



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: May 18, 2006

TO: Planning Commission

APPLICANT: Moshe Silagi
Silagi Development and Management Services
101 Hodencamp Road, Suite 200
Thousand Oaks, CA 91362

CASE NOS.: 04-CUP-010 and TTM 62211

LOCATION: 29501 Canwood Street
(A.P.N. 2053-001-006)

REQUESTS: A request for approval of a Conditional Use Permit to allow construction a 47,797 square foot, two-story medical office building; a request for approval of a Tentative Tract Map to subdivide the building into office condominiums; and a request for adoption of a Final Mitigated Negative Declaration and Mitigation Monitoring Report.

**ENVIRONMENTAL
DETERMINATION:** Mitigated Negative Declaration

RECOMMENDATION: Staff recommends approval of Conditional Use Permit Case No. 04-CUP-010 and Tentative Tract Map 62211, subject to conditions, based on the findings of the draft Resolutions. Staff also recommends adoption of the Final Mitigated Negative Declaration and Mitigation Monitoring Program.

ZONING DESIGNATION: BP-OR-FC (Business Park-Office Retail - Freeway Corridor Overlay)

**GENERAL PLAN
DESIGNATION:** BP-OR (Business Park-Office/Retail)

I. BACKGROUND AND PROJECT DESCRIPTION

In May of 1999, Moshe Silagi of Silagi Development and Management Services requested approval of a Conditional Use Permit to construct a 49,350 square foot, two-story professional office building. The construction was proposed on a 3.24 acre parcel located on the north side of Canwood Street, at 28501 Canwood Street, immediately east of the Agoura Medical Plaza, in the Business Park-Office Retail (BP-OR) and Freeway Corridor Overlay (FC) zones.

The project was approved on a 4-0 vote (Commissioner Shackelford was absent). The Conditional Use Permit was valid for a two-year period and the Director of Planning and Community Development issued an additional one-year extension, which expired on May 6, 2002. The applicant did not apply for a building permit and the project entitlement expired.

The applicant has since filed for a new Conditional Use Permit to construct a two-story medical office building of 47,797 square feet in size. The site plan and building design would essentially remain as was previously approved by the Planning Commission, however an underground parking garage is now proposed to accommodate an increased parking demand for medical office use. The applicant is also seeking approval of a Tentative Parcel Map to subdivide the office building into 22 separate office condominiums.

The property slopes downward to the southeast corner of the lot. The average topographic slope of the property is 25%. Since the slope of the property exceeds 10%, a Conditional Use Permit is required for the proposed development. Development on hillside lots within commercial zones are typically subject to a maximum floor/area ratio between the size of the buildings and the size of the lots. However, this property was pre-graded prior to adoption of the Hillside Ordinance for cut that was used for fill grading of the Canwood Corporate Center located near the northwest corner of the Canwood Street / Kanan Road intersection. Per the Zoning Ordinance, pre-graded lots are exempt from the development standards of the Hillside Ordinance and the development standards of the underlying BP-OR zone would apply.

The proposed medical office use of the property is allowed within the BP-OR zone. Adjacent land uses include the Agoura Medical Plaza to the west, vacant BP-OR zoned property to the east, the Hillrise single-family residential housing tract to the north, and Canwood Street and the 101 Freeway to the south.

The following is a summary of the proposed development relative to the City Code requirements.

Pertinent Data for the Proposal

		Existing	Proposed	Allowed/ Required
1.	Lot Size	3.24 acres (141,134 sq. ft.)	3.24 acres (141,134 sq. ft.)	2 acres min. (87,120 sq. ft.)
2.	Lot Width	194 ft.	194 ft.	200 ft. min
3.	Lot Depth	604 ft.	604 ft.	100 ft. min.
4.	Building Size			
	First Floor	N/A	24,491 sq. ft.	N/A
	Second Floor	N/A	23,306 sq. ft.	N/A
	Total	N/A	47,797 sq. ft.	N/A
5.	Bldg. Height	N/A	36 ft.	35 feet max.
6.	Building Lot Coverage	N/A	17.2%	40% max.
7.	Bldg. Setbacks			
	Front (south):	N/A	167 ft.	35 feet min.
	Rear (north):	N/A	230 ft	35 feet min.
	Side (east):	N/A	15 ft.	15 feet min. (70 ft. combined)
	Side (west)	N/A	63 ft.	15 feet min. (70 ft. combined)
8.	Parking	N/A	227 spaces	235 spaces min. (for medical office)
9.	Landscape Coverage	N/A	31.4%	20 % min.
10.	No. of Oak Trees	4 on-site (23 off-site)	4 on-site (23 off-site)	N/A

II. STAFF ANALYSIS

Site Plan

The single building and underground parking garage are to be located in the center of the property, near the east property line. The finished floor of the building's first story is proposed at an elevation of 904 feet, which is approximately 27 feet above the Canwood Street elevation.

Access to the property would be taken via a single driveway located near the southeast corner of the property. Surface parking is to be distributed on the south, west and north ends of the property at elevations that would be 8-44 feet above Canwood Street. The subterranean garage would be accessed at the southeast corner of the building.

The proposed building would be located 230 feet from the northern property line, and over 300 feet from the neighboring residential property on Deep Shadow Drive, within the Hillrise residential tract. The finished floor of the building's first story would be situated approximately 90 feet below the northern residences. Thus, the roof of the office building would be approximately 55 feet below the residences. The northerly parking lot would be situated approximately 60 feet from the nearest residence and would be at a 70-foot lower elevation.

The existing Agoura Medical Plaza office building to the west is situated 17 feet west of the applicant's west property line. The proposed medical office building would be placed approximately 80 feet from the neighboring office building, but the proposed finished floor of the first story would be at an elevation that is approximately 10 feet higher than the first story of the Agoura Medical Plaza.

Pedestrian access from the street would be provided via a meandering sidewalk and a required on-site handicap access ramp that is to extend along the length of the front property and upward along the west property line. The primary entrance to the building would be centered at the west side of the structure. Outdoor plaza areas are proposed near the parking garage entrance, at the southeast corner of the building, and near the northeast corner of the building.

Architectural Design

The property is located adjacent to the 101 Freeway in the Freeway Corridor Overlay. Because this site is on a hillside, has a parcel depth of over 600 feet, and is adjacent to vacant property to the east, this development would be highly visible from the freeway and would make a strong visual statement to people driving through the City on the freeway.

The applicant is proposing to essentially retain the same architectural design for the building as was previously approved by the Planning Commission in 1999. The architectural design is rather unique in that it includes prominent, vertical "wing wall" entry elements and curvilinear corners.

Exterior building materials include off-white and tan colored stucco, green colored slate and a flat, multi-colored tiled roof.

The City Architectural Review Panel reviewed the proposed plans on several occasions and recommended approval of the plans, finding them to be in general conformance with the City Architectural Design Standards and Guidelines. Modifications to the east building elevations, the roof materials, the landscape plan and the plaza area were made at the recommendation of the Panel. The Panel found the proposed project to meet the development standards of the Freeway Corridor Overlay zone in that the size and scale of the building would not overwhelm the city's low intensity development style and viewsheds from the adjoining residential properties, public roads and the freeway. Although the building lacks a stepped or terraced building design that is typical of newer hillside development in the city, the building facades are articulated on all sides through the incorporation of slate and non-reflective building materials that are compatible with neighboring structures. Portions of the building near the parking garage entrance are measured to be 36 feet in height. Since the applicant did not file for a Variance to exceed the 35-foot height limit of the BP-M zone, staff recommends that the applicant be conditioned to lower the building height, as required by the Zoning Ordinance.

Staff also recommends that the applicant be conditioned to provide line-of-sight plans of the roof equipment areas for review by the Director of Planning and Community Development, prior to the issuance of a building permit. This is intended to ensure that the equipment will not be visible from the freeway, public streets or parking lots. The roof top equipment will be visible from the homes above the site. However, there is no feasible way to completely screen this equipment from the views of the residents without full roof elements. Views of the building can be softened by the addition of a dense grove of trees along the north end of the property, as shown in the landscape plan. The Architectural Review Panel recommended that applicant be conditioned to provide non-reflective paint color, such as beige or gray on the roof of the building to minimize glare and provide a more unified appearance as viewed from above.

The Panel also recommended that the applicant provide a detailed lighting plan and photometric details to ensure compliance with the City's Lighting Design Standards and Guidelines, prior to the issuance of a building permit. This is included as a draft condition of approval. Likewise, a detailed sign program has not been submitted and staff is recommending that the applicant be conditioned to submit a sign program for the Planning Commission's review and approval at a later date.

City Engineer / Public Works Department

The City Engineer reviewed the project plans for required improvements within the public right-of-way. Based on his review and in addition to several standard conditions attached to the draft Resolution, the City Engineer recommends that the applicant:

- Provide for half-street improvements along the project frontage of Canwood Street that would include concrete paving and curb, gutter, and a meandering sidewalk with landscaping.
- Design, construct and maintain in perpetuity public right-of-way landscape improvements on both sides of Canwood Street along the project frontage, extending to the Caltrans right-of-way.
- Pay the City Arterial Street System Development Fee of \$6.149/square foot. The estimated fee for the 47,797 square foot building on this lot is \$293,904.

Oak Trees and Landscaping

An Oak Tree Report was prepared for the project which evaluated a cluster of 27 Oak trees located at the northeast corner of the site, four (4) of which are located on site. The cluster of trees consists of 23 Valley oaks and 4 Coast Live oaks, all which are native to the site. The applicant has worked with staff to modify the proposed grading plan to eliminate encroachment within the protected zones of the Oak trees. As such, all on and off-site Oak trees will be retained with the proposed construction and no Oak Tree Permit is required for the project.

The applicant has submitted a preliminary landscape plan that has been reviewed and preliminarily approved by the City Landscape Consultant. The proposed landscape plan meets the required shade coverage for the property. However, the City Landscape Consultant notes that the proposed landscape plans show planters adjacent to the handicapped ramps along the west side of the property that are four feet (4') or less in width. The planting areas may not be of adequate size to support healthy tree growth and do not comply with City landscape guidelines. The City Landscape Consultant expressed concerns with respect to the long term sustainability and aesthetics of the proposed layout to the project landscape architect, but the applicant declines to modify the plans. This issue is at the discretionary review of the Planning Commission. The City Landscape Consultant has provided draft conditions of approval should the Planning Commission find the preliminary landscape plan acceptable.

Traffic and Parking

The City Traffic Engineer has reviewed the overall short and long-term traffic impacts of the proposed project identified in the traffic report prepared by Kimley-Horn and Associates, Inc. The traffic report forecasts that the project would generate 1,659 daily vehicle trips. A trip refers to a one-way vehicle trip either originating or terminating at the project site, which means approximately 830 trips per day will be inbound, entering the property, and 830 trips will be outbound, exiting the property. The use is estimated to generate 114 trips in the morning peak hour (7:30 a.m. to 8:30 a.m.) and 171 trips in the afternoon peak hour (5:00 p.m. to 6:00 p.m.).

Seven intersections were analyzed for potential project impacts both under current traffic conditions, and cumulative conditions that assume the completion of a series of projects that are now under construction, have been approved, or are pending approval by the City and/or adjacent jurisdictions.

The intersections analyzed include the following: Kanan Road/ Canwood Street; Kanan Road/ US 101 EB/WB Ramps; Kanan Road/Agoura Road; Reyes Adobe Road/US 101 WB Ramps; Reyes Adobe Road/ US 101 EB Ramps; Kanan Road/Roadside Drive EB Approach; Kanan Road/Roadside Drive WB Approach. Currently, of these seven intersections, two operate at a Level of Service (LOS) below the City standards of LOS "C" at intersections. These include Kanan Road/Agoura Road during the PM peak hour (LOS "D") and Kanan Road/US 101 EB/WB ramps during the AM peak hour (LOS "D"). A LOS "A" refers to the best traffic condition, while a LOS "F" is the least favorable. With the improvements currently underway for the Kanan Road/IUS 101 interchange, an LOS "C" is expected to be achieved. In any case, the project's contribution to traffic at these two intersections, as well as the five other intersections assessed in the study, would be nominal, and would not be considered a significant environmental impact. The City's significant threshold is an increase of 0.02 or greater for intersection capacity (referred to as ICU) at an intersection that would operate at LOS "D" or worse with project-added traffic volumes. The project would result in traffic at various intersections below this threshold, at a maximum of 0.01 at such intersections.

The City Traffic Engineer concurs with the analysis provided in the traffic study and does not recommend providing additional traffic improvements to the street system beyond the payment of the required traffic impact fee.

Medical office uses require the provision of one on-site parking space for each 200 square feet of the building's gross floor area. Based on a 47,797 square foot building, at least 235 on-site parking spaces are required for the use. The applicant is proposing to provide 171 surface level parking spaces and 56 spaces within the subterranean garage, for a total of 227 parking spaces. Permanent common lobby areas can be excluded in parking demand calculations for buildings larger than 35,000 square feet in size. The purpose of this Zoning Ordinance provision is to provide incentive to increase common areas, thus helping enhance building quality. The applicant may meet the parking demand for 100% medical use by providing for a permanent lobby area that is at least 1,600 square feet in size. If this cannot be achieved and the applicant did not file for a Variance from the parking requirement, he will be required to limit the amount of building area used by medical offices, as opposed to other professional office use that demands a parking ratio of one space for each 300 square feet of gross floor area, to achieve adequate parking per Zoning Ordinance requirements. This may be accomplished by deed restricting the individual condominium lots that would make up the building or via the Covenants, Conditions and Restriction (CC&R's) to be prepared for the project, or some other equivalent legal method acceptable to the City. Staff recommends that the deed restriction, CC&Rs, or other legal instrument shall be provided to the City Planning and Community Development Department for review and approval prior to recordation of the tract map.

Geotechnical and Geological Review

Substantial site preparation and some dewatering would be necessary to prepare the building foundation and construct the subterranean garage. The maximum excavation for the construction of the garage would be 15 feet. A series of low retaining walls and a set of stairs are proposed to provide pedestrian access to the building from the surface parking areas. A south-facing cut slope is proposed at the rear of the property, aligned at a 2:1 gradient and will vary in height from approximately 12-18 feet. A retaining wall ranging in height from 4-6 feet is proposed at the toe of the cut slope. A transition cut/fill slope would be constructed, ascending from Canwood Street to the parking lot. A 2:1 fill slope of 13 feet in height is proposed along the south edge of the property.

The western portion of the site, adjacent to the neighboring medical building, would support the surface parking lot. Proposed grading for a 2:1 cut slope in the northwestern corner of the property will extend off-site toward the medical building, thus requiring permission of the off-site property owner. Conventional cut and fill grading operations, as well as extensive use of retaining walls around the perimeter of the site, will be utilized to achieve design grades. The total estimated amount of cut is 18,350 cubic yards, and the estimated amount of fill is 8,125 cubic yards.

The preliminary geotechnical and geological report prepared by Gorian & Associates evaluated the feasibility of the proposed construction. The report concludes that no landslides or adverse seismic features are present on the property and no fault traces trend across the development area. The geotechnical and geological report notes that the underlying bedrock on the site may be difficult to excavate and a series of protective measures would need to be employed, including shoring, to minimize potential impacts. The City Geotechnical Consultant has reviewed the report and recommends the project be approved from a geotechnical perspective at this planning review stage. Geotechnical conditions of approval are included to ensure that recommendations contained in the report are incorporated into the grading plan and are adhered to during construction.

Drainage and Biology

An un-named drainage area traverses north to south through the eastern portion of the site, supporting a small, well-developed riparian community. During storm events, drainage from an offsite location may contribute to this developed community via terrace drains leading to the head of the drainage. A perennial seep, possibly fed or augmented in its flow by continuous irrigation from the private residences above the site, also occurs at the head of the drainage. The length of the entire watercourse from its head to Canwood Street, where it enters the storm drain system, total about 705 linear feet, both on and off the project site. The stream course winds in and out across the eastern property boundary such that 270 feet onsite in four discontinuous segments and 435 feet is offsite. The project would result in impacts to wetland within and along the middle portion of the drainage in order to construct the retaining to support the subterranean garage and office building. An engineering study prepared for this portion of the project indicates that negligible changes

would occur to the hydrology of the drainage from construction of the retaining wall and associated creation of a 2:1 slop adjacent to the drainage, and that drainage would continue to flow southerly to Canwood Street.

Total impacts to wetlands of U.S. Army Corps of Engineering (Corps) jurisdiction and within the California Department of Fish and Game (CDFG) permit jurisdiction both would be 0.03 acres. The vegetation that would be impacted within the wetland area is composed of low lying shrubs and grasses. Also, a portion of the area just northwest of the existing culvert along Canwood Street, where drainage would terminate and water enter the storm drain system, is considered non-wetland area of the Corps and CDFG. Approximately 45 square feet of the non-wetland jurisdictional habitat would be filled by the construction of a headwall to replace the existing culvert and compensation for the loss of these habitats is required of the applicant.

Given the proximity of the drainage to the proposed ornamental landscaping and construction activities on the site, there is the potential for additional direct and indirect impacts to the wetland and riparian areas along the western side of the drainage. These impacts could result from construction equipment and personnel entering the drainage area and from potentially non-native, invasive species used in landscaped planters on the site spreading into the drainage area and competing with the native wetland and riparian species. Measures to protect this sensitive area during and post construction are necessary and are identified in the Mitigation and Monitoring Program within the Final Mitigated Negative Declaration that was prepared for this project.

Tentative Parcel Map

The applicant is requesting approval of a Tentative Tract Map for the purpose of subdividing the building into office condominiums. Twenty-six (26) individual condominiums are proposed (13 on each floor) that would be sold for private ownership. No subdivision is proposed on the land itself and since the office condominiums are entirely within the building, they would not be subject to the development standards of the BP-OR zone.

The City Engineer has reviewed the Tentative Tract Map and finds it to be compliant with the State Subdivision Map Act. Draft conditions of approval for the Tentative Tract Map are included in the draft Resolution. The Final Tract Map will be subject to City Council approval prior to recordation.

Environmental Review/ Mitigated Negative Declaration

An Initial Study was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) to analyze the potential environmental consequences of the proposed project. The purposes of an Initial Study are:

- A. To provide the Lead Agency (City of Agoura Hills) with the necessary information to decide whether to prepare an Environmental Impact Report (EIR) or a Mitigated Negative Declaration;
- B. To enable the Lead Agency to modify a project, mitigating adverse impacts thus avoiding the need to prepare an EIR;
- C. To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

In the case of the proposed project, the City Environmental Analyst found that it would not result in any significant effects on the environment that cannot be mitigated to less than significant levels, and therefore prepared a Draft Mitigated Negative Declaration (MND) for review and adoption by the Planning Commission.

The primary issues of concern for the subject site included land use compatibility, geotechnical planning and geologic hazards, hydrology / water resources, air quality, transportation and circulation, biological resources, noise, and aesthetics. To adequately address these potentially significant concerns, technical reports prepared by qualified professionals and field surveys were completed as part of this analysis. Mitigation measures were developed based on the degree of perceived significance related to the foregoing issues.

The Draft MND circulated for a 30-day review period that ended on May 1, 2006. The City Environmental Analyst prepared written responses within the final document to the comments received. If the Planning Commission is to approve the project, it must also find the Final Mitigated Negative Declaration to be compliant with the California Environmental Quality Act and adopt the Final MND and Mitigation Monitoring Program. The applicant has accepted the proposed mitigation measures that staff has determined to be necessary to reduce the potential environmental impacts associated with the project to less than significant levels.

III. RECOMMENDATION

Based on the forgoing review and analysis, it is recommended that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 04-CUP-010 and Tentative Tract Map No. 62211, subject to conditions. It is also recommended that the Planning Commission adopt the Final Mitigated Negative Declaration and Mitigation Monitoring Program.

IV. ATTACHMENTS

- Draft Resolution and Conditions for Conditional Use Permit
- Draft Resolution and Conditions for Tentative Tract Map
- Letter from Hillrise Open Space Association (April 14, 2005)
- Letter from City Geotechnical Consultant
- Reduced Photocopies of the Plans
- Vicinity Map

Case Planner: Doug Hooper, Assistant Director of Community Development