

**GENERAL PLAN
DESIGNATION:**

Planned Development (PD - Agoura Village Specific Plan) and Open Space-Restricted (OS-R)

RECOMMENDATION:

Staff recommended the Planning Commission approve Agoura Village Development Permit Case No. 07-AVDP-002 and Tentative Parcel Map No. 70559, subject to conditions and based on the findings of the Draft Resolutions. Staff also recommended the Planning Commission adopt the project's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program.

Following distribution of the agenda packet, and prior to the Planning Commission Meeting, written correspondence was received from the following persons, distributed to the Planning Commission, and made available to the public:

*Former Agoura Hills Mayors, Agoura Hills (submitted by Ed Corridori)
Samuel Unger, Agoura Hills
Joan Yacovone, Agoura Hills
Jerome C. Daniel, Santa Monica Mountains Conservancy (submitted by Paul Edelman)*

Staff submitted draft text and Mitigation Monitoring and Reporting Program clarification changes to the hydrology and water quality and air quality sections of the Mitigated Negative Declaration.

Following presentation of the staff report, Chair O'Meara opened the Public Hearing at 7:09 p.m.

The following person(s) spoke representing the Applicant:

Brad Rosenheim, Agoura Hills
Cory Antilla, Thousand Oaks, Architect

The following person(s) spoke:

Yael Peled, Los Angeles
Patricia Hess, Cornell
Emilie Helfand, Agoura
Mollie Helfand, Agoura
Yoram Levy, Encino
Fred Haim, Agoura Hills
Snowdy Dodson, Van Nuys, representing the California Native Plant Society (submitted written correspondence)
Julie Clark DeBlasio, Brentwood, representing the California Native Plant Society

Joan Yabitsu, Mulholland Highway
Chet Yabitsu, Mulholland Highway
Samuel Unger, Agoura Hills (*submitted written correspondence*)
Jere Berkley, Agoura
Ellen Gams, Agoura Hills
Lance Gams, Agoura Hills
Phil Ramuno, Agoura Hills, representing Old Agoura Homeowners
Mary Wiesbrock, Agoura Hills, representing Save Open Space (*submitted written correspondence*)
Joe Luithly, Agoura Hills (*submitted written correspondence*)
Colleen Holmes, Agoura, representing Cornell Preservation Organization (*submitted photographs*)
George Colman, Agoura Hills
Don Dusablon
David Barsocchini
Cyril Cianflone
Clarice Complian
Kevin Hashemi, Agoura Hills
Joseph Litzinger, Agoura Hills

The Planning Commission recessed at 8:21 p.m. and reconvened at 8:39 p.m.

The following person(s) spoke on behalf of the Applicant (rebuttal):

Brad Rosenheim, Agoura Hills

There being no further public speakers, Chair O'Meara closed the Public Hearing at 8:44 p.m.

ACTION: Commissioner Anderson made a motion to continue the Public Hearing. The motion failed for lack of a second.

ACTION: Commissioner Anderson made a motion to reopen the Public Hearing. The motion failed for lack of a second.

The Planning Commission recessed at 10:34 p.m. and reconvened at 10:40 p.m.

A question and answer period was held between the Planning Commission and representatives of the applicant.

The Planning Commission proposed the following amendments to Condition 43:

43. Final detailing for outdoor commercial and residential amenities, including craftsman style furnishings, and retaining walls and fencing shall be subject to review and approval by the Planning Director. The applicant shall provide a final color palette for the buildings to lessen the visual impacts, for review and approval by the Planning Director.

The Planning Commission proposed the addition of Condition 145 as follows:

145. The applicant shall work with staff to provide enhanced pedestrian circulation for the project.

Upon request by Chair O'Meara, Assistant City Attorney Ghirelli provided the order of the motions and recommended to begin with approval of the resolution to approve the Initial Study/Mitigated Negative Declaration (IS/MND), considering staff's recommendation for a revision to the IS/MND, two revisions to the resolution (amending Condition 43 and adding Condition 145), and additional language to the document itself.

ACTION: Commissioner Justice moved to adopt Resolution No. 17-1178, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED ON THE SOUTHEAST CORNER OF AGOURA ROAD/CORNELL ROAD (CASE NOS. 07-AVDP-002 AND TPM 70559), as amended. Commissioner Asuncion seconded. The motion carried 4-1, by the following voice vote:

AYES: Chair O'Meara, Vice Chair Zacuto, and Commissioners Asuncion and Justice.

NOES: Commissioner Anderson.

ABSENT: None.

ACTION: Commissioner Justice moved to adopt Resolution No. 17-1179, APPROVING AN AGOURA VILLAGE DEVELOPMENT PERMIT (CASE NO. 07-AVDP-002) FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF CORNELL ROAD AND AGOURA ROAD, INCLUDING A CONDITIONAL USE PERMIT AND AN OAK TREE PERMIT, with conditions, as amended. Commissioner Asuncion seconded. The motion carried 4-1, by the following voice vote:

AYES: Chair O'Meara, Vice Chair Zacuto, and Commissioners Asuncion and Justice.

NOES: Commissioner Anderson.

ABSENT: None.

ACTION: Commissioner Justice moved to adopt **Resolution No. 17-1180, APPROVING TENTATIVE PARCEL MAP NO. 70559 FOR THE AGOURA FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF AGOURA ROAD AND CORNELL ROAD.** Commissioner Asuncion seconded. The motion carried 4-1, by the following voice vote:

AYES: Chair O'Meara, Vice Chair Zacuto, and Commissioners Asuncion and Justice.

NOES: Commissioner Anderson.

ABSENT: None.

DISCUSSION ITEM

3. Selection of Planning Commission Chair and Vice Chair for 2017

Chair O'Meara opened the nominations for Chair.

ACTION: Commissioner Justice moved to nominate Curtis Zacuto as Chair. Commissioner Anderson seconded. There were no further nominations and, by unanimous consensus, the motion carried 5-0, by the following voice vote:

AYES: Chair O'Meara, Vice Chair Zacuto. And Commissioners Anderson, Asuncion, and Justice.

NOES: None.

ABSENT: None.

Curtis Zacuto was selected as Chair, commencing with the January 19, 2017, Planning Commission Meeting.

Chair O'Meara opened the nominations for Vice Chair.

ACTION: Commissioner Justice moved to nominate John Asuncion as Vice Chair. Commissioner Anderson seconded. There were no further nominations and, by unanimous consensus, the motion carried 5-0, by the following voice vote:

AYES: Chair O'Meara, Vice Chair Zacuto. And Commissioners Anderson, Asuncion, and Justice.

NOES: None.

ABSENT: None.

John Asuncion was selected as Vice Chair, commencing with the January 19, 2017, Planning Commission Meeting.

INFORMATION ITEM

4. Planning Commission Schedule for 2017

No formal action was required by the Planning Commission.

PLANNING COMMISSION/STAFF COMMENTS

Planning Director Hooper thanked the Planning Commission for their extensive homework for the meeting.

Chair O'Meara spoke about serving as Chair and expressed his appreciation with working with the Planning Commissioners.

Commissioner Asuncion congratulated Chair O'Meara on an outstanding job as Chair and Commissioners Anderson, Justice, and Vice Chair Zacuto concurred.

ADJOURNMENT

Chair O'Meara announced the next Regular Meeting of the Planning Commission would be held at 6:30 p.m., Thursday, January 19, 2017, in the Council Chambers of the Civic Center. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

ACTION: At 11:11 p.m., Commissioner Anderson moved to adjourn the meeting. Commissioner Justice seconded. The motion carried 5-0, by the following voice vote:

AYES: Chair O'Meara, Vice Chair Zacuto, and Commissioners Anderson, Asuncion, and Justice.

NOES: None.

ABSENT: None.

Kimberly M. Rodrigues, MPPA, MMC
City Clerk/Recording Secretary

ATTACHMENT 7

(Final IS/MDN Memorandum
of Adopted Changes)



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Doug Hooper,
City of Agoura Hills
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Agoura Hills, CA 91301

RE: Cornerstone Mixed Use Project IS/MND Changes

At the Planning Commission hearing on January 5, 2017, the City of Agoura Hills Planning Commission adopted changes to the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Cornerstone Project. These changes included clarification of stormwater requirements and the addition of Mitigation Measure HYD-4. Additionally, the Planning Commission determined that Mitigation Measures AQ-3(d) and AQ-4 were not required and these two measures were deleted from the IS/MND. Mitigation Measure HYD-4 requires the preparation of a Low Impact Development (LID) plan for the project. The changes are as follows:

Clarification language to the body text of the MND. At the end of the second paragraph on page 81:

Federal, State, and local law currently address the requirements set forth in this paragraph and are therefore already assumed to be incorporated into the proposed project. In addition, the AVSP EIR concluded that the preparation of a SWPPP and required BMPs during construction and compliance with a SUSMP would reduce potential stormwater quality impacts to a less than significant level. Although these stormwater quality measures have already been incorporated into this proposed project, a new mitigation measure, HYD-4, has been added to memorialize these project components.

In addition to the added body text, a new Mitigation Measure (HYD-4) has been added to the IS-MND and MMRP:

***HYD-4 Water Quality Permits and Plans.** Prior to approval a grading plan and issuance of a grading permit, a completed Low Impact Development (LID) Plan shall be submitted to and approved by the City's Engineering Department. The LID Plan shall comply with the requirements of the LID Ordinance of the City of Agoura Hills and Los Angeles County LID Standards Manual. The LID Plan shall include all documentation and information requested by the Engineering Department and all such documentation and information requested in a condition of approval for the proposed project.*



The applicant shall 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 any 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 Public Works/Engineering Department.

The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction. A copy of the adopted SWPPP shall be maintained at 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. The SWPPP shall comply with all minimum requirements required by the Engineering Department and such standards set forth in any condition of approval for the proposed project.

Monitoring Action Required

Final LID plan and SWPPP shall be submitted to City and approved. City shall verify receipt of WDID for General Construction Permit.

When Monitoring to Occur

Prior to issuance of grading permit.

Monitoring Frequency

Once for plan approvals, and as necessary to ensure compliance with LID and SWPPP.

Agency or Party Responsible for Monitoring

City of Agoura Hills

The Mitigation Monitoring and Reporting Program (MMRP) has been updated accordingly and is attached. Please let us know if you have any questions.

Thank you,

Sara Tistaert, AICP

Senior Environmental Planner

ATTACHMENT 8

(Planning Commission
Resolution No. 17-1178)

RESOLUTION NO. 17-1178

A RESOLUTION OF THE PLANNING COMMISSION 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 PROGRAM FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED ON THE SOUTHEAST CORNER OF AGOURA ROAD/CORNELL ROAD (CASE NOS. 07-AVDP-002 AND TPM 70559)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Doron Gelfand with respect to the real property located at the southeast corner of Agoura Road/Cornell Road (Assessor Parcel Nos. 2061-029-(008-017); 2061-029-029; and 2061-030-(001-013), requesting approval of an Agoura Village Development Permit (Case No. 07-AVDP-002) to construct a mixed-use commercial and multi-family residential project consisting of 35 residential apartment units comprising 47,858 square feet, and commercial office space comprising 68,918 square feet, including a Conditional Use Permit for hillside development; a Tentative Parcel Map (No. 70559) to subdivide the property into two parcels; and an Oak Tree Permit to remove 29 oak trees and 21,271 square feet of scrub oak habitat, as part of the Cornerstone Mixed-Use Project (the "Project")

A. The above noted application request has been processed in the time and manner prescribed in state and local law, including the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's Local CEQA Guidelines, and, pursuant to CEQA, the City is the Lead Agency for the project.

B. 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 gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation and 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: aesthetics, air quality, biological resources; cultural resources; geology and soils; greenhouse gas emissions, hydrology and water quality,

noise; public services, and transportation and traffic. All other issues areas had either no impacts or less than significant impacts.

C. A Notice of Availability/Notice of Intent (NOA/NOI) to adopt the IS/MND was circulated for public review from July 8, 2016 to August 8, 2016, 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.

D. 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. Only minor changes to the Initial Study and Sections I (Aesthetics); IV (Biological Resources); X (Land Use and Planning); and XIV (Public Services) of the IS/MND for clarification purposes were required as a result of the comments. The changes do not substantially revise, introduce new information or otherwise affect the conclusions of the IS/MND, and do not require recirculation of the document for public review pursuant to CEQA Guidelines Section 15073.5. The Final IS/MND consists of the IS/MND, comments and responses to the comments, and the Mitigation Monitoring Program (MMP), and is attached hereto as Exhibit A.

E. On January 5, 2017, the Planning Commission conducted a duly noticed public hearing to consider the Final IS/MND and the 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.

F. The Planning Commission finds that the IS/MND was completed in compliance with the provisions of CEQA and the CEQA Guidelines promulgated pursuant thereto, and the City's Local CEQA Guidelines, and is legally adequate. The Planning Commission 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 Project.

G. The Planning Commission finds, on the basis of the whole record before it, that there is no substantial evidence that the Project will have a significant effect on the environment. Feasible mitigation measures have been incorporated into the Project IS/MND that reduce potential impacts to a less than significant level.

H. Mitigation Measure HYD-4 was added to the Project after circulation of the Mitigated Negative Declaration. HYD-4 is not required by CEQA, does not create new significant environmental effects, and is not necessary to mitigate an avoidable significant impact. Mitigation Measure HYD-4 incorporates into the Mitigation Monitoring and Reporting Program conditions of approval that were already required by Federal, State,

and local law relating to water quality and included as conditions of approval for the Project's Agoura Village Development Permit as Conditions 87 through 90. Moreover, the inclusion of Mitigation Measure HYD-4 is not necessary to mitigate an avoidable significant impact because the AVSP FEIR previously analyzed water quality impacts as Impacts HYD-1 and HYD-4, assumed that similar requirements would be incorporated into individual projects in accordance with Federal, State, and local law, and found the impacts to be less than significant. A similar analysis was conducted in the Mitigated Negative Declaration under Impact HYD-2. Therefore, the Planning Commission finds that the addition of Mitigation Measure HYD-4 does not require the Mitigated Negative Declaration to be recirculated pursuant to CEQA Guidelines Section 15073.5(c)(3).

I. Mitigation Measures AQ-3(d) and AQ-4 shall be deleted from the Mitigation Monitoring and Reporting Program. The Planning Commission makes this determination after holding a public hearing and finding that their deletion will not cause any potentially significant effect on the environment, in accordance with CEQA Guidelines Section 15074.1(b). The Mitigated Negative Declaration determined that these measures were not required or relevant to the Project because neither bus stops nor an equestrian center are Project components. Therefore no further equivalent or more effective measure is necessary, as the deletion of these Mitigation Measures is merely intended to make the Mitigation Monitoring and Reporting Program consistent with the Mitigated Negative Declaration.

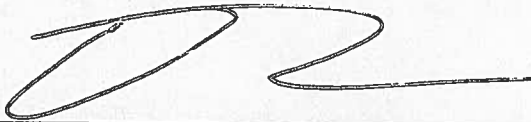
J. The Final IS/MND reflects the Planning Commission's independent judgment and analysis.

K. The Planning Department 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 the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, CA 91301.

Section II. The Planning Commission 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 Mitigation Monitoring Program for the Project, attached herein as Exhibit A.


PASSED, APPROVED AND ADOPTED this 5th day of January, 2017, by the following vote to wit:

AYES: (4) Asuncion, Justice, O'Meara, Zacuto
NOES: (1) Anderson
ABSENT: (0)
ABSTAIN: (0)



John O'Meara, Chairperson

ATTEST:



Doug Hopper, Secretary

ATTACHMENT 9

(Planning Commission
Resolution No. 17-1179)

RESOLUTION NO. 17-1179

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN AGOURA VILLAGE DEVELOPMENT PERMIT (CASE NO. 07-AVDP-002) FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF CORNELL ROAD AND AGOURA ROAD, INCLUDING A CONDITIONAL USE PERMIT AND AN OAK TREE PERMIT

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Doron Gelfand with respect to the real property located at the southeast corner of Agoura Road/Cornell Road (Assessor Parcel Nos. 2061-029-(008-017); 2061-029-029; and 2061-030-(001-013), requesting approval of an Agoura Village Development Permit (Case No. 07-AVDP-002) to construct a mixed-use commercial and multi-family residential project consisting of 35 residential apartment units comprising 47,858 square feet, and retail, restaurant and office space comprising 68,918 square feet, including a Conditional Use Permit for hillside development and an Oak Tree Permit to remove 29 oak trees and 21,271 square feet of scrub oak habitat, and encroach within the protected zone of six (6) oak trees, as part of the Cornerstone Mixed-Use Project (the "Project")

Section II. 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 5, 2017, the Planning Commission 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 Planning Commission, the Planning Commission approved Resolution No. 17-1178, adopting the IS/MND, making environmental findings pursuant to CEQA, and adopting the MMRP for the Project. Resolution No. 17-1178 and the findings therein are hereby incorporated by this reference as though set forth in full.

Section III. The Planning Commission of the City of Agoura Hills considered the application for the Agoura Village Development Permit, Conditional Use Permit and Oak Tree Permit at a public hearing held on January 5, 2017, at 6:30 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 and published as required by state law.

Section IV. 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 V. Planned Development District. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9499 of the Agoura Hills Zoning Ordinance, that:

- A. All the required findings for a Conditional Use Permit, pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, can be made because:
1. 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 purpose of the Planned Development (PD) zone is to designate certain areas of the City for special development and land use regulations that cannot be addressed through the city-wide zoning ordinances. Specific regulations are necessary to guide development and land uses in an orderly manner such that they are compatible with the existing setting, as well as to ensure that development seamlessly and cohesively integrates uses and buildings. In this case, the Project lies within the boundaries of the Agoura Village Specific Plan (AVSP) and, according to the requirements of the PD zone, the permitted, development standards, and regulations for the site are set forth in the Specific Plan. The Project is in compliance with all such development standards and regulations, including the maximum building coverage, building height requirements and all setbacks from property lines for development in AVSP. The AVSP allows for the development of commercial, office and multi-family residential use on the property. In addition, the portion of the Project located within the Open Space-Restricted (OS-R) zone will not be developed and therefore the Project is consistent with the purposes of the OS-R zone.
 2. The proposed use, as conditioned, is compatible with the surrounding properties. The Project includes a mix of commercial, office and residential uses, and provides for sufficient on-site parking without impacting neighboring development. This mixed-use Project is compatible with other uses in the AVSP area in terms of the uses. Surrounding uses include retail centers to the north, northwest and west of the Project site; and a mix of developed residential property and vacant land within the AVSP area and Open Space-Restricted zone to the east. The proposed buildings will be integrated into the hillside and include a variety of earthtone colors and materials, consistent with the varied architectural styles of surrounding developed properties and the architectural design standards of the PD zone, and AVSP. The Project design successfully incorporates the new structures within the surrounding built and natural setting, with respect to architectural design and on-site pedestrian and vehicular circulation.
 3. 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 and the development standards of the AVSP. Street parking and on-site circulation, including pedestrian and vehicular circulation, and designated walkways will be provided to create an efficient and safe use of the property. The

access in and out of the site is designed to maximize safety in the right-of-way and for quick and safe exit. The Project will be constructed to geotechnical requirements and recommendations of the project geotechnical report and of the City's Geotechnical Consultant. The Project will connect to the existing sewer system and the storm water flows will be detained in an on-site facility before discharging into the existing storm drain system.

4. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. As stated above, the Project lies within the boundaries of the AVSP and, according to the requirements of the PD zone, the permitted uses, development standards, and regulations for the site are set forth in the Specific Plan. The use is permitted in the PD zoning district because it is allowed in the AVSP. All development standards, including the allowable building site coverage and residential density is met. The on-site and street parking layout is evenly distributed to serve all ingress points into the building and provide easy circulation throughout. The Project is consistent with the zoning and AVSP standards for parking, access, circulation, lot size, amenities, landscaping, and the tree canopy coverage. Finally, the Project would be consistent with all zoning and AVSP requirements regarding building height.
5. The distance from other similar and like uses is sufficient to maintain the diversity of the community. There are currently three adjacent retail centers from the Project site, however the nearest mixed-use project that includes multi-family housing is located approximately 1000 feet north of the Project site, north of U.S. Highway 101. There are vacant parcels in the AVSP area that have not been developed that allow for new, mixed-use development of this type.
6. The proposed use is consistent with the goals, objectives and policies of the General Plan. The Project complies with Goal LU-2 and its policies in that the variety of new commercial uses offered within the Project provide for new and diversified employment opportunities. The Project complies with Goal LU-4 and its policies in that the buildings are sited to conform to existing topography, with each building connected with pedestrian paths and on-site circulation. The mix of uses reduces automobile dependency and offers residential and variety of commercial, opportunities. The buildings are appropriately articulated on all sides, with an emphasis in enhancing the streetscape for public engagement. The buildings exhibit well-articulated architecture, modulating the mass through design features, such as steel awnings and balconies. The buildings do not exceed the maximum height allowed, and reflect natural materials and colors. The Project complies with Goal LU-26 and its policies by developing a vacant site with a vertical mix of uses for the public, as called for in the AVSP, including a mix of multi-family residential, retail, restaurant and office uses. The Project will be developed with pedestrian-oriented amenities along street-fronts and in the parking areas within unifying paving, furniture and lighting. Street and on-site shared parking is incorporated into the Project design.

- B. The development complies with the provision of Section 9498 of the Zoning Ordinance pertaining to development standards and regulations permitted within the PD zone. Section 9498 requires that develop conform to the development standards and regulations and nay other provisions of the applicable specific plan for the property upon which such uses and development are located. As stated above, the Project lies within the boundaries of the AVSP and, according to the requirements of the PD zone, the permitted uses, development standards, and regulations for the site are set forth in the Specific Plan. The proposed Project is in compliance with the development standards and regulations of the PD zone and AVSP, including building height, lot coverage, landscaping coverage and setbacks. The uses on-site are consistent with the PD zone and the AVSP, and create an attractive, mixed-use development for patrons, and the Project includes pedestrian-oriented features with outdoor dining areas, plazas, and enhanced pedestrian paths.
- C. Adequate evidence and guarantees have been provided to indicate that all other provisions of the PD zone can be satisfied. The applicant has designed a Project for the site that is permitted by the AVSP and works with the existing topographic constraints of the property. Creative design techniques have been incorporated into the project that provide pedestrian walkways and connections to link the buildings and parking areas. The Project incorporates natural buildings materials and colors that are compatible with neighboring properties and the surrounding area.

Section VI. Open Space-Restricted Zone. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9489.2 of the Agoura Hills Zoning Ordinance, that:

- A. The Project is located and designed so as to protect the safety of the current and future community residents, and will not create significant threats to life and or/property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, erosion hazards, or other hazards. The Project will be subject to compliance with local and state building code requirements, including grading standards, and environmental mitigation measures, to protect the safety of the property and future community residents.
- B. The Project is compatible with the natural, biotic, cultural, scenic and open space resources of the area. Approximately 24 percent of the property will be retained as open space, thereby protecting the most sensitive natural resources on the property.
- C. The Project can be provided with essential public services and is consistent with the objectives and policies of the General Plan. Utilities are available in the adjacent street to accommodate for the services required for the project. Safety services will also be provided by the County Fire Department and Sheriff's Department.
- D. The development will complement the community character and benefit current and future community residents. The project density, building heights, floor area ratios, landscape coverage, mix of uses and architectural detailing are compliant with the

Agoura Village Specific Plan and the urban environment envisioned for the Village area.

- E. The Project is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas. The project includes 24 percent of the site to be retained as open space. The developed areas are situated in close proximity to the roadways to retain biotic resources located further south of the property.
- F. The Project is designed to maintain water bodies, watercourses, and their tributaries in a natural state. The project will not alter the course of any stream nor impacts any water bodies.
- G. The Project is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state. There are no migratory paths within the property boundaries.
- H. The Project retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from the project. The dedicated open space and placement of the buildings at lower elevations will retain vegetative resources on-site.
- I. Where necessary, fences or walls, are provided to buffer important habitat areas from development, but will not impede access to adjacent natural areas.
- J. The roads and utilities serving the project are located and designed so as not to conflict with critical resources, habitat areas or migratory paths. The on-site driveway and utility easements will provide access through the site, but are located as such to avoid impacts to critical biological resources.
- K. The Project applicant has not requested the transfer of development rights for this project, for the property in the Open Space-Restricted (OS-R) zoning designation and is, therefore, is not approved with this permit.

Section VII. Hillside Ordinance. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Sections 9652.15 and 9652.18 of the Agoura Hills Zoning Ordinance, that:

- A. The Project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geological, seismic, slope instability, fire, flood, mud flow, erosion hazards, or other hazards. The Project will be subject to compliance with local and state building code requirements, including grading standards, and environmental mitigation measures, to protect the safety of the property and future community residents.
- B. The Project is compatible with the natural, biotic, cultural, scenic, and open space resources of the area. The Project includes 24% of the site to be retained as open

space. The developed areas are situated in close proximity to the roadways to retain biotic resources located further south of the property. The dedicated open space and placement of the buildings at lower elevations will retain vegetative resources on-site.

- C. The Project can be provided with essential public services and is consistent with the objectives and policies of the General Plan. Utilities are available in the adjacent street to accommodate for the services required for the project. Safety services will also be provided by the County Fire Department and Sheriff's Department.
- D. The proposed development will complement the community character and benefit current and future community residents. The project density, building heights, floor area ratios, landscape coverage, mix of uses and architectural detailing are compliant with the Agoura Village Specific Plan and the urban environment envisioned for the Village area.
- E. The proposed development is consistent with the general design and construction standards provided in the Hillside Ordinance. The buildings will be constructed to comply with the most recent Building Code requirements and the development standards of the AVSP. The Project will be constructed to geotechnical requirements and recommendations of the project geotechnical report and of the City's Geotechnical Consultant. The Project will connect to the existing sewer system and the storm water flows will be detained in an on-site facility before discharging into the existing storm drain system.

Section VIII. Agoura Village Development Permit. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the Planning Commission, pursuant to Chapter 9 of the AVSP, finds that:

- A. The proposed Project complies with relevant provisions of the adopted Specific Plan, including the incorporation of the following: 1) pedestrian paths that link individual buildings and neighboring properties; 2) significant buildings with prominent architectural features located near, and oriented toward, corners and intersections; 3) small plazas and focal points; dispersed and shared parking; and a vertical mix of commercial and residential uses.
- B. The proposed Project incorporates design measures to ensure maximum compatibility with the vision of the AVSP. The project incorporates the following elements: 1) detailing and architectural features on building facades, such as awnings and trellises; 2) recessed entries; 3) multi-formed roof combinations and building height; 4) outdoor dining areas; 4) residential use; and 5) a variety of ground level commercial uses;
- C. The proposed Project incorporates architectural and landscaping elements that enhance the area. A mix of building colors, materials, and heights are included in the project design, along with a prominent landscape entry feature at the street intersection and two upper level, over-look plaza areas.

- D. The Project's vehicular access and parking plan minimizes conflicts and promotes efficient internal circulation and shared use of facilities wherever feasible. The sole driveway serving the site is located away from the street intersection to provide for safe ingress and egress. Shared and dispersed parking for each building is provided on-site, as well as within Agoura Road and Cornell Road.

Section IX. Oak Tree Permit. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9657.5.C of the Agoura Hills Zoning Ordinance, that:

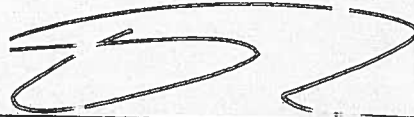
- A. The removal of 29 oak trees and 21,271 square feet of scrub oak habitat, and encroachment into the protected zone of six (6) other oak trees, is required because otherwise the oak trees and scrub oaks would prevent the development of the subject property within the development standards of the AVSP.
- B. The proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject property. Protective measures for the remaining trees are incorporated as conditions of approval for this Project.
- C. The removal of the oak trees and scrub oak habitat will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated. Protective measures to prevent increased surface waters are incorporated in the approved grading plan and the conditions of approval for this Project.
- D. The removal of the 29 oak trees and scrub oak habitat, and encroachment of the other six (6) oak trees is necessary because their continued existence, under current condition, precludes the reasonable and efficient use of the property for a use otherwise authorized on that parcel and to the permitted density. The removal of the oak trees and scrub oak habitat will be mitigated by the planting of additional oak trees on-site and off-site as feasible. The extent of encroachment into the six (6) other oak trees is considered minor so as not to necessitate mitigation for the encroachments. The trees to be encroached upon and the remaining oak trees on site will be protected per the requirements of the City Oak Tree Preservation Guidelines, Appendix A. Additional oak trees are proposed on site, and will help preserve the natural character of the community.

Section X. Based on the aforementioned findings, the Planning Commission hereby approves Agoura Village Development Permit Case No. 07-AVDP-002, including a Conditional Use Permit for hillside development and an Oak Tree Permit to remove 29 oak trees and 21,2271 square feet for scrub oak habitat, and encroach within the protected zone of six (6) oak trees, subject to the Conditions of Approval, attached herein as Exhibit A, with respect to the property described in Section I hereof.

Section XI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and this certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 5th day of January, 2017, by the following vote to wit:

AYES: (4) Asuncion, Justice, O'Meara, Zacuto
NOES: (1) Anderson
ABSENT: (0)
ABSTAIN: (0)



John O'Meara, Chairperson

ATTEST:

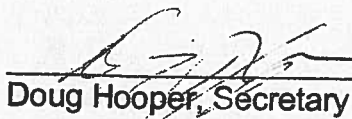

Doug Hooper, Secretary

Exhibit A
CONDITIONS OF APPROVAL
AGOURA VILLAGE DEVELOPMENT PERMIT
Case No. 07-AVDP-002

PLANNING DEPARTMENT

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. The approval of these permits and entitlements shall not be effective for any purpose until the applicant has agreed in writing that they are aware of, and accept, all conditions of these permits and entitlements with the Planning Department.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits: Site Plans, Building Elevation Plans, Floor Plans, Roof Plans, Grading/Civil Plans, Landscape Plans, Plaza Plans, and Lighting Plans.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of these permits and entitlements is held or declared invalid, the permits and entitlements shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a condition of this action that if any condition herein is violated, the permits 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.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in these permits or on the approved Site Plan.
8. No occupancy shall be granted for any new building until all conditions of approval have been complied with as determined by the Director of Planning.
9. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
10. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and

Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.

11. Unless these permits are used within two (2) years from the date of City approval, Agoura Village Development Permit Case No. 07-AVDP-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
12. 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.
13. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.56 per square foot for commercial construction, and \$3.48 per square foot for residential construction.
14. 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.
15. Final Fuel Modification Plan approval by the County Fire Department Fuel Modification Unit is required prior to issuance of a Building Permit.
16. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
17. A pre-construction conference shall be held prior to the issuance of a Grading Permit, with all construction personnel involved with the grading operations.
18. If substantial changes are made to the approved Preliminary Landscape Plan, as determined by the Planning Director, the revised Landscape Plan shall be subject to approval by the Planning Commission.
19. The applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought up against the City because of the approval of this application. Although the applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the applicant of any obligation under this condition.
20. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from an against any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval or condition of approval. The City shall notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City reserves

the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter at applicant's expense.

21. 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.
22. All proposed retaining walls shall be a maximum of six (6) feet high and consist of decorative materials and/or vegetative screening subject to review and approval by the Planning Director. Wall and fencing materials shall also be subject to review and approval by the Planning Director.
23. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
24. 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.
25. 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.
26. A final detailed Lighting and Photometric Plan shall be submitted for review and approval by the Planning Director, prior to issuance of a Building Permit. Light fixtures "J" and "S" on the draft Lighting and Photometric Plan shall be replaced in the Final Lighting and Photometric Plan with lantern-style, frosted glass fixtures that match the lantern-style street light fixtures located on Agoura Road, west of Cornell Road. The Lighting and Photometric Plan shall demonstrate a reduction in lumens to reduce glare.
27. A copy of all communications between the City and the applicant pertaining to the approved plans shall be kept at the construction site at all times.
28. Inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Departments.
29. All transformers, other equipment, and refuse containers shall be screened from view. A plan demonstrating compliance with condition shall be reviewed and approved by the Planning Director.
30. All roof-mounted equipment shall be architecturally screened from public view in a manner approved by the Planning Director.

31. All parking stalls shall be pinstriped. A minimum of 301 parking spaces shall be provided for the Project as indicated on the project parking plans, as approved by the City Traffic Engineer, Public Works Director, and Planning Director. The Project shall incorporate all recommendations of the Project Shared Parking Analysis and Parking Demand Study dated August 14, 2014, by Walker Parking Consultants, incorporated herein by this reference. The applicant shall participate in the formation of a parking assessment district or fee for the Agoura Village Specific Plan area, if one is created.
32. The Project shall provide one (1) bicycle rack space for every 25 parking spaces provided on site, with a minimum of twelve (12) bicycle rack spaces. The style and locations of the bike racks shall be subject to approval by the Planning Director.
33. In the event that the plan check process causes substantial changes to the Project design plans as determined by the Planning Director, the Project will be subject to additional review and approval by the Planning Commission
34. Pursuant to Municipal Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit an arts plan for the buildings that meets the requirements set forth by the City Council, for review and approval by the Planning Director. Prior to the issuance of a certificate of occupancy for the first 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 may be subject to prosecution to the extent permitted by law.
35. The 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 building, fire hydrant location and water availability for the site, and other items as required by the Fire Department prior to issuance of any Grading or Building Permit.
36. The applicant shall comply with each mitigation measure listed in the Final Initial Study/Mitigated Negative Declaration and outlined in the Mitigation Monitoring Program for the Project. The Mitigation Monitoring Program is hereby attached to these Conditions of Approval and incorporated herein.
37. The applicant shall comply with each mitigation measure listed in the Mitigation Monitoring and Reporting Program adopted in conjunction with the Final EIR for the AVSP, incorporated herein by reference. Such mitigation measures include a requirement that the applicant demonstrate a means for disposal of the excess earth materials within 12.5 miles of the project site, prior to grading permit issuance and blasting mitigation.

38. A list of all Project conditions of approval and mitigation measures found in the Initial Study/Mitigated Negative Declaration shall be included, along with a signed copy of the Resolution for Case No. 07-AVDP-002, on the construction plans submitted prior to issuance of a Grading or Building Permit.
39. SCAQMD air quality measures (Rule 403) shall be adhered to and copied onto the cover sheets of the Grading Plans. They include:
 - A. Minimization of Disturbance. Construction contractors should minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.
 - B. Soil Treatment. Construction contractors should treat all graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways to minimize fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll compaction as appropriate. Watering shall be done as often as necessary, and at least twice daily, preferably in the late morning and after work is done for the day.
 - C. Soil Stabilization. Construction contractors should monitor all graded and/or excavated inactive areas of the construction site at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials, shall be applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area shall be seeded and watered until landscape growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
 - D. No Grading During High Winds. Construction contractors should stop all clearing, grading, earth moving, and excavation operations during periods of high winds (20 miles per hour or greater, as measured continuously over a one-hour period).
 - E. Street Sweeping. Construction contractors should sweep all onsite driveways and adjacent streets and roads at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
40. Per Agoura Hills Municipal Code Section 9474.4, the applicant shall pay the Agoura Village Cost Recovery Fee at the rate in effect at the time of Building Permit issuance. The current required fee rate is \$0.5882 per square foot of building area.
41. Prior to the issuance of Building Permits, the applicant shall provide Project Conditions, Covenants and Restrictions (CC&Rs) for review and approval by the City Engineer, Planning Director and City Attorney. The CC&Rs shall be recorded prior to occupancy of the project.

42. Prior to occupancy of the project, the applicant shall obtain the Planning Commission's approval of a sign program for the project. The applicant shall file the sign permit application with the Planning Department.
43. Final detailing for outdoor commercial and residential amenities, including craftsman style furnishings, and retaining walls and fencing shall be subject to review and approval by the Planning Director. The applicant shall provide a final color palate for the buildings to lessen the visual impacts, for review and approval by the Planning Director.
44. The applicant shall obtain a Building Permit for the entire project at one time. Phased development of the project is prohibited.
45. The surface material of the portion of the on-site driveway located southeast of the Building 6 driveway shall be of a pervious material acceptable to the Los Angeles County Fire Department and the City Engineer.
46. The applicant shall comply with all recommendations of the geotechnical reports prepared for the Project incorporated herein by this reference.

BUILDING AND SAFETY DEPARTMENT

47. This project shall be subject to the new adopted 2016 California Codes as adopted by City of Agoura Hills.
48. A soils report will be required for this project at the time of submittal for a grading and building permit.
49. 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 the 2016 California Building Code.
50. All new windows shall be tempered on at least one side of the dual pane, or a 20 minute rated, or glass block per Section 704A.3.2.2 of the 2016 California Building Code.
51. Los Angeles County Health Department review and approval will be required for this project prior to issuance of a building permit
52. Los Angeles County Fire Department review and approval will be required for this project prior to issuance of a building permit.
53. Fire sprinklers will be required for this project per Section 903.2, Article VIII of Agoura Hills Municipal Code.

54. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans including, structural and energy calculations needs to be submitted to Building and Safety Department for plan review and approval.
55. Prior to issuance of a building permit, the applicant shall identify and show locations of all accessible/adaptable residential units and provide floor plans for those units so it can be reviewed for compliance with State and Federal accessibility regulations.
56. Prior to issuance of a building permit, the applicant shall provide and show location of all accessible parking stall loading aisles and if there is a curb ramp in front of them to access the walking pathway.
57. Prior to issuance of a building permit, the applicant shall identify the location of an accessible path of travel from public right of way to all common areas, shops, restaurants, residential units, sitting/walking areas.

PUBLIC WORKS/ENGINEERING DEPARTMENT

58. Prior to issuance of building permit, applicant shall record Parcel Map No. 70559 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.
59. Prior to final map recordation, the applicant shall vacate varying portions of public right-of-way along Agoura Road and Cornell Road per Tentative Parcel Map No. 70559. Limits of said dedications shall be reviewed and approved by the Director of Public Works.
60. 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, prior to issuance of a grading permit.
61. The applicant shall provide a preliminary title report not older than 30 days.
62. Applicant shall preserve all public utility easements and maintain public access within vacated portions of Agoura Road and Cornell Road.
63. Applicant shall record an easement for public parking purposes and pedestrian access for portions of diagonal parking and sidewalk within property boundaries fronting Agoura Road and Cornell Road.
64. Final Parcel Map No. 70559 shall re-align private road easement for Cleveland Drive within applicant's property. Limits of said easement shall be reviewed and approved by the Director of Public Works.

65. 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.
66. For all work within a public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet Las Virgenes Municipal Water District 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 Public Works/Engineering Department. Forms are available for download from the City's website at www.ci.agoura-hills.ca.us.
67. Prior to the issuance of a grading permit, applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department. The current TIF is \$6.002 per 1,000 square feet of gross floor area.
68. Prior to issuance of a building permit, the applicant shall submit a supplemental traffic study for review and approval by the Director of Public Works/City Engineer. The supplemental analysis shall consider the public improvements outlined in the Agoura Village Specific Plan (AVSP) Final Environmental Impact Report (FEIR) Mitigation Measures, to determine the project's fair share contribution for such public improvements that have yet to be constructed in the AVSP area at the time of building permit issuance. Any mitigation measures covered by the Transportation Impact Fee (TIF) shall be excluded from the calculation of the fair share contribution.
69. 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.
70. 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 Public Works/Engineering Department until this detailed utility information is included on the plans.
71. 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 Oak Tree conditions of approval.
72. 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.

73. 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 as part of the plan check submittal.
74. Prior to issuance of permits from the Public Works/Engineering Department, this project will require a permit from the following agencies:
 - Los Angeles County Flood Control District (LACFCD)
 - Las Virgenes Municipal Water District
75. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact Public Works/Engineering Department @ 818.597.7322 for approved City certification forms.
76. Applicant shall provide written permission from affected property owner prior to 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 prior to issuance of a grading permit.
77. 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.
78. Applicant shall meet all requirements as outlined in the Agoura Village Specific Plan related to public improvements. This shall include, but not limited to, entering into an agreement to participate in the formation of a future parking assessment district or fee.
79. The applicant shall design and construct road improvements along the project fronting Agoura Road, Cornell Road, and 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 all roadway improvements shall be in conformance with the Agoura Village Specific Plan and engineering safety standards; subject to review and approval by the Director of Public Works. In addition, applicant shall pay a fair share toward construction of street improvements at Kanan Road and Roadside Drive.
80. The property owner shall record a covenant for road and sidewalk maintenance for portions of diagonal parking and sidewalk within property boundaries fronting

Agoura Road and Cornell Road. Said maintenance shall include, but not limited to, asphalt concrete, curb, gutter, sidewalk, street lights, and all pavement markings.

81. Applicant shall overlay Agoura Road and Cornell 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.
82. A trunk sewer line is available for connection by this project in Agoura Road (Ref. Sewer Plan Dwg #T98). Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.
83. This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with written proof that all LVMWD fees have been paid at the time of building permit issuance.
84. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.
85. 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 prior to the issuance of a grading permit. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.
86. 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:
 - o Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - o 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;
 - o Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 - o 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.

87. 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:
- o Identification of whether the proposed project is a Designated or Non-Designated Project.
 - o If the proposed project is a Designated Project, identification of the project category.
 - o Feasibility of infiltration including a percolation report as part of a geotechnical report prepared by a geotechnical engineer.
 - o Source control measure(s) proposed to be implemented
 - o Calculation of the SWQDv.
 - o Discussion on whether stormwater runoff harvest and use is feasible.
 - o Stormwater quality control measure(s) proposed to be implemented.
 - o Discussion of how the applicable water quality standards and total maximum daily loads (TMDLs) will be addressed (off-site mitigation projects only).
 - o Proposed hydromodification controls and calculations (if necessary).
 - o Proposed maintenance plan (if necessary).
88. Applicant shall 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 Public Works/Engineering Department.
89. SWPPP Plan – Applicant shall 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.
90. Said SWPPP shall, among other things, ensure that the following minimum requirements are effectively implemented at all construction sites:
- o Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - o 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;

- Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 - 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.
91. Prior to certificate of occupancy, all remaining fees/ deposits required by the Public Works/Engineering Department shall be paid in full.
 92. 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.
 93. 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.
 94. The applicant shall record a covenant for continued stormwater maintenance, using City-approved forms. An electronic copy of this document is available on the City's website: www.agoura-hills.ca.us.
 95. All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Public Works/Engineering Department. Any monuments damaged as a result of construction shall be reset to the City's satisfaction.
 96. 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.
 97. The applicant shall comply with all the items in the City Geotechnical Consultant's (GeoDynamics, Inc.) review memorandum (September 3, 2015), which is incorporated herein by this reference. Applicant shall obtain geotechnical approval prior to issuance of grading permit.

OAK TREES

98. The tree number, exact trunk location, canopy and protected zone of all oak trees as shown on the landscape plan must be shown on all plans, including the architectural site plan and grading plan.
99. The applicant is permitted to remove the following 29 oak trees in order to complete the approved site development program: Oak Trees 6 through 16, 20, 27, 28, 29, 31, 32, 37 through 41, 43 through 46, 48, 61, and 267.
100. To mitigate the removal of the 29 oak trees listed above, the landscape plan shall include at least 487 inches of caliper 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 116 oak trees within the site, to include the following 116 trees:
 - a. Fifty-eight 36-inch box size trees
 - b. Fifty-eight 24-inch box size trees
101. In addition to the 116 oak trees required for mitigation purposes above, the landscape plan shall include two additional 36-inch box size oak trees to mitigate for the two dead oak trees. The exact species, planting size and planting location shall be subject to review and approval by the City Oak Tree Consultant.
102. The applicant is permitted to remove 21,271 square feet of scrub oak habitat referenced in the project February 28, 2014, Biological Resources Inventory and Impact Analysis by Envicom Corporation.
103. To mitigate the removal of the 21,271 square feet of scrub oak habitat listed above, the landscape plan shall include at least 213 five-gallon scrub oak trees planted at ten feet on center.
104. Should the 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 fashion, equivalent alternative mitigation shall be established through the establishment of an equivalent 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 for the valley oaks and coast live oak trees shall be based upon tree appraisal standards contained in the 9th Edition of the Guide for Plant Appraisal.
105. The amount of the in-lieu fee for scrub oaks shall be based on the cost of the purchase, installation and maintenance for a period of three years of one 24-inch box size coast live oak tree each for every five remaining scrub oaks required to be planted.

106. 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 Oak Tree Preservation and Protection Guidelines.
107. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.
108. The applicant is permitted to encroach within the protected zone of the following six oak trees in order to complete the approved site development program: Oak Trees 17, 18, 25, 30, 34, and 47.
109. All excavation within the protected zone of Oak Trees Number 17, 18, 25, 30, 34, and 47 shall be performed using only hand tools under the direct observation of the applicant's oak tree consultant.
110. No activities are permitted within the protected zone of the remaining 24 oak trees. They are to be preserved in place with no direct impacts.
111. No activities are permitted within the protected zone of the remaining 40,574 square feet of scrub oak habitat referenced in the project February 28, 2014, Biological Resources Inventory and Impact Analysis by Envicom Corporation. This area is to be preserved in place with no direct impacts.
112. The project shall be subject to periodic inspections by the City of Agoura Hills Landscape and Oak Tree Consultant. The number and timing of the inspections shall be determined by the Director and the City Landscape and Oak Tree Consultant to ensure compliance by the applicant.
113. The applicant shall provide 48-hour notice prior to the start of any approved work within the protected zone of any oak tree.
114. No planting or irrigation is permitted within the protected zone of an existing oak tree without approval from the City of Agoura Hills Landscape and Oak Tree Consultant.
115. Prior to the start of any mobilization or construction activities on the site, oak trees to be retained shall be fenced at the edge of the protected zone 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. The fencing may be temporarily opened to allow the approved work to proceed within the protected zone of the six trees approved for encroachment. All such work shall be performed under the direct observation of the applicant's oak tree consultant unless otherwise allowed by the City Oak Tree Consultant.

116. 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.
117. 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 arborist 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.
118. Prior to issuance of the first certificate of 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.
119. 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 subject oak tree at that time.

LANDSCAPING

120. The landscape plans shall substantially conform to the Landscape Plan prepared by James Dean, ASLA, dated January 15, 2014, as approved by the City of Agoura Hills Planning Commission with the exceptions noted below.
121. Agoura Village is envisioned as an area that fits into the natural landscape by, among other things, planting native landscaping. Native, drought resistant plants shall be utilized extensively adjacent to the natural areas and along the street frontages in order to be more reflective of the Agoura Village Specific Plan. The applicant and his landscape architect shall continue to work with the City Landscape Consultant to ensure this requirement is met.
122. The pedestrian aspect of the project should be very strong, in keeping with the intent of the Agoura Village Specific Plan. Additional landscaping shall be included in the area between the four eastern-most building facades and the angled parking on Agoura Road as wide hardscape areas may appear barren and uninviting to pedestrians and passing motorists. The applicant and his landscape architect shall continue to work with the City Landscape Consultant to ensure this requirement is met.
123. The applicant's landscape architect shall select a street tree from the street tree palette contained in the Agoura Village Specific Plan in lieu of the proposed Aristocrat flowering pear (*Pyrus calleryana* 'Aristocrat') trees. The wide sidewalks

and angled parking on Agoura and Cornell Roads provide the opportunity to utilize a larger tree which will provide more benefits in these areas.

124. Tree wells shall be enlarged to sustain healthy tree growth of the selected street trees. The City Landscape Consultant shall approve the final tree well size.
125. Proposed light standard locations shall be depicted on the planting plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Consultant.
126. 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
127. Prior to the approval of a grading permit, the applicant shall submit three (3) sets of Final Landscape and Irrigation Plans for review by the City Landscape Consultant and approval by the Planning Director. A California – licensed Landscape Architect shall prepare, stamp and sign the plans. The Plans shall be submitted with a copy of the following approved plans: Architectural Site Plan, Building Elevations and Final Grading Plan. Conditions of Approval shall also be submitted with the Landscape and Irrigation Plans. The Landscape and Irrigation Plan shall meet the requirements of the State Model Water Efficient Landscape Ordinance and Division 8, Chapter 6, Article IX of the Agoura Hills Municipal Code. The landscape and irrigation plans shall also meet 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, rock outcroppings
- h. The Planting Plans shall indicate the botanical name, the plant container sizes and spacing. The minimum size of trees shall be 24" box size. The minimum size of shrubs shall be five (5) gallon except shrubs planted as groundcovers and/or as accent planting, which may be one (1) gallon size. Plant symbols shall depict 75 percent of the size of the plant at maturity. Palm trees are not permitted in the City of Agoura Hills. All plant material shall be compatible with Sunset's Climate Zone 18.
- i. 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.
 - iv. The project Landscape Architect shall inspect and certify in writing that the landscape installation is in conformance with the approved Landscape Plans".
 - v. Identification of the total square footage of the landscape area within the project.
- j. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
- k. 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.
- l. The Final Irrigation Plans shall include calculations that demonstrate the irrigation design hydraulically works given the static and working design pressure of the system. The Irrigation Plan shall be provided separate from, but utilizing the same format as, the Planting Plans. 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

128. All landscaping shall be irrigated and maintained in perpetuity in a healthy state in accordance with the approved Landscape Plan. Plants that die and plants that are damaged shall be immediately replaced with originally specified material.
129. 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.
130. 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.
131. 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, or that can threaten the local wildland ecosystems. These plants are listed in the California Invasive Plant Inventory published by the California Invasive Plant Council.
132. The landscape plan shall include one 24- inch box size oak tree per 15,000 gross square feet of building area. According to the plans provided, eight such trees will be required. This requirement is in addition to any mitigation required for removal of existing oak trees.
133. All finger planters shall be at least eight feet wide and a minimum of one tree for every four parking stalls shall be provided.
134. Planters shall have a minimum width of four feet, including curbs.
135. No other usage or storage shall be permitted within any required yard, including transformers and trash enclosures.
136. Any unsightly uses, including trash enclosure and transformers shall be screened with berms, decorative walls or landscaping.
137. 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.
138. At the time of the Final Landscape Plans submittal, the project Landscape Architect shall provide the City with written confirmation that the Landscape Plan is not in conflict with any requirements of the National Pollutant Discharge Elimination System (NPDES) or Low Impact Development Standards (LID) as shown on the Civil Engineers Drawings.

139. Planting Plans shall indicate the botanical name, the plant container sizes and spacing. Except as approved for oak tree mitigation, the minimum size of trees shall be 24" box size. The minimum size of shrubs shall be five (5) gallon except shrubs planted as groundcovers and/or as accent planting, which may be one (1) gallon size. Plant symbols shall depict 75 percent of the size of the plant at maturity. Palm trees are not permitted in the City of Agoura Hills. All plant material shall be compatible with Sunset's Climate Zone 18.
140. With the Final Landscape Plans, three (3) copies of planting and irrigation details and specifications shall be provided, addressing but not limited to, planting, soil preparation, tree staking, guying, instillation details and post installation maintenance.
141. Landscaping and irrigation installation shall be subject to inspection and approval by the Planning Department prior to final Building Permit inspection.

SOLID WASTE MANAGEMENT

142. To ensure that solid waste generated by the Project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the Project to be diverted from the landfill. Plans shall include the entire Project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Planning Department 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.
143. 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 to and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
144. 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.

SPECIAL CONDITION

145. The applicant shall work with staff to provide enhanced pedestrian circulation for the project.

END

ATTACHMENT 10

(Planning Commission
Resolution No. 17-1180)

RESOLUTION NO. 17-1180

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 70559 FOR THE AGOURA FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF AGOURA ROAD AND CORNELL ROAD

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Doron Gelfand with respect to the real property located at the southeast corner of Agoura Road/Cornell Road (Assessor Parcel Nos. 2061-029-(008-017); 2061-029-029; and 2061-030-(001-013), requesting approval of Tentative Parcel Map No. 70559 to subdivide the property into two parcels, as part of the Cornerstone Mixed-Use Project (the "Project")

Section II. 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 5, 2017, the Planning Commission 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 Planning Commission, the Planning Commission approved Resolution No. 17-1178, adopting the IS/MND, making environmental findings pursuant to CEQA, and adopting the MMRP for the Project. Resolution No. 17-1178 and the findings therein are hereby incorporated by this reference as though set forth in full.

Section III. The Planning Commission of the City of Agoura Hills considered the application for the Tentative Parcel Map a public hearing held on January 5, 2017, at 6:30 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 and published as required by state law.

Section IV. 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 V. Tentative Parcel Map. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance and Section 10414 of the Agoura Hills Municipal Code, that:

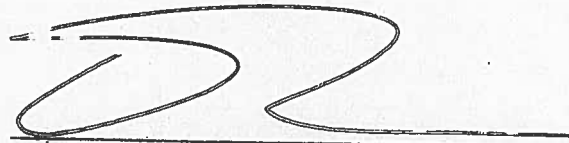
- A. The proposed map is consistent with the General Plan of the City of Agoura Hills and the AVSP. The Tentative Parcel Map is consistent with the City's General Plan Goal LU-2, Policy LU-2.3, Goal LU-26, Policies LU-26.1, LU-26.2, LU-26.3 and LU-26.4 in that the proposed project, which includes proposed commercial/retail, office, and multi-family residential uses, provides a mix of land uses that meet the diverse needs of Agoura Hills' residents offers a variety of employment opportunities, and allows for the capture of regional population and employment growth. The project also contributes to the transformation AVSP area into a pedestrian-oriented village by include a mix of retail shops, restaurants and housing that will serve as destination for residents and visitors to Agoura Hills. In addition to providing a range of uses, the project contributes to creating a walkable, vibrant pedestrian-oriented district through locating buildings along the two street frontages, within parking located to the rear and in structures, with building heights transitioning to adjoining districts and open spaces. The project also incorporates the development of vertical mixed-use buildings along primary street frontages, as called for in General Plan Policy LU-26.2. Furthermore, the project includes shared parking facilities, a unified streetscape, pedestrian connectivity internally and with adjoining land uses. The development will be managed in accordance with the land use and development standards, design guidelines, public improvements and public infrastructure and service plans, and implementation processes specified by the Agoura Village Specific Plan.
- B. The site is physically suitable for the proposed density of the development in that it meets all required development and design standards of the Zoning Ordinance and Agoura Hills Specific Plan, and there are no physical features of the site that would render the site undevelopable as a multi-family and commercial mixed-use project. The site allows for proper access to the project; adequate site design and building arrangement; safe vehicular and pedestrian circulation; and sufficient landscaping to create an attractive and efficient mixed-use project.
- C. The design of the development is not likely to cause substantial environmental damage or to substantially fish or wildlife or their habitat because an IS/MND was prepared for the project that assessed potential impacts to biological resources and mitigation measures were incorporated in the document, and therefore the Project, to reduce environmental impacts to a less than significant level.
- D. The design of the development is not likely to cause serious public health problems. On-site improvements, such as circulation, storm water, sewer services, and fire access will be required upon development of the site, and the improvements will be designed per City and other applicable standards and requirements.
- E. The design of the development will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed development. Vehicular access to the site will be provided

Section VI. Based on the aforementioned findings, the Planning Commission hereby approves Tentative Parcel Map No. 70559, subject to Conditions of Approval, attached herein as Exhibit A, with respect to the property described in Section I hereof.

Section VII. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and this certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 5th day of January, 2017, by the following vote to wit:

AYES: (4) Asuncion, Justice, O'Meara, Zacuto
NOES: (1) Anderson
ABSENT: (0)
ABSTAIN: (0)



John O'Meara, Chairperson

ATTEST:


Doug Hooper, Secretary

Exhibit A
CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP NO. 70559

PLANNING DEPARTMENT

1. This decision for approval of the Tentative Parcel Map application, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this action 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 action with the Planning Department.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the approved Tentative Parcel Map reviewed and approved by the Planning Commission on January 5, 2017.
4. It is hereby declared to be the intent that if any provision of this action is held or declared invalid, the approval 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 approval shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. The approval of Tentative Parcel Map No. 70559 shall expire in two (2) years from the date of the Planning Commission approval. A written request for a one (1) year extension may be considered by the City prior to the expiration date.
7. All requirements of the City Zoning Ordinance and City Subdivision Ordinance must be met unless set forth in the approval or on the approved Tentative Parcel Map.
8. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from an against any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval or condition of approval. The City shall notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter at applicant's expense.

9. The applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought up against the City because of the approval of this application. Although the applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the applicant of any obligation under this condition.
10. The area identified as Lot 2 of Tentative Parcel Map 70559 shall be preserved as open space. Prior to the issuance of a grading permit, the applicant shall record a development deed restriction for the prohibition of future development, except development related to public improvements required by these conditions of approval, on the area identified as Lot 2. The deed restriction shall be subject to review and approval by the City Engineer, Planning Director and City Attorney prior to recording.

PUBLIC WORKS/ENGINEERING DEPARTMENT

11. Prior to issuance of building permit, applicant shall record Parcel Map No. 70559 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.
12. Prior to final map recordation, the applicant shall vacate varying portions of public right-of-way along Agoura Road and Cornell Road per Tentative Parcel Map No. 70559. Limits of said dedications shall be reviewed and approved by the Director of Public Works.
13. 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.
14. The applicant shall provide a preliminary title report not older than 30 days at the time of plan check.
15. 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.
16. All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Public Works Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.
17. Upon receiving the Title Report, if conflicts/issues arise regarding recorded documents over property, the applicant shall take all measures necessary, as directed by the 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.

18. Applicant shall preserve all public utility easements and maintain public access within vacated portions of Agoura Road and Cornell Road.
19. Applicant shall record an easement for public parking purposes and pedestrian access for portions of diagonal parking and sidewalk within property boundaries fronting Agoura Road and Cornell Road.
20. Final Parcel Map No. 70559 shall re-align private road easement for Cleveland Drive within applicant's property. Limits of said easement shall be reviewed and approved by the Director of Public Works.
21. Prior to permitting, the applicant shall design full public improvements in accordance with City Code, City standards and specifications, approved specific plan, and/or approved Conditions of Approval for the area.
22. Applicant shall meet all requirements as outlined in the Agoura Village Specific Plan related to public improvements. This shall include, but not limited to, entering into an agreement to participate in the formation of a future parking assessment district or fee.
23. The applicant shall design and construct road improvements along the project fronting Agoura Road, Cornell Road, and 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 all roadway improvements shall be in conformance with the Agoura Village Specific Plan and engineering safety standards; subject to review and approval by the Director of Public Works. In addition, applicant shall pay a fair share toward construction of street improvements at Kanan Road and Roadside Drive.
24. The property owner shall record a covenant for road and sidewalk maintenance for portions of diagonal parking and sidewalk within property boundaries fronting Agoura Road and Cornell Road. Said maintenance shall include, but not limited to, asphalt concrete, curb, gutter, sidewalk, street lights, and all pavement markings.
25. The applicant shall overlay Agoura Road and Cornell Road with concrete asphalt for all new project related service cuts in the roadway. The extend of the repairs shall be at the discretion of the Director of Public Works.

END

ATTACHMENT 11
(Letters from the Public)

Doug Hooper

Subject: FW: Cornerstone. Project

From: david ulich [<mailto:pamelaulich@icloud.com>]
Sent: Wednesday, March 1, 2017 7:44 PM
To: Kimberly Rodrigues <krodrigues@ci.agoura-hills.ca.us>
Cc: Pamela <pamela@malawbu.com>
Subject: Cornerstone. Project

Fran Pavley's statement speaks volumes:

The Cornerstone project, in my opinion, does not meet the specific plan guidelines to "respect and fit into the natural surroundings."

I hope that the City Council will insure that the project serve the community and meet the guidelines enunciated in your specific plan.

Thank you for your service.

Your neighbor,

Pamela Conley Ulich
Wife, Mother and
Former Malibu City Councilmember and Mayor

February 24, 2017

CITY OF AGOURA HILLS
2017 MAR -2 AM 7:31
CITY CLERK

Honorable Denis Weber, Mayor, and Councilmembers
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Subject: Environmental Documentation – Cornerstone Project
07-AVDP and TPM 70559 (Appeal)

Dear Mayor Weber and Councilmembers:

As a long-time resident of Agoura Hills, I write in regard to the Cornerstone Project to inform you that the analysis of potential Water Quality Impacts from the Project to waters of the United States, as required by the California Environmental Quality Act (CEQA), is outdated and deficient. This letter is not meant to ask you to either approve or disapprove the Cornerstone Project, but to correct the environmental documents and analysis through issuance of a focused feasibility study that corrects the deficiencies in the environmental record that is before you at this time. As discussed herein, the City can correct the Environmental record through circulation of a focused feasibility study for a limited term public review. A correction of the environmental documents will benefit the City of Agoura Hills and its residents by minimizing the potential for defending potential lawsuits that could be initiated to correct the environmental record.

The CEQA analysis of water quality impacts from the Project in the Initial Study and Mitigated Negative Declaration is inconsistent and inadequate because the environmental analysis relies on outdated water quality standards and requirements. Consequently, it fails to prescribe adequate mitigation measures and reporting requirements to mitigate the Project's impact to water quality to a less than significant level.

I had the opportunity to meet with Councilmember Buckley-Weber, the City Manager, City Attorney, and City Engineer regarding these issues on January 11, 2017. As was suggested at that meeting, I submitted a Public Record Act for relevant documents that are not available on the City's website. These documents include the "Hydrology Report" 2008 and the "Conceptual SUSMP Report," 2014. I have reviewed those documents and find that they do not adequately address the issues impacts to water quality from the Cornerstone Project as we discussed at the January 11, 2017 meeting.

CEQA requires that the following impacts to water quality are analyzed:

1. Would the project "Violate any water quality standards or waste discharge requirements"?
2. Would the project "Create or contribute runoff water which would exceed capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff"?
3. Would the project "Otherwise substantially degrade water?"

The City provides its analyses and conclusions of the Project's impact to water quality in the Initial Study-Mitigated Negative Declaration and the Mitigation Measures and Monitoring Requirements Report. The City also relies on the Agoura Village Specific Plan Final Environmental Impact Report in its analysis of water quality impacts.

The Environmental Documents for the Project note two types of impacts to water quality from the Cornerstone Project: 1) Impacts caused by construction activities, and 2) Impacts cause by urban activities during the life of the project which are discussed below.

In its analysis of water quality impacts during construction, the City points to a "Conceptual SUSMP" that documents that the project proponents is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) water quality permit that prescribes Best Management Practices (BMPs) to be deployed during construction activities. These BMPs would minimize sediment, construction materials, and vehicular fluids from discharging from the site to waters of the United States and the State. The requirements for mitigation of water quality impacts during construction require that the project proponent obtain coverage under a National Pollutant Discharge Elimination System permit that is issued by the State of California and requirement the development of a Storm Water Pollution Prevention Plan (SWPPP) and require implementation of BMPs. It is acknowledged that these impacts can be effectively mitigated through an effective SWPPP.

In the analysis of water quality impacts during the life of the project, the Initial Study states: "Urban land uses could adversely affect the quality of surface runoff because of increased pollutant loading, including such pollutants as oil, pesticides, herbicides and organic waste (horse manure)." The City relies on the "Conceptual SUSMP" to conclude that the project's impacts are "less than significant."

However, the "Conceptual SUSMP" fails to note that the USEPA established revised water quality standards for urban pollutants in waters of the Malibu Creek watershed in 2012, and that the state issued a new permit for pollutant discharges from urban sources to those waters in 2012. In addition to reliance on a "Conceptual SUSMP" that fails to acknowledge both the applicable water quality standard that were established in 2012, it fails to acknowledge the City's responsibilities to set forth new requirements to minimize impacts to water quality under the Municipal Separate Storm Sewer System (MS4) permit. This Permit implements the federal 2012 water quality standards that the Cornerstone Conceptual SUSMP fails to address. Because the Conceptual SUSMP fails to mitigate water quality impacts from urban activities during the life of the Cornerstone project to established water quality standards, the IS-MND is flawed in finding that water quality impacts are less than significant and require no mitigation measures nor reporting requirements.

Consequently, the City's reliance on the Conceptual SUSMP alone cannot demonstrate that water quality impacts can be less than significant without requiring mitigation and reporting. The Conceptual SUSMP, as provided by the City in response to my Public Records Act request does not indicate that the City has approved the Conceptual SUSMP nor addressed the Environmental Analysis by requiring mitigation measures nor reporting. Mitigation measures that are required to reduce the impacts to a level of less than significant are not set forth in the MMR requirements. Consequently, this discrepancy denies the public an opportunity to understand how the Project can be consistent with current water quality protections.

As stated above, I request that in face of the inadequacies of the environmental analysis and the absence of meaningful mitigation measures and reporting requirements to reduce water quality impacts to a level that are less truly less than significant, that the environmental analysis regarding impacts of the Cornerstone project to water quality be corrected and circulated in a focused revision to the IS-FEIR.

Please call if you have any questions, 818-661-0427

Sincerely,

Samuel Unger, P.E.

Doug Hooper

Subject: FW: Appeal of Cases 07-AVCP-002 and TPM 70559
Attachments: Letter to Agoura Hills City Council 030117.pdf

From: Arthur Ruppin [mailto:arthur@gy-properties.com]

Sent: Wednesday, March 1, 2017 12:51 PM

To: Denis Weber <DWeber@ci.agoura-hills.ca.us>; William Koehler <wkoehler@ci.agoura-hills.ca.us>; Illece Buckley Weber <IBuckleyWeber@ci.agoura-hills.ca.us>; Linda Northrup <lnorthrup@ci.agoura-hills.ca.us>; hschwartz@ci.agoura-hills.ca.us; Greg Ramirez <gramirez@ci.agoura-hills.ca.us>; Doug Hooper <dhooper@ci.agoura-hills.ca.us>

Subject: Appeal of Cases 07-AVCP-002 and TPM 70559

Dear Mayor, City Council Members and City Officers:

Attached please find a letter concerning the subject of this email.

The focus of the letter is why the appeal should not be granted because the IS/MND is not appealable.

It certainly does not contain all the arguments against granting the appeal and I reserve all my rights in case the appeal is granted.

Please act accordingly.

Yours truly,

Arthur Ruppin

Arthur Ruppin
22 Ramapo Pl.
Ringwood, NJ 07456
Email: arthur.ruppin@hotmail.com

Tel. (215) 413-2000

Fax. (215) 413-2800

March 1st 2017

City Council of Agoura Hills

30001 Ladyface Court

Agoura Hills, CA 91301

Via Certified Mail, Return Receipt Requested, with copies via email to:

1. Mayor Denis Weber at dweber@ci.agoura-hills.ca.us
2. Mayor pro term William D. Koehler at wkoehler@ci.agoura-hills.ca.us
3. Councilwoman Illece Buckley Weber at ibuckleyweber@ci.agoura-hills.ca.us
4. Councilwoman Linda L. Northrup at lnorthrup@ci.agoura-hills.ca.us
5. Councilman Harry Schwartz at hschwartz@ci.agoura-hills.ca.us
6. City Manager Greg Ramirez at gramirez@ci.agoura-hills.ca.us
7. Planning Director Doug Hooper at dhooper@ci.agoura-hills.ca.us

RE: Appeal on Cases 07-AVDP-002 and TPM 70559

Dear Mayor and Council Members:

Do not grant the appeal.

The appeal specifies 2 cases, Case # 07-AVCP-002 and Case #TPM 70559. These 2 cases were respectively adopted as Resolutions 17-1179 and 11-1180 by the Planning Board in its January 5th 2017 public hearing meeting.

However, in its said public hearing meeting, the planning board approved another resolution, Resolution No. 17- 1178, Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Program, which approval of was prior and independent of Resolutions 17-1179 and 17-1180:

To evidence from the Minutes of the said public hearing:

“Upon request by Chair O’Meara, Assistant City Attorney Ghirelli provided the order of the motions and recommended to begin with approval of the resolution to approve the Initial Study/Mitigated Negative Declaration (IS/MND), considering staff’s recommendation for a revision to the IS/MND, two revisions to the resolution (amending Condition 43 and adding Condition 145), and additional language to the document itself.

ACTION: Commissioner Justice moved to adopt **Resolution No. 17-1178, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED ON THE SOUTHEAST CORNER OF AGOURA ROAD/CORNELL ROAD (CASE NOS. 07-AVDP-002 AND TPM 70559), as amended.**

Commissioner Asuncion seconded. The motion carried 4-1, by the following voice vote:

AYES: Chair O’Meara, Vice Chair Zacuto, and Commissioners Asuncion and Justice.

NOES: Commissioner Anderson.

ABSENT: None.

ACTION: Commissioner Justice moved to adopt **Resolution No. 17-1179, APPROVING AN AGOURA VILLAGE DEVELOPMENT PERMIT (CASE NO. 07-AVDP-002) FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF CORNELL ROAD AND AGOURA ROAD, INCLUDING A CONDITIONAL USE PERMIT AND AN OAK TREE PERMIT, with conditions, as amended.** Commissioner Asuncion seconded. The motion carried 4-1, by the following voice vote:

AYES: Chair O’Meara, Vice Chair Zacuto, and Commissioners Asuncion and Justice.

NOES: Commissioner Anderson.

ABSENT: None.

Planning Commission Regular Meeting Minutes

January 5, 2017

Page 6

ACTION: Commissioner Justice moved to adopt **Resolution No. 17-1180, APPROVING TENTATIVE PARCEL MAP NO. 70559 FOR THE AGOURA FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF AGOURA ROAD AND CORNELL ROAD.** Commissioner Asuncion seconded. The motion carried 4-1, by the following voice vote:

AYES: Chair O’Meara, Vice Chair Zacuto, and Commissioners Asuncion and Justice.

NOES: Commissioner Anderson.

ABSENT: None.”

Resolution 17-1178 is not listed on the appeal form and should not be considered as appealable by the City Council.

Background:

I am a significant investor in the partnership owning the property being the subject of this hearing.

I invested in the partnership in 2011 based on the Town of Agoura Hills approval of the Agoura Village Specific Plan in 2008.

The approval process for the 2 appealed cases and the Initial Study/Mitigated Negative Declaration (IS/MND) was performed by the town's specified professionals with the direct input and control of the town's planning board in complete adherence to the Agoura Village Specific Plan. In fact, when approving the Resolutions, Mr. John Meara, head of the planning board commented: "in all my 12 years on the planning board, I have never encountered a developer who presented such plans without a request for a variance". He also stated that the plans were essentially developed by the town.

The appellants base their appeal on "environmental" arguments reserved and concluded with Resolution 17-1178, the Initial Study/Mitigated Negative Declaration (IS/MND) and the Mitigation Monitoring Program.

The value of the property is estimated by me as at least \$10,000,000.

Why the appeal should not be granted:

Since the Initial Study/Mitigated Negative Declaration (IS/MND) and the Mitigation Monitoring Program should not be appealed due to it not being listed on the appeal form and the other issues in the appeal being, if not meritless, at least, not substantive, the appeal should not be granted.

Also, should the appeal be granted, the town will likely face a lawsuit which it will lose. With punitive damages, the cost to the town can well run to the tune of \$20-30 million.

The town council should not (i) Make any illegal decision and (ii) Take the risk of losing \$20-30 million and (iii) Therefore, should not grant the appeal.

Please include this letter in the Record.



Yours Sincerely,

Arthur Ruppin

CITY PLANNING.

Kimberly Rodrigues

Agoura Hills , City Planning.

Please submit for March 8th Hearing : Cornerstone Development Project.

1. Current New Halogen Lighting on Agoura Road, to the left of the proposed "Cornerstone Project".

The lighting is unpleasantly intense, and to bright.

This should be low level lighting, and in yellow hue.

2. As a 40 year resident of Agoura Hills, I greatly value our unique city. I continue to enlighten others on the historical evolution, preservation of our city, and its surroundings.

I attended the previous hearing, and was upset, that most of the speakers of the "For" Cornerstone people who spoke, were not residents of Agoura. They claimed they were from Hollywood, Encino, and Burbank.

As elected officials, and City Planners, you are the ambassadors to our city, and are the executioners of the voice of the **people who reside here**.

To the East, we are enclosed by the Simi Hills Mountain Range, and to the South, the Gateway entrance into the world class Santa Monica Mountain Range

In my opinion the cosmetics, are nothing like Old Agoura, and the **density is overly extreme**. An example of pleasing cosmetics , indicative of the surroundings, and history, is Vintage Market in Western Malibu, in the City of Malibu. If the project is produced, one would clearly be able to see the entire mountain lighted up by halogen lighting, hence creating an entirely different landscape. What happened to our "**Dark Sky Ordinance**" ?

There is also a fear that the project may not be financially successful as illustrated by the (Applicant / Builder / Doron Gelfund) Residential Development of 9 acres, 2060 Ramblo Pacifico, Malibu, CA 90265 which was built up in 2011 and attempting to sell for 14 million dollars, yet still lays dormant in 2017, at an offering price of 8 million dollars.

Traffic ,and Safety.

Attempting freeway access is becoming **increasingly more congested** as Kanan Road coming from the coast , heading towards the 101 freeway can back up for miles during the Spring, Summer, and Fall months. Has there been an updated **in depth** traffic study for this ?

What about the increased traffic, that does not exit to Agoura Rd, and instead gets lost going in the opposite direction on Cornell, towards Muhullond. If one is not familiar with driving Cornell Rd, in dalylight or evening, it can be hazardous. There will be many more traffic incidents because of this.

In an emergency, such as a fire, anyone residing in the Malibu Lake, and Cornell areas, would also have less access for escape.

Native habitat.

It has been my understanding that **proper in depth plant, and animal studies**, including birds and coyotes have not been performed.

I sincerely hope that everyone involved in the decision making process can take all into consideration, and perhaps re-consider.

I am including some photos of local inhabitants that were all taken within close proximity, and within the **past couple of weeks of the proposed zone**.

Thank you,
Richard Breene

- Coyote at hill.
- Migrating Crane at Cornell Rd / Kanan
- Light Pollution. View from Malibu Lake. 5 Miles away.







CORNERSTONE PROJECT

Doug Hooper

Subject: FW: Cornerstone Mixed use Project

From: MaryAnn Webster [mailto:mawebster1984@sbcglobal.net]

Sent: Tuesday, February 28, 2017 5:10 PM

To: Doug Hooper <dhooper@ci.agoura-hills.ca.us>

Subject: Cornerstone Mixed use Project

Dear Mr. Hooper,

Below are our comments on the Cornerstone Mixed Use Project in the City of Agoura Hills.

Please distribute to Council Members and appropriate Staff. Thank you.

SIERRA CLUB SIERRA CLUB SIERRA CLUB SIERRA CLUB
3435 Wilshire Bl., # 660
Los Angeles, CA 90010
March 1, 2017



**Santa Monica Mountains Task Force
SIERRA CLUB ANGELES CHAPTER**

**To: Doug Hooper, Planning Director
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91303**

**Re: Cornerstone Mixed-use Project
City of Agoura Hills**

Dear Mr. Hooper,

We are writing this letter on behalf of the Santa Monica Mountains Task Force of the Sierra Club in order to request that a focused EIR be undertaken and that the public be given an additional opportunity to review and comment on the Mitigated Negative Declaration(MND) for the Cornerstone mixed-use project in the City of Agoura Hills. An extended period of time is needed to fully review the MND and evaluate the adverse environmental impacts of the property, that features 8.2-acres of sensitive land and is located in the City of Agoura Hills.

This land is botanically rich, with extensive native plant series, rare plant communities and numerous oak trees. The proposed project and the grading that is planned would eliminate or destroy a majority of this vegetation, including the loss of 29 oaks and peripheral biological damage to the scrub oak woodland. In addition, the sage habitat on this site is highly endangered and the sage is needed to nourish the plant and animal populations. The current Cornerstone project would result in significant negative biological impacts that will be permanent and far-reaching.

In addition, the project would create significant adverse visual impacts from the 45 feet high structures that tower over a 95,000 cubic yard area, along with 250 parking spaces and other amenities. The ridgeline and peripheral views would be greatly impacted from the 101 freeway, Cornell and Agoura Roads and from existing and proposed public trails. The best solution would be to reduce the heights and scope of the structures.

Other concerns include the need for evaluation of future planned trails such as the spur from the Rim of the Valley Master Plan and other planned trails from the National Park Service. These trails need an analysis of potential adverse impact that relate to the project site and to other local trails.

We strongly request additional time to study these impacts and related impacts and to further comment on the MND. We urge the City Planning Commission and staff to review their analyses and address concerns of the environmental community and the tenets of the California Environmental Quality Act that relate to this project.

Thank you.

Mary Ann Webster, Conservation Chair
Santa Monica Mountains Task Force
SIERRA CLUB ANGELES CHAPTER

Doug Hooper

Subject: FW: Cornerstone development

From: Suzanne Cooper [mailto:suzc33@aol.com]

Sent: Tuesday, February 28, 2017 11:35 AM

To: Kimberly Rodrigues <krodrigues@ci.agoura-hills.ca.us>

Subject: Cornerstone development

Hello

I am a nineteen year resident of Agoura and have watched the City grow responsibly over the last nearly two decades.

I am not against development west of Agoura Road and have known for some time it would happen. However, if there was ever a need for RESPONSIBLE development within the City limits, it is within this area. The issues are three fold:

1. This is a very ecologically sensitive area - declared the "Gateway to the Santa Monica Mountains". Both from a plant, wildlife and water quality perspective, any over-development in this region will impact more than 10 miles of sensitive habitat. The increased trash, oil and other toxins, storm run off from high density development will travel through Medea Creek, to Malibu Lake and then further into Malibu Creek State Park eventually reaching Malibu Beach. The effects of this development will be very far reaching and environmentally detrimental.
2. Traffic, traffic, traffic. I am suspicious that the traffic study was performed during the off-peak months. These months in no way reflect the true traffic patterns that we endure during the 6 months of April through September. Anyone who lives in Agoura knows that coming east along Kanan any time between 3pm and 6pm during the summer months, seven days a week is not an option. Adding the increased car trips from a high density development will create an intolerable situation. In addition, should a wildfire occur during these peak traffic times, tragedy could result as thousands of homes, horse trailers etc will use these same roads as evacuation routes.
3. Agoura has tried to retain its small town character by voting down large scale developments such as big box stores, etc. We are not inconvenienced by traveling one or two exits down the freeway for these services. We have more than enough expensive retail and specialty shops within a few miles that pull business away from the locals. I may speak for myself but I want to continue to live in a town atmosphere and not a city. That is why I moved to Agoura in the first place.

The Cornerstone Project sets the stage for future development in this scenic and ecologically sensitive area. Thoughtful, comprehensive planning that takes into consideration the needs of the environment, traffic issues and residents desires and concerns MUST be undertaken. If we do not get this right from the start, there is no going back and the essence of our rural, peaceful town will lost - permanently.

Thank you for your time and consideration,

Suzanne Cooper MD

SOS SAVE OPEN SPACE

SANTA MONICA MOUNTAINS

RE: Cornerstone
February 28, 2017

Dear City Council and City Manager Greg Ramirez:

SOS opposes the present Cornerstone development. SOS will be turning in extensive comments. SOS believes that a focused EIR is necessary.

In this immediate area, Whizzin's Center has several empty retail stores. The market has changed for what type of land use should be here directly behind Whizzin's Center. We request that the City Council require an EIR. An EIR will then explore land use alternatives which will have fewer impacts. There will be much less traffic if the retail and commercial were changed to a less dense and more marketable project with Residential only. With residential land use and a scaled down project, there will be less traffic generated. We can keep rural Agoura Road east always two lanes here, as is the stated goal of our city council, in the 2035 Agoura Hills General Plan.

The proposed project has overly bright Caruso type architecture which will stick out like a sore thumb here at this site. The Craftsman design and low impact building's color-as seen in Greg Ramirez's city hall and library- blends in with our hillsides. That's what architecture type and building color should be utilized in the Cornerstone project buildings and all the other projects in Agoura Village.

Thank you for your kind attention. Please put this letter into the record.

Mary Wiesbrock
Mary Wiesbrock, Chair

Kimberly Rodrigues

From: brad oskow <bradoskow@att.net>
Sent: Monday, February 27, 2017 8:32 PM
To: Kimberly Rodrigues
Subject: Cornerstone Project 2017

Hello Kimberly Rodrigues Agoura Hills City Planning

After reading 135 posts on "Cornerstone Project", on our local website with 800 members & Seeing Video of "Agoura Hills Planning". Planning had a Huge Lack of Concern for my Community ! It's Unacceptable to Cornell & my home of 31 years "Malibu Lake". Chairman O'Meara- Quote "We need to Service Agoura Hills with MORE Businesses, Revenue, & Opportunities to*Benefit the City". My neighbors "Agoura LA." are held captive Seriously Impacted now with Kanan Beach Traffic ! Do you really think Agoura Hills will be able to access Your new mall ? No Kanan is a MESS Gridlocked ! You will go to T.O. Blvd & spend Your Money in WestLake; who Agoura Hills wants to compete with & copy. Planning NEVER made proper time for Story Poles/elevation height or Temp.Lights Up High on Cornell Rd.Corner *to see what You signed off on ! Yes We have Different Values I want to take my "Malibu Lake Hiking Group" on it's next local Mountain Adventure; Agoura Hills wants to go Shopping at it's next Fancy Mall.. Again WHY did we move up here ? Thank you for your reply - Brad Oskow "Marketing Manager Malibu Lakeside"

Doug Hooper

Subject: FW: Cornerstone Project

From: Maureen Muldaur [<mailto:mcm@me.com>]
Sent: Monday, February 27, 2017 11:51 AM
To: Kimberly Rodrigues <krodrigues@ci.agoura-hills.ca.us>
Subject: Cornerstone Project

Please include this letter on the record re: the Cornerstone Project in Agoura Hills:

Due to unforeseen circumstances, I am not able to attend the City Council meeting regarding the appeal of the Cornerstone Project. Mine would have been a loud and contributing voice supporting the appeal.

My husband and I JUST moved to a home on Cornell Road, a home that would be heavily impacted by this very unattractive project, one that is an insult to the great mountains and greenery that not only surrounds it -- the proposed development SITS ON that land. That corner is luscious and beautiful and stands out as a relief to the eyes.

Okay, so any green space that is privately owned is subject to development. But why does that always have to be the case? Why must we always destroy the landscape, especially in a city that stands as the "Gateway to the Santa Monica Mountains".

The plan as it stands is too high, takes away too much of the hillside, greatly impacts traffic (indeed something which we wanted to escape from) and is just plain ugly. Architecture today can and often does blend into the area in which it is built. Agoura wants a city center like The Commons? Why? How about a development that blends and gives some peace and quiet to enjoy its surrounding.

Back to the drawing board. Please.

Thank You.

Signed,
Maureen Muldaur
Cornell Road
Agoura Hills, CA

Monday
February 27, 2017

ROBERT EBER
Cornell Road
Agoura Hills, California

My name is Robert Eber. My family and I bought our home on Cornell Road in Agoura Hills when we fell in love with the area. We moved here from Santa Monica.

I'd like to offer my two-bits relative to the CORNERSTONE PROJECT.

We live here on the fringe of Los Angeles.....the edge of expanding Los Angeles. The perimeter of any urban area is where the building happens....that manifestation of urban growth can't be stopped.....it is civilization's nature to expand. Controlled growth is good and necessary and useful. But while growth can't be stopped it is our duty as intelligent keepers of our environment to direct the growth within our pervue toward as high and sophisticated a goal as we can envision. The Agoura Hills area is rare in its beauty while amazing in its proximity to one of the largest cities in the world. This combination of circumstances makes imposing any architecture on the previously undeveloped landscape particularly challenging and difficult.

In my long list of many employers as a free lance film-maker over the last 40 years, I have worked for some of the foremost designers and architects of our time....Charles and Ray Eames, Joe Pytko , Rick Levine and Saul and Elaine Bass are a few of them. I've traveled to many countries, had many conversations and learned many lessons about aesthetics, design, function and visual harmonies.

The possibilities for the design of the CORNERSTONE PROJECT are infinite. It is the duty of the city planning commission and the city council to promote positive growth without destroying what makes this area so special. The 3D visual presentation replete with composed music and animation that was produced by the developers was impressive.....I've made my share of similar AV presentations. The danger here is getting swayed by their slickness. The upbeat happy music and carefully-chosen words of their presentation paint a rosy picture of the nature of the project itself. The fact of the matter is that no cue has been taken from the rest of the development along Agoura Road. The set-backs of other buildings, the visual buffer of the trees that line most of the way to Westlake Village and the control of retail parking elsewhere all seem to be guidelines that have been ignored with this plan. While the front elevation looks fine on an artist's rendering, the buildings

themselves look exactly like a new strip mall in Van Nuys, not like something one would want to see in Agoura Hills. Regardless of the sales pitch that was written for a naive and unsophisticated audience, its clear that the projected density of retail, office and residential spaces is not designed with an emphasis on open spaces, as they so frequently repeated, but rather created to skew the arithmetic for the investors to get to profitability as quickly as possible. ...that's what developers do.

Another aspect of the CORNERSTONE PROJECT that begs to have light shed is the 'mixed-use' aspect. The developer's presentation couches their three purpose-built designs for the project (retail, office space and residential) as their brilliant vision for the future of the area and uses the notion that these three distinct purposes will provide maximum benefit to the greatest cross section of the area demographic. Again, further dissection will show that the only real purpose served is to skew the arithmetic for their investor schematic. Somehow at the planning commission presentation the notion arose that the residential spaces would be great as they would provide 'low rent' opportunities for newcomers to the area or for young people, yet no where does any part of the presentation define nor indicate that that will be the case. I think we can be fairly resolute in the understanding that low rent will not be part of the picture....more likely rent will be at market rates per square foot. Therefore no particular gain for the community. Retail at the ground level is also a dubious notion. If folks need and want retail they should pay more attention to patronizing the existing local merchants. There are already too many empty store front shops at Wizzin center, the Kanan / Agoura intersection and the Kanan / Thousand Oaks Blvd. centers. If the market drives the need for merchants and their shops, then what the community doesn't need is more empty store fronts but rather an effort to populate the existing ones. If there is any doubt about the market forces, traffic impact, aesthetic impact and these triple-use and impending density issues one only need to look at Santa Monica where exactly the same scenario has played itself out. Many single story buildings have been razed to be replaced by this same triple-use plan and the resulting street clog and strain on the infrastructure is a daily roadblock to the once low stress style of the place. It certainly is not the picture that Agoura Hills should aspire to.

All in all the CORNERSTONE PROJECT is an inevitable construction. Change should be useful and beneficial to those who aren't necessarily the investors. What needs to happen here, however, is to take a renewed look at the big picture. The project needs to be more harmonious with the community and the surrounding environment. Someone at the planning commission presentation indicated an enthusiastic 'thumbs-up' for the project because she was tired of traveling all the way to Westlake Village to get ice cream. Is this the sensibility that's in the driver's seat?

Signed,
Robert Eber

Doug Hooper

Subject: FW: Cornerstone Project

From: Judith R Stein [mailto:judiestein@me.com]
Sent: Saturday, February 25, 2017 3:27 AM
To: Kimberly Rodrigues <krodrigues@ci.agoura-hills.ca.us>
Cc: MOLLIE HELFAND <mallinger@aol.com>
Subject: Cornerstone Project

Dear Ms. Rodrigues,

I have been a resident on Cornell Road for nearly 20 years and have experienced the rise in traffic on Kanan Road - especially the grid lock in summer time beach traffic - at an increased and uncomfortable rate.

I am under the assumption there are plans for a 600 car underground garage for this development that includes apartments. If just a portion of these cars try to leave Kanan Road or Cornell Way in the event of a fire, many animals and the humans who live on Cornell, Mullholland and the surrounding area will be trapped and will die. If any of the Multiple show horses perish or get smoke damage, the City Council might be open to law suits. To be included in this potential travesty are the thousands of household pets and the many wild animals living at Paramount Ranch and its environs - all will be trapped by cars jamming and blocking the roads to safety. This is a potential holocaust for which the City Council will be personally responsible .

It is a matter of public record from the last public hearing, a fire fighter testified that in case of fire the traffic conditions will most likely cause fatalities.

Is the loss of human and four legged animal life worth the questionable monetary gains which will most likely be off set by the need for increased police and fire protection in an area that heretofore did not have to deal with the vagaries of a transient population?

You are putting us all at risk - physically, emotionally and financially.

I have not included my repulsion at the taste level of this development that will further decrease the property values of the area. Its a blight on what has been a sanctuary not only for residents, but for the people who travel on Cornell to use the pastoral sanctity of the Paramount Ranch.

As you well know, this area has 29 Oak trees. I was under the assumption these trees are protected by California law. How can the Agoura council allow these trees to be cut down? Is this not a felony as well as a crime against nature?

Many apartment dwellers are transient and although the City Council might be thinking of increased revenue from this project, it will also require increased police protection as well as fire and other services which of course costs the city of Agoura,

Is putting the human and animal residents of Agoura in the face of peril worth it to the City Council? Is it worth the cost of life - including the lives of 29 Oak Trees who have lived hundreds of years to be cut down and covered with cement for useless restaurants and shops that will most likely remain unused. The Council might note the many vacant commercial spaces in the same area.

This is a disaster both physically and morally.

Lets think heroically rather than destructively.

Sincerely,
Judie Stein Friedman

Doug Hooper

From: Jennifer Lebowitz <jcl523@aol.com>
Sent: Sunday, February 12, 2017 7:12 PM
To: Doug Hooper
Subject: This is an article that we just sent to the Acorn in support of Cornerstone and Agoura Village

Dear Mr. Hooper,

We want to have it on record that there are Agoura Hills residents who support and are in favor of moving forward with Agoura Village:

My wife and I have attended meetings regarding Agoura Village since we first heard about it before the recession halted the process. In fact, there was unprecedented community involvement and support of adopting the Agoura Village Plan back in 2008. The beauty of the plan is that it requires all the developers within Agoura Village to follow stringent guidelines. All of the issues that are important to the residents of Agoura Hills: the environment, respect for open space, density, traffic, affordable housing, lack of town center, and a multitude of other factors down to minute details were carefully thought through and addressed prior to any development. This plan is good and Cornerstone, the first project within the plan, follows it admirably. This is a plan that we have been so excited about, and we were hoping that our children would benefit from Agoura Hills' first pedestrian oriented town center. Well, our kids are now 15 and 18, and now that the possibility has re-surfaced, we are excited again! I attended the most recent meeting where the city planners voted 4 to 1 in favor of proceeding with the first project of the plan that has been on our horizon for so long. Four out of five planners were happy about the plan and ready to move forward with the next step. Now, when we read the Acorn, and see so many neigh sayers, it makes us wonder: Why now? The development guidelines have been on the books since 2008. Cornerstone has complied with every aspect of the Agoura Village plan guidelines. The people opposing the project will bring up all the issues that already have been addressed many times over. It is very common for the opposition to be louder than the residents who are in favor of this development. We are writing to let you know that we are out here speaking up for the residents who embrace this project and look forward to patronizing the establishments within the Cornerstone project as well as the future projects that are to be a part of Agoura Village. Please, stop the stalling and allow Agoura Hills residents to have and enjoy this initial phase of Agoura Village.

Thank you,
David and Jennifer Lebowitz

Total Control Panel

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To: dhooper@ci.agoura-hills.ca.us
From: jcl523@aol.com

Message Score: 1
My Spam Blocking Level: Medium

High (60): Pass
Medium (75): Pass
Low (90): Pass

[Block](#) this sender
[Block](#) aol.com

This message was delivered because the content filter score did not exceed your filter level.