

PLANNING DEPARTMENT

DATE:

April 6, 2017

TO:

Planning Commission

APPLICANT:

APB Properties, LLC 27489 Agoura Road Agoura Hills, CA 91301

CASE NOS:

VTPM 74295 - PMAP-01271-2016 & VAR-01302-

2016

LOCATION:

27489 Agoura Road, 27509 Agoura Road & 4149

Liberty Canyon Road

REQUEST:

A request for approval of a vesting tentative parcel map for the subdivision of an existing partially developed lot into three (3) new lots; a variance from Zoning Ordinance Section 9654.6 for a reduction in parking; and an addendum to the previously approved Final Initial Study/Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

ENVIRONMENTAL

DETERMINATION:

addendum to the approved An Final Study/Mitigated Negative Declaration for the Liberty Canyon Office Expansion Project pursuant to CEQA

and the CEQA Guidelines.

RECOMMENDATION:

Staff recommends the Planning Commission approve Vesting Tentative Parcel Map 74295, Case No. PMAP-01271-2016; Variance Case No. VAR-01302-2016, subject to conditions of approval, based on the findings of the attached Draft Resolutions, and adopt addendum to the project's final Initial

Study/Mitigated Negative Declaration.

ZONING DESIGNATION: Business Park - Office Retail - Freeway Corridor

Overlay District (BP-OR-FC)

GENERAL PLAN DESIGNATION:

Business Park - Office Retail

I. PROJECT BACKGROUND AND DESCRIPTION

On May 1, 2008, the Planning Commission approved a request to construct a new 9,658 square-foot, one-story professional office building (Building B), and a 20,002 square-foot, two-story, medical office building (Building C), and to remodel an existing 24,540 square-foot, two-story, office building (Building A) on a partially developed property consisting of six (6) lots zoned Business Park-Office Retail, Freeway Corridor (BP-OR-FC). The property is at the northwest corner of Agoura Road and Liberty Canyon Road. The application included the merging of the six (6) lots into one (1) lot for compliance with the minimum lot size requirement of the BP-OR zone. It also included preserving the slopes along the northern portion of the parcel to be dedicated via a conservation easement as a wildlife corridor extending from Liberty Canyon Road to the west end of the project boundary. The wildlife corridor area is approximately 25,000 square feet in size, and over 450 feet long by 30 feet wide at its narrowest and 80 feet wide at its widest. As part of the project, the applicant was required to restore the wildlife corridor from an abandoned road to a natural state. The project was approved as Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-021, and Vesting Tentative Parcel Map No. 67397. An Initial Study/Mitigated Negative Declaration (IS/MND) was also approved for this project at the same time.

The City Council appealed the Planning Commission's decision. After conducting two appeal hearings, on August 13, 2008, the City Council upheld the Planning Commission's decision, and approved the project along with a variance for reduced parking (Variance Case No. 08-VAR-003), resulting from circulation changes recommended by the City Council and incorporated into the project design. Shortly thereafter, the property owner prepared and recorded with the land two agreements with the Mountains Restoration and Conservation Authority (MRCA): (1) a Parking Easement Agreement to utilize an off-site MRCA-owned lot for parking and to facilitate operations, maintenance and access; and (2) a Grant of Conservation Easement Agreement for the preservation and restoration of the wildlife corridor on-site.

The project entitlements were valid for three years, which included a one-year administrative extension. The entitlements expired prior to construction, and in 2009, the applicant reapplied for a new site plan/architectural review application along with an oak tree permit and variance request for parking (Case Nos. 11-SPR-009, 11-OTP-019 and 11-VAR-002) with the same project. The Planning Commission approved these entitlements on March 12, 2012.

Vesting Tentative Parcel Map 67397 was to expire at the same time as the other entitlements, but on July 11, 2011, the Governor signed Assembly Bill 208 that instituted a legislative extension to the life of tentative subdivision maps. Specifically, the bill provided a 24-month automatic extension to the life of any

tentative subdivision map that had not expired prior to July 11, 2013 if the map would otherwise expire prior to January 1, 2014. Therefore, the vesting tentative parcel map for this project was automatically extended until July 15, 2013. Later, the City Council approved Final Vesting Parcel Map 67397, which was subsequently recorded with the Los Angeles County Recorder's Office.

The project is under construction. To date, the remodel of the 24,540 square-foot office building (Building A) at the northwest portion of this site and the wildlife corridor restoration are complete, with the exception of the east end of the corridor. The remainder of the site is being graded according to the already approved plans so that all three buildings are connected by driveways, stairs and ramps and uninterrupted landscaping in a campus-like layout. The retaining walls have been built with the exception of the one bordering the wildlife corridor at the northeast corner of the parcel, which will be constructed soon, and foundation trenches for Building B and C have been excavated.

The applicant is now requesting to divide the single parcel into three (3) parcels: one parcel containing each building. Although the proposed lot sizes comply with the BP-OR zone minimum size of 20,000 square feet, two of the three new lots will not provide the required number of parking spaces to serve the building on its lot. As a result, the applicant has applied for a variance to provide less than the Zoning Ordinance-required number of parking spaces for Parcels 1 and 2, and also overall for the development (Case No. VAR-01302-2016).

The subject site is bound by U.S. Highway 101 to the north, land owned by the Santa Monica Mountain Conservancy to the west, multi-family residential units to the south (Rondell Condominium) and Liberty Canyon Road to the east.

The following table summarizes how the currently proposed project compares with the relevant lot and development standards.

	Existing	Proposed	Allowed/ Required
Lot Dimensions			
Lot 1		64,925 sq.ft. (1.49 ac.)	20,000 sqft.
Public St. Frontage Minimum		297 ft.	None required
Lot Width (min.)		297 ft.	200 ft.
Lot Depth (min.)		216.05 ft.	100 ft.
Lot 2		73,976 sq.ft. (1.70 ac.)	20,000 sq.ft.
Public St. Frontage Minimum		485 ft.	None required
Lot Width (min.)		486.22 ft.	200 ft.
Lot Depth (min.)		159.75 ft.	100 ft.
Lot 3		45,029 sq.ft. (1.03 ac.)	20,000 sq.ft.
Public St. Frontage Minimum		260 ft.	None required

	Existing	Proposed	Allowed/	
Lot Width (min.)		050.50 %	Required	
Lot Depth (min.)		256.58 ft.	200 ft.	
Total	102.020	175.79 ft.	100 ft.	
Total	183,930 sqft. 4.22 ac.	183,930 sqft. 4.22 ac.	n/a	
Building Square Foota	ae			
Building A	24,540 sq.ft.	No change	n/a	
Building B	n/a	Approved: 9,658 sq.ft. Plan Checked: 8,774 sq.ft.	n/a	
Building C	n/a	Approved: 20,002 sq.ft. Plan Checked: 17,802 sq.ft.	n/a	
Total	24,540 sq.ft.	29,660 sq. ft. (26,576 being constructed)		
Lot Coverage				
Lot 1 Building A	7.4%	21%	400/ may	
Lot 3 Building B	n. 4 /0 n/a	11.9%	40% max. 40% max.	
Lot 2 Building C	n/a n/a	19.6%	40% max.	
Total	7.4%	n/a	40% max.	
Building Setbacks			Market supplemental and the su	
Building A on Lot 1	19 19 19 19 19 19 19 19 19 19 19 19 19 1			
Front (south)	197 ft.	35 ft.	20 ft. or height of building (35 ft.)	
Side (east)	193 ft.	35.44 ft.	70 ft. combined for both sides	
Side (west)	70 ft.	69.19 ft.	70 ft. combined for both sides	
Rear (north)	80 ft.	78.42 ft.	20 ft.	
Building B on Lot 3				
Front (east)	n/a	39.59 ft.	20 ft. or height of the building (35 ft.)	
Side (north)	n/a	94.27 ft.	70 ft. combined for both sides	
Side (south)	n/a	65.49 ft. 70 ft. combin for both side		
Rear (west)	n/a	21.86 ft.	20 ft.	

Existing	Proposed	Allowed/ Required
		rioquica
	35 ft. 20 ft. or heig of the buildi (35 ft.)	
	269.56 ft.	70 ft. combined for both sides
	88.39 ft.	70 ft. combined for both sides
	36.43 ft.	20 ft.
Fa	05 (45)	
		82
		29
n/a		89
		200
36		n/a
	198 (-2)	200
		(instead of (214) ¹
	10.00/	
		20%
		20%
		20%
n/a	42%	
	n/a	15%
		15%
		15%
n/a	40%	15%
ge		
	n/a	
n/a	68%	50%
	57 n/a n/a 36 n/a n/a	35 ft. 269.56 ft. 88.39 ft. 36.43 ft. 57 65 (-17) n/a 31 (+2) n/a 66 (-23) 162(-49) 36 36 198 (-2) 46.2% 33.9% 51% n/a 42% n/a n/a n/a n/a n/a n/a n/a n/a n/a n/

II. STAFF ANALYSIS

The action of subdividing the parcel would create three parcels of 64,925 square feet (1.49 acres), 73,976 square feet (1.70 acres), and 45,029 square feet (1.03 acres). Each parcel will continue to comply with the BP-OR zone minimum lot

¹ The number of parking spaces originally required for the project based on the square footage of all three buildings.

size of 20,000 square feet. The width and depth of each parcel will also comply and will exceed the minimum dimensions specified for the zone in the Zoning Ordinance. The lot coverage will comply with the maximum allowed lot coverage for the BP-OR-FC zone with 21 percent for Lot 1, 11.9 percent for Lot 2, and 19.6 percent for Lot 3 whereas the maximum coverage is 40 percent. Although the parking lots and driveways overlap parcel boundaries, reciprocal access and use would be provided with the Covenants, Conditions, and Restrictions (CC&Rs) per Condition No.12 in Exhibit A of Attachment 1. The final CC&Rs will be prepared prior to final parcel map approval by the City Council. The CC&Rs would be recorded with the final parcel map at the County Recorder's Office. previously recorded Parking Easement Agreement and Grant of Conservation Easement Agreement are required to be incorporated into the final parcel map and CC&Rs per Condition No.11 of Exhibit A of the map resolution. conditions of approval on the project's prior entitlement extensions (Resolution Nos. 12-1053 and 12-1054) are incorporated into the project conditions for the Resolution pertaining to this Vesting Tentative Parcel Map 74295.

A. Site Plan and Buildings

The previously approved site design included the construction of a new 9,658 square-foot building at the northeast corner of the parcel (Building B) and one 20,002 square-foot building at the southwest corner of the parcel (Building C) both of which will remain. However, both buildings B and C have been reduced by 884 and 2,200 square respectively or a nine (9) percent reduction (Site Plan/Architectural Review Case No. 11-SPR-009). All other site improvements including Building A's remodel, the wildlife corridor and its restoration, parking lots, landscaping, and access into the property and to an off-site parking lot remain as approved. The property boundary alignment was created such that the buildings comply with the minimum setback distances to the property line for each yard area. All comply or exceed the minimum 20 feet in the front or height of the building, the minimum 20 feet in the rear and 70 feet combined of side yard setbacks. The proposed parcels also meet the minimum lot dimensions, lot size, and building site coverage. The project parking landscaping and shade canopy coverage will remain the same.

B. Parking/Circulation

The variance approved in 2008 allowed 198 parking spaces on-site and off-site, although the demand required 216 parking spaces. Of the total 198 spaces, 36 were provided off-site on an adjacent lot to the west. With the use of the off-site lot, there was still a shortage of two (2) spaces for the project. Post entitlement, the square footage of Building B and C was reduced during the preparation of the construction plans because (1) more precise measurements were derived when the structural plans were prepared and (2) to comply with the requirements of the Los Angeles County Fire Department to dictated that Building C's footprint be a minimum distance from the overhead power lines alignment and easement line.

As a result of less building square footage, the parking requirement was reduced to 200 spaces from 214, reducing the parking shortage to two (2) spaces. Although the parking is shared by all three buildings, each building would be constructed on its individual parcel and so each building would need to provide for its own parking on-site. Building A on Lot 1 would require 82 parking spaces, Building B on Lot 3 would require 29, and Building C on Lot 2 would require 89 parking spaces. Lot 1—Building A provides 65 parking spaces. Lot 2-Building C provides 66 parking spaces and Lot 3-Building B provides 31 parking spaces. Parcels 1 and 2 would have less than the required parking, and Parcel 1 would have a slight excess of parking. While the parking lots and circulation between the parcels and in and out of the site will remain the same, the project would require CC&Rs to provide for reciprocal access and parking throughout the three developed parcels and the adjacent parking lot. The shortage of parking spaces required a variance for the original project and continues to require a variance but specifically for Lots 1 and 2.

C. Freeway Corridor Overlay District

Per the Freeway Corridor Overlay requirements, the proposed project, being a new parcel map and a variance for parking, would not change the site design and so would not overwhelm the City's low-intensity development style. The square footage of Buildings B and C has decreased by 884 and 2,200 square feet respectively, and the height was reduced by one foot, but the general design and architectural style of the buildings would not change. The site plan design maintains a large open space buffer between the Freeway Corridor and the buildings both existing and new to function as a wildlife corridor. Building A and B will be at a considerable distance from the corridor with 78 feet and 94 feet respectively and the minimum setback distances to the front property lines and the street frontages. Furthermore, the buildings will remain below the freeway corridor and not block views of the hillsides.

D. <u>Public Works/Engineering Department</u>

No street improvement or infrastructure improvements are required by the City Engineering Department. The currently proposed parcel map will need to receive a final map and be recorded prior to the issuance of a final Certificate of Occupancy for the overall project.

E. Oak Trees/Landscaping

The subdivision will not require the removal of any oak trees or landscaping or the redesign of the landscape planters. The project continues to be subject to the approved Initial Study/Mitigated Negative Declaration and the recently proposed addendum including the mitigation measures that provide for the permanent protection of the oak trees and the restoration and protection of the wildlife corridor.

F. Variance

Attached to this report is a draft resolution for the variance request from Zoning Ordinance Section 9654.6 - Parking Allocation. The request to subdivide the current parcel into three (3) parcels does not change the approved development conditions but technically creates a deficiency of one of the standards, which is the parking. The Zoning Ordinance requires the building to be served by the required number of parking spaces for the particular use on the lot. The original project was approved with a reduced number of parking spaces. Building A on Lot 1 requires 82 spaces and can only provide 65, resulting in a shortage of 17 parking spaces. Building C on Lot 2 requires 89 spaces and would provide 66, or a shortage of 23 parking spaces. Building B on Lot 3 would provide the required number of parking spaces, with a net surplus of 2 spaces. Individually, the reduction is 26.5 percent for Lot 1 and 34.8 percent for Lot 2, and as such, a variance is required. During the review of the original project, an attempt to mitigate the parking shortage was made by including the development of an adjacent vacant parcel to the west into a parking lot, which produced an additional 36 parking spaces. A variance was required when the development of the project was proposed on one parcel and a variance will continue to be required once the parcel is subdivided to address the reduced number of parking spaces.

Each building would have access to all the combined parking both on- and off-site with the required CC&Rs. The project is not expected to create impacts to each individual parcel because of the flexibility provided for customers and employees to use any on-site parking lot and/or the adjacent site parking lot. Street parking is not permitted in the area. It is worth mentioning that Building C's demand is based on a medical office demand and in the event that the building is occupied by general office, the parcel could provide sufficient parking.

G. General Plan Consistency

Staff finds the project will be consistent with the following applicable General Plan goal:

Goal LU-1. Growth and Change. Sustainable growth and change through orderly and well-planned development that provides for the needs of existing and future residents and businesses, ensures the effective and equitable provision of public services, and makes efficient use of land and infrastructure.

The project complies with Goal LU-1 by providing three orderly, well-planned office buildings and lots that efficiently use land and infrastructure by sharing vehicle access and parking areas. Arrangement of the lots as proposed would allow the project to effectively provide diverse commercial uses for future needs. The subdivision creates more opportunities for commercial property owners to own property in the City, and to lease space to more diversified tenants and to the community at large.

H. Environmental Review

An Addendum to the approved Liberty Canyon Office Expansion Project Final Initial Study/Mitigated Negative Declaration (IS/MND) (2008) was prepared for

this project, in compliance with the California Environmental Quality Act (CEQA). The addendum to the IS/MND concluded that no significant impacts would result from the subdivision action and the approval of a variance for the reduction in parking spaces. No agency or public review is required for the addendum pursuant to CEQA Section 15162 and 15164.

III. RECOMMENDATION

Staff recommends that based on the findings of attached draft resolutions, the Planning Commission adopt the addendum to the Liberty Canyon Office Expansion Project Final Initial Study/Mitigated Negative Declaration (2008) and approve Vesting Tentative Parcel Map 74295 Case No. PMAP-01271-2016, and Variance Case No. VAR-01302-2016.

IV. ATTACHMENTS

- Draft Resolution for the Vesting Tentative Parcel Map with Exhibit A Conditions of Approval
- 2. Draft Resolution for the Variance Request with Exhibit A Conditions of Approval
- 3. Vicinity Map
- 4. Reduced Copy of the Map and Site Plan
- 5. Pictures of the Site

Case Planner: Valerie Darbouze

RESOLUTION NO. 17-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING VESTING TENTATIVE PARCEL MAP NO. 74295 – CASE NO. PMAP-01271-2016 FOR THE LIBERTY CANYON OFFICE EXPANSION PROJECT LOCATED AT 27489 AGOURA ROAD, 27509 AGOURA ROAD, & 4149 LIBERTY CANYON ROAD.

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

Section I. In 2006, an application was duly filed by 27489 Agoura Road, LLC with respect to the real property located at, what was previously referred as 27489 Agoura Road requesting approval of a Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-021, Variance Case No. 08-VAR-003, and Vesting Tentative Parcel Map No. 67397 to build a 9,658 square-foot one-story office building and a 20,0002 square-foot, two-story, medical office building, to encroach in the protected zone of 27 oak trees and remove nine (9) oak trees and to merge six parcels into one parcel. A public hearing was duly noticed and held by the Planning Commission on May 1, 2008, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court Agoura Hills, California. This project was unanimously approved by the Planning Commission.

Section II. On May 14, 2008, the City Council appealed the Planning Commission's approval of Vesting Tentative Parcel Map No. 67397, Site Plan/Architectural Review Case No. 06-SPR-009, and Oak Tree Permit Case No. 06-OTP-021, with respect to the property described in Section I hereof. A hearing on the appeal was duly noticed and held, and public testimony was given on June 11, and August 13, 2008 at 7:00 p.m., in the City Council chambers of the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. With revisions to the site layout recommended by the City Council, a variance was required for a reduction in parking spaces pursuant to the Zoning Ordinance. The City Council unanimously upheld the Planning Commission's decision and approved Case Nos. VTPM 67397, 06-SPR-009 and 06-OTP-021, subject to site plan revisions, along with Variance Case No. 08-VAR-003 for a reduction in parking.

<u>Section III.</u> An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in 2008 pursuant to the California Environmental Quality Act (CEQA). It was adopted by the Planning Commission, and, on appeal, the City Council upheld the Planning Commission's adoption of the IS/MND as part of the review of the site plan/architectural review, oak tree permit and variance request, and vesting parcel map entitlements.

Section IV. In 2011, an application was duly filed by 27489 Agoura Road, LLC with respect to the real property located at, what was previously referred as 27489 Agoura Road, requesting a time extension of the approvals under Site

Resolution No. 17-____ Page 2

Plan/Architectural Review Case No. 11-SPR-009, Oak Tree Permit Case No. 11-OTP-019, and Variance Case No. 11-VAR-002 with respect to the property described in Section I hereof. The Planning Commission held a duly noticed public hearing where testimony was given on March 15, 2012 at 6:30 p.m., in the City Council chambers of the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. At the conclusion of the public hearing, the Planning Commission approved the time extension for the abovementioned approvals.

Section V. An addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in 2011 pursuant to CEQA Guidelines Sections 15162 and 15164 to analyze potential impacts from the renewal of project entitlements. The addendum determined that the project did not result in significant impacts to the environment and that the mitigation measures listed in the IS/MND were adequate. The Planning Commission adopted the addendum in connection with the time extension described in Section IV.

Section VI. On November 3, 2016, an application was duly filed by APB Properties, LLC, with respect to the real property located at, what is now referred as 27489 Agoura Road, 27509 Agoura Road, and 4149 Liberty Canyon Road (Assessor's Parcel Nos. 2064-006-024, -025, -026, & -027) requesting approval of a Vesting Tentative Parcel Map 74295 (Case No. PMAP-0127-2016) to subdivide a single lot into three (3) lots.

Section VII. A second addendum to the 2008 Final IS/MND was prepared in 2017 pursuant to CEQA Guidelines Sections 15162 and 15164 to analyze potential impacts resulting from the proposed parcel subdivision from one to three parcels (Case No. PMAP-01271-2016). The addendum found that the project would not cause any significant impacts to the environment, none of the circumstances listed in CEQA Guidelines Section 15162 exist that would require the preparation of a subsequent negative declaration, and the mitigation measures listed in the IS/MND were adequate.

<u>Section VIII.</u> The Planning Commission considered the application for Vesting Tentative Parcel Map 74295 (Case No. PMAP-01271-2016) at a public meeting held on April 6, 2017, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of time, date and place and purpose of the aforesaid hearing was duly given.

<u>Section IX.</u> 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 X. Based on 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 Section 9371 et seq. Subdivision Ordinance Section 10700 et seq., and the California Subdivision Map Act, Government Code Section 66410 et seq., that:

- A. The proposed Vesting Tentative Parcel Map (VTPM), including the design and improvements of the proposed VTPM is consistent with the City's General Plan, particularly Goal LU-1, by providing orderly and well-planned office buildings and lots that efficiently use land and infrastructure by sharing vehicle access and parking areas. Arrangement of the lots as proposed would allow the project to efficiently provide diverse commercial uses for current and future needs.
- B. Each lot is physically suitable for the type of development, including the approved buildings and associated improvements, in that each lot will comply with the 20,000 square-foot minimum size and lot dimensions per the Business Park-Office Retail (BP-OR) zone. The Covenants, Conditions, and Restrictions (CC&Rs) to be recorded for the project establish minimum standards for maintenance of the lots, buildings, landscaping, access, and parking lots.
- C. The site is physically suitable for the proposed density of the development. As the project is a subdivision, it will not change the approved density of the overall development. Each individual lot will remain under the maximum allowable building site coverage and the floor area ratio. Despite the subdivision, the development will remain a campus-like development with shared access, circulation and parking with no visible demarcation of the parcels. The property lines will not increase the density of the development.
- The design of the VTPM will not cause substantial environmental D. damage or serious public health problems. The project would subdivide the existing single lot into multiple lots, and does not include any other changes to the previously approved development project. Prior approved conditions of approval, including the recordation of a conservation easement to protect the adjacent wildlife corridor, and the mitigation measures in the adopted Final IS/MND for the development project will continue to protect the natural resources of the lots and relevant adjacent areas. The project would not result in public health problems, as the prior approved conditions of approval for the development, as well as current conditions of approval and CC&Rs would ensure adequate infrastructure, access, parking and circulation. Access to each lot will be provided via Agoura Road and/or Liberty Canyon Road, and on-site and off-site driveways will provide access among the lots. The previously recorded Parking Easement Agreement will continue to ensure access to the off-site parking lot and its continued operation and maintenance for users of the development project.
- E. The design of the VTPM and the type of improvements will not conflict with any known public easements, which include the Conservation Easement, and which has been incorporated into the map.
- <u>Section XI.</u> Based on the aforementioned findings, the Planning Commission hereby approves Vesting Tentative Parcel Map No. 74295 Case No. PMAP-01271-2016, subject to the conditions of approval, attached herein as Exhibit A, with respect to the property described in Section VI hereof.

Resolution N Page 4	lo. 17
Section X passage, appand this cert Commission	proval, and adoption of this resolution, and shall cause this resolution tification to be entered in the Book of Resolutions of the Planning
PASSED, AF vote to wit:	PPROVED and ADOPTED this 6th day of April, 2017, by the following
AYES: NOES: ABSTAIN: ABSENT:	(0) (0) (0) (0)
	Curtis Zacuto, Chairperson
ATTEST:	
Doug Hooper	, Secretary

Exhibit A CONDITIONS OF APPROVAL (VESTING TENTATIVE PARCEL MAP VTPM 74295 CASE NO. PMAP-01271-2016)

PLANNING DEPARTMENT CONDITIONS

- 1. This decision for approval of the Vesting Tentative Parcel Map 74295 (PMAP-01271-2016) ("Vesting Tentative Parcel Map" or "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 Vesting Tentative Parcel Map reviewed and approved by the Planning Commission on April 6, 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 the Vesting Tentative Parcel Map 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 Vesting Tentative Parcel Map.
- 8. Prior to issuance of a building permit pursuant to Case Nos. 11-SPR-009, 11-OTP-019, and 11-VAR-002, applicant shall obtain final approval of and record Final Vesting Tentative Parcel Map 74295 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 City Director of Public Works.

Conditions of Approval (VTPM 74295 Case No. PMAP-01271-2016) Page 2

- 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 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.
- 11. The Final Vesting Tentative Parcel Map 74295 shall identify the existing recorded Parking Easement Agreement and the Grant of Covenant Easement and Agreement between the Mountains Restoration and Conservation Authority (MRCA) and the project property owner on the project site.
- 12. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for approval and prior to approval of the Final Vesting Tentative Parcel Map 74295, for City Council approval. The CC&Rs shall address reciprocal access; shared parking; parking lot, landscaping, utility and lighting operations and maintenance; and other items deemed necessary by the City to ensure effective operation and maintenance of the development across parcel lines. The CC&Rs shall include as attachments the recorded Parking Easement Agreement and the Grant of Conservation Easement and Agreement between the Mountains Restoration and Conservation Authority and subject property owner, which shall be binding on the affected newly created parcels of final map.
- 13. Prior to the issuance of a Certificate of Occupancy for Case Nos. 11-SPR-009, 11-OTP-019, and 11-VAR-002, the applicant shall provide a copy of the signed Covenants, Conditions and Restrictions (CC&Rs) applicable to the project site recorded by the County of Los Angeles Recorder's Office.
- 14. All conditions of Resolution Nos. 12-1053 and 12-1054, which pertain to the renewal of entitlements of the development project, shall be incorporated and are included as Attachment 1 of this Exhibit A, to the extent applicable.

ENGINEERING/PUBLIC WORKS CONDITIONS

15. The Parcel Map, unless otherwise authorized in writing by the City Engineer, shall be based on a field survey, and shall be prepared in accordance with

Conditions of Approval (VTPM 74295 Case No. PMAP-01271-2016) Page 3

- Article X, Subdivisions, of the City's Municipal Code and the State Subdivision Map Act.
- 16. Pursuant to Article X, Subdivisions, of the City's Municipal Code, the Parcel Map shall be submitted to the City, along with all necessary supporting documents including title reports, subdivision guarantees and applicable fees, for review and acceptance by the City Engineer's office.
- 17. All existing and proposed easements shall be shown on the Parcel Map. All proposed easements for water, sewer and storm drains shall be a minimum of fifteen feet wide. Access easements, if applicable, shall be of adequate width, as approved by the City Engineer.
- 18. 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.
- 19. Right-of-way and easement dedications and all project improvements shall conform to the City's General Plan and the Department of Public Works specifications.
- 20. A duplicate photo mylar of the recorded final map shall be submitted to the Director of Public Works.
- 21. The applicant shall acquire and pay all costs of acquiring any off- site real property and/or easements(s) required in connection with this subdivision.
- 22. For all work within the public right-of-way, the applicant shall obtain an Encroachment Permit.
- 23. All required boundary monuments shall be installed prior to the approval of the Final Map.
- 24. 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.
- 25. Signature of record fee title interest holders shall appear on the Final map.

RESOLUTION NO. 17-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING VARIANCE REQUEST CASE NO. VAR-01302-2016 FOR THE LIBERTY CANYON OFFICE EXPANSION PROJECT LOCATED AT 27489 AGOURA ROAD, 27509 AGOURA ROAD, & 4149 LIBERTY CANYON ROAD.

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

Section I. In 2006, an application was duly filed by 27489 Agoura Road, LLC with respect to the real property located at, what was previously referred as 27489 Agoura Road requesting approval of a Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-021, Variance Case No. 08-VAR-003, and Vesting Tentative Parcel Map No. 67397 to build a 9,658 square-foot one-story office building and a 20,0002 square-foot, two-story, medical office building, to encroach in the protected zone of 27 oak trees and remove nine (9) oak trees, and to merge six parcels into one parcel. A public hearing was duly noticed and held by the Planning Commission on May 1, 2008, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court Agoura Hills, California. This project was unanimously approved by the Planning Commission.

Section II. On May 14, 2008, the City Council appealed the Planning Commission's approval of Vesting Tentative Parcel Map No. 67397, Site Plan/Architectural Review Case No. 06-SPR-009, and Oak Tree Permit Case No. 06-OTP-021, with respect to the property described in Section I hereof. A hearing on the appeal was duly noticed and held, and public testimony was given on June 11, and August 13, 2008 at 7:00 p.m., in the City Council chambers of the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. With revisions to the site layout recommended by the City Council, a variance was required for a reduction in parking spaces pursuant to the Zoning Ordinance. The City Council unanimously upheld the Planning Commission's decision and approved Case Nos. VTPM 67397, 06-SPR-009 and 06-OTP-021, subject to site plan revisions, along with Variance Case No. 08-VAR-003 for a reduction in parking.

<u>Section III.</u> An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in 2008 pursuant to the California Environmental Quality Act (CEQA). It was adopted by the Planning Commission, and, on appeal, the City Council upheld the Planning commission's adoption of the IS/MND as part of the review of the site plan/architectural review, oak tree permit and variance request, and vesting parcel map entitlements.

Section IV. In 2011, an application was duly filed by 27489 Agoura Road, LLC with respect to the real property located at, what was referred as 27489 Agoura Road, requesting a time extension of the approvals under Site

Resolution No. 17-____ Page 2

Plan/Architectural Review Case No. 11-SPR-009, Oak Tree Permit Case No. 11-OTP-019, and Variance Case No. 11-VAR-002 with respect to the property described in Section I hereof. The Planning Commission held a duly noticed public hearing where public testimony was given on March 15, 2012 at 6:30 p.m., in the City Council chambers of the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. At the conclusion of the public hearing, the Planning Commission approved the time extension of the abovementioned approvals.

Section V. An addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in 2011 pursuant to CEQA Guidelines Sections 15162 and 15164 to analyze potential impacts from the renewal of project entitlements. The addendum determined that the project did not result in significant impacts to the environment and that the mitigation measures listed in the IS/MND were adequate. The Planning Commission adopted the addendum in connection with the time extension described in Section IV.

Section VI. On November 3, 2016, an application was duly filed by APB Properties, LLC, with respect to the real property located at, what is now referred as, 27489 Agoura Road, 27509 Agoura Road, and 4149 Liberty Canyon Road (Assessor's Parcel Nos. 2064-006-024, -025, -026, & -027) requesting approval of a Variance Request (Case No. VAR-01302-2016) to reduce the number of parking spaces from 82 to 57 and 89 to 63 for Lots 1 and 2, in conjunction with the approval of Vesting Tentative Parcel Map 74294 (Case No. PMAP-0127-2016), which subdivides a single lot into three (3) lots.

Section VII. A second addendum to the 2008 Final IS/MND was prepared in 2017 pursuant to CEQA Guidelines Sections 15162 and 15164 to analyze potential impacts resulting from the proposed parcel subdivision from one to three parcels (Case No. PMAP-0127-2016). The addendum found that the project would not cause any significant impacts to the environment, none of the circumstances listed in CEQA Guidelines Section 15162 exist that would require the preparation of a subsequent negative declaration, and the mitigation measures listed in the IS/MND were adequate.

<u>Section VIII.</u> The Planning Commission of the City of Agoura Hills considered the application for Vesting Tentative Parcel Map 74295 (Case No. PMAP-01271-2016) at a public meeting held on April 6, 2017, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of time, date and place and purpose of the aforesaid hearing was duly given.

<u>Section IX.</u> 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.

<u>Section X.</u> Based on the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Agoura Hills Zoning Ordinance Section 9654.6 that:

- Because of special circumstances applicable to the subject property. including size, shape, topography, location or surroundings, the strict application of this article deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The previously entitled development project (Site Plan/Architectural Review Case No. 11-SPR-009, Oak Tree Permit Case No. 11-OTP-019, and Variance Case No. 11-VAR-002) is being constructed, and the existing Building A's remodel is complete. Therefore, the vesting tentative parcel map is being requested for a site that considered the location of buildings, driveway access points, pedestrian and vehicular circulation, and other improvements on-site. A variance for a reduction in parking was approved by the City Council (Case No. 08-VAR-003) for the development project, which took into consideration the on-site constraints of the hilly terrain, required landscaping and building setback, limited ingress/egress to the site from roadways and circulation in and around the site, on-site biological resources, and Los Angeles County Fire Department emergency access requirements. Considering these same constraints and the current limited parking available, as well as the building footprints and location of other improvements that are already established, there is little flexibility to subdivide the lot and create multiple lots with sufficient parking per lot. Therefore, the site contains special circumstances, and without a variance, the owner would be deprived of privileges enjoyed by other similarly zoned properties.
- B. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. All three (3) lots are adjacent to either open space zone parcels, a wildlife corridor and/or two (2) street frontages and cannot be expanded to accommodate additional parking. In addition to the hilly terrain, required landscaping, building setback, outside agencies development requirements, the lots are encumbered by a flood control channel, overhead power lines easements, and numerous oak trees that restrict further expansion of the parking lot within the limits of the proposed parcels. No other commercial property exists with similar on-site constraints in the same geographical zone or the same zoning classification therefore, no special privilege is granted as a result.
- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The request to subdivide the property could not be approved without the approval of the variance. The variance does not diminish the value of the development. The project is not expected to impact adjacent properties since the shortage is partially mitigated by an adjacent parking lot, and no parking is allowed on the street. Given the hilly terrain and the existing infrastructure that limits further development of each individual parcel, the strict interpretation of the Zoning Ordinance would be inconsistent with the objectives of the Zoning Ordinance that attempts to foster an aesthetically pleasing development, while taking into consideration the nearby sensitive wildlife habitats, and maintain the public safety on each parcel. The reduction in parking would only apply to two of the three lots where the buildings are closest to the adjacent parking lot created to mitigate the parking shortage.

Resolution	No.	1	7
Page 4			

- D. The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The variance will not reduce the quality of each individual parcel but rather will preserve the size of the wildlife corridor and the landscaping to integrate the project with the surrounding open space. Although two of the three parcels will have less parking than the Zoning Ordinance requires, each parcel will maintain the minimum number of accessible parking spaces, compliant drive-aisles, and pedestrian and vehicular circulation in and out of the site to allow the same level of emergency services delivery for each building. Additional parking is provided on an adjacent lot with two connecting drive-aisles. A reciprocal parking and access agreement is made part of the review of both the vesting parcel map and the Conditions, Covenants and Restrictions (CC&Rs) created for this application.
- E. The granting of the Variance will be consistent with the character of the surrounding area. The variance will not diminish the character of the area because no impact is expected from the reduction in parking on Lots 2 and 3, and the parking lot is not compartmentalized like smaller developments found in retail zones, but rather serves all three buildings seamlessly similarly to larger business park developments found in the Business Park-Office Retail (BP-OR) zone in other parts of the City.

<u>Section XI.</u> Based on the aforementioned findings, the Planning Commission hereby approves Variance Case No. VAR-01302-2016, subject to the conditions of approval, attached herein as Exhibit A, with respect to the property described in Section VI hereof.

<u>Section XII.</u> 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 6th day of April, 2017, by the following vote to wit:

AYES: NOES: ABSTAIN: ABSENT:	(O) (O) (O) (O)	
ATTEST:		Curtis Zacuto, Chairperson
Doug Hoope	r, Secretary	

Exhibit A CONDITIONS OF APPROVAL (Case No. VAR-01302-2016)

- 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. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all conditions of this action with the Planning Department.
- 3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the conditions of approval.
- 4. It is hereby declared to be the intent that if any provision of this action is held or declared to be 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 Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
- 6. Unless the approval is used within two (2) years from the date of City approval, Case No. VAR-01302-2016 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
- 7. The Variance Case No. VAR-01302-2016 is valid only in conjunction with Vesting Tentative Parcel Map No. 74295, Case No. PMAP-01271-2016, and the approved conditions of approval therein.
- 8. 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.
- 9. 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

Conditions of Approval (Case No. VAR-01302-2016) Page 2

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.

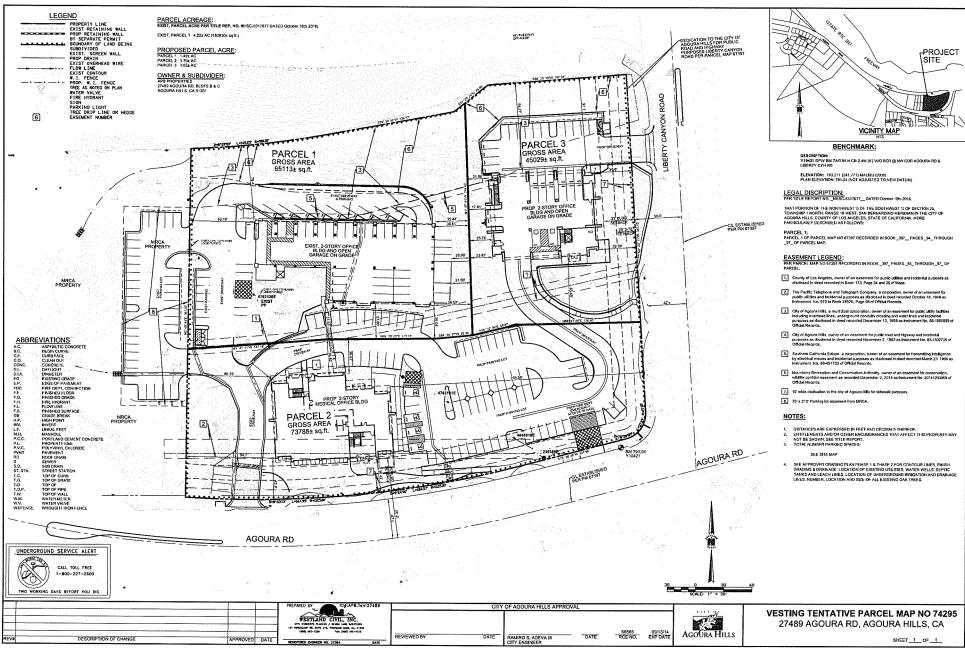
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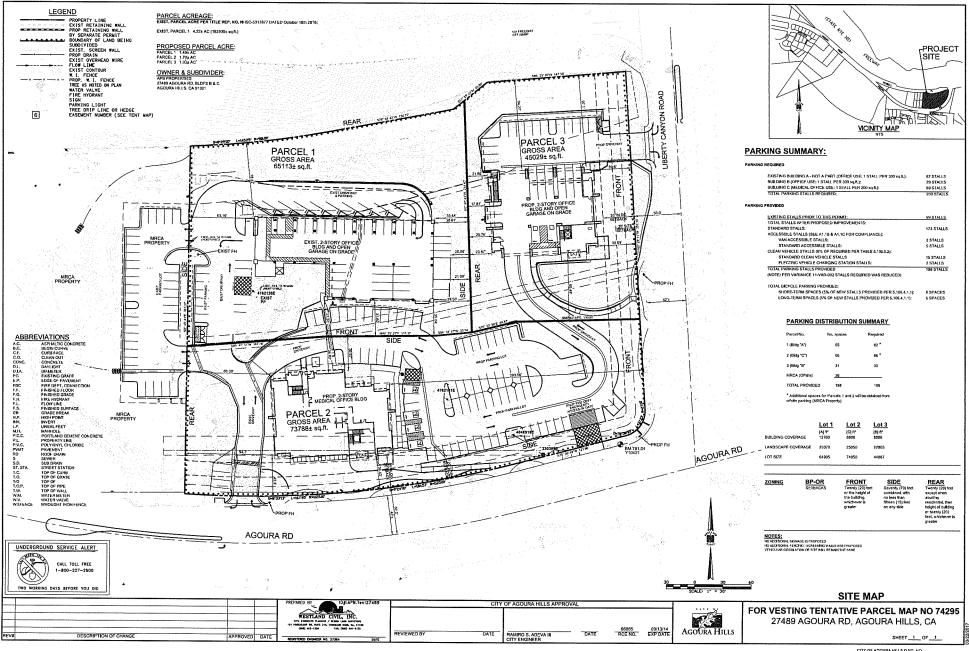
City of Agoura Hills

VESTING TENTATIVE PARCEL MAP 74295 - CASE NO. PMAP-01271-2016 & VARIANCE REQUEST CASE NO. VAR-01302-2016

Vicinity & Zoning Map







VESTING TENTATIVE PARCEL MAP 74295 CASE NO. PMAP-01271-2016 & VAR-01302-2016



Looking North at the Project Site



Looking South toward the Intersection