

## REPORT TO CITY COUNCIL

**DATE: JUNE 25, 2008**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: GREG RAMIREZ, CITY MANAGER**

**BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

**SUBJECT: CONTINUED PUBLIC HEARING (FROM APRIL 23, 2008) ON AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT CASE NO. 06-CUP-007 AND SIGN PERMIT CASE NO. 06-SP-037, WHICH IS A REQUEST 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 THE PROJECT'S PROPOSED SIGN PROGRAM (DANARI OAK CREEK, LLC, APPLICANT)**

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On April 23, 2008, the City Council conducted a public hearing to consider an appeal by the applicant of the Planning Commission's denial of Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037. The applicant for these cases, Danari Oak Creek, LLC, requested approval to develop five (5) detached buildings totaling 33,680 square feet in size for retail and restaurant use. The 5.7 acre commercially zoned site is located within the Oak Creek tract on the north side of Canwood Street, east of Kanan Road and west of Clareton Drive, at 28941-29145 Canwood Street.

Upon receiving oral and written testimony from staff, the applicant and the public, the City Council continued the public hearing to June 25, 2008. The April 23, 2008 City Council staff report for this project and meeting minutes are attached for reference. The City Council, at the April 23, 2008 public hearing, requested the applicant redesign the project to incorporate the Council's recommendations. The applicant has since submitted revised plans and an attached written narrative dated June 6, 2008, summarizing changes made to the project that are intended to address the recommendations of the City Council. Listed below is a summary of City Council recommended changes to the project design, and the applicant's response.

### West Side of the Project

#### Council Comments

1. Stagger the footprint of Buildings A or B-1 to minimize their linear appearance as viewed from the roadway.

2. The parking lot east of Building B-1 should be reconsidered in order to allow for stronger pedestrian linkages between Building B-1 and the creek.
3. Provide more trellises within the project.
4. Consider reorienting the main driveway to allow views of the existing Oak tree.
5. Consider using subterranean parking for the project.
6. Screen the transformer located north of the main driveway and the trash enclosure located north of Building A. Consider using an on-site trash compactor. (The applicant will address these issues at the meeting).
7. Consider alternative uses to the proposed fast-food tenant spaces within Building A.
8. Try to eliminate more parking on the west end of Building A to minimize conflict with the driveway.

#### Applicant's Response

1. In response to comments made regarding the linear appearance of Buildings A and B-1, the applicant has submitted Site Plans for the buildings located on the west side of the creek showing detailed roof plans to better describe the buildings' depth of the roof projections. The applicant notes that the articulation of the buildings includes changes in the wall planes, projecting colonnades and altering the depth and character of the roof eaves to control the building massing. In addition, the applicant proposed to rotate the footprint of Building B-1 to break the linear appearance of the two buildings fronting on Canwood Street.
2. A new pedestrian link with enhanced pavers was added between Building B-1 and the creek walk to the east for better access to the creek side public spaces. A new trellised public space has been designed at this pedestrian path intersection. The public space includes new seating, planters, a circular paving surface with a wrapping trellis structure above. Decomposed granite pathways radiate out from the public space towards the creek.
3. A new trellis structure was added near the existing Oak tree, over the pedestrian path leading to the apartments.
4. Instead of reorienting the driveway, a new large specimen Oak tree is proposed as a focal point of the project. The tree would be a 96-inch box sized Oak tree, approximately 15-25 feet in height with an average spread of 17-23 feet when planted, and will mature to a larger size. The tree is proposed within the parking lot landscape island directly in front (north) of the main driveway entrance.

5. The previously proposed textured paving at the two driveway entries has been extended.

### East Side of the Project

#### Council Comments

1. Consider relocating Building C-1 further north to provide greater creek orientation for the restaurant.
2. Provide a strong pedestrian demarcation on the east side of the creek at the sidewalk.

#### Applicant's Response

1. An alternate site plan for the east side of the project is provided that shows the 7,500 square foot restaurant building (Building C-1) located further north and away from the street and freeway. This change allows for a parking lot in place of the previous building location, adjacent to Canwood Street. Two restaurants can occupy Building C-1, with one entrance located on the east side of the building, and the other on the south side of the building. Both restaurants provide for outdoor seating with views of the creek. This plan would also allow the opening of the western side of the retail building (Building C-2) to views of the creek. However, this change in site plan reduces the number of parking spaces serving the restaurant (Building C-1) from 81 spaces to 74 spaces. Thus, the allowable seating area within the entire building decreases by 467 square feet; from 5,400 square feet as previously proposed to 4,933 square feet. The applicant's preference is to develop the east side of the project as originally proposed, with Buildings C-1 and C-2 located near Canwood Street.
2. A new radial trellis feature has been added at the top of the ADA access path that leads from Canwood Street up the slope to the eastern side of the creek. This new element is specified to have an accent Oak tree within a curved raised planter. The pedestrian path will wrap around the Oak planter and be shaded by the trellis structure.

#### Miscellaneous

1. A "Trellis Exhibit" is provided in the project plans to clarify the proposed trellis locations and offers vignettes of the trellis designs and surrounding features.
2. Architectural, Civil and Landscape plans have been updated to address the proposed design changes.
3. A mock-up version of the parking lot light fixtures will be presented by the applicant at the City Council Meeting.
4. The applicant is exploring ways to install lighting at the Canwood Street Bridge. Two lighting options will be presented at the City Council Meeting. One option is to install a

small channel light under the lip of the existing pilaster caps around all sides of the pilaster. The desired effect is to illuminate the pilaster wall faces with a soft light. A second lighting option is to put a steplite in between the vertical members of the guardrail. These lights are intended to cast a glow on both sides of the guardrail so that it would be seen from the street and from the creek walks. Lighting the bridge will create a stronger connection between the two sides of the creek and will complete the pedestrian amenities proposed at both ends of the bridge.

5. Wooden directional signage for pedestrians will be incorporated on both sides of the creek that direct people to the other side of the creek by way of the Canwood Street Bridge.
6. The applicant will provide appropriate signage at the westerly driveway to prohibit motorists from making a left turn out of the project onto Canwood Street.
7. At the April 23, 2008 City Council Meeting, comments were made regarding the desire to possibly establish a minimum amount of restaurant square footage to ensure that the center would remain restaurant-oriented and to have higher end restaurants. The applicant has indicated that the quality of architecture will help attract and sustain higher end restaurant tenants.

The City Council has the discretion to modify or request additional changes to the latest project plans. If the City Council wishes to take final action on this appeal application, staff will return with an appropriate resolution for adoption at a future City Council Meeting.

## **RECOMMENDATION**

It is recommended the City Council conduct a public hearing to consider an appeal of the Planning Commission's denial of Conditional Use Permit No. 06-CUP-007 and Sign Permit Case No. 06-SP-037. If the City Council's decision is to approve the project as currently proposed, staff will return with a resolution of approval at the soonest available City Council meeting. If the City Council's decision is to deny the project, staff will return with a resolution of denial.

Attachments:     June 6, 2008 Letter from Applicant's Architect  
                      Reduced Copies of the Revised Current Project Plans  
                      April 23, 2008 City Council Meeting Minutes  
                      April 23, 2008 City Council Staff Report

June 6, 2008

Mr. Doug Hooper  
Assistant Director of Community Development  
City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

**RE: Shops at Oak Creek CUP Case No. 06-CUP-007 and  
No. 06-OTP-016  
VTBS File #25068**

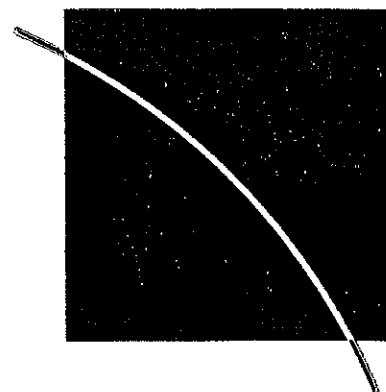
Dear Mr. Hooper:

We are resubmitting to you today, drawings that describe our revised proposal for development of the project known as the Shops at Oak Creek in Agoura Hills California. A brief summary of the design changes that have been made since our last Council hearing are listed below:

1. A "Trellis Exhibit" has been included that clarifies the proposed trellis locations and offers vignettes of the trellis design and surrounding features.
2. Revised and updated Architectural, Civil and Landscape plans that address the design changes outlined below.
3. We will demonstrate a mock-up version of the parking lot lighting fixture at the next Council hearing.

**WEST SIDE PARCEL:**

4. At the last hearing some Council members felt that the "B1" building appeared to be too much in line with the adjoining "A" building. With this submission we have rotated building "B1" providing greater diversity of the Canwood streetscape. The landscaping and hardscaping were also redone around the newly repositioned building.
5. A new pedestrian link was added between building "B1" and the creek walk, enabling better access to the creek side public spaces.
6. A new trellised public space has been designed at the intersection of the above-mentioned pedestrian link from building "B1" and the creek side walks. The new public space includes additional seating, planters and circular paving surface with a wrapping trellis structure above. Additional, more intimate, decomposed granite pathways radiate out from the public space towards the creek.



**PRINCIPALS**

Johannes Van Tilburg, FAIA  
Navy F. Banvard, AIA  
L. Gustaf Soderbergh, AIA  
Lucia H. Chang, AIA  
William A. Nishita, AIA

**PARTNERS**

Peter J. Petraglia  
Edward "Ted" Youngs, AIA  
Dennis T. DiBiase, AIA  
Roger O. Wolf, AIA  
Gary C. Prager, AIA

**SENIOR ASSOCIATES**

Vlad Ganca  
Kenneth M. Soudani, AIA  
Michael de Villiers, AIA  
James A. Yee

**ASSOCIATES**

Michael S. Schiepkke, AIA  
Trent R. Niemand  
Erik J. Hall, AIA  
Jeff N. Mertz  
Mihnea Popescu  
Steve C. Zick, AIA  
Katsu Masutani  
Patrick H. Sin  
Mahnaz Zahiry, AIA  
Bruce Bollenbach, AIA  
Gary J. Leus, AIA  
Beronica Martin  
Stacey R. Dubs  
Ligong Sun  
John C. Reynolds, AIA  
Rüdiger Hoffmann  
Feng Feng  
William C. H. Wang  
Fadi Hakim  
David J. Graue  
Allan Kram  
Klaudia Kurniadi  
Steven L. Gardner, AIA

7. A new trellis structure was added near the existing Oak tree, over the pedestrian path leading to the apartments; the structure provides a point of interest in the area as well as creating a sense of arrival.
8. The previously proposed textured paving surfaces at the two drive entries have been extended as suggested by planning staff.
9. Since the April Council hearing, we restudied the idea of creating a line of sight connection from the second project vehicle entry to the existing Oak tree located in the north east corner of the western parcel. Unfortunately, the geometry needed to achieve a line of sight to the Oak makes for a very inefficient parking layout, the consequence of which meant fewer stalls and a further reduction in lease able area. The fact that the Oak tree is substantially below project grade means that we would have only a truncated view of the tree from the drive entrance at best. To address the Council's desire to use the Oak tree as a focal point of the project, we are proposing to add a large specimen live Oak tree to the landscape island directly in front of the drive entrance. The specimen would be a 96" box size, approximately 15' - 25' high and an average spread of 17' - 23' when planted. At maturity the Coastal Live Oak has a height of 20' - 70' and a spread of 30' - 80'. The landscape planter island is about 40' deep with mounding and rock outcropping to naturalize the setting. We hope that the Council will appreciate that this proposed solution is not a compromise, but rather a substantial improvement to the project and a more enticing centerpiece for the project.
10. It became apparent after our last meeting that we needed to do a better job of graphically showing the considerable articulation of building A's street side architecture. Included with this submission is a site plan of the West side buildings showing the roof plans over the buildings with the landscaping turned off. The roof plan does a better job of describing the buildings' modulation, then the floor plan alone, by showing the effect of the deep roof projections. Articulation is handled by changes in the wall planes, projecting colonnades' and carefully altering the depth and character of the roof eaves to control the buildings massing. A solution similar to that used to articulate the Agoura City Hall building.

#### **EAST SIDE PARCEL:**

11. Responding to Council's idea of adding a structural element on the east side of Medea Creek that would provide a visual connection with the west side pedestrian oriented plaza; we have designed a new radial trellis feature at the top of the ADA access path that leads from Canwood street up the slope to the eastern side of the creek. The new element is specified to have an accent Oak tree within a curved raised planter. The pedestrian path will wrap around the Oak planter and be shaded by a curved trellis structure.
12. There was considerable discussion from the Council about how the buildings could be arranged on the eastern site. We have included an alternate eastern site layout that moves the "C1" restaurant building away from the street thus opening the western side of the retail building C2 to views of the creek and putting the restaurant in a quieter spot further from the freeway. We still advocate the original site design but we offer both up for discussion.

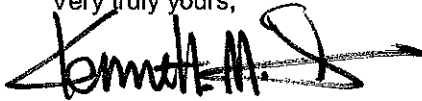
#### **WORK IN PROGRESS:**

13. We are exploring ways to install accent lighting at the Canwood Street Bridge. Since we cannot structurally alter the existing concrete bridge it has been suggested that we try to make it more inviting to use.

Shops at Oak Creek CUP Case No. 06-CUP-007 and No. 06-OTP-016  
VTBS File #25068  
June 6, 2008  
Page 3

14. Planning staff has asked for additional traffic control signage at the first drive entrance to discourage motorists from making an immediate left turn. This will be undertaken in the future construction plans.
15. We will incorporate pedestrian wood directional signage on both sides of the creek that direct people to the other side of the creek by way of the Canwood Street Bridge.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kenneth A. Soudani". The signature is stylized with a large, sweeping initial "K" and a long horizontal stroke extending to the right.

Kenneth Soudani, AIA  
Senior Associate  
Van Tilburg, Banvard & Soderbergh, AIA



























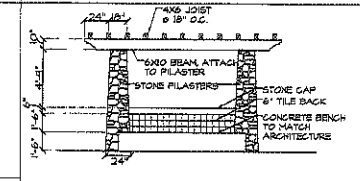
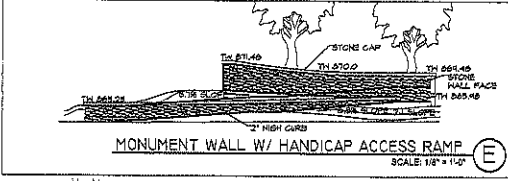
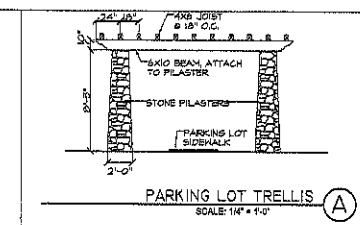
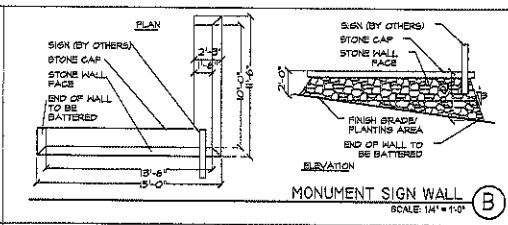
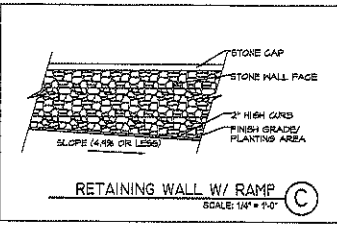












**PRELIMINARY PLANT LEGEND**

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	PLACEMENT	REMARKS
(Symbol)	ARBOREUS YUCCA	STRANBERY TREE	24" DIA	10' IS	STD	MED.
(Symbol)	AGAVE OCCIDENTALIS	MEXICAN REDWOOD	24" DIA	5' IS	NATURAL	LOW
(Symbol)	HECTOCELES ARISTIFOLIA	TOYON	Ø 24"	10' IS	NATURAL	LOW
(Symbol)	LAGERSTROMIA REGIA	GRAND HYDRANT	24" DIA	4'	PLANT	MED.
(Symbol)	PLATANUS AERIFORMIS	LONDON PLANE TREE	24" DIA	20' IS	STD	MED.
(Symbol)	ALNUS ALBA	DOAST LIVE OAK	24" DIA	8' IS	NATURAL	LOW
(Symbol)	ULMUS PARVIFLORA	SMALL LEAFED PLANE TREE	24" DIA	20' IS	STD	MED.

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	PLACEMENT	REMARKS
(Symbol)	AGAVE AMERICANA	AGAVE PLANT	Ø 24"	10' IS	LOW	
(Symbol)	ANEMONE PULCHRA	ANEMONE	Ø 24"	10' IS	LOW	
(Symbol)	GRANDIS YANKEE PORT	GARDEL GRAPES	1.5A	10' IS	LOW	
(Symbol)	DIETES VIBRATA	PORTWINE LILY	Ø 24"	Ø 24"	MED.	
(Symbol)	HECTOCELES ARISTIFOLIA	TOYON	Ø 24"	10' IS	LOW	
(Symbol)	MESQUITA MADRA	HEARD ALM HEDD	Ø 24"	10' IS	LOW	
(Symbol)	LAVANDULA INGLOU-HERB	ESSENN CREEK LAVENDER	Ø 24"	Ø 24"	LOW	
(Symbol)	ROSMARINUS OFFICINALIS	ROSEMARY	1.5A	Ø 24"	LOW	
(Symbol)	SALEPINA	ROSEMARY	Ø 24"	Ø 24"	LOW	
(Symbol)	TEUFRIDIUM CHAMAEDRIS	TEUFRIDIUM	1.5A	Ø 24"	LOW	

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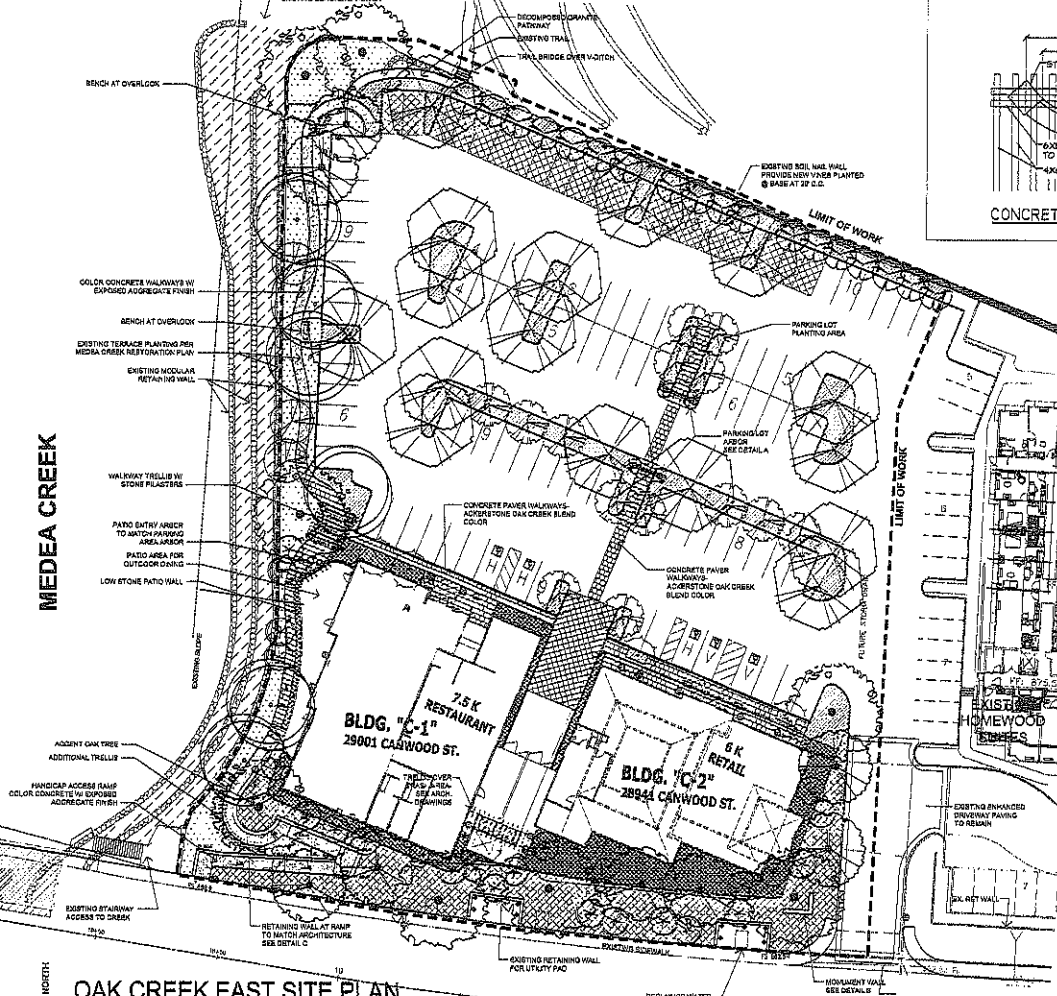
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**NOTES:** ALL VINES ARE LOCATED ON PORCHES, PATIOS & RETAINING WALLS. ALL VINES SHALL BE COORDINATED BY TENANT.

**GROUND COVERS - STREETSCAPE, BUILDING & PARKING AREAS**

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	PLACEMENT	REMARKS
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**NOTES**

- PUBLIC ART PIECE TO BE DISPLAYED ON WEST PROPERTY WALL.
- RECLAIMED WATER TO BE USED IN FUTURE LANDSCAPE IRRIGATION SYSTEM.

**EAST LANDSCAPE REQUIREMENTS**

**PARKING AREA LANDSCAPE & SHADE COVERAGE**  
REQUIRED LANDSCAPE IN PARKING AREA 10% OF TOTAL PARKING AREA.  
REQUIRED SHADE COVERAGE IN PARKING AREA 50% OF TOTAL PARKING AREA.

**LANDSCAPE AREAS**  
TOTAL PARKING LOT AREA: 38,225 SF.  
LANDSCAPE AREA IN PARKING LOT: 3,234 SF.  
10% TOTAL LANDSCAPE IN PARKING AREA.

**SHADE COVERAGE IN PARKING AREA - 50%**  
• 50% SHADE COVERAGE  
LANDSCAPE AROUND BLDG: 3,170 SF.  
LANDSCAPE SLOPE: 8.69 S.F.  
LANDSCAPE ALONG MEADE CREEK: 14,500 SF.

**HARDSCAPE LEGEND**

- DRYBRICK ENHANCED PAVING - ACCENTIVE COORD. INTERLOCKING CONCRETE PAVING IN OAK CREEK BLEND COLOR.
- CONCRETE ENHANCED PAVING - ACCENTIVE COORD. INTERLOCKING CONCRETE PAVING IN GREEN CHARCOAL COLOR.
- CONCRETE WALKWAYS - COLOR EXPOSED AGGREGATE FINISH.
- OUTDOOR DINING PATIO - MATERIAL SHALL BE COORDINATED BY TENANT.



**SHOPS AT OAK CREEK**  
Parcels 6 & 7  
Camwood Street, City of Agoura Hills, CA  
PREPARED BY:  
ALICIA REEDY  
27727 Ventura Blvd., Suite 300, Woodland Hills, CA 91364

DATE	DESCRIPTION
0416	MARCH 8, 2023

Drawn By: JLM

**PRELIMINARY LANDSCAPE PLAN EAST PARCEL**

Job No: 2971



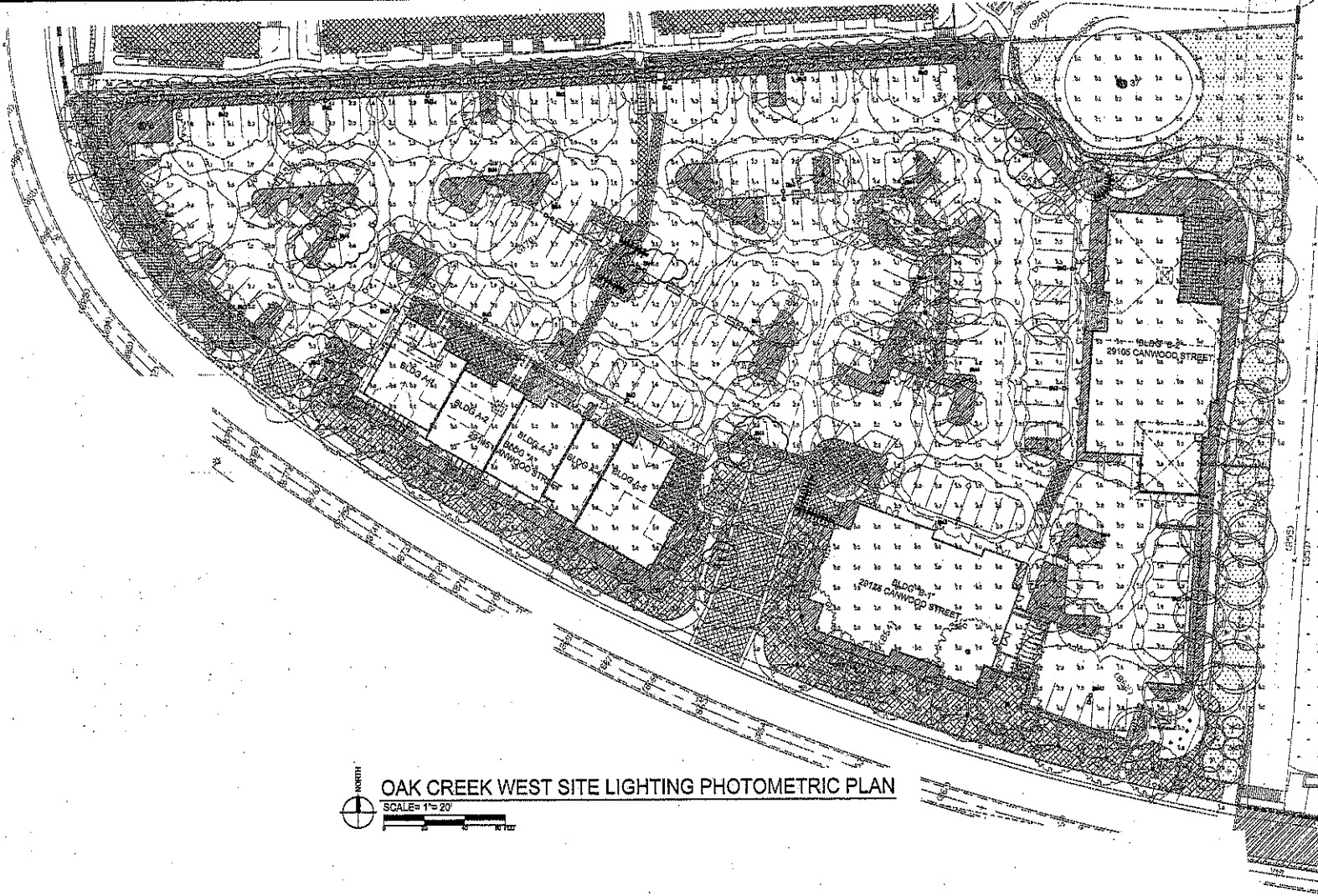






**NOTES**

\* PUBLIC ART PIECE TO BE DISPLAYED ON WEST PROPERTY (N.I.C.)



**OAK CREEK WEST SITE LIGHTING PHOTOMETRIC PLAN**

SCALE= 1"= 20'

Luminaire Schedule							
Symbol	Qty	Label	Arrangement	Lumens	LLF	Description	Watts
	19	BM4	BACK BACK	14000	0.120	PROV-2H3	1500
	1	BM9	SINGLE	14000	0.120	PROV-H3-152PH-H80	1500
	11	BM2	SINGLE	14000	0.120	PROV-H4-152PH-H80	1500
	1	BM1	SINGLE	14000	0.120	PROV-H3	1500

VAN TILBURG, BANHARD & SONDERBERG, AIA  
 ARCHITECTURE - PLANNING - INTERIORS  
 1000 S. GARDEN ST. SUITE 200  
 ANAHEIM, CA 92805  
 TEL: 714.771.1100  
 FAX: 714.771.1101

**SHOPS at OAK CREEK**

OWNERS  
**AADLER**  
 Commercial Real Estate Services, Inc.  
 21731 Ventura Boulevard, Suite 300, Woodland Hills, CA 91354

**SHOPS at OAK CREEK**  
 Parcels 3, 4 & 5  
 Canwood Street, City of Agoura Hills, CA  
 \* \* \* \* \*

Prepared for:  
**AADLER REALTY**  
 21731 Ventura Blvd, Suite 300, Woodland Hills, CA 91354

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

PROJECT: \_\_\_\_\_ DATE: \_\_\_\_\_

DRAWN: \_\_\_\_\_ CHECKED: \_\_\_\_\_

**LD-1.0-PH**

















**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS CITY COUNCIL, THE**  
**AGOURA HILLS REDEVELOPMENT AGENCY, AND THE**  
**AGOURA HILLS FINANCING AUTHORITY**  
**Civic Center – Council Chambers**  
**30001 Ladyface Court, Agoura Hills, California 91301**  
**April 23, 2008 at 7:00 p.m.**

The meeting was called to order at 7:10 p.m. by Mayor Edelston.

The flag salute was led by City Clerk Kimberly Rodrigues.

Present were: Mayor John Edelston, Mayor Pro Tem Denis Weber, Councilmember William Koehler, Councilmember Dan Kuperberg, and Councilmember Harry Schwarz.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Attorney at Law Trisha Ortiz, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, Financial Advisor Curt de Crinis, Director of Finance Georgette Holt, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Senior Building Inspector Mike Kalske, Contract Building Inspector Bruce Nearman, Director of Community Services Amy Brink, Administrative Analyst Chris Dodd, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

There was no Closed Session.

**APPROVAL OF AGENDA**

On a motion by Councilmember Schwarz, second by Councilmember Kuperberg, the Agenda was approved without objection.

**PUBLIC COMMENTS**

There were no public comments.

**PRESENTATIONS**

Mayor Edelston presented a Certificate of Appreciation, recognizing her years of service, to Director of Finance Georgette Holt and congratulated her on her retirement.

Mayor Edelston presented a Proclamation, recognizing April as Sexual Assault Awareness Month and April 23, 2008 as Denim Day, to Peace Over Violence representative Anna Santamaria.

Mayor Edelston presented a Proclamation, recognizing National Donate Life Month, to transplant recipient Pamela Endo.

Mayor Edelston presented a Proclamation, recognizing Relay for Life Days, to Event Chair Laura Helgeson and Event Co-Chair Jeannine Lee. Relay for Life is scheduled for May 3-4, 2008 at Willow Elementary School.

Mayor Edelston presented a Proclamation, recognizing National Building Safety Week, to Building Official Amir Hamidzadeh. Mr. Hamidzadeh introduced his staff, Senior Building Inspector Mike Kalske and Contract Building Inspector Bruce Nearman, and recognized Building Permit Technician Karen Sanders.

Mayor Pro Tem Weber thanked Georgette Holt for her years of service and wished her well in her retirement.

Councilmember Kuperberg spoke about Denim Day and Relay for Life and mentioned that the City of Agoura Hills was the top fundraiser in last year's Relay event. He also thanked staff for their fundraising efforts for both the events.

Mayor Edelston thanked Georgette Holt for her years of service with the City.

### **INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS**

Las Virgenes Municipal Water District Board Member Charles Caspary presented books to Agoura Hills Community Library Manager Raya Sagi in observance of Water Awareness Month, and provided a water update noting the District has called for a voluntary 10% reduction in water use for residents.

Agoura Hills Community Library Manager Raya Sagi presented the State of the Library and Friends of the Library President, Tom Allen, provided an update on their program. Mr. Allen presented certificates of appreciation and honorary leaves, for the permanent donor tree in the library, to the Acorn and Ventura County Star for their continued support.

### **CITY COUNCIL CONSENT CALENDAR**

There were no public speakers.

On a motion by Councilmember Koehler, second by Mayor Pro Tem Weber, the Consent Calendar was approved 5-0.

1. Approve Minutes of the Regular City Council Meeting of April 9, 2008

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 585

ACTION: Approved 5-0

3. Approve Treasurer's Investment Report for March 2008

ACTION: Approved 5-0

4. Approve Authorization to Seek Bids for FY 2008-09 Street Resurfacing Project; NIB 08-01 and Approve a Joint Street Maintenance Project Agreement with the City of Westlake Village

ACTION: Approved 5-0

5. Approve Authorization to Solicit Proposals for Professional Peer Review Services for the Design of the Roundabout at the Intersection of Kanan Road and Agoura Road

ACTION: Approved 5-0

6. Approve Appointments to the Southern California Association of Governments

ACTION: Approved 5-0

7. Adopt **Resolution No. 08-1473**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DETERMINING AND DECLARING PRIMA FACIE SPEED LIMITS ON VARIOUS STREETS WITH THE CITY

ACTION: Approved 5-0

#### **CITY COUNCIL DISCUSSION/ACTION**

8. Proposed Issuance by the Agoura Hills Redevelopment Agency of its Series 2008 Tax Allocation Bonds and Series 2008 Housing Set-Aside Bonds

Adopt **Resolution No. 08-1474**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE ISSUANCE, SALE AND DELIVERY BY THE AGOURA HILLS REDEVELOPMENT AGENCY OF ITS TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT AGENCY), and

Adopt **Resolution No. 08-1475**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE ISSUANCE, SALE AND DELIVERY BY THE AGOURA HILLS REDEVELOPMENT AGENCY OF ITS

HOUSING SET-ASIDE TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT PROJECT AREA) and

Adopt **Resolution No. 08-1476**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO MAKE PAYMENTS PURSUANT TO AN ADVANCE AND REIMBURSEMENT AGREEMENT AND PURSUANT TO AGOURA HILLS REDEVELOPMENT AGENCY RESOLUTION NO. 2 SUBORDINATE TO THE AGOURA HILLS REDEVELOPMENT AGENCY'S SERIES 2008 BONDS

Following presentation of the staff report, Mayor Edelston opened the floor for public comment.

There were no public speakers.

**ACTION:** Following discussion, the motion by Mayor Pro Tem Weber, to adopt Resolution No. 08-1474, was seconded by Councilmember Schwarz, and approved 5-0.

**ACTION:** The motion by Mayor Pro Tem Weber, to adopt Resolution No. 08-1475, was seconded by Councilmember Koehler, and approved 5-0.

**ACTION:** The motion by Mayor Pro Tem Weber, to adopt Resolution No. 08-1474, was seconded by Councilmember Kuperberg, and approved 5-0.

**Convene the Agoura Hills Redevelopment Agency (RDA) Meeting  
Without Adjourning the Agoura Hills City Council Meeting**

The meeting was called to order at 7:51 p.m. by Agency Chair Weber.

**Present were:** Agency Chair Denis Weber, Agency Vice Chair William Koehler, Agency Member John Edelston, Agency Member Dan Kuperberg, and Agency Member Harry Schwarz

**Also Present were:** Executive Director Greg Ramirez, Agency Attorney Craig Steele, Attorney at Law Trisha Ortiz, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Financial Advisor Curt de Crinis, Director of Finance Georgette Holt, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, Administrative Analyst Chris Dodd, and Agency Secretary Kimberly Rodrigues.

### **RDA APPROVAL OF AGENDA**

On a motion by Agency Member Edelston, second by Agency Member Schwarz, the Agenda was approved without objection.

### **RDA PUBLIC COMMENTS**

There were no public comments.

### **RDA CONSENT CALENDAR**

There were no public speakers.

On a motion by Agency Member Kuperberg, second by Agency Member Schwarz, the Consent Calendar was approved 5-0.

RDA1. Approve Minutes of the Regular City Council and Redevelopment Agency Meeting of December 12, 2007

ACTION: Approved 5-0

### **RDA DISCUSSION/ACTION**

RDA2. Proposed Issuance by the Agoura Hills Redevelopment Agency of its Series 2008 Tax Allocation Bonds and Series 2008 Housing Set-Aside Bonds

Adopt **Resolution No. 08-46**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY APPROVING THE ISSUANCE, SALE AND DELIVERY OF ITS TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT PROJECT AREA), APPROVING AS TO FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH BONDS, AUTHORIZING CERTAIN OTHER RELATED MATTERS, and

Adopt **Resolution No. 08-47**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY APPROVING THE ISSUANCE, SALE AND DELIVERY OF ITS HOUSING SET-ASIDE TAX ALLOCATION BONDS (AGOURA HILLS REDEVELOPMENT PROJECT AREA), APPROVING AS TO FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH BONDS, AUTHORIZING CERTAIN OTHER RELATED MATTERS, and

Adopt **Resolution No. 08-48**; A RESOLUTION OF THE AGOURA HILLS REDEVELOPMENT AGENCY APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO MAKE PAYMENTS PURSUANT TO AN ADVANCE AND REIMBURSEMENT AGREEMENT AND PURSUANT



TO AGOURA HILLS REDEVELOPMENT AGENCY RESOLUTION NO. 2  
SUBORDINATE TO THE AGOURA HILLS REDEVELOPMENT AGENCY'S  
SERIES 2008 BONDS

Following presentation of the staff report, Agency Chair Weber opened the floor for public comment.

There were no public speakers.

ACTION: Following discussion, the motion by Agency Member Kuperberg, to adopt Resolution No. 08-46, was seconded by Agency Member Schwarz, and approved 5-0.

ACTION: The motion by Agency Member Kuperberg, to adopt Resolution No. 08-47, was seconded by Agency Member Schwarz, and approved 5-0.

ACTION: The motion by Vice Chair Koehler, to adopt Resolution No. 08-46, was seconded by Agency Member Edelston, and approved 5-0.

At 7:56 p.m., on a motion by Agency Member Schwarz, second by Vice Chair Koehler, the Redevelopment Agency unanimously consented to adjourn the Redevelopment Agency Meeting.

**Adjourn the Agoura Hills Redevelopment Agency (RDA) Meeting and  
Convene the Agoura Hills Financing Authority (FA) Meeting  
Without Adjourning the Agoura Hills City Council Meeting**

The meeting was called to order at 7:57 p.m. by Chairman Edelston.

Present were: Chairman John Edelston, Vice Chairman Denis Weber, Director William Koehler, Director Dan Kuperberg, and Director Harry Schwarz

Also Present were: Executive Director Greg Ramirez, Authority Attorney Craig Steele, Attorney at Law Trisha Ortiz, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Financial Advisor Curt de Crinis, Director of Finance Georgette Holt, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, Administrative Analyst Chris Dodd, and Authority Secretary Kimberly Rodrigues.

**FA APPROVAL OF AGENDA**

On a motion by Director Kuperberg, second by Vice Chairman Weber, the Agenda was approved without objection.

**FA PUBLIC COMMENTS**

There were no public comments.

**FA CONSENT CALENDAR**

There were no public speakers.

On a motion by Director Kuperberg, second by Vice Chairman Weber, the Consent Calendar was approved 5-0.

FA1. Approve Minutes of the Regular City Council, Agoura Hills Financing Authority, and Agoura Hills Redevelopment Agency Meeting of June 27, 2007

STAFF REFERENCE: AUTHORITY SECRETARY RODRIGUES

**FA DISCUSSION/ACTION**

FA2. Proposed Issuance by the Agoura Hills Redevelopment Agency of its Series 2008 Tax Allocation Bonds and Series 2008 Housing Set-Aside Bonds

Adopt **Resolution No. 08-007**; A RESOLUTION OF THE AGOURA HILLS FINANCING AUTHORITY APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH TAX ALLOCATION BONDS

Adopt **Resolution No. 08-008**; A RESOLUTION OF THE AGOURA HILLS FINANCING AUTHORITY APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION WITH HOUSING SET-ASIDE TAX ALLOCATION BONDS

Following presentation of the staff report, Chairman Edelston opened the floor for public comment.

There were no public speakers.

ACTION: Following discussion, the motion by Director Schwarz, to adopt Resolution No. 08-007, was seconded by Vice Chairman Weber, and approved 5-0.

**ACTION:** The motion by Director Koehler, to adopt Resolution No. 08-008, was seconded by Director Schwarz, and approved 5-0.

At 7:58 p.m., with the consensus of the City Council, Chairman Edelston adjourned the Agoura Hills Financing Authority meeting.

**Adjourn the Agoura Hills Financing Authority (FA) Meeting  
Without Adjourning the Agoura Hills City Council Meeting**

**CITY COUNCIL PUBLIC HEARING**

9. Conduct a Public Hearing Regarding an Appeal of the Planning Commission's Denial of Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037, which is a Request 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 the Project's Proposed Sign Program (Danari Oak Creek, LLC, Applicant)

Following presentation of the staff report, Mayor Edelston opened the Public Hearing at 8:05 p.m.

The following persons spoke:

Chuck Cohen, Westlake Village, representing the applicant  
Ken Soudani, VTBS Architects, Camarillo, representing the applicant  
Matthew May, representing tenants, Encino  
Robert Yalda, Agoura Hills  
Michael Adler, Agoura Hills  
Cindy Rushing, Agoura Hills  
Mark Grossman, Agoura Hills  
Adena Ishii, Agoura Hills

The following persons submitted Speaker Cards in favor of the project, but did not speak:

Ed and Suzie Boots, Agoura Hills  
Keith and Judi Grossman, Agoura Hills  
Mark Grossman, Agoura Hills  
Susan Grossman, Agoura Hills  
Mary Ann Mattiello, Agoura Hills  
Shari and Roy Monzello, Agoura Hills  
Carolyn Abe-Ishii, Agoura Hills

City Attorney Steele reminded the City Council, and his comments were also for the benefit of the audience, that although this is an appeal of the Planning Commission's decision, as part of the normal procedure, the City Council hears an appeal as, what we call "de novo", meaning they are holding a completely new hearing and are not bound by the Planning Commission's decision. All the information that was before the Planning Commission is presented to the City Council as evidence and the City Council is free to consider it as part of their deliberations, but they are making a new decision and taking over control of this application as they consider it this evening. Again, the City Council is not bound to defend, or uphold, or follow the decision the Planning Commission has made. Also, he noted that one or more of the City Council had visited the site with either Mr. Adler, the applicant, or Mr. Cohen, legal counsel, and/or representatives of the applicant, and he encouraged any member of the City Council who visited the site or did any other fact finding to make sure that information gets on the record and is disclosed.

The following ex parte communication was disclosed:

- Mayor Pro Tem Weber disclosed that he had walked the site with Mr. Adler and reviewed the Planning Commission tapes for December 6, 2007.

**The City Council recessed at 8:56 p.m. and reconvened at 9:12 p.m.**

As part of the discussion, the following additional ex parte communications were disclosed by the City Council:

- Councilmember Koehler disclosed that he had visited and walked the site with Mr. Adler.
- Mayor Edelston disclosed that he had walked the property with Mr. Adler and had a follow up meeting with Mr. Adler and Mr. Cohen.

**Following further discussion and a question and answer period, the City Council recessed at 10:57 p.m. and reconvened at 11:10 p.m.**

There being no further speakers, Mayor Edelston closed the Public Hearing at 11:53 p.m.

Mayor Edelston indicated that he heard the applicant agree with most, if not all of the five items listed in the staff report and, for the record, reiterated the items as follows: *1) additional coverage of the pedestrian plaza area at Building A with trellises, including a wrap-around trellis at the west side of the building; 2) the use of enhanced pavement at parking lot driveway north of Building A for traffic calming; 3) enhanced connectivity between the buildings through interior walkways so that pedestrians would not have to go onto sidewalk on Canwood Street; 4) more trellises within the parking and adjacent to the creek to enhance the pedestrian experience and to reduce the visual mass of the parking lot; and 5) stronger demarcation of sidewalk connections at both ends of the creek to help invite people to walk across the bridge instead of driving from one side to the other.*

Following discussion between the City Council and the applicant regarding a continuance, Mayor Edelston reopened the Public Hearing at 12:57 a.m.

At 12:59 a.m., Mr. Cohen, representing the applicant, requested a brief recess to caucus with his client and they left the Council Chamber.

The City Council requested staff present Item No. 10 at this time.

#### **CHANGE IN ORDER – CITY COUNCIL INFORMATIONAL ITEM**

10. Receive update on Residential Household Hazardous Waste/Electronic Waste Collection Program

Following presentation of the staff report, Mayor Edelston opened the floor for public comment. There were no public speakers.

No action was required by the City Council on this item.

#### **RETURN TO CITY COUNCIL PUBLIC HEARING**

Following a brief recess, Mr. Cohen, on behalf of the applicant, Mr. Adler, requested the application be postponed for six weeks.

**ACTION:** Following discussion, the motion by Councilmember Kuperberg to continue the open Public Hearing to Wednesday, June 25, 2008, was seconded by Councilmember Schwarz and approved 5-0.

#### **CITY COUNCIL INFORMATIONAL ITEM**

10. This item was moved and presented during the recess under Item No. 9.

#### **CITY COUNCIL, STAFF COMMENTS**

City Manager Ramirez congratulated City Engineer Adeva on his acceptance into the Masters and Public Administration Program at the University of Southern California (USC).

Councilmember Kuperberg reported that Planet Expo was very well attended last Saturday.

Mayor Edelston reported that the YMCA Soap Box Derby and antique car show held in Westlake Village was also well attended, reported that Relay for Life is scheduled for May 3-4, 2008 at Willow Elementary School, and announced that, as part of the City's Relay for Life fundraiser, pledge buttons would be available at City Hall for a minimum \$1 donation during Paint the Town Purple Week.

**ADJOURNMENT**

At 1:10 a.m., on a motion by Councilmember Schwarz, second by Mayor Pro Tem Weber, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, May 14, 2008, for a Regular Meeting of the City Council in the Council Chambers of the Civic Center with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Kimberly M. Rodrigues, CMC  
City Clerk/Agency Secretary/Authority Secretary

REPORT TO CITY COUNCIL

#9  
APPROVED/ADOPTED BY  
CITY COUNCIL  
50 (P) Continued to 6/25/08

**DATE:** APRIL 23, 2008

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER *GR*

**BY:** MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT *MK*

**SUBJECT:** APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT CASE NO. 06-CUP-007 AND SIGN PERMIT CASE NO. 06-SP-037, WHICH IS A REQUEST 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 THE PROJECT'S PROPOSED SIGN PROGRAM (DANARI OAK CREEK, LLC, APPLICANT)

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The request before the City Council is to conduct a public hearing to consider an appeal by the applicant of the Planning Commission's denial of Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037. The applicant for these cases, Danari Oak Creek, LLC, requested approval to develop five (5) detached buildings totaling 33,680 square feet in size for retail and restaurant use. The 5.7 acre commercially zoned site is located within the Oak Creek tract on the north side of Canwood Street, east of Kanan Road and west of Clareton Drive, at 28941-29145 Canwood Street.

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 zone. 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 and City Council have discretion on the size, location, design and use of the individual buildings. The Planning Commission and City Council also have 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 and City Council'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 are proposed 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 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. The grading plan indicates that the finished floor elevations for each restaurant on the west side of Medea Creek, as well as the parking lot, to be made generally consistent in grade level. This would result in Building A being approximately level with the average elevation of Canwood Street. The finished floor elevations of Buildings B-1 and B-2 will be approximately 3 and 4 feet respectively above Canwood Street. The finished floor elevations of the Buildings C-1 and C-2, located on the east side of the Medea Creek would be consistent with the adjacent Homewood Suites Hotel. Building C-1 is to be situated 12 feet above Canwood Street and Building C-2 is to be situated 14 feet above Canwood Street.

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 are located to the south.

The Planning Commission held two separate public hearings on December 6, 2007, and February 21, 2008 to consider the applicant's project. 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 and to take advantage of the creek environment. It was noted in the first public hearing before the Planning Commission that the applicant is proposing such amenities, however staff and the Architectural Review Panel had encouraged the applicant to further enhance the site plan. The specific changes recommended by staff and the Planning Commission at the December 6, 2007 Planning Commission meeting, as well as the changes proposed by the applicant at February 21, 2008 Planning Commission meeting to address the Planning Commission's previous comments, are summarized in the following table:

- Continued on next page -

<b>Staff's/ARP's Recommendations</b>	<b>Planning Commission Comments (12/6/07)</b>	<b>Applicant's Response to Planning Commission (2/21/08)</b>
<p><b>Building A</b></p> <ol style="list-style-type: none"> <li>1. Reconfigure the bldg. in an "L-shape" for outdoor dining privacy and to break the linear mass.</li> </ol> <p><b>Site Plan</b></p> <ol style="list-style-type: none"> <li>1. Eliminate 6 spaces east of Bldg. B-1 and 4 spaces northwest of Bldg. A for more landscaping.</li> <li>2. Add more trellises within the parking lot pathways.</li> <li>3. Add outdoor seating on the north end of Bldg. B-2.</li> <li>4. Re-angle the driveway between Bldgs. A and B-1 for a direct view of the oak tree.</li> </ol>	<p><b>Building A</b></p> <ol style="list-style-type: none"> <li>1. Reduce the linear mass of the bldg.</li> </ol> <p><b>Site Plan</b></p> <ol style="list-style-type: none"> <li>1. Eliminate 6 spaces east of Bldg. B-1 and 4 spaces northwest of Bldg. A for more landscaping.</li> <li>2. Add more trellises within the parking lot pathways.</li> <li>3. Add outdoor seating on the north end of Bldg. B-2.</li> <li>4. Re-angle the driveway between Bldgs. A and B-1 for a direct view of the oak tree.</li> <li>5. Add more landscaping and decorative paving within the project.</li> <li>6. Provide pedestrian connections from the street at the n.w. corner of the parking lot.</li> <li>7. Canter the footprint of Bldg. B-1.</li> </ol>	<p><b>Building A</b></p> <ol style="list-style-type: none"> <li>1. Moved the bldg. 3 feet to the north.</li> <li>2. Tenant space A-1 was moved 10 feet further north.</li> <li>3. Patio area increased to depths of 18-52 feet, with seating, trellises, artwork, decorative paving and trees.</li> </ol> <p><b>Site Plan</b></p> <ol style="list-style-type: none"> <li>1. Eliminated 21 parking stalls west of Medea Creek by reducing interior restaurant seating area.</li> <li>2. Parking lot landscaping was increased north of Bldg. A, and in the parking lot northwest of the bldg.</li> </ol>

<b>Staff's/ARP's Recommendations</b>	<b>Planning Commission Comments (12/6/07)</b>	<b>Applicant's Response to Planning Commission (2/21/08)</b>
<p><b>Medea Creek</b> 2. Incorporate a key pedestrian linkage between the east and west sides of the creek to provide strong pedestrian interest to interact with the creek, and to connect the project with adjacent uses, including the hotel.</p> <p><b>Other Features</b> 1. None</p>	<p><b>Medea Creek</b> 2. Incorporate a key pedestrian linkage between the east and west sides of the creek to provide strong pedestrian interest to interact with the creek, and to connect the project with adjacent uses, including the hotel. 3. Eliminate parking spaces adjacent to the creek.</p> <p><b>Other Features</b> 1. Provide an alternate parking lot lighting fixture. 2. Consider uses within Bldg. A other than quick-serve restaurants. 3. Consider providing two restaurant uses within Building C-1. 4. Consider providing subterranean parking for the project to allow for more restaurant uses.</p>	<p><b>Medea Creek</b> 3. Increased the depth of the landscaping adjacent to the creek from 12 feet to 33-44 feet, and provided more benches. 4. Relocated Bldg. B-1's trash enclosure to increase the landscaping between the enclosure and the creek path.</p> <p><b>Other Features</b> 1. An alternate parking lot lighting fixture was provided.</p>

In the second public hearing on February 21, 2008, staff recommended that if the Planning Commission desired to approve the revised project as proposed, they could consider some of the following additional features to help address the Planning Commission's previous comments to further enhance the pedestrian experience and creek orientation, including: 1) additional coverage of the pedestrian plaza area at Building A with trellises, including a wrap-around trellis at the west side of the building; 2) the use of enhanced pavement at parking lot driveway north of Building A for traffic calming; 3) enhanced connectivity between the buildings through interior walkways so that pedestrians would not have to go onto sidewalk on Canwood Street; 4) more trellises within the parking and adjacent to the creek to enhance the pedestrian experience and to reduce the visual mass of the parking lot; 5) stronger demarcation of sidewalk connections at both ends of the creek to help invite people to walk across the bridge instead of driving from one side to the other. Also, design enhancements to the existing north side of the Canwood Street bridge, such improvements to the railing or pavement surface.

The Planning Commission had also requested staff to report back on the feasibility of the applicant

providing a pedestrian bridge that could span across Medea Creek. The applicant estimated a 240-foot clear span bridge over Medea Creek to cost approximately \$800,000 to construct. The City Engineer agreed with this estimate. The Planning Commission stated that a pedestrian bridge would provide a key pedestrian linkage between both sides of the creek.

At the conclusion of the second public hearing, the applicant requested the Planning Commission to take final action. While the Planning Commission acknowledged the design changes made to the project through the course of the public hearings, primarily regarding landscape and hardscape changes, the Planning Commission adopted Resolution No. 926, denying the project on March 6, 2008, on a 2-0-2 vote. Commissioner Buckley Weber was absent for the vote. Commissioner Nouzille abstained because of a business conflict of interest and the Chair O'Meara abstained because he was absent from the second public hearing. The Planning Commission staff reports, which include detailed descriptions of the project, are attached for reference. The Planning Commission's findings for denial are contained in the attached Resolution No. 926.

The project applicant filed an appeal of the Planning Commission's decision. The basis of the appeal is included in their attached appeal application, which is based primarily on the terms of the Development Agreement approved for the tract. Staff would note that the applicant can propose changes to the tract's master site plan. As such, the City Council can also request that other site plan changes deemed appropriate be made to the project design. If the City Council finds the current site plan to be acceptable, it is recommended that all of staff's suggestions of February 21, 2008, be incorporated into the plans, including enhancements to the existing Canwood Street bridge and sidewalks leading to the bridge to further enhance the pedestrian experience.

## **RECOMMENDATION**

It is recommended the City Council conduct a public hearing to consider an appeal of the Planning Commission's denial of Conditional Use Permit No. 06-CUP-007 and Sign Permit Case No. 06-SP-037. If the City Council's decision is to approve the project as submitted, staff will return with a resolution of approval at the soonest available City Council meeting. If the City Council's decision is to deny the project, staff will return with a resolution of denial. If the City Council's decision is to continue the project for redesign, it is recommended that this matter be continued to a certain future date.

- Attachments:
- (A) Appeal Application
  - (B) Letters to the Planning Commission
  - (C) Planning Commission Meeting Minutes (December 6, 2007; February 21, 2008; and March 6, 2008)
  - (D) Planning Commission Staff Reports (December 6, 2007; February 21, 2008; and March 6, 2008)
  - (E) Reduced Copies of Project Plans
  - (F) Planning Commission Resolution No. 926

Attachment A

*Appeal Application*



ATTACHMENT TO APPEAL FORM  
CASE NOS. 06-CUP-007 and 06-SP-037

The applications of Michael Adler, Adler Realty Investments, Inc., 06-CUP-007 and 06-SP-037, were supported by sufficient exhibits and facts justifying approval in accordance with (the) Development Agreement ("DA") between the City of Agoura Hills and SL Agoura Hills, LLC, the predecessor to the applicant, recorded as Document Number 01 1753177 in the office of the County Recorder of Los Angeles County.

Pursuant to Section 3 (a) at page 7 of the DA and its reference to "the Project" as shown on the site plan attached thereto, development approvals (i.e. 06-CUP-007 and 06-SP-037) would follow provided the Project was planned in accordance with the terms of the DA, the Project Approvals and Applicable Rules.

Applicant acquired the subject property following its predecessor's performance of implementation set out in DA Section 3 subsections (d) "Sale of City Property", (e) "Dedication of Right of Way, (f) "Improvement of Canwood Right of Way", (g) "Low and Moderate Income Housing" and (h) "Removal of Billboards and Existing Structures, each and all of which could be interpreted as conditions precedent to the City's obligation to process permit applications. Each and all of the foregoing items of performance constitute good and valuable and material consideration.

Applicant contends that its application submittals comply with the City's Applicable Rules, and, more particularly, with Section 3 (l) at page 12, wherein "City agrees to cooperate with Developer (Applicant herein) in the issuance of permits **on an expedited basis and at the earliest feasible date** (emphasis added), including.....grading and building permits.....provided such permits comply with all Applicable Rules and with the Project Approvals and Conditions of Approval". As a matter of further emphasis of City's intent to cooperate by expediting the Project, we call out the following phrase appearing in said subparagraph: "...and, if applicable, issuance of permits prior to recordation of tract maps for the Project...."

Applicant contends that the applicable standards for review of project applications are:

1. The attached site plan and
2. City's Applicable Rules (those in effect in the City at the time of approval of the DA).
3. Design/Development Standards in Section 3 (m), which exclusively refer to "Easements" for pedestrian use, underground drainage and utilities not interfering with pedestrian use.

#### 4. City Warranties in Section 4 (a):

(1) "Entitlement to Develop...in accordance with: (a) the EIR; (b) the Applicable Rules; (c) the Project Approvals, [sic] and Conditions of Approval thereon; and (d) the terms and conditions of this Agreement, and based upon all [of] the information made available to the City prior to or concurrently with the execution of this Agreement...[provided that] there are no Applicable Rules that would prohibit or prevent the full completion and occupancy of the Project in accordance with the **uses, heights and terms of development incorporated and agreed to herein.** [Our emphasis]."

(2) "Consistency with General Plan".

There are no other more specific standards or terms contained in the DA or other agreements than those set out above. The "Applicable Rules" are set out in Section 5, at pages 12 and 13. We know of no other applicable Rules than those in effect at the time of the recording of the DA. We are unaware of any City development standard that is not being acceded to. In subsection (i) at pages 14 and 15, "Discretionary Approvals" are governed by the Applicable Rules, provided that they do "**not materially change, modify or alter the Project...**" [Our emphasis].

Of special and particular import, please see Section 5 (j) at page 15, which spells out "Timely City Action". It was a material provision such as this which provided the consideration to SL Agoura Hills LLC to enter into the DA and to Mr. Adler to acquire the subject property and rights to the DA from SL Agoura Hills LLC at the agreed price, and upon which the Applicant/Appellant relied in processing plans for the subject property. Said subsection (j) states in part..."no additional conditions of approval, exactions, dedications, mitigations or other like matters shall be required from or imposed upon Developer in connection with any Subsequent Project Approval ...in connection with the implementation of the Project approved in the Project Approvals."

The good news to the City with regard to this plan and set of permits for implementation of the DA is that Mr. Adler has, while substantially conforming to the terms of the DA, significantly improved the project depicted in the Site Plan attached to the DA, in the following ways:

1. Its restaurants orient to Medea Creek and the large northerly oak tree;
2. It is more pedestrian in character with walkways and seating furniture drawing people from their cars to "this place";



3. The building square footage has been reduced by 27,820 s.f., thus reducing needs for parking, numbers of trips, sound effects and emissions, and generally becoming a less intensive variety of uses on the subject property than what was originally conceived in the SL Agoura Hills LLC submittal.

4. The parking field has been better screened from Canwood and Freeway passersby by the placement of buildings and added landscaping on the Project perimeter and the increased canopy within the parking area itself;

5. The residential units constructed by SL Agoura Hills LLC have more tree screening on their common boundary with Oak Creek and more screening of Freeway sound by the intervention of Project buildings. It is presumed that the residents of those units were duly informed by SL Agoura Hills LLC of the commercial planned use of the subject property in advance of their occupancy;

6. The site has been designed to better protect Medea Creek from erosion and storm water runoff, and

7. Excellence of design, architecture, building materials, colors and landscaping.

All of the above examples of Project enhancement are consistent with Section 3 (a) at page 8, which states in part: "Developer may develop the Property or any portion there with a development of lesser height or density than the Project, provided that such development otherwise complies with the Applicable Rules, including the EIR, the Project Approvals and this Agreement."

Mr. Adler has, in fact, brought to the City a better, less dense project, which ought to be approved in accordance with the Applicable Rules as is provided for in Section 3 (a) quoted from above.

Presuming that each council member has familiarized himself with the proceedings of the Planning Commission, it appears reasonable to assume that the key factor weighing in the minds of the three Commissioners who voted at that hearing was their desire to have Mr. Adler construct a pedestrian bridge over Medea Creek somewhere along the common boundary with the easterly portion of this Project (which was not before the Commission that night). Mr. Adler respectfully refused to add said amenity to his plans for at least some of the following reasons:

1. The cost, estimated by a comparison with another small bridge elsewhere within the area where no specific facts were available for evaluation, of

approximately \$800,000, which was never factored into the purchase price of the property nor the development proforma.

2. The uncertainty of not only cost but also of time and cost to evaluate the environmental impacts thereof in accordance with the California Environmental Quality Act. No such analysis was included in environmental review to date. As you know from other natural area sensitive evaluations, there is no good estimate of the delays which would ensue.

3. A bridge structure over most of the Medea Creek as it runs through the subject property would likely require a span of more than 200 feet. No such engineering has been applied to this aspect of the Project nor budgeted, and the outcome of such work is uncertain as to feasibility, cost and time of permitting and construction.

4. State and Federal agencies are likely to exert jurisdiction without any limits or controls in the hands of the City. This would undermine basic understandings in the DA.

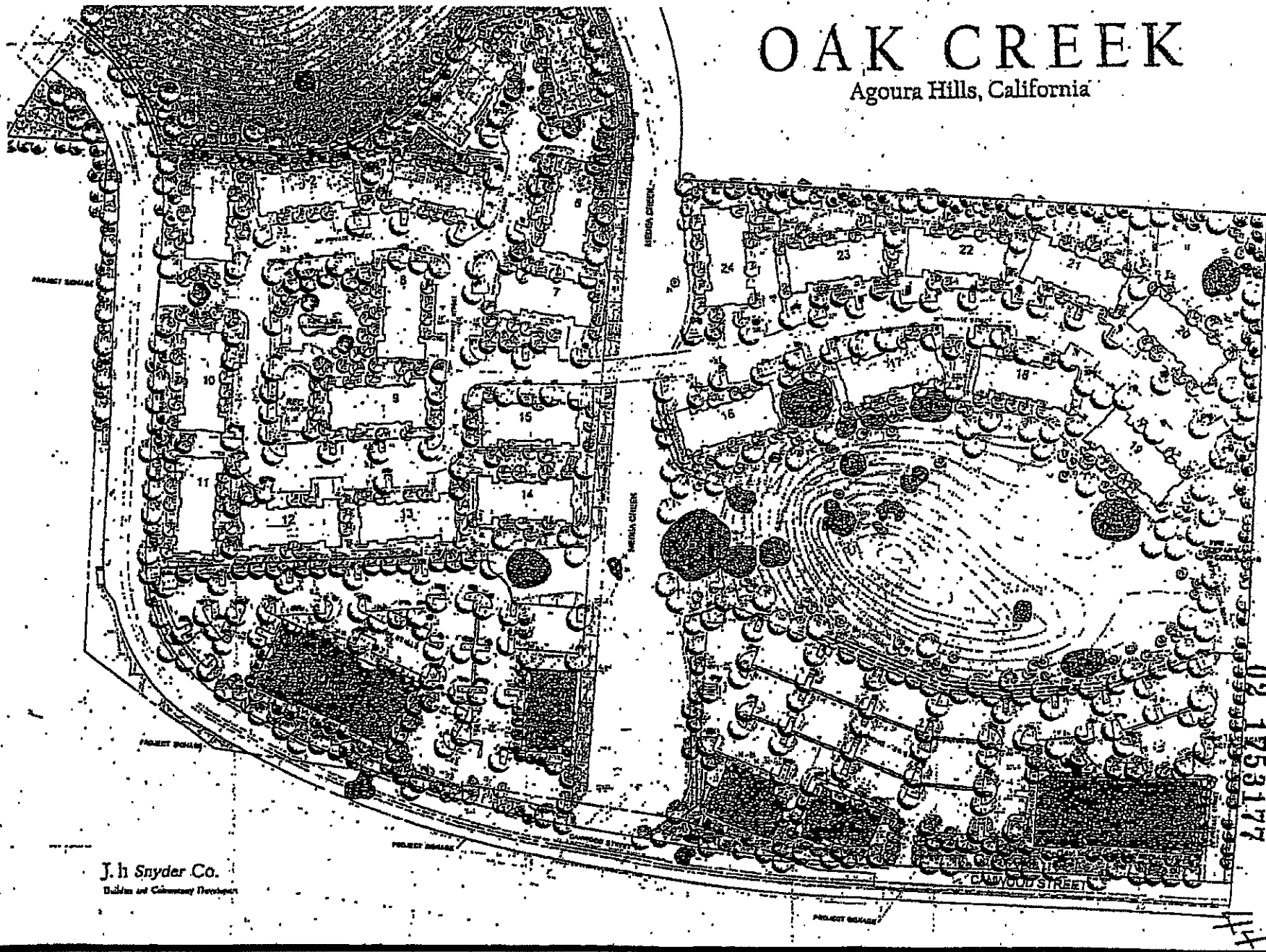
5. Among the agencies that could exercise jurisdiction over such construction, its footings, shade effects, stream alteration properties, etc. are: the Regional Water Quality Control Board, State Fish and Game, US Fish and Wildlife and the Army Corps of Engineers. We are uncertain, but concerned about the Santa Monica Mountains Conservancy and State of California Coastal Commission.

Mr. Adler sincerely believes that his Project as now presented is an enhancement of the Project improvement expectations contained in the DA, but at the very least is in substantial conformance therewith. Furthermore, these applications seek no variances or waivers of City standards. They are in compliance with City ordinances, development standards in the Zoning Ordinance and policies, with the DA, in fact, being a City Ordinance. In all respects, the Project is conscious of and respectful of the privacy and quality of life of its closest residential neighbors.

Its buildings are at human scale as to height and volume, walking and social gathering oriented amenities, have four sided attractive architecture, quality materials, enhanced landscaping, screened parking areas and are providing an attractive face to travelers on Canwood Street and the community visitors on the Freeway.

# OAK CREEK

Agoura Hills, California



J. H. Snyder Co.  
Builders and Community Developers

02 1753177

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Attachment B

*Letter to Planning Commission*

**Doug Hooper**

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**From:** Scott Litman [scott@scottlitmaninsurance.com]  
**Sent:** Thursday, February 21, 2008 4:41 PM  
**To:** Doug Hooper  
**Subject:** FW: Oak Creek petition

**Scott Litman**

**Scott Litman Insurance Agency, Inc.**  
**(818) 879-5980 Ext. 207/(818) 879-5990 Fax**  
**License #0833330**

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**From:** Scott Litman  
**Sent:** Thursday, February 21, 2008 4:24 PM  
**To:** 'mkamino@ci.agoura-hills.ca.us'; 'dhopper@ci.agoura-hills.ca.us'  
**Subject:** Oak Creek petition

We are not able to make the meeting tonight but are very interested in the successful completion of the revised plan of Oak Creek.

Please find a signed petition by the employees of the office.

It is also important to note, a number of us also live in the area.

Thank you for your time.

scott

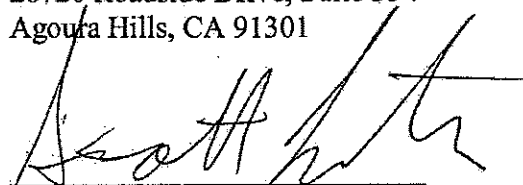
**Scott Litman**

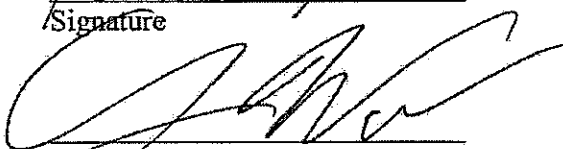
**Scott Litman Insurance Agency, Inc.**  
**(818) 879-5980 Ext. 207/(818) 879-5990 Fax**  
**License #0833330**

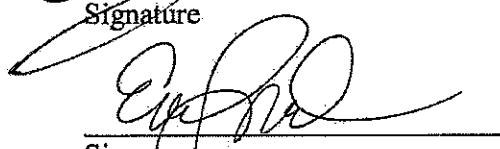
To Whom It May Concern:


The employees of Scott Litman Insurance Agency, Inc support the plan for the Oak Creek project. We operate Monday through Friday across the street, and regularly purchase our lunches from local restaurants. We would love to have more locations to choose from that we could get in and out of quickly, or pick up an order to go. As members of the community, we are signing this petition as our vote that this plaza will be an asset to the area.

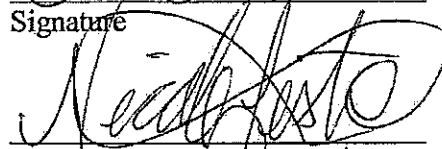
Thank you,  
Scott Litman Insurance Agency, Inc.  
28720 Roadside Drive, Suite 354  
Agoura Hills, CA 91301

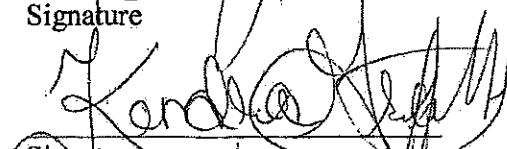
  
Signature \_\_\_\_\_ Date 2/21/08

  
Signature \_\_\_\_\_ Date 2/21/08

  
Signature \_\_\_\_\_ Date 2-21-08

  
Signature \_\_\_\_\_ Date 2/21/08

  
Signature \_\_\_\_\_ Date 2/21/08

  
Signature \_\_\_\_\_ Date 2/21/08

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**From:** Jcl523@aol.com [mailto:Jcl523@aol.com]

**Sent:** Monday, February 18, 2008 6:03 PM

**To:** Doug Hooper; curtis@cajaeir.com; cnouzille@mac.com; Allison Cook; Mike Kamino

**Subject:** Attention Planning Commission/Shops at Oakcreek

Dear Planning Commission,

Unfortunately, we are not able to attend the meeting this Thursday, Feb. 21, 2008 concerning the Shops at Oak Creek. This project is very important to our city, and we want to share more information with you that we believe will enhance this project. First of all, the following links are examples of public places that are done very well.

<http://www.rmdesign.com/?s=5projects&c=streetscapes-plazas&id=102> ,

<http://www.malibucountrymart.com/> . We encourage you to look at these links.

They are quite pleasant surroundings, and they make these areas places where people will want to shop, sit, gather, relax, eat, play, etc. A common factor in these places, as well as many other quality public places, is that you **do not see parking lots** when you are in the gathering spots. There is nothing more detrimental to a public space than retail, restaurants, and outdoor seating areas that face a parking lot. We realize that the scale may not be the same as that of this project, however the concepts remain good ones, and Agoura Hills needs to have good public places.

We understand that there are rules regarding the amount of parking spaces needed, but don't let that be the overriding factor in the difference between a good public space and what we will get which is another suburban shopping center. Also, no amount of nice landscaping will make a parking lot appealing, nor will it lend itself to pedestrian use. The quality of the space has to be more important than the number of parking spots and the location of the parking spaces. If it takes underground and/or on street parking on Canwood, or even fewer buildings, please do it. Do not let the parking requirements be the determining factor between a good public space and another suburban shopping center.

Two story buildings will also benefit this area because single story buildings are not as inviting to pedestrians. Two story buildings create a sense of enclosure or an "outdoor room" which can not be provided as well by single story buildings. Please look at the Agoura Village Specific Plan. You will see that the diagrams are all two story buildings with the possibility of some that are three stories. Even the Caruso Westlake Promenade development has a fake two story facade to help create a sense of place.

Here is another item for consideration, two story buildings with lofts or apartments will help the city meet the low income housing requirements and give

this part of the city more of a neighborhood feel. This area is currently mixed use horizontally, so the natural progression is for it to also be mixed use vertically.

Please consider these ideas; we want to reiterate the importance of a public gathering space such as in the courtyard in Ojai and the play/gathering area of the Malibu Country Mart.

David and Jennifer Lebowitz  
29421 Promontory Place  
Agoura Hills, CA 91301  
818 597-2674

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Delicious ideas to please the pickiest eaters. [Watch the video on AOL Living.](#)



**Doug Hooper**

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**From:** Jcl523@aol.com  
**Sent:** Wednesday, January 02, 2008 9:29 AM  
**To:** Doug Hooper  
**Subject:** Shops at Oak Creek - for Planning Commission

David and Jennifer Lebowitz

29421 Promontory Place

Agoura Hills, CA 91301

818 597-2674

[JCL523@aol.com](mailto:JCL523@aol.com)

Attention Planning Commission:

My husband and I just stopped by the planning office to take a look at the plans for "The Shops at Oak Creek." I'm sorry to say that we were very disappointed. It looks like more of the same suburban sprawl that we were hoping to get away from... complete with a sea of parking. We were sincerely hoping that it would be more of a "new urbanist" plan like the Agoura Village plan. Other than the architecture and landscaping it is just like the current strip malls scattered around the Conejo Valley. Since mixed use is not likely to be an option in this area, the very least would be a lovely gathering place like they have at the Malibu Country Mart. How will this current plan for "The Shops at Oak Creek" make Agoura Hills a special place? If this were more like the Malibu Country Mart it would definitely be a special place for Agoura Hills!

We thank you for your time and attention. Please feel free to call or e-mail.

Sincerely,

Jennifer and David Lebowitz

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See AOL's [top rated recipes](#) and [easy ways to stay in shape](#) for winter.

## Attachment C

*Planning Commission Meeting Minutes  
(December 6, 2007; February 21, 2008; and March 6, 2008)*



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**MINUTES OF THE REGULAR SCHEDULED MEETING OF  
THE PLANNING COMMISSION  
December 6, 2007**

1. CALL TO ORDER: Vice Chair Zacuto called the meeting to order at 6:43 p.m.
2. FLAG SALUTE: Commissioner O'Meara
3. ROLL CALL: Commissioner Illece Buckley Weber, Commissioner John O'Meara, Vice Chair Zacuto, and Chair Steve Rishoff.  
  
Chair Rishoff stated Commissioner Ramuno was absent, having received an excused absence from this meeting on October 18, 2007.  
  
Also present were Director of Planning and Community Development Mike Kamino, Assistant Community Development Director Doug Hooper, City Engineer Ramiro Adeva, Senior Civil Engineer Jay Patel, Senior Planner Allison Cook, Planning Technician Britteny Tang and Recording Secretary Sheila Keckhut.
4. APPROVAL OF MINUTES: ~~November 11, 2007 (Planning Commission Special Meeting- Field Trip)~~  
  
On a motion by Commissioner Buckley Weber, seconded by Vice Chair Zacuto the Planning Commission moved to approve the Minutes of the November 11, 2007 Planning Commission Meeting-Field Trip. Motion carried 4-0. Commissioner Ramuno was absent.

November 15, 2007 (Planning Commission Regular Meeting)

On a motion by Commissioner Buckley Weber, seconded by Commissioner O'Meara, the Planning Commission moved to approve the Minutes of the November 15, 2007 Planning Commission Meeting. Motion carried 3-0-1. Vice Chair Zacuto abstained. Commissioner Ramuno was absent.

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

None

6. CONSENT ITEMS:

None

AGENDA ITEM #7 MOVED TO THE END OF THE AGENDA, AFTER ITEM #8

7. NEW PUBLIC HEARING:

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)

REQUEST:

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:** Staff recommended that if the Planning Commission wished to approve Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037, staff would return with a Resolution and conditions approval for adoption.

**PUBLIC COMMENTS:** Chair Rishoff opened the Public Hearing

The following persons spoke in favor of the project.

Dennis Reitz, SKA Design representing the applicant

Michael Adler, Adler Realty Investments

Ken Soudani, VTBS Architects, applicant's architect

The following persons spoke in opposition of the project.

Robert Evren, Old Agoura HOA, Agoura Hills

Ed Corridori, Agoura Hills

**RECESS:** Chair Rishoff called for a recess at 8:42 p.m.

**RECONVENE:** Chair Rishoff reconvened the meeting at 9:00 p.m.

**REBUTTAL:** Michael Adler, Adler Realty Investments gave rebuttal regarding the project and answered additional questions of the Planning Commission.

**ACTION:** On a motion by Vice Chair Zacuto, seconded by Commissioner Buckley Weber, the Planning Commission moved to continue Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037 to the February 7, 2008 Planning Commission meeting. Motion carried 4-0. Commissioner Ramuno was absent.