



PLANNING DEPARTMENT

DATE: April 20, 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: An addendum to the approved Final Initial Study/Mitigated Negative Declaration for the Liberty Canyon Office Expansion Project pursuant to CEQA and the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt the addendum to the previously approved final Initial Study/Mitigated Negative Declaration based on the findings of the attached Draft Resolution; and approve Vesting Tentative Parcel Map 74295, Case No. PMAP-01271-2016 and Variance Case No. VAR-01302-2016, subject to conditions of approval, based on the findings of the attached Draft Resolutions.

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 April 6, 2017, the Planning Commission opened the public hearing for Case Nos. VTPM 74295 and VAR-01302-2016, and continued the public hearing to the April 20, 2017 Planning Commission's meeting. A copy of the draft minutes of the April 6, 2017 Planning Commission meeting is attached for reference.

The following staff report and attached draft resolutions have been updated since the April 6, 2017 Planning Commission meeting. The staff report reflects comments from a letter by Save Open Space and incorporates a new draft resolution pertaining to the adoption of the addendum to the Final Initial Study/Mitigated Negative Declaration pursuant to the California Environmental Quality Act.

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 adopted 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 Recreation 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 15, 2012 (see Attachments 9 and 10 Planning Commission Resolution Numbers 12-1053 and 12-1054).

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 (Case No. VAR-01302-2016).

The subject site is bound by U.S. Highway 101 to the north, land owned by the Santa Monica Mountains 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 sq.ft.
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
Lot Width (min.)		256.58 ft.	200 ft.
Lot Depth (min.)		175.79 ft.	100 ft.
Total	183,930 sqft. 4.22 ac.	183,930 sqft. 4.22 ac.	n/a
Building Square Footage			
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%	40% max.
Lot 3 Building B	n/a	11.9%	40% max.
Lot 2 Building C	n/a	19.6%	40% max.
Total	7.4%	n/a	40% max.
Building Setbacks			
Building A on Lot 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

	Existing	Proposed	Allowed/ Required
			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. combined for both sides
Rear (west)	n/a	21.86 ft.	20 ft.
Building C on Lot 2			
Front (south)		35 ft.	20 ft. or height of the building (35 ft.)
Side (east)		269.56 ft.	70 ft. combined for both sides
Side (west)		88.39 ft.	70 ft. combined for both sides
Rear (north)		36.43 ft.	20 ft.
Parking			
Lot 1 Building A	57	65 (-17)	82
Lot 3 Building B	n/a	31 (+2)	29
Lot 2 Building C	n/a	66 (-23)	89
Total		162(-49)	200
Off-Site Parking	36	36	n/a
Total		198 (-2)	200
			(instead of (214) ¹)
Landscape Coverage			
Lot 1		46.2%	20%
Lot 2		33.9%	20%
Lot 3		51%	20%
Total Site	n/a	42%	
Parking Landscape			
Lot 1		n/a	15%

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

	Existing	Proposed	Allowed/ Required
Lot 2		n/a	15%
Lot 3		n/a	15%
Total Site	n/a	40%	15%
Shade Canopy Coverage			
Lot 1		n/a	
Lot 2		n/a	
Lot 3		n/a	
Total Site	n/a	68%	50%

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 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. The 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. All conditions of approval on the project's prior entitlement extensions (Resolution No. 12-1053) are incorporated into the project conditions for the draft 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 214 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 sixteen 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 that 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. The number of parking spaces provided with this plan is still 198 spaces, but the shortage is now reduced to two (2) spaces. The variance for a shortage of parking approved in 2008 is still valid. 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. Lots 1 and 2 would have less than the required parking. A variance is being requested at this time to address the shortage of parking for each building lot, even though the overall parking available for the project as a whole will not be affected with this current proposal. 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. Lot 3 would have a slight excess of parking.

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. Public Works/Engineering Department

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 adopted 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 this variance is still necessary and valid to address the reduced overall 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) and CEQA Guidelines Sections 15162 and 15164. The California Environmental Quality Act provides for the preparation of an addendum to an IS/MND if minor technical changes or additions are necessary, and the following conditions listed in Section 15162 do not apply: (1) substantial changes are proposed in the project, or have occurred regarding circumstances under which the project will be undertaken, that will require major revisions to the previous IS/MND due to new significant environmental effects or a substantial increase in the severity of a previously identified significant effect; or (2) new information of substantial importance, which was not known and could not have been known under reasonable diligence at the time the IS/MND was prepared, shows that the project will have a significant effect, a significant effect previously examined will be substantially more severe, mitigation measures found not to be feasible would in fact be feasible and substantially reduce a significant effect, or mitigation measures considerably different than those analyzed before would substantially reduce a significant impact.

None of these conditions are met with the current proposal for a subdivision and parking variance. As discussed further below, the current proposal is for minor changes to the previously approved office development project involving no physical or operational changes. The environmental conditions pertaining to the project site have not substantially changed, nor is there substantial new information of importance that was not known or could have been known with reasonable diligence at the time of the IS/MND adoption. All mitigation measures in the IS/MND are feasible and adequate to reduce impacts to a less than significant level.

This is the second addendum to the IS/MND, the first addendum in 2012 being for the time extension of the previously entitled original project in 2008 and reissuance of the entitlements. The Final IS/MND was adopted by the Planning Commission and subsequently upheld by the City Council, and the first addendum was adopted by the Planning Commission.

The second addendum discusses the current project proposal, which is solely the subdivision of one (1) parcel into three (3) parcels and the approval of a variance to allow less than the required parking for each of the buildings on two (2) of the three (3) individual building lots. The amount and location of parking provided for the site as a whole (all three lots combined) would not change with the project, and the previously approved variance for a reduction in overall parking is still valid. The current proposal would not change any other components of the project, such as building location, size and design; site plan; landscaping; lighting; vehicle access; and parking lot design. It merely changes the legal boundaries of the property lines without affecting the manner or circumstances under which the project is constructed or operated. The addendum addresses the potential impacts from the proposed action of the subdivision and variance, beyond those identified in the IS/MND and first addendum. It concludes that the current proposal would not result in any new significant environmental impacts, nor would it increase the level of environmental impacts identified in the IS/MND and second addendum, and so the project as a whole would not result in any significant environmental impacts beyond those identified in the 2008 IS/MND. The first addendum in 2012 also did not identify significant additional impacts beyond those in the IS/MND.

Pursuant to CEQA Guidelines Section 15164, an addendum is not required to be circulated for public review. A copy of the addendum, as well as the first addendum and IS/MND, was made available to the public as part of the regular Planning Commission packet, which is posted on the City's website and on file and available for public inspection at the Planning Counter in City Hall. A separate resolution to adopt the second addendum is attached to this staff report for the Planning Commission's consideration.

On April 6, 2017, Save Open Space sent a letter to the Planning Director and the Planning Commission regarding this project, listing environmental issues of concern. This letter is included as Attachment 7. The following is a brief discussion of the items in the letter.

The letter requests additional measures be employed to reduce the effects of lighting on-site. The IS/MND addressed lighting as an environmental impact, including potential effects on the wildlife corridor. Lighting near the wildlife corridor was kept to a minimum as part of the project. Mitigation measures were required to reduce lighting impacts to a less than significant level. These mitigation measures were found to be appropriate to address potential lighting effects and were adopted by the City Council as part of the original project entitlement to address any significant lighting impacts. As discussed in the

current addendum to the IS/MND, the proposed project does not change the previously approved lighting on-site. The project would not affect lighting therefore no additional lighting measures are required.

The letter indicates that a major transmission line is running through the project. The transmission line poles were replaced by Southern California Edison around the same time construction began on the project. The office development project was designed in consideration of the poles and overhead line to reduce any potential conflict from obstruction of the line. The proposed action of subdivision and parking variance approval would not affect the overhead transmission line, since there would be no physical or operational changes to the previously approved development project. The Final IS/MND adopted by the City Council concluded that there would be no significant environmental impacts from the office project development, including related to safety and hazards. The current addendum concludes that the current proposal would also not result in any new impacts.

The author states that the City must address the "Liberty Canyon fault pathway within the City of Agoura Hills, which is new information of significance." The IS/MND named and addressed potential faults in the vicinity of the project site considered "active" or "potentially active." Staff consulted with the City Geotechnical/Geological Consultant. The Liberty Canyon fault is not known to be "active" or "potentially active." Per staff discussions with the City Geotechnical/Geological Consultant, the Liberty Canyon fault is not on an Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist. The map establishes zones around active faults where the state requires further exploration before a building permit can be issued. Therefore, it was not named along with the other faults in the IS/MND. In any event, the Liberty Canyon fault was mapped as early as 1993 in the general location of Liberty Canyon, prior to the approval of the MND, and so its existence is not considered new information not previously known at the time the MND was adopted. The City Geotechnical/Geologic Consultant estimates the fault is located at least one-quarter mile west of the project site, not on the site itself.

In any case, the geology and soils section of the IS/MND states that the project site is in a seismically active area that could produce ground shaking at the site. It further provides that structures must adhere to the California Building Code and Uniform Building Code to reduce any potential impacts from seismic related activity affecting the site. Adherence to these requirements would reduce potential impacts to a less than significant level. The project, which consists of a lot subdivision and variance for parking, would not change the seismic conditions on the property nor would it change the building or site design that could result in a geologic impact, as described in the second addendum. No additional seismic information or mitigation measures are required.

Lastly, the letter states that information about "MS4 mandates/2012 federal hydrology requirements" must be incorporated in the CEQA document. "MS4"

refers to the city's "municipal separate storm sewer system" (i.e., the City's storm water system), which is operated pursuant to a state-issued permit that regulates storm water discharges from the region's municipal storm sewer systems. The original project conditions of approval and IS/MND mitigation measures address grading on the site and establish requirements to protect stormwater quality. The approved office development project must adhere to any local, state or federal, as applicable, water quality requirements in place at the time of City entitlement. In this case, the applicable requirements are the mitigation measures in the IS/MND and the conditions of approval in the 2012 Planning Commission Resolution No. 12-1053 (Attachment 8), which approved the development project after the original entitlements expired. The mere subdivision of the property does not change the amount of impervious land on the property or the project's drainage plan. This is important because the City's 2012 MS4 permit generally only requires the addition of post-construction controls to mitigate storm water pollution if more than 10,000 square feet of new impervious surface area is added. Here, the subdivision and variance result in no new impervious surface area and therefore no further storm water pollution controls are required.

In any event, the underlying, approved project already addresses storm water pollution. The previously-adopted IS/MND concluded that there would be less than significant impacts to storm water quality because the project would retain all storm water discharge via an existing box culvert on Agoura Road containing a filter and a concrete swale in the parking lot that enters a vegetated filter.

The author asks whether grading occurred during this rainy season. The project is currently under construction and grading has been occurring and must adhere to the city's standards and the project's conditions of approval, including measures to protect water quality.

The current project, consisting of one lot being divided into three and a parking variance related to the creation of the new lots, would not affect grading or water quality, as discussed in the current addendum to the IS/MND. Therefore, no additional mitigation measures are required, nor are changes to the existing mitigation measures or prior project conditions of approval.

The issues raised in this letter do not change the conclusions of the current addendum. The proposed project would not result in significant environmental impacts, and no further CEQA analysis is required.

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

1. 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. Draft Resolution for the CEQA Addendum with Exhibit A – Second Addendum (2017)
4. Vicinity Map
5. Reduced Copy of the Map and Site Plan
6. Pictures of the Site
7. Letter from Save Open Space dated April 6, 2017
8. Draft April 6, 2017 Planning Commission Meeting Minutes
9. Resolution No. 12-1053 and Original Project Conditions of Approval for the SPR and OTP (2012)
10. Resolution No. 12-1054 and Original Project Conditions of Approval for the VAR (2012)
11. First Addendum (2011) to the Final Initial Study/Mitigated Negative Declaration
12. Final Initial Study/Mitigated Negative Declaration (2008) (Bound Separately)

Case Planner: Valerie Darbouze

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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 20,000 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.

Section III. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in 2008 for Vesting Tentative Parcel Map No. 67397, Site Plan/Architectural Review Case No. 06-SPR-009, and Oak Tree Permit Case No. 06-OTP-021, 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 to as 27489 Agoura Road, requesting a time extension of the previous approved 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. 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 with Site Plan/Architectural Review Case No. 11-SPR-009, Oak Tree Permit Case No. 11-OTP-019, and Variance Case No. 11-VAR-002.

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 time extension and requests identified in Section IV. 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 to 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. The Planning Commission adopted the addendum at a public meeting on April 20, 2017.

Section VIII. The Planning Commission considered the application for Vesting Tentative Parcel Map 74295 (Case No. PMAP-01271-2016) as well as the Initial Study/Mitigated Negative Declaration, the first addendum and the current second addendum under CEQA as identified in Sections III, V, and VII, at a public meeting held on April 20, 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.

Section IX. 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.

D. The design of the VTPM will not cause substantial environmental 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.

Section XI. 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.

Section XII. 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 20th day of April, 2017, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (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 20, 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 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.

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 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 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 No. 12-1053, which pertain to the renewal of entitlements of the development project, shall be incorporated and are included as Attachment I - Conditions of Approval for the SPR and OTP 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

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 Parcel Map.

END

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Attachment I of Exhibit A

**CONDITIONS OF APPROVAL
CASE NOS. 11-SPR-009, 11-OTP-019, AND VTPM 67397**

PLANNING CONDITIONS

Standard Conditions

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 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 these Permits with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, Landscape Plan and Grading Plan.
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 this Permit is held or declared to be invalid, the Permit 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 Permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has filed to do so for a period of thirty (30) days.
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 the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 11-SPR-009, and 11-OTP-019 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. 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.

Conditions of Approval

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11. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
12. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
13. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District at the rate in effect at the time of Building Permit issuance. At this time, the required school impact fee is \$2.97 per square foot.
14. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$0.9296 per square foot of new floor area.
15. Prior to issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until the City's Environmental Planner is notified and a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.
16. The approved grading plan and construction plans, resolution, conditions of approval, the mitigated negative declaration and the mitigation monitoring and reporting program and a color and material board shall be on site at all time during the construction of the project.
17. 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.

Construction Conditions

18. Prior to the 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 Director of Planning and Community Development. Temporary construction fencing and gates shall be maintained in good order at all times.
19. All proposed retaining walls shall consist of materials subject to review and approval by the Director of Planning and Community Development.
20. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.

Conditions of Approval

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21. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 7:00 a.m., or any Sunday or holiday.
22. The applicant and delegated contractors shall participate with City staff in a pre-construction meeting prior to issuance of a grading permit. Any change in the construction team shall be reported to the Building and Safety Department in a timely manner.
23. A detailed Lighting and Photometric Plan shall be submitted for review and approval by the Director of Planning and Community Development, prior to issuance of a Building Permit.
24. A copy of all communications between the City and the applicant pertaining to the approved plans shall be kept on-site at all times.
25. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
26. Intermittent inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Departments.

Solid Waste Management Conditions

27. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
28. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or

reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.

29. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

Environmental Conditions

30. The applicant shall comply with each mitigation measure listed in the Final Mitigated Negative Declaration and outlined in the Mitigation Monitoring Program for the project approved on May 1st, 2008 and the addendum approved on March 15, 2012. The Mitigation Monitoring Program is attached to these Conditions of Approval.
31. A list of all project conditions of approval and mitigation measures found in the Mitigated Negative Declaration shall be included, along with a signed copy of the Resolution, on the construction plans submitted prior to issuance of a Grading or Building Permit.
32. Air quality measures (Rule 403) shall be copied onto the cover sheets of the Grading Plans.

Landscape/Oak Tree Conditions

Oak Trees

33. The tree tag number, trunk, dripline and protected zone of each oak tree shall be shown accurately on all final plans.
34. The applicant is permitted to remove the following nine (9) protected oak trees in order to complete the approved site development program: Oak Tree Numbers 11, 13, 19, 29, 30, 42, 47, 48, and 50.
35. The applicant is permitted to encroach within the protected zone the following twenty-seven (27) oak trees in order to complete the approved site development program: Oak Trees Number 1 through 10, 12, 17, 18, 21, 23, 27, 31 through 40, and 49.
36. No activities are permitted within the protected zone of the remaining eleven (11) protected oak trees. They are to be preserved in place with no impacts.
37. In order to mitigate the removal of the eight (8) living oak trees listed above, the landscape plan shall include at least one hundred two inches (102") of diameter of new oak trees within the landscape. A minimum of thirty-two (32) new oak trees

must be planted. The sizes shall include at least eight (8) thirty-six inch (36") size box trees and sixteen (16) twenty-four inch (24") box size trees. The exact species, planting sizes and planting locations shall be subject to review and approval by the City Oak Tree Consultant.

38. In addition to the thirty-two (32) oak trees required for mitigation purposes above, the landscape plan shall include at least one (1) thirty-six inch (36") size box tree to mitigate the one (1) dead oak tree. The exact species, planting size and planting location shall be subject to review and approval by the City Oak Tree Consultant.
39. Prior to the commencement of construction, the applicant's oak tree consultant shall assess the health and structural condition of Oak Tree #33 and submit a brief report to the City of Agoura Hills Oak Tree Consultant.
40. Prior to the commencement of construction, the seedling and sapling oak trees located on the site shall be measured by the applicant's oak tree consultant to see if they meet the requirement for protection. These trees shall be retained until issuance of the grading permit.
41. Prior to the commencement of construction, the applicant's oak tree consultant shall map out the then-current oak tree canopies and re-evaluate the potential impacts to the trees. Canopies measured shall include any seedling oak tree that meets the requirement for protection per Condition No. 39. Additional impacts shall be considered for mitigation purposes only.
42. To mitigate the removal of any additional oak tree that meets the requirement for protection at the time of issuance of the grading permit the landscape plan shall include at least the additional equivalent number of inches of diameter of new oak trees within the landscape as those to be removed. A minimum of four (4) new oak trees must be planted for each additional oak tree to be removed. The sizes shall include at least one (1) thirty-six inch (36") size box tree and two (2) twenty-four inch (24") box size trees. The exact species, planting sizes and planting locations shall be subject to review and approval by the City Oak Tree Consultant.
43. 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 and/or planting of mitigation trees on the adjacent property to the north through a cooperative program with the Santa Monica Mountains Conservancy. The amount of the in-lieu fee shall be based upon tree appraisal standards contained in the 9th Edition of the Guide for Plant Appraisal.
44. 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.

45. Prior to the start of any work or mobilization at the site, each oak tree to be preserved shall be fenced at the edge of the protected zone or at the approved work limits, in accordance with Article IX, Appendix A, Section V.C.1.1. The City Oak Tree Consultant shall approve the fencing locations.
46. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start of approved work within the protected zone of an oak tree.
47. No grading, scarifying or other soil disturbance shall be permitted within the portion of the protected zone of any oak tree not directly impacted by the project construction.
48. 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.
49. All approved work performed within the protected zone of an oak tree shall be accomplished with hand tools only. All such work must be performed under the direct observation of the applicant's oak tree consultant unless otherwise approved by the City Oak Tree Consultant.
50. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
51. Any fertilization of the tree should be based on actual soil tests from the site. Fertilization is generally not necessary unless serious deficiencies are evident in the leaves.
52. Within ten (10) 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 trees at that time.
53. 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 supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with ANSI A300 Standards – Part 1 Pruning.
54. No irrigation or planting shall be installed within the dripline of any existing or new oak tree unless specifically approved by the City Oak Tree Consultant.
55. No herbicides shall be used within one hundred feet (100') of the dripline of any oak tree unless the program is first reviewed and endorsed by the City Oak Tree Consultant.

56. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

Landscaping/Irrigation

57. The inconsistencies between the Architectural Site Plan and the Landscape and Grading Plans as to the exact configuration of the parking at the proposed building and the location of the trash enclosure must be resolved. Once these inconsistencies are resolved, the final landscape plan shall generally conform to the approved preliminary landscape plan, as prepared by Landmark Design Landscape Architecture, dated February 14, 2012, subject to other specific remarks contained in these conditions
58. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
- a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
 - b. All plans shall be legible and clearly drawn.
 - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-four inches (24") by thirty-six inches (36") in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
 - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
 - f. The project identification number shall be shown on each sheet.
 - g. The plans shall accurately and clearly depict the following existing and proposed features:
 - i. Landscape trees, shrubs, ground cover and any other landscaping materials
 - ii. Property lines
 - iii. Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
 - iv. Buildings and structures
 - v. Parking areas, including lighting, striping and wheel stops
 - vi. General contour lines

- vii. Grading areas, including tops and toes of slopes
 - viii. Utilities, including street lighting and fire hydrants
 - ix. Natural features, including watercourses, rock outcroppings
59. Plant symbols shall depict the size of the plants at maturity.
60. The landscape plans shall prominently display the following notes:
- b. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - c. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees"
 - d. 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.
61. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
62. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
63. 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.
64. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
- e. Design and static pressures
 - f. Point of connection
 - g. Backflow protection
 - h. Valves, piping, controllers, heads, quick couplers
 - i. Gallon requirements for each valve
65. Three (3) copies of details and specifications shall be provided, addressing but not limited to, planting, soil preparation, tree staking, guying, installation details, and post installation maintenance.
66. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:
- j. Site Plan
 - k. Elevations

1. Grading Plan

m. Conditions Of Approval

67. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
68. A minimum of twenty percent (20%) of the total lot shall be landscaped.
69. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot. A calculation of the landscaped area proposed must be provided.
70. Unless otherwise approved by variance, a twenty-foot (20') deep landscape planter shall be provided along the right-of-way. No other use or storage may be placed within this area, including transformers and trash enclosures.
71. Unless otherwise approved by variance, parking lot planters shall have a minimum width of six feet (6') where parking abuts one side and a minimum width of eight feet (8') where parking abuts both sides.
72. All landscape planters must have a minimum width of four feet (4').
73. Undulating mounding shall be provided along the right-of-way having a minimum elevation variation of thirty inches (30").
74. Shade trees shall be provided to create fifty percent (50%) canopy coverage over the parking lot, including driveways and aisles, within fifteen (15) years after installation. Light standard locations shall be designed to minimize conflict with these trees. A final exhibit demonstrating coverage provided shall be submitted at the time of initial plan check.
75. In addition to any oak trees required for mitigation purposes, the landscape plan shall include two (2) twenty-four inch (24") box size oak trees. The species and planting location shall be subject to review and approval of the City Landscape Consultant.
76. The Freeway Corridor Overlay District requires that naturalistic and native landscaping, particularly native oaks, be used throughout the development. The final landscape plan shall be revised as needed to meet this objective, especially with respect planters along the right-of ways.
77. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.

78. 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.
79. Landscaping in required yards must generally be bermed with a minimum elevation variation of thirty inches (30").
80. The final landscape plans shall consider and adhere to all mitigation measures contained in the Mitigated Negative Declaration prepared for the project by Rincon Consultants, Inc.
81. The landscape plan shall note that native plants shall be planted in the fall season just prior to the first rain event.
82. The applicant shall plan for advance procurement of native species. These species will likely need to be grown via contract with a nursery specializing in locally native plants.
83. Irrigation equipment within the wildlife corridor area shall be separate from the remainder of the project. Temporary irrigation shall be provided, to include an automatic controller. The irrigation shall be installed and maintained by the applicant for a period of three (3) years from installation.
84. At least two (2) quick couplers shall be provided within the wildlife corridor.
85. 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.

ENGINEERING CONDITIONS

86. PRIOR TO FINAL MAP RECORDATION

- 1.01 Dedicate the following right-of-way in locations listed below:

Dedicate all required and identified right-of-way to the City of Agoura Hills as a part of Parcel Map finalization. The intent is to have 50' wide half street right-of-way and physical street improvements on Agoura Road and Liberty Canyon Road at the project site.

- 1.02 Dedicate or reserve the following public utility easement(s) and emergency access easement(s):

Any and all relocations and creation of public utility easements (i.e.: relocated SCE overhead lines) shall be done as part of the Final Parcel Map.

- 1.03 Restrict vehicular access as follows: to only those access points as shown on the approved Tentative Map No. 67397.
- 1.04 Vacate any remaining portions of Vendell Place right-of-way.
- 1.05 Provide a copy of proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer for review and approval of the City Attorney. These CC& R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- 1.06 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.07 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.
- 1.08 Provide a preliminary title report not older than 30 days.

87. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)

A. General

- 2.01 Prior to Building Permit issuance, record Parcel Map No. 67397 pursuant to the Subdivision Map Act and in accordance with City Code. Provide a duplicate photo mylar of the recorded map to the City Engineer. NOTE: Map must be recorded prior to issuance of a Building Permit. This requirement cannot be deferred until Occupancy.
- 2.02 The project will require a subdivision map to be processed, and this development plan shall only proceed to the Planning Commission concurrently with the required subdivision map. **PM 67397 has already been submitted for processing.**
- 2.03 This project requires a Certificate of Compliance with Record of Survey/ Lot Line Adjustment/ Dedication of Easement to be processed.
- 2.04 All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
- 2.05 Provide a copy of proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer for review

and approval of the City Attorney. These CC& R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.

- 2.06 For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at www.ci.agoura-hills.ca.us.
- 2.07 Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.
- 2.08 Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department. **TIF improvements shall only be given for improvements on Agoura Road frontage as outlined in the City's approved TIF ordinance.**
- 2.09 Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
- 2.10 Grading Plan shall show location(s) of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
- 2.11 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.
- 2.12 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. The report shall be reviewed and approved by the City Geotechnical/Geological Consultant.

- 2.13 Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project is subject to a permit from the following agencies, if required:
- Caltrans
 - Los Angeles County Flood Control District (LACFCD) – for any encroachment into their right-of-way, and/or connection to their facilities, and for any facilities that will be turned over for their ownership and maintenance.
 - Las Virgenes Municipal Water District
 - Regional Water Quality Control Board
 - Army Corps of Engineers (ACOE)
 - California Department of Fish & Game
 - Southern California Edison
 - Santa Monica Mountain Conservancy
- 2.14 Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact Engineering Department @ 818.597.7322 for approved City certification forms.

B. Public Improvements

Refer to attached Exhibit 'A' for Plan Check Submittal Requirements.

- 2.20 Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. All public improvements shall be designed and constructed to the satisfaction of the City Engineer. Previous infrastructure plans will continue to be plan checked from the point of the previous check.

Improvement Item	AGOURA ROAD AND LIBERTY CANYON ROAD
Curb & Gutter	Replace Damaged – on both roads
PCG Drive Approach	New – on Liberty Canyon Road Replacement – on Agoura Road
Sidewalk	New – Retaining curb along sidewalk Replacement - As deemed necessary – see § 2.23

Improvement Item	AGOURA ROAD AND LIBERTY CANYON ROAD
ADA Access Ramp	<p>New – Add detectable warnings (truncated domes) on all existing curb ramps in compliance with ADAAG and 2007 CBC requirements.</p> <p>Replacement - Remove existing non-conforming curb ramp and reconstruct curb ramp with required landing in the back and transitions with retaining curb.</p>
Parkway	<p>Trees</p> <p>Landscaping (with irrigation)</p>
Raised Median	<p>Landscaping (with irrigation) – As approved during plan check</p> <p>Hard Landscaping- As approved during plan check</p> <p>Median extension on Liberty Cyn shall be built with rolled-curb @ portion in front of proposed driveway for ingress and egress purposes for emergency vehicles only.</p>
Street Lights	<p>New - As approved during plan check</p> <p>Relocation – If deemed necessary during plan check</p>
Sewer Service (See Section 2C)	Lateral
All water appurtenances are per LVMWD standards (See Section 2D)	Yes
Storm Drain (See Section 2E)	Catch Basin
Traffic Signal Facilities (See Section 2G)	Relocation – if required for ADA pathway clearance
Traffic Signing and Striping (See Section 2G)	New
Bus Stop and/or Turn-out (See Sec. 2G)	Modification – <u>see § 2.23</u>
Underground Overhead Utilities	Yes – as applicable per the City's municipal code
Other required improvements	<p>Recycled water line is present along Agoura Road frontage. Applicant shall connect to existing line to service all landscaped areas, and design network with purple pipe and appurtenances accordingly.</p>

Conditions of Approval

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- 2.21 The following existing streets being cut for new services or being finished with curb and gutter may require an asphalt concrete overlay or slurry seal: Agoura Road and Liberty Canyon Road.
- 2.22 This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.
- 2.23 Other conditions:
 - Remove existing non-conforming curb ramp and reconstruct curb ramp with required landing and transitions with retaining curb.
 - Provide detectable warnings on all on-site and/or off-site ramps or walks where pedestrians (with visual disability) are required to enter hazardous vehicular areas.
 - Remove and reconstruct all displaced and unsafe sidewalk along property frontage on Agoura Road and Liberty Canyon Road as directed by the City Engineer.
 - Remove interfering portion of curb, gutter and A.C. pavement on Agoura Road and install reinforced concrete pad for bus stop, widen sidewalk near bus stop to facilitate bench and trash receptacle as directed by the City Engineer.

C. Sewer

- 2.30 An 8-inch sewer line is available for connection by this project along Agoura Road as well as Liberty Canyon Road.
- 2.31 Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.

D. Water

- 2.40 All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City. Prior to Building Permit issuance, applicant shall provide a copy of the "will-serve" letter from LVMWD.

E. Drainage/Hydrology

- 2.50 A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.

- 2.51 Proposed site/portion of site falls within SFHA (Special Flood Hazard Area) as indicated on the FIRM (Flood Insurance Rate Maps) and is subjected to flooding in a 100 year frequency storm. This site plan will be subject to the provisions of the National Flood Insurance program and comply with the City's Flood Damage Prevention Ordinance #2409.

- 2.52 Other Conditions:
 - Post-development flow shall not exceed pre-development condition. Any excess flow shall be detained on site by approved methods by City Engineer.
 - Post development flows shall not adversely alter current natural condition of adjacent flood channel. Additional measures, as approved by City Engineer may be required if determined necessary at Plan Check stage.

F. Stormwater (NPDES)

- 2.60 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:
 - Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - 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.

- 2.61 Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Urban Stormwater Mitigation Plan (USMP) shall be submitted to and approved by the Engineering Department. The USMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

- 2.62 All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit For Storm Water Discharges Associated With Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.

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

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

- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - 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.

G. Traffic/Transportation

- 2.70 The applicant is required to submit a focused traffic impact study. The study shall address any or all of the following issues as required by the City Engineer: parking, on- and off-site circulation, and/or build-out and future years traffic Level of Service (LOS) and impacts at intersections selected by the City. Any requirements or mitigating measures identified by the said study will become automatic conditions of approval for this project.

88. PRIOR TO CERTIFICATE OF OCCUPANCY

- 3.01 All remaining fees/ deposits required by the Engineering Department must be paid in full.
- 3.02 All requirements including construction of improvements covered in Section 2 must be completed to the satisfaction of the City Engineer.
- 3.03 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.*
- 3.04 The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: www.agoura-hills.ca.us.
- 3.05 All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.

BUILDING AND SAFETY CONDITIONS

89. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures need to meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC). The applicant shall identify the types of material being used on the plans.
90. The City Building Code requires all *new buildings* to be protected by a fire sprinkler system. Plans for the required system shall be approved by the Fire Department prior to the issuance of Building Permits for the building. Fire Sprinklers are required per *Sec. 904* of the *2010 California Building Code*.
91. Exterior elements and materials must be in compliance with all *VHFHSZ* requirements, Agoura Hills Building Code, Sec.6402.1
92. The project shall demonstrate the use of Class-A roofing material.
93. Preliminary and final site plan and construction plan shall show location of A/C condensing units or other HVAC equipment located on or around the structures.
94. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' and agencies requirements have been satisfied.
95. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans including, Electrical, Plumbing, Mechanical, Title 24, *Green Building Code* Structural calculations needs to be submitted to Building and Safety Department for plan review and approval.
96. The minimum setback of structure to toe of slope per Agoura Hills Building Code, Sec. 1806.5.3 shall be demonstrated. Minimum setback from a descending slope is $H/2$, ($\frac{1}{2}$ the vertical height of the slope, including portions not on property), or provide the equivalent protection determined by the soils engineer. This deviation will need to be verified by City soils engineer and approved by Building Official.
97. The Architectural, Landscape and Grading Plans shall incorporate an accessible path of travel between all buildings onsite (including Buildings A and B) for review and approval by the Building Official. The plans shall show curb ramps and truncated domes where necessary.
98. The design of the new parking and handicap accessibility serving Buildings B and C shall be coordinated with the existing underground parking and handicap accessibility serving Building A.

SPECIAL PLANNING CONDITIONS

99. On-site decorative paving shall be provided at the driveway entrance serving the site and the walking pathway around the proposed buildings. The color, materials

and length of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.

100. All transformers, other equipment and refuse containers shall be screened from view. A plan showing this shall be reviewed and approved by the Director of Planning and Community Development.
101. All parking stalls shall be pinstriped. A minimum of one hundred-ninety-eight (198) parking spaces shall be provided for the project per Variance Case No. 11-VAR-002.
102. Pursuant to the City's Transportation Demand Management Ordinance (Code Section 9654.4), the applicant shall show on development plans and shall provide, to the satisfaction of the City, a bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the display shall include, but is not limited to the following:
 - Current maps, routes and schedules for public transit serving the site;
 - Telephone numbers for referrals on transportation information including telephone numbers for the regional ridesharing agency and local transit operators;
 - Ridesharing promotional material supplied by commuter-oriented organizations;
 - Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information; and
 - A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
103. Racks to accommodate 8 bicycles shall be provided on the subject property, subject to review and approval by the Director of Planning and Community Development. A rack shall be provided for each building.
104. In the event that the applicant or future tenants seek approval of signage, a Sign Program shall be required for review and approval by the Planning Commission.
105. Prior to Grading Permit issuance, the applicant shall provide a copy of a signed and recorded agreement between the ownership of the parcels and the Santa Monica Mountain Conservancy acknowledging that the SMMC agrees to the indefinite use and maintenance of one of their adjacent parcels for the purpose of access, parking and landscaping. A request for change of the agreement by either party shall be submitted in writing to the City of Agoura Hills for review and approval prior to signature and recordation of a new agreement.
106. Prior to Grading Permit issuance, the applicant shall provide a copy of a recorded easement to be reflected on the City approved Vesting Final Parcel Map of a wildlife corridor to be preserved along the northern portion of the newly created parcel for the

- purpose of circulation by the wildlife traversing the parcel to access the open space parcels to the west and south of the project site. A request for change to the easements by either party shall be submitted in writing to the City of Agoura Hills for review and approval prior to signature and recordation of a new agreement.
107. Prior to Grading Permit issuance, the applicant shall provide the City of Agoura Hills proof that the necessary permits were obtained from the outside agencies with jurisdiction over the project development, including but not limited to the California Department of Transportation, the California Department of Fish and Game, and the Regional Water Quality Board.
 108. The Conservancy Easement and Deed Restriction addressed in the Mitigated Negative Declaration for wildlife movement and/or habitat protection purposes shall be a requirement as stated in the mitigation measures if the applicant for any reason opts for commercial tenants that do not require an added parking easement on the Santa Monica Mountain Conservancy land.
 109. The width of the wildlife corridor Conservation Easement shall be expanded (adjusted southward) to include all land located northward of the shown retaining wall on the north side of the existing building.
 110. Lighting requirements shall prohibit any light shine on the northernmost row of proposed parking spaces for the new Liberty Canyon Road building after 9:00 p.m.
 111. The width of the wildlife corridor at its western boundary where it touches city-owned property shall be widened to the greatest extent possible to go around the well-shielded electrical transformer without impacting the project traffic spacing that would improve the function of the wildlife corridor, as approved by the Director of Planning.
 112. The applicant shall complete wildlife corridor improvements as a first phase, prior to Building Permit issuance. The improvements shall mean the removal of all structures including, but not limited to, fencing, asphalt, concrete curb, relocation of utilities equipment, grading, recontouring, berming, installation of the irrigation, and planting and appropriate fencing and signage to the construction crew about the sensitivity of the area. The development of the wildlife corridor will occur within the delineated easement on site as well as the improvements on the Conservancy parcel to the west, in compliance with the Mitigated Negative Declaration.
 113. The proposed exterior colors of the buildings shall be reviewed and approved by the Director of Planning and Community Development.
 114. Signage shall be installed advising that no parking is allowed on the upper lot after 9:00 p.m.
 115. All parking lot lights shall be turned off by 9:00 p.m.

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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 20,000 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.

Section III. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in 2008 for Vesting Tentative Parcel Map No. 67397, Site Plan/Architectural Review Case No. 06-SPR-009, and Oak Tree Permit Case No. 06-OTP-021, 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 to as 27489 Agoura Road, requesting a time extension of the previous approved 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. 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 with Site Plan/Architectural Review Case No. 11-SPR-009, Oak Tree Permit Case No. 11-OTP-019, and Variance Case No. 11-VAR-002.

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 time extension and requests identified in Section IV. 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 to 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 (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-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. The Planning Commission adopted the addendum at a public meeting on April 20, 2017.

Section VIII. The Planning Commission considered the application for Vesting Tentative Parcel Map 74295 (Case No. PMAP-01271-2016) as well as the Initial Study/Mitigated Negative Declaration, the first addendum and the current second addendum under CEQA as identified in Sections III, V, and VII, at a public meeting held on April 20, 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.

Section IX. 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 Agoura Hills Zoning Ordinance Section 9654.6 that:

A. 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 and related 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 overall the minor shortage (two (2) spaces) 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.

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.

Section XI. 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.

Section XII. 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 20th day of April, 2017, by the following vote to wit:

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

Curtis Zacuto, Chairperson

ATTEST:

Doug Hooper, Secretary

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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 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.

END

RESOLUTION NO. 17-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED LIBERTY CANYON OFFICE EXPANSION PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MAKING THE REQUIRED ENVIRONMENTAL FINDINGS PURSUANT TO CEQA

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

WHEREAS, on May 1, 2008, the Planning Commission adopted Resolution No. 08-1493, thereby adopting a Mitigated Negative Declaration ("MND") for the Liberty Canyon Office Expansion Project ("Project");

WHEREAS, the Planning Commission's decision to approve the Project's various entitlements and to adopt the MND was appealed to the City Council. On August 13, 2008, the City Council adopted Resolution No. 08-1493, thereby upholding the Planning Commission's decision to adopt the Project's MND;

WHEREAS, on March 15, 2012, the Planning Commission adopted Resolution No. 12-1053 thereby adopting a first addendum ("2012 Addendum") to the Project's MND that analyzed the potential environmental impacts associated with a time extension for the Project's entitlements and minor architectural changes to the Project. The 2012 Addendum concluded that the time extension and changes to the Project's window placement would not create any significant environmental impacts not already identified in the MND;

WHEREAS, the project applicant now proposes a minor change to the Project that will subdivide the subject property into three separate lots, with one commercial building on each lot. In connection with the subdivision, the project applicant has requested a variance from the minimum parking requirements on two of the three proposed lots, although the total number of parking spaces initially approved for the Project will not change (the subdivision and variance collectively referred to herein as the "Project Refinements"). The Planning Commission will consider the proposed Project Refinements;

WHEREAS, the City has caused a second addendum to the MND ("2017 Addendum") to be prepared for these Project Refinements in accordance with CEQA Guidelines Section 15164 because the Project Refinements alone do not require the preparation of a new or supplemental environmental impact report or negative declaration pursuant to CEQA Guidelines Section 15162, and the 2017 Addendum, which describes the Project Refinements in detail, is attached hereto as Exhibit A;

WHEREAS, pursuant to CEQA Guidelines Section 15164, the City as lead agency may prepare an addendum to a previously adopted MND if only minor technical changes or additions to the MND are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration have occurred;

WHEREAS, an addendum need not be circulated for public review but is attached to the adopted MND in accordance with CEQA Guidelines Section 15164;

WHEREAS, this item was heard by the Planning Commission on April 20, 2017 at a regularly scheduled Planning Commission meeting in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the meeting was duly given;

WHEREAS, evidence, both written and oral, was duly presented to and considered by the Planning Commission of the City of Agoura Hills at the aforesaid meeting;

WHEREAS, the Planning Commission has reviewed and considered the 2017 Addendum in conjunction with the MND; and

WHEREAS, the Planning Commission has further reviewed the findings made in this Resolution and finds that they are based upon substantial evidence that has been presented to the Planning Commission in the record of proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file and available for public examination during normal business hours in City Hall through the office of the City Clerk, who serves as the custodian of these records.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, DECLARES AND RESOLVES AS FOLLOWS:

Section I. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section II. Pursuant to CEQA Guidelines Section 15162, the Planning Commission finds that the 2017 Addendum to the previously adopted MND is the appropriate environmental document in connection with the approval of the Project Refinements, because: (i) substantial changes are not proposed to the Project that were not previously evaluated in the MND that indicate new or more severe impacts on the environment than previously addressed in the MND; (ii) substantial changes have not occurred in the circumstances under which the Project was previously reviewed that indicates new or more severe environmental impacts; and (iii) new important information does not exist to show the Project Refinements will have new or more severe impacts than previously considered. The Planning Commission concurs with staff's determination that the Project Refinements do not constitute substantial changes to the Project or the circumstances surrounding the Project which would create new or more severe impacts than those evaluated in the previous MND. More specifically, the Planning Commission

finds that (1) a subdivision of the subject property into three separate legal lots, without changes to the underlying Project, and (2) a parking variance that does not change the total number of approved parking spaces do not constitute substantial changes to the Project or the circumstances surrounding the Project.

Section III. The Planning Commission has independently reviewed and considered the contents of the 2017 Addendum in conjunction with the MND prior to deciding whether to approve the Project Refinements.

Section IV. The Planning Commission hereby adopts the 2017 Addendum which is attached hereto as Exhibit A and incorporated herein by this reference.

Section V. The Planning Commission Secretary shall certify to the adoption of this Resolution, and shall cause this Resolution to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 20th day of April, 2017 by the following vote to wit:

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

Curtis Zacuto, Chairperson

ATTEST:

Doug Hooper, Secretary

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EXHIBIT "A"

**2017 Addendum to the Initial Study/Mitigated Negative Declaration for the
Liberty Canyon Office Expansion Project**

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LIBERTY CANYON OFFICE EXPANSION PROJECT

Addendum to the Liberty Canyon Office Expansion Project Mitigated Negative Declaration

Prepared by:

**City of Agoura Hills
Planning Department
30001 Ladyface Court
Agoura Hills, CA 91301**

Prepared with the assistance:

**Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003**

March 2017

Liberty Canyon Office Expansion Project

Addendum to the Liberty Canyon Office Expansion Final Initial Study/Mitigated Negative Declaration

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INTRODUCTION

The City of Agoura Hills, as the lead agency under the California Environmental Quality Act (CEQA), prepared a Final Mitigated Negative Declaration (hereafter referred to as the "2008 MND") to evaluate the potential environmental impacts associated with the implementation of the Liberty Canyon Office Expansion Project. The Planning Commission adopted the MND at its regular meeting on May 1, 2008, through adoption of Resolution No. 08-1493. A project was approved by the Planning Commission on May 1, 2008. The decision was appealed and the City Council approved the project with minor revisions on August 13, 2008. The project involved the merger of six parcels and the construction of a two-story office building (Building B) totaling 9,658 square feet (sf) and a two-story medical office building (Building C) totaling 20,002 sf, as well as reconfiguring parking lots and the addition of a new parking lot, just west of the project site. The project was amended in 2012, to allow for time extension and minor architectural changes. The City prepared and considered an MND Addendum (hereafter referred to as the "2012 Addendum") in conjunction with this amendment. While the parcel merger has been completed, construction has not yet begun on Building B, Building C, or the associated parking.

The project proponent (APB Properties, LLC) is now seeking a lot division to separate the single parcel into three separate parcels. Each parcel would contain one building and associated parking spaces. Entitlements associated with the application are Case No. PMAP-01271-2016 and variance Case No. VAR-01302-2016. The variance requests a reduction of parking for two of the three parcels.

The purpose of this Addendum is to address whether the parcel division would result in any impacts beyond those identified in the previous MND or Addendum. This Addendum includes a description of the currently proposed project modification and a comparison of the impacts of the proposed modification to the impacts identified in the 2008 MND and 2012 Addendum.

ADDENDUM APPLICABILITY

According to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an addendum to a previously adopted MND is the appropriate environmental document in instances when "only minor technical changes or additions are necessary" and when the new information does not involve new significant environmental effects beyond those identified in an adopted IS/MND. The change being contemplated involves a minor revision to the approved Liberty Canyon Office Expansion Project. In addition, as discussed below, the proposed revision would have no new significant environmental effects. As such, the addendum is the appropriate environmental document under CEQA.

PROJECT DESCRIPTION

The project approved in 2008 merged six separate lots bordered by the 101 Freeway Corridor to the north, the Santa Monica Mountain Conservancy owned land to the west, multi-family residential units to the south (Rondell Condominium) and Liberty Canyon Road to the east, and preserved the slopes along the northern portion of the parcel to be dedicated to a wildlife corridor extending from Liberty Canyon Road to the west end of the project boundary. The



proposed development involved construction of a two-story office building (Building B) totaling 9,658 sf and two-story medical office building (Building C) totaling 20,002 sf, reconfiguration of parking lots, and addition of a new parking lot just west of the project site. The existing two-story office building on the project site (Building A) was to remain and be remodeled.

The applicant is currently requesting to divide the site into three lots, one for each building (see attached vesting tentative parcel map 74295). No physical change to the approved development is proposed. However, although the lot sizes resulting from this subdivision would comply with the 20,000-square-foot minimum lot size for the BP-OR zone, the new lots would not provide the required number of parking space serving each building. While the total number of parking spaces would remain the same as the approved plans, the parking would not meet the individual requirements on each parcel. However, the total number of parking spaces would be available for the use of all three office buildings and would be adequate to serve each of the three office buildings. As a result, the applicant has applied for a Variance to reduce the parking (Case No. VAR-01302-2016).

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, is 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. Retaining walls have been built with the exception of the one bordering the wildlife corridor at the northeast corner of the parcel, and foundation trenches for Building B and C have been excavated.

ENVIRONMENTAL IMPACTS

This section addresses each of the environmental issues studied in the 2008 MND, comparing the effects of the proposed project modification to the effects of the approved Liberty Canyon Office Expansion Project plans that were subject of the 2008 MND and 2012 Addendum.

Aesthetics

The aesthetic impacts of the proposed project modification would be identical to those described in the 2008 MND and 2012 Addendum. The 2008 MND concludes that the approved project would be compatible with surrounding uses and the design standards for the Business Park-Office Retail-Freeway Corridor (BP-OR-FC) zone. Additionally, the approved project was found not to disrupt a scenic vista or damage scenic resources in a state scenic highway. The 2008 MND and 2012 Addendum conclude that the project would create light and glare at the project site and thus require implementation of mitigation measures AES-1 and AES-2. However, the proposed modification would not alter the location, architecture, density of development, or amount of light created by the project and mitigation measures (AES-1 and AES-2) found in the aesthetic section identified in the IS/MND would continue to apply to the project. The proposed modification would simply subdivide the project site into three parcels. Therefore, it would have no impact beyond that identified in the 2008 MND and 2012 Addendum.



Agricultural Resources

Similar to the approved project, the proposed project modification would be located on land that is not zoned or used for agricultural production, nor is it adjacent to such land. The project site is disturbed and partially developed. The proposed modification would not alter the location of the project. Therefore, similar to the approved project, the proposed modification would have no impact to agriculture or forest resources.

Air Quality

The 2008 MND concludes that the approved project would be consistent with the South Coast Air Quality Management District's (SCAQMD's) Air Quality Management Plan (AQMP) and would not contribute to an exceedance of the City's projected population growth forecast. Air pollutant emissions associated with the approved project were found not to exceed thresholds established by the South Coast Air Quality Management District (SCAQMD). The proposed modification would subdivide the project site into three parcels, but would not alter the size, configuration, or use of on-site development. As such, the project would remain consistent with the AQMP and emissions would not change from what was considered in the 2008 MND. Additionally, Mitigation Measure AQ-1, requiring implementation of dust minimization would continue to apply throughout the construction. Therefore, no impact beyond that identified in the 2008 MND and 2012 Addendum would occur.

Biological Resources

Sensitive Species

The 2008 MND concludes that there is the potential for special status plant species, including southern California black walnut, round-leaved filaree, slender mariposa-lilly, and Plummer's mariposa-lily to occur on-site. A site visit performed on December 19, 2011 determined that site conditions remained similar to those in 2008. The site remains in similar condition, though construction has begun and the site is almost entirely graded. Mitigation Measures BIO-1, 6, 7, 8 and 9 from the 2008 MND would remain applicable, but the proposed modification would have no impact beyond that identified in the 2008 MND or Addendum.

Sensitive Habitat and Oak Tree Ordinance

As described in the 2008 MND and 2012 Addendum, Valley Oak Woodlands is a sensitive habitat that was observed on the project site. In addition, oak trees are protected in the City of Agoura Hills by the City's Oak Tree Ordinance (City Council Resolution No. 374). With the proposed modification to subdivide the project site into three parcels, the project would have the same impacts to Valley Oak Woodland and individual oak trees as the approved project. The 2008 MND requires implementation of Mitigation Measures BIO-8 and BIO-9 to reduce impacts to oak trees and Valley Oak Woodland, and these measures continue to apply. With these measures, the proposed modification would have no impact beyond that identified in the 2008 MND and 2012 Addendum.



Riparian Habitat

As described in the 2008 MND, an ephemeral drainage extends north-south through the site within a concrete channel and meanders off-site into the adjacent restoration area to the west. While construction activity would not occur within the on-site drainage, the 2008 MND includes Mitigation Measures BIO-3, BIO-4, and BIO-5 requiring a creek protection program, jurisdictional delineation, and a Habitat Mitigation Plan and Monitoring Program to ensure that impacts to an offsite natural drainage would be less than significant. While the offsite work has been completed, these measures continue to apply, and with these measures the proposed modification would not have any impact beyond that identified in the 2008 MND and 2012 Addendum.

Migratory Birds/Wildlife Corridors

As described in the 2008 MND, the project site is located in the vicinity of the Liberty Canyon Wildlife Corridor. While no mammals were identified on the project site during the 2008 or 2011 site visits, the significance of the Liberty Canyon Wildlife Corridor is recognized. The Liberty Canyon underpass, adjacent to the project site, is a designated Wildlife Migration Choke Point, which links the open space north of U.S. 101 to the open space parcels south of U.S. 101 via the wildlife movement corridor along the northern side of the project site and Vendell Road. Special status wildlife species with the potential to occur onsite include Santa Monica grasshopper, coast (San Diego) horned lizard, two-striped garter snake, Cooper's hawk, western mastiff bat, western red bat, and mountain lion. The 2008 MND identifies development of the project site as cumulatively contributing to the degradation of the wildlife corridor, through increased noise and lighting and altering the conditions of the site. Mitigation Measures BIO-2, BIO-6, and BIO-7 from the 2008 MND would reduce impacts to migratory birds and wildlife corridors. BIO-2 requires the removal of trees to be conducted outside the typical breeding season, BIO-6 requires the use of Best Management Practices (BMPs) during construction in order to protect the wildlife corridor, and BIO-7 requires the applicant to prepare a wildlife corridor maintenance and monitoring plan for a minimum of three years for the proposed corridor and "transition area" restoration plantings. With these measures, impacts would be less than significant and no impact beyond that identified in the 2008 MND and 2012 Addendum would occur as a result of this new request.

Cultural Resources

The 2008 MND and 2012 Addendum conclude that while no archaeological resources, paleontological resources, or human remains are known to be present on-site, there is the potential to disturb as yet undiscovered cultural resources during grading. Mitigation Measure CR-1 from the 2008 MND requires a qualified archaeologist to monitor any grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil. If any artifacts are discovered, Mitigation Measure CR-2 from the 2008 MND requires the developer to notify the City of Agoura Hills Environmental Analyst and cessation of construction activities until the archaeologist has documented and recovered the resource. The subdivision of the property into three parcels would not alter the grading plan of the project and mitigation included in the 2008 MND would still be required. Grading at the project site has been completed with no significant cultural resources reported. Impacts would be less than significant and no impact beyond that identified in the 2008 MND and 2012 Addendum would occur.



Geology and Soils

Geological conditions at the project site are the same as those identified in the 2008 MND and 2012 Addendum. The project site would not be significantly impacted by rupture due to an earthquake, strong seismic ground shaking, seismic related ground failure, erosion or loss of topsoil, landslide, subsidence, liquefaction, or collapse. Additionally, neither the original project nor the current project would utilize a septic tank or alternative wastewater disposal system. The project site has already been graded and building pads have been created. The on-site analysis performed by GCI (2006) identified surface and near-surface soils at the project site to have a medium to high expansion potential. The 2008 MND includes Mitigation Measure GEO-1, requiring the implementation of recommendations included in the GCI report. This measure would continue to apply and would reduce impacts to a less than significant level. The proposed modification would have no geologic impact beyond that identified in the 2008 MND and 2012 Addendum.

Greenhouse Gas Emissions

The 2008 MND does not discuss impacts related to greenhouse gas (GHG) emissions, but a discussion was included in the 2012 Addendum. The 2012 Addendum concludes that the combined annual emissions from construction of the project, operation of the project, and mobile sources would be less than significant. The proposed modification would allow for the subdivision of the project site into three parcels, but would not alter construction or operational characteristics or otherwise alter GHG emissions. Therefore, the proposed modification would have no impact beyond that identified in the 2012 Addendum.

Hazards and Hazardous Materials

The 2008 MND concludes that project implementation would not have significant impacts related to hazards or hazardous material. The use and location of the proposed on-site development would not change from the approved project. Therefore, the proposed modification would have no significant impact and no impact beyond that identified in the 2008 MND and 2012 Addendum.

Hydrology and Water Quality

The 2008 MND concludes that the approved project's hydrology and water quality impacts would be less than significant. Construction has begun on the project site and the proposed modification would not alter the grading required for construction, potential for erosion, use of groundwater, or drainage plan of the proposed on-site development; therefore, the analysis for hydrology and water quality is still applicable. As such, impacts related to hydrology and water quality would be the same as identified in the 2008 MND. The proposed modification would have no impact beyond that identified in the 2008 MND and 2012 Addendum.

Land Use and Planning

As discussed in the 2008 MND, the approved project would provide infill development on a commercial site. The project's commercial use is consistent with the General Plan Designation and existing zoning and no community would be divided by the development. The proposed



modification would involve the subdivision of the project site into three parcels, which is permitted by the BP-OR-FC zone. The zoning of the parcels and the development on those parcels would not change. Each parcel would continue to have a General Plan designation of Business Park-Office Retail (BP-OR) and be zoned BP-OR-FC. While each parcel would contain one commercial office building and associated parking, the location of each building would remain the same and no community would be divided.

Although the request to subdivide the parcel is being reviewed with a variance request (Case No. VAR-01302-2016) for a reduction in parking, the subdivision would not reduce the number of parking spaces proposed as part of the approved application. Per the Zoning Ordinance, each parcel must provide the required number of parking spaces to serve each individual building. Two of the three parcels would provide less than the required number of parking spaces on-site as determined by the size and use of the buildings. The project was approved with a remedy to provide tenant/building owners access in perpetuity to an adjacent parking lot specifically developed for that purpose. Therefore, the number of parking spaces provided for the commercial project as a whole would not change. Both the subdivision and the variance requests will not change the location, intensity, land use, or design of the project, and as such, neither request would cause significant impacts to the project beyond the mitigation measures identified in the 2008 MND and the 2012 Addendum for the same project.

Mineral Resources

As discussed in the 2008 MND, while areas of Liberty Canyon are classified as MRZ-3 (areas containing mineral deposits) by the City of Agoura Hills General Plan, impacts to mineral resources would be less than significant since the project site is surrounded by development and the conversion of the site to mining is unlikely. The proposed modification would not alter the location or commercial use of the project site; therefore, the request would have no significant impact and no impact beyond that identified in the 2008 MND and 2012 Addendum.

Noise

Construction Noise

The 2008 MND concludes that construction of the approved project would generate temporary noise increases that could adversely affect sensitive receptors, including the residences to the south of the project site. To reduce this impact to a less than significant level, the 2008 MND includes Mitigation Measure N-1, requiring construction activity involving the use of equipment or machinery that generates noise levels in excess of 60 decibels (dBA) to be limited to between the hours of 7:00 AM and 7:00 PM Monday through Saturday, prohibiting activity generating noise in excess of 50 dBA between the hours of 7:00 PM and 7:00 AM, and prohibiting construction activity on Sundays and legal holidays. The proposed modification would not alter the magnitude or duration of construction activity, and Mitigation Measure N-1 would still be required. Consequently, the request would have no impact beyond that identified in the 2008 MND and Addendum.

Operational Noise

The proposed project modification would not alter the proposed use of the project. The project site would continue to be for commercial office space and the number of vehicle trips generated



would remain the same as what was considered in the 2008 MND. As such, the proposed modification would not have significant operational noise impacts and would have no impact with respect to operational noise beyond that identified in the 2008 MND and Addendum.

Population and Housing

The 2008 MND concludes that the approved project would not result in a significant impact related to population growth because it would not create significant housing demand and the number of jobs created would be within the Southern California Association of Governments (SCAG) forecasts. Additionally, the project would not result in the displacement of existing housing. The proposed modification, being a lot division, would not alter the number of job opportunities or otherwise have population or housing impacts; therefore, it would have no significant impact and no impact beyond that identified in the 2008 MND and 2012 Addendum.

Public Services

As discussed in the 2008 MND, the project site is served by the Los Angeles County Fire Department (LACFD) and Los Angeles County Sheriff's Department (LACSD) and no new or expanded facilities would be needed to serve on-site development. The approved project would not have a significant impact on schools since the applicant would be required to a fair share of pay state-mandated school impact fees to Las Virgenes School District (LVSD). Additionally, the approved project was found to have no impact to parks or other public facilities since it would be constructed on a site where a two-story office building already exists and no new residential or population generating use would be introduced.

The proposed modification would subdivide the project site into three parcels, but all three parcels would remain within the service areas of the same agencies, the LACFD and LACSD. The proposed modification would not generate students for the LVSD or demand for parks within the City. Consequently, it would not have significant public service impacts and would have no impact beyond that identified in the 2008 MND and 2012 Addendum.

Recreation

As discussed in the 2008 MND, the construction of approximately 30,000 sf of office space would not directly affect any existing park or recreational facility and would not substantially increase demand for parks or recreational facilities. The proposed project modification would not alter the location, size, or use of the proposed development. Therefore, the proposed modification would not result in significant impacts to recreation and would have no impact beyond that identified in the 2008 MND and 2012 Addendum.

Transportation/Circulation

Traffic Increase

The 2008 MND concludes that the project would have a less than significant impact on the circulation system. While the project would generate trips that utilize nearby roadways, the increase in vehicular traffic was found not to result in a significant impact at nearby intersections or roadway segments. The proposed modification would subdivide the project site



into three parcels, but the use and intensity of on-site development, and thus the number of vehicular trips generated by on-site development, would not change. As such, the proposed modification would not have significant traffic impacts and would have no impact beyond that identified in the 2008 MND and 2012 Addendum.

Congestion Management Program

The 2008 MND concludes that the approved project would not conflict with the Los Angeles County Congestion Management Program (CMP) since it would generate fewer than 50 vehicle trips at all of the CMP monitoring stations. Because the proposed project modification would not alter the use or intensity of on-site development, no additional vehicular trips would be generated and project-related traffic from all three parcels would remain under 50 vehicle trips at all CMP monitoring stations. Therefore, the proposed modification would have no significant CMP impacts and no impact beyond that identified in the 2008 MND and 2012 Addendum.

Air Traffic

The project site is not located in the vicinity of an airport or airstrip and the 2008 MND concludes that no impact to air traffic patterns would occur. The proposed modification would not alter the location of the project and thus would have no impact beyond that identified in the 2008 MND and 2012 Addendum.

Hazardous Design

The 2008 MND concludes that the approved project would have a less than significant impact with respect to emergency access and hazardous design since on-site development is required to comply with Fire Code and LACFD standards. The proposed modification would subdivide the site into three parcels, but the intensity of use and design of on-site development would not change. The circulation throughout the site and ingress/egress points would be maintained. No impact beyond that identified in the 2008 MND and 2012 Addendum would occur.

Tribal and Cultural Resources

Section V – Cultural Resources of the 2008 MND discussed cultural resources and specifically addressed the monitoring of grading, trenching, excavation, or other subsurface work in subsurface soil. As of September 2016, the CEQA Guidelines have been updated to reflect new projects' review processes related to Tribal and Cultural Resources. The proposed modification would subdivide the project site into three parcels. This modification would not result in an increase in grading or earthwork that would impact tribal or cultural resources. Although the CEQA Guidelines pertaining to Tribal and Cultural Resources have been updated since the analysis in Section V – Cultural Resources of the 2008 MND was completed, the request would not require further coordination with tribes, nor would it require further analysis or monitoring of the project site since the project site has already been graded and building pads have been created. Therefore, the proposed modification would have no impact beyond that identified in the 2008 MND and 2012 Addendum.



Utilities and Service Systems

The 2008 MND concludes that the approved project would have a less than significant impact on wastewater systems, storm water drainage facilities, water supplies, and solid waste disposal. Because the proposed modification would not alter the location, the design, or the intensity of on-site development, it would not increase water demand or wastewater or solid waste generation as compared to the approved project. Consequently, it would not have significant impacts to utilities and service systems, and would have no impact beyond that identified in the 2008 MND and 2012 Addendum.

Mandatory Findings of Significance

As discussed in the 2008 MND, implementation of the approved project would not result in significant impacts that cannot be reduced to a less than significant level, nor would it substantially contribute to any significant cumulative impacts. The proposed modification would not alter the location, use, design, or intensity of use of on-site development and, as such, would not create impacts to biological or cultural resources, cumulative impacts, or impacts to human beings beyond those identified in the 2008 MND and 2012 Addendum. Mitigation measures from the 2008 MND for biological and cultural resources would continue to apply and would reduce such impacts to a less than significant level.

CONCLUSIONS

As discussed above, the proposed minor modification to the approved Liberty Canyon Office Expansion Project would not result in any physical changes from the approved project and, as such, would not result in any significant environmental impacts beyond those identified in the 2008 MND and 2012 Addendum for the project. Therefore, an Addendum is the appropriate environmental document for the proposed modification under CEQA.



LIST OF REFERENCES

Agoura Hills, City of. *Addendum to the Final Mitigated Negative Declaration for the Liberty Canyon Office Expansion Project*. February 2012.

Agoura Hills, City of. *City of Agoura Hills General Plan*. Update adopted May 12, 1993.

Agoura Hills, City of. *Liberty Canyon Office Expansion Project Final Initial Study and Mitigated Negative Declaration*. April 2008.

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