

City of Agoura Hills

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

Vicinity & Zoning
Map



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



Looking North at the Project Site



Looking South toward the Intersection

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Re: Liberty Canyon Office Buildings, PC hearing April 6, 2017

Dear City of Agoura Hills Planning Director and Planning Commission:

Save Open Space/Santa Monica Mountains requests that all lighting be turned off from dusk on. We also request any one working in offices late pull down light blocking window shades. This property lies with-in the only functioning wildlife linkage area serving our national park.

The lighting impact must be mitigated because of the importance of this location. This wildlife corridor planned bridge has given and will continue to give Agoura Hills worldwide attention. The Wildlife Bridge will serve to help fill up our hotels and restaurants with visitors from all over as do the Canadian Rockies Wildlife Overcrossings.

The Planning Commission can not approve Resolution H. page 3 as its finding can not be made:

1) That this project- with major transmission lines running through it- will not cause harm to public health and safety. The potential hazardous concern remains unanswered. Actual testing of the emissions from these transmission lines on the property has not been done and disclosed. Then and only then will it be known that a minimum not maximum set back distance is safe.

2) The city must require analysis of the documented Liberty Canyon fault pathway within the City of Agoura Hills which is new information of significance. (Attached) It must be determined and disclosed where this fault runs in relationship to these buildings in the interest of public health and safety. Additional building setback or fewer buildings (2 instead of 3) might be needed to protect public health and safety if this newly identified fault actually runs beneath this property.

Certification of the CEQA document can not be done without incorporating the new information of significant legally required MS4 mandates /2012 federal hydrology requirements. Was there any grading occurring during this rainy season as there was a condition concerning that occurring?

Please continue this item until these issues are resolved.

Sincerely,

Mary Wiesbrock, Chair

P.O. BOX 1284 AGOURA HILLS, CA 91376











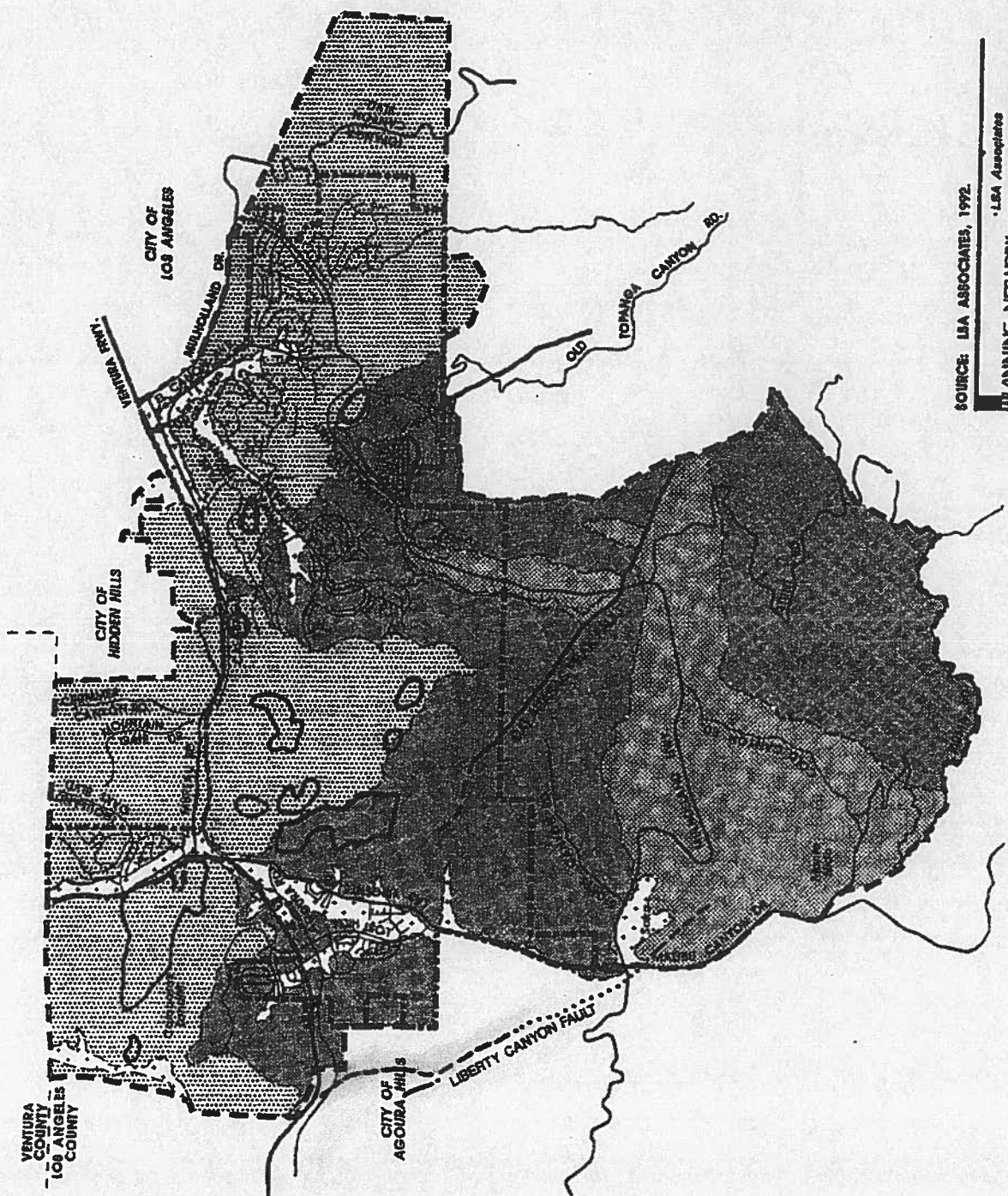
**CITY OF CALABASAS
GENERAL PLAN**

FIGURE V-1

**GEOLOGICAL
FORMATIONS**

LEGEND

-  CITY LIMITS
-  SPHERE OF INFLUENCE
-  MODELO
-  TOPANGA
-  CONEJO AND OTHER VOLCANICS
-  YOUNGER ALLUVIUM
-  FAULT LOCATIONS
-  POTENTIAL AREAS OF MASS WASTING / LANDSLIDES



SOURCE: IJA ASSOCIATES, 1992.

PLANNING NETWORK

- IJA Associates
- Urban Research Associates
- Urban Design Studio



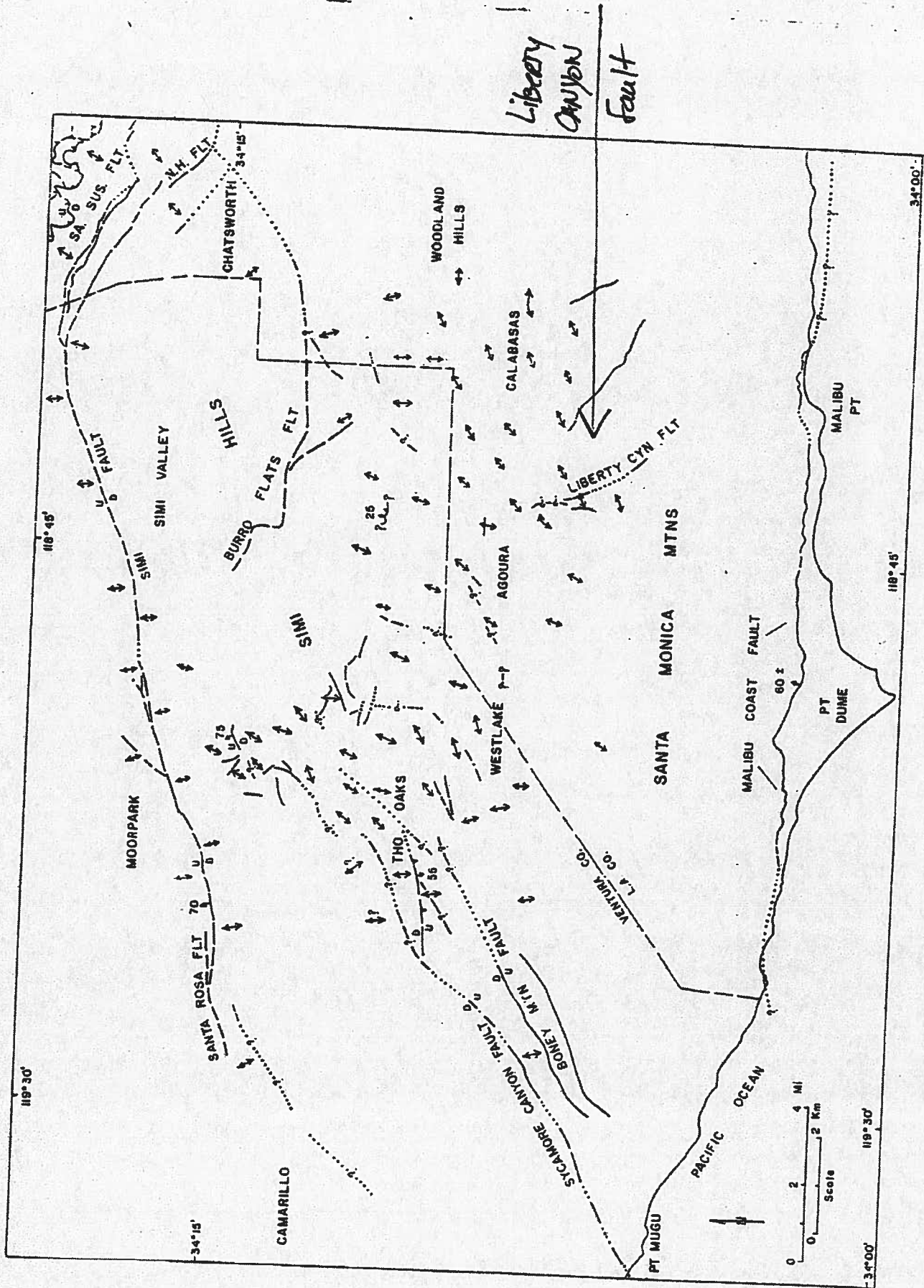


Figure 7. Double arrows show apparent direction of compressional stresses, as interpreted from geologic framework map (Plate I).

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MINUTES
REGULAR MEETING OF THE
AGOURA HILLS PLANNING COMMISSION
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Thursday, April 6, 2017
6:30 P.M.

The Planning Commission meeting was called to order at 6:30 p.m. by Chair Zacuto.

The Pledge of Allegiance was led by Commissioner Anderson.

Present were: Chair Curtis Zacuto, Vice Chair John Asuncion and Commissioners Kate Anderson, Michael Justice, and John O'Meara.

Also Present were: Planning Director Doug Hooper, Assistant City Attorney Nicholas Ghirelli, Assistant Planning Director Allison Cook, Associate Planner Valerie Darbouze, Associate Planner Renee Madrigal, and City Clerk/Recording Secretary Kimberly M. Rodrigues.

APPROVAL OF AGENDA

ACTION: Commissioner Justice moved to approve the Agenda, as presented. Vice Chair Asuncion seconded. The motion carried 5-0, by the following voice vote:

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

NOES: None.

ABSENT: None.

PUBLIC COMMENTS

There were no public speakers.

APPROVAL OF MINUTES

1. Minutes – March 16, 2017 Planning Commission Meeting

ACTION: Commissioner O'Meara moved to approve Item No. 1, as presented. Commissioner Justice seconded. The motion carried 4-0, with Commissioner Anderson abstaining, by the following voice vote:

AYES: Chair Zacuto, Vice Chair Asuncion, and Commissioners Justice and O'Meara.
NOES: None.
ABSENT: None.
ABSTAIN: Commissioner Anderson.

NEW PUBLIC HEARINGS

2. 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).

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

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.

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

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

RECOMMENDATION: Staff recommended the Planning Commission 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, and adopt the addendum to the project's final Initial Study/Mitigated Negative Declaration.

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

Mary Wiesbrock, Agoura Hills, representing Save Open Space (Letter)

Planning Director Hooper announced that in order to allow the Planning Commission additional time to review the environmental documents for this project, staff was requesting that this case be continued to the next regular meeting of April 20, 2017, and, procedurally, recommended opening the public hearing to allow for any public testimony from either the applicant or the public, indicating there would also be an opportunity to do so at the next meeting, and to keep the public hearing open for the purposes of a motion for continuance.

Chair Zacuto opened the Public Hearing at 6:34 p.m. and invited the Applicant to make a presentation.

The representative of the Applicant, Paul Pfeifle, indicated he would make his presentation at the next meeting.

The following person(s) spoke:

Robin Morsell-Reilly, Agoura Hills
Joan Yacovone, Agoura Hills
Dave Ratray, Agoura Hills, representing the Rondell HOA
Garry Coates, Agoura Hills

The following person(s) spoke representing the Applicant:

Paul Pfeifle, representing APB Properties, LLC

There were no further public speakers.

ACTION: Commissioner Anderson moved to continue the open Public Hearing to the Regular Planning Commission Meeting of April 20, 2017. Commissioner O'Meara seconded. The motion carried 5-0, by the following voice vote:

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

NOES: None.

ABSENT: None.

3. **REQUEST:** Request for: (1) approval of a conditional use permit to remodel an existing two-story, 3,075.5 square-foot single-family residence; construct a 634.75 square-foot, two-story addition; add 527 square-feet of deck area;

add a 170 square-foot lattice covered patio; and add a 51 square-foot entry porch; and (2) to make a finding of exemption under the California Environmental Quality Act.

APPLICANT: Charles Blaugrund for Naim Hmeidan
14994 Marquette Street
Moorpark, CA 93021

CASE NO.: CUP-01308-2016

LOCATION: 5541 Dart Court (A.P.N. 2054-027-057)

ENVIRONMENTAL DETERMINATION: Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301(e) of the CEQA Guidelines.

ZONING DESIGNATION: RS-(5)-7,500 (Single Family Residential - maximum five dwelling units per acre - 7,500 square feet minimum lot size)

GENERAL PLAN DESIGNATION: Residential Single Family (RS)

RECOMMENDATION: Staff recommended the Planning Commission approve Conditional Use Permit Case No. CUP-01308-2016, subject to the conditions and, based on the findings in the attached draft resolution.

Following presentation of the staff report, Commissioner Justice disclosed that he had friends that lived on Dart Court, but had not spoken with them about this project.

Chair Zacuto also disclosed that the Applicant's son and his daughter had attended kindergarten together, but they had not spoken since then.

Chair Zacuto opened the Public Hearing at 6:55 p.m.

The following person(s) spoke representing the Applicant, Naim Hmeidan:

Charles Blaugrund, Architect

There were no public speakers.

The representative of the Applicant, Mr. Blaugrund, had no further comments.

There being no further public speakers, Chair Zacuto closed the Public Hearing at 7:03 p.m.

ACTION: Commissioner O'Meara moved to adopt **Resolution No. 17-1188**; A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01308-2016 FOR THE PROJECT LOCATED AT 5541 DART COURT; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Commissioner Justice seconded. The motion carried 5-0, by the following voice vote:

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

NOES: None.

ABSENT: None.

PLANNING COMMISSION/STAFF COMMENTS

There were no comments.

ADJOURNMENT

Chair Zacuto announced the next Regular Meeting of the Planning Commission would be held at 6:30 p.m., Thursday, April 20, 2017, in the Council Chambers of the Civic Center. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

ACTION: At 7:08 p.m., Vice Chair Asuncion moved to adjourn the meeting. Commissioner Justice seconded. The motion carried 5-0, by the following voice vote:

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

NOES: None.

ABSENT: None.

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RESOLUTION NO. 12-1053

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING SITE
PLAN/ARCHITECTURAL REVIEW CASE NO. 11-SPR-009 AND
OAK TREE PERMIT CASE NO. 11-OTP-019

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

Section I. An application was duly filed by 27489 Agoura Road, LLC, with respect to the real property located at 27489 Agoura Road (Assessor's Parcel Nos. 2064-006-006, 007, 009, 016, 018 & 019) requesting approval of a new Site Plan/Architectural Review to allow the construction of a new 9,658 square-foot, one-story office building and a 20,002 square-foot, two-story office building on a partially developed site; and a request for an Oak Tree Permit to encroach into the protected zone of 27 oak trees and for the removal of 9 oak trees. Entitlements for Site/Plan Architectural Review and Oak Tree Permit were previously approved by the City Council on August 13, 2008. The entitlements were valid for a 3-year period and expired on August 13, 2011.

Section II. The Planning Commission of the City of Agoura Hills considered the applications at a public hearing held on March 15, 2012 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

Section IV. The Planning Commission finds that the request to renew the above-mentioned entitlements is in substantial conformance with the previously approved request under Site/Architectural Review Case No. 06-SPR-006, Oak Tree Permit Case No. 06-OTP-021, Variance Case No. 08-VAR-003, and Vesting Tentative Parcel Map No. 67397, per the findings in Resolution Nos. 08-1493, 08-1494 and 08-1495, subject to the revised the conditions of approval.

Section V. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9677.5 of the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. The property designation allows for the development of a professional and medical office building and the proposal meets the development standards for the BP-OR-FC zone relative to building height, and total and parking landscape coverage and parking tree canopy coverage. In addition, with the approved Vesting Tentative Parcel Map, the project complies with the lot coverage and setback requirements for the BP-OR-FC zone.

B. The proposed use, as conditioned, and the manner in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. The buildings will be constructed to comply with the most recent Building Code requirements. Building occupants are restricted to operating indoors only and are subject to the Zoning Ordinance standards with respect to

noise, light, and operation. Controlled lighting and native landscaping will prevent disturbance of adjacent wildlife. The driveway and distribution of the parking were designed to limit conflicts between pedestrian and vehicles. The project site was designed to screen headlight from interfering with traffic on the adjacent public right-of-way. The roadway was widened to improve traffic conditions. The access in and out of the site is conditioned to maximize safety in the right-of-way. The placement and design of the buildings will preserve the light, air, and privacy of the adjacent parcels. The refuse disposal area is located a considerable distance from publicly accessible area. In light of the window distribution in the building's design, the occupants will take advantage of views of the surrounding landscaped areas.

C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and surrounding area and is compatible with the surrounding properties. The design of the proposed development will provide a desirable environment for its occupants, as well as for its neighbors. The business park is aesthetically of good composition, materials, textures, and colors. The contemporary building design is compatible with the variety of architectural styles in the area. The pedestrian-oriented office park increases compatibility with nearby residential properties. The office buildings are designed to fit within their surrounding topography. The proposed commercial office use is consistent with the neighboring office use and serves as a transitional use between the freeway and residential units south of Agoura Road. The project is compatible with the City's low intensity development style. The project design successfully incorporates the existing structure into the office expansion with respect to architectural design, on-site pedestrian and vehicular circulation, and the preservation of natural resources. The interpretation of the City Architectural Standards and Guidelines for this project has resulted in a project design that combines contemporary and rustic features that comply with the desired image of freeway corridor development.

D. The proposed use will comply with each of the applicable provisions of the Regulatory Provisions of the Zoning Ordinance, except for approved variances or modifications. The future tenants that are permitted in the BP-OR-FC zones operate indoors. The parking associated with the uses is fully contained on the property and with the approved variance, the parking remains evenly distributed on the site to serve each individual building based on its parking ratio requirement.

E. The proposed use is consistent with the City's general plan. The project conforms to Policy 16.1 *Site Planning* by providing a cohesive campus environment designed to accommodate safe and convenient walking and biking, Policy 16.2 *Development Form and Architecture* by providing modulation of bulking mass, heights and elevation, and articulation of building elevations and Policy 16.3 *Buffering from Adjacent Properties* by providing generous landscaping between the open space parcels, the public right-of-way, and the project. Per Policy ED-1.1 *Diversified Economic Base*, the project provides employment with a variety of skills and wages. Per Policy NR-1.4 *Wildlife Habitat*, the project provides an efficient way to allow the wildlife to coexist within the urban setting. The wildlife corridor will be returned to a natural form and the grading of the parcel links in the most naturalistic manner to the topography of surrounding parcels. The development has been conditioned to provide the replacement of oak trees into the Landscape Plan and the total count of trees will exceed the number of existing trees. The landscaping will ensure the continued preservation of on-site and off-site biological habitat.

F. The propose use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The development will improve the presently unused two-thirds of the overall site and provide for an opportunity for additional landscaping and buffer from the freeway noise.

Section VI. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9677.7.G. of the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the General Plan, any specific plans, and any design standards adopted by the City Council. The project conforms to Policy 16.1 Site Planning by providing a cohesive campus environment designed to accommodate safe and convenient walking and biking, Policy 16.2 Development Form and Architecture by providing modulation of bulking mass, heights and elevation and articulation of building elevations and Policy 16.3 Buffering from Adjacent Properties by providing generous landscaping between the open space parcels, the public right-of-way, and the project. Per Policy ED-1.1 Diversified Economic Base, the project provides employment with a variety of skills and wages. Per Policy NR-1.4 Wildlife Habitat, the project provides an efficient way to allow the wildlife to coexist within the urban setting. The wildlife corridor will be returned to a natural form and the grading of the parcel links in the most naturalistic manner to the topography of surrounding parcels. The development has been conditioned to provide the replacement of oak trees into the Landscape Plan and the total count of trees will exceed the number of existing trees. The landscaping will ensure the continued preservation of on-site and off-site biological habitat.

B. Because of the high quality design and choice of construction materials, the proposed development and its relationship to existing developments will increase the desirability of investment or occupation in the neighborhood. The project offers an opportunity for jobs/housing balance by increasing job opportunities in the area. The proposed development will not interfere with the use and enjoyment of existing developments in the area, including residential developments because Liberty Canyon Road does not offer an outlet to major arterials. The project is near to a four-way access to the 101 freeway which will disperse traffic efficiently away from the development without affecting nearby residential development.

C. The proposed use, as conditioned, is in keeping with the character of the surrounding neighborhood, and is not detrimental to the harmonious, orderly, and attractive development contemplated by the Zoning Ordinance and the General Plan of the City. As conditioned, the design of the new buildings blends in with the existing building on the site and is in keeping with the existing commercial development across Liberty Canyon Road. The traffic patterns will be similar to existing patterns. Liberty Canyon is not a through street which limits the traffic travelling south on Liberty Canyon through the residential neighborhood. Access to the site via two driveways helps divide the traffic into two egress/ingress points limiting impact of the added traffic on existing arterials traffic levels near the residential development. Street improvements have been incorporated into the project to accommodate the increased traffic and maintain safety at the less traveled intersection. The development will improve the previously unused two-thirds of the overall site and provide an opportunity for additional landscaping and buffering from freeway noise.

D. The design of the proposed development, as conditioned, provides a desirable environment for its occupants, as well as for the project's neighbors, because the business park is aesthetically of good composition, materials, textures, and colors. The contemporary building design is compatible with the variety of architectural styles in the area. The pedestrian-oriented office park increases compatibility with nearby residential properties. The office buildings are designed to fit within their surrounding topography. The proposed commercial office use is consistent with the neighboring office use and serves as a transitional use between the freeway and residential units south of Agoura Road. The project is compatible with the City's low intensity development style. The project design successfully incorporates the existing structure into the office expansion with respect to architectural design, on-site pedestrian and vehicular circulation, and the preservation of natural resources. The

interpretation of the City Architectural Standards and Guidelines for this project has resulted in a project design that combines contemporary and rustic features that comply with the desired image of freeway corridor development.

E. The proposed use complies with all applicable requirements of the district in which it is located and all other applicable requirements as general and medical office uses are permitted uses in the BP-OR-FC zones. The future tenants that are permitted in the BP-OR-FC zones operate indoors. The parking of vehicles is fully contained on site and screened with new and existing landscaping. The ventilation equipment is contained in a roof well thereby limiting noise and pollution to the residential neighborhood across the street, as well as to pedestrians.

F. The overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare. The buildings will be constructed to comply with the most recent Building Code requirements. Building occupants are restricted to operating indoors only and are subject to the Zoning Ordinance standards with respect to noise, light, and operation. Controlled lighting and native landscaping will prevent disturbance of adjacent wildlife. The driveway and distribution of the parking were designed to limit conflicts between pedestrian and vehicles. The project site was designed to screen headlights from interfering with traffic on the adjacent public right-of-way. The roadway was widened to improve traffic conditions. The access in and out of the site is conditioned to maximize safety in the right-of-way. The placement and design of the buildings will preserve the light, air, and privacy of the adjacent parcels. The refuse disposal area is located a considerable distance from publicly accessible area. In light of the window distribution in the building's design, the occupants will take advantage of views of the surrounding landscaped areas.

Section VII. In regards to the oak trees, the Planning Commission finds pursuant to Section 9657.5.C. that the removal of the nine oak trees is required because their continued existence would prevent the development of the subject property. The proposed use will not endanger the health of the remaining trees on the subject property and the removal of the trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated. The removal of the nine trees is necessary because their continued existence precludes the reasonable and efficient use of the property for a use otherwise authorized on that parcel. The removal of the nine oak trees will be mitigated by the addition of at least thirty three (33) new oak trees per the requirements of the City of Agoura Hills, Oak Tree Preservation Guidelines, Appendix A. New oak trees are required on site, as well as in the public right-of-way, and will help preserve the rustic character of the community.

Section VIII The Planning Department has determined that the project does not involve significant new environmental effects or a substantial increase in the severity of previously identified significant effects. The Planning Department also determined that substantial changes have not occurred with respect to the baseline environmental conditions. Finally, the Planning Department determined that the project has not led to any new information of substantial importance that would have significant environmental effects or more severe environmental effects. As such, the Planning Department prepared an Addendum to the Mitigated Negative Declaration that was adopted in 2008. All potential environmental impacts associated with the project are adequately addressed by the previously prepared Mitigated Negative, the Addendum, and the mitigation measures. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Addendum to the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act. The Planning Commission finds that the Mitigated Negative Declaration reflects the City's independent judgment. The Planning Commission hereby adopts the Addendum to the Mitigated Negative Declaration and the attached Mitigation Monitoring Program. The custodian of record for the Initial Study, Mitigated Negative Declaration, the Addendum and all other

materials, which constitute the record of proceeding upon which the Planning Commission's decision is based, is the Planning Department of the City of Agoura Hills. Those documents are available for public review in the Planning Department located at 30001 Ladyface Court, Agoura Hills, California.

Section IX. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 11-SPR-009 and Oak Tree Permit Case No. 11-OTP-019, subject to the attached conditions, with respect to the property described in Section I hereof.

Section X. 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 15th day of March, 2012, by the following vote to wit:

AYES:	(3)	O'Meara, Justice, and Zacuto
NOES:	(1)	Rishoff
ABSTAIN:	(0)	
ABSENT:	(0)	
RECUSED:	(1)	Northrup



John O'Meara, Chairperson

ATTEST


Mike Kamino, Secretary

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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
Page 2 of 21

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

Page 3 of 21

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.

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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.

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- 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
P.C. 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>

- 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. 12-1054

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING VARIANCE CASE NO.
11-VAR-002

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

Section I. An application was duly filed by 27489 Agoura Road, LLC, with respect to the real property located at the northwest corner of Liberty Canyon Road and Agoura Road (Assessor's Parcel Nos. 2064-006-006, 007, 009, 016, 018 & 019) requesting approval of Variance Case No. 11-VAR-002 to reduce the number of parking spaces from 214 to 198 spaces. A Variance for this project was originally approved by the City Council on August 13, 2008 in conjunction with entitlements for a Site Plan/Architectural Review, an Oak Tree Permit, and a Vesting Tentative Parcel Map. Except for the Vesting Tentative Parcel Map, which has been extended pursuant to state law, the entitlements expired on August 13, 2011. The applicant now seeks a renewed variance under Case No. 11-VAR-002.

Section II. The Planning Commission of the City of Agoura Hills considered the application for Case No. 11-VAR-002 at a public hearing that was held on March 15, 2012, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

Section IV. The Planning Commission finds that the request to renew the above-mentioned entitlements is in substantial conformance with the previously approved request under Site Plan/Architectural Review Case No. 06-SPR-006, Oak Tree Permit Case No. 06-OTP-021, Variance Case No. 08-VAR-003, and Vesting Tentative Parcel Map No. 67397, per the findings stated in Resolution Nos. 08-1493, 08-1494, and 08-1495, subject to the revised conditions of approval.

Section V. Based upon the evidence presented at the hearings, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9676.2.E of the Agoura Hills Zoning Ordinance, that:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Adding a required secondary driveway between the parking lots, while improving internal circulation has impacted the space available for parking on both pads. The pad where Building B is proposed is rather small and bordered by an oak tree grove and the pad where Building C is proposed is limited to above ground parking only due to site constraints and the required SCE easement.

- 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. This is an isolated commercial site adjacent to a residential/open space area and the reduction in parking helps retain a large oak tree and helps preserve the character of the area.
- 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 Zoning Ordinance requires more parking for medical offices than general offices. If Building C were to be occupied by general office use, there would be sufficient parking. However, Building C is proposed as medical office and will serve the local community. The reduction in parking is evenly dispersed amongst the three buildings.
- 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 proposed Variance constitutes a minor reduction of 7.5% from the Code requirement. Except for this reduction in parking, the project meets or exceeds all requirements of the Zoning Ordinance. The reduction in parking is necessitated by the driveway between Buildings B and C which is intended to improve internal circulation.
- E. The granting of the Variance will be consistent with the character of the surrounding area. This reduction in parking helps to retain the dimensions of the wildlife movement corridor and the existing topography of the site.

Section VI. In accordance with the California Environmental Quality Act ("CEQA"), the City has prepared an addendum to the Mitigated Negative Declaration for this project. Based upon the original Mitigated Negative Declaration findings, the project did not cause significant environmental effects. The Planning Department has determined that the project does not involve significant new environmental effects or a substantial increase in the severity of previously identified significant effects. The Planning Department also determined that substantial changes have not occurred with respect to the baseline environmental conditions. Finally, the Planning Department determined that the project has not led to any new information of substantial importance that would have significant environmental effects or more severe environmental effects. As such, the preparation of an Addendum to the Mitigated Negative Declaration is appropriate under CEQA. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Addendum to the Mitigated Negative Declaration was prepared pursuant CEQA. The Planning Commission finds that the Mitigated Negative Declaration reflects the City's independent judgment. The Planning Commission hereby adopts the Addendum to the Mitigated Negative Declaration and the attached Mitigation Monitoring Program. The custodian of record for the Initial Study, Mitigated Negative Declaration, the Addendum and all other materials, which constitute the record of proceeding upon which the Planning Commission's decision is based, is the Planning Department of the City of Agoura Hills. Those documents are available for public review in the Planning Department located at 30001 Ladyface Court, Agoura Hills, California.

Section VII. Based on the aforementioned findings, the Planning Commission hereby approves Variance Case No. 11-VAR-002, subject to the attached conditions, with respect to the property described in Section I hereof.

Section VIII. 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.

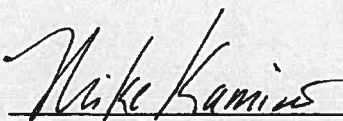
PASSED, APPROVED, and ADOPTED this 15th day of March, 2012, by the following vote to wit:

AYES: (4) O'Meara, Rishoff, Justice, and Zacuto
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)
RECUSED: (1) Northrup



John O'Meara, Chairperson

ATTEST:



Mike Kamino, Secretary

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**CONDITIONS OF APPROVAL
(CASE NO. 11-VAR-002)**

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 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 Permit 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. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has 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. 11-VAR-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. 11-VAR-002 is valid only in conjunction with Site Plan/Architectural Review Case No. 11-SPR-009, Oak Tree Permit Case No. 11-OTP-019, and Vesting Tentative Parcel Map No. 67397 and the approved Conditions of approval therein.

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