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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**ACTION DATE:** April 19, 2007

**TO:** Planning Commission

**APPLICANT:** Scheu Development Company  
4550 E. Thousand Oaks Blvd., #202  
Westlake Village, CA 91362

**CASE NOS.:** 98-CUP-012 (Amendment) and 98-OTP-010 (Amendment)

**LOCATION:** 30200 and 30300 Agoura Road (A.P.N. 2061-002-049)

**REQUEST:** Request for approval of a one-year time extension for a previously approved Conditional Use Permit which allows for the construction of two office buildings totaling 71,844 square feet in size; and a request for approval of a one-year time extension for an approved Oak Tree Permit which allows for the removal of nine (9) oak trees and encroachment within the protected zone of ten (10) oak trees for the proposed construction.

**ENVIRONMENTAL DETERMINATION:** The proposed project is consistent with the Environmental Impact Report certified on June 9, 2004 by City Council Resolution No. 03-1274.

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 98-CUP-012 (Amendment) and Oak Tree Permit Case No. 98-OTP-010 (Amendment), subject to conditions, based on the findings of the attached draft Resolution.

**ZONING DESIGNATION:** SP (Ladyface Mountain Specific Plan)

**GENERAL PLAN DESIGNATION:** Ladyface Mountain Specific Plan

## **I. PROJECT BACKGROUND AND DESCRIPTION**

On January 16, 2003 and February 6, 2003, the Planning Commission reviewed a Conditional Use Permit application (Case No. 98-CUP-012) for the proposed construction of two, two-story office buildings of 43,109 and 42,640 square feet in size, known as "Agoura Hills Corporate Ridge." The 26.5 acre project site is located at 30200 and 30300 Agoura Road, on the south side of the Agoura Road/Reyes Adobe Road intersection, within the Ladyface Mountain Specific Plan Area. Also requested was an Oak Tree Permit (Case No. 98-OTP-010) to remove ten (10) oak trees and encroach within the protected zone of ten (10) oak trees for the proposed construction. The Planning Commission approved the Conditional Use Permit and Oak Tree Permit on a 3-2 vote (Chairman Koehler and Commissioner Schwarz opposed).

Council Member Corridori appealed the Planning Commission's decision to the City Council for the following reasons: 1) The unique elevation and prominence of the property; 2) The density of the development; 3) The landscaping of the project; and 4) The architectural design of the project. Public hearings on the appeal were held on March 26, 2003, January 14, 2004, and June 9, 2004. During the course of review by the City Council, the applicant redesigned the project, including reducing the total building size to 71,844 square feet, and eliminating the removal of one (1) oak tree. Upon reviewing changes made by the applicant to the project design, the City Council upheld the decision of the Planning Commission on a 3-2 vote, and approved the Conditional Use Permit and Oak Tree Permit (Mayor Kuperberg and Council Member Corridori opposed).

Pursuant to the provisions in the Zoning Ordinance and the project conditions of approval, the Conditional Use Permit and Oak Tree Permit were valid for an initial two (2) year period (to June 9, 2006). The applicant submitted building plans and grading plans into plan check in September of 2005 and, as allowed by the Zoning Ordinance and the project conditions of approval, the applicant requested and received a one (1) year administrative extension of the Conditional Use Permit and Oak Tree Permit to June 9, 2007. The building plans and grading plans remain in plan check, and the applicant is now requesting a second, one-year extension of his permits, which the Zoning Ordinance allows to be considered by the Planning Commission.

## **II. STAFF ANALYSIS**

The project has not changed from its original approval and all conditions of approval would remain valid. A copy of the original staff report and adopted Resolutions and conditions of approval are attached for reference. As stated in his attached Request for an Extension, the applicant has been in plan check for approximately 18 months and intends to complete the

remaining plan check corrections that are required to obtain a Grading Permit and Building Permit from the Building and Safety Department and begin construction.

The City Oak Tree Consultant has reviewed the original conditions of approval and has found the project to be in keeping with the original scope of approved work. The City Oak Tree Consultant feels that no additional conditions are needed and recommends approval of the time extension.

The Acting City Engineer has also reviewed the request and the previously approved conditions of approval. Although nearly complete, Kanan Road/101 Freeway Interchange Project is still in construction and there have been other projects approved and constructed in the area since the applicant's project was approved in June of 2004. However, the City Engineer finds that the original conditions regarding traffic impact mitigations and fees are still current. Also, it was determined that no additional or amended conditions from the Engineering/Public Works Department are needed for the applicant's time extension request.

The City Environmental Analyst has reviewed the request and to extend the Conditional Use Permit and Oak Tree Permit and finds it to be consistent with the project described in the Environmental Impact Report (EIR) that was certified pursuant to the California Environmental Quality Act (CEQA). Upon review of the attached mitigation measures included in the Final EIR, the City Environmental Analyst has determined that impacts would still be reduced to less than significant levels. Therefore, no further review under CEQA is required for the time extension request.

### **III. RECOMMENDATION**

Based on the foregoing review and analysis, staff believes that the Conditional Use Permit and Oak Tree Permit requests are acceptable as there are no changes that are proposed to the project, and that there are no significant changes to the site, to the surrounding area, nor the regulations that affect the site. Therefore, staff finds the previous findings of approval made by the City Council for the Conditional Use Permit and Oak Tree Permit are still valid. Staff recommends that the Planning Commission adopt a motion to approve an amendment to Conditional Use Permit Case No. 98-CUP-012 and Oak Tree Permit Case No. 98-OTP-010, granting a one-year time extension that would expire on June 9, 2008, subject to conditions, based on the findings of the attached draft Resolution.

#### **IV. ATTACHMENTS**

- Exhibit A: Draft Resolution and Conditions of Approval
- Exhibit B: Applicant's Request for an Extension
- Exhibit C: Approved City Council Resolution No. 03-1274 and Conditions of Approval
- Exhibit D: Mitigation Monitoring Plan
- Exhibit E: Reduced Photocopies of Project Plans
- Exhibit F: June 9, 2004 City Council Staff Report
- Exhibit G: January 14, 2004 City Council Staff Report
- Exhibit H: March 26, 2003 City Council Staff Report
- Exhibit I: June 9, 2004 City Council Meeting Minutes
- Exhibit J: January 14, 2004 City Council Meeting Minutes
- Exhibit K: March 26, 2003 City Council Meeting Minutes
- Exhibit L: February 6, 2003 Planning Commission Staff Report
- Exhibit M: January 16, 2003 Planning Commission Staff Report
- Exhibit N: February 6, 2003 Planning Commission Meeting Minutes
- Exhibit O: January 16, 2003 Planning Commission Meeting Minutes
- Exhibit P: Vicinity Map

Case Planner: Doug Hooper, Assistant Director of Community Development

**EXHIBIT A**

**DRAFT RESOLUTION AND CONDITIONS OF APPROVAL**

DRAFT RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING AN AMENDMENT  
TO CONDITIONAL USE PERMIT CASE NO. 98-CUP-012  
AND OAK TREE PERMIT CASE NO. 98-OTP-010  
FOR THE PURPOSE OF GRANTING A ONE-YEAR TIME EXTENSION

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

Section 1. An application was duly filed by Scheu Development Company with respect to real property located at 30200 and 30300 Agoura Road (A.P.N. 2061-002-049), requesting approval of a Conditional Use Permit amendment and an Oak Tree Permit amendment for a one-year time extension to construct two office buildings totaling 71,844 square feet in size, to remove nine (9) oak trees and to encroach within the protected zone of ten (10) oak trees. A public hearing was duly held on April 19, 2007, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. The Planning Commission finds that the request for a time extension is acceptable given that there are no changes that are proposed to the project and that there are no significant changes to the site, to the surrounding area and to the regulations that affect the site. The Planning Commission, pursuant to the Ladyface Mountain Specific Plan and the Agoura Hills Zoning Ordinance, finds that the findings contained in City Council Resolution No. 03-1274, approved on June 9, 2004, are still valid and state as follows:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The property is located in the Ladyface Mountain Specific Plan area. The project provides for business park development as called for this parcel within Specific Plan.
- B. The proposed uses, as conditioned, are compatible with the surrounding properties. The project is adjacent to similar land uses including the Teradyne research and development facility and uses that are ancillary to office development, including two hotels and two service stations. Property located to the west of the project is currently vacant. However, the applicant's donation of approximately 2/3 of his parcel as open space will help sustain the natural habitat of the area.

- C. The proposed use, as conditioned, and the condition in which it will be maintained will not be detrimental to the public health, safety, or general welfare. The project will be developed in full compliance with all Building Code and measures identified in the Mitigation Monitoring Program, which was developed as part of the project EIR will be made conditions of approval for the project.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project meets the development standards of the Ladyface Mountain Specific Plan and the Zoning Ordinance relative to required yard areas, building height, lot coverage and landscape coverage.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The Agoura road corridor, west of Kanan Road, has recently been developed with office complexes. The Ladyface Mountain Specific Plan calls for a continuation of this office development on the south side of Agoura Road. The nearest general office complexes to the applicant property are located at 2,500 feet to the west and 1,000 feet to the east.
- F. The proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan. Goal No. 1 of the General Plan Land Use Element calls for the provision of a mix of land uses which meet the diverse needs of the Agoura Hills residents, offers a variety of employment opportunities, and allows for capture of regional growth. The proposed project will contribute to the establishment of a variety of employment opportunities and will allow for the capture of regional growth. The project will also provide for a variety of business park uses, including commercial office development, and research and development, and will therefore meet a policy of Goal No. 1.
- G. The proposed use will not mar the property's unique natural elements and has a positive relationship to the character of Ladyface Mountain. Although the building mass will be visible, the project is to include large quantities of native landscaping (approximately 20.6 acres) as a component of the development. This landscaping will provide significant visual screening. This design element combined with the limitation of development below the 1,100 foot elevation, the incorporation of unique exterior architectural features terraced design elements complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of significant setbacks from Agoura road will reduce the visual

impact to the Agoura Road corridor. The location and configuration of the buildings are intended to screen views of the parking lot, thereby reducing the visual impacts of the graded pad area.

- H. Adequate evidence and guarantees have been provided to indicate that all provisions of the Specific Plan can be satisfied. The applicant has worked closely with staff and the Architectural Review Panel in designing a project within a pad area that is allowed per the Specific Plan. Creative design techniques have preserved on-site oak trees and allowed for fewer retaining walls while providing for access to two buildings that incorporate varied roof lines and natural building materials that are compatible with the natural features of the area.
- I. The proposed building density increase beyond Scenario 1-A of the Ladyface Mountain Specific Plan will not adversely affect the goals, objectives and policies of the General Plan or the Specific Plan. As called for in the General Plan Land Use Element the project will continue to enhance community identity and development quality for the City and its neighborhoods. The design criteria of the Ladyface Mountain Specific Plan help ensure that all development within the Specific Plan area is compatible with the surrounding natural environment and includes and architectural design of utmost quality. Additionally, the project will promote extensive landscaping while emphasizing drought-tolerant plant materials. The recent donation of southern portion of the property as preserved open space will assist in the General Plan goal of maintaining open space resources for the purposes of maintaining the visual quality of the City.
- J. The proposed building density will not reduce traffic Level of Service (LOS) to a lower level of service and is offset by increases in roadway capacity or other acceptable mitigation measures. The traffic impact study prepared for the project notes that the development would generate 792 vehicle trips to the City's road system. Of these, 112 trips would occur during the AM peak period and 107 during the PM peak period. Project trip generation during the off-peak hours (primarily between (9:00 AM to 4:00 PM) would be approximately 573 trips, or fewer than 82 trips per hour. The PM peak period traffic estimates generated by the project is within the 190 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A). While the proposed development will result in significant traffic impacts at some study intersections, the relative contribution of the project to traffic volume growth in the area is small. Also, intersection capacity at several locations in the study area is already deficient. The applicant will be



required to mitigate traffic impacts to levels of insignificance through roadway improvements included in the proposed mitigation and monitoring program that is included in the EIR.

- K. The proposed building density will not create any potentially significant environmental effects. The Final Environmental Impact Report (FEIR) prepared for this project includes a detailed analysis the following issues: Aesthetics/Visual Resources, Air Quality, Biological Resources, Geotechnical and Geological Hazards, Hydrology and Water Quality, Land Use, Noise, Public Utilities, Public Services, and Traffic and Circulation. While anticipated environmental impacts are identified within the FEIR, all can be mitigated to levels of insignificance. While the proposed siting of the buildings is at the highest part of the developable area on the site, the proposed pad area is likely the least environmentally impacting in comparison with other areas on the site.
- L. Cut slopes of 1.5:1 are proposed along Agoura Road, but are necessary for the required widening of Agoura Road. The City Geotechnical Consultant has tentatively approved the grading plan that allows for a reduction in the number of required on-site retaining walls through the use of cut slopes that are steeper than 2:1. The City Building Code allows the Planning Commission to consider cut slopes that are steeper than 2:1 on a case-by-case basis.
- M. The proposed building density will not impact the increased loss of oak trees. The majority of oak trees proposed for removal are located near the Agoura Road frontage, where road widening improvements would be required regardless of the proposed increase in density. Driveway improvements will also result in the loss of three oak trees, but the driveway location is appropriate for any building density located within the proposed pad area.
- N. Exposed retaining walls will be used only to enhance design or to protect oak trees. Most retaining walls will be used to protect or enhance the oak trees. A continuous retaining wall of approximately two feet in height may be required along the Agoura Road frontage. Existing topographic conditions in this area require the retaining wall for required road widening purposes.
- O. Grading will be limited and innovative building techniques such as stepped massing, sculpturing the building into the hillside, undergrounding parking, or other similar mitigating measures will be incorporated into the project. The building pad area is appropriate for the locations of the

building in that the placement of the buildings will not require removing oak trees within their immediate areas. The meandering driveway is appropriate for the varying contours of the parcel and the highest fill slope will be screened behind one of the proposed buildings. In addition, the applicant has staggered the placement of the two buildings on the property and is offering stepped massing to reduce the visual impact of the two story structures. The buildings are oriented and configured to reduce visibility of the parking lots.

- P. Landscaping will be provided that exceeds the minimum requirements. The conceptual landscape plan for the project proposed the planting of several large boxed oak tree specimens in the incorporation of decorative and native shrubs into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan. Including existing vegetation, 78% of the proposed development will be landscaped. The entrance to the building will have a pronounced landscape treatment and will also incorporate on-site native oak trees.
  
- Q. The proposed project with the proposed building density will comply with the maximum developable land area, maximum building pad, and minimum open space requirements provided for Scenario 1-A in Table IV-1 of the Ladyface Mountain Specific Plan. The maximum development potential of the parcel, as specified in Scenario 1-A in the Specific Plan, includes a development area of 52.5% of the parcel (under the Hillside Ordinance regulations) and a requirement of 47.5% to remain as open space. The maximum developable pad area is 5.23 acres. The applicant has donated 80 acres of his lot as open space and is proposing to confine the development with a 4.92 acre sized pad area, thereby meeting the development potential of the parcel.
  
- R. The removal of nine (9) oak trees and the proposed encroachment into the protected zone of approximately ten (10) oak trees is needed for required road widening construction on Agoura Road and to provide needed access via the on-site driveway that is appropriately located given the topographic constraints of the property. Measures have been implemented to mitigate the loss and encroachment of oak trees.

Section 4. Upon review of the mitigation measures included in the certified Environmental Impact Report previously prepared for the project, the Planning Commission determines that impacts would still be reduced to less than significant levels. Therefore, the Planning Commission hereby finds that no further review under the California Environmental Quality Act is required.

Section 5. Based upon the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 98-CUP-012 Amendment and Oak Tree Permit Case No. 98-OTP-010 Amendment, with respect to property described in Section 1 hereof, subject to the attached Conditions of Approval.

PASSED, APPROVED and ADOPTED this 19<sup>th</sup> day of April, 2007, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steve Rishoff, Chairperson

ATTEST:

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Doug Hooper, Secretary

**CONDITIONS OF APPROVAL**  
**CASE NOS. 98-CUP-012 (AMENDMENT) AND 98-OTP-010 (AMENDMENT)**

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 at 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 project plans as approved by the City Council on June 9, 2004.
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 is 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. The applicant shall obtain a building permit and commence construction before June 9, 2008, or the entitlement will become void.
7. All Conditions of Approval in City Council Resolution No. 03-1274, except as modified herein, are valid and shall remain valid for the life of the project. The Conditions of Approval in City Council Resolution No. 03-1274 are amended as follows:

“14. Unless Conditional Use Permit Case No. 98-CUP-012 Amendment and Oak Tree Permit Case No. 98-OTP-010 Amendment are used ~~within two (2) years from the date of City approval by June 9, 2008,~~ the permits will expire. ~~A written request for a one year extension may be considered prior to the expiration date.”~~

END

**EXHIBIT B**

**APPLICANT'S REQUEST FOR AN EXTENSION**

**REQUEST FOR AN EXTENSION FOR DEVELOPMENT  
OF AGOURA HILLS CORPORATE RIDGE  
CONDITIONAL USE PERMIT CASE NO. 98-CUP-012 AND  
OAK TREE PERMIT CASE NO. 98-OTP-010**

**REQUEST**

Scheu Development Company is hereby requesting the extension of Permit No. 98-CUP-012 and 98-OTP-010 for a period of 1 year following the current expiration date of June 9, 2007. The reason for the request is to allow Scheu Development Company time to complete the remaining City and County plan review items. It is believed that only minor items remain with regards to City Building & Safety and Public Works. The extension is needed to address issues with the County of Los Angeles Public Works Department, specifically Condition #66 with regard to transferring the maintenance responsibility of the public storm drains within the public right-of-way from the City over to the County.

**PROJECT DESCRIPTION**

The project consists of 2 two story office buildings totaling 71,844 square feet. The project consists of two buildings a 34,452 sq.ft. and a 37,392 sq.ft. The entire property is approximately 26 acres in size. The pad area for the development is 4.92 acres with an imposed limit of 5.23 acres. Prior to issuance of a grading permit, the Ownership will be recording a deed restriction that extinguishes any development rights exclusive of the pad area of 5.23 acres. The development will be widening Agoura Road along the length of the property. The interchange at Agoura Road and Reyes Adobe Road will be modified from a 3 way interchange to a 4 way. The new leg will be the access road to the project. In order to widen Agoura Road and complete the development it will require the removal of 10 oak trees and the encroachment within the protected zone of 10 oak trees. The buildings are being constructed entirely for office use. Parking for the development is 276 parking spaces. Within the pad area of 4.92 acres there is a landscape coverage of approximately 28.23%. The buildings are designed with a Frank Lloyd Wright design, with extensive overhangs, large second floor setbacks, second floor balconies, flat tile roofs and cultured stone at the base of the structures. The project consists of all natural colors that currently exist within the hillside terrain. There is no on-building lighting and the parking areas are screened by natural landscape berms around the perimeter.

**STATUS OF CURRENT PLAN REVIEW**

Working drawings were submitted to the City of Agoura Hills on 9/27/05. All plan check fees have been paid. There still remains minor plan check corrections with Building and Safety. Our 3<sup>rd</sup> submittal to Public Works was submitted on February 8<sup>th</sup>. It is anticipated that only minor corrections will need to be made upon receipt from Public Works. Difficulty with the County of Los Angeles Public Works Department has been the primary reason for our delay in moving forward with this development. The County has been unwilling to comment on the plans until they have an approved hydrology study and it is not willing to complete its review of the hydrology study until its internal engineering department has a recommendation on any improvements to the existing storm drain, if any, within the public right-of-way. A condition imposed on this

development was that the applicant was responsible for transferring the maintenance responsibilities of the existing and proposed storm drain utilized by this project, within the public right-of-way, over to the County of Los Angeles. This has not been an easy process. It has only been in the last two weeks that we believe some progress is being made with the County and we have been given some resemblance of direction on how to move forward.

**OWNERSHIP OBJECTIVE**

It is Scheu Development Company's objective to complete the plan review process as quickly as possible and then commence the construction phase of the development. It is very difficult to estimate the time required to complete the review and approval stage of the County, given its timetable. We believe that, given the progress we have made in the last few weeks, a 1 year extension would suffice.

**EXHIBIT C**

**APPROVED CITY COUNCIL RESOLUTION NO. 03-1274  
AND CONDITIONS OF APPROVAL**



RESOLUTION NO. 03-1274

A RESOLUTION OF THE AGOURA HILLS CITY COUNCIL  
UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF  
CONDITIONAL USE PERMIT NO. 98-CUP-012  
AND OAK TREE PERMIT NO. 98-OTP-010  
AND CERTIFYING THE ENVIRONMENTAL IMPACT REPORT  
AND ADOPTING THE MITIGATION MONITORING PROGRAM

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

Section 1. An application was duly filed by Scheu Development Company with respect to real property located at 30200 and 30300 Agoura Road, on the south side of the Agoura Road / Reyes Adobe Road intersection (Assessor's Parcel No. 2061-002-049), requesting approval of a Conditional Use Permit (Case No. 98-CUP-012) to construct two, two-story office buildings of 43,109 square feet and 42,640 square feet in size. An Oak Tree Permit (Case No. 98-OTP-010) was filed to remove ten (10) oak trees and to encroach within the protected zone of ten (10) oak trees for construction purposes. Public hearings were duly held by the Planning Commission on January 16, 2003, and February 6, 2003, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings. On February 6, 2003, the Planning Commission approved Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010 on a 3-2 vote (Chairperson Koehler and Commissioner Schwarz opposed), subject to conditions, per Resolution No. 730.

Section 2. An appeal of the Planning Commission's approval of Conditional Use Permit No. 98-CUP-012 and Oak Tree Permit No. 98-OTP-010 was filed by Council Member Ed Corridori on February 21, 2003 with respect to the property described in Section I hereof. The appellant, Council Member Corridori, appealed the decision of the Planning Commission for the following reasons: 1) The unique elevation and prominence of the property; 2) The density of the development; 3) The landscaping of the project; and 4) The architectural design of the project. Public hearings on the appeal were duly held and public testimony was given on March 26, 2003, January 14, 2004, and June 9, 2004 at 7:00 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given.

Section 3. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearings.

Section 4. Pursuant to the Agoura Hills Zoning Ordinance and the Ladyface Mountain Specific Plan, the City Council finds as follows:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The property is located in the Ladyface Mountain Specific Plan area. The project provides for business park development as called for this parcel within Specific Plan.
- B. The proposed uses, as conditioned, are compatible with the surrounding properties. The project is adjacent to similar land uses including the Teradyne research and development facility and uses that are ancillary to office development, including two hotels and two service stations. Property located to the west of the project is currently vacant. However, the applicant's donation of approximately 2/3 of his parcel as open space will help sustain the natural habitat of the area.
- C. The proposed use, as conditioned, and the condition in which it will be maintained will not be detrimental to the public health, safety, or general welfare. The project will be developed in full compliance with all Building Code and measures identified in the Mitigation Monitoring Program, which was developed as part of the project EIR will be made conditions of approval for the project.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project meets the development standards of the Ladyface Mountain Specific Plan and the Zoning Ordinance relative to required yard areas, building height, lot coverage and landscape coverage.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The Agoura road corridor, west of Kanan Road, has recently been developed with office complexes. The Ladyface Mountain Specific Plan calls for a continuation of this office development on the south side of Agoura Road. The nearest general office complexes to the applicant property are located at 2,500 feet to the west and 1,000 feet to the east.
- F. The proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan. Goal No. 1 of the General Plan Land Use Element calls for the provision of a mix of land uses which meet the diverse needs of the Agoura Hills residents, offers a variety of employment opportunities, and allows for capture of regional growth. The proposed project will contribute to the establishment of a variety of employment opportunities and will allow for the capture of regional growth. The project will also provide for a variety of business park uses, including commercial office development, and research and development, and will therefore meet a policy of Goal No. 1.

- G. The proposed use will not mar the property's unique natural elements and has a positive relationship to the character of Ladyface Mountain. Although the building mass will be visible, the project is to include large quantities of native landscaping (approximately 20.6 acres) as a component of the development. This landscaping will provide significant visual screening. This design element combined with the limitation of development below the 1,100 foot elevation, the incorporation of unique exterior architectural features terraced design elements complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of significant setbacks from Agoura road will reduce the visual impact to the Agoura Road corridor. The location and configuration of the buildings are intended to screen views of the parking lot, thereby reducing the visual impacts of the graded pad area.
- H. Adequate evidence and guarantees have been provided to indicate that all provisions of the Specific Plan can be satisfied. The applicant has worked closely with staff and the Architectural Review Panel in designing a project within a pad area that is allowed per the Specific Plan. Creative design techniques have preserved on-site oak trees and allowed for fewer retaining walls while providing for access to two buildings that incorporate varied roof lines and natural building materials that are compatible with the natural features of the area.
- I. The proposed building density increase beyond Scenario 1-A of the Ladyface Mountain Specific Plan will not adversely affect the goals, objectives and policies of the General Plan or the Specific Plan. As called for in the General Plan Land Use Element the project will continue to enhance community identity and development quality for the City and its neighborhoods. The design criteria of the Ladyface Mountain Specific Plan help ensure that all development within the Specific Plan area is compatible with the surrounding natural environment and includes and architectural design of utmost quality. Additionally, the project will promote extensive landscaping while emphasizing drought-tolerant plant materials. The recent donation of southern portion of the property as preserved open space will assist in the General Plan goal of maintaining open space resources for the purposes of maintaining the visual quality of the City.
- J. The proposed building density will not reduce traffic Level of Service (LOS) to a lower level of service and is offset by increases in roadway capacity or other acceptable mitigation measures. The traffic impact study prepared for the project notes that the development would generate 792 vehicle trips to the City's road system. Of these, 112 trips would occur during the AM peak period and 107 during the PM peak period. Project trip generation during the off-peak hours (primarily between 9:00 AM to 4:00 PM) would be approximately 573 trips, or fewer than 82 trips per hour. The PM peak period traffic estimates generated by the project is within the

190 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A).

While the proposed development will result in significant traffic impacts at some study intersections, the relative contribution of the project to traffic volume growth in the area is small. Also, intersection capacity at several locations in the study area is already deficient. The applicant will be required to mitigate traffic impacts to levels of insignificance through roadway improvements included in the proposed mitigation and monitoring program that is included in the EIR.

- K. The proposed building density will not create any potentially significant environmental effects. The Final Environmental Impact Report (FEIR) prepared for this project includes a detailed analysis the following issues: Aesthetics/Visual Resources, Air Quality, Biological Resources, Geotechnical and Geological Hazards, Hydrology and Water Quality, Land Use, Noise, Public Utilities, Public Services, and Traffic and Circulation. While anticipated environmental impacts are identified within the FEIR, all can be mitigated to levels of insignificance. While the proposed siting of the buildings is at the highest part of the developable area on the site, the proposed pad area is likely the least environmentally impacting in comparison with other areas on the site.
- L. Cut slopes of 1.5:1 are proposed along Agoura Road, but are necessary for the required widening of Agoura Road. The City Geotechnical Consultant has tentatively approved the grading plan that allows for a reduction in the number of required on-site retaining walls through the use of cut slopes that are steeper than 2:1. The City Building Code allows the Planning Commission to consider cut slopes that are steeper than 2:1 on a case-by-case basis.
- M. The proposed building density will not impact the increased loss of oak trees. The majority of oak trees proposed for removal are located near the Agoura Road frontage, where road widening improvements would be required regardless of the proposed increase in density. Driveway improvements will also result in the loss of three oak trees, but the driveway location is appropriate for any building density located within the proposed pad area.
- N. Exposed retaining walls will be used only to enhance design or to protect oak trees. Most retaining walls will be used to protect or enhance the oak trees. A continuous retaining wall of approximately two feet in height may be required along the Agoura Road frontage. Existing topographic conditions in this area require the retaining wall for required road widening purposes.

- O. Grading will be limited and innovative building techniques such as stepped massing, sculpturing the building into the hillside, undergrounding parking, or other similar mitigating measures will be incorporated into the project. The building pad area is appropriate for the locations of the building in that the placement of the buildings will not require removing oak trees within their immediate areas. The meandering driveway is appropriate for the varying contours of the parcel and the highest fill slope will be screened behind one of the proposed buildings. In addition, the applicant has staggered the placement of the two buildings on the property and is offering stepped massing to reduce the visual impact of the two story structures. The buildings are oriented and configured to reduce visibility of the parking lots.
- P. Landscaping will be provided that exceeds the minimum requirements. The conceptual landscape plan for the project proposed the planting of several large boxed oak tree specimens in the incorporation of decorative and native shrubs into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan. Including existing vegetation, 78% of the proposed development will be landscaped. The entrance to the building will have a pronounced landscape treatment and will also incorporate on-site native oak trees.
- Q. The proposed project with the proposed building density will comply with the maximum developable land area, maximum building pad, and minimum open space requirements provided for Scenario 1-A in Table IV-1 of the Ladyface Mountain Specific Plan. The maximum development potential of the parcel, as specified in Scenario 1-A in the Specific Plan, includes a development area of 52.5% of the parcel (under the Hillside Ordinance regulations) and a requirement of 47.5% to remain as open space. The maximum developable pad area is 5.23 acres. The applicant has donated 80 acres of his lot as open space and is proposing to confine the development with a 4.92 acre sized pad area, thereby meeting the development potential of the parcel.
- R. The removal of nine (9) oak trees and the proposed encroachment into the protected zone of approximately ten (10) oak trees is needed for required road widening construction on Agoura Road and to provide needed access via the on-site driveway that is appropriately located given the topographic constraints of the property. Measures have been implemented to mitigate the loss and encroachment of oak trees.

Section 5. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 98-CUP-012 and Oak Tree Permit Case No. 98-OTP-010, subject to attached conditions, with respect to the property described in Section I herein, and denies the appeal.

Section 6. A Notice of Preparation of an Environmental Impact Report for this project was issued on February 7, 2001 and a Notice of Completion of the Draft Environmental Impact Report was issued on May 19, 2002. The Draft Environmental Impact Report was made available for a 45-day review period beginning on May 19, 2002 and ending on July 3, 2002 and the Planning Commission held a public hearing to receive comments on the Draft Environmental Impact Report on June 20, 2002. In August of 2002 the Final Environmental Impact Report was published and on January 16, 2003 and February 6, 2003, the Planning Commission held public hearings to consider the Final Environmental Impact Report. Evidence, both written and oral, as duly presented to and considered by the Planning Commission at the aforesaid public hearing. On February 6, 2003, the Planning Commission certified the Final Environmental Impact Report per Resolution No. 730.

Section 7. Pursuant to the appeal application described in Section 2 herein, the City Council held public hearings on March 26, 2003, January 14, 2004, and June 9, 2004 to consider the Final Environmental Impact Report. Evidence, both written and oral, as duly presented to and considered by the City Council at the aforesaid public hearing.

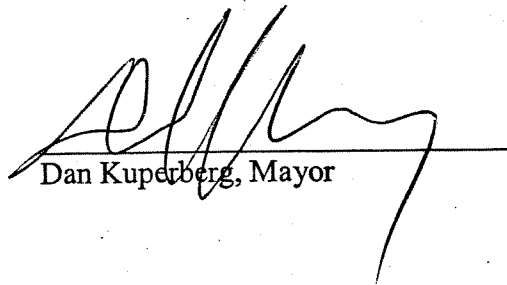
Section 8. The City Council hereby finds that:

1. The Final Environmental Impact Report has been completed in accordance with the State California Environmental Quality Act Guidelines and there was adequate public review given of the Draft Environmental Impact Report; and
2. The Final Environmental Impact Report adequately discusses all significant environmental issues and reflects the independent judgment and analysis of the City; and
3. The City Council has considered the contents of the Final Environmental Impact Report in its decision-making process on the Conditional Use Permit and Oak Tree Permit.


Section 9. Based on the aforementioned findings, the City Council hereby certifies the Final Environmental Impact Report prepared for Conditional Use Permit Case No. 98-CUP-012 and Oak Tree Permit Case No. 98-OTP-010 (SCH# 2001021059) and adopts the Mitigation Monitoring Program.

PASSED, APPROVED and ADOPTED this 9<sup>th</sup> day of June, 2004, by the following vote to wit:

AYES: Weber, Reinhardt, Edelston  
NOES: Kuperberg, Corridori  
ABSTAIN: None  
ABSENT: None

  
Dan Kuperberg, Mayor

ATTEST:

  
Carol E. Tubelis, City Clerk

CONDITIONS OF APPROVAL (Case Nos.98-CUP-012 and 98-OTP-010)

STANDARD CONDITIONS

1. 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 Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the City Council on June 9, 2004: Site Plan, Building Elevation Plans, Floor Plans, Roof Plans, Grading Plans and Landscape Plans.
3. 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.
4. 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.
5. All requirements of the Ladyface Mountain Specific Plan and Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth in the Conditional Use Permit.
6. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
7. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If overhead utilities of 66 KV or greater exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.
8. If required, the applicant shall provide road markers opposite the existing or proposed fire hydrants serving the property to the satisfaction of the City Engineer.
9. A minimum of two hundred and ninety-six (276) parking spaces shall be provided on the subject property. All parking spaces shall be pinstriped, in conformance with the City Parking Ordinance.



10. A minimum of eleven (11) bicycle racks shall be provided on the subject property, subject to review and approval by the Director of Planning and Community Development.
11. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
12. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
13. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
14. Unless Conditional Use Permit Case No. 98-CUP-012 and Oak Tree Permit Case No. 98-OTP-010 are used within two (2) years from the date of City approval, the permits will expire. A written request for a one-year extension may be considered prior to the expiration date.
15. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
16. Prior to the issuance of Grading Permit or Building Permits, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.34/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
17. The applicant shall pay to the City the applicable Fire District Developer Fee prior to the issuance of Building Permits. The current fee is \$0.3716/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
18. Prior to the 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 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.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees

19. The applicant is permitted to remove the following nine (9) oak trees: Oak Tree Numbers 4, 39, 87, 102, 103, 112, 113, 122, and 123 in order to complete the approved site development program.
20. The applicant is permitted to encroach within the protected zone the following oak trees: Oak Tree Numbers 1, 5, 48, 70, 71, 72, 89, 100, 101, 104, and 105, in order to complete the approved site development program.
21. No activities are permitted within the protected zone of the remaining one hundred four (104) oak trees. They are to be preserved in place with no impacts. In order to mitigate the removal of the ten (10) oak trees listed above, the landscape plan shall include one hundred forty-two inches (142") of diameter of new oak trees within the landscape. The exact species, sizes and planting locations shall be subject to review and approval by the City Oak Tree Consultant. The sizes shall include at least ten (10) thirty-six inch (36") size box trees and twenty (20) twenty-four inch (24") box size trees.
22. Prior to the start of any construction, all oak trees to remain shall be fenced at the edge of the protected zone or at the edge of the approved work limits, as feasible. The fencing shall comply with the standards contained in the Oak Tree Preservation and Protection Guidelines. The fencing installation shall be approved by the City Oak Tree Consultant.
23. Prior to the start of any work within the protected zone of any oak tree, the applicant shall provide forty-eight (48) hours notice to the City Oak Tree Consultant and to the applicant's oak tree consultant.
24. No construction equipment, vehicles, materials, debris, etc. may be stored within the protected zone of any oak tree at any time, except as required to complete the approved work.
25. Pruning may be required to raise the canopies of Oak Tree Numbers 1, 5, 70, 104, 105, and 118 to allow for vehicle clearance. Actual pruning requirements shall be determined upon the completion of grading and are subject to the review and approval of the City Oak Tree Consultant. All approved pruning shall be performed by a qualified arborist under the direction of the applicant's oak tree consultant. The arborist shall use The Pruning Standards of the Western Chapter of the International Society of Arboriculture.

26. All approved excavation performed within the protected zone of any oak tree shall be performed with hand tools under the direction of the applicant's oak tree consultant.
27. No construction materials, debris or vehicles shall be stored within the protected zone of any oak tree at any time.
28. Unless specifically approved by the City, no planting or irrigation shall be placed within the protected zone of any oak tree.
29. At the completion of construction, the applicant shall place three inches (3") of an approved mulch throughout the dripline of each oak tree.
30. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the City. The certification shall describe all work performed and whether such work was performed in accordance with the above permit conditions.
31. In light of the removal of Oak Tree Nos. 102 and 103, the westerly parking lot shall be reconfigured to reduce direct impacts to Oak Tree Nos. 101, 104 and 105 to the extent feasible, to the satisfaction of the City Oak Tree Consultant and the Director of Planning and Community Development.
32. All direct impacts to Oak Tree No. 100 shall be eliminated through the use of a retaining wall or other design measures to the satisfaction of the City Oak Tree Consultant.

Landscape

33. Unless otherwise approved or required below, the final landscape plans shall be prepared in accordance with the preliminary plans dated February 2002.
34. Prior to the approval of building permits, the applicant shall submit three 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-two inches (22") 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:
    - Landscape trees, shrubs, ground cover and any other landscaping materials
    - Property lines
    - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
    - Buildings and structures
    - Parking areas, including lighting, striping and wheel stops
    - General contour lines
    - Grading areas, including tops and toes of slopes
    - Utilities, including street lighting and fire hydrants
    - Natural features, including watercourses, rock outcroppings
  - h. The Planting Plan shall indicate the botanical name and size of each plant. Plant symbols shall depict the size of the plants at maturity.
35. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
  36. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.

37. 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.
38. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
  - a. Design and static pressures
  - b. Point of connection
  - c. Backflow protection
  - d. Valves, piping, controllers, heads, quick couplers
  - e. Gallonage requirements for each valve
39. 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.
40. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:
  - Site Plan
  - Elevations
  - Grading Plan
  - Conditions Of Approval
41. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
42. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
43. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including driveways and aisles, shall be covered by tree canopies within

fifteen(15) years after installation. An exhibit is required demonstrating that the plans meet the required coverage, to the satisfaction of the City Oak Tree Consultant.

44. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
45. Poor landscape practices such as topping, hedging and "lollipopping" shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City Landscape consultant.
46. The final plant palette shall strongly emphasize native trees and shrubs. Native oaks and sycamores shall comprise the majority of the tree palette. The use of ornamental species shall be limited to the entry and immediately surrounding the building. The overall goal is to landscape the developed portion of the site such that it virtually disappears into the natural terrain.
47. Additional contouring/landform grading, native plant material revegetation and application of native hydroseed mix to the slopes shall be employed to further mitigate the visual impacts of the proposed cut and fill slopes.
48. Light standards shall not be placed in finger planters and shall be positioned to avoid tree conflicts.
49. The applicant shall use reclaimed water for irrigation unless otherwise specified by the Las Virgenes Municipal Water District.
50. If reclaimed water is not presently available, the applicant shall install a dual-water irrigation system that can be converted to reclaimed water unless otherwise specified by the Las Virgenes Municipal Water District.
51. The final hydroseed mix shall reflect native plant material currently present at the site. *Lotus corniculatus* is not a California native and shall therefore be eliminated from the plant palette. The final mix shall be approved by the City Landscape Consultant and the Director of Planning and Community Development.
52. Non-native plants considered invasive in the Santa Monica Mountains shall not be included within the final plant palette.
53. Nursery stock shall comply with the "Guideline Standards for Nursery Tree Quality."

PUBLIC WORKS' CONDITIONS:

General

54. All improvement plans, including, but not limited to, grading, and striping/signage plans, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.
55. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.
56. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.
57. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.
58. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.
59. All block walls and retaining walls shall be limited to six feet in height.
60. Prior to issuance of a grading permit, the applicant shall submit to the City a Certificate of Compliance – Lot Line Adjustment for review and approval. The lot line adjustment is necessary to arrange the property so that the entire development can be constructed onto one lot.

Grading

61. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.

62. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.
63. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
64. All off-site work shall require written permission from the affected property owner prior to beginning said work.
65. The applicant shall submit to the City Engineer for review and approval the haul route for all exported material.

#### Drainage

66. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.
67. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner. The applicant shall obtain appropriate all permits from regulating agencies prior to drainage improvements.
68. Prior to the issuance of a grading permit, the applicant shall submit a Standard Urban Storm Water Mitigation Plan (SUSWMP) that shall be subject to approval by the City Engineer. The applicant shall incorporate the Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles. This will require detention and treatment of the first 0.75 inches of surface runoff during a rainstorm.
69. The SUSWMP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants and erosion in storm water discharges from the construction site during the construction period and after construction as required.



70. Prior to issuance of a certificate of occupancy for any building, the applicant shall transfer the maintenance responsibilities to Los Angeles County Public Works of the existing and proposed storm drains within the public right-of-way that are utilized by this project. This will include the 24-inch RCP storm drain that is shown on the exhibit that travels along the project frontage within Agoura Road and Reyes Adobe Road.

#### Streets/Traffic

71. The applicant shall pay the Arterial Street System Development Fee specified in the City of Agoura Hills Municipal Code. The estimated fee of \$441,768 is based on a total of 71,844 square feet of office buildings. Actual fees will be determined at the time of building permit issuance.
72. The applicant shall design and construct Agoura Road to full width along the project frontage and any necessary transitions. Said improvements shall include asphalt, concrete curb, gutter, sidewalk, street lights, landscaping, and all pavement markings. The design shall include a 14-foot wide raised median along the project frontage. The median shall also be landscaped prior to acceptance of the median. The design of the roadway improvements shall be reviewed and approved by the City Engineer.
73. The applicant shall design and modify the existing signal at Reyes Adobe Road and Agoura Road to accommodate the new project driveway. The design shall be reviewed and approved by the City Engineer, Los Angeles County Public works, and if necessary, Caltrans. The design shall include the modification to the existing median on Reyes Adobe Road to include a left turn pocket for southbound Reyes Adobe Road. The applicant shall also prepare timing sheets for the signal.
74. All walls adjacent to public right-of-way shall be located entirely on private property.
75. Any street improvements to be used for reimbursement against the City's TIF fee shall be fully documented and presented to the City Engineer for review and approval.
76. The applicant shall offer to dedicate an access easement to the adjacent property owner to the east (hotel) as shown on the submitted exhibits. The easement shall be of sufficient size to allow future driveway connection to the hotel property and consolidate the two driveways into one. In the event that the hotel property owner refuses the easement, then the applicant shall offer an irrevocable and transferable access easement to the City for future driveway access.

Utilities

77. Water facilities shall be designed and constructed by the applicant in accordance with the standards of Las Virgenes Municipal Water District (LVMWD). Prior to issuance of a building permit, the applicant shall provide documentation from LVMWD that all improvement requirements have been met and all fees have been paid.
78. Sewer facility to service the project shall be designed and constructed by the applicant. This will require the construction of approximately 400 linear feet of sewer line within Reyes Adobe Road. The new sewer line will connect to the existing sewer line near the abandoned portion of "old" Agoura Road. In the event the existing sewer line (as shown on City Dwg. No. C02-087-01 thru 03 and C02-146-01 thru 03) from Reyes Adobe Road to Ladyface Court has not been transferred to Los Angeles County Sewer Maintenance District, then the applicant shall complete the transfer of the existing sewer line prior to occupancy of any building. The applicant shall provide evidence that all connection fees have been paid prior to issuance of a building permit. Sewer facilities shall be reviewed and approved by the City Engineer, Los Angeles County Public Works, and Las Virgenes Municipal Water District.

FIRE DEPARTMENT CONDITIONS

79. The applicant shall comply with all conditions of the Los Angeles County Fire Department, including those listed in their memorandum dated March 7, 2001. Disking shall not be used for fuel modification.

PLANNING CONDITIONS

80. The final design of all proposed retaining wall systems located on the site shall be submitted to the Planning and Community Development Director for review and approval prior to the issuance of a grading permit.
81. If any significant changes as determined by the Director of Planning and Community Development are proposed in the number or location of the proposed retaining walls, an amendment to the Conditional Use Permit shall be submitted to the Planning Commission for review and approval.
82. Prior to issuance of a Grading Permit or Building Permit, the applicant shall record a deed restriction approved by the City Attorney that extinguishes any development rights exclusive of pad area. The deed restricted areas shall be designated as permanent open space. The Director of Planning and Community Development may approve minor modifications to the pad area provided that the overall pad area does not exceed 5.23 acres.

83. A pre-construction conference shall be held prior to the issuance of a grading permit with all construction personnel involved with the grading operations. A procedure shall be established to handle any complaints received from the surrounding property owners or residents of the City during the grading and construction operations. Applicant shall deposit funds with the City necessary to cover costs of the City hiring an environmental mitigation monitor.
84. Prior to the issuance of a Building Permit, the applicant shall provide a "pedestrian amenities" plan to the Planning and Community Development Director for review and approval. The plan shall include, but shall not be limited to such on-site amenities as exterior pedestrian paths, exterior seating and waiting areas, and pedestrian-oriented landscaping and shaded areas.
85. All roof top equipment shall be screened from public view from the adjacent roadways and surrounding properties to the satisfaction of the Director of Planning and Community Development.
86. Prior to issuance of a building permit, the applicant shall provide locations and construction details for all transformer locations proposed for the project for approval by the Director of Planning and Community Development. The transformers shall be screened from public view by their locations and extensive landscape screening.
87. No gates shall be installed that would prohibit the public from accessing the on-site driveway and parking areas.
88. Any proposed on-site signage shall comply with the City Sign Ordinance. A Sign Program shall be submitted for review and approval by the Planning Commission.
89. In addition to complying with the requirements of the adopted Mitigation and Monitoring Program for this project the applicant shall provide an exterior lighting fixture detail plan and photometric plan for review and approval by the Planning Commission, prior to the submittal of plans into plan check for a Building Permit. The lighting and photometric plan shall comply with the City Lighting Guidelines. All exterior lighting fixtures shall be decorative in design and shall be architecturally compatible with the building design and shall be directed downward so as not to produce glare onto adjacent parcels or roadways. The light source shall not exceed 250 watts and the photometric plan shall show compliance in the light sources not exceeding one (1) foot-candle of illumination measured at the property lines. No roof or wall-mounted lighting is permitted. The light fixtures related to any proposed signs shall not exceed the following requirements:

- i. For fluorescent source – maximum 4-430 milliamp tubes.
  - ii. For neon source – 30 milliamp tubes.
  - iii. For incandescent source – 2-40 watt floods.
90. The light intensity of installed project light fixtures shall be subject to review and approval by the Community Development Director. The lighting shall be of a low intensity that is compatible with the natural environment. The lighting plan shall provide for timed on and off functions for on-site lighting to reduce night lighting impacts while still providing adequate on-site security lighting.
91. Pursuant to Municipal Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit an arts plan for the buildings which meets the requirements set forth by the City Council, for review and approval by the Director of Planning and Community Development. Prior to the issuance of occupancy for the buildings, the artwork shall be constructed and thereafter displayed for public view in a location approved by the Director of Planning and Community Development. If the approved art display is not maintained in good condition, or is altered without the permission of the Director of Planning and Community Development so that the improvements no longer conform to the approved arts plan, the certificate of occupancy may be revoked and the owner of the property on which the improvement is located shall be deemed to have committed a misdemeanor.
92. All adopted mitigation measures identified in the Environmental Impact Report and attached Mitigation Monitoring and Reporting Program (MMRP) shall apply to this permit. The applicant shall pay for all mitigation review and monitoring completed by outside consultants such as the City Arborist, City-approved biologist or other consultants needed to ensure compliance with the MMRP as determined by the Director of Planning and Community Development.
93. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.
94. Pursuant to the City's Transportation Demand Management Ordinance (Municipal Code Section 9654.4) the applicant shall show on the development plans and shall provide to the satisfaction of the Planning and Community Development Director a bulletin board, display case or kiosk that displays transportation information. The displays shall be provided in each building where the greatest number of employees are likely to see them. Information in the displays shall include, but are not limited to the following:

- i. Current maps, routes and schedules for public transit serving the site;
  - ii. Telephone numbers for referrals on transportation information including the regional ridesharing agency and local transit operators;
  - iii. Ridesharing promotional material supplied by commuter-oriented organizations;
  - iv. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information; and
  - v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
95. Pursuant to the City's Transportation Demand Ordinance (Municipal Code Section 9654.4), not less than fifteen percent (15%) of the employee parking area shall be located as close as is practical to the employee entrances and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the Site Plan upon application for a Building Permit, to the satisfaction of the Planning and Community Development Director. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included in the required information board/display. Parking spaces shall be signed/marked as demand warrants. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles.
96. On-site decorative paving shall be provided at the driveway entrance serving the site and on the pedestrian pathways located between the buildings within the parking areas. The color, materials and length of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.
97. Prior to the submittal of plans into plan check for a Grading Permit or Building Permit, the applicant shall comply with the project recommendations of the City Geotechnical Consultant and the City Geological Consultant.
98. All screen walls, garden walls, retaining walls, fences and railings shall be decorative and shall be subject to review and approval by the Director of Planning and Community Development. No wall or fence shall exceed a maximum height of six feet (6').

99. 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.
100. The applicant shall comply with all building material samples approved as part of this action. Prior to final painting and final application of stone cladding on the buildings, the applicant shall provide color samples on the building wall for review and approval by the Planning Commission and the Director of Planning and Community Development.
101. The applicant shall plant all cut slopes with low-growing landscape materials that emulate the natural terrain as much as is feasible. The landscape materials for the cut slope areas shall be subject to review by the City Landscape Consultant and approval by the Planning and Community Development Director.
102. The perimeters of the parking lots shall include a combination of bermed landscaping, hedges and or low garden/retaining walls to deflect the visibility of vehicle headlights.
103. All required guardrails shall be made of wood or similar materials and painted in a non-reflective brown color, subject to approval by the Planning and Community Development Director.

END