

REPORT TO CITY COUNCIL

DATE: FEBRUARY 10, 2016

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER *N.H./D.H.*
DOUG HOOPER, PLANNING DIRECTOR *D.H.*
ALLISON COOK, ASSISTANT PLANNING DIRECTOR *ac*

SUBJECT: ADOPT RESOLUTIONS TO APPROVE THE AGOURA PARK PROJECT (INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 14-SPR-003, OAK TREE PERMIT CASE NO. 14-OTP-016, VARIANCE CASE NO. 14-VAR-003(A), VESTING TENTATIVE PARCEL MAP CASE NO. VTPM 73266, SIGN PERMIT CASE NO. 14-SP-040, VARIANCE CASE NO. 14-VAR-003(B)) CONSISTING OF THE CONSTRUCTION OF A 45,000 SQUARE-FOOT FITNESS FACILITY BUILDING AND 4,000 SQUARE-FOOT RETAIL/FAST SERVICE RESTAURANT BUILDING AT 29431 AND 29439 AGOURA ROAD, AS APPEALED BY THE CITY COUNCIL ON JANUARY 27, 2016

At its meeting on January 27, 2016, the City Council conducted a de novo public hearing to consider an appeal by the City Council of the following Planning Commission actions regarding the Agoura Park Project: (1) adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) pursuant to the California Environmental Quality Act (CEQA); (2) approval of Site Plan/Architectural Review Case No. 14-SPR-003, Oak Tree Permit Case No. 14-OTP-016, Variance Case No. 14-VAR-003(A), and Vesting Tentative Parcel Map Case No. VTPM 73266; and (3) denial of Sign Permit Case No. 14-SP-040 and Variance Case No. 14-VAR-003(B).

On December 3, 2015, the Selleck Development Group, Inc.'s Agoura Park Project at 29431 and 29439 Agoura Road (APNs 2061-004-015, -035 and -036) was brought before the Planning Commission for consideration at a regularly scheduled meeting. The Planning Commission voted to approve the project with additional conditions, with the exception of the proposed signage. At its meeting on December 9, 2015, the City Council voted to appeal the decision of the Planning Commission.

The project consists of the merger of two (2) lots and a portion of a third lot to construct a 45,000 square-foot fitness building (Building A - L.A. Fitness), a 4,000 square-foot

retail/fast service restaurant building (Building B), and surface lot and street parking on a 3.95-acre vacant site. The project also involves the removal of one (1) on-site oak tree; the encroachment into the protected zone of one (1) off-site oak tree such that the tree would be considered an ultimate loss; and encroachment into the protected zone of one (1) off-site oak tree that would remain. Two monument signs are proposed on the site, along with two signs on Building A. Variances are being requested to increase the height of Building A to 36.5 feet in portions, compared to the maximum allowed height of 35 feet; decrease the rear yard setback of Building A from 73 feet to between 35-55 feet; encroach four (4) feet into the required landscape planter along Roadside Road; and increase the allowed square footage of Building A signs with the south elevation sign of 113 square feet compared to the allowed 75 square feet, and the north elevation sign of 83 square feet compared to the allowed 25 square feet. The site is zoned Planned Office Manufacturing-Freeway Corridor Overlay Zone (POM-FC).

At its January 27, 2016 meeting, the City Council adopted the IS/MND and MMRP, and approved the following actions for the Agoura Park Project, with conditions. These conditions included the requirement that the sign on the north elevation of Building A be no greater than 75 square feet and halo lit; additional landscaping be provided along the freeway frontage; and other measures to reduce the effects of lighting on the surrounding area:

- Site Plan/Architectural Review (Case No. 14-SPR-003)
- Oak Tree Permit (Case No. 14-OTP-016)
- Vesting Tentative Parcel Map (Case No. VTPM 73266)
- Sign Permit (Case No. 14-SP-040)
- Variance (Case No. 14-VAR-003 (A) and (B))

The City Council voted 5-0 to direct staff to bring back resolutions of project approval.

RECOMMENDATION

Staff respectfully recommends the City Council adopt the attached resolutions regarding the Agoura Park Project, adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approving the following: Site Plan/Architectural Review Case No. 14-SPR-003; Oak Tree Permit Case No. 14-OTP-016; Sign Permit Case No. 14-SP-040; Variance Case No. 14-VAR-003 (A&B); and Vesting Tentative Parcel Map Case No. VTPM 73266.

Attachments:

1. Resolution No. 16-1804 (IS/MND and MMRP)
2. Resolution No. 16-1805 (Vesting Tentative Parcel Map)
3. Resolution No. 16-1806 (Variance A)
4. Resolution No. 16-1807 (Sign Permit and Variance B)
5. Resolution No. 16-1808 (Site Plan/Architectural Review and Oak Tree Permit)

RESOLUTION NO. 16-1804

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE AGOURA PARK PROJECT AT 29431 AND 29439 AGOURA ROAD (CASE NOS. 14-SPR-003; 14-OTP-016; 14-VAR-003 A AND B; 14-SP-040 AND VTPM 73266)

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

Section I. An application was duly filed by Rosenheim & Associates, on behalf of Selleck Development Group, Inc., with respect to the real property located at 29431 and 29439 Agoura Road (Assessor Parcel Nos. 2061-004-015, -035, and -036), requesting approval of a Site Plan/Architectural Review (Case No. 14-SPR-003); an Oak Tree Permit (Case No. 14-OTP-016); a Variance (Case No. 14-VAR-003 A and B); a Sign Permit (Case No. 14-SP-040); and a Vesting Tentative Parcel Map (Case No. VTPM 73266) as part of the Agoura Park Project (Project).

Section II. The above noted application requests have been processed, including, but not limited to, in the time and manner prescribed in state and local law, including the California Environmental Quality Act (CEQA), and, pursuant to CEQA, the City is the Lead Agency for the application.

Section III. In accordance with CEQA, the CEQA Guidelines, and the City's Local CEQA Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared. The following environmental issue areas were addressed in the IS/MND: aesthetics; agriculture resources; air quality; biological resources; cultural resources; geology and soils; greenhouse gases; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation/traffic; and utilities and service systems. The following issue areas were found to have potentially significant impacts that can be reduced to a less than significant level with incorporation of mitigation measures identified in the IS/MND: biological resources; cultural resources; geology and soils; and transportation and traffic. All other issues areas had either no impacts or less than significant impacts.

Section IV. Along with the Draft IS/MND, a Notice of Availability/Notice of Intent (NOA/NOI) to adopt the IS/MND was circulated for public review from September 17, 2015 to October 19, 2015, as required by law. The NOA/NOI, with the availability of the IS/MND for public review noted, was duly noticed in the local newspaper, and posted at City Hall, the City Recreation Center, and the Agoura Hills Library in accordance with state law. A copy of the IS/MND was made available for review on the City's website, at the Planning Counter at City Hall, and at the Agoura Hills Library. The IS/MND was circulated to the State Clearinghouse of the State of California's Office of Planning and Research.

Section V. The City accepted and responded in writing to comments on the IS/MND received during the public review period. Both the comments and the City's written responses thereto were incorporated in the Final IS/MND. No changes to the IS/MND were required as a result of the comments. The Final IS/MND consists of the IS/MND, comments and responses to the comments, and the Mitigation Monitoring and Reporting Program (MMRP), and is attached hereto as Exhibit A, attached to this Resolution and incorporated herein as though set forth in full.

Section VI. On December 3, 2015, the Planning Commission conducted a duly noticed public hearing to consider the Final IS/MND and the Agoura Park Project, during which opportunity was given to address the adequacy of the Final IS/MND. All comments regarding the Final IS/MND raised during the hearing were considered by the Planning Commission.

Section VII. The Planning Commission found that the IS/MND was completed in compliance with the provisions of the State CEQA and the CEQA Guidelines promulgated pursuant thereto, and the City's Local CEQA Guidelines, and is legally adequate. The Planning Commission reviewed and considered the contents of the Final IS/MND, along with any comments received during the public comment period, prior to deciding whether to approve the application for the Agoura Park Project.

Section VIII. The Planning Commission found, on the basis of the whole record before it, that there was no substantial evidence that the Agoura Park Project will have a significant effect on the environment, and that feasible mitigation measures were incorporated into the Agoura Park Project IS/MND that reduce potential impacts to a less than significant level.

Section IX. The Planning Commission found that the Final IS/MND reflects the Planning Commission's independent judgment and analysis.

Section X. The Planning Commission of the City of Agoura Hills, California, exercising its independent judgment and analysis, and after considering the administrative record, adopted the Final IS/MND and Mitigation Monitoring and Reporting Program for the Agoura Park Project.

Section XI. On December 9, 2015, the City Council appealed the Planning Commission's approval of the IS/MND and MMRP for the City Council's de novo review of the Project.

Section XII. The City Council of the City of Agoura Hills considered the Project applications at a public hearing held on January 29, 2016 at 6:00 p.m. in the City Hall City Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section XIII. The City Council finds that the IS/MND was completed in compliance with the provisions of the State CEQA and the CEQA Guidelines promulgated pursuant thereto, and the City's Local CEQA Guidelines, and is legally adequate. The City Council has reviewed and considered the contents of the Final IS/MND, along with any comments received during the public comment period, prior to deciding whether to approve the application for the Agoura Park Project.

Section XIV. The City Council finds, on the basis of the whole record before it, that there is no substantial evidence that the Agoura Park Project will have a significant effect on the environment, and that feasible mitigation measures are incorporated into the Agoura Park Project IS/MND that reduce potential impacts to a less than significant level.

Section XV. The City Council finds that the Final IS/MND reflects the City Council's independent judgment and analysis.

Section XVI. The City Council of the City of Agoura Hills, California exercising its independent judgment and analysis, and after considering the administrative record, hereby adopts the Final IS/MND and MMRP for the Agoura Park Project, attached hereto as Exhibit A, attached to this Resolution and incorporated herein as though set forth in full. .

Section XVII. The City Clerk of the City of Agoura Hills is the custodian of records, and the documents and other materials that constitute the record of proceedings upon which this decision is based are located at City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, CA 91301.

Section XVIII. The City Clerk shall certify to the passage, approval, and adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 10th day of February 2016, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A

**Initial Study/Mitigated Negative Declaration and
Mitigation Monitoring and Reporting Program**

(incorporated by reference)

RESOLUTION NO. 16-1805

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA APPROVING VESTING TENTATIVE PARCEL MAP NO. 73266 FOR THE AGOURA PARK PROJECT LOCATED AT 29431 AND 29439 AGOURA ROAD

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

Section I. An application was duly filed by Rosenheim & Associates, on behalf of Selleck Development Group, Inc., with respect to the real property located at 29431 and 29439 Agoura Road (Assessor's Parcel Nos. 2061-004-015, -035 and -036) requesting approval of a Vesting Tentative Parcel Map (Case No. VTPM 73266) to merge Parcel 1, Parcel 2, a portion of Parcel 3, and a vacated segment of Roadside Drive, and dedicate a portion of Parcel 2 and Parcel 3 to City right-of-way for the Agoura Park Project (Project).

Section II. The Planning Commission of the City of Agoura Hills considered the application at a public hearing held on December 3, 2015 at 6:30 p.m. in the City Hall Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given.

Section III. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing.

Section IV. Based on the evidence at the hearing, including the staff report and oral and written testimony, the Planning Commission approved the Vesting Tentative Parcel Map.

Section V. On December 9, 2015, the City Council appealed the Planning Commission's approval of the Vesting Tentative Parcel Map for the City Council's de novo review of the Project.

Section VI. The City Council of the City of Agoura Hills considered the applications at a public hearing held on January 29, 2016 at 6:00 p.m. in the City Hall City Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section VII. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the City Council at the aforesaid public hearing.

Section VIII. In accordance with the California Environmental Quality Act (CEQA), the City provided public notice of the intent to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) and a Mitigation Monitoring and Reporting Program (MMRP) for this Project. On January 29, 2016, the City Council held a public hearing to review the IS/MND and MMRP. Upon the close of the public hearing, and based upon the IS/MND, public comments and the record before the City Council, the City Council adopted Resolution No. 16-1804, adopting the IS/MND, making environmental findings pursuant to CEQA, and adopting a MMRP for the Project. Resolution No. 16-1804 and the findings therein are hereby incorporated by this reference as though set forth in full.

Section IX. Based on the evidence presented at the hearing, including the staff report and oral and written testimony, the City Council finds, pursuant Section 9677.5 of the Agoura Hills Zoning Ordinance, that:

A. The proposed Vesting Tentative Parcel Map, as conditioned, is consistent with the City's General Plan Goal LU-1 and LU-2 in that it will allow for orderly, well-planned development that provides for the needs of existing and future businesses, and will assist in facilitating in-fill development. The merger of the parcels is required for the development that will provide a mix of uses to meet the needs of residents and employees.

B. The design of the proposed development is consistent with General Plan Goal LU-24 in that the Project is a cohesive and integrated development that would contribute to a mix of uses in the area, including complementing Agoura Village.

C. The site is physically suitable for future development in that by combining two long and narrow parcels, it will allow for a variety of uses; better circulation throughout the site and the Planned Office Manufacturing (POM) district; greater landscape coverage and more pedestrian amenities; safer access between buildings; site lighting; and street improvements specified in the Zoning Ordinance for the POM zone.

D. The site is physically suitable for the proposed density of the development. The proposed size of the parcel will exceed the 20,000 square-foot minimum size while maintaining a lower building square footage to lot size ratio compared to the requirement.

E. The design of the development is not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat because an environmental document pursuant to CEQA was prepared and mitigation measures have been incorporated into IS/MND and the Project conditions of approval to reduce environmental impacts to a less than significant level.

F. The design of the Vesting Tentative Parcel Map and proposed improvements is not likely to cause serious public health problems. Street improvements and on-site design and infrastructure improvements will be required upon development of the site, and will be per City design standards and requirements.

G. The design of the Vesting Tentative Parcel Map improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed development. Access easements and street traffic are protected for users and nearby businesses.

Section X. Based on the aforementioned findings, the City Council hereby approves Vesting Tentative Parcel Map No. 73266, subject to conditions attached as Exhibit A and incorporated herein by this reference, with respect to the property described in Section I hereof.

Section XI. The City Clerk shall certify to the passage, approval, and adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 10th day of February 2016, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A

**CONDITIONS OF APPROVAL
(VESTING TENTATIVE PARCEL MAP Case No. VTPM 73266)**

EXHIBIT A

CONDITIONS OF APPROVAL (VESTING TENTATIVE PARCEL MAP CASE NO. VTPM 73266)

STANDARD CONDITIONS

1. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all conditions of this Permit with the Planning Department.
2. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the approved Vesting Tentative Parcel Map reviewed and approved by the City Council on January 27, 2016..
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared 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. The approval of Vesting Tentative Parcel Map No. 73266 shall expire in two (2) years from the date of the City Council approval. A written request for a one (1) year extension may be considered by the City prior to the expiration date.
6. All requirements of the City Zoning Ordinance and City Subdivision Ordinance must be met unless set forth in the Permit or on the approved Vesting Tentative Parcel Map.

END

RESOLUTION NO. 16-1806

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA APPROVING VARIANCE REQUEST CASE NO. 14-VAR-003(A) TO REDUCE THE REAR YARD SETBACK OF THE FITNESS BUILDING (BUILDING A), INCREASE THE HEIGHT OF THE FITNESS BUILDING AND REDUCE THE LANDSCAPE PLANTER SIZE FOR THE AGOURA ROAD PROJECT LOCATED AT 29431 AND 29439 AGOURA ROAD

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

Section I. An application was duly filed by Rosenheim & Associates, on behalf of Selleck Development Group, Inc., with respect to the real property located at 29431 and 29439 Agoura Road (Assessor's Parcel Nos. 2061-004-015, -035 and -036) requesting approval of a Variance Case No. 14-VAR-003(A) to reduce the rear (north) yard setback for the fitness building (Building A); increase the height of the fitness building (Building A); and reduce the landscape planter size along Roadside Road by for the Agoura Park Project (Project).

Section II. The Planning Commission of the City of Agoura Hills considered the applications at a public hearing held on December 3, 2015 at 6:30 p.m. in the City Hall Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section III. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing.

Section IV. Based on the evidence at the hearing, including the staff report and oral and written testimony, the Planning Commission approved the Site Plan/Architectural Review and Oak Tree Permit.

Section V. On December 9, 2015, the City Council appealed the Planning Commission's approval of the Site Plan/Architectural Review and Oak Tree Permit for the Project for City Council's de novo review of the Project.

Section VI. The City Council of the City of Agoura Hills considered the applications at a public hearing held on January 29, 2016 at 6:00 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section VII. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the City Council at the aforesaid public hearing.

Section VIII. In accordance with the California Environmental Quality Act (CEQA), the City provided public notice of the intent to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) and a Mitigation Monitoring and Reporting Program (MMRP) for this Project. On January 27, 2016, the City Council held a public hearing to review the IS/MND and a MMRP. Upon the close of the public hearing, and based upon the IS/MND, public comments and the record before the City Council, the City Council adopted Resolution No. 16-1804, adopting the IS/MND, making environmental findings pursuant to CEQA, and adopting a MMRP for the Project. Resolution No. 16-1804 and the findings therein are hereby incorporated by this reference as though set forth in full.

Section IX. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, and the revisions to the Project plans whereby the height of Building A shall be a maximum of 36.5 feet in portions of the building containing sports courts (as shown in the Exhibit entitled, "Exterior Elevations 3 – 3.4, dated January 20, 2016 presented to the City Council), compared to the required maximum 35 feet; the rear (north) yard setback of Building A shall range from 35 to 55 feet, short of the required 73-foot setback; and the landscape planter shall be six (6) feet along portions of Roadside Road, as compared to the required ten (10) as allowed by the City Council the City Council finds, pursuant to Section. 9676.2.E. of the Agoura Hills Municipal Code, that:

A. Rear Yard Setback:

1. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this article deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Building A, the fitness facility, would be located 35 feet from the rear (north) property line, the freeway right-of-way, at its closest point and 55 feet at its furthest point, whereas the Freeway Corridor Overlay district development standards require a minimum distance that is twice the height of the building when no public road exists between the private property and the freeway corridor, which would require a minimum setback of 73 feet. The subject lots are concave, and the proposed building pads for Buildings A and B are set below the adjacent Agoura Road, Roadside Road and freeway grades, so that the appearance of the buildings is minimized by passersby on the roadways and freeway. Upon completion, the final finished pad elevation of Building A will remain below the elevation of the freeway corridor by 14 feet, resulting in 22.5 feet of the total 36.5 building height on the north building facade visible above the freeway travel lanes. This condition reduces the appearance of massing from the freeway and across the freeway, which a rear yard setback attempts to minimize. Furthermore, the building roof line on the north façade is proposed at 35 feet high, with the second, taller roof line of 36.5 feet recessed from the building edge

by approximately eight (8) feet, thereby minimizing the visual impact of the building mass. The widest portion of the proposed site is situated closest to the freeway, and the proposed fitness facility use and its building footprint, dictated by the type of facilities and their function, require it to be sited in the widest area of the parcel, preventing the building from being shifted on-site further south, where the site narrows, and away from the rear property line. Additionally, the site presents constraints due to the location of an underground drainage culvert bisecting the site in a west-east direction just south of the site's mid-point, which precludes building development in this area.

2. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. There are currently a variety of building setbacks in the Freeway Corridor, as several of such buildings were developed prior to current City development standards. The location of Building A closer to the freeway is not unique within the freeway corridor.

3. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in impractical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. If Building A was set back 73 feet from the freeway right-of-way, as required by the Freeway Corridor Overlay district, the project could not provide an efficient site design, specifically for the parking lot, and would cause a loss of required parking spaces. Shifting the building further south would constrain the building design and its use as a fitness facility, given the narrow site width. Shifting the building further south would also be impractical due to the location of an existing underground drainage channel which would not support development of the building above.

4. The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. Drive aisles wider than those called for in the Zoning Ordinance are provided per the Los Angeles County Fire Department, and the required vehicular and pedestrian circulation of the Planned Office and Manufacturing (POM) district is provided in and around the site despite the reduced setback. The building location and its distance from on and off-site structures would still allow for required public access and emergency access to the buildings. Additionally, the project will not block views of adjoining properties or views to Ladyface Mountain, given that the building pad is below the freeway, Roadside Road and Agoura Road elevations.

5. The granting of the variance will be consistent with the character of the surrounding area. Despite the reduced rear yard setback, circulation is maintained around the site and to adjoining properties, and the proposed site layout allows for organized development in a commercial neighborhood that is transitioning from primarily industrial-oriented uses to more service-oriented uses. The visual appearance of the reduced setback is lessened by Building A's building pad that is 14 feet lower than the freeway grade, resulting in the reduced visual prominence of Building A, which

the setback helps to minimize. The project has been conditioned to incorporate additional landscaping and "green screens" along the rear (freeway facing) elevation to soften views from off-site to the north. The incorporation of additional landscaping and the reduced prominence of the building due to the lower building pad will provide for a design that is consistent with the surrounding area.

B. Building Height:

1. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, in which the strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Building A, the fitness facility, provides indoor activities on two floors in order to limit the size of the footprint. The gymnasiums are proposed to be located on the second floor, which require high volume ceilings, resulting in the roof element over those interior spaces at 36.5 feet high. The building pad is lower than the freeway corridor, Roadside Road and Agoura Road such that the fitness building rises only 22.5 feet above the freeway, and the wall lines of the gymnasiums are set back from the edges of the building envelope to reduce the impacts of the building mass as viewed from the freeway. Impacts are not expected from Agoura Road because the building is located at a considerable distance of approximately 500 feet from the front property line. Vegetation will be provided between the freeway and the building to screen the structure's height from views of passersby, as shown in the Project plans and also as required in the conditions of approval. Given the size of the parcel and its narrowed width toward the south end, a single-story fitness building with the same square footage would not be practical, and would create a larger building footprint area, greatly reducing the available parking spaces to serve the Project.

2. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The property is below the adjacent road and freeway rights-of-way, therefore, the height of Building A as viewed from passersby will not exceed the height of many existing buildings in proximity that are level with the rights-of-way. The requested added height contributes toward a smaller building footprint.

3. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The applicant has chosen to break up the roof of Building A into separate elements to minimize the visual impacts of one single, large, sloped roof element and meet the high volume ceilings required of gymnasiums. Because the roof has been broken into separate elements, which help to screen equipment, the building height is measured from the highest point of the roof at 36.5. If the building had a full roof, the height would be measured at the midpoint of the roof slope, resulting in a lower calculated height, within the building height limit, although the appearance of height would remain the same. The taller roof elements are set back several feet from the building envelope, offsetting the appearance of height from

the building edge and providing more interest to the building facades as viewed from the public right-of-way. Given the size of the parcel and its narrowed width toward the south end, a single-story fitness building with the same square footage would not be practical, and would create a larger building footprint area, greatly reducing the available parking spaces to serve the Project.

4. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements of the aesthetic value in the vicinity. The height of Building A and its location will not block views of adjoining properties, or views to Ladyface Mountain, because the building is placed in the wider part of the parcel, allowing greater separation between on- and off-site structures, and the building pad is set below the adjacent grade of roadways and the freeways to maintain mountain views from north of the site. The project has provided additional pedestrian and vehicular access for emergency services as required by both the Building Code and Fire Code that would not be required for a 35-foot tall building.

5. The granting of the variance will be consistent with the character of the surrounding area. The topography along the south side of the freeway varies greatly between the western city limit and Kanan Road, and, as such, buildings heights vary. Therefore, the character of the community would not be impacted by the increased height to Building A. The building would be a two-story structure like the other office buildings along the freeway corridor. The building pad, designed below the freeway grade, resulting in a view of 22.5 feet of the building from the freeway, helps reduce the appearance of height from the freeway corridor. The distance of the building from Agoura Road, approximately 500 feet, also minimizes the appearance of height from this roadway. The height of the building north (freeway-facing) elevation would be screened by proposed landscaping, and additional landscaping as required in the conditions of approval.

C. Landscape Planter:

1. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, in which the strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Encroachment into the landscape planter along Roadside Road by four (4) feet at its maximum point is necessary to provide the required number of parking spaces on-site and accommodate wider interior fire lanes dictated by the Los Angeles County Fire Department. The encroachment is less than 50 percent of the length of the property. The encroachment also incorporates a public accessible sidewalk, which serves the property and the surrounding area, and is consistent with the requirements of the POM district and in providing complete streets for the public right-of-way. Additional landscaping is provided elsewhere in the parking lot, including near the Roadside Road area, exceeding the required percent of landscaping on-site overall. Elsewhere along this same roadway frontage, the landscape planter exceeds 10 feet wide, and reaches up to 20 feet in portions, providing a general overall appearance of landscaping along

Roadside Road. Given the size of the parcel and its narrowed width toward the south end, as well as the underground drainage channel constraints to development, changing the siting of Building A and re-designing the parking lot in order to provide more landscaped setback is not practical, and would necessitate removal of parking spaces as well as creating an inefficient parking lot design. This parcel is one of the few located north of Agoura Road that has two street frontages, and that also requires a landscape buffer to be provided along two sides of the site. This results in much more of the site having to be devoted to landscape planters along the property lines.

2. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. This parcel is one of the few located north of Agoura Road that has two street frontages, and that also requires a landscape buffer to be provided along two sides of the site. Although encroachment into the required landscape planter for parking spaces is permitted, the project's parking need requires a greater encroachment. Additional landscaping is provided elsewhere on-site to compensate for the loss of the planter area. The Zoning Ordinance requires 15 percent on-site landscaping coverage and the project provides 23 percent. The encroachment occurs on a secondary road, Roadside Road, which is less traveled than a major arterial, such as Agoura Road, and so less visible. The deficiency of landscaping is for the benefit of more pedestrian access and the goal of complete streets.

3. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. Without the encroachment into the landscape planter, pedestrian access along the site would be limited and the project could not provide for diagonal street parking in this area, which is called for in the City Architectural Design Standards & Guidelines regarding the POM district. This is the only one of two parcels in the area that is bordered by two street frontages and which must maintain a greater level of pedestrian access per the POM district. One of the intents of the POM district is to create a pedestrian friendly environment and connect different properties with the POM district through both vehicular and walking paths. Sufficient landscaping is provided elsewhere on the property, in excess of the minimum requirement of the POM District, to compensate for the loss of landscaping due to the encroachment.

4. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements of the aesthetic value in the vicinity. The encroachment of parking stalls in the landscape planter along Roadside Road preserves the pedestrian access all around the property as well as to the building. The dimensions and siting of the parking spaces along this frontage will meet the Zoning Ordinance requirements, and will not result in a detriment to the public. Pedestrians will be able to safely use the sidewalk and other portions of the frontage will have more landscaping to provide an attractive streetscape. Moreover, the amount of overall landscaping provided on the site, and visible to the public, exceeds the Zoning Ordinance requirements.

5. The granting of the variance will be consistent with the character of the surrounding area. The view of this reduced size landscape planter in portions along the Roadside Road frontage will be minimized, since the site as a whole exceeds the required landscape coverage, and Roadside Road is not as visible as the main project frontage along Agoura Road. Along certain areas of the frontage, the required landscaping planter width would be met or exceeded, providing sufficient visual buffer to the site. Therefore, the visual character of the neighborhood will be preserved.

Section X. Based on the aforementioned findings, the City Council hereby approves Variance Case No. 14-VAR-003(A) subject to the conditions of approval attached as Exhibit A and incorporated herein by reference, with respect to the property described in Section I hereof.

Section XI. The City Clerk shall certify to the passage, approval, and adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 10th day of February 2016, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A
CONDITIONS OF APPROVAL FOR
14-VAR-003(A)

EXHIBIT A

CONDITIONS OF APPROVAL (Case No. 14-VAR-003(A))

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 this Permit with the Department of Planning.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the Special Conditions stated below.
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. Unless the approval is used within two (2) years from the date of City approval, Case No. 14-VAR-003(A) will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
6. The Variance Case No. 14-VAR-003(A) is valid only in conjunction with Case Nos. 14-SPR-003, 14-OTP-016, and VTPM 73266, and the approved conditions of approval therein.

SPECIAL CONDITIONS

7. The fitness building (Building A) shall be no higher than 36.5 feet in portions of the second story that contain the basketball and racquetball courts, as shown on the Exhibits entitled, "Exterior Elevations 3-3.4" by Architects Orange and dated January 20, 2016, and presented to the City Council on January 27, 2016.
8. The Landscape Plan shall be revised to incorporate: 1) additional green screens on the north elevation of Building A; and 2) additional landscaping material between the building and the access road adjacent to the freeway, with the intent to screen the building as viewed from the freeway corridor. If deemed necessary by the Planning Director, in consultation with the applicant, the sidewalk on the north side of Building A may be removed and

replaced with a planter to meet the requirement of this condition. These revisions to the Landscape Plan shall be subject to prior approval by the Planning Director.

9. The applicant shall camouflage the Building A roof elements above 35 feet. The revised colors on that portion of the building shall be subject to approval by the Planning Director.

END

RESOLUTION NO. 16-1807

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA APPROVING SIGN PERMIT CASE NO. 14-SP-040 AND VARIANCE REQUEST CASE NO. 14-VAR-003(B) TO INCREASE THE SIZE OF TWO BUILDING-MOUNTED SIGNS FOR THE AGOURA PARK PROJECT LOCATED AT 29431 AND 29439 AGOURA ROAD

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

Section I. An application was duly filed by Rosenheim & Associates, on behalf of Selleck Development Group, Inc. with respect to the real property located at 29431 and 29439 Agoura Road (Assessor's Parcel Numbers 2061-004-015, -035, and -036) requesting approval of a Sign Permit (Case No. 14-SP-040) to install two (2) building-mounted signs on Building A and two (2) ground-mounted signs on the site, and a variance request (Case No. 14-VAR-003(B)) to increase the size of the two (2) building-mounted signs for the Agoura Park Project (Project).

Section II. The Planning Commission of the City of Agoura Hills considered the applications at a public hearing held on December 3, 2015, at 6:30 p.m. in the Council Chambers, City Hall, at 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given and published as required by state law.

Section III. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public meeting.

Section IV. Based on the evidence at the hearing, including the staff report and oral and written testimony, the Planning Commission did not approve a resolution to adopt the Sign Permit and variance request.

Section V. On December 9, 2015, the City Council appealed the Planning Commission's decision on the Sign Permit and variance request for the City Council's de novo review of the Project.

Section VI. The City Council of the City of Agoura Hills considered the applications at a public hearing held on January 27, 2016 at 6:00 p.m. in the City Hall City Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section VII. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the City Council at the aforesaid public meeting.

Section VIII. In accordance with the California Environmental Quality Act (CEQA), the City provided public notice of the intent to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) and a Mitigation Monitoring and Reporting Program (MMRP) for this Project. On January 29, 2016, the City Council held a public hearing to review the IS/MND and MMRP. Upon the close of the public hearing, and based upon the IS/MND, public comments and the record before the City Council, the City Council adopted Resolution No. 16-1804, adopting the IS/MND, making environmental findings pursuant to CEQA, and adopting a MMRP for the Project. Resolution No. 16-1804 and the findings therein are hereby incorporated by this reference as though set forth in full.

Section IX. Sign Permit Review. Based upon the evidence presented at the public hearing, including the staff report and oral and written testimony, and the revisions to the Project whereby the height of the sign on Building A's south elevation shall be reduced to three and one-half (3.5) feet and the total sign area to 113 square feet, and the height of the sign on Building A's north elevation shall be reduced to three (3) feet and the total sign area of 83 square feet and shall be halo lit, (as shown in the Exhibit entitled, "Signage Studies 4 and 4.0," by Architects Orange, dated January 20, 2016, and presented to the City Council), and whereby the City Council reduced the maximum square footage of Building A's north elevation sign to no more than 75 square feet, consistent with the conditions of approval attached in Exhibit "A" attached hereto and incorporated herein by reference, the City Council finds, pursuant to Section. 9655.5.D. of the Agoura Hills Municipal Code, that:

A. The proposed Sign Permit, as conditioned, is consistent with the General Plan and the provisions of the Zoning Ordinance. The building mounted signs are integrated with the building's architectural character and provide meaningful identification for the business, specifically, the fitness facility, as called for in Policy LU-13.2 of the General Plan as viewed from the freeway corridor, Agoura Road and Roadside Road.

B. The location of the proposed building and ground mounted signs are legible under normal viewing conditions where the signs are to be installed. Building A's proposed signs and the monument signs will be built so as to identify the business clearly during the daytime and nighttime without impacting nearby properties. The north elevation building-mounted sign letters will be halo lit, and the south elevation sign letters will be internally lit and the font highly legible. The ground-mounted sign letters are externally lit. The content of the signs and the number of colors comply with the Sign Ordinance requirements.

C. The location and design of the proposed signs for Building A, their size, shape, illumination, and colors are compatible with the visual characteristics of the surrounding area so as not to cause significant depreciation of the value or quality of adjacent properties. Each sign will be in the center of the front and rear elevation and will

not block the window space and will not compete with any other architectural feature. The monument signs are small and sited so as to not interfere with vehicular traffic.

D. The proposed signs are consistent with the sign standards of the Sign Design Guidelines in that each building sign is one color and does not compete with the design of the building, and the illumination of the sign does not flood the building façade. The monument signs are one color and would be compatible with the architecture and overall site design. With the exception of the size of the Building A signs, the monument and building signs are all in compliance with the Sign Ordinance.

E. The proposed signs are consistent with the adopted sign design guidelines in that the dimensions of the signs are in good proportions and the signs do not interfere with windows or other architectural features of Building A, and do not exceed the height of the roof line.

Section X. Variance. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, and the revisions to the Project whereby the height of the sign on Building A's south elevation shall be reduced to three and one-half (3.5) feet and the total sign area to 113 square feet, and the height of the sign on Building A's north elevation shall be reduced to three (3) feet and the total sign area of 83 square feet and shall be halo lit, (as shown in the Exhibit entitled, "Signage Studies 4 and 4.0," by Architects Orange, dated January 20, 2016, and presented to the City Council), and whereby the City Council reduced the maximum square footage of Building A's north elevation sign to no more than 75 square feet, consistent with the conditions of approval attached in Exhibit "A" attached hereto and incorporated herein by reference, the City Council finds, pursuant to Section. 9676.2.E. of the Agoura Hills Municipal Code, that:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Given the unusually long and narrow parcel, Building A's substantial distance (approximately 500 feet) from Agoura Road, the distance from Roadside Road ingress/egress points, and the location and height of Building B potentially blocking views of Building A, Building A, requires a primary sign that is visible to both eastbound and westbound traffic on Agoura Road. Similarly, the larger halo lit sign proposed on the north (rear) building elevation will help maintain visibility from both the eastbound and westbound travel lanes on the freeway given the site topography and that the building will be set at a lower grade than that of the freeway right-of-way. The building facades were designed such that the area where a sign could be installed allows a larger sign without impacting the architectural design of the building.

B. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. Because the building is placed at a lower elevation from the freeway right-of-way compared to other buildings along the freeway corridor, a larger sign is required for the building to be visible to passersby on the freeway. The increased sign

size will help identify the building and its tenant. Given the long and narrow parcel, and the location of Building A needing to be at the widest portion of the site, near the northern end, the substantial distance of approximately 500 feet from the building to Agoura Road necessitates a larger front elevation sign to be visible to travelers along Agoura Road.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in impractical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. Given the physical site constraints, requiring Building A to be located at the northern end of the parcel and that the building be set below the freeway right-of-way grade such that the appearance of the building is reduced, the south elevation sign needs to be visible from a further distance, and the north elevation sign needs to be more prominent to freeway travelers to serve as a way finding feature.

D. The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. Despite the additional square footage, the signs will comply with the City Building Code and will be compatible with the aesthetics of the site buildings, and proportional in size to Building A.

E. The granting of the variance will be consistent with the character of the surrounding area. Larger signs have been approved on the freeway facing facades of other buildings in the City. Both front and rear signs on Building A are the same color and the same design to ensure consistency. No aspect of the signs is distracting to motorists and the signs represent only a small portion of the total front and rear elevations. There is sufficient separation between the north (freeway facing) elevation sign and residential developments located north of the freeway so as to not cause light pollution and spillover to those neighborhoods, and the Project includes a condition of approval to turn off the sign lights on Building A's north elevation at the close of business each day.

Section XI. Based on the aforementioned findings, the City Council hereby approves Sign Permit Case No. 14-SP-040 and Variance Case No. 14-VAR-003(B) subject to the conditions of approval attached as Exhibit A and incorporated herein by reference, with respect to the property described in Section I hereof.

Section XII. The City Clerk shall certify to the passage, approval, and adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 10th day of February 2016, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A

**CONDITIONS OF APPROVAL
(Case No. 14-SP-040 and 14-VAR-003(B))**

EXHIBIT A

CONDITIONS OF APPROVAL (Case No. 14-SP-040 and 14-VAR-003(B))

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 this Permit with the Department of Planning.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the Special Conditions stated below.
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. Unless the approval is used within two (2) years from the date of City approval, Case No. 14-SP-040 and Case No. 14-VAR-003(B) will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
6. The Variance Case No. 14-VAR-003(B) is valid only in conjunction with Case Nos. 14-SP-040, 14-SPR-003, 14-OTP-016, and VTPM 73266, and the approved conditions of approval therein.

SPECIAL CONDITIONS

7. The signage for the retail/fast service restaurant (Building B) is not approved as part of this application and shall be subject to Planning Commission review and approval at a future date.
8. Lighting for the signage on the north elevation of the fitness building (Building A) shall be turned off at the close of business each day.
9. Excepting Special Condition No. 10, the signage for the fitness building (Building A) shall be consistent with the Exhibits entitled, "Signage Studies 4 and 4.0" prepared by Architects Orange, dated January 20, 2016, and presented to the City Council on January 27, 2016.

10. The fitness building (Building A) signage on the north elevation shall be halo lit and not exceed 75 square feet in area and shall be no taller than three (3) feet, while the signage on the south elevation shall not exceed 113 square feet in area and shall be no taller than three and one-half (3.5) feet.

END

RESOLUTION NO. 16-1808

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 14-SPR-003 AND OAK TREE PERMIT CASE NO. 14-OTP-016 FOR THE AGOURA PARK PROJECT LOCATED AT 29431 AND 29439 AGOURA ROAD

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

Section I. An application was duly filed by Rosenheim & Associates, on behalf of Selleck Development Group, Inc., with respect to the real property located at 29431 and 29439 Agoura Road (Assessor's Parcel Nos. 2061-004-015, -035 and -036) requesting approval of a Site Plan/Architectural Review to allow the construction of a new 45,000 square-foot, two-story fitness facility building (Building A) and a 4,000 square-foot, one-story retail/fast service restaurant building (Building B) on a vacant parcel; and a request for an Oak Tree Permit to remove two oak trees and encroach into the protected zone of one other oak tree for the Agoura Park Project (Project).

Section II. The Planning Commission of the City of Agoura Hills considered the applications at a public hearing held on December 3, 2015 at 6:30 p.m. in the City Hall Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section III. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing.

Section IV. Based on the evidence at the hearing, including the staff report and oral and written testimony, the Planning Commission approved the Site Plan/Architectural Review and Oak Tree Permit.

Section V. On December 9, 2015, the City Council appealed the Planning Commission's approval of the Site Plan/Architectural Review and Oak Tree Permit for the Project for City Council's de novo review of the Project.

Section VI. The City Council of the City of Agoura Hills considered the applications at a public hearing held on January 29, 2016 at 6:00 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section VII. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the City Council at the aforesaid public hearing.

Section VIII. In accordance with the California Environmental Quality Act (CEQA), the City provided public notice of the intent to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) and a Mitigation Monitoring and Reporting Program (MMRP) for this Project. On January 27, 2016, the City Council held a public hearing to review the IS/MND and a MMRP. Upon the close of the public hearing, and based upon the IS/MND, public comments and the record before the City Council, the City Council adopted Resolution No. 16-1804, adopting the IS/MND, making environmental findings pursuant to CEQA, and adopting a MMRP for the Project. Resolution No. 16-1804 and the findings therein are hereby incorporated by this reference as though set forth in full.

Section IX. Site Plan Review. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, and the revisions to the Project plans whereby the height of Building A shall be a maximum of 36.5 feet in portions of the building containing sports courts (as shown in the Exhibit titled, "Exterior Elevations 3 – 3.4, by Architects Orange, dated January 20, 2016, and presented to the City Council), the City Council finds, pursuant to Section 9677.5 of the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. The property designation allows for the development of a fitness facility and retail/fast service restaurant building and the proposal meets the development standards for the Planned Office and Manufacturing/Freeway Corridor Overlay district (POM-FC) relative to use, lot coverage, parking, access, circulation, amenities, and landscape and tree canopy coverage.

B. The proposed use, as conditioned, and the manner in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. The buildings will be constructed to comply with the most recent Building Code requirements. Building occupants are restricted to operating indoors only with the exception of outdoor eating, and are subject to the Zoning Ordinance standards with respect to noise, light, and operational standards. Controlled lighting and incorporation of more native landscaping will minimize the impacts on the undeveloped hillsides south of Agoura Road. The driveways and distribution of the parking were designed to limit conflicts between pedestrian and vehicles. The project's finish pad elevation below the adjacent U.S. 101 Highway (freeway) and Agoura Road will help screen the project from these roadways. The Agoura Road roadway was widened to improve traffic conditions. The access in and out of the site is designed to maximize safety in the right-of-way. The placement and design of the buildings will preserve the light, air, and privacy of the adjacent parcels by maximizing the side yard setback adjacent to privately owned properties.

C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and surrounding area, and is compatible with the surrounding

properties. The design of the proposed development will provide a desirable environment for its occupants, as well as for its neighbors. The project is aesthetically of good composition, materials, textures, and colors. The design of both buildings is compatible with the variety of architectural styles in the area, and reflects an architectural style and use of materials compatible with the natural environment. The pedestrian-oriented development increases connectivity with nearby properties. The fitness facility building is designed to fit within the surrounding topography by screening roof equipment from the freeway corridor travel lanes, and by the building placed below the adjacent grade to minimize visual impacts to motorists on the freeway and the residential development across the freeway. The project is compatible with the City's low intensity development style by meeting the maximum building coverage requirement. The project design successfully incorporates the new structures with respect to architectural design, and on-site pedestrian and vehicular circulation. The project design combines contemporary and rustic features that comply with the desired image of freeway corridor development.

D. The proposed use will comply with each of the applicable regulatory provisions of the Zoning Ordinance, with the approval of the proposed variances. Pursuant to the FC Overlay district, the future tenants of this property that are permitted in the POM zone will operate indoors, with the exception of limited outdoor dining and seating. The amount of landscaping and building coverage is within the POM District requirements, the latter of which allows ample room for parking and landscaping. Parking is provided on-site and on the adjacent street. The on-site parking remains evenly distributed to serve each individual building adequately.

E. The project complies with General Plan Goal LU-12 by providing a choice of uses and activities to satisfy a local and regional demand. The project includes the merger of two vacant parcels to accommodate a large business that requires high visibility from the freeway corridor, and smaller size retail businesses near Agoura Road that will support each other and provide a variety of services. The project complies with Goal LU-13 in that the project redevelops and enhances a vacated parcel. The parking lot is screened from the freeway corridor by a large building, and well delineated pedestrian paths are provided on and off-site. The architectural style of each building is unique but is integrated by the use of similar exterior materials and colors. The number of building signs are kept to a minimum and designed to be in proportion with the building architectural features. Pavers are used at the entrance of the driveways and in drive-aisles to clearly mark the pedestrian circulation and create safe zones. The project complies with Goal LU-24 in that it provides for cohesive development with a potential for a variety of uses that would be compatible with surrounding properties, and the parcels are linked by pedestrian and vehicular driveways facilitating travel between uses. The pedestrian oriented development complements Agoura Village to the east and south.

F. The proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The development will improve the presently vacant site and provide for an opportunity for additional landscaping and overall aesthetic benefit to the area through a well-planned center with building design and natural materials and colors to blend in with the natural setting. The design of the

project is consistent with the Zoning Code district standards, particularly with regard to pedestrian and vehicular circulation and creating district identity.

Section X. Architectural Review. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the City Council finds, pursuant to Section 9677.7.G. of the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the General Plan, any specific plans, and any design standards adopted by the City Council. The project complies with General Plan Goal LU-12 by providing a choice of uses and activities to satisfy a local and regional demand. The project merges two vacated parcels to accommodate a larger business that requires high visibility from the freeway corridor and smaller size retail businesses near Agoura Road that will support each other and provide a variety uses. The project is compatible with Goal LU-13 in that the project redevelops a vacated parcel. The parking lot is screened from the freeway corridor by a large building and well delineated pedestrian paths are provided on- and off-site. The architectural style of each building is unique but remains compatible with the use of similar exterior materials and colors. The number of building signs was kept to a minimum and designed to be in proportion with the building architectural features. Pavers are used at the entrance of the driveways and in drive-aisles to mark clearly the pedestrian circulation and create safe zones. The project complies with General Plan Goal LU-24 in that the project provides a potential for a variety of uses that would be ultimately compatible with surrounding properties and the parcels are linked by pedestrian and vehicular driveways facilitating travel between uses. The pedestrian-oriented development complements the Agoura Village Specific Plan to the east and south by serving the future residential uses.

B. Because of the high quality design and choice of construction materials, the proposed development and its relationship to existing developments will increase the desirability of investment or occupation in the neighborhood. The proposed development will not interfere with the use and enjoyment of existing developments in the area. The project provides two access points and an additional access point when the property to the west is developed, providing an internal driveway network that would help to disperse traffic efficiently to and away from the development without adversely affecting nearby commercial and institutional development. The project is within proximity to the U.S. 101 Highway/Kanan Road interchange.

C. The proposed use, as conditioned, is in keeping with the character of the surrounding neighborhood, and is not detrimental to the harmonious, orderly, and attractive development contemplated by the Zoning Ordinance and the General Plan. As conditioned, the design of the new buildings blends in with the surrounding structures and properties. Access to the site via two driveways helps divide the traffic into two egress/ingress points, limiting the impact of the added traffic on existing arterial traffic levels nearby. Street improvements have been incorporated into the project to accommodate the increased traffic and maintain safety. The development will improve the previously unused parcels and provide an opportunity for additional landscaping and buffering from freeway noise.

D. The design of the proposed development, as conditioned, provides a desirable environment for its occupants, as well as for the project's neighbors, because the project is aesthetically of good composition, materials, textures, and colors. The building design of the fitness facility and the rustic design of the retail/restaurant fast service building help diversify the architectural style of the area. The pedestrian-oriented development increases compatibility with nearby uses and promotes walking. The project is compatible with the City's low-intensity development style with a low building coverage. The project combines contemporary and rustic features that comply with the desired image of freeway corridor development.

E. The proposed use complies with all applicable requirements of the district in which it is located and all other applicable requirements, considering the variances and proposed conditions. Fitness facilities and retail/fast service restaurant uses are permitted uses in the POM-FC zone. The parking associated with the uses is mostly contained on the property but also in close proximity along the adjacent street, and the parking remains evenly distributed on the site to serve each individual building based on its parking ratio requirement. The project provides sufficient landscaping and meets the maximum building coverage allowed.

F. The overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare. The buildings will be constructed to comply with the most recent Building Code requirements. Building tenants are restricted to operating indoors only, with the exception of outdoor dining, and are subject to the Zoning Ordinance standards with respect to noise, light, and operation. Controlled lighting and native landscaping will prevent disturbance of the undeveloped hillside area south of Agoura Road. The driveway and distribution of the parking were designed to limit conflicts between pedestrian and vehicles. The Agoura Road roadway was widened to improve traffic conditions. The access in and out of the site is conditioned to maximize safety in the right-of-way. The placement and design of the buildings will preserve the light, air, and privacy of the adjacent parcels.

Section XI. Oak Tree Permit Review. In regard to the oak trees, the City Council finds, pursuant to Section 9657.5.C., that the removal of one on-site oak tree, and the encroachment into the protected zone of one off-site oak tree that would result in its ultimate loss, is required because the continued existence of the oak trees would prevent the development of the subject property by incorporating protection measures. The proposed use will not endanger the health of the remaining trees near the subject property and the removal of the trees will not result in soil erosion through the diversion or increased flow of surface waters that cannot be satisfactorily mitigated. The removal of the two trees is necessary because their continued existence precludes the reasonable and efficient use of the property for a use otherwise authorized on that parcel. The removal of the two oak trees will be mitigated by the addition of at least eight (8) new oak trees onsite, and the remaining oak trees will be protected per the requirements of the City of Agoura Hills, Oak Tree Preservation Guidelines, Appendix A. Additional new oak trees are required on site, and will help preserve the rustic character of the community.

Section XII. Based on the aforementioned findings, the City Council hereby approves Site Plan/Architectural Review Case No. 14-SPR-003 and Oak Tree Permit Case No. 14-OTP-016, subject to conditions, attached as Exhibit A and incorporated herein by reference, with respect to the property described in Section I hereof.

Section XIII. The City Clerk shall certify to the passage, approval, and adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 10th day of February 2016, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A

**CONDITIONS OF APPROVAL
(Case Nos. 14-SPR-003; 14-OTP-016)**

EXHIBIT A

CONDITIONS OF APPROVAL (CASE NOS. 14-SPR-003, 14-OTP-016)

PLANNING

Entitlement Requirements

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 these Permits with the Department of Planning.
2. Except as modified herein, the approval of this action is limited to, and requires complete conformance to the Zoning Ordinance and substantial conformance to the labeled exhibits: Site Plan, Elevation Plans, Floor Plans, Roof Plan, and Grading Plan, and the following exhibits provided to the City Council on January 27, 2016: "Exterior Elevations 3-3.4," dated January 20, 2016, and "Preliminary Landscape Plan ap1," prepared by L. Newman Design Group, Inc.
3. All exterior materials used in this project shall be in substantial conformance with the materials samples submitted as a part of this application.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a condition of this action that if any condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse, provided that the applicant has been given written notice to cease such violation and has filed to do so for a period of thirty (30) days.
6. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
7. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Planning Director.
8. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 14-SPR-003 and 14-OTP-016 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
9. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is

\$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.

10. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
11. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
12. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District that is currently established at \$0.54 per square-foot of new floor area.
13. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance.
14. Prior to issuance of a Building Permit, the applicant shall submit a letter to the Planning Director agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until the Planning Director is notified and a qualified archaeologist can examine the resource and determine appropriate mitigation measures. All fees and expenses for retaining 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 Planning Director.
15. The approved grading plan and construction plans, resolution, conditions of approval, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, and a color and material board shall be on-site at all time during the construction of the project.
16. 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.
17. The applicant and property owner, and his/her successors in interest ("Property Owners"), shall indemnify, defend, and hold harmless the City of Agoura Hills and its elected and appointed officials, officers, employees and agents from and against any and all claims, actions, proceedings, liabilities and costs brought against the City and its elected and appointed officials, officers, employees and agents relating to the City's actions regarding this project, including but not limited to any proceeding under CEQA. This indemnification shall include (without limitation) damages, fees, and/or costs awarded against the City, costs of suit, attorney's fees, and any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and the

Property Owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project and the City's costs, fees, and damages that it incurs in enforcing the indemnification provisions set forth in this section.

Construction Requirements

18. Prior to starting construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and fence material shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material as approved by the Planning Director. Temporary construction fencing and gates shall be maintained in good order at all times.
19. All proposed retaining walls shall consist of materials subject to review and approval by the Planning Director.
20. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
21. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 7:00 a.m., or any Sunday or holiday.
22. The applicant and delegated contractors shall participate with City staff in a pre-construction meeting prior to issuance of a Grading Permit. Any change in the construction team shall be reported to the Building and Safety Department in a timely manner.
23. A detailed Lighting and Photometric Plan shall be submitted for review and approval by the Planning Director, prior to issuance of a Building Permit.
24. A copy of all communications between the City and the applicant pertaining to the approved plans shall be kept on-site at all times.
25. It is the responsibility of the applicant and/or his or her representatives to report to the City Planning Department any changes related to any aspects of the construction prior to undertaking the changes.
26. Inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Departments.

SOLID WASTE MANAGEMENT

27. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50 percent of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material, including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
28. The project shall comply with the City's Waste Reduction & Recycling Plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.), and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
29. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

ENVIRONMENTAL /CEQA

30. The applicant shall comply with the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project approved on January 27, 2016,

OAK TREES

32. All plans, including the Landscape, Grading and Architectural Site Plans, shall be amended to indicate the tag number, trunk location, canopy and protected zone of all oak trees located within and immediately adjacent to the subject property as shown on the Oak Tree Location Map.

33. The applicant is permitted to remove Oak Tree Number 194 in order to complete the approved site development program.
34. To mitigate the removal of Tree 194 and the likely decline and early death of Tree 193, the landscape plan shall include at least eight (8) inches of trunk diameter of new oak trees within the landscape. The exact species, planting sizes and planting locations shall be subject to review and approval by the City Oak Tree Consultant. The applicant shall plant at least eight (8) oak trees within the site, to include the following six (6) trees, which shall be shown in the Final Landscape Plans.
 - a. Two 36-inch box size trees
 - b. Four 24-inch box size trees
35. The applicant is permitted to encroach within the protected zones of Oak Trees Number 193 and 195 in order to complete the approved site development program.
36. Should the Planning Director and the City Oak Tree Consultant determine that the required number of oak trees cannot be planted on the subject site in a practical manner, an equivalent alternative mitigation shall be established through the establishment of an in-lieu fee which the applicant shall pay into the City Oak Tree Mitigation Fund for the deficit. The amount of the in-lieu fee shall be based upon tree appraisal standards contained in the 9th Edition of the Guide for Plant Appraisal, as approved by the Planning Director in consultation with the City Oak Tree Consultant.
37. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.
38. The mitigation oak trees shall be maintained in perpetuity. Should any of the mitigation oak trees decline or die, they shall be replaced in accordance with the provisions of the City Oak Tree Preservation and Protection Guidelines.
39. All excavation within the protected zone of Oak Trees Number 193 and 195 shall be performed using only hand tools under the direct observation of the applicant's oak tree consultant. Light construction equipment may be utilized with prior approval of the City Oak Tree Consultant.
40. Prior to the start of any mobilization or construction activities on the site, Oak Trees Number 193 and 195 shall be fenced at the edge of the approved limits of work in strict accordance with Article IX, Appendix A, Section V.C.1.1 of the City of Agoura Hills Oak Tree Preservation and Protection Guidelines. The City Oak Tree Consultant shall approve the fencing location subsequent to installation and prior to the start of any mobilization or work on the site.

41. The applicant shall provide 48-hour notice to the City Oak Tree Consultant prior to the start of any approved work within the protected zone of any oak tree.
42. No planting or irrigation is permitted within the protected zone of an existing oak tree without approval from the City Landscape Consultant and Oak Tree Consultant.
43. No vehicles, equipment, materials, spoil or other items shall be used or placed within the protected zone of any oak tree at any time, except as specifically required to complete the approved work.
44. No pruning of live wood shall be permitted unless specifically authorized by the City Oak Tree Consultant. Any authorized pruning shall be performed by a qualified tree trimmer under the direct observation of the applicant's oak tree consultant. All pruning operations shall be consistent with ANSI A300 Standards – Part 1 Pruning and the most recent edition of the International Society of Arboriculture Best Management Practices for Tree Pruning.
45. Prior to occupancy, each existing and new oak tree shall be mulched throughout the dripline with three inches of approved organic mulch as needed to supplement natural leaf litter.
46. Within ten calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the oak trees at that time.
47. The project oak tree consultant shall submit certification letters for all work completed within the protected zones of the oak trees within ten working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

LANDSCAPING

48. The landscape plans shall substantially conform, as determined by the Planning Director, to the Preliminary Landscape Plan AP1 prepared by L. Newman Design Group, Inc., and presented to the City Council on January 27, 2016:
49. 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
50. Prior to the approval of Building Permits, the applicant shall submit three (3) sets of 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 30 inches by 42 inches in size. Plans shall be a minimum of 22 inches by 36 inches in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals 20 feet, 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, rights-of-way, 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 and rock outcroppings
 - h. The Planting Plan shall indicate the botanical name and size of each plant.
 - i. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Planning Director.

- j. Plant symbols shall depict the size of the plants at maturity.
 - k. The landscape plans shall prominently display the following notes:
 - i. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - ii. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".
 - iii. Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plans.
 - l. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
 - m. 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.
 - n. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
 - Design and static pressures
 - Point of connection
 - Backflow protection
 - Valves, piping, controllers, heads, quick couplers
 - Gallon requirements for each valve
51. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan unless otherwise approved by the Planning Director.
52. A complete Landscape Documentation package shall be provided 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.
53. 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.

54. In addition to any oak trees required for mitigation purposes, the landscape plan shall include four 24-inch box-size oak trees to be shown in the Final Landscape Plans. The species and planting location shall be subject to review and approval of the City Landscape Consultant.
55. The Freeway Corridor Overlay district requires locally native, low water use landscape plantings with a naturalistic appearance, particularly native oaks throughout the development. The applicant and his landscape architect shall continue to work with the City Landscape Consultant to ensure this requirement is met on the Final Landscape Plans.
56. A minimum of 15 percent of the total lot shall be landscaped. A final exhibit demonstrating coverage provided shall be submitted at the time of initial plan check.
57. A minimum of 15 percent of the parking lot, including driveways and drive aisles, shall be landscaped. A final exhibit demonstrating coverage provided shall be submitted at the time of initial plan check.
58. Unless otherwise approved by variance, a 20-foot deep landscape planter shall be provided along the rights-of-way bordering the site. No other use or storage may be placed within this area, including transformers and trash enclosures.
59. Any unsightly uses, including trash enclosure and transformers, shall be screened with berms, decorative walls or landscaping to the satisfaction of the Planning Director.
60. Parking lot landscaping shall include shade trees, placed so as to cover 50 percent of the total parking area with tree canopies within 15 years after the issuance of the Building Permit per City of Agoura Hills Municipal Code Section 9654.5.C. A final exhibit demonstrating coverage provided shall be submitted at the time of initial plan check.
61. Proposed light standard locations shall be depicted on the Landscape Plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Consultant.
62. No other usage or storage shall be permitted within any required yard, including transformers and trash enclosures.
63. The Landscape Plan shall not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society or the California Exotic Pest Plant Council.
64. The Final Landscape Plans shall not include any palm species.

65. All plant material shall be considered compatible with Sunset Zone 18.
66. 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.
67. Any tree of heaven (*Ailanthus altissima*) shall be permanently eradicated. The Landscape Plans shall contain a note to this effect and specify the method of eradication which must be approved by the City of Agoura Hills Oak Tree Consultant.
68. The Landscape Plan shall be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department prior to the issuance of Building Permits.

PUBLIC WORKS/ENGINEERING

69. Prior to final map recordation, the applicant shall dedicate varying portions of property along Roadside Road per Vesting Tentative Parcel Map No. 73266, to accommodate public street improvements. Limits of said dedications and improvements shall be reviewed and approved by the Director of Public Work/City Engineer.
70. Applicant shall grant/record a sidewalk easement for public purposes to the City of Agoura Hills for portions of sidewalk within property boundaries.
71. Applicant shall preserve all public utility easements within property boundaries.
72. Prior to permitting, the applicant's Registered Professional Engineer shall prepare all necessary documents to vacate the public right-of-way along Roadside Drive abutting north side of property. In addition, road easement will be reestablished to provide a minimum of 32 feet to accommodate a 4-foot sidewalk, 20-foot street, and 7-foot buffer between Caltrans right-of-way and street, unless Condition No. 127 results in the removal of the sidewalk, in which case the road easement shall be revised to 28 feet, subject to final approval by the Director of Public Works/City Engineer.
73. Applicant shall preserve all public utility easements and maintain public access within vacated portion of Roadside Drive.
74. The applicant shall provide and record a reciprocal use agreement to assure common ingress and egress for parcel directly to the west (APN # 2061-004-030) in perpetuity.
75. The applicant shall provide a Monumentation bond (i.e. cash deposit) in an amount calculated by the Engineering Department or as specified in writing by

the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.

76. The applicant shall provide a preliminary title report not older than 30 days.
77. Prior to approval of Final Map No. 73266, applicant shall merge parcels 2061-004-015, 2061-004-035, and the portion of 2061-004-036 that is located west of Roadside Road.
78. Prior to issuance of building permit, applicant shall record Parcel Map No. 73266 pursuant to the Subdivision Map Act and in accordance with City Code. A duplicate photo mylar of the recorded map shall be submitted to the Director of Public Works.
79. All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Director of Public Works for review and approval.
80. For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at www.ci.agoura-hills.ca.us
81. Prior to the issuance of a grading permit, applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.
82. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.
83. Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.

84. Grading Plan shall show location(s) of all oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
85. The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
86. Applicant shall submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer.
87. Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies:
 - Los Angeles County Health Department
 - Los Angeles County Flood Control District (LACFCD)
 - Las Virgenes Municipal Water District
88. Applicant shall obtain written approval from the Los Angeles County Fire Department and Southern California Edison for electrical power lines over the northern building. In the event this cannot be obtained, applicant shall be responsible for all plans, construction, documentation, and fees related to the relocation of power lines and any other electrical appurtenances. Said relocation shall be reviewed and approved by the Los Angeles Fire Department, Southern California Edison, and Director of Public Works.
89. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact Engineering Department @ 818.597.7322 for approved City certification forms.
90. Applicant shall provide written permission from affected property owner for any off-site construction. Grading plans shall clearly show all details associated with this work. Said design shall be reviewed and approved by the Director of Public Works.
91. Prior to permitting, the applicant shall design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area.
92. The applicant shall design and construct road improvements along the project fronting Roadside Road and any necessary transitions. Said improvements

shall include, but not limited to, asphalt concrete, curb, gutter, sidewalk, street lights, and all pavement markings. The design shall include diagonal parking stalls along the property. The design of the roadway improvements shall be reviewed and approved by the Director of Public Works.

93. Applicant shall overlay Agoura Road with concrete asphalt for all new project related service cuts in the roadway. The extent of the repairs shall be at the discretion of the Director of Public Works Director, and incorporated as part of the conditions of approval.
94. The applicant shall design and construct road improvements along the project fronting Roadside Drive and any necessary transitions. Said improvements shall include, but not limited to, asphalt concrete, curb, gutter, sidewalk (pursuant to and consistent with Condition 72), conduit for future street lights, and all pavement markings. The design shall include a bulb at the intersection of Roadside Drive and Roadside Road. The design of the roadway improvements shall be reviewed and approved by the Director of Public Works.
95. Applicant shall connect to the 10-inch sewer line that is available for this project in Agoura Road. (Ref. Sewer Plan Dwg # T-104).
96. Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.
97. This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.
98. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.
99. A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.
100. Prior to the approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the **Engineering Department**. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites.

1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
101. Prior to the approval of the Grading Plan and issuance of Grading Permit, a completed Low Impact Development (LID) Plan shall be submitted to and approved by the Engineering Department. The LID Plan shall comply with the requirements of the LID Ordinance and Los Angeles County LID Standards Manual. The LID Plan shall include the following information:
- Identification of whether the proposed project is a Designated or Non-Designated Project.
 - If the proposed project is a Designated Project, identification of the project category.
 - Feasibility of infiltration including a percolation report as part of a geotechnical report prepared by a geotechnical engineer.
 - Source control measure(s) proposed to be implemented
 - Calculation of the SWQDv.
 - Discussion on whether stormwater runoff harvest and use is feasible.
 - Stormwater quality control measure(s) proposed to be implemented.
 - Discussion of how the applicable water quality standards and total maximum daily loads (TMDLs) will be addressed (off-site mitigation projects only).
 - Proposed hydromodification controls and calculations (if necessary).
 - Proposed maintenance plan (if necessary).
102. All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan

and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.

103. SWPPP Plan - All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: www.cabmphandbooks.com and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

Said plan shall, among other things, ensure that the following minimum requirements are effectively implemented at all construction sites:

1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes and covering erosion susceptible slopes.
104. Prior to certificate of occupancy, all remaining fees/ deposits required by the Engineering Department shall be paid in full.

105. Prior to certificate of occupancy, all requirements including construction of improvements covered in Section 2, must be completed to the satisfaction of the City Engineer.

106. The Applicant's Engineer shall submit a set of **MYLAR**, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. *Please note that no final inspection will be scheduled and subsequently no release of*

*securities, posted for the project if any, will take place unless **MYLAR**, Record (As-built) Drawings, satisfactory to the City, are submitted.*

107. The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: www.agoura-hills.ca.us.
108. All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.
109. Upon receiving Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as directed by City Engineer, to resolve said conflicts/issues. All items listed are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

BUILDING AND SAFETY

110. Soils report will be required for this project.
111. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures shall meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 7A of the 2013 California Building Code and Section 8200, Chapter 2, Article VIII of Agoura Hills Municipal Code (AHMC).
112. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans including, architectural, electrical, mechanical, plumbing, green building, structural and energy calculations needs to be submitted to Building and Safety Department for plan review and approval.
113. Fire sprinkler will be required for this project per Section 903.2, Chapter 2, Article VIII of AHMC.
114. Los Angeles County Fire Department review and approval will be required for this project.
115. Los Angeles County Health Department review and approval will be required for this Project.
116. Building "A" must comply with the general building height and area as identified in Chapter 5 of 2013 California Building Code.

SPECIAL CONDITIONS

117. On-site decorative paving shall be provided at the driveway entrances serving the site and the walking pathway around the proposed buildings. The color, materials and length of the decorative paving shall be subject to review and approval by the Planning Director.
118. All transformers, other equipment, and refuse containers shall be screened from view. A plan showing this shall be reviewed and approved by the Planning Director.
119. All parking stalls shall be pinstriped. A minimum of 206 parking spaces shall be provided for the project.
120. In the event, that revisions to the plans required during the Plan Check process cause substantial changes to the project design as determined by the Planning Director, the project will be subject to additional review and approval by the Planning Commission.
121. Pursuant to Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit an arts plan for the building which meets the requirements set forth by the City Council, for review and approval by the Planning Director. Prior to the issuance of occupancy for the building, the art shall be constructed and thereafter displayed for view by the public in a location approved by the Planning Director. If the approved art display is not maintained in good condition, or is altered without the permission of the Planning Director 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.
122. The Variance Case No.14-VAR-003(A&B) is valid only in conjunction with Case Nos. 14-SPR-003, 14-OTP-016, 14-SP-040 and VTPM 73266, and the approved conditions of approval therein.
123. No retaining and non-retaining walls proposed on the property shall exceed six (6) feet in height.
124. Prior to issuance of a Grading Permit for development on the off-site parcel, immediately to the west of the subject site, the parking spaces in the alignment of the west-east driveway bisecting the subject site and connecting to the off-site western parcel shall be removed to allow for vehicular and pedestrian access between the two sites.
125. Both driveways connecting the subject site to the adjacent property to the west shall be maintained in perpetuity. Appropriate easements shall be

incorporated in the final Vesting Parcel Map 73266 to the satisfaction of the Planning Director and Public Works Director.

126. Applicant shall obtain final approval from the Los Angeles County Fire Department Land Development Unit – Fire Prevention Division with respect to on-site emergency pedestrian access around the buildings, vehicular access to the buildings, the overhead power lines in the vicinity of the parcel, fire hydrant location and water availability for the site, and other items as required by the Fire Department prior to issuance of any permit.
127. The Landscape Plan shall be revised to incorporate: 1) additional green screens on the north elevation of Building A; and 2) additional landscaping material between the building and the access road adjacent to the freeway, with the intent to screen the building as viewed from the freeway corridor. If deemed necessary by the Planning Director, in consultation with the applicant, the sidewalk on the north side of Building A may be removed and replaced with a planter to meet the requirement of this condition. These revisions to the Landscape Plan shall be subject to prior approval by the Planning Director.
128. Building A, the fitness building, shall be setback a minimum ten (10) feet from the eastern side property line and 35 feet from the northern ultimate property line as determined by the Vesting Tentative Parcel Map No. 73266. Exterior architectural features shall be counted toward the building envelope.
129. After the initial opening of the fitness facility (Building A), the Planning Department shall monitor for thirty (30) days the light emitted from the north elevation windows of Building A, and, if deemed necessary by the Planning Director, the business shall apply window tinting or draw interior window shades nightly, or both, to minimize impacts from interior lights on views from the freeway.
130. The interior lights of the fitness building (Building A) facing the freeway, excluding security lights, shall be turned off upon the close of business each day.

END