

PLANNING DEPARTMENT

DATE:

March 15, 2018

TO:

Planning Commission

APPLICANT:

Chris Pettigrew for REC Solar

1360 Redwood Way, Suite B

Petaluma, CA 94954

CASE NOS.:

SPR-01413-2017 and OAK-01452-2018

LOCATION:

30601 Agoura Road

(A.P.N. 2061-002-036)

REQUEST:

Request for approval of a Site Plan/Architectural Review to build solar carports and associated electrical equipment in an existing parking lot of a commercial office building; approval of an Oak Tree Permit for removal and encroachment of existing oak trees; and making a finding of exemption under the California Environmental Quality Act.

ENVIRONMENTAL

DETERMINATION:

Exempt from the California Environmental Quality Act

(CEQA) per Section 15311 of the CEQA Guidelines.

RECOMMENDATION:

Staff recommends that the Planning Commission approve Site Plan/Architectural Review Case No. SPR-01413-2017 and Oak Tree Permit Case No. OAK-01452-2018, based on

the findings of the draft Resolution.

ZONING DESIGNATION: Business Park-Manufacturing-Freeway Corridor Overlay

District (BP-M-FC)

GENERAL PLAN

DESIGNATION:

Business Park-Manufacturing (BP-M)

I. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Chris Pettigrew for REC Solar, has submitted a Site Plan/Architectural Review application (Case No. SPR-01413-2017) to construct three (3) canopies or carports, with a photovoltaic (PV) system and associated electrical equipment in an existing parking lot of a commercial office building. The site is located at 30601 Agoura Road, west of Reyes Adobe Road. The site is zoned Business Park-Manufacturing-Freeway Corridor Overlay (BP-M-FC), and has a General Plan land use designation of Business Park-Manufacturing. The site is bordered to the north by U.S. Highway 101; to the east and west by two-story office buildings; and vacant land is located across the street, south of Agoura Road.

Currently, the property is developed with a 120,000 square-foot, two-story commercial office building, parking lot and landscaping planters. The two-story office building is located in the northwestern portion of the 296,000 square-foot parcel. The site is relatively flat, with the exception of a sloped planter in the parking lot, at the front side of the building along Agoura Road. The office building was built in 1987. Two (2) driveways serve the site, one located on the east side and one on the west side of the site frontage along Agoura Road. The parking lot is adjacent to the building on the south (front) and east. The parking area provides 439 parking spaces. Landscaping on the site consists of native and non-native mature trees, grasses, and groundcovers that serve to partially screen the site.

The project proposes to construct three (3) canopy structures with roof top solar photovoltaic system, within the parking lot and adjacent to the building on the east side and south sides. The canopy design incorporates new solar canopy lighting in the center, equally spaced between columns. A total of 25 low profile square LED light fixtures are proposed to be installed under the canopies.

The two proposed canopies structures east of the building would be approximately 202 feet in length and 39 feet in width (7,840 square feet). The carport structure south (front) of the building would be approximately 312 feet in length and 39 feet in width (12,155 square feet). All canopies would have a height of up to 14.5 feet and would provide shade for vehicles parked under the canopies. No parking spaces would be removed or added. The canopies' support structure would consist of steel columns on a concrete foundation, which would support the sloped steel canopy. Photovoltaic modules would be installed over the canopies' entire roof surface.

The planter areas within the proposed canopy locations would remain and currently are sparsley vegetated, and contain trees, including oaks. There is currently a total of 102 trees in the parking lot. The applicant proposes to remove 35 trees to install the solar canopies. This includes removing two (2) existing oak trees and encroaching in the protected zone of two (2) other existing oak trees that conflict with the canopy location, which requires the review and approval of an Oak Tree Permit (Case No. OAK-01452-2018). The proposed landscape plan incorporates additional vegetation in the planters.

The project is being processed through the Site Plan/Architectural Review process because the proposal involves new structures.

II. STAFF ANALYSIS

A. Site Plan and Structures

The proposed building site coverage (including existing and new canopies) would be approximately 29.5 percent, which is under the 30 percent maximum for the Business Park Manufacturing zone. The BP-M zone allows accessory structures. The Accessory Buildings Ordinance (AHMC Section 9606) requires ten (10) feet minimum distance to a main structure; ten (10) feet minimum distance to the rear property line; and five (5) feet minimum distance to a side property line. The canopy structures setbacks vary between 27 feet and 98 feet, which are in excess of the minimum accessory setbacks for the zone.

B. <u>Architectural Design</u>

The design and scale of the proposed canopies would be compatible with the office building complex and surrounding structures because of their simple design, proposed neutral colors (grey and black) and steel materials. The adjacent building is white concrete with dark windows and frames. The canopies would be a maximum of 14.5 feet in height as compared with the two-story building. All the electrical equipment would be attached to the columns under the solar canopies, and therefore screened. The lighting fixtures would be placed under the canopies, and therefore shielded. The photometric plan shows the project would not exceed the 1.0 foot-candle recommended standard of illumination at the property line.

C. Parking

The parking lot layout and spaces will remain as currently laid out. The parking lot provides a total of 439 marked spaces (includes 7 handicap parking spaces), drive aisles, and pedestrian walkways around the building, and will not change. The Parking Ordinance (AHMC Section 9654.6) requires one (1) space for each 300 square feet of gross floor area. This equates to a total demand of 400 parking spaces for the office use. Existing parking exceeds the minimum parking requirement of 400 parking spaces by 39 additional spaces.

Installation of the proposed canopies would not impact the existing parking configuration or on-site circulation. The canopies' columns would be installed within existing landscape planter areas, and would not encroach into the existing parking stalls or vehicular circulation aisles.

D. <u>Freeway Corridor Overlay District</u>

The purpose of the Freeway Corridor (FC) Overlay zone is to recognize the importance of the land use, architectural design, and appearance of development within the freeway corridor to the City's image. Projects in the FC are to incorporate naturalistic and native landscaping, particularly oaks; preserve open areas on-site, and key vistas to the Santa

Monica Mountains; screen unsightly uses; exhibit a low intensity, and semi-rural development style; convey a high quality image; work with the existing terrain; provide safe and convenient access to parking; and articulate building facades; minimize impacts to sensitive and endangered species and plant communities; mitigate traffic, light, noise and other environmental impacts; and use compatible colors and materials to preserve and enhance the scenic quality of the freeway corridor.

The canopies are proposed to be tilt-up construction, and the proposed colors of the structures are subtle and neutral, and do not conflict with the natural environment of Agoura Hills. The building site coverage (29 percent) is below the maximum allowed (30 percent). The project incorporates some native plants, consistent with the Freeway Corridor Overlay District. The landscaping serves to soften the appearance of the canopy structures and better integrate the project with the open spaces and natural setting of Agoura Hills. The project is within a developed site, and much lower in height than the existing building, so no sensitive habitat would be effected and no views to vistas would be blocked. Electrical equipment and lighting would be screened from public view and by the canopies. The project would not change vehicular or pedestrian circulation.

E. Oak Trees

The proposed project requires tree removals under the proposed solar canopy structures. There are a total of ninety-seven trees, including eight protected coast live oaks (Quercus argrifolia) and four protected valley oaks (Quercus Lobata) on the property. The remaining eighty-five trees are of non-protected tree species.

The proposed project will require the removal of two coast live oaks, Trees 67 and 76. Each of these protected oak trees are located in a corner of a planter island where a solar canopy structure is proposed for installation, specifically one at the end of each of the two eastern (smaller) canopy structures. Removal of both protected oak trees is required in order to provide clearance for the proposed solar carport structures.

The City Oak Tree Consultant has reviewed the Oak Tree Report prepared by Jan C. Scow Consulting Arborists, LLC, dated January 10, 2018, for the proposed project. The applicant has applied for an Oak Tree Permit to allow for removal and encroachment into the protected zone of several protected oak trees. The applicant proposes to remove two (2) oak trees (#67 and 79) due to shade casting onto proposed solar panels. The project would encroach in the protected zone of two (2) other oak trees (#12 and 13) at the end of the southern (larger) canopy structure as a result of clearance pruning for the proposed project. The removal of the oak trees are required to be mitigated. The mitigation for the removal of any oak tree is based on a replacement ratio of 4:1 per the Zoning Ordinance. The applicant is required to plant two (2) 24-inch box coast live oaks and one (1) 36-inch box coast live oak, such that the trunk diameters of these replacement oak trees is equal to or greater than the sum of the trunks removed, with the assumption that a 24-inch box represents a two (2) diameter tree and a 36-inch box represents a three (3)-inch diameter tree. For the

fourth oak tree, one (1) 15-gallon tree is required to be planted, with the assumption that a 15-gallon tree represents a one (1)-inch diameter tree. The Landscape Plan currently depicts suitable onsite locations for eight (8) mitigation trees that include four (4) 24-inch box coast live oaks, two (2) 36-inch box coast live oaks, and two (2) 15-gallon coast live oaks. Based on the typical tree diameters derived from the aforementioned eight (8) box and container sizes, a total of 16-inches of trunk diameter is proposed for mitigation. Conditions Nos. 19 through 31 have been incorporated into the project to ensure that oak trees to remain on-site are protected during construction, and those to be removed are replaced on-site.

F. Landscaping

All vegetation is being removed from the three (3) planter islands with the exception of two (2) existing oak trees. The applicant is proposing new planting and irrigation for all disturbed planting areas associated with solar installation. Landscaping is provided for three (3) entire parking lot planting islands. Additional trees are proposed for oak mitigation in other existing planter areas as shown on the landscape plans.

The project proposes to plant a variety of low water use shrubs and ground cover under the solar canopies. The plants selected are conducive to growth with shading from the canopies. The plants proposed are non-native, therefore, a condition has been incorporated to provide more native and/or California adapted plants as part of the Final Landscape Plan.

G. General Plan Consistency

Staff finds the project will be consistent with the following applicable General Plan goals and policies:

Goal LU-16: Well Designed and Attractive Business Parks. Business park and light industrial districts that are designed as an attractive working environment and valuable place to do business

Policy LU.16.1. Site Planning. Require that new and renovated business park development projects are designed to accommodate safe and convenient walking, biking and transit, and exhibit a high-quality, attractive, and cohesive "campus environment," characterized by the following:

- Location of buildings around common plazas, courtyards, walkways, and open spaces, including the amenities for the comfort of employees, such as outdoor seating areas
- Incorporation of landscape that enhances a park-like setting along property edges, building frontages, and to break the visual continuity of surface parking lots.

- · Common signage program for tenant identification and wayfinding
- Readily observable site access, entrances driveways, building entries, and pedestrian paths through parking lots to create a safe haven for pedestrians and minimize conflict between services, private automobiles and pedestrians

The architectural design and site planning of the proposed canopies are aesthetically compatible with the neighboring buildings. The low-scale canopies' are simple in design and incorporate neutral colors, consistent with the adjacent office structures. The perimeter of the parcel will remain landscaped. The planter islands incorporate additional landscaping to create a more attractive environment. The canopies would maintain existing vehicular and pedestrian circulation, and would not cause conflict.

Goal LU-5: City Sustain and Renewed. Development and land use practices that sustain natural environmental resources, the economy, and societal well-being for use by future generations, which, in turn, reduce greenhouse gas emissions and impacts on climate change.

Policy LU.5.4. Sustainable Land Development Practices. Promote land development practices that reduce energy and water consumption, pollution, greenhouse gas emissions, and waste.

Shading of surface parking, walkways, and plazas

The canopies will provide shade for the parking lot and reduce heat island effect.

H. <u>Environmental Review</u>

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be Categorically Exempt from the CEQA Guidelines, per Section 15311 (accessory structures). This exemption includes construction of accessory structures. The project would not result in significant impacts to the environment because the facility would be constructed in a developed parking lot with no sensitive habitat and would not intensify a use or create a new use. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including but not limited to, subsection (c) which relates to unusual circumstances that could have a significant effect on the environment.

III. RECOMMENDATION

Based on the above analysis, staff recommends that the Planning Commission approve Site Plan/Architectural Review Case No. SPR-01413-2017 and Oak Tree Case No. OAK-01452-2018, subject to conditions, and based on the findings of the attached Resolution.

Planning Commission March 15, 2018 Page 7 of 7 Case Nos. SPR-01413-2017 and OAK-01452-2018

IV. ATTACHMENTS

- 1. Draft Resolution for the SPR and OTP with Exhibit A, Conditions of Approval
- 2. Vicinity Map
- 3. Reduced Copy of Plans

CASE PLANNER: Renee Madrigal, Associate Planner

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS. CALIFORNIA. **APPROVING** PLAN/ARCHITECTURAL REVIEW CASE NO. SPR-01413-2017 AND OAK TREE PERMIT CASE NO. OAK-01452-2018 TO BUILD SOLAR CANOPIES AND ASSOCIATED ELECTRICAL EQUIPMENT IN AN EXISTING PARKING LOT OF A COMMERCIAL OFFICE BUILDING; AN OAK TREE PERMIT CASE NO. OAK-01452-2018 FOR REMOVAL AND ENCROACHMENT OF EXISTING OAK TREES; AND MAKING A FINDING OF EXEMPTION UNDER THE **CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

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

<u>Section I.</u> An application was duly filed by Chris Pettigrew, for REC Solar, with respect to the real property located at 30601 Agoura Road, Assessor's Parcel Number 2061-002-036, requesting approval of Site Plan/Architectural Review Case No. SPR-01413-2017 to build solar carports and associated electrical equipment in an existing parking lot of a commercial office building; and a request for an Oak Tree Permit for removal and encroachment of existing oak trees.

Section II. The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be Categorically Exempt from the CEQA Guidelines per Section 15311. This exemption includes construction of accessory structures. The project would not result in significant impacts to the environment because the facility would be constructed in a developed parking lot with no sensitive habitat and would not intensify a use or create a new use. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including but not limited to, subsection (c) which relates to unusual circumstances that could have a significant effect on the environment.

<u>Section III.</u> The Planning Commission of the City of Agoura Hills considered the application at a public hearing held on March 15, 2018, at 6:30 p.m. in the Council Chambers, City Hall, at 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforementioned hearing was duly given and published as required by state law.

<u>Section IV.</u> Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforementioned public hearing.

<u>Section V.</u> Site Plan Review. Based on 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 Municipal Code, 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. The accessory structures are a permitted use in the Business-Park-Manufacturing (BP-M) zone. The solar canopy structures would produce solar energy and shade the parking lot. The addition of the canopies is consistent with the maximum allowed building coverage and setbacks of the BP-M 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 proposed structures will be constructed to comply with the most recent Building Code requirements. The placement and design of the canopies would preserve the light, air, and privacy to adjacent parcels. The site already provides the necessary vehicular and pedestrian access in and out to the property, and throughout the parcel as well, which will not be modified. Installation of the proposed canopies would not impact the existing parking configuration. The canopies' columns would be installed within an existing landscape planter area, and would not encroach into the existing parking stalls or vehicular circulation aisles. The proposed canopies will not involve any grading on the site.
- 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 canopies' colors and materials, which include black and grey colors and steel materials, will be compatible with the building it serves and the surrounding properties. Additional planter landscaping will soften the appearance of the canopies.
- D. The proposed use, as conditioned, will comply with each of the applicable regulatory provisions of the Zoning Ordinance, except for approved variance or modifications. The accessory structures are a permitted use in the BP-M zoning district. The property will be improved and maintained according to City Building Code standards and all building plans will be reviewed and approved by the City's Building and Safety Department. The project will continue to be consistent with the zoning standards for parking, access, circulation, maximum building coverage, minimum setbacks and height. No variances or modifications are requested.
- E. The project is consistent with the City's General Plan. The project complies with the City General Plan Goal LU-5 and its policies in that the canopies will shade the parking lot and reduce heat island effect. The project also complies with the City General Plan Goal LU-16 and its policies in that the architectural design and site planning of the proposed canopies are aesthetically compatible with the neighboring buildings. The canopies are simple in design and incorporate neutral colors, consistent with the adjacent office structures. The perimeter of

the parcel will remain landscaped, and the project includes additional landscaping. The planter islands incorporate additional landscaping to create a more attractive environment. The canopies would maintain existing vehicular and pedestrian circulation, and would not cause conflict.

F. The proposed use, as conditioned, preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed grey and black colors and steel materials are compatible with the white concrete and modern architecture of the building it serves and the surrounding properties. The canopies are low in statue, no taller than 14.5 feet, and incorporation of additional landscaping will soften the structure's appearance.

<u>Section VI.</u> Architectural Review. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission find, pursuant to Section 9677.7.G of the Agoura Hills Zoning Ordinance, that:

- A. The proposed use is consistent with the General Plan, any specific plans, and any design standards adopted by the City Council. The project complies with the City General Plan Goal LU-5 and its policies in that the canopies would shade the parking lot and reduce heat island effect. The project also complies with the City General Plan Goal LU-16 and its policies in that the architectural design and site planning of the proposed canopies are aesthetically compatible with the neighboring buildings. The canopies are simple in design and incorporate neutral colors, consistent with the adjacent office structures. The perimeter of the parcel will remain landscaped, and the project includes additional landscaping. The planter islands incorporate additional landscaping to create a more attractive environment. The canopies would maintain existing vehicular and pedestrian circulation, and would not cause conflict.
- B. The design and location of the proposed development and its relationship to existing developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity, and will not create traffic hazards or congestion. Because the proposed canopies are located entirely within the interior of the parcel, they will not interfere with the use and enjoyment of existing development in the vicinity. Access to the property will continue to be via Agoura Road. The project provides three (3) canopies over existing parking spaces and landscaping planting islands that will not increase traffic in the vicinity. No changes to vehicular and pedestrian circulation would occur with the project.
- 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. The architectural design and site planning of the proposed

canopies are aesthetically compatible with the neighboring buildings. The canopies are simple in design and incorporate neutral colors, which is consistent with the adjacent office structures. Additional landscaping in the planters will provide softening of the structures and a more attractive design.

- D. The design of the proposed development provides a desirable environment for its occupants, as well as for the project's neighbors, and that it is aesthetically of good composition, materials, textures, and colors. The canopies design, colors and materials blend with the adjacent office buildings and are of low statue, nor more than 14.5 feet high compared to the adjacent two-story building. Existing and proposed additional landscaping will serve to soften the views to the canopies from off-site.
- E. The proposed use, as conditioned, complies with all applicable requirements of the district in which it is located and all other applicable requirements. Accessory uses are allowed in the BP-M-FC zone. The project complies with the building coverage, setbacks and height requirements of the zone.
- F. The overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare. The canopies will be constructed to comply with the most recent City Building Code requirements. The placement and design of the canopies would preserve the light, air, and privacy to adjacent parcels. The proposed canopies will not involve any grading on the site, and will not conflict with on-site vehicular and pedestrian circulation.

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

- A. The removal of the two (2) oak trees and encroachment into the protected zone of two (2) other oak trees is required because of their proximity to the proposed structures and cannot be remedied through reasonable preservation and/or preventive procedures and practices, as the oak trees would prevent the construction of the canopies on the subject property.
- B. The proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject site. Protective measures for the remaining trees are incorporated as conditions of approval for this project.
- C. The removal of the oak trees will not result in soil erosion through the diversion of increased flow of surface waters which cannot be satisfactorily mitigated, as the trees are within existing planters.
- D. The removal of the two (2) oak trees will be mitigated by the planting of eight (8) additional oak trees on the property. The extent of the encroachment into the

DRAFT Resolution No. Page 5	18				
the encroachment trees on site w	two (2) other oak trees is considered minor so as not to necessitate mitigation of the encroachment. The trees to be encroached upon and the remaining oak trees on site will be protected per the requirements of the City Oak Tree Preservation Guidelines, Appendix A, which are conditions of approval for the project.				
hereby approves Site P Tree Permit Case No. C	sed on the aforementioned findings, the Planning Commission lan/Architectural Review Case No. SPR-011413-2017, and Oak OAK-01452-2018, subject to the conditions of approval, attached respect to the property described in Section I hereof.				
passage, approval, and	e Secretary of the Planning Commission shall certify to the adoption of this resolution, and shall cause this resolution and tered in the Book of Resolutions of the Planning Commission of				
ASSED, APPROVED, a to wit:	nd ADOPTED this 15th day of March 2018, by the following vote				
AYES: (0) NOES: (0) ABSTAIN: (0) ABSENT: (0)					
ATTEST	Curtis Zacuto, Chairperson				

Doug Hooper, Secretary

Exhibit A CONDITIONS OF APPROVAL (Case No. SPR-01413-2017 and OAK-01452-2018)

PLANNING DEPARTMENT

- 1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of the Planning Director's action, subject to filing the appropriate forms and related fees.
- 2. The approval of this permit shall not be effective for any purpose until the applicant has agreed in writing that he is aware of, and accepts, all conditions of this permit with the Planning Department.
- 3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits: Site Plans, Elevation Plans, and Landscape Plans.
- 4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
- 5. It is hereby declared to be the intent that if any provision of this permit is held or declared 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 failed to do so for a period of thirty (30) days.
- 7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in this permit or on the approved Site Plan.
- 8. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
- 9. Unless this permit is used within two (2) years from the date of City approval, Site Plan/Architectural Review Case No. SPR-01413-2017 and Oak Tree Permit Case No. OAK-01452-2018 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
- 10. 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.

- 11. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
- 12. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.
- 13. 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.
- 14. The Applicant, and property owner(s), and their successors in interest, shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees (collectively "Indemnitees") from and against any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this approval by the City or the exercise of the rights granted by this approval. This indemnification obligation shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the Indemnitees in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit. The City shall promptly notify Applicant and property owners of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. In the event such a legal action is filed, the City shall estimate its expenses for litigation. Applicant or property owners shall deposit such amount with the City or enter into an agreement with the City to pay such expenses as they become due. Applicant and property owners shall reimburse the City, and each of the Indemnitees for any and all legal expenses and costs incurred by it in enforcing the indemnity herein provided. 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.

BUILDING AND SAFETY DEPARTMENT

- 15. All exterior materials used for eaves, sidings, porch, patio, decks, canopies, carport and other similar structures shall meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC).
- 16. This project is subject to the 2016 California Residential, Building, Mechanical, Plumbing, Electrical, Energy, Green Building Codes and Agoura Hills Municipal Code.

- 17. As part of the permitting process and prior to permit issuance, two (2) complete sets of construction plans, including Structural, Floor Plan, Mechanical, Electrical, Plumbing, Energy Plans, plans will need to be submitted to the Building and Safety Department for plan review and approval.
- 18. Accessible parking stalls must be provided under the newly installed shade structures and all state and federal accessibility regulations must be followed.

OAK TREES

- All tree mitigation and protection measures outlined in the Oak Tree Report prepared by Jan Scow, Consulting Arborists, LLC, (January 10, 2018) shall be implemented.
- 20. Mitigation oak trees shall consist of two (2) 24" box coast live oaks, one (1) 36" box coast live oak, and one (1) 15-gallon container coast live oak for each tree that will be removed, such that the trunk diameters of these replacement oaks is equal to or greater than the sum of the trunks removed. It shall be assumed that a 15-gallon container represents a one (1)-inch diameter tree, a 24-inch box represents a two (2)-inch diameter tree, and a 36-inch box represents a three (3)-inch diameter tree. Coast live oak mitigation trees shall be incorporated into the project Landscape Plan. If it is determined by the City Planning Director that there is insufficient land available to plant the full number of mitigation trees onsite, then the applicant may pay an in-lieu fee for the remainder of the mitigation requirement. The exact amount of the fee is to be determined by the City's Oak Tree Consultant, based on the appraised value of the largest tree that will be removed. The tree appraisal value shall be determined based on the International Society of Arboriculture Guide for Plant Appraisal (9th Edition), and approved by the City Planning Director prior to issuance of a building permit or grading permit, whichever occurs first. The in-lieu fee shall be paid to the City's Oak Tree Mitigation Fund prior to issuance of a grading permit or commencement of project construction, whichever occurs sooner.
- 21. Coast live oak mitigation trees shall be obtained from a local nursery stock. Prior to planting, the applicant shall provide written verification that the mitigation trees are certified as disease-free; otherwise, they can be inspected by the City's Oak Tree Consultant prior to planting.
- 22. Oak trees 12 and 13 will be encroached by the construction of a carport. A certified arborist shall be present during initial ground disturbance work (i.e., grading) that will occur within the Protective Zone of these trees. The certified arborist shall prescribe measures to avoid or minimize damage to tree roots during grading and construction activities, so that damage to branches from heavy equipment is avoided.

- 23. All oak trees located on the property, including mitigation oak trees that will be planted, shall be preserved in perpetuity by the property owner.
- 24. Prior to the start of any work or mobilization at the site, protective fencing shall be installed at the Tree Protective Zone (TPZ) of the oak trees that are located adjacent to work activities. The applicant or their consulting arborist shall consult the City's Oak Tree Consultant to determine the exact fencing configuration and appropriate fencing material, and submit a fencing plan subject to approval by the City's Oak Tree Consultant. The City's Oak Tree Consultant shall verify the installation of protective fencing prior to the start of construction activities.
- 25. The applicant shall provide a minimum of 48-hour notice to the City's Oak Tree Consultant prior to the start of approved work within the Protected Zone of any oak tree.
- 26. No vehicles, equipment, materials, spoil or other items shall be used or placed within the TPZ of any oak tree at any time, except as specifically required to complete the approved work.
- 27. No irrigation or ground cover shall be installed within the TPZ of any existing oak tree unless specifically approved by the City's Oak Tree Consultant and the Planning Director.
- 28. 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's Oak Tree Consultant deems necessary to protect or preserve the health of the oak trees at that time.
- 29. No pruning of live wood of an oak tree (including branches and roots) shall be permitted unless specifically authorized by the City's Oak Tree Consultant and/or following an approved Oak Tree Permit. Any authorized pruning shall be performed by a qualified arborist under the direct observation of the applicant's oak tree consultant. All pruning operations shall be consistent with ANSI A300 Standards Part 1 Pruning and the most recent edition of the International Society of Arboriculture Best Management Practices for Tree Pruning.
- 30. No herbicides shall be used within 100 feet of the TPZ of any oak tree unless the program is first reviewed and endorsed by the City's Oak Tree Consultant.
- 31. The applicant's consulting arborist shall submit certification letters for all work completed within the TPZ of an oak tree within five working days of the completion of said work. The letter(s) 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 AND IRRIGATION

- 32. Final Landscape Plans shall substantially conform to the Landscape Plans prepared by Wynn Landscape Architects (dated December 4, 2017 and part of plans submitted by Rec Solar dated 1/25/2018, received 2/3/2018), as approved by the City of Agoura Hills Planning Commission.
- 33. Location and material of site improvements shown on plans shall conform to approved plans.
- 34. Planting shall reflect the Agoura Hills natural Oak woodland aesthetic. Succulents to be used sparingly. Plantings to include primarily native and adapted plants in natural arrangements. Themed plantings are encouraged. Short-lived plants used in mass are discouraged.
- 35. Planting design shall include more native plants or plants adapted to local site conditions. Xylosma congestum and Lavandula dentata shall be replaced with other native or adapted plants, to the satisfaction of the Planning Director, in consultation with the City Landscape Consultant, and as acceptable to the County Fuel Modification Unit.
- 36. The Final Landscape Plan shall incorporate the eight (8) mitigation oak trees, consistent with Condition 20.
- 37. The appearance of PV above grade utility structures, such as panel boards, monitoring equipment, and inverters, to be screened or softened with planting.
- 38. A California Landscape Architect with current license shall prepare, stamp and sign the plans. The Plans shall be submitted with a copy of the following approved plans: Architectural Site Plan and Elevations. Conditions of Approval shall also be submitted with the Landscape and Irrigation Plans.
- 39. The Planting and Irrigation Plans shall meet the requirements of the State Model Water Efficient Landscape Ordinance and Division 8, Chapter 6, Article IX of the Agoura Hills Municipal Code.

Include Compliance Statements per 23 CCR 492.7 Irrigation Design Plan, (b)

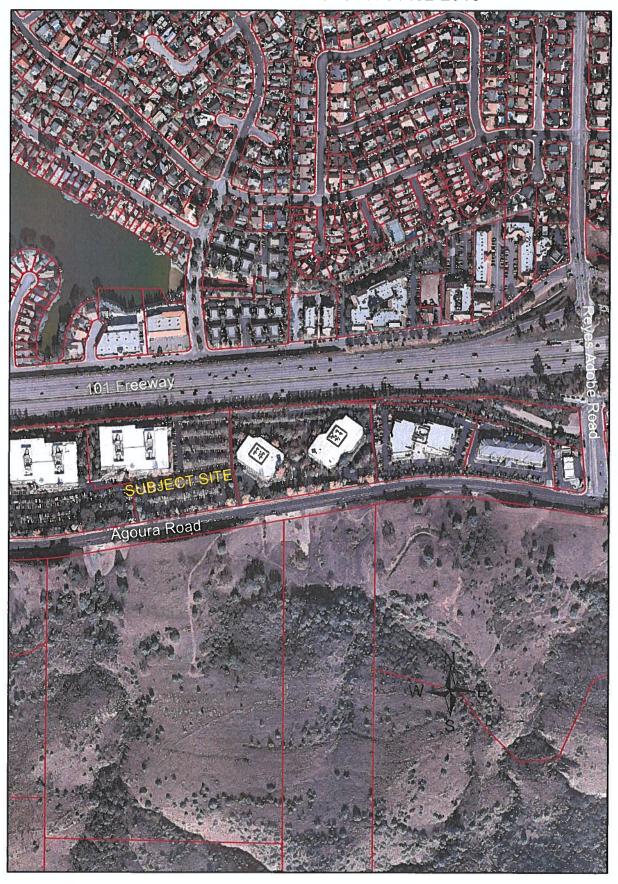
- a. "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"
- b. Signature of the licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.
- c. Correct ET adjustment factor on MAWA calculation. Use 51.0.

- 40. Plans shall comply with the guidelines and/or requirements set forth by the following:
 - City of Agoura Hills, General Plan and Architectural Design Standards
 - Las Virgenes Municipal Water District
 - Los Angeles County Department of Public Health
 - State of California Recycled Water- Statutes and Regulations (aka "The Purple Book")
 - California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance
- 41. Los Angeles County Department of Public Health submittal and plan approval is required for projects using recycled/rainwater/cistern irrigation water.
- 42. Planting Plans shall indicate the botanical name, the plant container sizes and spacing. The minimum size of trees shall be fifteen (15) gallon. The minimum size of shrubs shall be five (5) gallon except shrubs planted as groundcovers and or as accent planting, which may be one (1) gallon size. Plant sizes may be increased on some projects at the discretion of the Planning Director. (*If necessary specify required plant sizes*). Plant symbols shall depict 75 percent of the size of the plant at maturity. Palm trees are not permitted in the City of Agoura Hills. All plant material shall be compatible with Sunset's Climate Zone 18.
- 43. The Final Landscape Plans shall include the following notes:
 - a. "The project Landscape Architect shall inspect and certify in writing that the landscape installation is in conformance with the approved Landscape Plans."
 - b. Identification of the total square footage of the landscape area within the project.
- 44. All planting areas shall receive a three (3) inch layer of coniferous bark mulch. Mulch to be kept away from tree and shrub crowns. Mulch areas to be dressed to present a clean uniform appearance when complete.
- 45. The Final Irrigation Plans shall be provided separate from, but utilizing the same format as, the Planting Plans. The Final Irrigation Plans shall include calculations that demonstrate the irrigation design hydraulically works given the static and working design pressure of the system.

- 46. With the Final Landscape Plans, three (3) copies of plans, details, and specifications shall be provided, addressing but not limited to, layout, planting, soil preparation, tree staking, guying, installation details and post installation maintenance.
- 47. The approved landscape shall be continually maintained in a healthy state. Plants that die and plants that are damaged shall be immediately replaced with originally specified material.
- 48. Invasive non-native plants that can threaten the local wildland ecosystems are not permitted. These plants are listed in the California Invasive Plant Inventory published by the California Invasive Plant Council.
- 49. Landscape improvements, planting, and irrigation installation shall be subject to inspection and approval by the Planning Department prior to final building permit inspection.

END

Site Plan/Architectural Review Case No. SPR-01413-2017 and Oak Tree Permit Case No. OAK-01452-2018



ADLER REALTY - AGOURA HILLS SOLAR PHOTOVOLTAIC SYSTEM

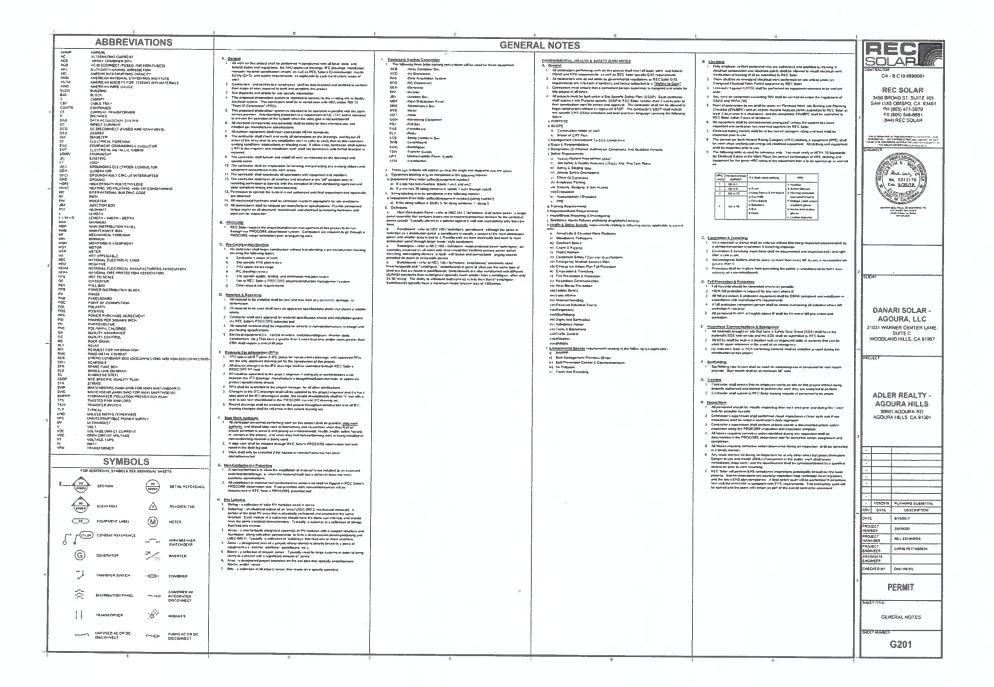


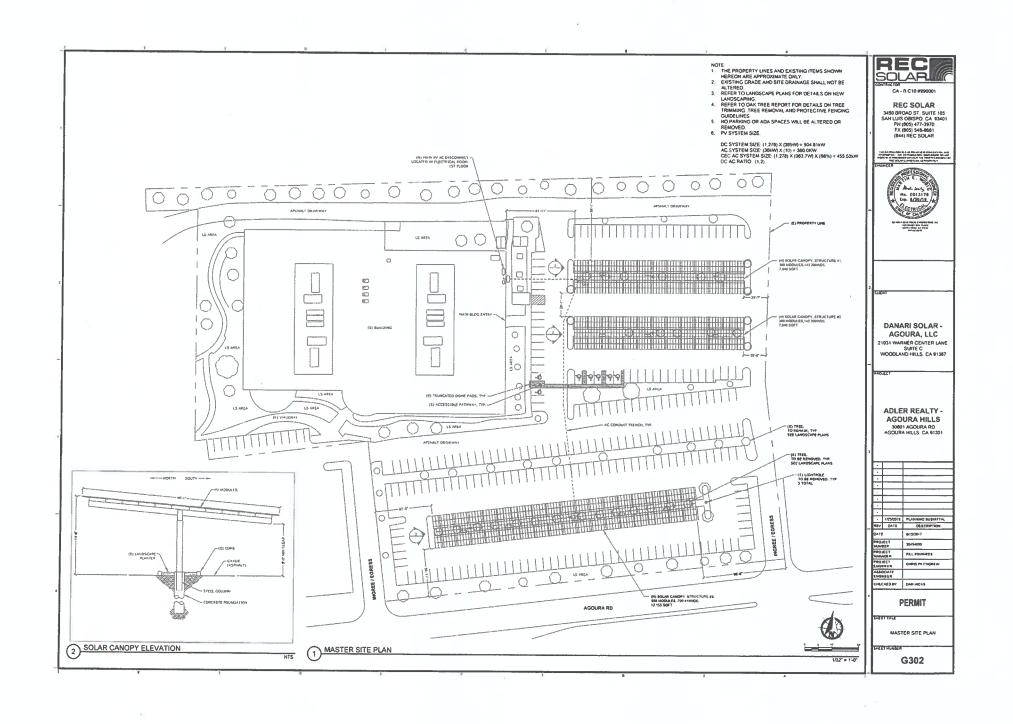
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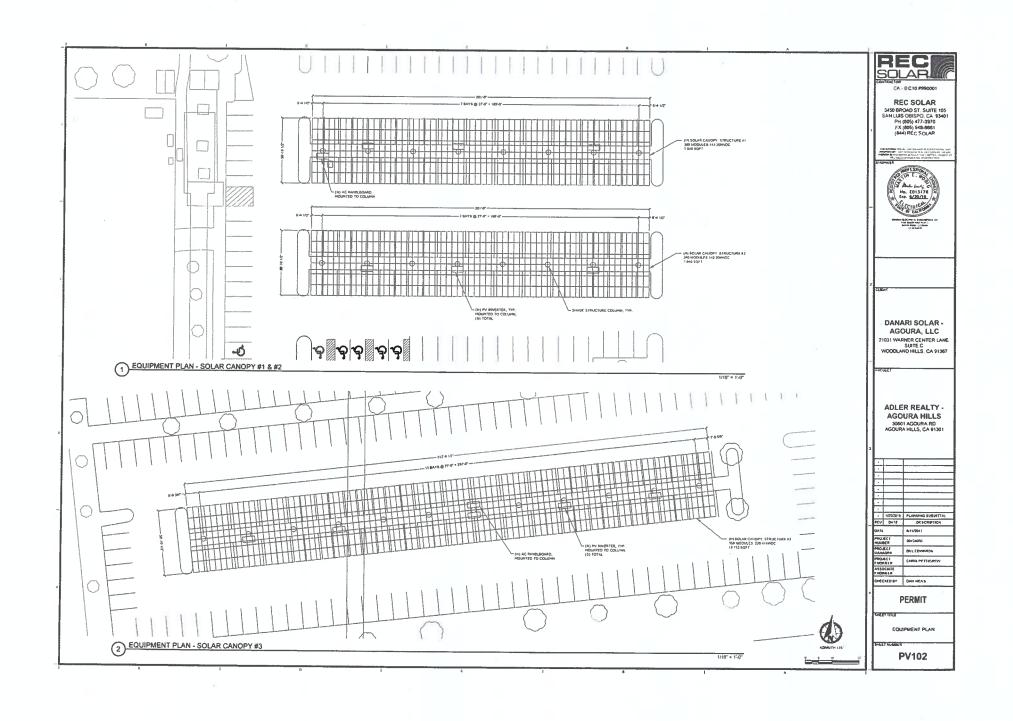
REC SOLAR 3450 BROAD ST, SUITE 105 SAN LUIS OBISPO, CA 93401 PH (805) 477-3970 FX (805) 548-8651 (844) REC SOLAR

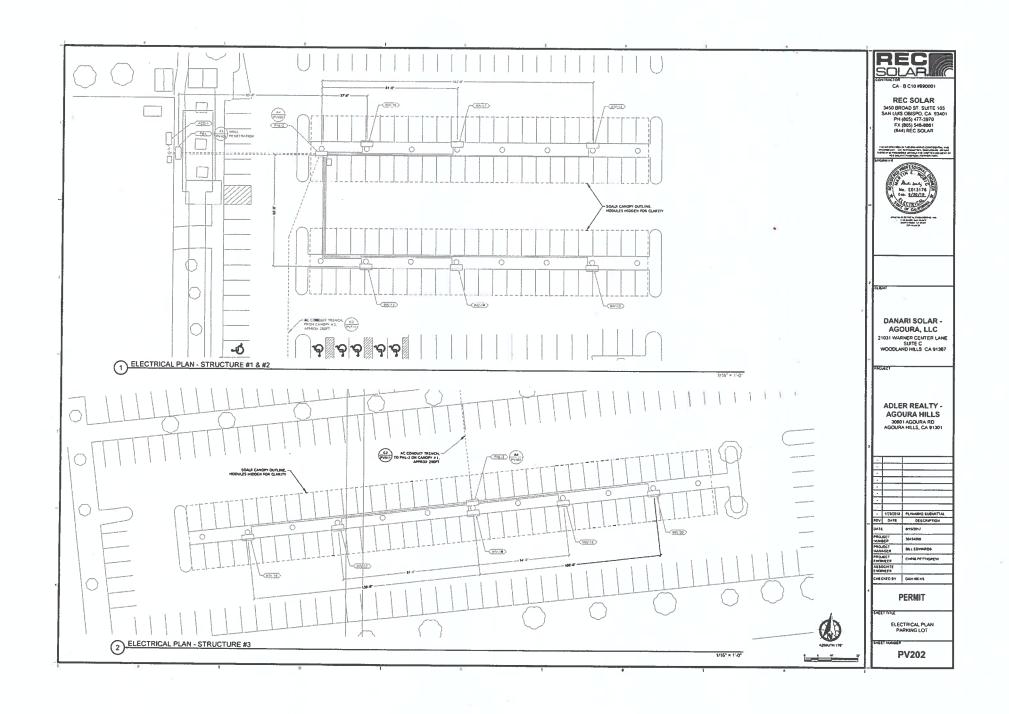


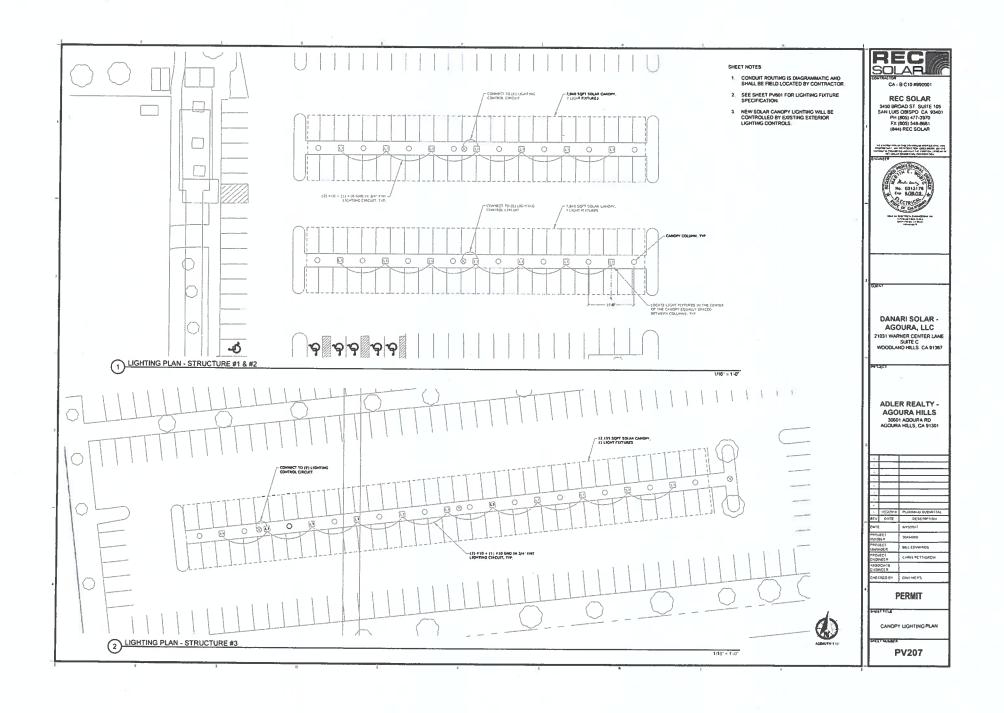
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CONTRACTOR REC SOLAR 1450 BROAD ST SAN LUIS OBISPO CA 93401 PM (844) 732-7852 PROJECT MANAGER BILL EDWARDS	TREE REMOVAL IS REQUIRED IN CONORY AREAS A TOTAL OF SEVENTEER 117 TREES BUIL ER REMOVED, CRECETATION IN PLANTER AREAS WILL NOT BE REMOVED. CARPORTS WILL INCREASE SHANDING PREVIOUSLY PROVIDED BY TREES TO BE REMOVED SCUAR CANDRES WILL PROVIDE GOS SHADING OF PRINGED SCUAR CANDRES WILL PROVIDE GOS SHADING OF PRINGED SPACES.	Our O	OF THE FOLLOWING CODES 2016 CALIFORNA BUILDING CODE (CBC) 2016 CALIFORNA ELECTRICAL CODE (CEC) 6 SUPPLEMENTAL 2016 CALIFORNA FIRE CODE	GYOT GENERAL HOTES GS02 MASTER SITE PLAN PY102 EQUIPMENT PLAN - CANOPIES PY202 ELECTRICAL PLAN - CANOPIES PY207 CANOPY LIGHTING PLAN PY208 CANOPY LIGHTING STUDY	21031 WARNER CENTER LAI SUITE C WOODLAND HILLS, CA 9138
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PH (760) 744-131 CONTACT ROB YOWELL LECTRICAL ENGINEER SONOMA ELECTRICAL ENGINEERING 1125 SHADY OMY PLACE SANTA ROSA CA 9540M	BITERCONNECTION INFORMATION AT PDC VOLTAGE 90777 CURRENT 2000 COMPRESS CONTROL	DIRECTIONS TO SITE		LANGSCAPE PLANS TS-1 TARES SUPVEY L-1 IRRIGATION PLAN L-2 PLANTING PLAN L-3 IRRIGATION FLAN L-3 IRRIGATION BY LANTING DETAILS	
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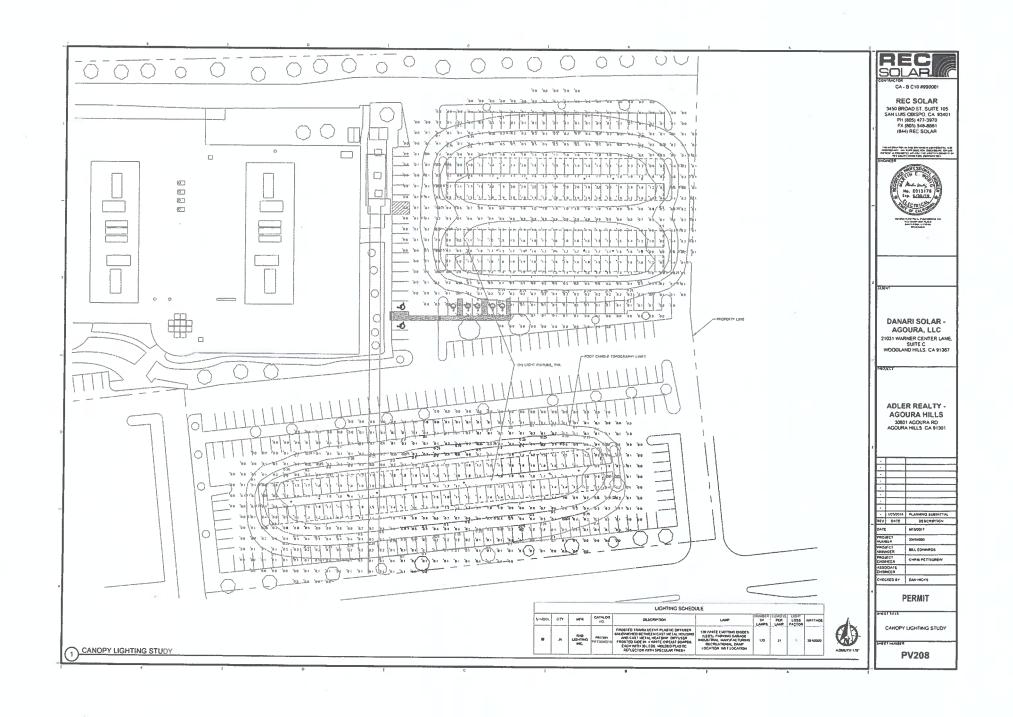


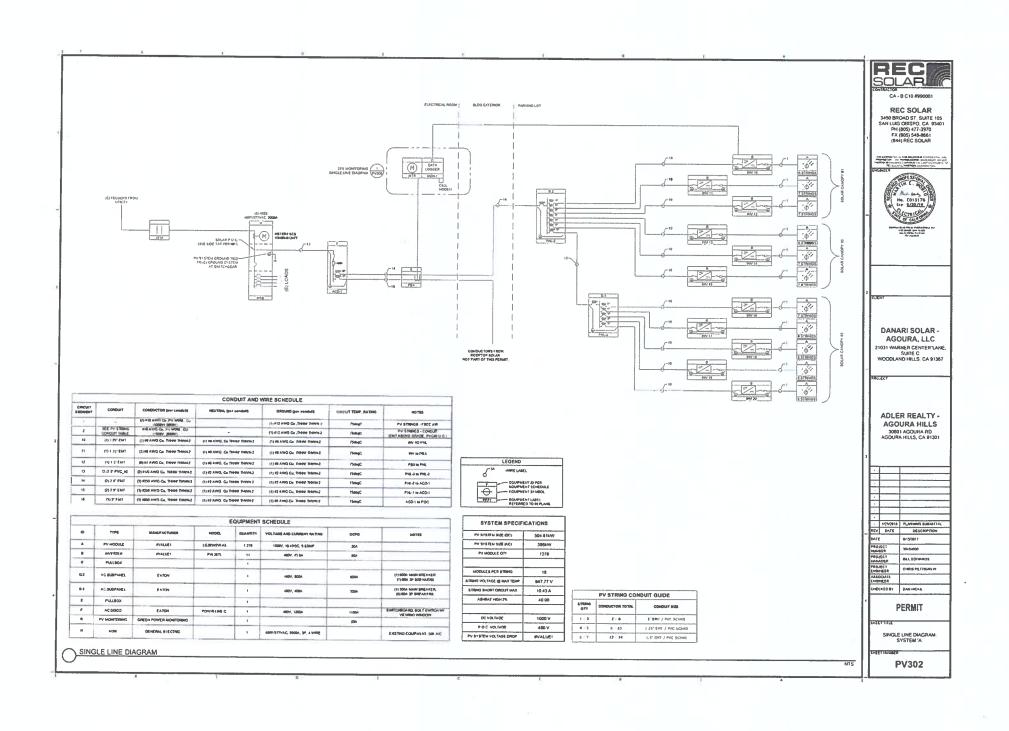


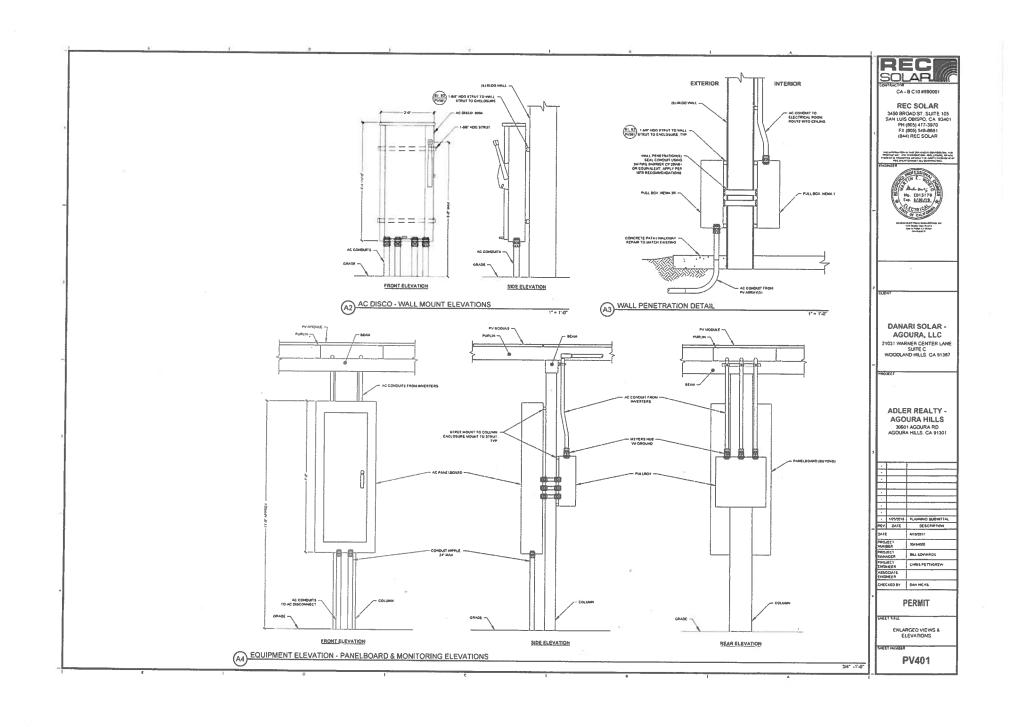


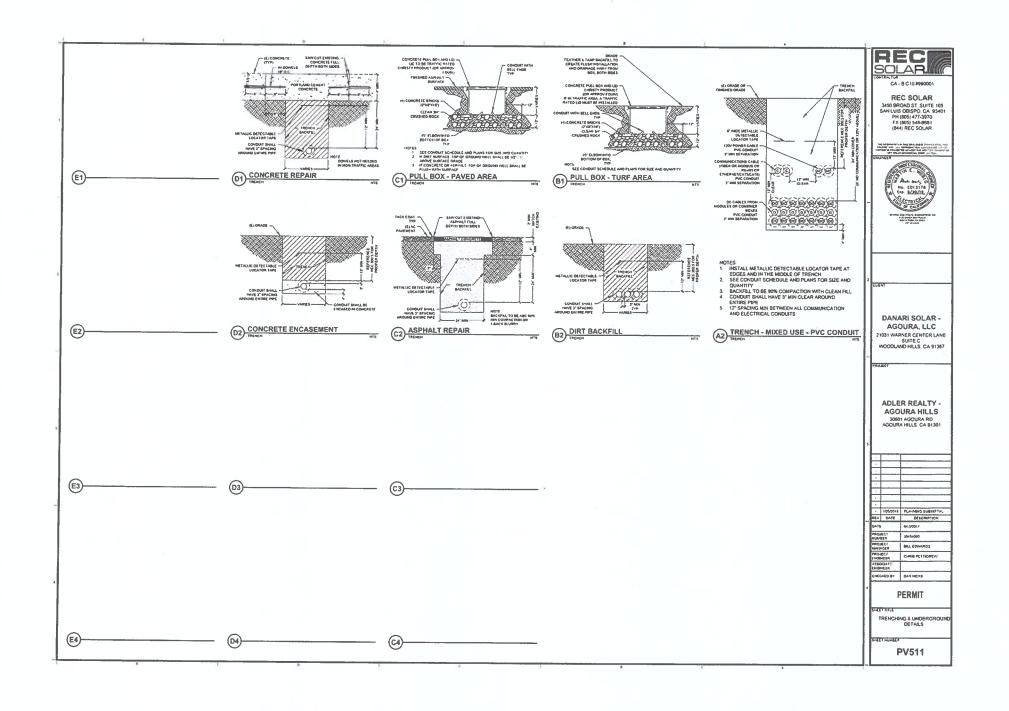


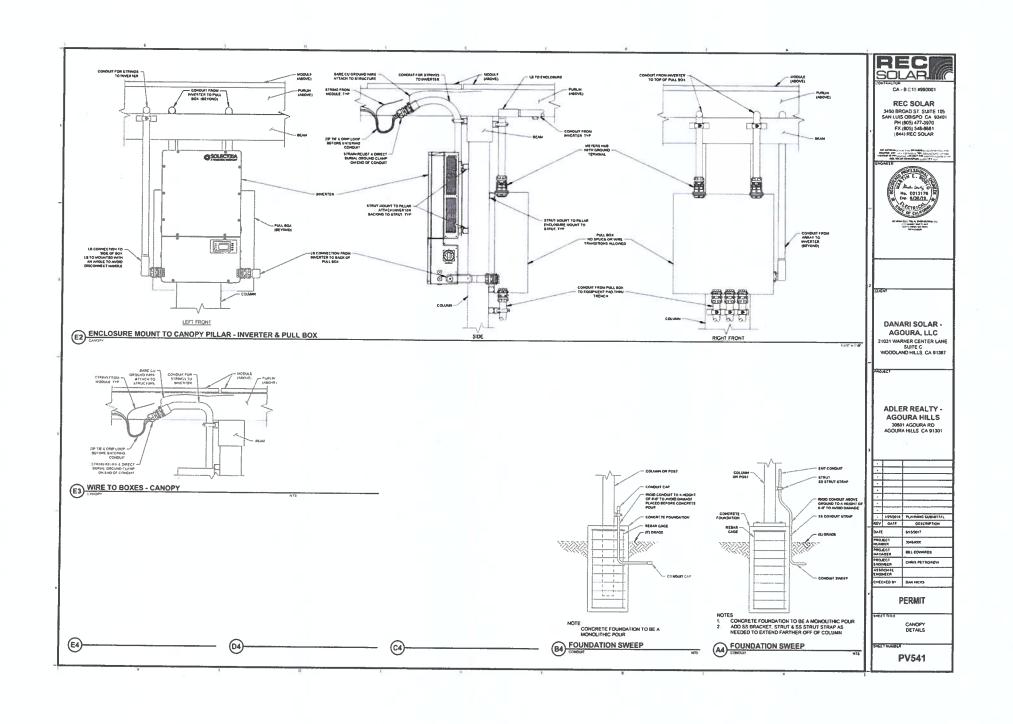


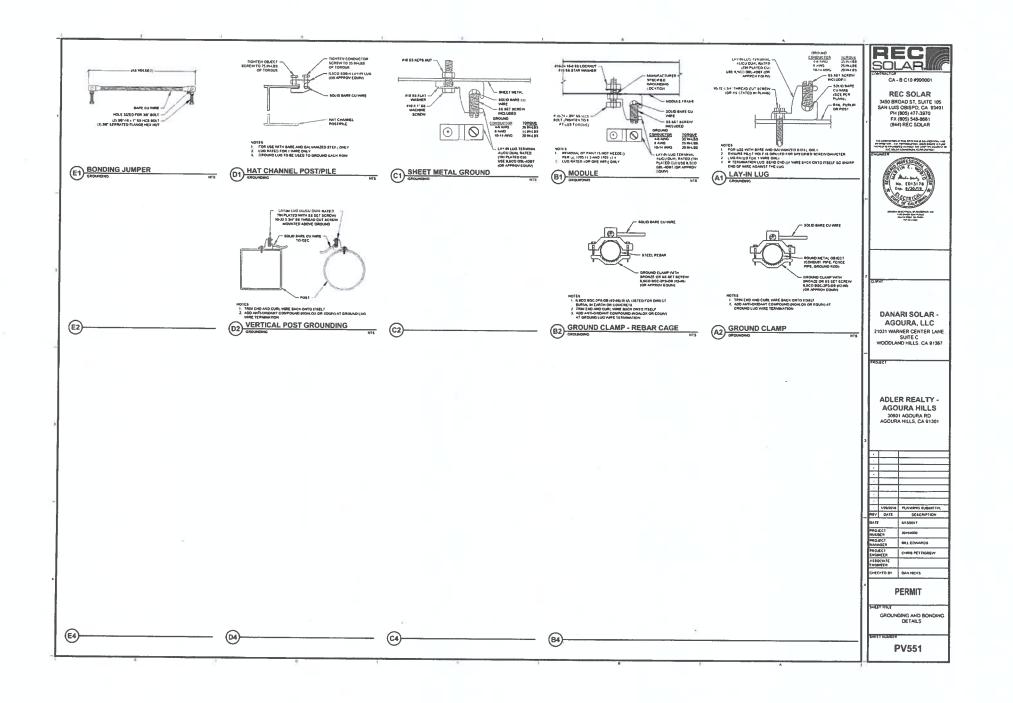


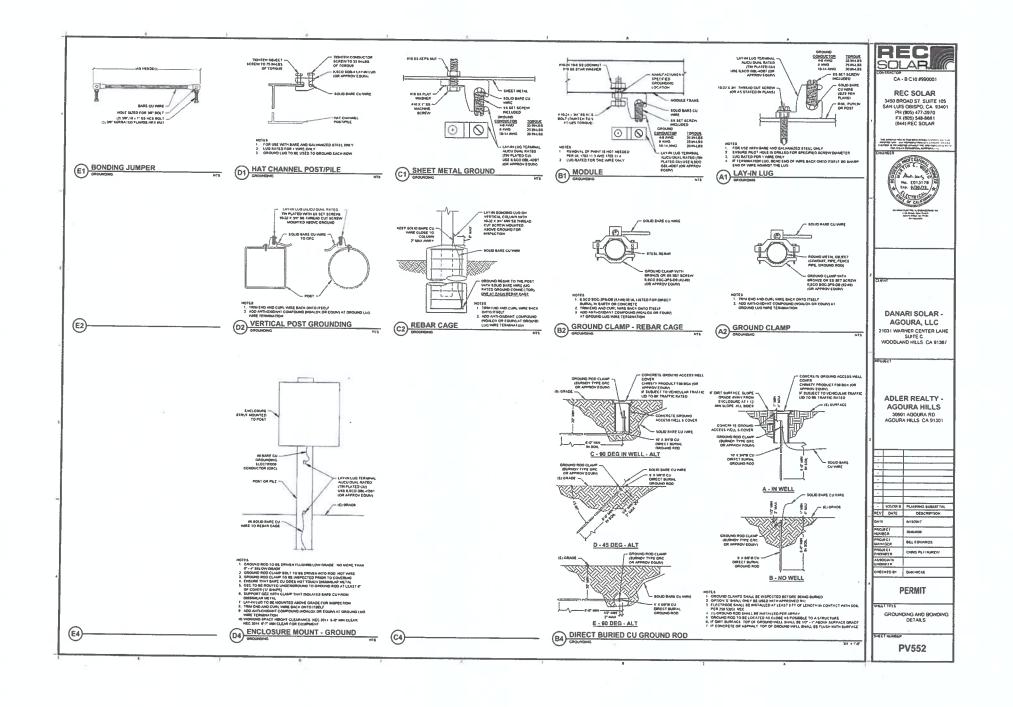






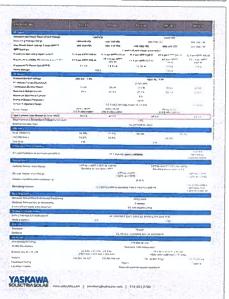


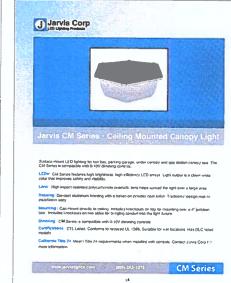


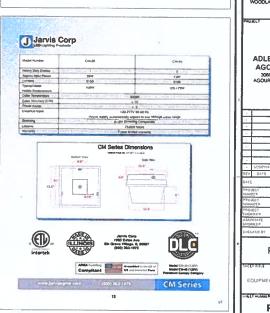














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