



DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

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ACTION DATE: May 1, 2008

TO: Planning Commission

APPLICANT: 27489 Agoura Road, LLC  
5000 North Parkway Calabasas, Suite 100  
Calabasas, CA 91302

CASE NOS.: 06-SPR-009, 06-OTP-021 & VTPM 67397

LOCATION: 27489 Agoura Road  
(A.P.N. 2064-006-006, 007, 009, 016, 018 & 019)

REQUEST: Request for approval of a Site Plan/Architectural Review to allow the construction of a new 9,658 square-foot, one-story office building and a 20,002 square-foot, two-story medical building on a partially developed site; a request for an Oak Tree Permit to encroach into the protected zone of 27 oak trees during the construction and remove 12 oak trees for the proposed development; a request for approval of a Vesting Tentative Parcel Map to merge six (6) parcels into one (1) parcel, and a request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends approval of Site Plan/Architectural Review Case No. 06-SPR-009; Oak Tree Permit No. 06-OTP-021, and Vesting Tentative Parcel Map No. 67397 subject to Conditions of the Draft Resolution.

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

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

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

Site Plan/Architectural Review Case No. 06-SPR-009 is a request to build on a partially developed site with an 9,658 square-foot, one-story, professional office building and a 20,002 square foot, two-story medical office building with parking amenities. The project would be located at 27489 Agoura Road, at the northwest corner of Agoura Road and Liberty Canyon Road. The parcel is the last commercially zoned lot at the east end of the City. It is bordered by the 101 Freeway Corridor to the north, the Santa Monica Mountain Conservancy owned land to the west, multi-family residential units to the south (Rondell Condominium) and Liberty Canyon Road to the east. The site can be accessed from both Liberty Canyon Road and Agoura Road. The total square footage of this multi-parcel property is 4.18 acres. One, 24,540 square-foot office building, built in 1989 currently exists on the property at the northwest portion of this site. The building is occupied by professional office uses and is built as a two-story above a covered, surface level parking lot. Additional surface parking is provided around the building.

An inventory of the flora on the parcel and nearby parcels shows the presence of 50 oak trees both on and off-site. The applicant is requesting an Oak Tree Permit (Case No. 06-OTP-021). Recommendations were made to address the encroachment into the protected zone of 27 oak trees, and the removal of 12 oak trees for the proposed construction.

In order to complete the development of the site, the applicant is requesting approval of a Vesting Tentative Parcel Map that will allow the merger of the existing six lots into one lot (PM 67397). The northwest corner of the Liberty Canyon and Agoura Road has been of interest to the Santa Monica Mountain Conservancy Agency because of an identified wildlife corridor allowing animals to travel from the National Park Service territory at northeast of the City to the Santa Monica Mountain Conservancy territory south of the City. The wildlife corridor is also identified in the City's General Plan which requires that the development and use of the property be sensitive to the animal circulation. The Vesting Tentative Parcel Map, in addition to showing ultimate boundaries of the parcel, is required to show dedicated easements for the animal circulation since the wildlife currently travels under the freeway bridge, across the property to the Conservancy's land west and south of the parcel. Furthermore, as part of the merger, an easement would also be recorded to allow the applicant to use a parcel on the west end of the site owned by the Santa Monica Mountain Conservancy land for additional required parking. The parking would replace an existing abandoned structure and asphalt parking lot. The Conservancy sees this undertaking as an improvement to the hydrology near the creek. Access to this new parking lot would be taken from an on-site driveway within the project site.

The proposed project is located in the Business Park Office/Retail -Freeway Corridor Overlay (BP-OR-FC) zone in which general and medical office uses are permitted. The following is a summary of the proposed development relative to the City Code requirements:

Pertinent Data for the Proposal:

	<u>Existing</u>	<u>Proposed</u>	<u>BP-OR Requirement</u>
<b>1. <u>Lot Area</u></b>			
Parcel 1:	0.56 acres		
Parcel 2:	0.89 acres		
Parcel 3:	0.65 acres		
Parcel 4:	0.83 acres (Wildlife Corridor)		
Parcel 5:	0.97 acres		
Parcel 1:	0.28 acres (ROW Dedication)		
<b>Total:</b>	<b>4.18 acres</b>	<b>4.18 acres</b>	<b>2 acres minimum</b>
Off-Site Parcel:	0.35 acres (SMMC Land)		
<b>Total Useable Land:</b>	<b>4.53 acres</b>	<b>4.53 acres</b>	<b>2 acres minimum</b>
<b>2. <u>Building Size</u></b>			
• Building A (existing):	24,540 sq.ft.	24,540 sq.ft.	N/A
• Building B:	N/A	9,658 sq.ft.	N/A
• Building C:	N/A	20,002 sq.ft.	N/A
<b>Total</b>	<b>24,540 sqft</b>	<b>54,200 sq.ft.</b>	<b>N/A</b>
<b>3. <u>Bldg. Heights</u></b>			
• Building A (existing):	35 feet	35 feet	35 feet max.
• Building B:	N/A	33 feet	35 feet max.
• Building C:	N/A	35 feet	35 feet max.
<b>4. <u>Lot Coverage</u></b>			
	7.7%	18.3%	40% max.
<b>5. <u>Bldg. Setbacks</u></b>			
• Building A (existing):			
Front (South):	N/A	197 feet	20 ft or height of bldg. min.
Side (East):	N/A	193 feet	70 combined, 15 ft. min.
Side (West):	N/A	70 feet	70 combined, 15 ft. min.
Rear (North):	N/A	80 feet	20 ft or height of bldg. min.
• Building B:			
Front (South):	N/A	160 feet	20 ft or height of bldg. min.
Side (East):	N/A	35 feet	70 combined, 15 ft. min.
Side (West):	N/A	320 feet	70 combined, 15 ft. min.
Rear (North):	N/A	82 feet	20 ft of height of bldg. min.
• Building C:			
Front (South):	N/A	35 feet	20 ft or height of bldg. min.
Side (East):	N/A	210 feet	70 combined, 15 ft. min.
Side (West):	N/A	90 feet	70 combined, 15 ft. min.
Rear (North):	N/A	245 feet	20 ft or height of bldg. min.

	<u>Existing</u>	<u>Proposed</u>	<u>BP-OR Requirement</u>
6. <u>Parking</u>			
• Building A (existing):	82 spaces	82 spaces	82 spaces min.
• Building B:	N/A	32 spaces	32 spaces min.
• Building C:	N/A	100 spaces	100 spaces min.
• Surplus:		1 space	
<b>Total:</b>	<b>N/A</b>	<b>215 spaces</b>	<b>214 spaces min.</b>
7. <u>Landscape Coverage</u>			
Overall	N/A	42%	20% min.
8. <u>Oak Trees</u>			
Total:	50	50	N/A

The Planning Commission reviewed a Site Plan/Architectural Review application submitted in 1998, submitted by the previous property owner Cardinal Liberty/Joe Crail. The project consisted of two 20,000 square feet, two-story buildings, including a ground-level parking garage under each building, in addition to the existing building. A Vesting Tentative Parcel Map to merge six parcels to three was also proposed. The construction would have required the removal and transplant of 17 Oak Trees and a Variance to reduce the rear yard setback of each building 10 and 15 feet. The Planning Commission was also asked to review a Mitigated Negative Declaration (MND), which addressed issues related to impacts to a wildlife corridor, the on-site oak trees and proposed lighting. Numerous comments were received by the City during the public review period of the MND, which led staff to recommend denial of the MND and ask the Planning Commission to consider requiring a Focused EIR. The Planning Commission concurred with the recommendations and the applicant subsequently withdrew his application.

## II. STAFF ANALYSIS

### Site Planning

The current applicant proposes to expand development on parcels owned in common, located at the northwest corner of Liberty Canyon Road and Agoura Road, south of the 101 freeway. The parcels are adjacent to undeveloped parcels owned by the Santa Monica Mountains Conservancy and across the streets from multi and single-family residences. A professional office building located east of Liberty Canyon Road is located in the Los Angeles County unincorporated area. One of the applicant's parcels is already developed with a 24,540 square-foot, two-story office building with surface and tucked-under parking. The project would expand to accommodate two additional office buildings, one 9,658 square-foot structure, for general office use and one 20,002 square-foot structure for medical office use with parking and other amenities including trash enclosures, walking paths and retaining walls. Building B would be located near the northeast corner of the property, closest to Liberty Canyon Road, with surface parking in the rear of the building with tucked-under parking that is served by its own driveway. Building C would be located at the

southwest corner of the parcel, near Agoura Road, and would be served by an existing driveway as would Building A. Parking intended to serve Buildings A and C is proposed at the southeast corner of the parcel near the intersection of Agoura Road and Liberty Canyon Road. A parking lot is also proposed to be built off-site, along the western property line.

The project was designed to eliminate impacts identified in the previous development application. The applicant has worked extensively with City staff and the Santa Monica Mountain Conservancy to eliminate the impacts outlined in the earlier environmental documents. With this new application Building B includes a 9,658 square-foot building, rather than one 20,000 square-foot building that was previously proposed in the same location. One half of the proposed parking spaces are within the building footprint, which minimizes impacts to the natural resource. The new layout of the land also reduces impacts to the oak trees and more modifications are proposed to preserve the wildlife corridor. The locations of the office buildings were selected to remain outside of most of the on-site oak tree canopies and protected zones.

The number of parking spaces is based on both medical use (Building C) and general office use (Building B). Medical offices require additional parking which led the applicant to request the use of an adjacent parcel to meet the parking requirement. The applicant has entered into an agreement with the Santa Monica Mountain Conservancy to use an adjacent parcel for the purpose of parking an additional 40 cars. In the event that Building C becomes strictly general office, the on-site parking would be sufficient to accommodate the demand of all three buildings and would provide 6 extra spaces.

The existing layout of the land shows 6 parcels. The site layout overlaps existing parcel boundaries so in order for the project to meet the Zoning Ordinance development standards including setback, parking, building and landscaping coverage requirements, all the parcels have to be merged into one. The outer boundary of these parcels will not change however; a restricted use easement is included along the northern property line for preservation of the wildlife corridor. The adjacent parcel used by the applicant for parking is not included in the parcel merger.

### Architectural Design

One of the intended purposes of the City Architectural Design Standards and Guidelines is to preserve the semi-rural character of the community. The Freeway Corridor Overlay standards are intended to promote the City's image and preserve the City's natural environment. The applicant has attempted to meet these standards through the use of appropriate building forms, colors, materials and detailing through the use of natural materials and natural color tones. With respect to the new construction, the two proposed buildings have a square footprint with a barrel seam metal roof. A combination of stucco, glass and stone-veneered walls are used on the two new buildings. Four deep and equally spaced columns are incorporated in the design of the north and south elevations. Twelve feet of the south elevations' columns is clad with a stone veneer, which extends to the east and west facades. In order to minimize the heat gain of the south exposed elevation, the architect has added metal awnings above the first and second story windows. The east and west elevations are treated the same way for each building. One column is placed in the center of these

façades entirely stone veneered with a battered base. The applicant has chosen a deep brown paint color for the exterior walls and the roof is of a silver color. A small color sample has been painted on the north side of the existing building (Building A), in a parking garage column, for public review.

With respect to the existing building, the applicant's architect is proposing to replace the Spanish tile roof with a flat seam metal roof, repaint all the surfaces with the proposed colors and add stone veneer to all of the columns.

With minor recommended changes, the Architectural Review Panel is in support of the project design. The Panel suggested that the applicant revise the buildings elevations, particularly the entry facades, to appear at a more pedestrian scale. The awning above the entry was reduced in size and lowered and the size of the glazed panels were reduced.

The project will not have any new fencing in order to allow for the circulation of wildlife animals. Existing fencing with the exception of the Caltrans right-of-way fencing, will be removed.

#### Lighting

The applicant has selected a dome-shaped light standard for the parking lot, under-canopy lighting and stair lights that would be built in the walls. The lighting and photometric plan must meet the City lighting guidelines including of no more than one foot candle of illumination at the property lines and the intent of the recently adopted lighting standard guidelines. The proposed Lighting Plan shows nineteen (19) single-fixture light poles installed on the perimeter of the parking lots and drive aisles, and four (4) double-fixture light poles in the area of the parking lot where the spaces are head-to-head. These light poles will not exceed 16 feet in height. The pole is designed to include the height of the fixture, the pole length and supporting base above ground. The fixtures along the northern and western property lines would be on a timer to control night time lighting. The project is conditioned to require parking lot lights to be turned off by 11:00 p.m. every night for consideration of the wildlife circulation. Start time of the lighting would vary depending on the daylight hours. Ten (10) recessed light fixtures around Building C, seven (7) staircase lights between Building B and C and nine (9) wall-mounted lights on the interior of a pedestrian path leading to Building C are also proposed. The Plan also shows two additional fixtures in the landscaping along Agoura Road that would be used to illuminate a future sign that could be mounted on the exterior of the pathway wall used for handicap accessibility. Additionally, the light impacts from vehicle headlights parked along the southern property lines will be screened by shrubs.

#### Oak Tree Review

An Oak Tree Permit prepared for the project included an evaluation of 50 oak trees. After reviewing the impacts of the development, which include building retaining walls, driveways, grading for the building pads, a determination was made that the project would require removing 12 oak trees and encroaching in the protecting zone of 27 oak trees. Included in the total number of removals is one dead oak tree that will also need to be mitigated. Three (3) new oak trees will be

planted in the right-of-way, one in an empty tree well along Agoura Road and two (2) along Liberty Canyon Drive to be planted in new tree wells. To mitigate the tree loss, the applicant would be required by the Zoning Ordinance to provide a minimum of 48 new oak trees including, at least 24, 24"-box and 12 36"-box size. The quantity of trees is determined by a replacement ratio established by the Oak Tree Preservation Guidelines of the Zoning Ordinance in addition to the cumulative caliper dimensions of the removed trees (in this case 171 inches). An analysis of the Oak Tree impacts is included in the Draft Mitigated Negative Declaration. The City Oak Tree Consultant has been working with the applicant's Landscape Consultant to incorporate as many mitigation Oak Trees as possible on the site. Staff is recommending that the applicant continue working with the Santa Monica Mountain Conservancy to plant a portion of the required mitigation trees on their site; in the event that not all trees can be planted, staff recommends that an in-lieu fee be collected. The language for a recommended condition was included in the Conditions of Approval attached to the Draft Resolution.

#### Landscaping Review

The project is required to provide at least 20% landscape coverage for the total site, and at least 15% landscape coverage for the parking area, with 50% tree canopy coverage. These measures are intended to enhance the visual appearance of the project, promote public safety, moderate the temperature and reduce noise and glare.

Furthermore, the project is located in the Freeway Corridor Overlay zone, which has special landscape requirements. These include additional landscaping, berming or wall along the boundary between the freeway corridor and the private property. In this case, however, the applicant has been conditioned to grade and plant based on the recommendation of the Santa Monica Mountain Conservancy to preserve a natural environment for the wildlife movement. The applicant will be responsible for the maintenance of the landscape until such time it is established, and has agreed to provide water for the use by the Conservancy if necessary. The design of the Landscape Plan is a result of the recommendations made by the Santa Monica Mountains Conservancy with respect to the wildlife crossing, zoning requirements and grading requirements. Converting the existing driveway in the rear of the parcel into an open space area increases the total landscape coverage considerably, provides additional setback between the structures and the property line and provides an opportunity for screening. The Landscape Plan also includes substituting invasive plant material with a native one and mitigation trees. The applicant would also grade and landscape an area off-site, to the west, to transition the refurbished corridor to the parcels owned by Santa Monica Mountain Conservancy.

The submitted Landscape Plans have incorporated an extensive use of native trees and plants, such as California Black Walnut trees, California Sycamore trees and various types of Oak trees, in addition to Coffeeberry, Coyote Brush, Toyon, California Rose, and Needle Grass to name a few. The landscaped buffer zones along the front and rear property lines are substantial. A fairly wide planting area is provided around the buildings and throughout the parking lot area. The proposed Landscape Plan indicates 42% of soft landscaping for the overall site whereas the minimum for the zone is 20%. The lighting fixtures were strategically placed to avoid interfering

with mature growth. The City Landscape Consultant has reviewed the project and finds the landscaping coverage and planting palette to be in compliance with the Zoning Ordinance. The City Consultant will continue working with the applicant to bring the landscaping coverage from 47% as shown on the plans to 50%. The language for a recommended condition is included in the Conditions of Approval attached to the Draft Resolution.

### Grading

The project will generate an estimated cut of 6,000 cubic yards of soil, 12,500 cubic yards of fill, and an estimated 6,500 cubic yards of export soil from the site as a result of raising the pads and recontouring.

The existing topography indicates various elevations from 820 feet above sea level near the freeway right-of-way, to 780 feet near Agoura Road. Building B is proposed to be built at an elevation of 808 feet, approximately 7 feet below the existing grade (where the asphalt covered pad is situated) and Building C at an elevation of 788 feet approximately 10 feet above the elevation of Agoura Road. Based on a 35-foot building height, the roof line of Building B would be slightly below the freeway right-of-way elevation and Building C would not be higher than the existing building, Building A. The applicant has provided staff with photo simulations of the project to demonstrate to illustrate the pad and building heights. Grading for the adjacent parking lot would meet or be slightly above the natural grade. This parking lot surface would be a permeable surface to increase water absorption and filtration, limit erosion along the existing creek and replenish the water table.

The manufactured slopes and pads would require a 6-foot high retaining wall around Building B, a 4-foot high retaining wall north of Building A, and a 4-foot high retaining wall for a handicap ramp in the front of Building C. Grading in the Caltrans right-of-way between the off-ramp and the property line is regulated by the State. The applicant does not intend on erecting any fencing on or around the parcel in order to maintain free access to the wildlife. The chain link fence along the freeway corridor is a requirement of Caltrans and, at this time, cannot be removed or substituted by another type of material.

Existing utilities include major underground water, reclaimed water, natural gas and power lines along the right-of-way in addition to transmission lines crossing the parcel in a northwest to southeast direction. These power lines will be relocated over to the east to maintain a fire department clearance from structures that are proposed to be built on the site.

The City Geotechnical Consultant has reviewed the geotechnical report, prepared by GeoSoils Consultants, Inc. and all subsequent supplemental information, for this project and recommends approval based on Planning/Feasibility Issues as well as the Geotechnical supporting data. A letter of recommendation is attached to the report.

### Circulation/Street Improvements

The City's Traffic Engineer reviewed the proposed project with respect to on-site circulation and access to and from of the site. After reviewing the project layout and traffic impact analysis, the



City Traffic Engineer requested that revisions be made to the parking lot plan to maximize visibility for pedestrians and vehicles, and requested that the egress and ingress circulation be controlled. Since a considerable amount of square footage on the parcel is occupied by a protected natural resource (oak trees), grading for additional drive-aisles through the project was not an option; the development had to provide a new two-way driveway at the northeast corner of the property (at Liberty Canyon Road) to provide access to Building B. The applicant proposes that the first 20-foot of the driveway be covered with pavers and a flat and textured median be provided to direct traffic in and out of the site. The existing two-way driveway on Agoura Road would be maintained, but a left-out turn pocket would be eliminated. The new driveway will be restricted to a southbound, right-turn-in and right-turn-out, and a northbound left-turn-in, in order to eliminate conflicts with inbound and outbound freeway traffic. As part of a new development, half-street improvements for the streets that border the project site must be completed by the applicant. Per the General Plan Circulation Element, Liberty Canyon Road is to be widened to its ultimate width to accommodate for 2 southbound lanes and one parking lane, and Agoura Road is to be improved to accommodate traffic growth. The northbound lanes of Liberty Canyon Road are in the Los Angeles County and were improved as part of the construction of an industrial building built in 2000. New improvements to Liberty Canyon Road would include extending a raised median, new striping, new paving, new curb and gutters and meandering sidewalks. With respect to Agoura Road, a left-turn out of the site would no longer be permitted. The half-street improvements would include striping a right turning pocket and additional striping west of the driveway over approximately 100 feet. The required street improvements would allow for street parking on the west of Liberty Canyon Road and parking would be prohibited on Agoura Road.

The implementation of the street improvements on Liberty Canyon Road would require the removal of an Oak Tree south of the new driveway. The removal is independent from the applicant's request. The removal is addressed in the Oak Tree Report and considered in the Oak Tree Permit.

The General Plan Circulation Element identifies a Class II bikeway (striped lane for one-way bike travel) along the north and south side of Agoura Road. The City recently completed the improvement of the bikeway on the south side of Agoura Road between the west end of the City and Kanan Road which now links to the remainder of the bike lane to the east end of the City. The bike lanes will be maintained in the same condition and location.

### Traffic

In reviewing the project size, the City Engineer required a Traffic Impact analysis. The report, prepared by Fehr & Peers/Kaku Associates, Inc. and dated February 2007 indicated that the project will generate 847 new daily vehicular trips with 67 additional vehicular trips during the AM peak hour and 91 vehicular trips during the PM peak hour. The increase is not significant enough to require additional off-site improvements to the City's transportation system. The Municipal Code requires that a Transportation Improvement Funds be paid as apart of any commercial development.

The fee is based on the square footage of the project and the funds are used by the City to improve the circulation system within City boundaries. The Traffic Consultant also measured the impacts of the added traffic onto the freeway system and found the increase is not enough to require the

applicant to participate in a Congestion Management Program required by the County of Los Angeles Transportation Agency. All recommended conditions of the City Engineer for this project are included in the attached Draft Conditions of Approval and the Mitigated Negative Declaration.

### Parking

The proposed project includes 215 parking spaces, 9 of which are required to be designated as handicap spaces. A total of 214 parking spaces are required by the Zoning Ordinance. Building C would utilize 47% of the total parking spaces on site, Building B 15%, and Building A 38%. Building C would require 100 parking spaces, most of which are to be clustered near the building, and a few more spaces would be separated by a driveway. Building B would require 32 parking spaces, all of which are provided near or under the building. As for Building A, one half of the parking spaces would be under the building or adjacent to the building, the remaining separated by a drive aisle. Parking provided for Building A and C can be accessed by both buildings' tenants. The east and west lots are equidistant from the building entry points.

The Parking Ordinance also addresses parking for alternative forms of transportation such as bicycling. For every 25 parking spaces, a commercial project must provide 1 bicycle space. The applicant is required to accommodate racks for 9 bicycles.

### Vesting Tentative Parcel Map

The development will be conditioned to merge 6 parcels into one in order to meet the Zoning Ordinance requirements. The applicant has opted to apply for a Vesting Tentative Parcel Map. A Vesting Tentative Parcel Map is allowed by the Subdivision Map Act and is identical to a Tentative Parcel Map, except that when a local jurisdiction approves a Vesting Map, the developer receives the vested right to build the project laid out in the Tentative Map. The Vesting Map protects against future growth restrictions or other regulatory reversals, only after a Building Permit is issued and the developer has made a "substantial investment" in the project. The final map requires City Council approval. State law specifies that cities cannot deny a subdivision proposal simply because a Vesting Tentative Map is sought. However, cities can ask for more detailed information about the project at the Tentative Map stage if vesting is requested. The City Engineer has reviewed the Vesting Tentative Parcel Map and supports the request, with conditions.

### **Environmental Review/Mitigated Negative Declaration**

An Initial Study was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) to analyze the potential environmental consequences of the proposed project. The purposes of an Initial Study are:

- A. To provide the Lead Agency (City of Agoura Hills) with the necessary information to decide whether to prepare an Environmental Impact or a Mitigated Negative Declaration;
- B. To enable the Lead Agency to modify a project, mitigating adverse impacts thus avoiding the need to prepare an EIR;

C. To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

In the case of the proposed project, staff found that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions to the project have been made by or agreed to by the applicant and, therefore, a Draft Mitigated Negative Declaration (MND) was prepared for review and adoption by the Planning Commission.

The following matrix briefly identifies the environmental issue areas addressed in the MND that were found to have potentially significant impacts, and identifies the recommended mitigation measures. All impacts were found to be mitigable to a less than significant level upon implementation of the measures.

Issue Area	Impact	Mitigation
<i>Aesthetics</i>	Lighting	Fixture design and location. Minimal exterior illumination. Photometric Plan to be approved.
<i>Biological Resources</i>	Potential for special status plant and wildlife species	Focus survey of plant material & potential restoration plan. Relocation of plant material & temporary fencing.
	Potential nesting birds within a regulated distance	Survey for nests prior to construction and avoid work until nests have been vacated.
	Proximity of construction to creek	Buffer zone for construction & fencing. Identify drainage zone on Grading and Construction Plans.
	Potential impacts to drainage and open channel	U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game shall be contacted for permit issuances.
	If permits are required	A compensatory habitat creation/restoration plan will be required.

<i>Biological Resources (Continued)</i>	Impacts to wildlife corridor during construction	Construction is limited to the hours between 7:00 am to 5:00 pm. No barrier shall be erected to prevent wildlife circulation. Lighting shall be shielded and on a timer. Restoration of the corridor and monitoring of the landscaping maturation. Separate irrigation system. Slopes not exceed 3:1 along Liberty Canyon Road. Porous material for the parking lot to the west. Proof of Conservation Easement. Eradication of non-native plants. Avoid competition between existing plant material and new materials.
	Potential impact to Oak Trees	Mitigation and protection.
<i>Cultural Resources</i>	Unexpected discovery of archaeological or paleontological resources or human remains	Monitor construction if discovery of a resource. Work to cease and the appropriate officials contacted and find assessed; mitigation work as necessary.
<i>Noise</i>	Construction noise	Limited work hours from 7:00 am to 5:00 pm. and not permitted on Sundays and legal holidays
<i>Geology and Soils</i>	Soil expansion	Comply with all measures in the geotechnical report
	During construction soil erosion	AQMD Rule 403 and SPPP implementation required
	Post Construction soil erosion	Additional paving and strategically placed landscaping

The Draft MND was circulated for a 30-day review period, ending on April 17, 2008. The applicant has accepted the proposed mitigation measures which reduce the impacts associated with all environmental concerns to less than significant levels. For these reasons, staff finds the use of a Mitigated Negative Declaration for CEQA processing of this application to be appropriate.

If the Planning Commission votes to deny the project, no action on the Draft MND is required. If the Planning Commission's desire is to approve the application, CEQA requires that the Planning Commission also adopt a "mitigation monitoring program" (MMP) to ensure compliance during project construction and operation.

## V. RECOMMENDATION

Based on the foregoing analysis, staff recommends approval of the project. Attached for the Planning Commission's information, are draft resolution and conditions of approval for Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit No. 06-OTP-021 and Vesting Tentative Parcel Map 67397 and other pertinent exhibits. In addition, staff recommends that the Planning Commission adopt the Mitigated Negative Declaration and Mitigated Monitoring Program. Comments gathered at the meeting will be incorporated in a final document.

## VI. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- **Exhibit A: Vicinity/Zoning Map**
- **Exhibit B: Reduced Photocopies of the Plans**

Architectural Plans w/ Site Photos & Perspectives:

Sheets SA-1001 through 9003

Grading Plans:

Sheets 1 through 6

Landscape Plans:

Sheets L 1 & L 2

Lighting Plans:

Sheets SL 1001 through SL 1003

Vesting Tentative Parcel Map:

Sheet 1 & 2

Color Rendering:

Sheet 1

- **Exhibit C: Photograph of the Site and Color and Material Board**
- **Exhibit D: Letter from a Resident**
- **Exhibit E: Final Mitigated Negative Declaration (Attached Report)**

CASE PLANNER: Valerie Darbouze, Associate Planner

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 06-SPR-009  
AND OAK TREE PERMIT CASE NO. 06-OTP-021

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

Section I. An application was duly filed by 24789 Agoura Road, LLC, with respect to the real property located at 27489 Agoura Road (Assessor's Parcel Nos. 2064-006-006, 007, 009, 016, 018 & 019) requesting approval of a Site Plan/Architectural Review to allow the construction of a new 9,658 square-foot, one-story office building and a 20,002 square-foot, two-story medical office building on a partially developed site; and a request for an Oak Tree Permit to encroach into the protected zone of 27 oak trees and remove 12 oak trees for the proposed development. A Public Hearing was duly held on May 1, 2008 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearings.

Section III. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. The property designation allows for development of a professional and medical office building use and the proposal meets the development standards for the BP-OR-FC zone relative to lot coverage, setbacks from property lines and building height.

B. The proposed use, as conditioned, and the manner in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. The buildings will be constructed to comply with the most recent Building Code requirements. Building occupants are restricted to operating indoor only and are subject to the Zoning Ordinance standards with respect to noise, light, and operation. Controlled lighting and native landscaping will ensure adjacent wildlife circulation is maintained. The driveway and distribution of the parking were designed to limit conflicts between pedestrian and vehicles. The project site was designed to screen headlight onto the right-of-way. The roadway was widened to improve traffic conditions. The access in and out of the site is conditioned to maximize safety in the right-of-way. The placement and design of the buildings would preserve the light, air, privacy to the adjacent parcels and the equipment and refuse is located a considerable distance from the public. Users inside the building with the window distribution take advantage of the view of the landscaped areas.

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

D. As conditioned, the design and location of the proposed development and its relationship to existing or proposed 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 thereof and that will not create traffic hazards or congestion. Access to the site would be via two independent driveways which would divide the traffic into two egress/ingress points limiting impact of the added traffic on existing arterials traffic levels near the residential development. Street improvements are provided to accommodate the increased traffic and maintain safety at the less traveled intersection. The development will improve the unattended two-third of the overall site and provide for an opportunity for additional landscaping and buffer from the freeway noise. All corners of the intersections are developed. No additional traffic impacted is expected in the near future.

E. The proposed use, as conditioned, and the condition in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. All uses permitted in the BP-OR-FC zones are indoor uses with no additional traffic generation.

F. The distance from other similar and like uses is sufficient to maintain the diversity of the community, because the proposed office use is adjacent to residential and open space. The site is zoned for office commercial type uses. The office type use is an appropriate land use within the freeway corridor and provides a buffer between the freeway and the residential parcels. The nearest off-site office use within the City limits is located approximately 3,500 feet to the west, on Agoura Road.

G. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan and the design of the proposed development 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 General Plan. The proposed office building is a permitted use as prescribed in the General Plan Land Use Element. The project provides employment, maintains a professional identity, and is incorporated into its surrounding and has exceeded the minimum development standards established by the Zoning Ordinance. The project provides an efficient way to allow the wildlife to coexist within the

urban setting. The wildlife corridor will be returned to a natural form and the grading of the parcel links in the most naturalistic manner to the topography of surrounding parcels. The development has been conditioned to provide the replacement of oak trees into the Landscape Plan and the total count of trees will exceed the number of existing trees. The landscaping will ensure the continued preservation of on-site and off-site biological habitat.

Section IV. The removal of the twelve (12) oak trees will be mitigated by the addition of forty-eight (48) oak trees per the requirements of the City of Agoura Hills, Oak Tree Preservation Guidelines, Appendix A. New Oak trees are required on site as well as in the right-of-way to preserve the rustic character of the community.

Section V. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for this project. Based upon the initial study, public comments and the record before the Planning Commission, the Planning Commission finds that the Mitigated Negative Declaration identifies potentially significant environmental effects for which feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the Mitigated Negative Declaration and the attached Mitigation Monitoring Program.

Section VI. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 06-SPR-009 and Oak Tree Permit Case No. 06-OTP-021, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 1<sup>st</sup> day of May, 2008 by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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John O'Meara, Chairperson

ATTEST:

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Doug Hooper, Secretary



**CONDITIONS OF APPROVAL**  
**CASE NOS. 06-SPR-009 & 06-OTP-021**

**PLANNING CONDITIONS**

Entitlement Requirements

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of these Permits with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, Landscape Plan and Grading Plan.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has filed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 06-SPR-009 and 06-OTP-021 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of

## Conditions of Approval

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- building valuation. Actual fees will be determined at the time of building permit issuance.
11. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
  12. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
  13. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District that will be increased to \$0.47 per square-foot of new floor area as of May 12<sup>th</sup>, 2008.
  14. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$ 0.9223 per square-foot of new floor area.
  15. Prior to issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until the City's Environmental Planner is notified and a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.
  16. The approved grading plan and construction plans, resolution, conditions of approval, the mitigated negative declaration and the mitigation monitoring and reporting program and a color and material board shall be on site at all time during the construction of the project.
  17. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.

### Construction Requirements

18. Prior to the starting construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and fence material shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material as approved by the Director of Planning and Community Development. Temporary construction fencing and gates shall be maintained in good order at all times.
19. All proposed retaining walls shall consist of materials subject to review and approval by the Director of Planning and Community Development.

20. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
21. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 5:00 a.m., or any Sunday or holiday.
22. The applicant and delegated contractors shall participate with City staff in a pre-construction meeting prior to issuance of a grading permit. Any change in the construction team shall be reported to the Building and Safety Department in a timely manner.
23. A detailed Lighting and Photometric Plan shall be submitted for review and approval by the Director of Planning and Community Development, prior to issuance of a Building Permit.
24. A copy of all communications between the City and the applicant pertaining to the approved plans shall be kept on-site at all times.
25. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
26. Intermittent inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Departments.

#### Solid Waste Management Requirements

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

Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.

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

#### Environment Requirements

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

#### Landscape/Oak Tree Requirements

##### Oak Trees

33. The applicant is permitted to remove the following twelve (12) oak trees in order to complete the approved site development program: Oak Tree Numbers 11, 13, 19, 29, 30, 33, 42, 43, 44, 47, 48, and 50.
34. The applicant is permitted to encroach within the protected zone the following oak trees in order to complete the approved site development program: Oak Trees Number 1 through 10, 12, 17, 18, 21, 23, 27, 31, 32, 34 through 41, and 49.
35. No activities are permitted within the protected zone of the remaining eleven (11) oak trees. They are to be preserved in place with no impacts.
36. In order to mitigate the removal of the twelve (12) oak trees listed above, the landscape plan shall include at least one hundred seventy-one inches (171") of diameter of new oak trees within the landscape. A minimum of forty-eight (48) new oak trees must be planted. The sizes shall include at least twelve (12) thirty-six inch (36") size box trees and twenty-four (24) twenty-four inch (24") box size trees. The

exact species, planting sizes and planting locations shall be subject to review and approval by the City Oak Tree Consultant.

37. Should the Director and the City Oak Tree Consultant determine that the required number of oak trees cannot be planted on the subject site in a practical fashion, equivalent alternative mitigation shall be established through the establishment of an equivalent in-lieu fee and/or planting of mitigation trees on the adjacent property to the north through a cooperative program with the Santa Monica Mountains Conservancy. The amount of the in-lieu fee shall be based upon tree appraisal standards contained in the 9th Edition of the Guide for Plant Appraisal.
38. The mitigation oak trees shall be maintained in perpetuity. Should any of the mitigation oak trees decline or die, they shall be replaced in accordance with the provisions of the Oak Tree Preservation and Protection Guidelines.
39. Prior to the start of any work or mobilization at the site, each oak tree to be preserved shall be fenced at the edge of the protected zone or at the approved work limits, in accordance with Article IX, Appendix A, Section V.C.1.1. The City Oak Tree Consultant shall approve the fencing locations.
40. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start of approved work within the protected zone of an oak tree.
41. No grading, scarifying or other soil disturbance shall be permitted within the portion of the protected zone of any oak tree not directly impacted by the project construction.
42. No vehicles, equipment, materials, spoil or other items shall be used or placed within the protected zone of any oak tree at any time, except as specifically required to complete the approved work.
43. All approved work performed within the protected zone of an oak tree shall be accomplished with hand tools only. All such work must be performed under the direct observation of the applicant's oak tree consultant unless otherwise approved by the City Oak Tree Consultant.
44. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
45. Any fertilization of the tree should be based on actual soil tests from the site. Fertilization is generally not necessary unless serious deficiencies are evident in the leaves.
46. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak trees at that time.
47. No pruning of live wood shall be permitted unless specifically authorized by the City Oak Tree Consultant. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning

operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.

48. No irrigation or planting shall be installed within the dripline of any existing or new oak tree unless specifically approved by the City Oak Tree Consultant.
49. No herbicides shall be used within one hundred feet (100') of the dripline of any oak tree unless the program is first reviewed and endorsed by the City Oak Tree Consultant.
50. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

Landscaping/Irrigation

51. Landscape plans shall be submitted for review and approval by the City Planning and Community Development Department prior to issuance of a Grading Permit.
52. 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
53. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
  - a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - b. All plans shall be legible and clearly drawn.
  - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-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.
- i. Plant symbols shall depict the size of the plants at maturity.
- j. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
- k. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
- l. 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.
- m. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
- Design and static pressures
  - Point of connection
  - Backflow protection
  - Valves, piping, controllers, heads, quick couplers
  - Gallon requirements for each valve
- n. 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.
54. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
55. A minimum of twenty percent (20%) of the total lot shall be landscaped.
56. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot. A calculation of the landscaped area proposed must be provided.
57. Unless otherwise approved by variance, a twenty-foot (20') deep landscape planter shall be provided along the right-of-way. No other use or storage may be placed within this area, including transformers and trash enclosures.

58. Unless otherwise approved by variance, parking lot planters shall have a minimum width of six feet (6') where parking abuts one side and a minimum width of eight feet (8') where parking abuts both sides.
59. All landscape planters must have a minimum width of four feet (4').
60. Undulating mounding shall be providing along the right-of-way having a minimum elevation variation of thirty inches (30").
61. Shade trees shall be provided to create fifty percent (50%) canopy coverage over the parking lot, including driveways and aisles, within fifteen (15) years after installation. Light standard locations shall be designed to minimize conflict with these trees. A final exhibit demonstrating coverage provided shall be submitted at the time of initial plan check.
62. In addition to any oak trees required for mitigation purposes, the landscape plan shall include two (2) twenty-four inch (24") box size oak trees. The species and planting location shall be subject to review and approval of the City Landscape Consultant.
63. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
64. 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.
65. Landscaping in required yards must generally be bermed with a minimum elevation variation of thirty inches (30").
66. The final landscape plans shall consider and adhere to all mitigation measures contained in the Mitigated Negative Declaration prepared for the project by Rincon Consultants, Inc.
67. The landscape plan shall note that native plants shall be planted in the fall season just prior to the first rain event
68. The applicant shall plan for advance procurement of native species. These species will likely need to be grown via contract with a nursery specializing in locally native plants.
69. Irrigation equipment within the wildlife corridor area shall be separate from the remainder of the project. Temporary irrigation shall be provided, to include an automatic controller. The irrigation shall be installed and maintained by the applicant for a period of three (3) years from installation.
70. At least two (2) quick couplers shall be provided within the wildlife corridor.

#### **ENGINEERING CONDITIONS**

71. PRIOR TO FINAL MAP RECORDATION



Conditions of Approval

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

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

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

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

- 1.03 Restrict vehicular access as follows: to only those access points as shown on the approved Tentative Map No. 67397.

- 1.04 Vacate the following street or easement: Vendell Place right-of-way.

- 1.05 Provide and record a reciprocal use agreement to assure common ingress and egress and joint maintenance of all common access parking areas and drives.

- 1.06 Provide a copy of proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer for review and approval of the City Attorney. These CC& R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.

- 1.07 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.

- 1.08 Provide a Monumentation bond (i.e. cash deposit) in an amount calculated by the Engineering Department or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.

- 1.09 Provide a preliminary title report not older than 30 days.

- 1.10 Pursuant to Article X, Suidivisions, of the City's Municipal Code, the Parcel Map shall be submitted to the City, along with all supporting documents including, but not limited to: title reports, subdivision guarantees, closure calculations, copies of recorded documents (deeds,

easements, etc) against the property, and applicable fees, for the review by the City Engineer.

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

A. General

- 2.01 Prior to Building Permit issuance, record Parcel Map No. 67397 pursuant to the Subdivision Map Act and in accordance with City Code. Provide a duplicate photo mylar of the recorded map to the City Engineer. NOTE: Map must be recorded prior to issuance of a Building Permit. This requirement cannot be deferred until Occupancy.
- 2.02 The project will require a subdivision map to be processed, and this development plan shall only proceed to the Planning Commission concurrently with the required subdivision map.
- 2.03 This project requires a Certificate of Compliance with Record of Survey/ Lot Line Adjustment/ Dedication of Easement to be processed.
- 2.04 All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
- 2.05 Provide a copy of proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer for review and approval of the City Attorney. These CC& R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- 2.06 For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at [www.ci.agoura-hills.ca.us](http://www.ci.agoura-hills.ca.us).
- 2.07 Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.
- 2.08 All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. If during

construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.

- 2.09 Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
- 2.10 Grading Plan shall show location(s) of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
- 2.11 The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
- 2.12 Submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer. The report shall be reviewed and approved by the City Geotechnical/Geological Consultant.
- 2.13 Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies:
  - Caltrans
  - Los Angeles County Flood Control District (LACFCD) – for any encroachment into their right-of-way, and/or connection to their facilities, and for any facilities that will be turned over for their ownership and maintenance.
  - Las Virgenes Municipal Water District
  - Regional Water Quality Control Board
  - Army Corps of Engineers (ACOE)
  - California Department of Fish & Game
  - Southern California Edison

- 2.14 Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact Engineering Department @ 818.597.7322 for approved City certification forms.

**B. Public Improvements**

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

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

Improvement Item	AGOURA ROAD AND LIBERTY CANYON ROAD
Curb & Gutter	New – on Liberty Canyon Road Replace Damaged – on both roads
AC Pavement	Upgrade existing street section to withstand TI = 9.0 Widen – on Liberty Canyon Road as shown for TI = 9.0.
PCC Drive Approach	New – on Liberty Canyon Road Replacement – on Agoura Road
Sidewalk	New – Retaining curb along sidewalk is required to combat mud and silt migration from newly created ground slopes. Final design of curb shall be reviewed and approved by City at Plan Check stage. Replacement - As deemed necessary – see § 2.24.
Parkway	Trees Landscaping (with irrigation)
Street Lights	New - As approved during plan check Relocation – If deemed necessary during plan check
Sewer Service (See Section 2C)	Lateral – as required for additional building coverage.
All water appurtances are per LVMWD standards (See Section 2D)	Yes
Storm Drain (See Section 2E)	Catch Basin
Traffic Signal Facilities (See Section 2G)	Relocation – if required for ADA pathway clearance
Traffic Signing and Striping (See Section 2G)	New – necessary due to new raised median in Agoura Road and Liberty Canyon Road near driveway entrances.
Underground Overhead Utilities	Yes – in compliance with City Municipal Code.

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

C. Sewer

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

D. Water

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

E. Drainage/Hydrology

- 2.50 A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual is required. Additional drainage

facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.

- 2.51 Proposed site/portion of site falls within SFHA (Special Flood Hazard Area) as indicated on the FIRM (Flood Insurance Rate Maps) and is subjected to flooding in a 100 year frequency storm. This site plan will be subject to the provisions of the National Flood Insurance program and comply with the City's Flood Damage Prevention Ordinance #2409.
- 2.52 Other Conditions:
  - Post-development flow shall not exceed pre-development condition. Any excess flow shall be detained on site by approved methods by City Engineer.
  - Post development flows shall not adversely alter current natural condition of adjacent flood channel. Additional measures, as approved by City Engineer may be required if determined necessary at Plan Check stage.

F. Stormwater (NPDES)

- 2.60 Prior to the approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
  1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

- 2.61 Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Urban Stormwater Mitigation Plan (USMP) shall be submitted to and approved by the Engineering Department. The USMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.
  
- 2.62 All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit For Storm Water Discharges Associated With Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.
  
- 2.63 SWPPP Plan – All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: [www.cabmphandbooks.com](http://www.cabmphandbooks.com) and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

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

1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;

4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes and covering erosion susceptible slopes.

G. Traffic/Transportation

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

43. PRIOR TO CERTIFICATE OF OCCUPANCY

- 3.01 All remaining fees/ deposits required by the Engineering Department must be paid in full.
- 3.02 All requirements including construction of improvements covered in Section 2 must be completed to the satisfaction of the City Engineer.
- 3.03 The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. *Please note that no final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless **MYLAR**, Record (As-built) Drawings, satisfactory to the City, are submitted.*
- 3.04 The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: [www.agoura-hills.ca.us](http://www.agoura-hills.ca.us).
- 3.05 All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.



**BUILDING AND SAFETY**

44. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. Plans for the required system shall be approved by the Fire Department prior to the issuance of Building Permits for the residence. Fire Sprinklers are required per Sec. 904.2.9 of the Agoura Hills Building Code.
43. The City Building Code requires that a minimum setback of structure to toe of slope per Agoura Hills Building Code, Sec. 1806.5.3 shall be demonstrated. Minimum setback from a descending slope is H/2, ( $\frac{1}{2}$  the vertical height of the slope, including portions not on property), or provide the equivalent protection determined by the soils engineer. This deviation will need to be verified by City soils engineer and approved by Building Official.
44. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Sec.6402.1.
45. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
46. Projects shall demonstrate the use of Class-A roofing material.
72. Preliminary and final site plan and construction plan shall show location of A/C condensing units or other HVAC equipment located on or around structure.
51. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

**SPECIAL CONDITIONS**

60. On-site decorative paving shall be provided at the driveway entrance serving the site and the walking pathway around the proposed buildings. The color, materials and length of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.
61. All transformers, other equipment and refuse containers shall be screened from view. A plan showing this shall be reviewed and approved by the Director of Planning and Community Development.
62. All parking stalls shall be pinstriped. A minimum of two hundred fourteen (214) parking spaces shall be provided for the project.
63. Pursuant to the City's Transportation Demand Management Ordinance (Code Section 9654.4), the applicant shall show on development plans and shall provide, to the satisfaction of the City, a bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the display shall include, but is not limited to the following:

- Current maps, routes and schedules for public transit serving the site;
  - Telephone numbers for referrals on transportation information including telephone numbers for the regional ridesharing agency and local transit operators;
  - Ridesharing promotional material supplied by commuter-oriented organizations;
  - Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information; and
  - A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
64. Racks to accommodate 9 bicycles shall be provided on the subject property, subject to review and approval by the Director of Planning and Community Development. A rack shall be provided for each building.
65. In the event that the applicant or future tenants seek approval of signage, a Sign Program shall be required for review and approval by the Planning Commission.
66. Prior to Grading Permit issuance, the applicant shall provide a copy of a signed and recorded agreement between the ownership of the parcels and the Santa Monica Mountain Conservancy acknowledging that the SMMC agrees to the indefinite use and maintenance of one of their adjacent parcels for the purpose of access, parking and landscaping. A request for change of the agreement by either party shall be submitted in writing to the City of Agoura Hills for review and approval prior to signature and recordation of a new agreement.
67. Prior to Grading Permit issuance, the applicant shall provide a copy of a recorded easement to be reflected on the City approved Vesting Final Parcel Map of a wildlife corridor to be preserved along the northern portion of the newly created parcel for the purpose of circulation by the wildlife traversing the parcel to access the open space parcels to the west and south of the project site. A request for change to the easements by either party shall be submitted in writing to the City of Agoura Hills for review and approval prior to signature and recordation of a new agreement.
68. Prior to Grading Permit issuance, the applicant shall provide the City of Agoura Hills proof that the necessary permits were obtained from the outside agencies with jurisdiction over the project development, including but not limited to the California Department of Transportation, the California Department of Fish and Game, and the Regional Water Quality Board.

END

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Liberty Canyon Office Expansion Project

**MITIGATION MONITORING AND REPORTING PROGRAM**

City of Agoura Hills

April 2008

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## FINAL MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Mitigated Negative Declaration, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP).

To implement this MMRP, the City of Agoura Hills will designate a Project Mitigation Monitoring and Reporting Coordinator ("Coordinator"). The coordinator will be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. The coordinator will also distribute copies of the MMRP to those responsible agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure will not in any way prevent the lead agency from implementing the proposed project.

The following table will be used as the coordinator's checklist to determine compliance with required mitigation measures.

Liberty Canyon Office Expansion Project  
**Mitigation Monitoring and Reporting Program**

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<b>AESTHETICS</b>						
<p><b>AES-1 Light and Glare.</b> The proposed project shall adhere to the City's Lighting Standards and Guidelines. These may include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Lighting shall be kept to the minimum necessary to ensure adequate illumination of the project site, particularly the portions of the project fronting U.S. 101, along the wildlife corridor.</li> <li>• Lighting pole heights and other fixture heights shall be limited.</li> <li>• All lighting shall be focused downward and designed to minimize light spillover and glare affecting adjacent areas.</li> <li>• Fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design.</li> </ul>	Plan Check.	Prior to issuance of a grading or building permit.	Once	PCD		
<p><b>AES-2 Lighting Plan.</b> A final lighting plan and photometric plan shall be submitted for review and approval to the Planning and Community Development Department prior to issuance of a Building Permit.</p>	Plan Check.	Prior to issuance of a grading or building permit.	Once	PCD		
<b>AIR QUALITY</b>						
<p><b>AQ-1 Dust Minimization.</b> Pursuant to Rule 403 of the SCAQMD, the following dust minimizing measures shall be implemented.</p> <ul style="list-style-type: none"> <li>a) The simultaneous disturbance of the site shall be minimized to the extent feasible.</li> <li>b) The project proponent shall comply with all applicable SCAQMD Rules and Regulations, including Rule 403 insuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive</li> </ul>	Incorporate requirements into contractor's notes. Plan Check.	Prior to issuance of a grading or building permit.	Once	PCD		

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<p>dust emissions from any active operation, open storage pile or disturbed surface area visible beyond the property line of the emission source. Particulate matter on public roadways is also prohibited.</p> <p>c) The project proponent shall comply with all SCAQMD established minimum requirements for construction activities to reduce fugitive dust and PM-10 emissions.</p> <p>d) Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface, and then watered again at the end of each day. Site watering shall be performed as necessary to adequately mitigate blowing dust.</p> <p>e) Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.</p> <p>f) Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned up after each work day. The maximum vehicle speed on unpaved roads shall be 15 mph.</p> <p>g) Grading operations shall be suspended during first stage ozone episodes or when winds exceed 25 mph. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.</p> <p>h) Any construction equipment using direct internal</p>						

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<p>combustion engines shall use a diesel fuel with a maximum of 0.05 percent sulfur and a four-degree retard.</p> <p>i) Construction operations affecting off-site roadways shall be scheduled by implementing traffic hours and shall minimize obstruction of through traffic lanes.</p> <p>j) The engines of idling trucks or heavy equipment shall be turned off if the expected duration of idling exceeds five (5) minutes.</p> <p>k) On-site heavy equipment used during grading and construction shall be equipped with diesel particulate filters unless it is demonstrated that such equipment is not available or its use is not cost-competitive.</p> <p>l) All haul trucks leaving or entering the site shall be covered or have at least two feet of freeboard.</p> <p>m) Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.</p> <p>n) Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.</p>						

**BIOLOGICAL RESOURCES**

<p><b>BIO-1 Special-Status Plant and Wildlife Species.</b>                      Prior to vegetation trimming/removal, discing and grading associated with fuel management and the proposed project, focused surveys shall be conducted during the prior flowering season to determine the presence or absence of any special-status plants including <i>California macrophylla</i> (round-leaved filaree), <i>Calochortus clavatus</i> var. <i>gracilis</i> (slender mariposa-lily), and <i>Calochortus plummerae</i> (Plummer's mariposa-lily). If no special-status plants are found within the development footprint or fire clearance zone, then no additional mitigation is</p>	<p><b>Plants:</b>                      Focused bio surveys shall be conducted.                       If sensitive species are found, avoidance of species shall be the primary mitigation</p>	<p>Prior to issuance of a grading permit.                       Prior to issuance of a grading permit.</p>	<p>Once                       Once</p>	<p>PCD                       PCD</p>		
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<p>required.</p> <p>If any special-status plant species are found during the pre-construction survey, avoidance of sensitive plant species shall be the primary mitigation measure. If avoidance is not feasible, then a mitigation and monitoring program, including a salvage and relocation program shall be prepared and implemented. The restoration plan shall identify the number of plants to be replanted and the methods that will be used to preserve this species in this location. The plan shall include the measures necessary for the establishment of self-sustaining populations in suitable open space areas designated by the City to ensure the long-term survivability of the species in the vicinity. Salvage and relocation activities will include: seed and/or topsoil collection, germination of seed by a qualified horticulturist in a nursery setting, transplanting seedlings, and hand broadcasting seed into the appropriate open space habitats. Seed salvage shall only be used as a last resort and shall only be used as a means to protect the genetic record in a herbarium for the onsite population that would be destroyed. Annual monitoring for at least five years will also be required to ensure no-net-loss of acres of habitat for this species. The acreage ratio of lost special-status plant species habitat to habitat replaced shall be no less than 1:1.</p> <p>Prior to grading activities associated with the proposed project, focused surveys shall be conducted to determine the presence or absence of any special-status wildlife that may potentially occur onsite, including Santa Monica grasshopper (<i>Trimerotropis occidentioideis</i>), coast (San Diego) horned lizard (<i>Phrynosoma coronatum blainvillii populationii</i>), two-striped garter snake (<i>Thamnophis hammondi</i>), western mastiff bat (<i>Eumops perotis californicus</i>), and western red bat (<i>Lasiurus blossevillii</i>).</p>	<p>measure.</p> <p>If mitigation is not feasible, a mitigation monitoring program shall be implemented. Additionally, annual monitoring would occur.</p> <p><b>Wildlife:</b>                      Focused bio surveys shall be conducted.</p> <p>Survey results shall be submitted to the City and other appropriate regulatory agencies for review and approval.</p> <p>Construction shall not commence until approval of appropriate regulatory agencies.</p> <p>If sensitive species are found a mitigation plan shall be developed and</p>	<p>Prior to issuance of a grading permit.</p> <p>Annually for at least five (5) years.</p> <p>Prior to issuance of a grading permit.</p> <p>Prior to any construction activities.</p> <p>Prior to construction activities.</p>	<p>Once</p> <p>Annually for at least five (5) years.</p> <p>Once</p> <p>Once</p> <p>Once</p>	<p>PCD</p> <p>PCD</p> <p>PCD</p> <p>PCD and other necessary regulatory agencies.</p> <p>PCD</p>		

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<p>If no special-status wildlife species or sign of special-status wildlife species are found within the development footprint or fire clearance zone, then no mitigation is required.</p> <p>If any special-status wildlife species are found during pre-construction surveys, a mitigation plan shall be developed and implemented to minimize impacts to any special-status wildlife species and to ensure successful mitigation for impacts to special-status wildlife species. The mitigation plan shall include measures to safely relocate the sensitive wildlife species (may include trapping), to allow wildlife species to escape from harm, and to ensure installation of appropriate temporary fencing prior to development to prevent re-entry.</p> <p>Take Permits. If any state or federal endangered or threatened species are detected during the pre-development survey, the City and respective regulatory agencies shall be immediately notified, and development shall not be permitted until such time as a letter of no-effect or the appropriate take permit(s) is issued.</p> <p>Construction Monitoring. If a special-status wildlife species is found, construction monitoring by a qualified biologist shall be conducted to ensure no harm or impacts to special-status wildlife species occurs during construction activities. If any wildlife species, including special-status wildlife species, is observed during construction activities, the contractor shall allow the animal to escape or a qualified biologist shall relocate the animal to a preserved/undeveloped area with similar required habitat. If a special-status wildlife species is observed onsite, the biological monitor, city, and appropriate regulatory agency shall be notified to implement all measures necessary to protect the sensitive species. Pursuant to the California</p>	<p>implemented.</p> <p>Regulatory agencies shall be notified immediately in the event state or federal endangered threatened species are detected.</p> <p>CDFG shall be consulted if preconstruction surveys determine that impacts to State-listed wildlife species could occur.</p> <p>If any special-status species is found, a qualified biologist shall monitor construction activities. If any species if observed, appropriate agencies and contacts shall be notified.</p> <p>Construction equipment</p>	<p>Prior to any construction activities.</p> <p>Prior to construction</p> <p>Daily during construction.</p>	<p>Once</p> <p>Once</p> <p>Daily</p>	<p>PCD and other necessary regulatory agencies.</p> <p>CDFG</p> <p>Qualified Biologist satisfactory to the City's EA</p>		

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<p>Endangered Species Act, if pre-construction surveys determine that impacts to State-listed wildlife species could occur, CDFG shall be consulted prior to project approval. The equipment operators shall be informed of the species' presence and/or be provided with pictures in order to help avoid impacts to this species to the maximum extent possible.</p> <p>The project proponent shall record the results of the abovementioned protective measures to document compliance with applicable State and federal laws pertaining to the protection of native birds.</p> <p>Once the pre-construction special-status wildlife species surveys are conducted by a qualified biologist during the proper seasons, the report results, including survey dates, exact species observed and location of species onsite, shall be submitted to the City and other necessary regulatory agencies for review and approval. No construction shall begin prior to this approval.</p>	<p>operators shall be briefed on wildlife species to better identify them.</p>					
<p><b>BIO-2 Migratory Bird Species Act.</b> To avoid the accidental take of any migratory bird species or raptors, such as Cooper's hawk (<i>Accipiter cooperii</i>), the removal or pruning of trees shall be conducted between September 15 and February 15, outside of the typical breeding season, as feasible. Should avoidance of the nesting season not be feasible, a qualified biologist/ornithologist satisfactory to the City's Environmental Analyst shall conduct focused nesting surveys weekly for 30 days prior to grading or initial construction activity. The results of the nest survey shall be submitted to the City within one week of completion for review via a letter report prior to initiation of grading or other construction activity with the last survey conducted no more than three days prior to any clearance of vegetation or other construction activity. In the event that</p>	<p>Removal/Pruning of trees shall occur outside of the typical breeding season. If avoidance of breeding season is not feasible, a qualified biologist shall conduct nesting surveys for 30 days prior to grading or initial construction activity. Results</p>	<p>Prior to issuance of a grading or building permit for plan check.</p> <p>Prior to grading or initial construction activity.</p>	<p>Once</p> <p>Weekly for 30 days.</p>	<p>PCD</p> <p>EA approved biologist/ornithologist</p>		

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<p>a nesting migratory bird species or raptor is observed in the habitat to be removed or in other habitat within 300 feet of the construction work areas (500 feet for raptors), the applicant has the option of delaying all construction work in the suitable habitat area or within 300 feet thereof (500 feet for raptors), until after September 15, or continuing focused surveys in order to locate any nests. If an active nest is found, clearing and construction within 300 feet (500 feet for raptors) of the nest shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area.</p> <p>Once the pre-construction bird/bat surveys are conducted by a qualified biologist during the proper seasons, the report results, including survey dates, exact species observed and location of species onsite, shall be submitted to the City and other necessary regulatory agencies for review and approval. No construction shall begin prior to this approval.</p>	<p>of survey shall be sent to City.</p> <p>If nesting birds or raptors are observed, construction shall be delayed, or limited to areas outside of bird and raptor zones, until the nest is vacated.</p> <p>Construction personnel shall be informed of sensitivity of area.</p> <p>Review and approval of surveys.</p>	<p>Prior to any construction activities.</p>	<p>Once</p>	<p>PCD</p>		
<p><b>BIO-3 Creek Protection Program.</b> A riparian habitat and creek protection program for onsite and adjacent offsite areas prepared by a qualified biologist shall be implemented. The program shall include, but not be limited to, the following components:</p> <p>1. A minimum of a 10-foot buffer from the top of bank, or at least five feet from the outside of any riparian canopy (whichever is greater), along the open channel/drainage shall be protected. The edge of the buffer area shall be fenced with chain link and a silt fence during construction to prevent intrusion into the open channel/drainage culvert.</p>	<p>A riparian habitat and creek protection program shall be prepared.</p>	<p>Prior to the issuance of a grading permit.</p>	<p>Once</p>	<p>EA approved biologist, PCD</p>		

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					Initial	Date
<p>The location of the habitat fencing shall be conducted under the direction of a qualified biologist. The fencing shall be installed to the satisfaction of the City Planning and Community Development Department prior to the start of any grading, vegetation clearing or building. The fencing shall be removed upon completion of construction.</p> <p>2. Riparian areas located outside of the construction footprint shall be indicated on all grading and construction plans. Construction personnel shall be informed of the sensitivity and location of riparian habitat on the project site; and</p> <p>3. All ground disturbances, including grading for buildings, access ways, easements, subsurface grading, and utilities, as well as vegetation removal, shall be prohibited within the fenced riparian area.</p>						
<p>If it is determined that work adjacent to or in the drainage is necessary, including connection of storm water drain facilities, the following Mitigation Measures BIO-4 and BIO-5 would be required:</p> <p><b>BIO-4 Jurisdictional Delineation.</b> If impacts to the drainage or open channel onsite are anticipated, a jurisdictional delineation shall be conducted by a qualified biologist, prior to any activities that may impact the onsite drainage, to delineate the boundaries of regulated areas. The delineation shall be verified by the regulating agencies, and appropriate mitigation measures shall be established in consultation with the agencies. Specifically, if impacts are proposed within the drainage onsite, the applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board</p>	<p>A jurisdictional delineation shall be conducted, if impacts to the drainage or open channel are anticipated.</p> <p>Delineation shall be verified by the regulating agencies, and appropriate</p>	<p>Prior to the issuance of a grading permit.</p> <p>Prior to the issuance of a grading permit.</p>	<p>Once</p> <p>Once</p>	<p>EA approved biologist</p> <p>U.S. Army Corps of Engineers, RWQCB, CDFG</p>		

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<p>(RWQCB) pursuant to Section 401 of the Clean Water Act, and/or a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands and trimming/removal of riparian vegetation. It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design. Evidence of required permits shall be submitted to the City Planning and Community Development Department prior to issuance of a grading or building permit.</p>	<p>mitigation shall be established.                      Evidence of required permits shall be submitted to PCD</p>	<p>Prior to the issuance of a grading permit</p>	<p>Once</p>	<p>PCD</p>		
<p><b>BIO-5 Habitat Mitigation Plan and Monitoring Program.</b> If CDFG, RWQB or Corps permits are required for any grading or fill activity within the open channel or drainage onsite, a compensatory habitat creation/restoration program shall be required as part of the permitting process to mitigate impacts to jurisdictional areas. The plan shall be written and implemented by a biologist familiar with restoration and mitigation techniques. Compensatory mitigation shall occur onsite (if feasible) using regionally collected native plant material at a minimum ratio of 1:1 (habitat created to habitat impacted). The CDFG and RWQCB may require a higher mitigation ratio. At the discretion of the regulatory agencies, including the City, payment into an in-lieu fee program is occasionally considered acceptable mitigation if onsite mitigation is not feasible. The restoration/mitigation plan shall include, but not be limited to the following components:</p>	<p>If grading or fill activity is to occur within the open channel or drainage onsite, a compensatory habitat creation/restoration program shall be created and implemented. If mitigations is not feasible, payment into an in-lieu fee program could be considered acceptable mitigation.</p>	<p>Prior to the issuance of a grading permit.</p>	<p>Periodically</p>	<p>EA approved biologist, PCD, CDFG, RWQCB</p>		

1. Description of the project/impact site (i.e.: location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);
2. Goal(s) and performance criteria of the

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<p>compensatory mitigation project (habitat types, areas, specific functions, and values of habitat to be established, restored, enhanced, and/or preserved);</p> <p>3. Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);</p> <p>4. Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);</p> <p>5. Maintenance activities during the monitoring period (activities, responsible parties, schedule);</p> <p>6. Irrigation method/schedule (i.e., how much water is needed, where and for how long);</p> <p>7. Monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);</p> <p>8. Completion of compensatory mitigation (notification of completion, agency confirmation); and</p> <p>9. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).</p> <p>10. The mitigation and monitoring plan shall be submitted to the City Planning and Community Development Department for review and approval (in addition to any necessary review and approval from the regulatory agencies) prior to issuance of a grading permit.</p>	Construction shall be limited to the	Periodically during	Periodically during	PCD		
<b>BIO-6 Protection of Wildlife Corridor During Construction.</b> Construction shall be limited to the hours	Construction shall be limited to the	Periodically during	Periodically during	PCD		

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<p>between 7:00 AM and 5:00 PM. Best Management Practices shall be employed during construction activities. Avoid any obstruction on Vendell Road, such as chain-link fences, cinderblock walls, or hardscape, and no barriers shall be created within the drainage or culvert that traverses the project site. Lighting shall be shielded downward to avoid offsite spillage.</p>	<p>hours between 7:00 AM and 5:00 PM. Best Management Practices shall be employed during construction activities. Obstruction shall be avoided on Vendell Road, and no barriers shall be created within the drainage or culvert. Lighting shall be shielded downward.</p>	<p>construction</p>	<p>construction</p>			
<p><b>BIO-7 Wildlife Corridor Restoration and Monitoring Plan.</b> The applicant shall submit a wildlife corridor maintenance and monitoring plan for a minimum of three years for the proposed wildlife corridor and "transition area" (see Item 2 below) restoration plantings. The plan shall be prepared by a qualified biologist, and shall include measurable goals for removal of nonnative plant species. The plan shall also include performance thresholds for planting survival, native plant density, and native plant coverage. Existing native plants shall be tagged prior to demolition for retention by a qualified biologist. The plan shall be submitted to the City for review and approval by the Landscape Consultant and Planning and Community Development Department prior to issuance of a grading permit. The wildlife corridor restoration and monitoring plan shall include, but not be limited to the following measures to enhance and protect wildlife movement:</p>	<p>A wildlife corridor maintenance and monitoring plan of three years shall be submitted.</p>	<p>Prior to construction activities and periodically for at least three years</p>	<p>Periodically</p>	<p>EA approved biologist, PCD, Landscaping Consultant</p>		

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<p>1. The wildlife corridor restoration area plant palette shall be revised to be more naturalistic and native. This can be accomplished by increasing the diversity of plantings and by using more native species. In particular, all nonnative and invasive plant species in the wildlife corridor restoration area and the western restoration area shall be replaced with native plant species. The wildlife corridor area between the Caltrans Right-of-Way (ROW) and the new building shall be landscaped with locally native plant material. Since the SMMC notes that wildlife travel throughout the entire site, the parking lot areas throughout the project shall have plant material appropriate to provide habitat and accommodate wildlife travel. Cultivars and hybrids are not allowed. Plant material/seed must come from local sources in the Santa Monica Mountains, and shall be supplied by a nursery specializing in local native plants and restoration. Final approval of the plant palette shall be made by the City's Landscape and Oak Tree Consultant. Native plant materials for restoration planting shall include:</p> <ul style="list-style-type: none"> <li>•California coffeeberry (<i>Rhamnus californica</i>)</li> <li>•Coast live oak (<i>Quercus agrifolia</i>)</li> <li>•Toyon (<i>Heteromeles arbutifolia</i>)</li> <li>•Purple needlegrass (<i>Nassella pulchra</i>)</li> <li>•Nodding needlegrass (<i>Nassella crenula</i>)</li> <li>•California melic grass (<i>Melica californica</i>)</li> <li>•Narrow-leaved milkweed (<i>Asclepias fascicularis</i>)</li> <li>•Heart-leaved bush penstemon (<i>Keckiella cordifolia</i>)</li> <li>•California wild rose (<i>Rosa californica</i>)</li> <li>•Common phacelia (<i>Phacelia distans</i>)</li> <li>•Sticky bush monkeyflower (<i>Mimulus aurantiacus</i>)</li> </ul>						

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<ul style="list-style-type: none"> <li>•Redberry (<i>Rhamnus crocea</i>)</li> <li>•Spreading rush (<i>Juncus patens</i>)</li> <li>•Rough sedge (<i>Carex senta</i>)</li> <li>•Coyote brush (<i>Baccharis pilularis</i>)</li> </ul> <p>2. The applicant shall restore the area northwest of the project site on SMMC/MCRA land (the "transition zone" adjacent to the walnuts and the oaks). The applicant shall remove the asphalt in this area. Native trees and shrubs used by wildlife shall be planted in this restoration area and shall include the following:</p> <ul style="list-style-type: none"> <li>•Coast live oak (<i>Quercus agrifolia</i>)</li> <li>•Valley oak (<i>Quercus lobata</i>)</li> <li>•Blue elderberry (<i>Sambucus mexicana</i>)</li> <li>•California sycamore (<i>Platanus racemosa</i>)</li> <li>•Southern California black walnut (<i>Juglans californica</i> var. <i>californica</i>)</li> <li>•Mugwort (<i>Artemisia californica</i>)</li> <li>•California coffeeberry (<i>Rhamnus californica</i>)</li> <li>•Leafy California Buckwheat (<i>Eriogonum fasciculatum</i> var. <i>fasciculatum</i>)</li> <li>•Toyon (<i>Heteromeles arbutifolia</i>)</li> <li>•Spreading rush (<i>Juncus patens</i>)</li> <li>•Rough sedge (<i>Carex senta</i>)</li> <li>•Narrow-leaved milkweed (<i>Asclepias fascicularis</i>)</li> <li>•Foothill penstemon (<i>Penstemon heterophyllus</i>)</li> </ul> <p>3. The wildlife corridor restoration area irrigation system shall be separate from the irrigation for the rest of the project landscaping. The corridor area shall be on valves and controllers separate from the rest of the site. The irrigation shall consist of temporary, aboveground, brown-line irrigation with automated valves on automatic</p>						

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<p>controllers. Two quick couplers for the corridor landscape irrigation behind the buildings shall be provided by the applicant to the MRCA for maintenance in perpetuity, and shall be shown on the final landscaping plan. Irrigation shall be installed and maintained by the applicant for a minimum of three years after final acceptance by the City. These irrigation details shall be indicated on project plans that shall be submitted prior to issuance of a grading of building permit.</p> <p>4. The graded slopes adjacent to Liberty Canyon Road shall not exceed 3:1.</p> <p>5. No lighting shall be placed in or bordering the wildlife corridor. All exterior building and parking lot lights shall be on a timer that turns on at sundown and shuts off at midnight. Wall-mounted lighting on the north side of the buildings shall be shielded. The illumination boundaries shall be shown on photometric plans submitted prior to issuance of a grading of building permit. The western parking lot shall be paved with porous concrete that is colored light brown.</p> <p>6. The western parking lot shall be paved with porous concrete that is colored light brown.</p> <p>7. The chain link fence at the northwest corner of the parcel shall be removed prior to commencement of the construction to encourage wildlife across.</p> <p>8. The applicant shall plant natives in the fall season just prior to the first rain event, which should be stipulated in the final planting plans.</p> <p>9. The applicant shall provide proof of a conservation easement or other similar legal agreement acceptable to SMMC/MRCA and the City regarding the wildlife corridor area adjacent to the Caltrans ROW. This agreement shall include a restriction on fencing to allow the free movement of wildlife. As well as stipulate other</p>						

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<p>relevant items outlined in these mitigation measures for the "transition zone", at the northwest corner of the site, along with the proposed western parking lot, a restrictive use easement agreement shall be established between the SMIMC/MRCA and the applicant. This agreement shall stipulate use of the parking lot and other relevant items as outlined in these mitigation measures. The conservation and restrictive easement boundaries shall include all landscape areas on the perimeter of the property, as well as the internal areas that are free of any buildings and fencing. If the final agreements are not completed, recorded, and filed with the City, the applicant shall produce written evidence from SMIMC/MRCA that the agreement is in process to the satisfaction of both parties. All of this shall occur prior to Certificate of Occupancy.</p> <p>10. Any yellow star thistle (<i>Centaurea solstitialis</i>) or tocalote (<i>Centaurea melitensis</i>) on the SMIMC/MRCA (adjacent to the project site on the west) shall be eradicated as part of site preparation and development, with such measures indicated on the landscape plans submitted for a building or grading permit. The applicant shall also completely eradicate all Mexican fan palm (<i>Washingtonia robusta</i>) and California fan palm (<i>Washingtonia filifera</i>) from the property, and such activity shall be indicated in the final plans submitted for a building or grading permit. The applicant shall replace liquidambar (<i>Liquidambar styraciflua</i>) and star jasmine (<i>Trachelospermum jasminoides</i>) with other appropriate native species (such as those listed above in number 2 and 3) with final approval by the City's Landscape Consultant and Environmental Analyst.</p>						

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11. No trees shall be planted within the canopy of oak trees T-3 and T-36 to avoid competition with the mature trees.						
<b>BIO-8 Oak Tree Replacement.</b> Per the City's Landscape and Oak Tree Consultant, at least 48 oak trees shall be planted onsite. Of the 48 new oak tree plantings, at least 12 must be 36-inch box size, and at least 24 must be 24-inch box size. This replacement mitigation shall be required in addition to any other code requirements for oak planting.	The planting of at least 48 oak trees onsite.	Prior to issuance of a grading permit.	Once	City's Landscape Consultant and Oak Tree Consultant		
<b>BIO-9 Oak Tree Protection.</b> The applicant shall comply with all City-approved or applicable items listed in the Liberty Canyon Oak Tree Report (Campbell 2006), including those items detailed in the work procedures, tree protection, and construction and maintenance procedures sections. These items are to ensure protection of the oak trees to remain and ensure survival of the oak trees planted.	Compliance with City-approved or applicable items listed in the Liberty Canyon Oak Tree Report (Campbell 2006)	Prior to the issuance of a grading permit.	Once	PCD		
<b>CULTURAL RESOURCES</b>						
<b>CR-1 Monitoring.</b> A qualified archaeologist shall monitor any grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil. If artifacts are discovered, the developer shall notify the City of Agoura Hills' Environmental Analyst immediately, and construction activities shall cease until the archaeologist has documented and recovered the resources. Equipment stoppages prescribed by the archaeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and should not be construed to require stoppage of all equipment on the site unless the resources are thought by the archaeologist to be distributed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be impacted, and said equipment may	Field monitoring by a qualified archaeologist.	During grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil.	Daily during grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil.	PCD, EA		

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<p>undertake work in other areas of the site away from the discovered resources. If the find is determined by the archaeologist to be a unique archaeological resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code with mitigation as appropriate. If the find is determined not to be a unique archaeological resource, no further action is necessary and construction may continue.</p> <p><b>CR-2 Evaluation and Notification.</b> Should archaeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by a qualified archaeologist. In general, the following guidelines shall be followed:</p> <ul style="list-style-type: none"> <li>• Preservation of sites in-place is the preferred manner of avoiding damage to historic and prehistoric archaeological resources.</li> <li>• In the event of discovery of human remains, work shall stop until the coroner has determined that no investigation of the cause of death is required; or, if descendants have made a recommendation of the property owner regarding proper disposal of the remains, or until descendants have failed to make a recommendation within 24 hours of notification. If no recommendation is received, remains shall be interred with appropriate dignity on the property in a location not subject to future development.</li> </ul>	<p>Site evaluation by a qualified archaeologist.</p> <p>Upon discovery of an archaeological resource.</p> <p>Upon discovery of an archaeological resource.</p> <p>PCD</p>					
<b>GEOLOGY &amp; SOILS</b>						
<b>GEO-1 Design and Construction.</b> The proposed project shall incorporate design and construction recommendations contained in the Updated	Submission of a letter report from the project	Prior to the issuance of a grading permit.	Once	BD, Project Engineer		

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<p>Geotechnical Report, conducted by GeoSoils, Inc. on July 17, 2006, and the Responses to the City of Agoura (2007) as accepted by the City Engineer. The reports contains recommendations that address site preparation, soil expansiveness, foundation recommendations, slabs-on-grade specifications, site drainage, manufactured slope construction and maintenance, and retaining wall design. Compliance would be verified by the City of Agoura Hills Building Department prior to issuance of a grading permit, through submission of a letter from the Project Engineer that documents incorporation of all applicable design and construction recommendations.</p>	<p>engineer documenting inclusion of all applicable recommendations contained in the geotechnical reports prepared for this project.</p>					
<b>NOISE</b>						
<p><b>N-1 Construction Activity Timing.</b> Onsite construction activity involving the use of equipment or machinery that generates noise levels in excess of 60 dB(A) during the daytime shall be limited to between the hours of 7:00 AM and 7:00 PM, Monday through Saturday pursuant to Article IV, Chapter 1, of the City's Municipal Code. No construction activity shall occur between 7:00 PM and 7:00 AM that generates noise in excess of the 50 dBA nighttime standard. No construction activity shall take place on Sundays or legal holidays.</p>	<p>Compliance with noise ordinance.</p>	<p>During Construction.</p>	<p>As necessary during construction. Activity at site to be monitored by City on random basis during construction to determine compliance.</p>	<p>PCD</p>		

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING VESTING TENTATIVE PARCEL MAP NO. 67397

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

Section I. An application was duly filed by 24789 Agoura Road, LLC, with respect to the real property located at 27489 Agoura Road (Assessor's Parcel Nos. 2064-006-006, 007, 009, 016, 018 & 019) requesting approval of a Vesting Tentative Parcel Map (Case No. VTPM 67397) to combine six lots into a 4.18 parcel. A public meeting was duly held on May 1, 2008 at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California; and that notice of time, date and place and purpose of the aforesaid was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Meeting.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance and Subdivision Ordinance that:

- A. The proposed vesting map is consistent with the City's General Plan in that it will assist in facilitating in-fill development within the Freeway Corridor Overlay District, provide employment and additional services useful to the community. The lot merger will help maintain coordinated maintenance of the outdoor spaces and preservation of the wildlife corridor with the development of the property.
- B. The site is physically suitable for future development in that in combining these smaller lots into one larger parcel, the proposed size will exceed the 2-acre minimum project size, and allow better coordination of the installation and maintenance of the landscaping, access between buildings, site lighting and street improvements specified in the Zoning Ordinance for the BP-OR zone.
- C. The design of the Vesting Tentative Parcel Map or proposed improvements is not likely to cause substantial environmental damage or serious public health problems. Street improvements and on-site improvements will be required upon development of the site and the improvements will be designed per City standards and requirements. The project, with the approval of this map will improve the protected natural resource of all the lots and adjacent lots by converting under-utilized accesses into open space zones and concentrate circulation where the parcel is least environmentally sensitive.
- D. The design of the Vesting Tentative Parcel Map or type of improvements will not conflict with easements acquired by the public at large for access through or

use of property within the proposed development. Access easements and street traffic are protected for users and nearby residents. Additional easement for the animal circulation and reciprocal access agreements are also required as part of this approval.

Section IV. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the Mitigated Negative Declaration and the attached Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Vesting Tentative Parcel Map No. 67397, subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 1<sup>st</sup> day of May, 2008, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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John O'Meara, Chairperson

ATTEST:

---

Doug Hooper, Secretary



**CONDITIONS OF APPROVAL  
(VESTING TENTATIVE PARCEL MAP CASE NO. VTPM 67397)**

**STANDARD CONDITIONS**

1. This decision for approval of the Vesting Tentative Parcel Map application, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the approved Vesting Tentative Parcel Map reviewed and approved by the Planning Commission on May 1, 2008.
4. 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.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. The approval of Vesting Tentative Parcel Map No. 67397 shall expire in two (2) years from the date of the Planning Commission approval. A written request for a one (1) year extension may be considered by the City prior to the expiration date.
7. All requirements of the City Zoning Ordinance and City Subdivision Ordinance must be met unless set forth in the Permit or on the approved Vesting Tentative Parcel Map.

END