

REPORT TO CITY COUNCIL

DATE: DECEMBER 10, 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: REQUEST TO AMEND CONDITIONAL USE PERMIT CASE NO. 03-CUP-018 TO ALLOW EXTENDED STAY OCCUPANCY AT THE HOMEWOOD SUITES HOTEL (APPLE SEVEN HOSPITALITY OWNERSHIP, INC., APPLICANT)

The request before the City Council is to conduct a public hearing to consider an amendment to a conditional use permit to allow extended stay at the Homewood Suites Hotel.

In December of 2003, the Planning Commission unanimously approved Conditional Use Permit Case No. 03-CUP-018, which was a request of HBF Holdings, LLC, to construct a 125-unit Homewood Suites Hotel at 28901 Canwood Street, east of Kanan Road and west of Clareton Drive. In January of 2004, the City Council considered an appeal of the Planning Commission's approval of the Conditional Use Permit. After conducting the appeal hearing, the City Council upheld the decision of the Planning Commission. The hotel has been operating since March of 2007.

The City Council's approval of the project was subject to conditions of approval. Included in the project conditions are the requirements that: 1) no one individual occupy one room for more than 30 consecutive days; and 2) the rooms within the hotel cannot be used for residency. The purposes of these conditions were to preclude residential use of the property, which is not allowed in the CRS (Commercial Retail Service) zone, and to maintain transient occupancy within the hotel. State law defines "transient" occupancy as occurring within a 30-day period. Hotel guest stays occurring beyond 30 days can be considered a period of temporary occupancy. These conditions were not applied to the two other hotels in the city. The Renaissance Hotel was approved by the County of Los Angeles prior to City incorporation. The Hampton Inn rooms are not conducive for extended stay since they do not have kitchen facilities that are offered in the Homewood Suites Hotel.

The owner of the Homewood Suites Hotel, Apple Seven Hospitality Ownership, Inc., is requesting to amend the conditions of approval to allow occupancy beyond 30 days. Specifically, the applicant is requesting to amend the conditional use permit to allow up to 35 of the 125 rooms (28%) to be occupied on an extended-stay basis by the same individual for up to 180 days. The applicant is also requesting to allow an additional 2 rooms (1.6%) to be occupied on an extended-stay basis by the same individual for up to 365 days. As noted in their attached letter, the hotel's business model is one that is dependent on extended stays of 30+ nights. However, the majority of stays are between 5 to 29 nights. The applicant notes that in order for the Homewood Suites Hotel to be competitive

with other hotels in the area, it is important to offer rooms to be occupied for more than 30 days. While the applicant is requesting up to 35 rooms to be occupied by individuals for a maximum 180-day stay, the applicant has indicated to staff that the average number of rooms occupied for that length of stay at any given time is 25.

The Economic Development Committee (EDC) has reviewed the proposal and suggested the City Council consider allowing extended stays at the hotel. However, the EDC suggested no more than 10% of the rooms (12 rooms) be designated for stays greater than 30 days, and that the maximum length of stay for an individual in one room be 180 days. One member of the EDC was open to considering more rooms be designated for extended-stay if the applicant justifies the need to the City Council. Thus, the applicant's attached letter was submitted for the City Council's review. The EDC's suggestions are intended to allow the City to monitor the impacts of the extended stays (including fiscal impacts), and to allow the applicant to request a future amendment of the conditional use permit if desired by the applicant.

If the proposal is approved by the City Council, and in order to maintain the commercial character of the hotel and to avoid the appearance of temporary residential use of the property, staff recommends the applicant be required to comply with the following new conditions of approval that would be applied to the operation of the hotel:

1. Personal items, decorations, or signs belonging to guests of the hotel shall not be displayed or stored outside of the hotel room in public view.
2. Maximum occupancy limits within each room shall be strictly enforced by the hotel management.
3. Oversized vehicles, including recreation vehicles and motorhomes, of hotel occupants shall be parked in the north end of the parking lot.

The project amendment, as proposed, does not change the basic objectives of the Environmental Impact Report (EIR) Addendum that was certified for the development of the hotel, nor does it change the basic objectives or conclusions of the environmental analysis as stated in the Tract's certified EIR. The proposed revisions do not raise any new significant environmental impacts that were not previously identified in the EIR Addendum and would not require revisions to the adopted Mitigation Monitoring Plan for this project.

RECOMMENDATION

It is recommended the City Council conduct a public hearing and adopt Resolution No. 08-1510, approving an amendment to Conditional Use Permit Case No. 08-CUP-013, allowing extended stay at the Homewood Suites Hotel, subject to conditions.

Attachments: Resolution No. 1510 and Conditions of Approval
Letter from Applicant (November 4, 2008)
City Council Resolution 04-1312

RESOLUTION NO. 08-1510

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT CASE NO. 08-CUP-013

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by Apple Seven Hospitality Ownership, LLC, with respect to real property located at 28901 Canwood Street (Assessor's Parcel No. 2048-011-062), requesting approval of an amendment to an approved Conditional Use Permit (Case No. 03-CUP-018) to allow extended stay occupancy in the Homewood Suites Hotel for a maximum of 180 days in 35 rooms, and for a maximum of 365 days in 2 rooms. A public hearing was duly held on December 10, 2008 at 7:00 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given.

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

Section 3. Pursuant to the Agoura Hills Zoning Ordinance, the City Council finds as follows:

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

B. The proposed use, as conditioned, is compatible with the surrounding properties in that extended stays within the hotel will not change the character or intent of the CRS zone. Residency would not be allowed with the proposal and no exterior modifications or additions to the hotel are proposed.

C. The proposed use, as conditioned, and the condition in which it will be maintained will not be detrimental to the public health, safety, or general welfare. No changes to the exterior of the property are proposed and occupancy limitations within each room will be enforced.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The use will be conducted indoors and proposal will not impact the development standards of the CRS and FC zones.

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

F. The proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan. The proposed amendment to the Conditional Use Permit will allow Goal No. 1 of the General Plan Land Use Element to be met by allowing for the provision of a mix of land uses which meet the diverse needs of the Agoura Hills residents, offers a variety of employment opportunities, and allows for capture of regional growth. The proposed project, as amended, will continue to provide for a visitor-serving commercial use, which is a policy of attaining this General Plan goal.

Section 4. In accordance with the California Environmental Quality Act, the City Council has considered written and oral testimony and finds that project amendment, as proposed, does not change the basic objectives of the Environmental Impact Report (EIR) Addendum that was certified for the development of the hotel (Conditional Use Permit Case No. 03-CUP-018), nor does it change the basic objectives or conclusions of the environmental analysis as stated in the Tract's certified EIR. The proposed revisions do not raise any new significant environmental impacts that were not previously identified in the EIR Addendum.

Section 5. Based on the aforementioned findings, the City Council hereby approves an amendment to Conditional Use Permit Case No. 03-CUP-018, subject to attached conditions, with respect to the property described in Section I herein.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2008, by the following vote to wit:

AYES: ()
NOES: ()
ABSTAIN: ()
ABSENT: ()

Denis Weber, Mayor

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL (Case No. 03-CUP-018, Amendment)

STANDARD CONDITIONS

1. 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.
2. 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.
3. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.

SPECIAL CONDITIONS

4. Condition Nos. 63 and 64 of City Council Resolution 04-1312 are hereby deleted. This action requires conformance to all other conditions of City Council Resolution No. 04-1312.
5. A maximum of 12 rooms may be occupied for a maximum of 180 days by an individual.
6. Personal items, decorations, or signs belonging to guests of the hotel shall not be displayed or stored outside of the hotel room in public view.
7. Maximum occupancy limits within each room shall be strictly enforced by the hotel management.
8. Oversized vehicles, including recreation vehicles and motorhomes, of hotel occupants shall be parked in the north end of the parking lot.

END



HOMEWOOD SUITES BY HILTON® ♦ 28901 CANWOOD COURT ♦ AGOURA HILLS, CA 91301

November 4, 2008

VIA HAND DELIVERY

Mr. Greg Ramirez
City Manager
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Mr. Nathan Hamburger
Assistant City Manager
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CC: Hon. William D. Koehler, Mr. Mike Kamino

RE: Homewood Suites
Resolution No. 04-1312

Dear Mr. Ramirez and Mr. Hamburger,

It was a pleasure meeting with you last week. We understand how hectic your schedules must be and your willingness to sit down with us to express your concerns, as well as your sincere desire to work with us throughout this process, is refreshing and reassuring. We also understand what a difficult position the City is in with regard to the aforementioned resolution due to some decisions made by the developer of the hotel. However, we are confident in our ability to work together to create a partnership that will allow both the City of Agoura Hills to obtain the tax revenue it is counting on from our small business, as well as to give our business the ability to grow and flourish.

We have come to you to petition a waiver/amendment to Resolution 04-1312 for the following reason: this business cannot and will not survive without the amendment made to allow for us to host guests for more than 30 nights without city tax. This would allow our small hotel to be on the same level as our competitors in order to compete in a highly competitive market and industry.

The Homewood Suites by Hilton business model is one that is dependant on extended stay business of 30+ nights. In the world of Homewood Suites, extended stay means all length of stays more than 5+ room nights. The goal is to obtain the majority of business between 1-29 room nights as that is where the larger percentage of revenue is made and the city will collect city tax. (We have provided data to support this statement). This goal is consistent throughout the brand, as well as specifically within our hotel. Our business model is comprised of extended stay business of anything that is 5+ nights with the bulk of our business coming in 5-29 nights. The city definitely benefits from this as well as the community. By having extended stay guests in the community not only will you collect city tax but they eat and shop in the community which brings incremental revenue to Agoura. An extended stay guest brings an average of \$64.00 daily of incremental spending into the area. You may ask why does our business model need or want extended stay. It allows us to then Revenue Manage our rates for the transient (1-4 night stays) at a higher rate which in turn gives the city of Agoura more in tax revenues. Please note that while we consider extended stay to be 5+ nights the bulk of our revenues are earned 5-29 nights and the smallest portion of our extended stay is in the 30+ night section. This benefits not only us but the City of Agoura as well.

As you've likely noticed, our immediate area has seen a tremendous influx of hotels. More than 800 rooms were added to available inventory in the area over the past 2 years while the demand for hotel rooms not only has shown no increase as expected but has shown a decrease in room nights to the market. You've possibly seen this evidenced in the reduction of revenues earned by the Renaissance hotel. The hotel which once boasted 90+% occupancy year round is now struggling to build a base. It is not just the Renaissance that has been faced with the difficulty of operating in a market where the supply of hotel rooms is much greater than the demand of business, but the hotels throughout Westlake Village, Newbury Park, Calabasas and even Woodland Hills. It is a constant struggle to pull as much business into the Agoura Hills area as possible, with all the competition in the neighboring cities. However, even in these tough times, our hotel has consistently exceeded expectations and performs well against our competing hotels in nearby areas. We've done this by strategically targeting companies with a need for long term stay. We learned early this year that if we could get the local businesses to consider our hotel for their long term guests, they would also consider us for their short term. Companies, such as Bank of America, who felt as though there was no need to add another hotel to their preferred travel program chose to consider and change their philosophy when considering their ability to host long term guests. This determination allowed us to not only capture their long term, extended stay business, but mostly their short term business.

We also have provided you with information on how by offering extended stay alternative to these companies that currently do not stay at Agoura hotels we have been able to bring them to our hotel and in turn the City of Agoura has benefited with more tax revenues directly because of us reaching out to surrounding communities and stealing the business that were staying at our competitors. We estimate that through September 2008 more than 22% percent of our short term (1-29 nights) stays are as a result of our extended stay business.

As mentioned in our meeting, as well as in this letter, our goal is to obtain as much high-rated business as possible. We need to do this in order to bring as much profit to the hotel and make it successful. It is a blend of getting the right pieces of business for the right length of stays and rate. In our industry we call that tiering our rates. A large part of the strategy in getting businesses outside of Agoura Hills to consider us a viable option for their travelers is to market our extended stay features. These features include an all-suite property with complimentary breakfast, dinner and grocery shopping. We cater to the upscale business traveler, as well as the consultant relocating to the area for an extended period of time. It is true they can obtain these same features by staying at the Residence Inn in Westlake Village. However, we've built solid relationships within the business community in which businesses in WLV, T.O. and Newbury Park will bypass the hotels closer to their companies and book their stays with us. This did not just happen. This is as a result of a strategic sales and marketing plan and a team who went to the neighboring cities and asked the companies to consider a small hotel in Agoura Hills. This strategy has worked and we expect it to continue working, but this requires that we continue to build upon a base business of extended stay (30+ nights) business.

The aforementioned is the basis for our petition before you and we have included the following information to further underscore this need. As requested, we have compiled a number of reports and an extensive amount of data to substantiate the claims made above, as well as in our meeting. We hope the following contains all the information needed for the EDC to make a recommendation on our request. Included with this letter you should find the following:

An updated Extended Stay Occupancy report which provides the monthly and total occupancy since the inception of the hotel, as well as the 30+ stay percentage and revenue. This report was taken from the data you provided to us in our most recent meeting. To our understanding, this information was provided to you by Noel Heller. Please note we found errors in the statistics provided to you and revised the information so it is correct. 2008 Corporate Extended Stay Report outlining the corporate businesses giving us the bulk of our 30+ stay business, as well as the short term business they also give to us.

It is important to note that most of these businesses are outside of Agoura Hills and have many hotels to choose from closer to their business location. They continue to patronize the Homewood Suites by Hilton in Agoura Hills because of the product and the amenities we offer being an extended stay hotel. This report also outlines all guests who have stayed with us for 30+ nights or more in 2008 and the purpose for their stay; National Brand Average of TownPlace Suites by Marriott, Residence Inn by Marriott and Homewood Suites by Hilton. Please note that although it was requested of us to obtain information from the hotels along the 101 corridor, this is information we are unable to obtain as they are our direct competition. This is information the City may reasonably be able to obtain from each hotel, but as a competing hotel, we are not able to at this time; Extended Stay data from individual Residence Inn by Marriott hotels throughout the country. Each of these hotels are owned by our ownership company, Apple Reit which is why we were able to obtain the property-specific data; Extended Stay data from individual Homewood Suites by Hilton hotels throughout the country. Each of these hotels is owned by our ownership company, Apple Reit which is why we were able to obtain the property-specific data;

To simplify the attached reports, we've created the following brief overview of the data you will later review. This information is the basis for our request of an allowance of up to 21% of our annual occupancy to be reserved for guests staying 30+ nights. This request of 21% is a reduction from the original request of nearly 30%. As you requested, we've looked at our overall business model and what we believe we will need to succeed in the current economy, as well as once it rebounds. We will adjust our marketing and business plan to reflect a lower percentage of 30+ stay for 2009 than originally hoped. It will be quite a bit more work for us to continuously fill the remaining 79% of the hotel but with the continued support of the City, as well as the local businesses and residents, we are willing to make this effort for all parties to remain successful.

In September, the percentage of 30+ night guests was 26.4%. This is an increase from July and August, which were 25.7% and 25.2%, respectively. Our 30+ stay businesses has grown tremendously since February when our sales team targeted this base of businesses due to the amount of short term businesses coming into the area slowing. We believe this hotel will finish the year at about a 21.5% of 30+ night guests. This market and hotel need to be at this model of 21.5% annually of 30+ guests in order to be successful.

(SEE ATTACHMENT #1)

We expect the remainder of the year to bring similar percentages in this category. However, in 2009, we will curtail this high percentage in the months

when we know we can obtain higher-rated, shorter term business: April-August.

(SEE ATTACHMENT #2)

Our hotel cannot be successful without the support of the local businesses in Agoura Hills, as well as the surrounding cities. The companies based outside of Agoura Hills that support us by giving both short term business, as well as 30+ night stays are Countrywide, Alcatel-Lucent, The Cheesecake Factory, Farmers (WLV and Simi), Intuit, inQ, OTS, ProActive Sports, Move, Jones Trading, Inphi Corp, Ixia, Amgen, K-Swiss, BMW Designworks, Anheuser-Busch, Theiss Institute and General Electric.

(SEE ATTACHMENT #3)

Overall, corporate clients account for more than 85 percent of our extended stay (30+ nights) business. Of the 14 percent of guests staying with us more than 30 nights, a little less than ½ have come into the area because they are either looking to purchase a home, remodeling their current Agoura Hills home, visiting family in the area.

(SEE ATTACHMENT #4)

On a national level, TownPlace Suites by Marriott and Residence Inn by Marriott outperform Homewood Suites by Hilton in the area of 30+ night stay. However, the Homewood Suites Agoura Hills has been successful in competing heavily with these two brands in our local community. Homewood believes that they bring more to the community as well as to their owners by focusing on business that is 5-29 nights and less on the 30+ than our main competitor of Residence Inn.

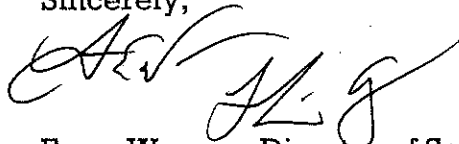
(SEE ATTACHMENTS #5, 5.1, 6, 6.1 & 7)

Our intention with the above referenced is not to bore you with data but rather to excite you about the success of the hotel you allowed to be built in this wonderful community. We recognize the benefits of being located within the City of Agoura Hills and many of our employees are proud Agourans, as well as residents of Oak Park. We are a business that not only serves the community, but employs many of its residents. We strive each day to exceed the expectations of our guests and clients, as well as to strongly compete against the hotels in the neighboring cities. The guests staying with us patronize all the businesses in our community. But don't take our word for it; just ask Wood Ranch, Golden Spoon, Starbucks or the local Vons. Our guests frequent these businesses as much as the locals – and they do it because we

suggest they shop and dine within Agoura Hills, before looking outside our beautiful city.

It is our hope we've provided all the information needed for the EDC to make a recommendation prior to us going before the Council. However, if there is anything we've not included that you'd like to see added, please do not hesitate to let us know. We will do our best to get the requested information to you without delay. Thank you again in advance for considering our petition and we humbly await your response.

Sincerely,

Handwritten signatures of Fawn Weaver and Thomas Long. The signature of Fawn Weaver is on the left, and the signature of Thomas Long is on the right.

Fawn Weaver, Director of Sales
Thomas Long, General Manager

Cc: Dave Buckley
Liz Sumner
Cris Laragan
Kurt Weber
Timothy Bristol

RESOLUTION NO. 04-1312

A RESOLUTION OF THE AGOURA HILLS CITY COUNCIL
UPHOLDING THE DECISION OF THE PLANNING COMMISSION
AND APPROVING CONDITIONAL USE PERMIT CASE NO. 03-CUP-018

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS,
RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by HBF Holdings, LLC with respect to real property located on the north side of Canwood Street, between Kanan Road and Clareton Drive, Lot 8 of Tract No. 53752, (Assessor's Parcel No. 2048-011-033), requesting approval of a Conditional Use Permit (Case No. 03-CUP-018) to construct an 88,109 square foot, 125-unit hotel. A public hearing was duly held on December 18, 2003 at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing. On December 18, 2003, the Planning approved Conditional Use Permit Case No. 03-CUP-018 on a 5-0 vote, subject to conditions, per Resolution No. 765.

Section 2. An appeal of the Planning Commission's approval of Conditional Use Permit Case No. 03-CUP-018 was filed by Council Member John Edelston on January 2, 2004, with respect to property described in Section I hereof. The appellant, Council Member Edelston, appealed the decision of the Planning Commission for the following reasons: 1) Greater consideration is needed to the impact additional traffic will have on those residing in communities along Canwood and Kanan Roads, as well as to Chesebro Road, if the hotel is opened before the Kanan/101 Freeway interchange is completed; and 2) More consideration must also be given to any potential negative impact on the City that the Planning Commission, by its own admission, did not have the authority to address during the public hearing. A public hearing on the appeal was duly held and public testimony given on January 28, 2004 at 7:00 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given.

Section 3. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearing.

Section 4. Pursuant to the Agoura Hills Zoning Ordinance, the City Council finds as follows:

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

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

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

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

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

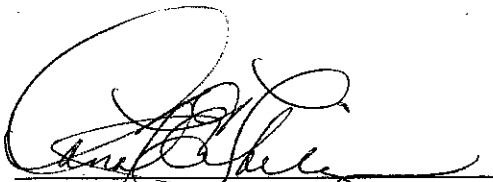
F. The proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan. Goal No. 1 of the General Plan Land Use Element calls for the provision of a mix of land uses which meet the diverse needs of the Agoura Hills residents, offers a variety of employment opportunities, and allows for capture of regional growth. The proposed project will provide for a visitor-serving commercial use, which is a policy of attaining this General Plan goal.

Section 5. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt an Addendum to the certified Final Environmental Impact Report (EIR) prepared for Tract 53752 (J.h. Snyder Mixed Use Development Project). Based upon the initial study, public comments and record before the City Council, the City Council finds that the Addendum to the Final EIR identifies potentially significant effects for which the feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The City Council reviewed the information contained in the Addendum to the Final EIR in considering the application and found that the Addendum to the Final EIR was prepared pursuant to the California Environmental Quality Act. The Addendum to the Final EIR represents independent judgment of the City of Agoura Hills. As approved, the project will not have a significant effect on the environment. The City Council hereby adopts the Addendum to the certified Final EIR for Tract 53752 and the mitigation monitoring plan.

Section 6. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 03-CUP-018, subject to attached conditions, with respect to the property described in Section I herein, and denies the appeal.

PASSED, APPROVED and ADOPTED this 28th day of January, 2004, by the following vote to wit:

AYES: (4) Kuperberg, Corridori, Reinhardt, Weber
NOES: (1) Edelston
ABSTAIN: (0)
ABSENT: (0)



Carol E. Tubelis, City Clerk



Dan Kuperberg, Mayor

CONDITIONS OF APPROVAL (Case Nos. 03-CUP-018)

STANDARD CONDITIONS

1. 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.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the City Council on January 28, 2004: Site Plan, Building Elevation Plans, Floor Plans, Roof Plans, Building Section and Cross Section Plans, Grading Plans and Landscape Plans.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. A minimum of one hundred and twenty five (125) parking spaces shall be provided on the subject property, at least five (5) of which shall be designated for handicap parking. All parking spaces shall include wheel stops and the spaces

Conditions of Approval (Case No. 03-CUP-018)

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- shall be of standard size and pinstriped, in conformance with the City Parking Ordinance.
10. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
 11. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
 12. 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.
 13. Unless Conditional Use Permit Case No. 03-CUP-018 is 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.
 14. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
 15. 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 \$0.34/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
 16. The applicant shall pay to the City the applicable Fire District Developer Fee prior to the issuance of Building Permits. The current fee is \$0.3716/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.
 17. 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.

OAK TREE AND LANDSCAPING CONDITIONS

18. Prior to the issuance of any permits, the applicant shall submit and obtain approval of a revised Oak Tree Report and an amendment to existing Oak Tree Permit 01-OTP-005 to address potential direct impacts to the oak tree on the adjacent property to the east.
19. The applicant shall incorporate mitigation measures into the project to address potential direct impacts to the oak tree on the adjacent property to the east to the satisfaction of the City Oak Tree Consultant.
20. The FC overlay requires that naturalistic and native landscaping, particularly native oaks, are to be used throughout the development. The applicant shall develop a final preliminary landscape plan to meet this objective, subject to review and by the City Landscape Consultant and the Director. The final landscape and irrigation plan shall be subject to approval by the Planning Commission prior to issuance of a building permit.
21. The final landscape plant palette shall utilize local California native plants and cultivars wherever appropriate and feasible.
22. All plant material shall be considered compatible with Sunset Zone 18.
23. No plant material considered invasive in the Santa Monica Mountains shall be included within the final plant palette.
24. Prior to the approval of building permits, the applicant shall submit three (3) sets of detailed landscape plans meeting the following requirements:
 - 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.
25. Plant symbols shall depict the size of the plants at maturity.
 26. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
 27. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
 28. 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.
 29. 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
 30. 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.

31. 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
32. 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.
33. Unless otherwise approved by variance, a twenty-foot (20') deep landscape planter shall be provided along the right-of-way. No other use or storage may be placed within this area.
34. Unless otherwise approved by variance, parking lot planters shall have a minimum width of six feet (6') where parking abuts one side and a minimum width of eight feet (8') where parking abuts both sides.
35. Wherever feasible, undulating mounding shall be providing along the right-of-way having a minimum elevation variation of thirty inches (30").
36. Shade trees shall be provided to create fifty percent (50%) canopy coverage over the parking lot, including driveways and aisles, within fifteen (15) years after installation. Light standard locations shall be designed to minimize conflict with these trees.
37. In addition to any oak trees required for mitigation purposes, the landscape plan shall include six (6) twenty-four inch (24") box size oak trees.
38. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
39. 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.
40. The final plant palette shall strongly emphasize native trees and shrubs. Native oaks and sycamores shall comprise the majority of the tree palette. The use of ornamental species shall be limited to the entry and immediately surrounding the building. The overall goal is to landscape the developed portion of the site such that it virtually disappears into the natural terrain.

41. Additional contouring/landform grading, native plant material revegetation and application of native hydroseed mix to the slopes shall be employed to further mitigate the visual impacts of the proposed cut and fill slopes.
42. The Landscape Plan shall incorporate trees near the southern corners of the building to provide vertical relief. Also, a majority of the tree species located along the Canwood Street frontage should be native species.
43. The applicant shall use reclaimed water for irrigation unless otherwise specified by the Las Virgenes Municipal Water District. If reclaimed water is not presently available, the applicant shall install a dual-water irrigation system that can be converted to reclaimed water unless otherwise specified by the Las Virgenes Municipal Water District.

PUBLIC WORKS DEPARTMENT CONDITIONS:

General

44. All improvement plans, including, but not limited to, grading and drainage for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.
45. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.
46. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.
47. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.

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48. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.
49. All block walls and retaining walls shall be limited to six feet in height.

Grading

50. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.
51. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.
52. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
53. All off-site work shall require written permission from the affected property owner prior to beginning said work.

Drainage

54. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.
55. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner.

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56. Prior to the issuance of a grading permit, the applicant shall submit a Local Storm Water Pollution Prevention Plan (SWPPP) that shall be subject to approval by the City Engineer. The applicant shall incorporate the Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles. This will require treatment of the first 0.75 inches of surface runoff during a rainstorm.
57. The SWPPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in storm water discharges from the construction site during the construction period and after construction as required.
58. All onsite drainage, including ingress/egress driveways, shall be directed into a City approved stormwater pollution prevention device.

Utilities

59. Water facilities shall be designed and constructed by the applicant in accordance with the standards of Las Virgenes Municipal Water District (LVMWD). Prior to issuance of a building permit, the applicant shall provide documentation from LVMWD that all improvement requirements have been met.
60. Sewer facility plans shall be designed and constructed by the applicant. The applicant shall provide evidence that all connection fees have been paid prior to issuance of a building permit.
61. Prior to issuance of a grading permit, the applicant shall submit to the City a Certificate of Compliance – Lot Line Adjustment for review and approval. The lot line adjustment is necessary to arrange the property so that the entire development can be constructed onto one lot.

FIRE DEPARTMENT CONDITIONS

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

PLANNING CONDITIONS

63. Any one room/unit cannot be occupied in excess of thirty (30) consecutive days by any one individual.

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64. The rooms of the hotel are intended for intermittent occupancy. The use of any room in the hotel for residency is prohibited and may result in revocation of the Conditional Use Permit.
65. The hotel meeting room shall only be used by overnight guests of the hotel and used only during the daytime hours (prior to 5:00 p.m.). However, if a reciprocal parking agreement is in place with the adjacent commercial property owner(s) to the west, as approved by the City, the meeting room may be utilized during evening hours by individuals who are renting the meeting room and not staying overnight at the hotel.
66. If any significant changes as determined by the Director of Planning and Community Development are proposed in the number or location of the proposed retaining walls, an amendment to the Conditional Use Permit shall be submitted to the Planning Commission for review and approval.
67. 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.
68. Roof-mounted mechanical equipment is prohibited. All roof vents shall be subject to review and approval by the Director of Planning and Community Development.
69. 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.
70. Prior to the issuance of a building permit, the applicant shall submit a comprehensive sign program for the project for review and approval by the Planning Commission. Prior to the Planning Commission's review of the sign program, J.h. Snyder Company shall submit a comprehensive sign program concept for all of the commercial lots within the tract, for review and approval by the Planning Commission.

71. Prior to submitting plans into plan check for a building permit, and in addition to complying with the requirements of the adopted Mitigation and Monitoring Program for this project, the applicant shall provide an exterior lighting fixture detail plan and photometric plan for review and approval by the Planning Commission. The plan shall comply with the City's lighting design standards and guidelines. Roof-mounted lighting is prohibited and wall-mounted lights are discouraged but may be considered by the Planning Commission upon review of a lighting fixture detail plan and photometric plan. The light fixtures related to any proposed signs shall not exceed the following requirements:

- i. For fluorescent source – maximum 4-430 milliamp tubes.
- ii. For neon source – 30 milliamp tubes.
- iii. For incandescent source – 2-40 watt floods.

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.

72. Pursuant to Municipal Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit an arts 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.

73. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.

74. 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 be subject to review and approval by the Director of Planning and Community Development.

75. 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.
76. 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.
77. 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.
78. 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.
79. Prior to the issuance of a building permit, the applicant shall specify the color of the wrought iron gates and fence around the swimming pool and include a decorative support base on the fence posts, subject to review and approval by the Director of Planning and Community Development.
80. 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.
81. Prior to the issuance of a grading permit the type and purpose of the utility pad area shown in the landscape planter near the south corner of the property shall be identified by the applicant and shall be subject to review and approval by the Director of Planning and Community Development.
82. The location and design of the air conditioning unit vent covers shall be subject to review and approval by the Director of Planning and Community Development prior to issuance of a building permit.
83. 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.

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84. 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.
85. Prior to grading or building permit issuance, the applicant shall post a bond for construction of future on-site pedestrian amenities (e.g. walkways and pergolas) that will link with approved walkways on Lot 7 of Tract 53752. The cost of the improvements and design and the bond amount shall be reviewed and approved by the Director of Planning and Community Development. The applicant agrees to construct the pedestrian amenities when requested by the City.
86. Prior to issuance of a grading permit, the property owner shall enter into and record a legally binding reciprocal parking and access covenant approved by the City Attorney with the commercial lots of the tract.
87. Except as otherwise approved herein, the applicant shall comply with all conditions of approval for Tentative Tract Map No. 53752 and Conditional Use Permit Case No. 01-CUP-009.
88. The applicant shall comply with all mitigation measures within the Mitigation Monitoring Program adopted for the certified Final Environmental Impact Report (EIR) for Tentative Tract Map No. 53752. The applicant shall also comply with all mitigation measures within the adopted Addendum to the certified Final EIR. The applicant shall pay for all mitigation review and monitoring completed by outside consultants such as the City Arborist, City-approved biologist or other consultants needed to ensure compliance with the Mitigation Monitoring Plan as determined by the Director of Planning and Community Development.
89. The applicant shall work with the Planning Department staff to achieve greater separation between the one-story lobby building and the building to the east of it. Revised plans showing this shall be reviewed and approved by the Director of Planning and Community Development prior to issuance of building permits.

END