without the permission of the Director of Planning and Community Development so that the improvements no longer conform to the approved arts plan, the certificate of occupancy may be revoked and the owner of the property on which the improvement is located shall be deemed to have committed a misdemeanor.
84. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.
  85. On-site decorative paving shall be provided at the driveway entrance serving the site and on the pedestrian pathways located between the buildings within the parking areas. The color, materials, length and location of the decorative paving shall match the materials approved by the Planning Commission.
  86. Prior to the submittal of plans into plan check for a Grading Permit or Building Permit, the applicant shall comply with the project recommendations of the City Geotechnical Consultant and the City Geological Consultant.
  87. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.
  88. The applicant shall comply with all building material samples approved by the Planning Commission. 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.
  89. Location and design details for all proposed walls and fences shall be provided for review and approval by the Director of Planning and Community Development, prior to the issuance of a grading permit. Garden walls and retaining walls shall be of split-face block.
  90. The Grading Plan shall specify proposed paving materials and include a note that refers to the Landscape Plan for specific landscape materials shown on the Grading Plan.

91. Prior to the issuance of a building permit, the applicant shall submit the location and screening details of all ground-mounted mechanical equipment for review and approval by the Director of Planning and Community Development.
92. Satellite dish antennas shall be screened from view from the parking lot and adjacent roadways, including the freeway. The location and screening methods proposed for installation of a satellite dish shall be subject to review and approval by the Director of Planning and Community Development.
93. Prior to issuance of a grading permit, the property owner shall enter into and record a legally binding reciprocal parking and access covenant for the two lots, subject to review and approval by the City Attorney.
94. Except as otherwise approved herein, the applicant shall comply with all conditions of approval and Mitigation Measures adopted for Tentative Parcel Map No. 62245.
95. Building A shall be located at least 22.75 feet from the south property line.
96. Building C-1 is not approved with this permit. Construction on Parcel 6 shall be subject to approval of a Conditional Use Permit from the Planning Commission.
97. Prior to the starting construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and fence material shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material as approved by the Director of Planning and Community Development. The location of the temporary fences shall be subject to approval by the City Engineer. Temporary construction fencing and gates shall be maintained in good order at all times.
98. The landscaping along the frontage of Canwood Street shall be bermed as determined feasible by the City Landscape Consultant. Open rail fencing shall also be provided between the sidewalk and westerly parking lot, west of Building A.
99. All retaining walls and garden walls shall be of decorative split-face block, or similar material as approved by the Director of Planning and Community Development.

100. Any graded parcels within the tract for which building permits have not been issued shall be temporarily landscaped and irrigated until such time building permits are issued. The manner in which the parcel(s) shall be landscaped and irrigated shall be subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development
101. The proposed monument signage is approved with this permit and shall be located at least five (5) feet from the property line and not obstruct traffic visibility as determined by the City Traffic Consultant.
102. The applicant or property owner shall obtain the Planning Commission approval of a Sign Permit and a Building Permit from the City, prior to construction and/or installation of any sign. Sign colors, materials and location shall be at the discretion of the Planning Commission.
103. All approved illuminated signs shall be illuminated by light-emitting diode (LED), subject to compliance with the City Sign Guidelines, the City Architectural Design Standards and Guidelines, and the regulations of the City Building and Safety Department.
104. Upon installation of the signs, the intensity level of the illumination shall be subject to review and approval by the Director of Planning and Community Development. The Director may require the reduction of the intensity of illumination at any time.
105. The signs shall not be illuminated after 11:30 p.m., or after the close of business, whichever occurs last.
106. Upon removal of any wall sign, remaining holes on the building shall be patched and painted to match the building.

END



Letter from  
Geotechnical  
Consultant

Date: October 4, 2007  
GDI #: 06.00103.0152

**CITY OF AGOURA HILLS - GEOTECHNICAL REVIEW SHEET**

To: Doug Hooper

Project Location: Canwood Street, East & West of Medea Creek, Agoura Hills, California

Planning Case #: 06-CUP-007 (Adler Realty Investments)

Building & Safety #: None

Geotechnical Report: ""ABI Engineering Consultants, Inc. (2007), "Oak Creek Development, Uppermost Keystone Wall along East side of Medea Creek Design Review per revised grading plan provided by Westcon Engineering, Inc.," Project No. 70184, dated September 25, 2007.

The J. Byer Group, Inc. (2007), "Addendum Geotechnical Engineering Update, Proposed Five Commercial Buildings, Lots 3-6, and a Portion of Lots 7 and C, Tract 53752, Canwood Street, East and West of Medea Creek, Agoura Hills, California," JB 20408-C, dated July 31, 2007.

The J. Byer Group, Inc. (2006), "Geotechnical Engineering Update, Proposed Five Commercial Buildings, Lots 3-6, and a Portion of Lots 7 and C, Tract 53752, Canwood Street, East and West of Medea Creek, Agoura Hills, California," JB 20408-C, dated May 24, 2007.

The J. Byer Group, Inc. (2006), "Geotechnical Engineering Update, Proposed Five Commercial Buildings, Lots 3-6, and a Portion of Lots 7 and C, Tract 53752, Canwood Street, East and West of Medea Creek, Agoura Hills, California," JB 20408-C, dated August 15, 2006.

The J. Byer Group, Inc. (2006), "Final Compaction Report, Oak Creek Development, Lots 1 - 8, and A - C, 28901 - 29145 Canwood Street, and 28290 - 29143 Oak Creek Lane, Agoura Hills, California," JB 18501-B, dated August 10, 2006.

Plans: Westcon Engineering Inc., (2007), "Conceptual Grading Plan, for CUP Submittal, Canwood Street, East Side of Medea Creek, Sheets 1 through 3," Scale 1"=20', dated January 30, 2007.

Previous Reviews: February 22, 2007, June 28, 2007 and August 2, 2007.

CITY OF AGOURA HILLS  
 2007 OCT -9 AM 11:18  
 CITY CLERK

**FINDINGS**

Planning/Feasibility Issues

- Acceptable as Presented
- Response Required

Geotechnical Report

- Acceptable as Presented
- Response Required

**REMARKS**

ABI Engineering Consultants, Inc. (ABI) provided an evaluation of the existing keystone retaining wall along the east side of Medea Creek, at the proposed development of the site located on Canwood Street, east and west of the Medea Creek, Agoura Hills, California. The proposed development includes the construction of five commercial buildings. About three to six feet of fill will be necessary to reach the finished grade. Grading activities were previously performed at the site. The site was rough graded under the observation of the J Byer Group, Inc. Additional fill is proposed to be placed over the level backfill behind the existing keystone at a 2(h):1(v) gradient.

The City of Agoura Hills – Planning Department reviewed the referenced report from a geotechnical perspective for compliance with applicable codes, guidelines, and standards of practice. GeoDynamics, Inc. (GDI) performed the geotechnical review on behalf of the City. Based upon a review, the referenced reports are acceptable as presented with regard to planning and feasibility issues. We recommend the Planning Commission consider approval of Case Nos. 06-CUP-007. Plan-Check comments should be addressed in Building & Safety Plan Check, and a separate geotechnical submittal is not required for plan-check comments.

### **Plan-Check Comments**

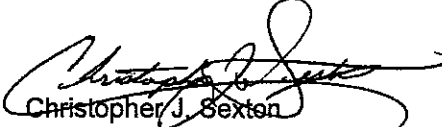
1. The structural engineer for the project should provide a letter indicating that the foundations of all habitable structures are designed for the total and differential settlements (seismic and static accumulatively) in a manner that meets the building code intent.
2. The name, address, and phone number of the Consultant and a list of all the applicable geotechnical reports shall be included on the building/grading plans.
3. The grading plan should include the limits and depths of overexcavation of the building pad and flatwork areas as recommended by the Consultant.
4. The following note must appear on the grading and foundation plans: *"Tests shall be performed prior to pouring footings and slabs to determine the expansion index of the supporting soils, and foundation and slab plans should be reviewed by the Geotechnical Consultant and revised, if necessary, accordingly."*
5. The following note must appear on the grading and foundation plans: *"All cut-slopes should be mapped during grading. Stabilization measures should be applied where future cuts expose adversely oriented joint surfaces or intersections of joint surfaces."*
6. The following note must appear on the grading and foundation plans: *"Excavations shall be made in compliance with CAL/OSHA Regulations."*
7. The following note must appear on the foundation plans: *"All foundation excavations must be observed and approved, in writing, by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
8. Foundation plans and foundation details shall clearly depict the embedment material and minimum depth of embedment for the foundations.
9. Drainage plans depicting all surface and subsurface non-erosive drainage devices, flow lines, and catch basins shall be included on the building plans.
10. Final grading, drainage, and foundation plans shall be reviewed, signed, and wet stamped by the consultant.
11. Provide a note on the grading and foundation plans that states: *"An as-built report shall be submitted to the City for review. This report prepared by the Geotechnical Consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map."*

If you have any questions regarding this review letter, please contact GDI at (805) 496-1222.

Respectfully Submitted,  
**GeoDynamics, INC.**

*Ali A. Haq*

Ali Abdel-Haq  
Geotechnical Engineering Reviewer  
GE 2308 (exp. 12/31/07)

  
Christopher J. Sexton  
Engineering Geologic Reviewer  
CEG 1441 (exp. 11/30/08)

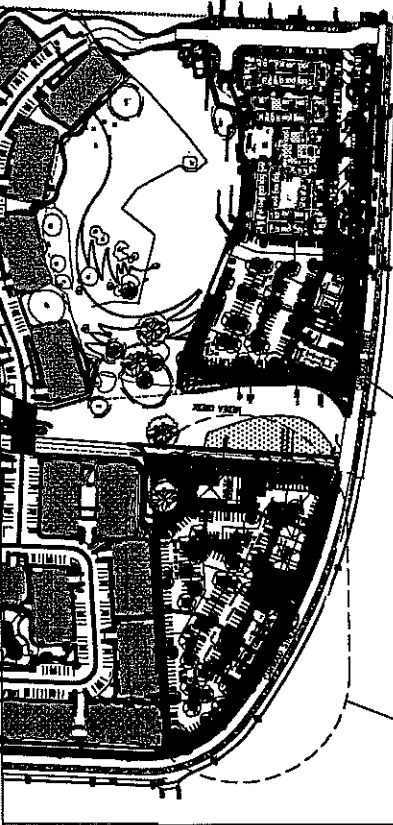
# Reduced Copies of Plans

<b>PARCEL 3 (1.41 acres)</b>
RESTAURANT @ 16' 1000 S.F. = 68 SPACES (8940 S.F., 89' 3020 S.F. serving area)
PATIO @ 15' 1000 S.F. = 20 SPACES (1291 S.F. total)
RETAIL @ 4' 1000 S.F. = 8 SPACES (1480 S.F. total)
PARKING PROVIDED BY CITY = 86 SPACES PARKING PROVIDED = 67 SPACES

NOTE: FOR LANDSCAPE AND HARDSCAPE ELEMENTS, SEE LANDSCAPE PLANS.



**OAK CREEK OVERALL SITE PLAN**  
SCALE= 1"= 100'



ENLARGED PLAN VIEW -  
PHASE II

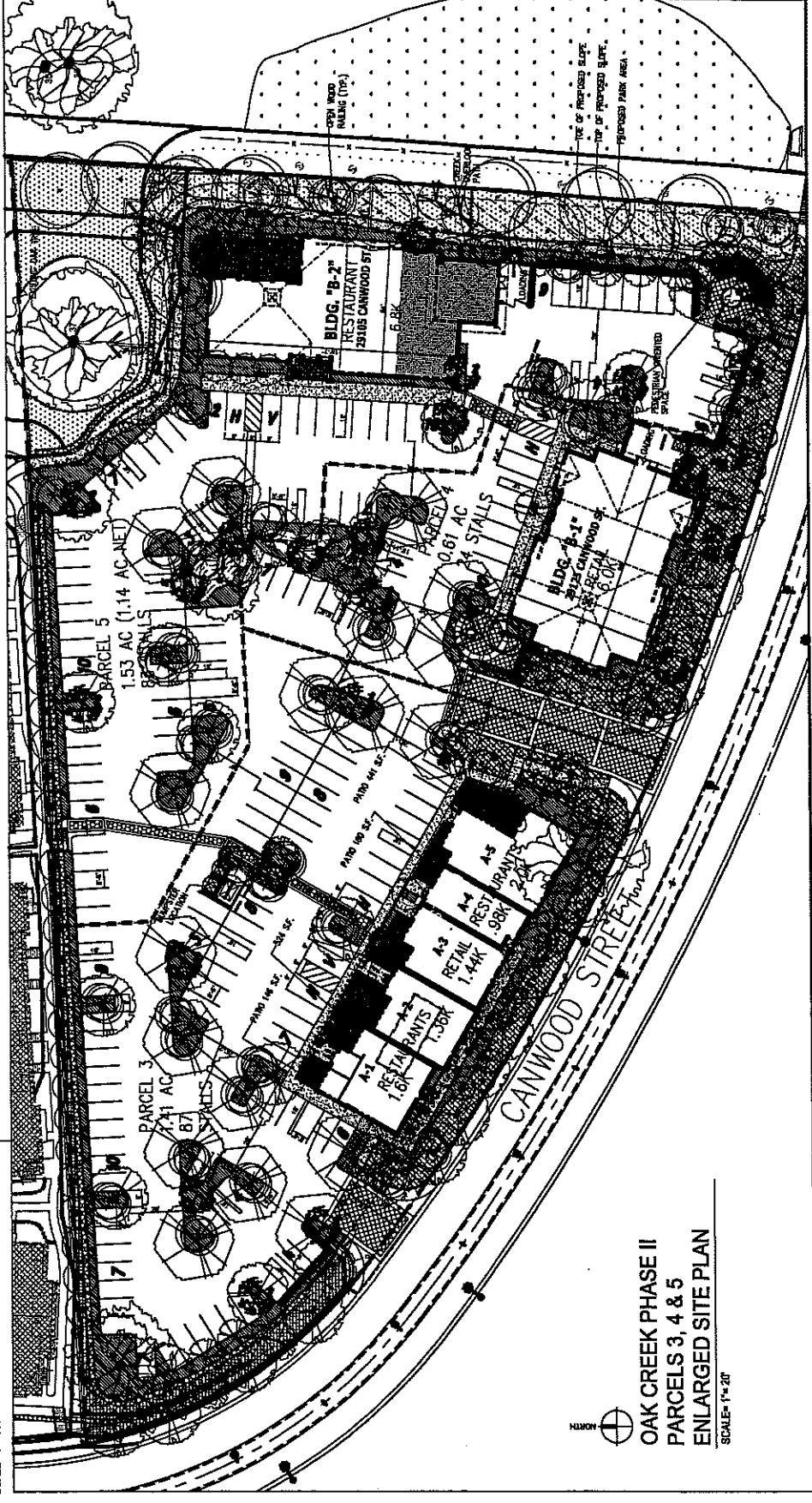
PHASE I CONCEPTUAL  
UNDER SEPARATE PERMIT

<b>PARCEL 4 (0.61 acres)</b>
RETAIL @ 4' 1000 S.F. = 24 SPACES (6000 S.F. total)
TOTAL SPACES FOR PARCEL 4 = 24 SPACES
<b>PARCEL 5 (1.53 acres)</b>
RESTAURANT @ 16' 1000 S.F. = 68 SPACES (8930 S.F., 89' 3020 S.F. serving area)
PATIO @ 15' 1000 S.F. = 15 SPACES (655 S.F. total)
TOTAL SPACES FOR PARCEL 5 = 83 SPACES
PARKING PROVIDED BY CITY = 107 SPACES PARKING PROVIDED = 107 SPACES

NOTE: FOR LANDSCAPE AND HARDSCAPE ELEMENTS, SEE LANDSCAPE PLANS.

**ARCHITECTURAL SHEET INDEX**

- A1.0 SITE PLANS
- AS.1 BUILDING A PLANS & DETAILS
- AS.2 BUILDING B-1 PLANS & DETAILS
- AS.3 BUILDING B-2 PLANS & DETAILS
- AG.1 BUILDING A ELEVATIONS
- AG.2 BUILDING B-1 ELEVATIONS
- AG.3 BUILDING B-2 ELEVATIONS



**OAK CREEK PHASE II  
PARCELS 3, 4 & 5  
ENLARGED SITE PLAN**  
SCALE= 1"= 20'



<p>ADLER ARCHITECTURE &amp; PLANNING, INC. 20550 C Warner Center Lane, Woodland Hills, CA 91367</p>	<p>PHASE II PARCELS 3, 4 &amp; 5 BUILDINGS A &amp; B</p>	<p>A-1.0</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	BY	DESCRIPTION																																
	NO.		DATE	BY	DESCRIPTION																																	
<p>SHOPS at OAK CREEK</p>	<p><b>SITE PLAN</b></p>																																					



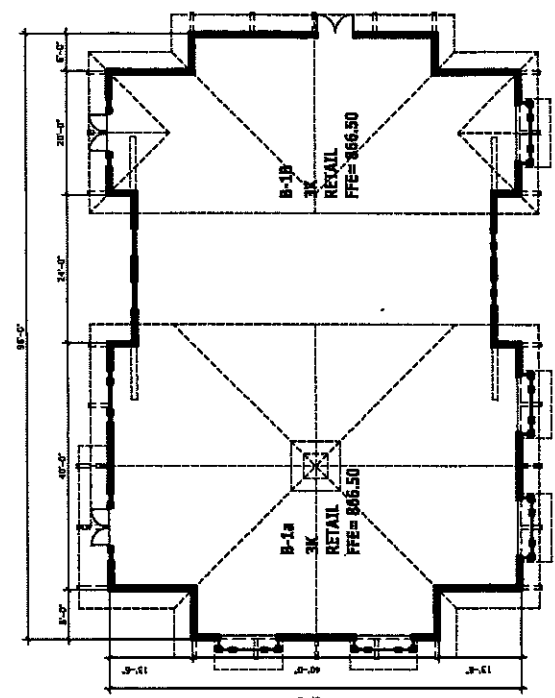
NO.	REV.	DATE	DESCRIPTION

**BLDG. PLANS**  
 PHASE II  
 PARCELS 4 & 5  
 BUILDING B-1

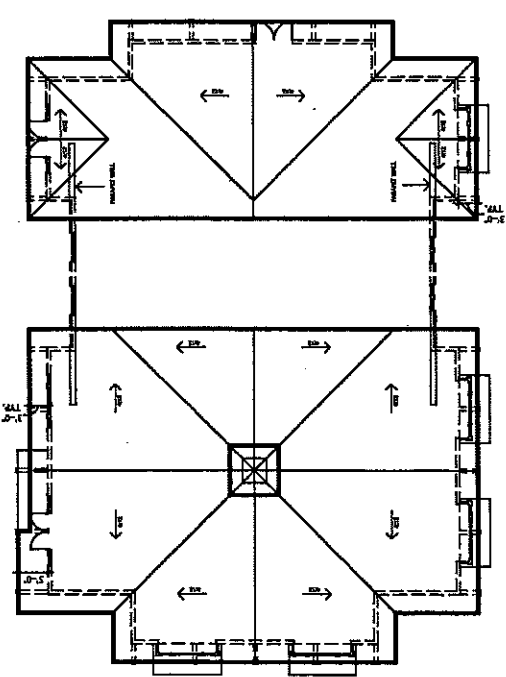
**ADLER**  
 ARCHITECTS  
 20550 C WHITTIER CREEK LANE, WOODLAND HILLS, CA 91367

**SHOPS at OAK CREEK**  
 Client: Shoppes at Oak Creek LLC, CA 91367

THE DESIGN, DRAWING & ENGINEERING, INC.  
 REGISTERED ARCHITECTS & ENGINEERS  
 10000 WILSON AVENUE, SUITE 200  
 WESTMINSTER, COLORADO 80031  
 (303) 440-8888  
 WWW.DDEI.COM



**OAK CREEK BUILDING PLAN B**  
 SCALE= 1/8" = 1'-0"





OAK CREEK BUILDING PLANS - BUILDING B-2

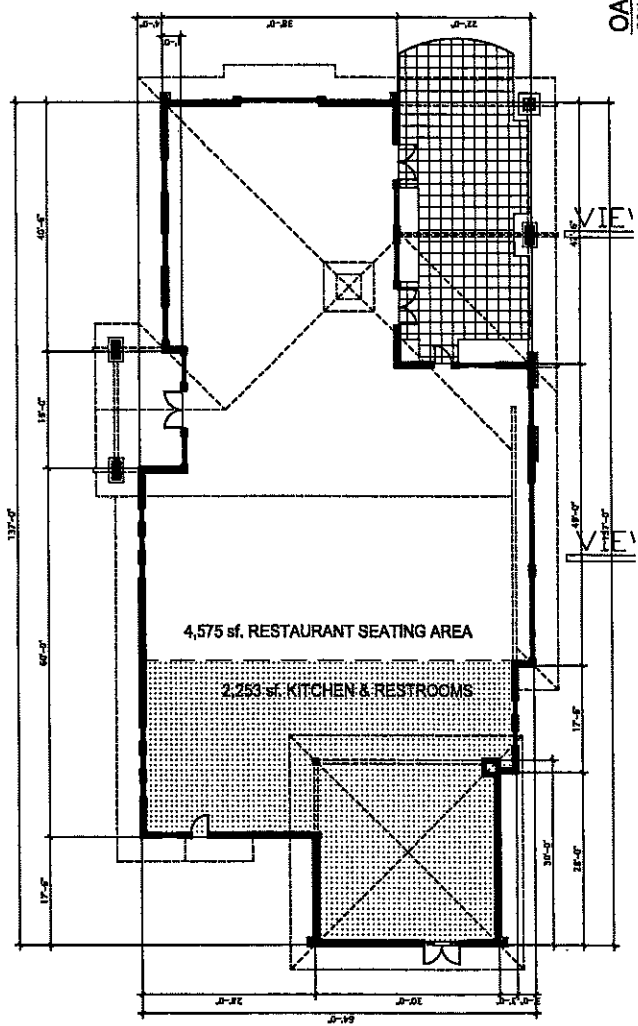
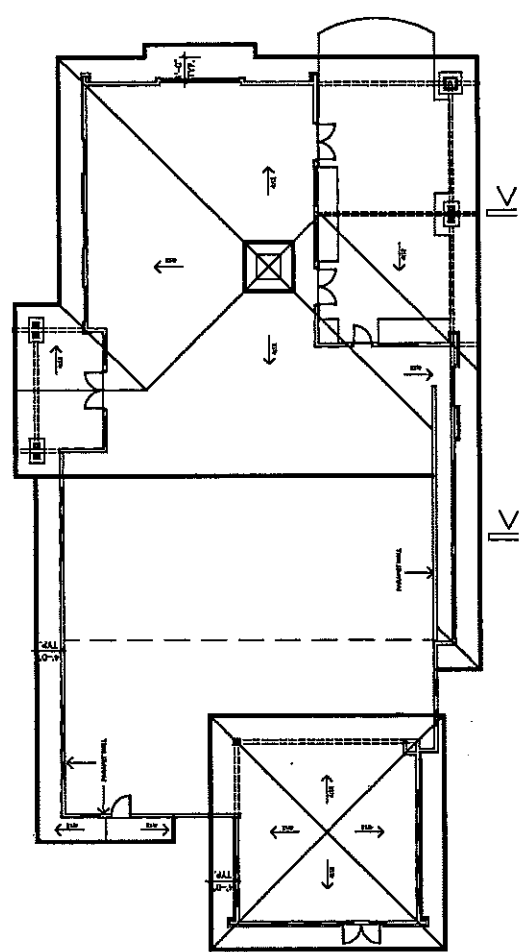
SCALE: 1/8" = 1'-0"

NO.	DATE	DESCRIPTION

**BLDG. PLANS**  
PHASE II  
PARCELS 4 & 5  
BUILDING B-2

**SHOPS at OAK CREEK**  
20528 C Winter Center Lane, Woodland Hills, CA 91367  
OWNER: **ADLER** Property Management, Inc.

**THE STANLEY, BERMAN & KAPLAN ARCHITECTS, P.A.**  
ARCHITECTS - PLANNERS - INTERIORS  
GENERAL CONTRACTORS  
MECHANICAL CONTRACTORS  
ELECTRICAL CONTRACTORS  
PLUMBING CONTRACTORS  
HVAC CONTRACTORS  
LANDSCAPE ARCHITECTS  
PARKING DESIGNERS  
SIGNAGE DESIGNERS  
ELEVATION CONTRACTORS







A-6.2

NO.	DATE	BY	CHKD	DESCRIPTION

**ELEVATIONS**

PHASE II  
PARCEL 4  
BUILDING B-1

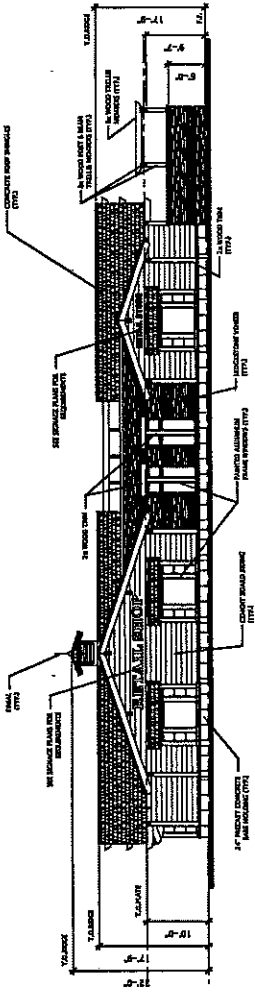
SHOPS at OAK CREEK

OWNER: ADLER  
20250 C Walker Center Lane, Woodland Hills, CA 91367

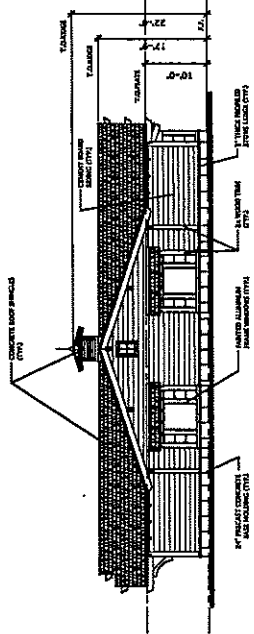
DESIGNED BY: [Faint text]  
PROJECT NO. [Faint text]

ARCHITECT: [Faint text]  
REVISIONS: [Faint text]

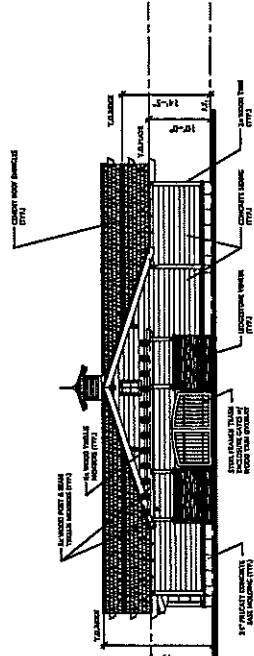
**SOUTH ELEVATION (CHWOOD SIDE)** SCALE 1/8"=1'-0"



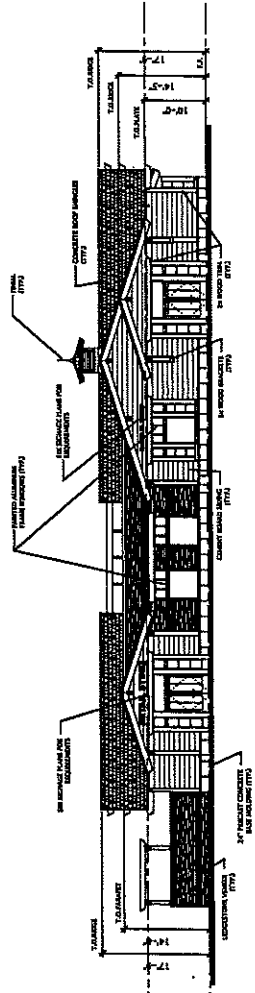
**WEST ELEVATION** SCALE 1/8"=1'-0"



**EAST ELEVATION** SCALE 1/8"=1'-0"



**NORTH ELEVATION (DIRTY SIDE)** SCALE 1/8"=1'-0"



DATE	BY	REVISION



# ELEVATIONS

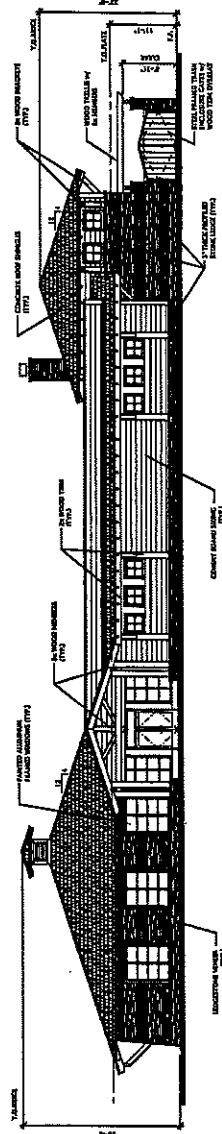
## SHOPS at OAK CREEK

PHASE II  
PARCEL 5  
BUILDING B-2

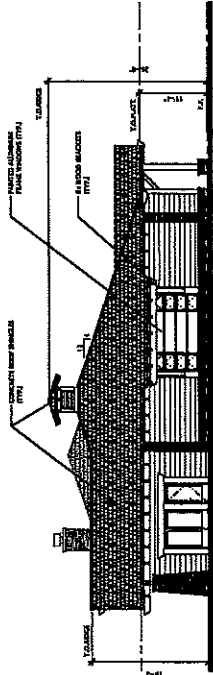
OWNER: **ADLER**  
30550 C Walker Center Lane, Woodland Hills, CA 91367

ARCHITECT: **WILLIAMS BERRY**  
2155 N. ALIQUA ST. SUITE 100  
WOODLAND HILLS, CA 91367  
(818) 709-0000

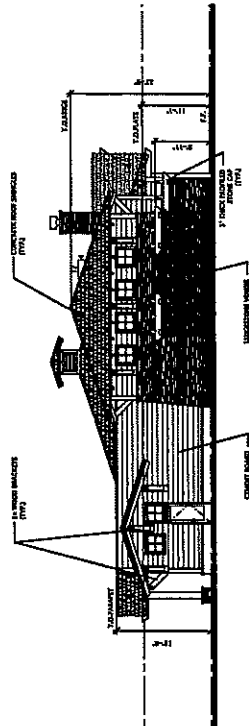
### WEST ELEVATION (BERRY SIDE)



### NORTH ELEVATION (OAK TREE SIDE)



### SOUTH ELEVATION



### EAST ELEVATION (CREEK SIDE)

