

REPORT TO CITY COUNCIL

DATE: JUNE 11, 2008

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 06-SPR-009, OAK TREE PERMIT CASE NO. 06-OTP-021 AND A VESTING TENTATIVE PARCEL MAP CASE NO. VTPM 67397, WHICH ALLOWS FOR THE CONSTRUCTION OF A NEW 9,658 SQUARE-FOOT, ONE-STORY PROFESSIONAL OFFICE BUILDING AND A 20,002 SQUARE-FOOT, TWO-STORY MEDICAL OFFICE BUILDING ON A PARTIALLY DEVELOPED SITE AT 27489 AGOURA ROAD; AN OAK TREE PERMIT TO ENCROACH INTO THE PROTECTED ZONE OF 27 OAK TREES DURING THE CONSTRUCTION AND TO REMOVE 12 OAK TREES FOR THE PROPOSED DEVELOPMENT; A VESTING TENTATIVE PARCEL MAP TO MERGE SIX (6) PARCELS INTO A SINGLE PARCEL; AND A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM (APPLICANT: 27489 AGOURA ROAD, LLC)

The request before the City Council is to conduct a public hearing to consider an appeal by the City Council of the Planning Commission's approval of Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-021, and Vesting Tentative Parcel Map 67397.

On May 1, 2008, the Planning Commission approved, on a 4-0 vote (one absent), a request by 27489 Agoura Road, LLC, to construct two office buildings and remodel an existing office building on a 4.18-acre site located at the northwest corner of Liberty Canyon Road and Agoura Road. Specifically, the project consisted of a 9,658 square-foot, one-story, professional office building and a 20,002 square-foot, two-story medical office building with 215 parking spaces and off-site improvements. The project requires encroaching into the protected zone of 27 oak trees, and removing 12 oak trees for the proposed construction. In addition, a Vesting Tentative Parcel Map was proposed to merge six lots into one. The Planning Commission also adopted a Mitigated Negative Declaration for the project. The Planning Commission's resolution for approval is attached.

There is a large oak tree on site located adjacent to Liberty Canyon Road. The trunk of the oak tree is located on private property, approximately three feet from the property line, with significant canopy cover over the public right-of-way. As part of the approval, the Public Works Department, in conjunction with other departments, per the General Plan Circulation Element, required the west side of Liberty Canyon Road to be widened. The ultimate design of the half-street would result in the removal of the oak tree. Removal of the oak tree as well as encroachment in the protected zone of other oak trees was analyzed in the project's Oak Tree Report. The City's Oak Tree Ordinance allows removal and encroachment as long as mitigation is provided. In this particular case, a minimum of 48 oak trees, including at least twenty-four (24) 24" and twelve (12) 36"-box size trees were required as mitigation. It should be noted that the applicant worked closely with the City's Oak Tree Consultant in minimizing impacts to all oaks including the oak adjacent to Liberty Canyon Road, but that this particular tree would sustain too great of an impact and would have to be removed. The applicant prepared studies to possibly retain that oak tree, but it was determined that any effort to save the oak would require extensive encroachment into its protected zone from grading and/or building retaining walls, thus threatening the viability of the oak tree.

The subject of widening Liberty Canyon Road was discussed extensively at the Planning Commission hearing. The Commission found that widening of Liberty Canyon Road was consistent with the General Plan and that the Commission did not have the purview to waive that requirement and, further, found that the oak tree mitigation measures were appropriate.

The current approved plans for the roadway improvements fronting Liberty Canyon Road show ultimate, master planned, street width improvements consisting of the following (measured from the centerline of Liberty Canyon Road): 8-ft half median, 34-ft paved curb-to-curb, and an 8-ft landscaped parkway totaling 50-ft of half-street right-of-way improvements. Also, per the Council's direction regarding new developments, a 5-ft meandering sidewalk extends from the northerly terminus of the existing sidewalk on Liberty Canyon and runs northward where it will connect to the curb return at the southbound 101-freeway off-ramp.

However, at a minimum, the required street improvements consist of 26-ft paved roadway (as required by the Fire Department), 5-ft curb-adjacent sidewalk, and a northbound left-turn pocket along the Liberty Canyon frontage. These improvements are being required by staff for the following critical reasons:

- 1) The Fire Department's minimum roadway standards requires 26-ft pavement in the southbound direction. However, per recent conversations with the Fire Department, they have indicated that because of the unique issues surrounding the road improvements of this site, they will make an exception (for this site only) to allow a minimum of 20-ft paved road. Even then, not widening Liberty Canyon would result in only one 12-ft wide pavement roadway in the southbound direction, which will not meet the minimum Fire Department requirement.
- 2) Public health and safety: (a) 5-ft sidewalk is needed to prevent pedestrians desiring to walk along the Liberty Canyon frontage from entering the paved roadway, and (b) northbound left-turn

lane is needed to prevent motorists from making a dangerous U-turn movement at the interchange in order to access the northern-most building (Building "B").

This site was once approved as a 3-building office complex and was graded in anticipation of all three buildings being completed at the same time. Not all improvements were carried out and temporary paved accesses were built in the interim. This parcel is unique in that the project is located in the path of the Santa Monica Mountains wildlife movement corridor. As such, enhancement to the corridor is a long-time wish of the Santa Monica Mountains Conservancy. The wildlife corridor is identified in the City General Plan and requires a design that would be sensitive to the animals. During the review process, the applicant met with the Liberty Canyon Homeowners Association and worked closely with the Santa Monica Mountains Conservancy to incorporate a dedicated conservation easement along the northern property line that would consist of returning the temporarily paved area to a natural form and to enhance the area with appropriate landscaping. The enhanced areas on-site would connect with the permanent open space parcels owned by the Conservancy to the west. The enhancements included removing the existing asphalt driveway, parking, curbs, and retaining walls on the project site. Also proposed would be the off-site removal of an abandoned building and parking pavement. The corridor would be landscaped, irrigated and maintained by the developer until such time the plant materials would be established. In addition, the location of the building at the northeast corner of the site (Building B) was selected so as to minimize encroachment into the corridor and the oak grove that surrounds the already graded pad.

The applicant has agreed to grant a conservation easement along the northern property line with a width to be determined by the Conservancy, as well as reciprocal use and access agreement with a stipulation that the project would be maintained in such a way so as to allow wildlife movement throughout the entire site in perpetuity. The applicant would also enhance the Conservancy's parcels to the west including grading and planting in exchange for the use of a designated area for parking.

Regarding the proposed building color, for Council's consideration, the applicant has provided a color board (see Exhibit A) with two alternative colors to the one presented to the Planning Commission. As a de novo hearing, all aspects of the project are open to review. Attached for the City Council's information is a copy of the Planning Commission staff report containing further information and analysis of the project.

A Draft Mitigated Negative Declaration (MND) was prepared for this project. The MND concluded that although potentially significant impacts to aesthetics, biology, cultural resources, geology, and noise may occur, these impacts would be reduced to a level of less than significant with incorporation of the mitigation measures outlined in the MND. These mitigation measures included measures addressing the protection and the enhancement of the wildlife movement corridor. The Draft MND was circulated for public review from March 18, 2008 to April 17, 2008. Comments received during that public review period were responded to, and the Final MND (with the Responses to Comments and Mitigation Monitoring Program) was prepared and presented to the Planning Commission on May 1, 2008. At the hearing, the Planning Commission adopted the MND.

RECOMMENDATION

If the City Council's decision is to uphold the Planning Commission's approval of Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-021, and Vesting Tentative Parcel Map No. 67397, it is recommended that the Council adopt the attached Resolution No. 08-1482 including the conditions of approval. Adoption of the resolution would also include the City Council's adoption of the Final Mitigated Negative Declaration prepared for the project, finding that it adequately analyzes the project's environmental impacts, and adopting the proposed Mitigation Monitoring Program prepared for this project. The Council may also choose to add to or modify the findings of the resolution as well as the conditions of approval. If the Council's decision is to deny the project, staff would prepare a Resolution of Denial for the Council's adoption at the next City Council meeting.

Attachments: City Council Draft Resolution of Approval No. 08-1482 and Conditions of Approval, including Mitigation Monitoring Program
 Exhibit A: Color Copy of the Proposed Color Board
 Exhibit B: Letters Received from the Public
 Exhibit C: Reduced Copy of the Approved Project Plans
 Exhibit D: Minutes of the May 1, 2008 Planning Commission Meeting
 Exhibit E: Planning Commission Resolution Nos. 932 and 933 and Conditions of Approval
 Exhibit F: May 1, 2008 Planning Commission Staff Report

RESOLUTION NO. 08-1482

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 06-SPR-009, OAK TREE PERMIT CASE NO. 06-OTP-021 AND VESTING TENTATIVE PARCEL MAP 67397, AND ADOPTING THE PROJECT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM

Section I. An application was duly filed by 27489 Agoura Road, LLC, with respect to the real property located at 27489 Agoura Road (Assessor's Parcel Nos. 2064-006-006, 007, 009, 016, 018 & 019) requesting approval of a 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; 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 request for a Vesting Tentative Parcel Map to merge six parcels into one parcel; and a request to adopt a Mitigated Negative Declaration and a Mitigation Monitoring Program. A Public Hearing was duly held by the Planning Commission on May 1, 2008 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearing on May 1, 2008. The Planning Commission approved Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-009, and Vesting Tentative Parcel Map 67397 on a 4-0 vote (Commissioner Rishoff absent), per Resolution No. 935, and adopted the Mitigated Negative Declaration and Mitigation Monitoring Program.

Section II. An appeal of the Planning Commission's approval of Site Plan/Architectural Review Case No. 06-SPR-009, Oak Tree Permit Case No. 06-OTP-021 and Vesting Tentative Parcel Map was filed by the City Council on May 14, 2008 with respect to the property described in Section I hereof. A hearing on the appeal was duly held and public testimony was given on June 11, 2008 at 7:00 p.m., in the City Council chambers of the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. Notice of time, date, place and purpose of the aforesaid hearing was duly given.

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

Section IV. Pursuant to Sections 9677.5 and 9677.7.G. of the Agoura Hills Zoning Ordinance, the City Council 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 is designed to screen headlights 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 enclosure will be located a considerable distance from the public.

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.

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. The project will be designed to comply with the most recently adopted Building Code. In addition, the project complies with standards that include preservation of light, air and views. Egress and ingress to each building were divided into two access points, one on Liberty Canyon and one Agoura Road. Finally, the project will be served by an existing and adequate sewer system.

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. The proposed Vesting Tentative Parcel Map will facilitate this in-fill development and ultimately 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 as part of the development of the property. In combining these smaller lots into one larger parcel, the proposed size will exceed the 2-acre minimum project size thereby bringing these non-conforming lots into compliance with the BP-OR zone development standards. This merger will allow better coordination of the maintenance of the buildings, landscaping, and access throughout the site as conditioned by the development entitlements, and site lighting. Street improvements and on-site improvements will be required upon development of the entire site and the improvements will be designed per City standards and requirements. The project will improve the protected natural resource of all the lots and adjacent lots by converting an under-utilized access into an open space zone and concentrate circulation where the parcel is least environmentally sensitive. The merger will not conflict with easements acquired by the public at large for access through or use of property within the proposed development. Additional easement for the wildlife movement and reciprocal access agreements between the Santa Monica Mountains Conservancy and the owner are also required as part of this approval.

Section VI. 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 City Council, the City Council 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 City Council 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 City Council hereby adopts the Mitigated Negative Declaration and the attached Mitigation Monitoring Program.

Section VII. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's decision and approves Site Plan/Architectural Review Case No. 06-SPR-009,

Resolution No. 08-1482

Oak Tree Permit Case No. 06-OTP-021 and Vesting Tentative Parcel Map 67397, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 11th day of June, 2008 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
CASE NOS. 06-SPR-009, 06-OTP-021, AND VTPM 67397

PLANNING CONDITIONS

Entitlement Requirements

1. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of these Permits with the Department of Planning and Community Development.
2. 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.
3. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has filed to do so for a period of thirty (30) days.
6. 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.
7. 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.
8. 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.
9. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.
10. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.

Conditions of Approval

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11. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
12. 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 12th, 2008.
13. 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.
14. 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.
15. 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.
16. 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

17. 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.
18. All proposed retaining walls shall consist of materials subject to review and approval by the Director of Planning and Community Development.
19. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
20. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 7:00 a.m., or any Sunday or holiday.

21. 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.
22. 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.
23. A copy of all communications between the City and the applicant pertaining to the approved plans shall be kept on-site at all times.
24. 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.
25. 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

26. 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.
27. 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

Conditions of Approval

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certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.

28. 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

29. The applicant shall comply with each mitigation measure listed in the Final Mitigated Negative Declaration and outlined in the Mitigation Monitoring Program for the project approved on May 1st, 2008. The Mitigation Monitoring Program is attached to these Conditions of Approval.
30. 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.
31. Air quality measures (Rule 403) shall be copied onto the cover sheets of the Grading Plans.

Landscape/Oak Tree Requirements

Oak Trees

32. 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. During final grading design phase and at the time of grade staking, the applicant shall make every attempt to preserve Oak Trees that have been identified for removal specifically Oak Tree Numbers 11, 13, 30, 42, 43, and 44 to the satisfaction of the City Oak Tree Consultant. If the City Oak Tree Consultant finds that the impacts can be reduced to an acceptable level, the required Oak Tree mitigation shall be adjusted accordingly, subject to final review and approval by the Director of Planning and Community Development.
33. 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.
34. 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.
35. 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.
36. 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.
 37. 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.
 38. 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.
 39. 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.
 40. 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.
 41. 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.
 42. 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.
 43. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
 44. 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.
 45. 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.

46. 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.
47. 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.
48. 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.
49. 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

50. Landscape plans shall be submitted for review and approval by the City Planning and Community Development Department prior to issuance of a Grading Permit.
51. 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
52. 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.
53. 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.
54. A minimum of twenty percent (20%) of the total lot shall be landscaped.
55. 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.
56. 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.
57. 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.
58. All landscape planters must have a minimum width of four feet (4').
59. Undulating mounding shall be providing along the right-of-way having a minimum elevation variation of thirty inches (30").
60. 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.
61. 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.
62. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
63. 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.
64. Landscaping in required yards must generally be bermed with a minimum elevation variation of thirty inches (30").

65. 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.
66. The landscape plan shall note that native plants shall be planted in the fall season just prior to the first rain event
67. 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.
68. 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.
69. At least two (2) quick couplers shall be provided within the wildlife corridor.

ENGINEERING CONDITIONS

70. PRIOR TO FINAL MAP RECORDATION

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

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

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

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

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

- 1.04 Vacate 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, Subdivisions, 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.

71. 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.
- 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 is subject to a permit from the following agencies, if required:
 - Caltrans
 - Los Angeles County Flood Control District (LACFCD) – for any encroachment into their right-of-way, and/or connection to their facilities, and for any facilities that will be turned over for their ownership and maintenance.
 - Las Virgenes Municipal Water District
 - Regional Water Quality Control Board
 - Army Corps of Engineers (ACOE)
 - California Department of Fish & Game
 - Southern California Edison

- 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.

Improvement Item	AGOURA ROAD AND LIBERTY CANYON ROAD
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 appurtenances are per LVMWD standards (See Section 2D)	Yes
Storm Drain (See Section 2E)	Catch Basin
Traffic Signal Facilities (See Section 2G)	Relocation – if required for ADA pathway clearance
Traffic Signing and Striping (See Section 2G)	New – 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:

- Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
- Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
- Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
- Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

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

2.62 All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water

Resources Control Board's General Permit For Storm Water Discharges Associated With Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.

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

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

- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
- Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 - Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 - Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes and covering erosion susceptible slopes.

G. Traffic/Transportation

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

measures identified by the said study will become automatic conditions of approval for this project.

72. PRIOR TO CERTIFICATE OF OCCUPANCY

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

BUILDING AND SAFETY CONDITIONS

- 73. 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.
- 74. 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.

75. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Sec.6402.1.
76. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
77. Projects shall demonstrate the use of Class-A roofing material.
78. 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.
79. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

SPECIAL CONDITIONS

80. 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.
81. 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.
82. All parking stalls shall be pinstriped. A minimum of two hundred fourteen (214) parking spaces shall be provided for the project.
83. 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.

Conditions of Approval

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84. 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.
85. 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.
86. 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.
87. 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.
88. 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.
89. The Conservancy Easement and Deed Restriction addressed in the Mitigated Negative Declaration for wildlife movement and/or habitat protection purposes shall be a requirement as stated in the mitigation measures if the applicant for any reason opts for commercial tenants that do not require an added parking easement on the Santa Monica Mountain Conservancy land.
90. The width of the wildlife corridor Conservation Easement shall be expanded (adjusted southward) to include all land located northward of the shown retaining wall on the north side of the existing building.
91. Lighting requirements shall prohibit any light shine on the northernmost row of proposed parking spaces for the new Liberty Canyon Road building after 9:00 p.m.
92. The width of the wildlife corridor at its western boundary where it touches city-owned property shall be widened to the greatest extent possible to go around the well-shielded electrical transformer without impacting the project traffic spacing that would improve the function of the wildlife corridor, as approved by the Director of Planning.

93. The applicant shall complete wildlife corridor improvements as a first phase, prior to Building Permit issuance. The improvements shall mean the removal of all structures including, but not limited to, fencing, asphalt, concrete curb, relocation of utilities equipment, grading, recontouring, berming, installation of the irrigation, and planting and appropriate fencing and signage to the construction crew about the sensitivity of the area. The development of the wildlife corridor will occur within the delineated easement on site as well as the improvements on the Conservancy parcel to the west, in compliance with the Mitigated Negative Declaration.

VESTING TENTATIVE PARCEL MAP CONDITIONS

94. 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.
95. 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.
96. 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.
97. 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.
98. 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.
99. 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

Liberty Canyon Office Expansion Project

MITIGATION MONITORING AND REPORTING PROGRAM

City of Agoura Hills

April 2008

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

CERCLA 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.

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments

AESTHETICS

<p>AES-1 Light and Glare. The proposed project shall adhere to the City's Lighting Standards and Guidelines. These may include, but are not limited to the following: • 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. • Lighting pole heights and other fixture heights shall be limited. • All lighting shall be focused downward and designed to minimize light spillover and glare affecting adjacent areas. • Fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design.</p>	Plan Check.	Prior to issuance of a grading or building permit.	Once	PCD			
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<p>AES-2 Lighting Plan. 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			
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AIR QUALITY

<p>AQ-1 Dust Minimization. Pursuant to Rule 403 of the SCAQMD, the following dust minimizing measures shall be implemented. a) The simultaneous disturbance of the site shall be minimized to the extent feasible. 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</p>	incorporate contractor's notes into Plan Check.	Prior to issuance of a grading or building permit.	Once	PCD			
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Key: PCD City of Agoura Hills Planning and Community Development Department
 EA City of Agoura Hills Environmental Analyst
 PWD City of Agoura Hills Public Works Department
 BD City of Agoura Hills Building Department
 LACFCD Los Angeles County Flood Control District

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
<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>							

Key: PCD City of Agoura Hills Planning and Community Development Department
 EA City of Agoura Hills Environmental Analyst
 PWD City of Agoura Hills Public Works Department
 BD City of Agoura Hills Building Department
 LACFCD Los Angeles County Flood Control District

Compliance Verification	Initial	Date	Comments	Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	
				<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>ii) 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>i) 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									
PDC				<p>BIO-1 Special-Status Plant and Wildlife Species.</p> <p>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 required.</p>	<p>Plants:</p> <p>Focused bio surveys shall be conducted.</p> <p>Prior to issuance of a grading permit.</p>	<p>Prior to issuance of a grading permit.</p>	Once	PDC	<p>If sensitive species are found, avoidance of species shall be the primary mitigation.</p>
PDC				<p>Prior to issuance of a grading permit.</p>	<p>Prior to issuance of a grading permit.</p>	Once	Once	PDC	<p>Prior to issuance of a grading permit.</p>

Key:

- PDC City of Agoura Hills Planning and Community Development Department
- EA City of Agoura Hills Environmental Analyst
- PWD City of Agoura Hills Public Works Department
- BD City of Agoura Hills Building Department
- LACFCD Los Angeles County Flood Control District

Liberty Canyon Office Expansion Project
Mitigation Canyon Monitoring and Reporting Program

Mitigation Measure/Condition of Approval		Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
<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 relocation 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 occidentiloides</i>), coast (San Diego) horned lizard (<i>Phrynosoma coronatum blainvillii</i> population), two-striped garter snake (<i>Thamnophis hammondi</i>), western mastiff bat (<i>Eumops perotis californicus</i>), and western red bat (<i>Lasurus blossevillei</i>).</p>		<p>If mitigation is not feasible, a mitigation program shall be implemented. Additionally, annual monitoring would occur.</p> <p>Wildlife: 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. Construction shall not commence until approval of appropriate 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 regulatory agencies, necessary</p> <p>PCD</p>			

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<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><u>Take Permits.</u> 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><u>Construction Monitoring.</u> 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>Regulatory agencies shall be notified immediately in the event state or federal construction activities. Prior to any construction activities. CDFG shall be consulted if preconstruction surveys determine that impacts to State-listed wildlife species could occur. If any special-status species is found, a qualified biologist shall monitor construction activities. If any 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>Prior to any construction activities. Once</p> <p>Prior to construction Once</p> <p>Daily during construction. Daily</p>	<p>Once</p> <p>Once</p> <p>Once</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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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<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 above mentioned 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>BIO-2 Migratory Bird Species Act. 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>Once</p>	<p>Prior to grading or initial construction activity.</p>	<p>EA approved biologist/ornithologist</p>	<p>Once</p>	<p>Prior to issuance of a grading or building permit for plan check.</p>

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
<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>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. 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>Once</p>	<p>PCD</p>			
<p>BIO-3 Creek Protection Program. 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>Once</p>	<p>EA approved biologist, PCD</p>			

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
<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>BIO-4 Jurisdictional Delineation. 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>EA approved biologist</p>	<p>Once</p>	<p>U.S. Army Corps of Engineers, R/WQCB, CDFG</p>	
		<p>Prior to the issuance of a grading permit.</p>	<p>Once</p>				

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
(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.	Evidence of required permits shall be submitted to PCD	Prior to the issuance of a grading permit	Once	PCD			
BIO-5 Habitat Mitigation Plan and Monitoring Program. 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: 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	If grading or fill activity is to occur within the open channel or drainage onsite, a compensatory restoration program shall be created and implemented. If feasible, payment into an in-lieu fee program could be considered acceptable mitigation if onsite mitigation is not feasible. The restoration/mitigation plan shall include, but not be limited to the following components:	Prior to the issuance of a grading permit.	Periodically	EA approved biologist, PCD, CDFG, RWQCB			

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Compliance Verification	Responsible Agency or Party	Monitoring Frequency	When Monitoring to Occur	Action Required	Mitigation Measure/Condition of Approval
	Initial	Date	Comments	PCD	<p>BIO-6 Protection of Wildlife Corridor During Construction. Construction shall be limited to the hours</p> <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);</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>

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
	hours 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.	construction	construction				
BIO-7 Wildlife Corridor Restoration and Monitoring Plan. 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>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>	Periodically	EA approved biologist, PCD, Landscaping Consultant				

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
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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"> •California coffeeberry (<i>Rhamnus californica</i>) •Coast live oak (<i>Quercus agrifolia</i>) •Toyon (<i>Heteromeles arbutifolia</i>) •Purple needlegrass (<i>Nassella pulchra</i>) •Nodding needlegrass (<i>Nassella crenata</i>) •California melic grass (<i>Melica californica</i>) •Narrow-leaved milkweed (<i>Asclepias fascicularis</i>) •Heart-leaved bush penstemon (<i>Keckelia cordifolia</i>) •California wild rose (<i>Rosa californica</i>) •Common phacelia (<i>Phacelia distans</i>) •Sticky bush monkeyflower (<i>Mimulus aurantiacus</i>) 							

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<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"> •Redberry (<i>Rhamnus crocea</i>) •Spreading rush (<i>Juncus patens</i>) •Rough sedge (<i>Carex senta</i>) •Coyote brush (<i>Baccharis pilularis</i>) <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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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	Initial	Date	Comments
<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. 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. 6. The western parking lot shall be paved with porous concrete that is colored light brown. 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. 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. 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 Catrans 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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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
<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 SMMC/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 SMMC/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>Centaura solstitialis</i>) or tocalote (<i>Centaura mellensis</i>) on the SMMC/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>Trachelospernum 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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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Comments
11. No trees shall be planted within the canopy of oak trees T-3 and T-36 to avoid competition with the mature trees.							
BIO-8 Oak Tree Replacement. 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			
BIO-9 Oak Tree Protection. 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			
CR-1 Monitoring. 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, or 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>CR-2 Evaluation and Notification. 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"> • Preservation of sites in-place is the preferred manner of avoiding damage to historic and prehistoric archaeological resources. • 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. 	Site evaluation by a qualified archaeologist.	Upon discovery of an archaeological resource.	Upon discovery of an archaeological resource.	PCD			
GEOLOGY & SOILS							
<p>GEO-1 Design and Construction. The proposed project shall incorporate design and construction recommendations contained in the Updated</p>	Submission of a letter report from the project	Prior to the issuance of a grading permit.	Once	BD, Project Engineer			

Key:
 PCD City of Agoura Hills Planning and Community Development Department
 EA City of Agoura Hills Environmental Analyst
 PWD City of Agoura Hills Public Works Department
 BD City of Agoura Hills Building Department
 LACFCD Los Angeles County Flood Control District

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>Geotechnical Report, conducted by Geosolls, Inc. on July 17, 2006, and the Responses to the City of Agoura (2007) as accepted by the City Engineer. The reports contain 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 inclusion of all applicable recommendations contained in the geotechnical reports prepared for this project.</p>						
<p>N-1 Construction Activity Timing. 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>			

NOISE

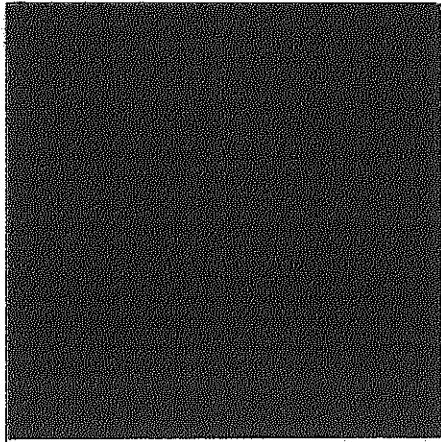
Key:
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 PWD City of Agoura Hills Public Works Department
 BD City of Agoura Hills Building Department
 LACFCD Los Angeles County Flood Control District



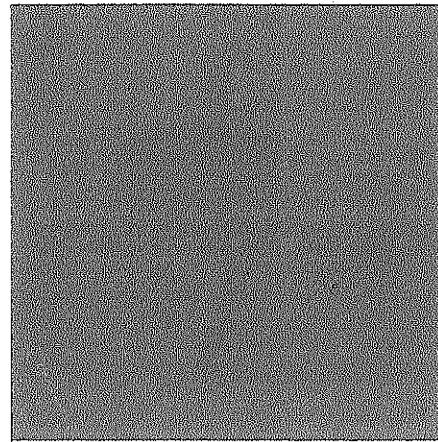
**OFFICE DEVELOPMENT
FOR THE PROPERTY LOCATED
AT 27489 AGOURA ROAD,
AGOURA HILLS**

**SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 06-SPR-009
OAK TREE PERMIT CASE NO. 06-OTP-021
VESTING TENTATIVE PARCEL MAP 67397**

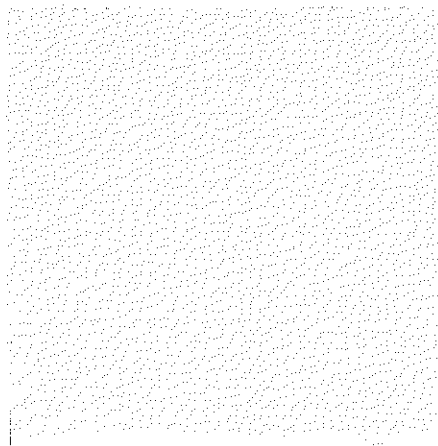
**EXHIBIT A: Color Copy of the Proposed
Color Board**



OPTION "A"
CURRENT COLOR
SHERWIN WILLIAMS
SW 6342 SPICY HUE



OPTION "B"
NEW COLOR CHOICE
SHERWIN WILLIAMS
SW 6102 PORTABELLO



OPTION "C"
NEW COLOR CHOICE
SHERWIN WILLIAMS
SW 6682 JUNE DAY

Alternate Exterior Building Colors

LIBERTY CANYON PROPOSED OFFICE EXPANSION

www.behr-browers.com

BEHR•BROWERS ARCHITECTS INCORPORATED

These drawings are the property of the architect and are to be used only for the project and site shown. All design and other information contained herein shall remain the property of the architect and shall not be used for any other project without the written consent of the architect. The architect shall not be responsible for any errors or omissions in these drawings or for any consequences arising therefrom. The architect shall not be responsible for any construction or other work shown on these drawings unless specifically stated otherwise. The architect shall not be responsible for any construction or other work shown on these drawings unless specifically stated otherwise. The architect shall not be responsible for any construction or other work shown on these drawings unless specifically stated otherwise.

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340 N Westlake Boulevard
Suite 250
Village Village
Costano 91362
805 496-1101
805 496-1421 Fax



C-1



5/30/08

33101.02_COLORS



**OFFICE DEVELOPMENT
FOR THE PROPERTY LOCATED
AT 27489 AGOURA ROAD,
AGOURA HILLS**

**SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 06-SPR-009
OAK TREE PERMIT CASE NO. 06-OTP-021
VESTING TENTATIVE PARCEL MAP 67397**

**EXHIBIT B: Letters Received
from the Public**

April 22, 2008

Regarding: The Liberty Canyon Center
Public Hearing scheduled for May 1, 2008

Chairman O'Meara and Commissioners,

In mid-February, I was one of several Liberty Canyon homeowners that met with Michael Browers and Francisco Behr regarding their proposed project for 2 new office buildings at the NW corner of Liberty Canyon and Agoura Road. The parcel already contains one office building, which they explained, would remain but be repainted to match the new buildings.

One new office building will be located across Agoura Road from the Rondell condominiums; the other will be near the eastbound freeway exit at the north end of the property. The size of the buildings seems compatible with the property. The development would be much improved if the City could work with the developers to underground the transmission lines.

My criticism is with the style of the architecture and the proposed color of the new buildings. The buildings have a curved roof, which I believe I heard them say, is open at it's center giving them the appearance of a quanset hut from the east and west elevations. The south elevation appears to be primarily glass. The style is nothing like any other structure in Agoura Hills. It is not compatible with the residential neighborhood, the office buildings to the east, or the office buildings that are still under construction at Agoura Road and Chesebro. The color is a deep rust red (a sample has been painted on the back of the existing building). I have recently seen it used as an accent color on buildings, but never as a principle color. The architects feel that this represents the natural colors of the hills, etc. I strongly oppose this bright color for the Liberty Canyon area.

I understand that staff is recommending widening of Liberty Canyon Road to accommodate a left turn pocket into the northern driveway near the freeway offramp. In discussions over the years with a variety of prospective developers, it was always my understanding that, if this driveway was used, it was to be a right turn in and right turn out entrance/exit only, because of it's close proximity to the freeway. If the developer feels that the right turns in and out are inadequate, should the project be redesigned to include access to the northern building from Agoura Road? Staff is also recommending a sidewalk. I and several other residents feel a sidewalk here is unnecessary – a sidewalk to where? There is a sidewalk on the other side of the street that goes to the bus stop. This widening and sidewalk will result in the removal of 2 beautiful oak trees and the willows that would screen the northern building.

The residents in Liberty Canyon have always known that this corner would be developed and have worked with several prospective developers in the past. We do not object to office buildings here. Our concerns with the style and the color were expressed to Mr. Behr and Mr. Browers when we met with them in February, but I do not believe any changes were addressed. Please ask that they provide some modifications to the buildings to make them more compatible with our area. We also discussed the widening of Liberty Canyon Rd with them. They were not opposed to leaving the road as it is and, thus, saving the oak trees.

Other concerns such as lighting, signage, improvement to the freeway offramp landscaping, and the wild life corridor can be addressed in the conditions.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Joan Yacovone".

Joan Yacovone

Valerie Darbouze
Agoura Hills Planner

April 27, 2008

Subject: LIBERTY CANYON CENTER

Dear Valerie,

A few weeks ago, we attended a Liberty Canyon Homeowners Assoc. meeting where developers for the Liberty Canyon/Agoura Rd. property (northwest corner) presented their proposed expansion plans.

Following are some comments regarding our (the Burnetts) feelings about the proposed new Liberty Canyon development.

1. We are not in favor of widening Liberty Canyon Rd. at the eastbound freeway off ramp area. We see it as serving no functional purpose to do so. Of major importance to us would be the tragic removal of the beautiful old oak tree which for years has served as a wonderful gateway to our residential area. In that Agoura Hills traditionally has prided itself in protecting oak trees of note, it seems the city would be desirous of preserving this beautiful noteworthy tree. In addition, to continue the sidewalk from Agoura Rd. to the eastbound off ramp seems pointless; it would be a sidewalk to "nowhere". Lastly, by widening the street, would this not also require removal of the mature pepper trees that are adjacent to the off ramp, & further restrict the wildlife corridor area established to allow wildlife passage to the north side of the freeway?

2. We very much like the concepts of non-obtrusive buildings, underground parking, and preservation of surrounding natural habitat and addition of more trees, etc. Our primary concern with the proposed architecture is the roof line of the buildings. They seem quite contemporary & we fear a "Quonset hut" appearance. We would prefer perhaps a tile roofing solution which would be far more compatible with the residences in the immediate area. We do however like the rockwork facings on the buildings and the "hiding" of rooftop equipment.

3. The proposed color for the buildings seem a bit too dramatic, but it is difficult to tell from the samples provided at the meeting. In that the buildings are not large & obtrusive, & are to be surrounded with vegetation, a desirable effect is perhaps possible. We do not object to some color, but if it were to be a softer & more subdued "rust" tone than what is proposed, we would be more agreeable.

In general, we like the proposed size & layout of the buildings and land usage. We also approve of "altering" the existent building to be more compatible with the new proposed structures. The extension of the Liberty Canyon center median seems like a good idea to clarify traffic flow. Again, we are interested in "saving" the large oak tree, rather than widening Liberty Canyon, which is of questionable practical value, particularly when it is done at the expense of losing the oak tree and restricting wildlife passage. Further, it would be desirable to alter the proposed buildings roofline presentation to one that more closely identifies with the surrounding residential buildings. Lastly, the "muting" of the color of the buildings we feel would have an improved aesthetic effect.

Thank you for your consideration.

Dave & Glenda Burnett
27312 Country Glen Rd.
Agoura Hills, CA 91301

(818) 889-0465
dhuburnett@hotmail.com

Valerie Darbouze

From: david burnett [dhuburnett@hotmail.com]
Sent: Sunday, April 27, 2008 2:14 PM
To: Valerie Darbouze
Subject: Liberty Canyon Center Development

Hi Valerie,

My name is Dave Burnett. I am a longtime resident of Agoura Hills & live in Liberty Canyon. My wife & I recently became aware of the expansion project planned to take place at the northwest corner of Liberty Canyon & Agoura Rd.

We invite you to please review the attached file which expresses our impressions and concerns regarding the project as it currently stands.

Thank you in advance for your attention and cooperation.

Sincerely,
Dave Burnett

Valerie Darbouze

From: Tedand Derylann Mather [tedandderylann@gmail.com]
Sent: Wednesday, April 30, 2008 9:19 AM
To: Valerie Darbouze
Subject: buildings

Dear Valerie, This is in response to your notice of meeting May 1 on proposed building of office space, corner of Agoura Rd. and Liberty Cyn.

I am opposed to the building to begin with and was stated at the last meeting two years ago. I am definitely opposed to anything like the existing structures at Palo Comado and Agoura Rd. That building dev. is a blight on the city of Agoura Hills and area.

I also think the city should address the opposite corner of Agoura Rd. and Liberty Cyn, the area where all the dogs do their business and leave it. Use some of the "free mulch" or something to make that area more attractive.

I don't think we need any more " empty building" structures but a nice park where our children could play would be much more attractive.

Sincerely, Derylann Mather 27435 Freetown Ln.

CITY OF AGOURA HILLS

April 30, 2008

2008 APR 30 PM 1:37

Regarding: The Libery Canyon Center
Public Hearing scheduled for May 1, 2008

CITY CLERK

Case Nos. 06-SPR-009, 06-OTP-021 & VTPM 67397

Chairman O'Meara and Commissioners,

I met with Kay and Valerie of your office on April 29th regarding concerns to the proposed buildings at Agoura Road and Liberty Canyon. I received a copy of this proposal. My concerns are:

1,- Widening of Liberty Canyon Road between the freeway and Agoura Road & sidewalk along Liberty Canyon which leads to nowhere.

As mentioned, in Mrs. Yacovone's letter of April 22, 2008 (and filed in the proposal), the developers are not opposed to leaving the road as is ,which means no sidewalk and most importantly, **SAVING THE OAK TREE(s)** along Liberty Canyon. .

I was informed by Kay that the main entrance to the parking lot will be on Agoura Road not on Liberty Canyon. The driveway on Liberty Canyon will be an emergency driveway only. There is no reason to have a sidewalk, thus again, saving the tree(s) along Liberty Canyon.

Kay also mentioned the reason the tree(s) along Liberty Canyon (and elsewhere on the property) would have to be cut down is the requirement for all the unusual large number of parking spaces required for the new building is that this will be a medical/office building. When was **UNDERGROUND** parking discussed and if not, why not??? This would also cover the inquiry by Joan having underground transmission lines.

Returning to the "emergency" driveway on Liberty Canyon, a left turn into this driveway would not be necessary if the road is left as is, and hence, widening of the road is not necessary.

Pg 1 of 2

4

2. Metal roof vs. Spanish tile roof - I spoke with Valerie and appreciate her discussing this matter with me. I believe in order to save the developers additional costs to place Spanish tiles on the proposed buildings, metal roofs are being recommended. In keeping with the rustic feeling of Agoura Hills, metal roofs no matter what color are an eyesore to our community. The developers of these two additional buildings are the same developers of the existing building and are just trying to save themselves an additional cost. I oppose not only the color of the roofing material but the fact that curved roofs ARE quonset looking in appearance. Please, do not allow the developers to spoil the rustic serenity of the community.

3. Wild animal corridor - Of course, I want to save this corridor but at the expense of oak trees??? Agoura Hills as any other municipality has been entrusted to save oak trees whenever possible (wild animal corridors as well, I believe). There are permeable materials or grates that must be used as an alternative to ensure proper watering for the oak trees instead of cutting down the oak trees and elsewhere on this property.

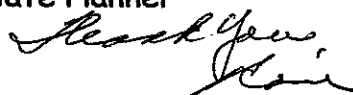
I was advised by Kay that if new oak trees could not be planted due to lack of allowable space, the developers would have to pay the City of Agoura Hills a set dollar amount for each 15" in diameter of each oak tree cut down to be set aside for planting other trees, (not necessarily oak trees) either on the property or placed in an earmarked account to plant trees, again, not necessarily oak trees, elsewhere on other property owned by the City or perhaps to purchase additional property.

In that case, wouldn't this save the City of Agoura Hills from using earmarked monies from the General City Fund to accomplish the same purpose; planting and replanting other lands or the purchasing of additional property for parks, etc.

I appreciate your considering my concerns and look forward to keeping our beautiful hills as rustic and peaceful as they are now.

Rose Topliss, Resident of Agoura Hills
C; Kay J. Greeley, Landscape and Oak Tree Consultant
Valerie Darbouze, Associate Planner

Pg 2 of 2



Andy Coradeschi

4101 Defender Dr., Agoura Hills, CA 91301

To Whom It May Concern:

I am not able to attend tonight's City Council Meeting but would like to enter my comments into the record regarding the proposed Liberty Center development via this letter.

It has come to my attention that the City Engineer wants to tie a road widening project of Liberty Canyon into this development.

While I accept that the Engineer is probably referencing some Master Plan for Agoura Hills that calls for such a widening, I strongly oppose this widening.

I oppose it for two reasons:

1) It is not necessary.

I have lived in Liberty Canyon for 8 years now and have driven Liberty Canyon nearly every single day of those 8 years, and there has never been a traffic need for two lanes.

There has never been a traffic need for two lanes despite all the new that now uses Liberty Canyon due to all the new homes and office buildings that have been built over the past 8 years, and it is also clear that the additional traffic generated by the proposed development will also fail to make the road widening necessary.

2) The second reason I oppose this road widening is that it will require the removal of one of the oldest, biggest and grandest Valley Oak trees I've ever seen.

In fact, this tree is so exquisite that I have a black & white photo of that tree blown up and hanging in the front hall of my home.

That tree defines the entrance to our canyon; it must be allowed to remain.

Best,

Andy Coradeschi

From: Mike Barton [mailto:mbarton@llpla.com]
Sent: Friday, May 16, 2008 2:01 PM
To: 'krodriquez@ci.agoura-hills.ca.us'
Subject: Liberty Canyon Office Construction

City Clerk and city Councils Members,

I am writing this about the proposed office construction on Liberty Canyon and Agoura Rd. I would like to say that I am not totally against it we all live somewhere and once there is a change it affects in a bad way at first but then we get used to it. If you have lived anywhere for a while and your neighbor decides to move. Even if you have liked them or not you wonder what will happen next.

My wife and I have lived at 4110 Defender for 5 years. We have a 4yr. old daughter that goes to the Montessori School of Agoura. I work in Simi Valley and my wife works in Calabasas. I walk my dogs every night around the proposed site. Right now I think it's a bit of an eyesore no one knows what business is there they have a lot of no trespassing signs so not very inviting. I do have some worries about the kind of business and the way it will blend in with the surroundings. I will list my concerns

Color: Is this the best suited for our area looks like burnt orange and will it look great in a few yrs

Metal Roof: Looks great when it's new but when it ages or will it rust I would hope not. The other thing it show all debris from trees and dirt on top of it

Parking and Street Use: Will there be enough parking and not have any on the streets. I drive home and turning South on to Liberty Canyon is always a risk because the 101 traffic does not know you have the right of way and always pull out in front of you right at the last minute. I believe the traffic from this building will add to the problem and doing u turns at Agoura Rd and farther down Liberty Canyon. I also think with that in mind the city needs to repave the Liberty Canyon Rd It is already due and with the new homes at Bacara Canyon going in this improve our area.

Conservancy Property: This is hopefully a good thing for them to have control over and hopefully improve the land there. I think it is a big fire hazard I know there is wildlife and trees but so much brush around there if someone ever drops a cigarette out the window it would go up fast. I have contacted Public Works before and they were very nice but its not your land. This area needs some help. You might consider a small park area over there

101 Exit Ramp: when we moved in after the fires 5 yrs ago I called the city and Cal Trans about our exit. It was almost 2 yrs where it wasn't mowed and finally they do a little bit there. I think only now they are putting the lights in for the ramps. I do know that the city does not control this exit ramp and I hope this will finally happen after all this. If you could for me, take a drive to our exit and then look at Cheseboro and even Kanan or Drive to Calasbasas and see if you would be proud of that exit ramp in your town. I offered at one time to start a volunteer group in the area to help clean that up with someone in your Public Works Dept..He was very helpful and I think he has done some of the repairs there. I am not asking for a 23 million dollar Kanan Rd improvement but some nice mulch and bushes or trees would be nice there. It would make a lot of people proud to exit there to their homes

What type of hours of business will this building have and will the lights be on all night?

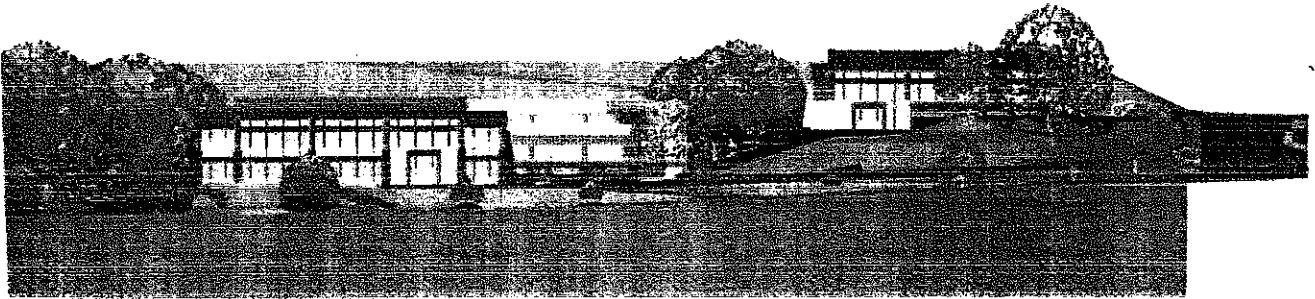
Sorry for going on and on I hope you will each look at this project very carefully before letting it happen. Please respond if you can I will try to make your next meeting on this.

Mike Barton
4110 defender drive
Agoura hills, Ca 91301 818 917 9229

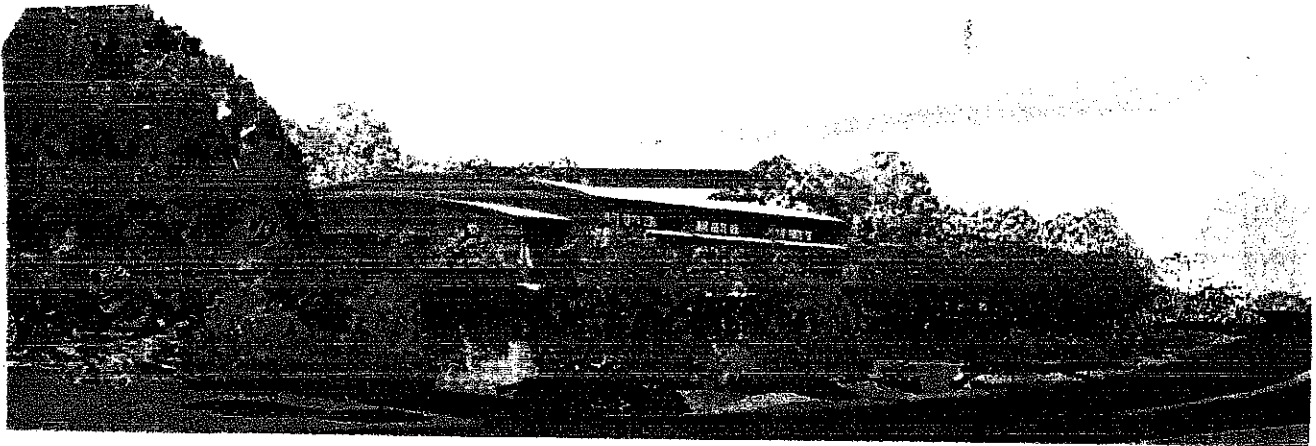
The following comments and documents were submitted by Joan Yacovone on June 2, 2008



(B) OVERALL SITE / BUILDING EAST ELEVATION



(A) OVERALL SITE / BUILDING SOUTH ELEVATION



VIEW LOOKING EAST ALONG AGOURA ROAD TOWARDS LIBERTY CANYON ROAD



Liberty Canyon Center

Project: 3 office buildings

Building A – existing

Building B – 9655 sq ft – near freeway offramp

Building C – 20,000 sq ft – across from condos

Architectural style and color:

Two new buildings built of stucco, glass, stone veneer, with stucco a dark rust color (sample on back of existing building) with a barrel seam metal roof that is silver in color. Existing bldg will have Spanish tile roof replaced with a flat seam metal roof. All bldgs will have a stone veneer.

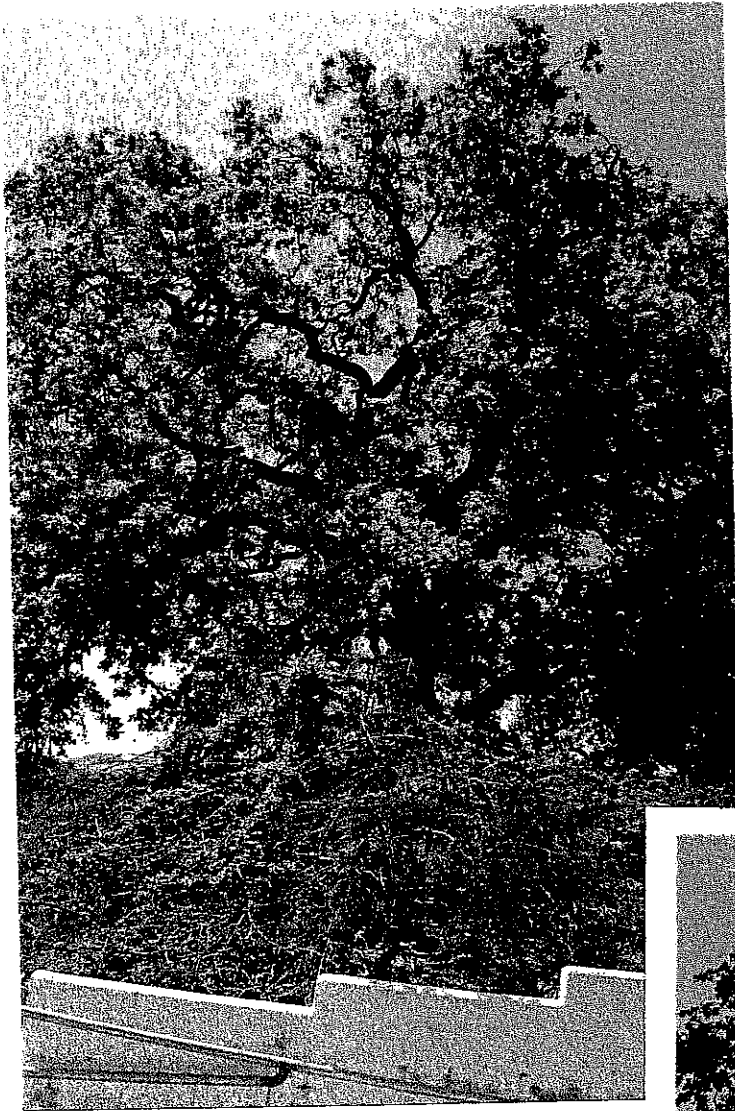
Oak Tree review: 12 oaks (incl 2 along Liberty Canyon) will be removed.

Grading: Building pad for Building C will be at an elevation 10 feet above Agoura Rd. Building C will be 35 ft tall.

Circulation: Liberty Canyon to be widened to accommodate 2 southbound lanes, a parking lane, and a meandering sidewalk. North bound left turn lane proposed for access to Building B near offramp.

Comments welcome in person or by email. Planner is Valerie Darbouze (vdarbouze@ci.agoura-hills.ca.us).

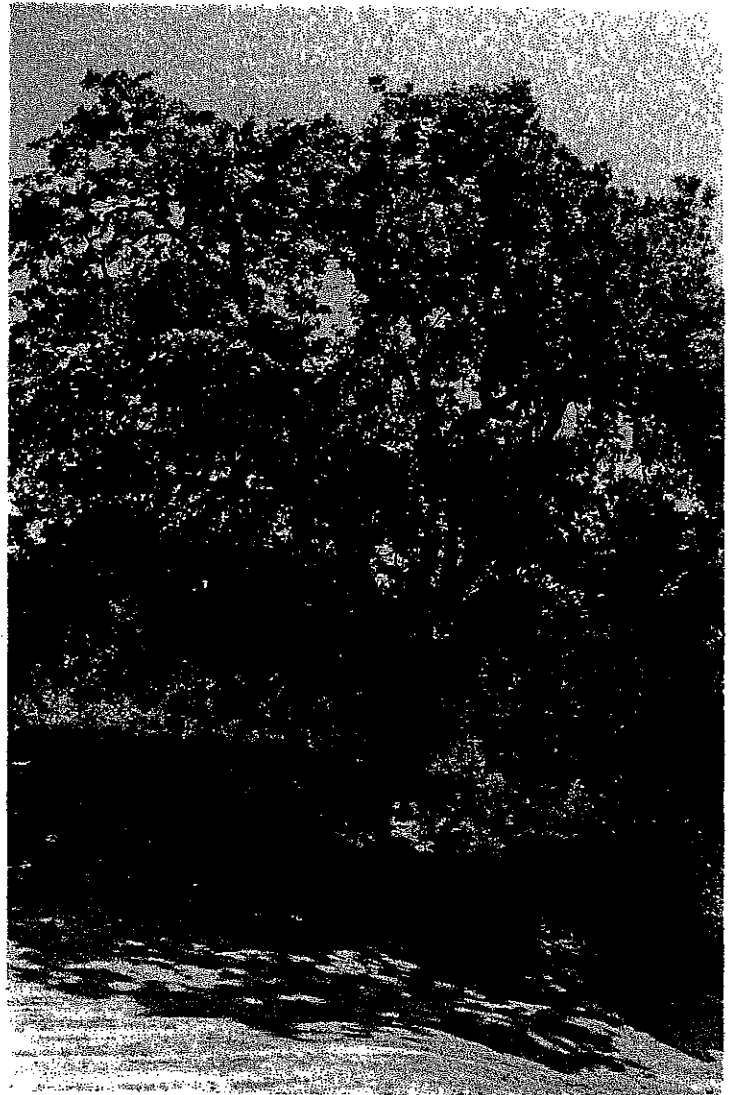
The following comments and documents were submitted by Joan Yacovone on June 2, 2008



TREE #1

(2 views)

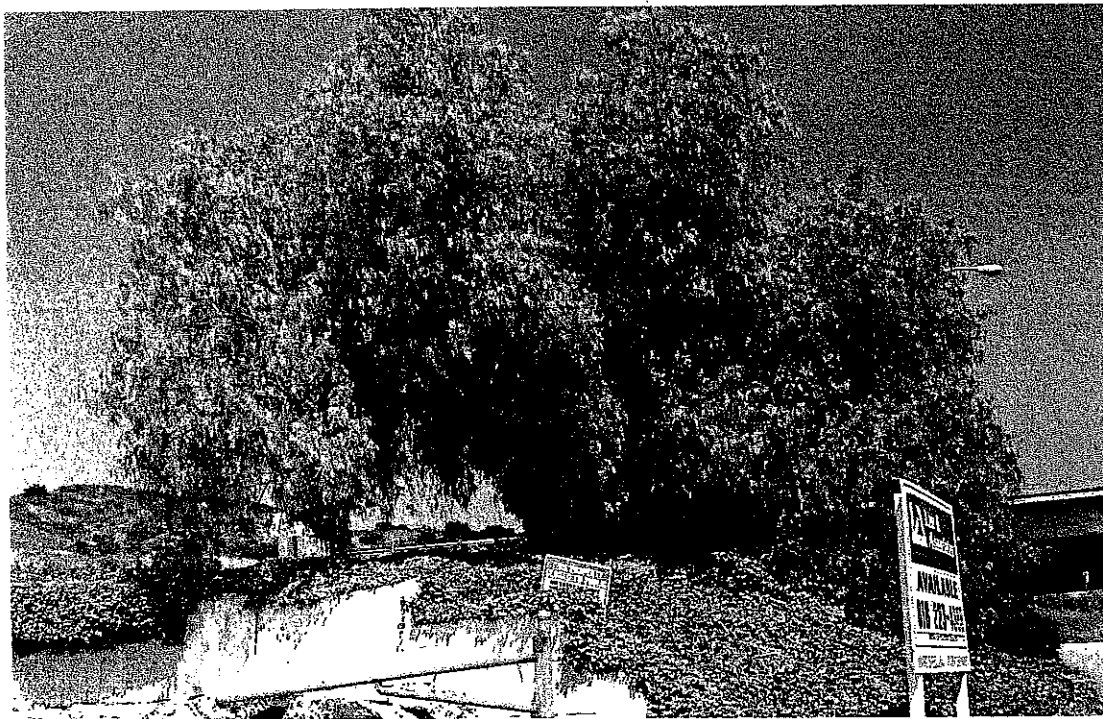
Will definitely be removed for widening of Liberty Canyon Blvd and sidewalk.



The following comments and documents were submitted by Joan Yacovone on June 2, 2008



Tree #2: May also be removed for street widening and sidewalk.



Willow trees (at eastbound off ramp) that would probably need to be removed.

May 7, 2008

The Liberty Canyon HOA and residents of the Rondell Condominiums and the Liberty Canyon Townhomes wish to have an appeal heard by the Agoura Hills City Council regarding the Planning Commission decision on the Liberty Canyon Center for the following reasons:

Widening of Liberty Canyon and access to Building B:

The City is requiring that Liberty Canyon be improved to 2 southbound lanes, a parking lane, and a meandering sidewalk. In addition, they are requiring a northbound left turn pocket into the driveway just south of the freeway offramp to provide access to Building B. This is apparently part of the City's master street plan. First of all, I believe these requirements are a carryover from the old LA County Circulation Plan when Liberty Canyon was intended to extend to Mulholland. With the establishment of Malibu Creek State Park, this is no longer an option. We do not feel that any of these improvements are needed. The road currently supports 2 lanes. Parking for this project is on site. The sidewalk leads to nowhere except the freeway underpass. The driveway for Building B was always intended to be a right turn in/out only because of its proximity to the freeway offramp. We feel a northbound left turn pocket would be extremely dangerous. Staff told the Planning Commission that the distance between the southern end of the offramp and the northern end of the driveway was 90 to 100 feet. It is actually only 65 feet. We feel the project should be conditioned to maintain the easement and bonded to contribute to future widening if that should ever be necessary. If this unnecessary improvement is eliminated, the 2 specimen oak trees on Liberty Canyon can be saved. (Pictures are included.)

Preservation of Oak Trees:

The City in their staff report refers to oak trees as a "protected natural resource" and gives that as a reason why "grading for additional drive-aisles through the project was not an option". Yet this project proposes to remove 12 oak trees, including the 2 noted above, and encroach on 27 others. Between this project and the Riopharm development a little west on Agoura Rd, the City has voted to allow the removal of 45 oak trees and encroach on countless others. All residents testifying in person and by letters have urged that these specimen trees be preserved.

The architecture, design, and color of the buildings:

In mid February, several homeowner's met with the architects. At that time we expressed a concern with the style and color of the buildings. After the meeting, those residents were emailed a set of questions – copies of the responses are attached. We were surprised at the Planning Commission to see that these concerns had not been considered at all. The proposed buildings are a dark rust colored stucco with a curved silver metal roof that is open in the middle. (Renderings are included.) Some stone veneer was added at the suggestion of the ARB. This style of the architecture is not consistent with Liberty Canyon or any other style in Agoura Hills. The Alesco buildings to the east compliment the homes near Chesbro. The proposed Building C is a 35' building set on a pad that is 10' above Agoura Rd. set back only 35' from the road. Story poles should have been placed to demonstrate the height and location of the building. The architect said that story poles are not necessary because of the computerized drawings that are submitted. However, very few residents see those drawings. Also, line of site views should have been considered from the homes on Endeavor, Patrick Henry, and Defender, not just views from the freeway and Agoura Rd. A color sample has been painted on the back of Building A. Building A is to be repainted and have its roof changed to a metal roof as well. Many of our residents feel the bright rust color with silver metal roofs even with addition of some stone veneer is not appropriate for our area. (Again, please refer to the attached letters and the email survey.)

Transmission lines and telephone poles should be undergrounded.

Proposed lot consolidation:

Based on the consolidation of the 6 parcels, other agencies such as California Dept of Fish and Game analysis should have been reviewed for the blue line stream prior to approval, not obtained "if necessary" following approval of the project.

Regarding the Wild Life Corridor: (I have left a message with Paul Edelman to find out exactly where they are in an agreement process). However, according to the Conclusions section of the report of their review, they state "almost certainly an adequate parking lot will require more MRCA land" and that "each of these lots is only 50 feet wide which is not wide enough

*The following comments and documents were
submitted by Joan Yacovone on June 2, 2008*

for two rows of parking". It further states that "staff will continue to work with the applicant and the City to make sure the parking area is as compact as it can be without substantially reducing the feasibility of the proposed commercial project". Isn't our concern primarily with the wild life corridor?

Freeway offramp landscaping:

Development should be conditioned to work with Caltrans to landscape the offramp.

Thank you for your consideration.

Liberty Canyon Homeowner's Association
Rudy C'Dealva, President

Joan Yacovone, Secretary

April 22, 2008

Regarding: The Liberty Canyon Center
Public Hearing scheduled for May 1, 2008

Chairman O'Meara and Commissioners,

In mid-February, I was one of several Liberty Canyon homeowners that met with Michael Browers and Francisco Behr regarding their proposed project for 2 new office buildings at the NW corner of Liberty Canyon and Agoura Road. The parcel already contains one office building, which they explained, would remain but be repainted to match the new buildings.

One new office building will be located across Agoura Road from the Rondell condominiums; the other will be near the eastbound freeway exit at the north end of the property. The size of the buildings seems compatible with the property. The development would be much improved if the City could work with the developers to underground the transmission lines.

My criticism is with the style of the architecture and the proposed color of the new buildings. The buildings have a curved roof, which I believe I heard them say, is open at it's center giving them the appearance of a quanset hut from the east and west elevations. The south elevation appears to be primarily glass. The style is nothing like any other structure in Agoura Hills. It is not compatible with the residential neighborhood, the office buildings to the east, or the office buildings that are still under construction at Agoura Road and Chesebro. The color is a deep rust red (a sample has been painted on the back of the existing building). I have recently seen it used as an accent color on buildings, but never as a principle color. The architects feel that this represents the natural colors of the hills, etc. I strongly oppose this bright color for the Liberty Canyon area.

I understand that staff is recommending widening of Liberty Canyon Road to accommodate a left turn pocket into the northern driveway near the freeway offramp. In discussions over the years with a variety of prospective developers, it was always my understanding that, if this driveway was used, it was to be a right turn in and right turn out entrance/exit only, because of it's close proximity to the freeway. If the developer feels that the right turns in and out are inadequate, should the project be redesigned to include access to the northern building from Agoura Road? Staff is also recommending a sidewalk. I and several other residents feel a sidewalk here is unnecessary – a sidewalk to where? There is a sidewalk on the other side of the street that goes to the bus stop. This widening and sidewalk will result in the removal of 2 beautiful oak trees and the willows that would screen the northern building.

The following comments and documents were submitted by Joan Yacovone on June 2, 2008

The residents in Liberty Canyon have always known that this corner would be developed and have worked with several prospective developers in the past. We do not object to office buildings here. Our concerns with the style and the color were expressed to Mr. Behr and Mr. Browers when we met with them in February, but I do not believe any changes were addressed. Please ask that they provide some modifications to the buildings to make them more compatible with our area. We also discussed the widening of Liberty Canyon Rd with them. They were not opposed to leaving the road as it is and, thus, saving the oak trees.

Other concerns such as lighting, signage, improvement to the freeway offramp landscaping, and the wild life corridor can be addressed in the conditions.

Thank you for your consideration.

Sincerely,

Joan Yacovone

Valerie Darbouze
Agoura Hills Planner

April 27, 2008

Subject: LIBERTY CANYON CENTER

Dear Valerie,

A few weeks ago, we attended a Liberty Canyon Homeowners Assoc. meeting where developers for the Liberty Canyon/Agoura Rd. property (northwest corner) presented their proposed expansion plans.

Following are some comments regarding our (the Burnetts) feelings about the proposed new Liberty Canyon development.

1. We are not in favor of widening Liberty Canyon Rd. at the eastbound freeway off ramp area. We see it as serving no functional purpose to do so. Of major importance to us would be the tragic removal of the beautiful old oak tree which for years has served as a wonderful gateway to our residential area. In that Agoura Hills traditionally has prided itself in protecting oak trees of note, it seems the city would be desirous of preserving this beautiful noteworthy tree. In addition, to continue the sidewalk from Agoura Rd. to the eastbound off ramp seems pointless; it would be a sidewalk to "nowhere". Lastly, by widening the street, would this not also require removal of the mature pepper trees that are adjacent to the off ramp, & further restrict the wildlife corridor area established to allow wildlife passage to the north side of the freeway?

2. We very much like the concepts of non-obtrusive buildings, underground parking, and preservation of surrounding natural habitat and addition of more trees, etc. Our primary concern with the proposed architecture is the roof line of the buildings. They seem quite contemporary & we fear a "Quonset hut" appearance. We would prefer perhaps a tile roofing solution which would be far more compatible with the residences in the immediate area. We do however like the rockwork facings on the buildings and the "hiding" of rooftop equipment.

3. The proposed color for the buildings seem a bit too dramatic, but it is difficult to tell from the samples provided at the meeting. In that the buildings are not large & obtrusive, & are to be surrounded with vegetation, a desirable effect is perhaps possible. We do not object to some color, but if it were to be a softer & more subdued "rust" tone than what is proposed, we would be more agreeable.

In general, we like the proposed size & layout of the buildings and land usage. We also approve of "altering" the existent building to be more compatible with the new proposed structures. The extension of the Liberty Canyon center median seems like a good idea to clarify traffic flow. Again, we are interested in "saving" the large oak tree, rather than widening Liberty Canyon, which is of questionable practical value, particularly when it is done at the expense of losing the oak tree and restricting wildlife passage. Further, it would be desirable to alter the proposed buildings roofline presentation to one that more closely identifies with the surrounding residential buildings. Lastly, the "muting" of the color of the buildings we feel would have an improved aesthetic effect.

Thank you for your consideration.

Dave & Glenda Burnett
27312 Country Glen Rd.
Agoura Hills, CA 91301

(818) 889-0465
dhuburnett@hotmail.com

April 30, 2008

Regarding: The Libery Canyon Center
Public Hearing scheduled for May 1, 2008

Case Nos. 06-SPR-009, 06-OTP-021 & VTPM 67397

Chairman O'Meara and Commissioners,

I met with Kay and Valerie of your office on April 29th regarding concerns to the proposed buildings at Agoura Road and Liberty Canyon. I received a copy of this proposal. My concerns are:

1,- Widening of Liberty Canyon Road between the freeway and Agoura Road & sidewalk along Liberty Canyon which leads to nowhere.

As mentioned, in Mrs. Yacovone's letter of April 22, 2008 (and filed in the proposal), the developers are not opposed to leaving the road as is ,which means no sidewalk and most importantly, SAVING THE OAK TREE(s) along Liberty Canyon. .

I was informed by Kay that the main entrance to the parking lot will be on Agoura Road not on Liberty Canyon. The driveway on Liberty Canyon will be an emergency driveway only. There is no reason to have a sidewalk, thus again, saving the tree(s) along Liberty Canyon.

Kay also mentioned the reason the tree(s) along Liberty Canyon (and elsewhere on the property) would have to be cut down is the requirement for all the unusual large number of parking spaces required for the new building is that this will be a medical/office building. When was UNDERGROUND parking discussed and if not, why not??? This would also cover the inquiry by Joan having underground transmission lines.

Returning to the "emergency" driveway on Liberty Canyon, a left turn into this driveway would not be necessary if the road is left as is, and hence, widening of the road is not necessary.

2. Metal roof vs. Spanish tile roof - I spoke with Valerie and appreciate her discussing this matter with me. I believe in order to save the developers additional costs to place Spanish tiles on the proposed buildings, metal roofs are being recommended. In keeping with the rustic feeling of Agoura Hills, metal roofs no matter what color are an eyesore to our community. The developers of these two additional buildings are the same developers of the existing building and are just trying to save themselves an additional cost. I oppose not only the color of the roofing material but the fact that curved roofs ARE quonset looking in appearance. Please, do not allow the developers to spoil the rustic serenity of the community.

3. Wild animal corridor - Of course, I want to save this corridor but at the expense of oak trees??? Agoura Hills as any other municipality has been entrusted to save oak trees whenever possible (wild animal corridors as well, I believe). There are permeable materials or grates that must be used as an alternative to ensure proper watering for the oak trees instead of cutting down the oak trees and elsewhere on this property.

I was advised by Kay that if new oak trees could not be planted due to lack of allowable space, the developers would have to pay the City of Agoura Hills a set dollar amount for each 15" in diameter of each oak tree cut down to be set aside for planting other trees, (not necessarily oak trees) either on the property or placed in an earmarked account to plant trees, again, not necessarily oak trees, elsewhere on other property owned by the City or perhaps to purchase additional property.

In that case, wouldn't this save the City of Agoura Hills from using earmarked monies from the General City Fund to accomplish the same purpose; planting and replanting other lands or the purchasing of additional property for parks, etc.

I appreciate your considering my concerns and look forward to keeping our beautiful hills as rustic and peaceful as they are now.

Rose Topliss, Resident of Agoura Hills
C: Kay J. Greeley, Landscape and Oak Tree Consultant
Valerie Darbouze, Associate Planner