

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.
- 3.06 Record Parcel Map No. 69426.

BUILDING AND SAFETY

- 47. Per Section 903.2 of Chapter 2 of the Agoura Hills Municipal Code (AHMC), this structure is required to be fire sprinkled.
- 48. This project must meet all requirements for the fuel modification plan Per Section 704A.6 of Chapter 2 of AHMC.
- 49. An accessible path of travel must be provided from public right of way to the main entrance of the building(s) on site.
- 50. Please provide number and the location of all accessible and van accessible parking stalls in the project on plan.
- 51. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures need to meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 2 of Article VIII in the AHMC.
- 52. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans including, Structural and Energy calculations needs to be submitted to Building and Safety Department to be reviewed for compliance with the latest adopted codes. Please be advised that this is a preliminary review and does not constitute a final Building and Safety approval.
- 53. 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, (½ 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.

54. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
55. Projects shall demonstrate the use of Class-A roofing material.
56. 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.
57. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

SPECIAL CONDITIONS

58. 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.
59. 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.
60. All parking stalls shall be pinstriped. A minimum of 83 parking spaces shall be provided for the project.
61. Lighting requirements shall prohibit any light to shine on the right-of-way and adjacent parcels.
62. The applicant shall submit a Landscape Plan to be reviewed and approved by the Director of the Planning and Community Development Department specifically addressing the tree canopy coverage.
63. The Sign Program shall include the following:

END

MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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



Liberty Canyon Office Expansion Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
BIOLOGY							
<p>BIO-1 Migratory Bird Species Act Compliance. To avoid the accidental take of any migratory bird species or raptors, such as Cooper's hawk (<i>Accipiter cooper ii</i>), the removal or pruning of trees shall be conducted between September 15 and February 15, outside of the typical breeding season, as feasible. If avoidance of the nesting season is not 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 a nesting migratory bird species or raptor is observed in habitat to be removed or within 250 feet of the construction work areas, the applicant has the option of delaying all construction work in the suitable habitat area or within 250 feet of the nesting activity until after September 15 or continuing focused surveys in order to determine when nesting activity has ceased. If an active nest is found, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), 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 fenced area.</p>	<p>Removal/Pruning of trees shall occur outside of the typical breeding season.</p>	<p>Prior to issuance of a grading or building permit for plan check.</p>	<p>Once</p>	<p>PCD</p>			
	<p>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 of survey shall be sent to City.</p>	<p>Prior to grading or initial construction activity.</p>	<p>Weekly for 30 days.</p>	<p>EA approved biologist/ornithologist</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>Prior to any construction activities.</p>	<p>Once</p>	<p>PCD</p>			

Key: PCD City of Agoura Hills Planning and Community Development Department
 EA City of Agoura Hills Environmental Analyst
 BD City of Agoura Hills Building Department



Liberty Canyon Office Expansion Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>The project proponent shall record the results of the abovementioned protective measures to document compliance with applicable State and federal laws pertaining to the protection of native birds.</p> <p>Once the pre-construction bird 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>	Review and approval of surveys.	Prior to any construction activities.	Once	PCD			
CULTURAL RESOURCES							
<p>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 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</p>	Field monitoring by a qualified archaeologist.	During grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil.	Daily during grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil.	PCD, EA			

Key: PCD City of Agoura Hills Planning and Community Development Department
 EA City of Agoura Hills Environmental Analyst
 BD City of Agoura Hills Building Department



Liberty Canyon Office Expansion Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
be a unique archaeological resource, no further action is necessary and construction may continue.							
<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> <p>Preservation of sites in-place is the preferred manner of avoiding damage to historic and prehistoric archaeological resources.</p> <p>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.</p>	Site evaluation by a qualified archaeologist.	Upon discovery of an archaeological resource.	Upon discovery of an archaeological resource.	PCD			
GEOLOGY AND SOILS							
<p>GEO-1 Design and Construction. The proposed project shall incorporate design and construction recommendations of the City of Agoura as accepted by the City Engineer. This may include recommendations that address site preparation, soil expansiveness, foundation recommendations, slabs-on-grade specifications, site drainage, manufactured slope construction and maintenance, embedment locations of retaining wall anchors, and retaining wall design. Compliance shall 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. Additionally, design and construction measures contained in the 2007</p>	Submission of a letter report from the project engineer documenting inclusion of all applicable recommendations contained in the geotechnical report prepared for this 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
 BD City of Agoura Hills Building Department



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Gorian and Associates geotechnical report shall be incorporated. These measures include removal and recompaction of the upper and lower pad fill soils, removal of existing utilities in the lower pad area, undercutting of the fill in the lower pad area, removal of weathered fill soils, overexcavation and capping of cut areas, compaction of backfill of retaining wall and utility trenches, to at least 90 percent of the maximum dry soil density, excavation 10 feet below existing grade, minimal settlement of the footings embedded in engineering fill, design of retaining wall to resist vertical and horizontal seismic forces, consistency of site drainage plan with regional drainage pattern, observance of cut slopes and retaining wall backcuts by the project engineering geologist, maintenance of manufactured slopes, soil expansion tests, positive draining, and spacing of trees.							

Key: PCD City of Agoura Hills Planning and Community Development Department
 EA City of Agoura Hills Environmental Analyst
 BD City of Agoura Hills Building Department



DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDS APPROVAL OF VARIANCE REQUEST
CASE NO. 08-VAR-006

Section I. An application was duly filed by Agoura Business Center West, LLC, with respect to the real property located at 5301 Derry Avenue, (Assessor's Parcel Nos. 2048-012-022 & 027) requesting a recommendation of approval of Variance Case No. 08-VAR-006 to build a retaining wall, 17 feet in height instead of the maximum 6 feet and allow non-primary frontage signs based on a maximum of one square-foot per one linear foot of building elevation. This application for a Variance was considered in conjunction with Conditional Use Permit Case No. 07-CUP010, Sign Permit Case No. 07-SP-036, and Vesting Tentative Parcel Map Case No. 69426. A Public Hearing was duly held on May 21, 2009 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California on the appeal. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

Section III. Pursuant to Section 9676.2.E. of the Zoning Ordinance, the Planning Commission finds that:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this article deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 1. The grade differential between the upper and the lower pad is substantial and would require stacking of several retaining walls for the proposed parking lot grade. The soil-nail option provides a solution that resembles a natural rock formation, instead of a typical manufactured slope with a tiered wall system. The soil nail wall allows the lower parcel to be developable without impacting the upper parcel size and other development standards requirements.
 2. Regarding signage, the building orientation restricts the tenant identification as viewed from the street. Thus, street-facing signage is needed for identification.

- B. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
 1. Two pads currently exist on the property with significant grade differential. The retaining wall is required for slope stability and development of the site.
 2. Adjacent retail stores have signage that is visible from Canwood Street and the signage serves to identify the tenant and the entry to the tenant space since no other

entry exists. Visually, the request to provide signage on the Canwood Street side would be in keeping with the nearby stores.

- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in impractical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.
 - 1. A typical retaining wall system of multiple walls all under 6 feet would have reduced the useable pad and could not have allowed development of the lot.
 - 2. One of the purposes of the City Sign Ordinance is to support and promote viable businesses by allowing signage that provides adequate identification while also promoting and enhancing the quality of the visual environment of the City. Street facing signage would provide the identification desired by the tenants, and interior facing signs would provide identification of tenant entries.

- D. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.
 - 1. A soil nail wall would have a natural appearance and will be screened with landscaping and engineered to comply with the Building Code standards.
 - 2. The signage will be integrated in the architecture of the building and not out of proportion with the building elevations walls it is attached to, and would not cause a distraction to vehicular traffic.

- E. The granting of the Variance will be consistent with the character of the surrounding area. The building size is within the square footage range of surrounding commercial properties with similarly sized parking lots.
 - 1. The wall will maintain a similar pattern of development along Canwood Street and provide a transition between the low elevation of the intersection of Canwood and Derry Street in the upper pad of the business park. A similar wall was built east of Kanan Road. The wall was designed to resemble a rock formation and will be screened from the road by the new building.
 - 2. The additional signage will help establish the identity of the building as a retail center and promote a local economic base.

Section IV. 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. The Mitigated Negative Declaration was the appropriate document based on the fact that the project will not cause significant impacts to citywide traffic, aesthetics and sensitive receptors including the closest residential neighborhoods. Based upon the initial study, public comments and the record before the Planning Commission, the Planning Commission finds that the Mitigated Negative Declaration identifies potentially significant environmental effects for which feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality

Act. The Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration and the attached Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends the approval of Variance Case No. 08-VAR-006, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 21st day of May, 2009 by the following vote to wit:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

John O'Meara, Chairperson

Doug Hooper, Secretary

CONDITIONS OF APPROVAL (Case No. 08-VAR-006)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits (Site Plan; Elevation Plans; Floor Plans, Roof Plan, and Grading Plan) approved on May 21, 2009.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless the approval is used within two (2) years from the date of City approval, Case No. 08-VAR-006 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. 08-VAR-006 is valid only in conjunction with 07-GPA-001, 07-ZC-001, 07-CUP-010, VTPM 69426, and 07-SP-036 and the approved Conditions of approval therein.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING APPROVAL OF
VESTING TENTATIVE PARCEL MAP NO. 69426

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

Section I. An application was duly filed by Agoura Business Center West, LLC, LLC, with respect to the real property located at 5301 Derry Avenue, (Assessor's Parcel Nos. 2048-012-022 & 027) requesting a recommendation of approval of a Vesting Tentative Parcel Map (Case No. VTPM 69426) to adjust the boundaries of two parcels. A public meeting was duly held on May 21, 2009 at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California; and that notice of time, date and place and purpose of the aforesaid was duly given.

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

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

- A. The proposed vesting map is consistent with the City's General Plan in that it will assist in facilitating in-fill development within the Freeway Corridor Overlay District, provide employment and additional services useful to the community. The Parcel Map will help integrate the new use with its surrounding.
- B. The boundary adjustment provides the highest and best use of the land by increasing the size of the lower parcel and reducing the size of the higher parcel which is already developed to its fullest. Both parcels are conforming to their zone's development standards requirements.
- C. The design of the Vesting Tentative Parcel Map or proposed improvements is not likely to cause substantial environmental damage or serious public health problems. Street improvements and on-site improvements will be required upon development of the site and the improvements will be designed per City standards and requirements.
- D. The design of the Vesting Tentative Parcel Map or type of improvements will not conflict with the existing layout of the streets and access to other properties.

Section IV. 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. The Mitigated Negative Declaration was the appropriate document based on the fact that the

project will not cause significant impacts to citywide traffic, aesthetics and sensitive receptors including the closest residential neighborhoods. Based upon the initial study, public comments and the record before the Planning Commission, the Planning Commission finds that the Mitigated Negative Declaration identifies potentially significant environmental effects for which feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration and the attached Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Vesting Tentative Parcel Map No. 69426, subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 21st day of May, 2009, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

John O'Meara, Chairperson

Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(VESTING TENTATIVE PARCEL MAP CASE NO. VTPM 69426)

STANDARD CONDITIONS

1. This decision for approval of the Vesting Tentative Parcel Map application, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the approved Vesting Tentative Parcel Map reviewed and approved by the Planning Commission on May 21, 2009.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. The approval of Vesting Tentative Parcel Map No. 69426 shall expire in two (2) years from the date of the Planning Commission approval. A written request for a one (1) year extension may be considered by the City prior to the expiration date.
7. All requirements of the City Zoning Ordinance and City Subdivision Ordinance must be met unless set forth in the Permit or on the approved Vesting Tentative Parcel Map.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING THE CITY COUNCIL APPROVE
ZONE CHANGE CASE NO. 07-ZC-001

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

Section I. An application was duly filed by Agoura Business Center, LLC with respect to the real property located at 5301 Derry Avenue, (Assessor's Parcel Nos. 2048-012-022 & 027) shown on Exhibit "A" requesting a recommendation of approval of a Zone Change to change the zone from BP-M-FC (Business Park-Manufacturing – Freeway Corridor Overlay) to CRS (Commercial Retail Service). A Public Hearing was duly held on May 21, 2009 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

Section III. Pursuant to Section 9672 of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed Zone Change is necessary to carry out the City's desire to develop the project as a retail services-oriented neighborhood given its proximity to the freeway.

B. The proposed Zone Change will be consistent with the proposed General Plan designation of the subject property in that both the Zoning and the General Plan will provide for a Commercial Retail Service use.

C. The proposed Zone Change to CRS will potential broaden the City's economic base in that the Zone Change will provide for a wider range of commercial land uses.

D. 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.

Section IV. 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. The Mitigated Negative Declaration was the appropriate document based on the fact that the project will not cause significant impacts to citywide traffic, aesthetics and sensitive receptors including the closest residential neighborhoods. Based upon the initial study, public comments and the record before the Planning Commission, the Planning Commission finds that the Mitigated Negative Declaration identifies potentially significant environmental effects for which feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated

Draft Resolution No. ____

Page 2 of 2

Negative Declaration was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration and the attached Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Zone Change 07-ZC-001 and the Mitigated Negative Declaration and Monitoring Plan, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 21st day of May 2009 by the following vote to wit:

AYES:

NOES:

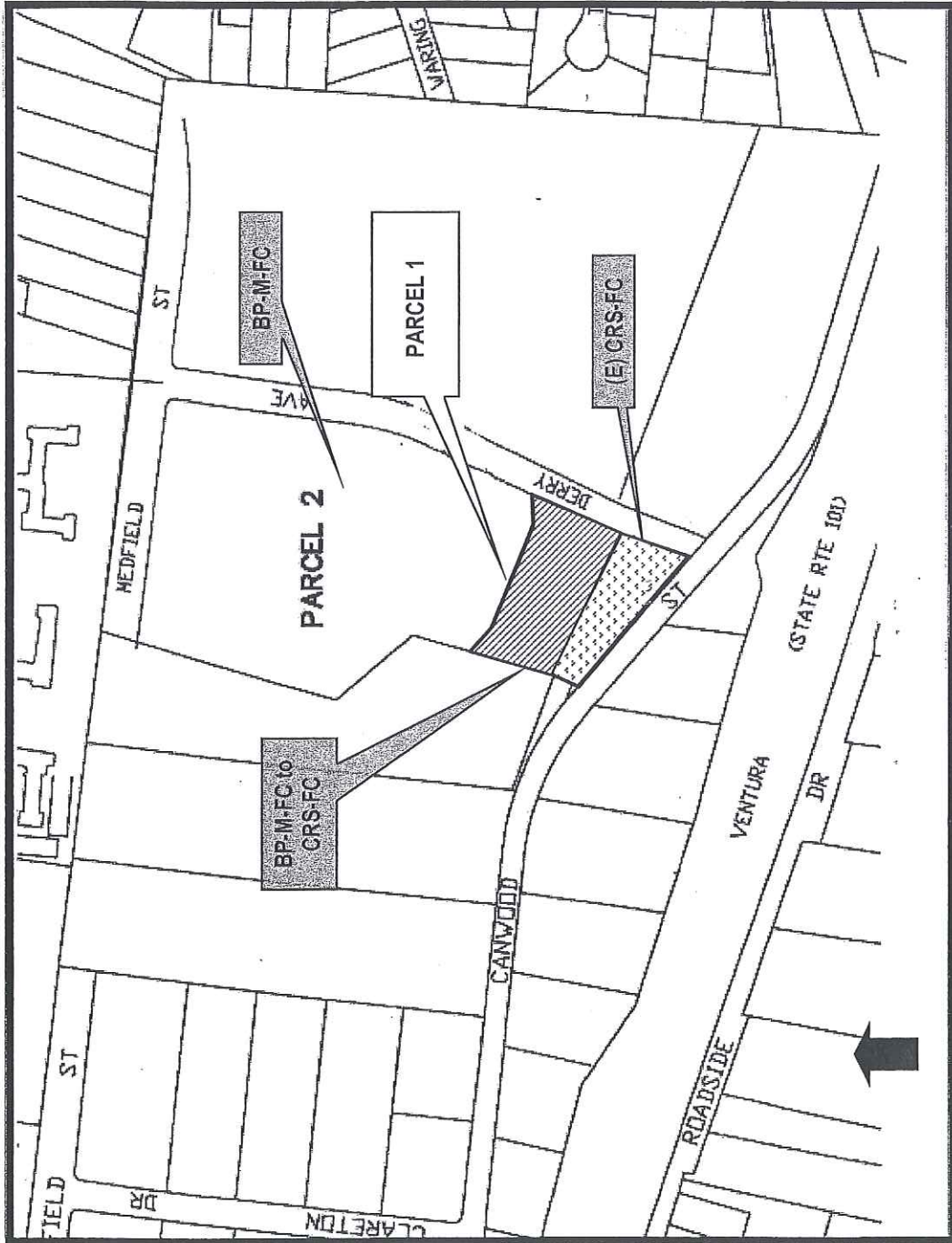
ABSTAIN:

ABSENT:

John O'Meara, Chairperson

Doug Hooper, Secretary

Exhibit A
ZONE CHANGE—CASE NO. 07-ZC-001



DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING THE CITY COUNCIL ADOPT
GENERAL PLAN AMENDMENT CASE NO. 07-GPA-001

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

Section I. An application was duly filed by Agoura Business Center, LLC with respect to the real property located at 5301 Derry Avenue, (Assessor's Parcel Nos. 2048-012-022 & 027) shown on Exhibit "B" requesting a recommendation of approval of a General Plan Amendment to change the land use designation from BP-M (Business Park-Manufacturing) to CG (Commercial Retail/Service). A Public Hearing was duly held on May 21, 2009 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

Section III. Pursuant to Section 9821 of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

- A. The proposed amendment is needed to ensure consistency between the Zone Change and the General Plan. All policies of the General Plan have been reviewed by Planning and Community Development staff to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan.
- B. The proposed General Plan Amendment is consistent with the goals of the current General Plan in that freeway visibility gives the site commercial potential and will contribute to the City's economic base through the generation of sales tax revenues and development fees. The proposed uses will contribute to diversifying the employment base and provide services to the community and visitors.
- C. The proposed General Plan Amendment will allow for an increased compatibility of uses with adjacent parcels and to continue promoting the highest and best use of highly visible parcels located along the freeway corridor.

Section IV. 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. The Mitigated Negative Declaration was the appropriate document based on the fact that the project will not cause significant impacts to citywide traffic, aesthetics and sensitive receptors including the closest residential neighborhoods. Based upon the initial study, public comments and the record before the Planning Commission, the Planning Commission finds that

the Mitigated Negative Declaration identifies potentially significant environmental effects for which feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The Planning Commission has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration and the attached Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of the General Plan Amendment Case No. 07-GPA-001, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 21st day of May 2009 by the following vote to wit:

AYES:

NOES:

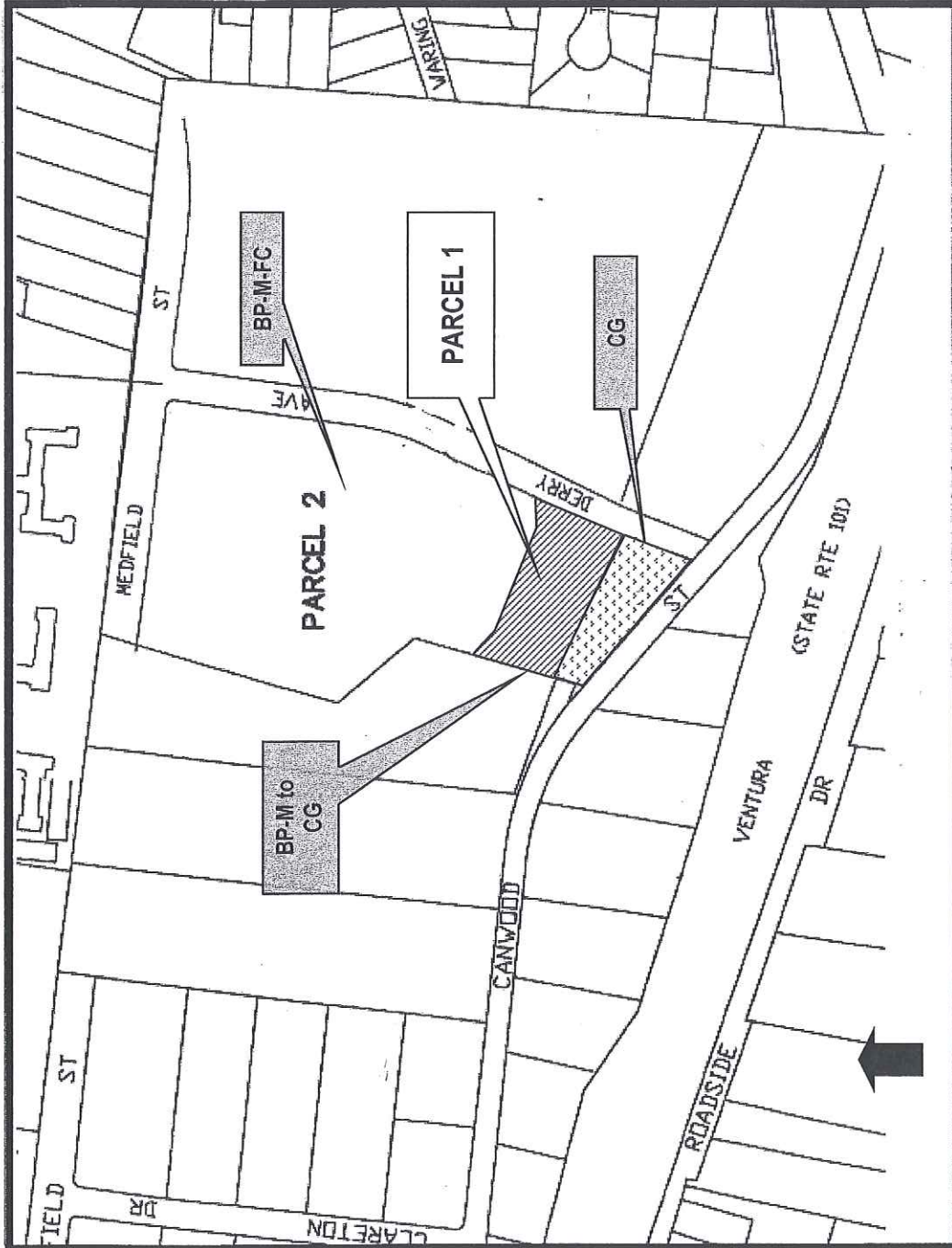
ABSTAIN:

ABSENT:

John O'Meara, Chairperson

Doug Hooper, Secretary

Exhibit B
GENERAL PLAN AMENDEMENT
—CASE NO. 07-GPA-001



ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE (CASE NO. 07-ZC-001)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

WHEREAS, an application for a recommendation of approval of a zone change was duly filed by Agoura Business Center, LLC to rezone the properties shown on Exhibit "A". The property A.P.N. 2048-012-022 is currently zoned CRS-FC (Commercial Retail Service-Freeway Corridor Overlay), and the parcel A.P.N. 2048-012-027 is zoned BP-M-FC (Business Park-Manufacturing-Freeway Corridor). The request is to adjust the Zoning boundary of Parcels 2048-012-022 and 2048-012-027 to match their respective new geographic boundaries.

WHEREAS, the City Planning Commission held a public hearing on the Mitigated Negative Declaration on May 21, 2009 in the City Council Chambers, at which public comments were received, and the Planning Commission made the following recommendations to City Council: recommend approval of the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program (MMRP).

WHEREAS, a duly noticed public hearing was held on _____ at 7:00 p.m. in the City Hall Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

WHEREAS, evidence, both written and oral, was duly presented to and considered by the City Council of the City of Agoura Hills at the aforesaid public hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Agoura Hills hereby finds per Section 9672 of the City of Agoura Hills Zoning Ordinance that:

1. The proposed Zone Change is necessary to carry out the City's desires to develop the subject area as a retail services-oriented neighborhood given its proximity to the freeway.
2. The proposed Zone Change will be a transitional use between the industrial park and the freeway corridor.
3. The proposed Zone Change is necessary to implement the General Plan.

Based upon the aforementioned findings, the City Council hereby approves the request for an amendment to the Zoning Map.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2008, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

John M. Edelston, Mayor

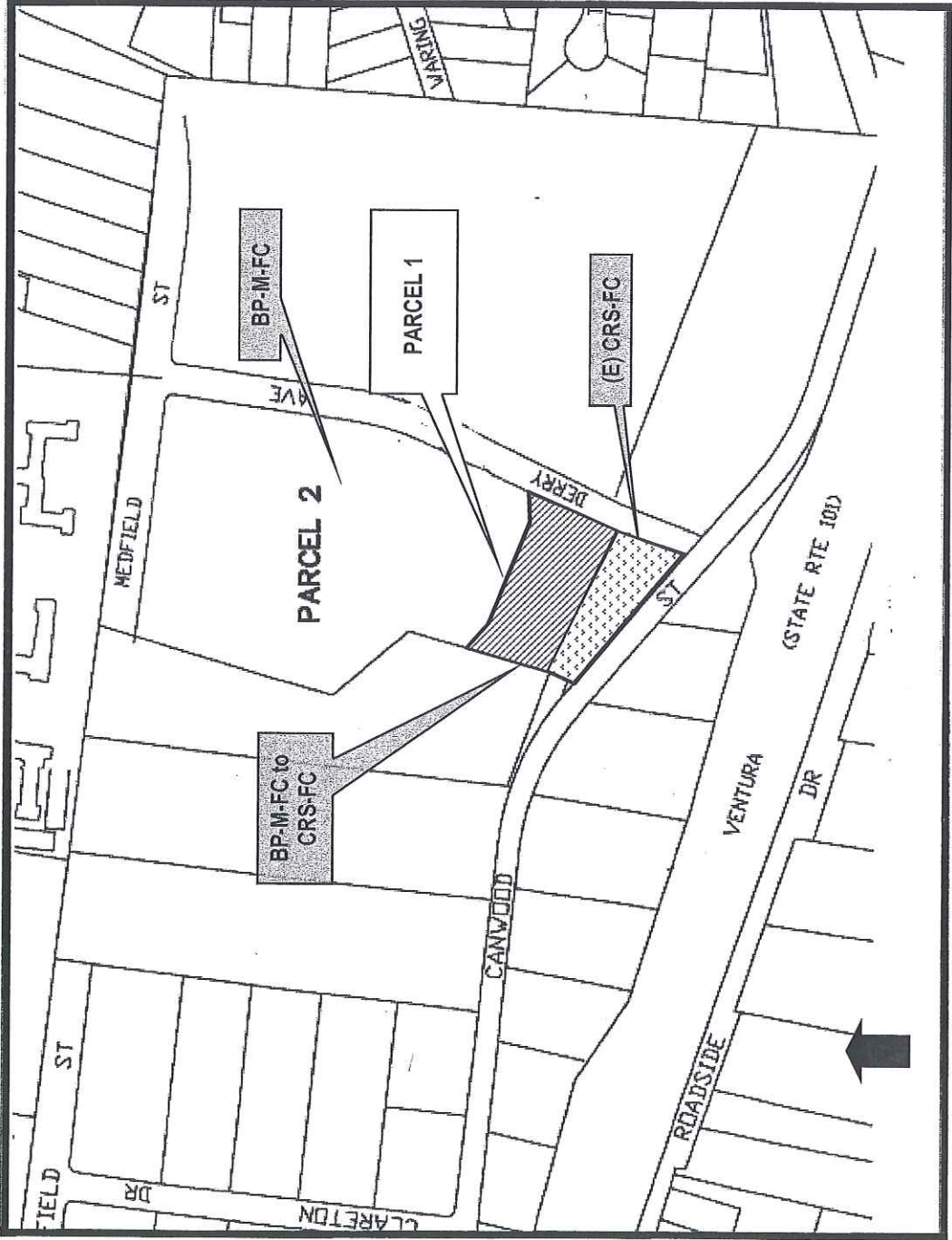
ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

Exhibit A
ZONE CHANGE—CASE NO. 07-ZC-001





**RETAIL DEVELOPMENT
FOR THE PROPERTY LOCATED
AT THE NORTHWEST CORNER OF
DERRY AVENUE & CANWOOD STREET,
AGOURA HILLS**

**CONDITIONAL USE PERMIT CASE NO. 07-CUP-010
SIGN PERMIT CASE NO. 07-SP-036
VARIANCE REQUEST CASE NO. 08-VAR-006
VESTING TENTATIVE PARCEL MAP 69426
GENERAL PLAN AMENDMENT CASE NO. 07-GPA-001
ZONE CHANGE CASE NO. 07-ZC-001**

EXHIBIT A
Applicant's Burden of Proof

VARIANCES

BURDEN OF PROOF FORM

1. A Variance is requested to allow the construction of a varying height, 17' at the maximum, decorative, retaining wall rather than staggering 6' high retaining walls pursuant to the City of Agoura Hills Municipal Ordinance. The subject property possesses unique, special conditions and circumstances, including an irregular shape and sloping topography which would deprive the property of privileges that adjacent properties are able to enjoy. The granting of the requested Variance would enable the property to enjoy the maximum size of a building and site pad, much like many adjacent properties are currently enjoying.

2. The granting of this Variance would not be considered a special privilege as many of the properties in the vicinity have retaining walls over 6' high including:
 - a. 28811 Canwood Street – 8' high stucco retaining wall behind building.
 - b. 28505 Canwood Street – 8' high split-face retaining wall behind building.
 - c. 5108 Clareton Drive – 8' high stucco retaining wall behind building.
 - d. 28901 Canwood Street – 18' high rockscape retaining wall behind building.
 - e. Canwood Street & Kanan Road Intersection – 20' high rockscape retaining wall.

3. Strict interpretation of the Zoning Ordinance would result in practical difficulty and unnecessary hardship by reducing the size of the building pad. If the proposed 17' high maximum retaining wall was reduced to 6' high maximum, then a 2:1 maximum slope would likely be required by the Geotechnical consultant to take the place of the reduction in wall height. In this case, an 11' reduction in wall height would reduce the building pad by 22' in depth. Such a drastic reduction would result in an inadequate number of parking stalls, a functionally obsolete building footprint, and/or an impractical building setback.

4. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. As in other locations in the City, the retaining wall will be aesthetically pleasing with an intended rockscape finish.

