



---

**DATE:** JUNE 4, 2009

**TO:** PLANNING COMMISSION

**FROM:** PLANNING STAFF

**SUBJECT:** SIGN PERMIT CASE NO. 07-SP-036 AND VARIANCE CASE NO. 08-VAR-006(B) (AGOURA BUSINESS CENTER WEST, LLC)

---

### **BACKGROUND AND DISCUSSION**

At the May 21, 2009 meeting, the Planning Commission recommended approval of a new retail center proposed at the northwest corner of the Derry Avenue and Canwood Street (Case Nos. 07-GPA-001, 07-ZC-001, 07-CUP-010, 08-VAR-008(A) and VTPM 69426). The Planning Commission also directed staff to return with a resolution of approval for the project's Sign Permit and a resolution of denial for a Sign Variance.

At that meeting, the applicant requested a Sign Program to install 13 on-building signs, (excluding the address number) and two directory monument signs. The signs were proposed to be installed on the north elevation (Signs C.1 on the Sign Program Plans) and south elevation (Signs B.1 and B.2) of the building, as well as on the west elevation (C.2) for one of the tenants. The applicant designed the Sign Program based on the premise that the south elevation of the building facing Canwood Street would be considered the primary frontage. Signs above the entrance of each tenant on the north elevation (the parking lot side) were proposed as secondary signs. The south elevation's signs would be installed in relation to the architectural features and the north elevation's signs would be installed at the same height and centered over the tenant space on the arcade wall. The signs on the parking lot side of the center were proposed to be 18 square feet and a 10 square-foot sign was proposed for the sign on the west elevation. Thus, the corner tenant, Tenant 1, would have two signs. With respect to the signs on the south, street-facing elevation, five of the six signs were proposed to be 28 square feet and the sixth one would be 18 square feet in size.

The Planning Commission made the determination that the primary frontage was the south elevation (street-facing) side of the building and the shopping center. The Planning Commission conditioned that the primary signs on that elevation be a maximum size of half of the width of the store front per tenant. As a result, the signs total square footage could vary between 18 and 23.5 square feet whereas the applicant's proposed square footage for these signs varied between and 18 and 28 square feet. The Planning Commission also considered the signs proposed on the north elevation (parking side) and determined that the signs were subject to the secondary signs requirements which established a maximum square footage of 10 square feet. The applicant had proposed 18 square feet. Thus, the Planning Commission did not support the Variance Request for additional secondary sign area beyond 10 square feet.

The applicant also proposed an additional sign on the west elevation facing the driveway closest to the west property line. Although, one sign can be permitted on the east elevation facing Derry Avenue and nowhere else, the applicant proposed to install it facing a private driveway along the west elevation.

Based on the direction given by the Planning Commission, staff has prepared the draft resolution marked "Exhibit A" denying the Variance. However, as a resolution of denial cannot include conditions, staff also prepared a resolution of approval for the Sign Permit, marked "Exhibit B" with findings based on the sign program being designed per the criteria discussed and recommend for approval by the Planning Commission at the meeting. Exhibit B contains conditions of approval which defined the specific sign criteria. Both the resolution of denial for the Variance and the resolution of approval for the Sign Permit must be adopted under separate motion.

Although direction was given by the Planning Commission to return with a resolution of denial for the Variance request, staff would like to respectfully mention that the Planning Commission may wish to consider an alternate resolution of approval for the Sign Permit and a Variance, when combined would allow flexibility in the design should a tenant be interested in having more options. Staff believes that the Sign Ordinance's intent of the 10 square-foot entitlement for the secondary sign is to provide identification of the secondary or accessory entrance to a tenant space. However, the parking lot elevation serves as the main tenant building entrances not secondary or accessory entrances. The 18 square-foot signs as proposed by the applicant appear to be well proportioned within the space above each tenant suite and provide identification of the tenant from the parking lot. If the Planning Commission would like to recommend approval of this alternative instead of denial of the Variance, staff has prepared a resolution (Exhibit C) of approval for the Variance to increase the size of the secondary sign from 10 square feet to 18 square feet and the Sign Permit with conditions of approval which are the criteria of the sign program.

Staff is requesting that the Planning Commission weigh the merits of the request and make a motion to recommend that the City Council approve one of the Variance options. The applicant's request for a sign program must be heard by the City Council along with all the other entitlements for the project.

## **RECOMMENDATION**

Staff recommends that the Planning Commission review and approve one of the Variance resolutions recommending action on the Sign Permit.

## **ATTACHMENTS**

- Draft Resolution of Approval and Conditions of Approval for the Sign Program
- Draft Resolution of Denial for the Variance Request
- Draft Resolution of Approval for the Sign Permit and the Variance and Conditions of Approval
- Draft May 21, 2009 Planning Commission Meeting Minutes
- May 21, 2009, Planning Commission Meeting Staff Report

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS RECOMMENDING  
DENIAL OF VARIANCE  
CASE NO. 08-VAR-006(B)

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(B) to allow non-primary frontage signs based on a maximum of one square-foot per one linear foot of building elevation. A public hearing was duly held on May 21, 2009 and on June 4, 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 hearings, 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. The request for a Variance was reviewed in conjunction with the Sign Permit Case No. 07-SP-036.

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

1. No 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. The approved sign program grants street-facing signage for the purpose of identification, as a result, the tenants will be adequately identified with the maximum-sized ten square-foot secondary signs as viewed from the northerly, on-site parking lot.
2. The granting of the Variance will 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. Primary and secondary signage is allowed per the approved sign program. Thus, tenants will not be restricted from displaying the number of signs allowed by the Sign Ordinance.
3. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would not result in impractical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. Interior (north-facing) facing signs would provide identification of tenant entrances to customers who have parked on-site.
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.

5. The granting of the Variance will not be consistent with the character of the surrounding area in that neighboring retail centers do not have secondary signage in excess of the sign area allowed per the Sign Ordinance.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends denial of the request of Variance Case No. 08-VAR-006(B) to the City Council, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 4<sup>th</sup> day of June, 2009, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSTAIN: (0)  
ABSENT: (0)

---

John O'Meara, Chairperson

---

Doug Hooper, Secretary

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF  
SIGN PERMIT CASE NO. 07-SP-036

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 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 Sign Program Case No. 07-SP-036 for the retail center. A public hearing was duly held on May 21, 2009 and June 4, 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 hearings 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 9655.2.N., the Planning Commission, in reviewing the requested Sign Program, determined that the Canwood Street building elevation is the primary frontage.

Section IV. Pursuant to Section 9655 of the Agoura Hills Zoning Ordinance, the Planning Commission further finds that:

1. The proposed sign program, as conditioned, is consistent with the objectives of the Zoning Ordinance regarding the Sign Ordinance and the purposes of the land use district in which the use is located. The sign program preserves and enhances the visual appearance of the City by its inclusion of low-profile signs that serve both motorists and pedestrians within the project site. The proposed sign program lighting and materials are compatible with the design of the building on the project site.

2. The proposed sign program, as conditioned, is consistent with the development standards of the Freeway Corridor Overlay zone in that the materials and size of the signs, and proposed subdued lighting are compatible with the city's semi-rural character.

3. The proposed sign program, as conditioned, will not be detrimental to the public health, safety, or welfare. All signs will be located entirely within private property and will allow for visual clearance for motorists and pedestrians. The project is required to comply with all requirements of the Uniform Building Code and the Agoura Hills Building and Safety Department. The building design and materials, as conditioned, will be compatible with the low profile theme of the Freeway Corridor Overlay District and will upgrade the surrounding neighborhood.

4. The proposed sign program, as conditioned, will comply with each of the applicable provisions of this Zoning Ordinance. The proposed signs comply with the provisions of the Commercial and Freeway Corridor Overlay District zones in regard to placement, height and size and will be compatible with the semi-rural character of the city.

5. That the proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan in that signs are low-profile in design and lighting that assist in creating an efficiently organized and aesthetically pleasing city as called for in Goal No. 1 of the General Plan Community Design Element. The Sign Program is designed to add identity to the building and not distract from its design. The monument signs will direct traffic to either driveway. The number of signs was intended to facilitate access to the tenant's main entrance. The proposed square footage is in keeping with the building design.

Section V. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for the retail project for which the Sign Permit serves. 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 recommended the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program on May 21, 2009.

Section VI. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Sign Permit Case No. 07-SP-036, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 4<sup>th</sup> day of June, 2009, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSTAIN: (0)  
ABSENT: (0)

\_\_\_\_\_  
John O'Meara, Chairperson

\_\_\_\_\_  
Doug Hooper, Secretary

**CONDITIONS OF APPROVAL**  
**(Case No. 07-SP-036)**

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 Special Conditions stated below.
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. 07-SP-036 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Sign Permit Case No. 07-SP-036 is valid only in conjunction with 07-GPA-001, 07-ZC-001, 07-CUP-010, and VTPM 69426, and the approved Conditions of approval therein.

SPECIAL CONDITIONS

The Sign Program shall be designed according to the following criteria:

<b>South Elevation Signage</b>
a. The signs located on the primary frontage (facing Canwood Street) shall have a maximum square footage equal to half the width of the store front.
b. The signs located on the primary frontage shall remain in proportion with the surrounding space allocated to each one and equidistant from at least three closest points above, below and on the sides of the sign.
c. The signs shall be reverse-lit only at the exception of the monument sign which shall be externally lit.

<b>North Elevation Signage</b>
a. The secondary signs shall not exceed 10 square feet in size.
b. The secondary signs shall be reverse-lit.
c. The secondary signs shall be in proportion with the space allocated to each one and equidistant from at least three closest points that define the tenant frontage.
<b>West Elevation Signage</b>
a. No signage is permitted on the west facing elevation

END



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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF  
SIGN PERMIT CASE NO. 07-SP-036 & VARIANCE CASE NO. 08-VAR-006(B)

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 a Sign Program Case No. 07-SP-036 and a Variance Case No. 08-VAR-006(B) to allow non-primary frontage signs based on a maximum of one square-foot per one linear foot of building elevation. A public hearing was duly held on May 21, 2009 and June 4, 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 hearings.

Section III. Pursuant to Section 9655.2.N., of the Agoura Hills Zoning Ordinance, the Planning Commission in reviewing the requested Sign Program, determined that the Canwood Street building elevation is the primary frontage.

Section IV. Pursuant to Section 9655 of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

1. The proposed sign program, as conditioned, is consistent with the objectives of the Zoning Ordinance regarding the Sign Ordinance and the purposes of the land use district in which the use is located. The sign program preserves and enhances the visual appearance of the City by its inclusion of low-profile signs that serve both motorists and pedestrians within the project site. The proposed sign program lighting and materials are compatible with the design of the building on the project site.
2. The proposed sign program, as conditioned, is consistent with the development standards of the Freeway Corridor Overlay zone in that the materials and size of the signs, and proposed subdued lighting are compatible with the city's semi-rural character.
3. The proposed sign program, as conditioned, will not be detrimental to the public health, safety, or welfare. All signs will be located entirely within private property and will allow for visual clearance for motorists and pedestrians. The project is required to comply with all requirements of the Uniform Building Code and the Agoura Hills Building and Safety Department. The building design and materials, as conditioned, will be compatible with the low profile theme of the Freeway Corridor Overlay District and will upgrade the surrounding neighborhood.
4. The proposed sign program, as conditioned, will comply with each of the applicable provisions of this Zoning Ordinance. The proposed signs comply with the provisions of the Commercial and Freeway Corridor Overlay District zones in regard to placement, height and size and will be compatible with the semi-rural character of the city.

5. That the proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan in that signs are low-profile in design and lighting that assist in creating an efficiently organized and aesthetically pleasing city as called for in Goal No. 1 of the General Plan Community Design Element. The Sign Program is designed to add identity to the building and not distract from its design. The monument signs will direct traffic to either driveway. The number of signs was intended to facilitate access to the tenant's main entrance. The proposed square footage is in keeping with the building design.

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

1. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The entrance to the tenant spaces is on the north side of the building which is restricted to ten square feet in size and does not adequately identify the businesses.

2. 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. Adjacent retail stores have signage over their entrance are greater than ten square feet in size.

3. 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. 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. Signage of the size of a secondary sign does not adequately identify the tenants within the building as viewed from the on-site parking lot.

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. The signage will be integrated in the architecture of the building and would be in proportion with the building elevations it is attached to, and would not cause a distraction to vehicular traffic.

5. The granting of the Variance will be consistent with the character of the surrounding area. The proposed 18 square feet in size sign on the north building elevation will be architecturally compatible and proportioned with the building.

Section V. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for the retail project for which the Sign Permit and Variance serve. 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 recommended the City Council adopt the Mitigated Negative Declaration and the attached Mitigation Monitoring Program for this project on May 21, 2009.

Section VI. Based on the aforementioned findings, the Planning Commission hereby recommends the approval of Sign Permit Case No. 07-SP-036 and Variance Case No. 08-VAR-006(B), subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 4<sup>th</sup> day of June, 2009, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSTAIN: (0)  
ABSENT: (0)

---

John O'Meara, Chairperson

---

Doug Hooper, Secretary

**CONDITIONS OF APPROVAL**  
**(Case Nos. 07-SP-036 & 08-VAR-006(B))**

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 Special Conditions stated below.
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 Nos. 07-SP-036 and 08-VAR-006(B) will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Sign Permit Case No. 07-SP-036 and the Variance Case No. 08-VAR-006 (B) are valid only in conjunction with 07-GPA-001, 07-ZC-001, 07-CUP-010, and VTPM 69426, and the approved Conditions of approval therein.

SPECIAL CONDITIONS

The Sign Program shall be designed according to the following criteria:

<b>South Elevation Signage</b>
a. The signs located on the primary frontage (facing Canwood Street) shall have a maximum square footage equal to half the width of the store front.
b. The signs located on the primary frontage shall remain in proportion with the surrounding space allocated to each one and equidistant from at least three closest points above, below and on the sides of the sign.
c. The signs shall be reverse-lit only at the exception of the monument sign which shall be externally lit.

<b>North Elevation Signage</b>
a. The secondary signs shall not exceed 18 square feet in size.
b. The secondary signs shall be reverse-lit.
c. The secondary signs shall be in proportion with the space allocated to each one and equidistant from at least three closest points that define the tenant frontage.
<b>West Elevation Signage</b>
a. One sign shall be allowed and the sign shall be less or equal to 10 square feet. Note: In the event that the applicant request a sign on that elevation, 10 square feet shall be deducted from the total square footage of the sign located on the south facing elevation for Tenant 1.
b. The sign shall be reverse-lit.
c. The sign shall be shall be in proportion with the space allocated to each one and equidistant from at least three closest points that define the tenant frontage.

END





**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

---

**MINUTES OF THE REGULAR SCHEDULED MEETING OF  
THE PLANNING COMMISSION  
May 21, 2009**

**CALL TO ORDER:**

Chair O'Meara called the meeting to order at 6:31 p.m.

**FLAG SALUTE:**

Commissioner Rishoff

**ROLL CALL:**

Chair John O'Meara, Commissioners Steve Rishoff and Cyrena Nouzille. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

Also, present were Assistant Community Development Director Doug Hooper, Principal Planner Allison Cook, Associate Planner Valerie Darbouze, Senior Civil Engineer Jay Patel, City Oak Tree and Landscape Consultant Ann Burroughs, Rincon Consultants, Inc., Sean Wazlaw, PBS&J Consultant Carrie Garlett, and Recording Secretary Sheila Keckhut.

Chair O'Meara stated that the Commissioners had received notification of Vice Chair Zacuto's and Commissioner Buckley Weber's requests for excused absences from the meeting due to scheduling conflicts. There were no objections to excusing the absences.

**APPROVAL OF MINUTES**

1. Minutes – April 16, 2009 Planning Commission Meeting

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve the Minutes of the April 16, 2009 Planning Commission Meeting. Motion carried 2-0-1. Chair O'Meara abstained. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

2. Minutes – May 7, 2009 Planning Commission Meeting

On a motion by Commissioner Nouzille, seconded by Chair O'Meara, the Planning Commission moved to approve the Minutes of the May 7, 2009 Planning Commission Meeting. Motion carried 2-0-1. Commissioner Rishoff abstained. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

**PUBLIC COMMENTS**

*(This section is reserved for persons wishing to speak on items not listed on the Agenda. Please submit a "Speaker's Card" to the Recording Secretary and limit testimony to 3 minutes.)*

**PUBLIC HEARING**

3. REQUEST:

Request for the Planning Commission to approve and provide a recommendation to the City Council regarding a proposed Conditional Use Permit to construct a 22,617 square foot retail center; a Sign Permit for the centers' sign program; a Variance from Zoning Ordinance Section 96.06.2.E. to construct a 17 foot high retaining wall, instead of a maximum 6 foot high wall, and a Variance from Sections 9655.8.B.1.a & j for the proposed Sign Permit to allow non-primary frontage signs based on a maximum of one square-foot per one linear foot of building elevation; a Vesting Tentative Parcel Map to reconfigure two parcel boundaries; a General Plan Amendment to change the land use designation of approximately 1.82 acres of the property from Business Park-Manufacturing (BP-M) to Commercial-Retail/Service (CG); a Zone Change to change the zoning designation of approximately 1.82 acres of the property from Business Park-Manufacturing-Freeway Corridor Overlay (BP-M-FC) to Commercial Retail Service-Freeway Corridor Overlay (CRS-FC); and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.

APPLICANT: Agoura Business Center West  
5301 Derry Avenue  
Agoura Hills, CA 91301

CASE NOS.: 07-GPA-001, 07-ZC-001, 07-CUP-010, VTPM 69426, 07-SP-036 and 08-VAR-006

LOCATION: 30315 Canwood Street  
(A.P.N. 2054-020-040)

ENVIRONMENTAL  
DETERMINATION: Mitigated Negative Declaration



- RECOMMENDATION: Staff recommended approval of General Plan Amendment – Case No. 07-GPA-001, Zone Change – Case No. 07-ZC-001, Conditional Use Permit – Case No. 07-CUP-010, Vesting Tentative Parcel Map No. 69496, Sign Permit Case No. 07-SP-036 and Variance Case No. 08-VAR-006, subject to conditions.
- PUBLIC COMMENTS: Chair O’Meara opened the Public Hearing
- The following persons spoke on this agenda item:
- Bill Poe, Applicant
- Rick Gunter – Architect representing the applicant
- Brian Gelt, representing the applicant
- Daniel Farkash, resident representing Robyn Britton, Old Agoura Homeowners Association
- Chair O’Meara closed the Hearing
- The following persons turned in speaker cards but did not speak
- Carl Ballard, Kunzman & Associates, representing the applicant
- Don Waite, Westland Civil, representing the applicant
- REBUTTAL: Rick Gutner, Architect, representing the applicant, gave rebuttal regarding the project and answered additional questions of the Planning Commission.
- Chair O’Meara closed the public hearing.
- RECESS: Chair O’Meara called for a recess at 8:30 p.m.
- RECONVENE: Chair O’Meara reconvened the meeting at 8:43 p.m.
- ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve Conditional Use Permit Case No. 07-CUP-010, subject to conditions, and the project Mitigated Negative Declaration and Mitigation Monitoring Program. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve Variance Case No. 08-VAR-006 for the proposed wall height, subject to conditions. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve Vesting Tentative Parcel Map 69426, subject to conditions. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve Zone Change Case No. 07-ZC-001, subject to conditions. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to recommend that the City Council approve General Plan Amendment Case No. 07-GPA-001, subject to conditions. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to have staff return at the June 4, 2009 Planning Commission meeting with a resolution of approval for Sign Permit Case No. 07-SP-036, and a resolution of denial for Variance Case No. 08-VAR-006, for the proposed sign variance. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

**ENVIRONMENTAL IMPACT REPORT SCOPING MEETING:**

4. REQUEST:

Request for the Planning Commission to hold a public scoping meeting, and receive comments from agencies regarding environmental issues that should be addressed in the General Plan Update Environmental Impact Report.

APPLICANT: City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

LOCATION: Citywide

RECOMMENDATION: Staff recommended the Planning Commission hold a scoping meeting to receive agency comments on the environmental issues to be addressed in the General Plan Update Environmental Impact Report.

PUBLIC COMMENTS: Chair O'Meara opened the scoping meeting for public comments.

The following persons spoke on this agenda item:

Ruth Gerson – President of Santa Monica Mountains Trails Council

Colleen Homes, Cornell Preservation Organization (CPO)

Mandy Heller, CPO

Maureen Sowell, resident representing CPO

The following persons turned in speaker cards but did not speak

Blythe Arviv

ACTION: Staff received the public comments. No action was required of the Planning Commission.

**ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA**

*(Planning Commission and Staff)*

Chair O'Meara announced his daughter Jillian was Mayor for the day and thanked staff for honoring her.

**ADJOURNMENT**

At 9:20 p.m., on a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday, June 4, 2009, at 6:30 p.m. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.





---

DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

---

ACTION DATE: May 21, 2009

TO: Planning Commission

APPLICANT: Agoura Business Center West  
5301 Derry Avenue  
Agoura Hills, CA 91301

CASE NOS.: 07-GPA-001, 07-ZC-001, 07-CUP-010, VTPM 69426, 07-SP-036 and 08-VAR-006

LOCATION: Northwest Corner of Derry Avenue and Canwood Drive  
(A.P.Ns. 2048-012-022 & 027)

REQUEST: Request for the Planning Commission to provide a recommendation of approval to the City Council regarding a proposed Conditional Use Permit to construct a 22,617 square foot retail center; a Sign Permit for the centers' sign program; a Variance from Zoning Ordinance Section 96.06.2.E. to construct a 17 foot high retaining wall, instead of a maximum 6 foot high wall, and a Variance from Sections 9655.8.B.1.a & j for the proposed Sign Permit to allow non-primary frontage signs based on a maximum of one square-foot per one linear foot of building elevation; a Vesting Tentative Parcel Map to reconfigure two parcel boundaries; a General Plan Amendment to change the land use designation of approximately 1.82 acres of the property from Business Park-Manufacturing (BP-M) to Commercial-Retail/Service (CG); a Zone Change to change the zoning designation of approximately 1.82 acres of the property from Business Park-Manufacturing-Freeway Corridor Overlay (BP-M-FC) to Commercial Retail Service-Freeway Corridor Overlay (CRS-FC); and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends approval of the attached resolutions recommending that the Planning Commission approve General Plan Amendment – Case No. 07-GPA-001, Zone Change – Case No. 07-ZC-001, Conditional Use Permit –

Case No. 07-CUP-010, Vesting Tentative Parcel Map No. 69496, Sign Permit Case No. 07-SP-036 and Variance Case No. 08-VAR-006 subject to Conditions.

**ZONING DESIGNATION:**

BP-M-FC (Business Park –Manufacturing- Freeway Corridor Overlay District) and CRS-FC (Commercial Retail Services – Freeway Corridor Overlay District)

**GENERAL PLAN DESIGNATION:** BP-M (Business Park – Manufacturing) & CG (Commercial-Retail/Service)

**I. BACKGROUND AND PROJECT DESCRIPTION**

The applicant, Agoura Business Center West, is requesting a Conditional Use Permit to build a 22,617 square-foot retail center on two vacant parcels located on the northwest corner of Derry Avenue and Canwood Street. The southerly of the two parcels is zoned Commercial Retail Services (CRS-FC) and the northerly of the two parcels is zoned Business Park Manufacturing (BP-M-FC). Both parcels are within the Freeway Corridor Overlay zone. The northerly parcel was pre-graded when the northerly business park was developed. The southerly parcel was reduced in sized with extension of Canwood Street to the east of the project site. The applicant is also seeking a General Plan Amendment and Zone Change to apply the CRS land use designation to both parcels for consistency. The applicant is requesting approval of a Vesting Tentative Parcel Map (PM 69426) to adjust the parcel lines of the properties. The request will reduce the total square footage of the multi-tenant building industrial park from 31.21 acres to 29.2 acres, and the existing parcel on which the project is proposed will increase from a 0.19 to 2.01 acres.

The project will require the use of a 17-foot high retaining wall along the north of the property line, which necessitates a Variance application since its height exceeds the maximum 6-foot requirement. Finally, a Sign Permit is required for the review of all on-site signage. The proposed sign program was reviewed against current standards which allow for a determination by the Planning Commission regarding primary frontage. Variance findings were provided in this report based on staff's interpretation of the requirement so as to obtain a decision for all the entitlements.

The proposed project would be permitted in the CRS zone. The following is a summary of the proposed development relative to the applicable Zoning Ordinance development standards:

Pertinent Data for the Proposal:

	<u>Existing</u>	<u>Proposed</u>	<u>Requirement</u>
1. <u>Lot Area</u>	39,204 sqft. (0.90 acres)	87,555.6 sqft. (2.01 acres)	10,000 sq.ft.
2. <u>Building Size</u>	N/A	22,617 sqft.	N/A
3. <u>Building Height</u>	N/A	18-27 feet	35 feet max.
4. <u>Lot Coverage</u>	N/A	25.8%	60% max.
5. <u>Landscape Coverage</u>			
• Project	N/A	25.8%	10% max.
6. <u>Bldg. Setbacks</u>			
• Front (South)	N/A	18-27 ft	20 feet or height of bldg.
• Rear (North)	N/A	120 feet	10 feet or height of bldg.
• Side (East)	N/A	20 feet	0 feet
• Side (West)	N/A	47 feet	0 feet
7. <u>Parking</u>			
• Existing Business Park	N/A	89 spaces	@ 1/250 = 83 spaces
8. <u>Oak Trees to be provided</u>	None	2	1 per 15,000 sqft. of bldg.

**II. STAFF ANALYSIS**

The applicant proposes development on two parcels located at the northwest corner of Derry Avenue and Canwood Street. The vacant parcels are adjacent to a Business Park-Manufacturing zoned industrial park to the north, a retail building to the south and a retail center to the east of Derry Avenue and a vacant lot to the west. The project would accommodate a 22,617 square-foot, multi-tenant retail use building. In order to comply with the minimum development standards of the CRS zone, the applicant needs to enlarge the boundaries of the CRS-zoned parcel. The applicant, owner of both the CRS-zoned parcel and BP-M-zoned parcel to the north, is looking to adjust the property line to enlarge the CRS parcel by reducing the size of the BP-M parcel. The area that would be reduced from the larger parcel was a graded pad but never developed. The pad was intended for one more industrial building. This project would result in a pad elevation that would be 17 feet lower than the pad elevation of the northerly, pre-graded pad, to be generally consistent with the elevation of Canwood Street.



This proposed Site Plan configuration is a result of several discussions between staff and the applicant. Given the size and shape of the parcel, as well as the required distance of vehicle ingress and egress points from the intersection of Canwood Street and Derry Avenue the position and footprint of the retail building was critical to achieving a quality design. The concepts used for evaluating this project were based on maintaining a pedestrian scale, that the project's identity be based on its building design rather than its parking lot, as well as its relationship to the surrounding topography and developments, and impacts of the freeway.

### Architectural Design

One of the stated purposes of the City Architectural Design Standards and Guidelines is to preserve the semi-rural character of the community. The Freeway Corridor Overlay standards are intended to promote the City's image and preserve the City's natural environment. The applicant has attempted to meet these standards through the use of appropriate building forms, colors, materials and detailing through the use of natural materials and natural color tones. Staff and the Architectural Review Panel worked with the applicant to design a building that would integrate itself to the mix of architectural style, including a tilt-up construction to the north and a Mediterranean style to the south and multiple Craftsman inspired showrooms to the east. A combination of stucco, glass and stone-veneered walls are used for this building. The style also includes trellis covers and green screens. The street side elevation is stepped back to follow the angle-shaped parcel and the interior elevation provides an arcade for pedestrian circulation. The Canwood elevation is well articulated to minimize the "back of the building" appearance. The applicant changed the project from three buildings to one with a frontage on two streets and with a single architectural theme instead of three. The applicant has chosen a combination of earthtone colors for the exterior walls and a clay tile for the roof. Other features of the retail center include a round tower at the corner of the parcel and square towers on each end of the building. With recommended changes, the Architectural Review Panel finds the project to comply with the City Architectural Design Standards and Guidelines.

The visibility of the project as viewed from the freeway was evaluated for potential aesthetics impacts to the community; staff finds that any type of development on a lower pad helps integrate the project with its surrounding. The center was designed with an interior access to the individual tenant spaces which dictated that the building be built closer to the front property line. Although the building has a more prominent streetscape, the visual prominence of the industrial park is reduced now that the new building is proposed to be built at a lower elevation rather than on the existing upper pad as originally proposed.

Furthermore, the site is surrounded by a variety of land uses. The CRS zoning allows for a greater variety of uses and generally requires the most parking. Moreover, the proposed CRS zoning provides the flexibility to potentially accommodate uses that would serve the existing surroundings. Retail centers also are generally more aesthetically pleasing architecturally; this particular project was designed with pedestrians in mind; the use does not provide loading docks that could be potentially visible from the right-of-way and the refuse area is located in the rear of the parcel and

screened by landscaping.

### Lighting

The applicant has selected a rectangular box-like type of light fixture. The lighting and photometric plan must meet the City lighting guidelines including no more than one foot candle of illumination at the property lines and the intent of the recently adopted lighting standard guidelines. The proposed Lighting Plan shows eight (8) single-fixture light poles to be installed on the perimeter of the parking lots and drive aisles two out of the eight would be shielded, and three (3) light poles in the area of the parking lot where the spaces are head-to-head. These light poles will not exceed 16 feet in height, including the base. The fixture specifications are attached to the plans for the Commission's review.

### Sign Program

The applicant is requesting a Sign Program to install 13 on-building signs, excluding the address number and two directory signs. The signs are proposed to be installed on the north elevation (Signs C.1 on the Sign Program Plans) and south elevation (Signs B.1 and B.2) of the building, as well as on the west elevation (C.2) for one of the tenants. The applicant has designed the Sign Program based on the premise that the south elevation of the building facing Canwood Street is considered the primary frontage. Signs above the entrance of each tenant on the north elevation (the parking lot side) are proposed as secondary signs. The south elevation's signs would be installed in relation to the architectural features and the north elevation's signs would be installed at the same height and centered over the tenant space on the arcade wall. The spacing between each sign would vary depending on the length of the tenant's name.

The signs are proposed to be built with individually mounted, aluminum channel letters which would occupy a pre-determined square footage but without restrictions on the length and height measurement, as long as they comply with the maximum square footage allowed for the tenant spaces. The letters would be back-lit as well as through the face of the letter. With respect to the color of the letters, font style, logo and business descriptive, the applicant has not established a requirement. The signs on the parking lot side of the center are 18 square feet and 10 square feet for the one proposed on the west elevation as a result, the corner tenant, Tenant 1, would have two signs. With respect to the signs on the south, street-facing elevation, five of the six signs would be 28 square feet and the sixth one would be 18 square feet in size.

The monuments signs are proposed at the southwest corner of the parcel near the driveway and at the southeast corner of the parcel near the intersection; both are designed with a 48 square-foot area for the center and tenants' names. The southeast sign would be integrated into a retaining wall and the other one would be built free-standing. The structure would be built with the same colors and materials as applied to the building. The tenants' name would be with a uniform style of lettering, specifically "Gill Sans MT Regular". The monument sign would be externally illuminated. In addition, an address sign is proposed on the tower closest to the driveway, at the northeast corner of the parcel, and a tenant information sign is proposed on each window of each tenant,

approximately, 1 square-foot in size. The monument signs comply with the Zoning Ordinance. The address and window signs are not subject to a Sign Permit.

The proposed sign program for the building was reviewed for compliance with the Sign Ordinance Design Guidelines. Although the sign location, size and illumination are identified, the sign program is left open-ended with respect to font style and color, and logo style and location. The tenants would be required to obtain management and staff's approval before installing a sign. The style of the signs of nearby commercial properties varies from channel letters to cabinet signs. Some are internally lit and other externally lit. The proposed sign program allows for both internal and halo lighting.

According to the Code, in multiple tenant buildings such as this, it is up to the Planning Commission to determine primary frontage and the location of primary signage when reviewing requests for sign program approval. Moreover, the sign program must be designed to be integrated with the building design. As the proposed building orientation, storefronts, and pedestrian building entries face the parking lot, the Planning Commission may find it difficult to consider the Canwood Street elevation to be the primary frontage. The applicant, however requests the street facing elevation be considered the primary frontage. Consequently, the signs must comply with the primary signs requirements which limit the size of the sign based on the linear feet of frontage of the tenant space and how the primary signs predetermine signage on other sides of the building, i.e., secondary signs and corner tenants' signs. If the Planning Commission considers the street-facing south elevation to be the primary frontage then the parking lot elevation would be allowed secondary signage above an entry which can only be 10 square feet; in this case, the signs are proposed at 18 square feet. This request would require a Variance.

If the Planning Commission determines that the north elevation (parking lot side of the center) is the primary frontage, the primary signs, as proposed, comply with the Sign Ordinance. However, the signs proposed on the south and west sides of the building are in addition to what is currently permitted. Therefore, a Variance would be required to be approved for the sign program as proposed.

This would be the first development approved in the City in which the back of a multi-tenant retail center would have individual tenant signs. Staff acknowledges the applicant's desire for individual tenant identification signage visible from the street. From a design standpoint, the building is designed such that the Canwood Street elevation is well articulated to minimize the "back of the building" appearance and in certain instances designed to resemble storefronts. For these reasons, staff can support limited signage on the Canwood side elevation. The applicant is proposing signs on the Canwood Street elevation that are either 18 or 28 square feet. Staff finds instead of a fixed sign size that it would be appropriate to base the allowable sign area in proportion with the width of the tenant space and recommends a ratio of one-half square ft. of sign area per one linear feet of tenant storefront. Thus, given that the tenant storefronts range from 36 to 47.5 linear feet, the signs on the Canwood elevation should range from 18 to 23.75 square feet. If the Planning Commission

finds the sign on the west elevation to be appropriate, staff recommends that the size of the sign on the Canwood street elevation for that tenant be reduced accordingly. The sign program proposes that the signs be either halo-lit or internally-lit channel letters. The Planning Commission may wish to consider other options for the non-parking lot facing (Canwood and west elevation) signs such as externally spot-lit, under-canopy lit, or flood-lit signs and possibly no descriptive text to reduce the visual prominence of secondary signs.

Findings for a Variance are provided later in this report. In order to finalize the sign program for this project, staff is seeking direction from the Planning Commission on which elevation is the primary frontage and the maximum allowable sign area of the secondary signs.

### Landscaping Review

The project is required to include at least 10% landscape coverage for the total site, and at least 15% landscape coverage for the parking area, with 50% tree canopy coverage. These measures are intended to enhance the visual appearance of the project, promote public safety, moderate the temperature and reduce noise and glare. The applicant is providing 23% landscape coverage for the whole site but is unable to meet the 50% parking lot tree canopy coverage due to the policies of the Los Angeles County Fire District for tree canopy clearance. However, staff will be meeting with the Fire District to discuss options that may be available to satisfy the City's landscape goals and maintain public safety. Staff is asking the Planning Commission to allow the Planning Director to continue working with the Fire District during the post entitlement phase of development with respect to landscaping coverage in the parking areas. With respect to screening the soil nail wall, a planter is provided at the base of the retaining wall to allow for the vertical growth of shrubs and trees. The applicant will continue to work with staff during the plan check phase to achieve a native and naturalistic landscaping required by the Freeway Corridor Overlay zone.

### Grading

The site has been pre-graded. The project will generate an estimated cut of 9,000 cubic yards of soil, 1,500 cubic yards of fill, and an estimated 7,500 cubic yards of export soil from the site as a result of lowering the northerly pad. The proposed building pad elevation will be equal to the retail center to the east approximately 10 feet above Canwood Street. The existing pre-graded pad elevation varies from 876 feet to 903 feet, where the northerly industrial buildings are located. The applicant has provided staff with photo simulations of the project to illustrate the pad and building height.

The building pad would require a 17-foot high retaining wall along the rear of the parcel, and a 4-foot high retaining wall near the driveway on Canwood Street. Staff worked with the applicant to find an aesthetically pleasing option for a retaining wall. The applicant chose a soil-nail retaining wall design that is patterned to resemble a rock formation. The construction requires a restricted access easement be defined along the length of the wall on the adjacent northerly parcel, in order to protect the wall's structural components. The alternative to constructing the soil-nail wall is to

construct a series of terraced, six-foot high walls to retain the upper parcel. That approach, however, would reduce the developable area of the project site.

Extensive relocation of work water, sewer, storm drain and fire hydrant facilities will be required. The utilities were originally installed where the alignment of Canwood Street was originally planned. Canwood Street was since re-aligned and built closer to the freeway, but the underground utilities were never relocated. The applicant is responsible for relocating the lines with the development of this project.

The City Geotechnical Consultant has reviewed the geotechnical report, prepared by Gorian and Associates, and all subsequent supplemental information, for this project and recommends the project be approved from a Planning/Feasibility as well as from a geotechnical perspective. Conditions of Approval are included to ensure that recommendations contained in the report are incorporated into the Grading Plan are adhered to during construction. A letter of recommendation from the consultant is attached to the report.

#### Traffic/Circulation/Street Improvements

The City's Traffic Engineer reviewed the proposed project with respect to on-site circulation and access to and from the site. These are two points of ingress and egress onto the site. A two-way driveway is proposed at the westerly end of the site fronting Canwood Street and a two-way driveway is proposed at the southerly end of the site fronting Derry Avenue. The driveways are located as far away from the intersection for traffic safety reasons.

The required street improvements include, in addition to relocating all the utilities in the street, striping of Derry Avenue to accommodate a left pocket, and striping Canwood Street to accommodate a potential of 3 left pockets. The project required that a Traffic Impact analysis be submitted. The report, prepared by Kunzman and Associates, indicated that the project will generate 28 additional vehicular trips during the AM peak hour, and 56 vehicular trips during the PM peak hour. The increase is not significant enough to require additional off-site improvements to the City's transportation system. The Municipal Code requires that a Transportation Improvement Funds (TIF) fee be paid as apart of any commercial development. The fee is based on the square footage of the project and type of use; the funds will be used by the City to improve the circulation system within City boundaries. All recommended conditions of the City Engineer for this project are included in the attached Draft Conditions of Approval and the Mitigated Negative Declaration.

#### Parking

The proposed project includes 89 parking spaces, 4 of which are required to be designated as handicap spaces. A minimum of 83 parking spaces are required by the Zoning Ordinance for the proposed retail use of the center. Thus, a surplus of 6 parking spaces is provided on-site.

### Vesting Tentative Parcel Map

The applicant is requesting a Vesting Tentative Parcel Map for the reconfiguration of the property lines. A Vesting Tentative Parcel Map is allowed by the Subdivision Map Act and is identical to a Tentative Parcel Map, except that when a local jurisdiction approves a Vesting Map, the developer receives the vested right to build the project laid out in the Tentative Map. The Vesting Map protects against possible future growth restrictions or other regulatory reversals, only after a Building Permit is issued and the developer has made a "substantial investment" in the project. In this case, the Tentative Parcel Map will section off a portion (2 acres) from the parcel to the north and add it to the remainder parcel adjacent to Canwood Street which becomes a 2.01 -acre parcel. The parcel will be adjusted from a triangular shape to a parallelogram shape to make it practical for development. The applicant is also undertaking relocating all underground utilities and has provided staff with a Utilities Relocation Plan and the infrastructure work will be shown on the Final Map. The City Engineer has reviewed the Vesting Tentative Parcel Map and supports the request, with conditions. The final map requires City Council approval.

### General Plan Amendment/Zone Change

In order for this project to be approved, a change in the property land use designations would be required. This process requires a Zone Change and a General Plan Amendment. The southerly parcel is already partially zoned CRS and CG in the General Plan and the northerly parcel is zoned BP-M and also designated as BP-M in the General Plan; the applicant is requesting that the new 2.01-acre parcel be zoned entirely CRS and CG in the General Plan. Properties to the east and south of the project site are zoned CRS. The site has an FC (Freeway Corridor) overlay zone and is highly visible from the freeway. The image of the City depends strongly on its image in the freeway corridor. Commercial rather than industrial development would be more appropriate as viewed from the freeway. Over time, the segment of Canwood Street west of Kanan Road has developed into an area for specialty retail stores. This site would potentially continue the trend and/or provide support services to the existing business, i.e., coffee shops, printing, and mailing businesses. This project would serve as a transition area between the freeway corridor and the industrial zone and thus a transitional commercial development would be a more suitable use. The building pad elevation is currently almost level with the street elevation which lends itself to a development design that is compatible with the ones on adjacent parcels. The proposed retaining wall would ultimately be screened by the proposed building. The cut into the slope would open up the Canwood Corridor and give the illusion of the existing industrial park to be further away from the freeway right-of-way.

The loss of BP-M industrial space would be negligible and would minimally affect the City's total industrial land use base. A viable commercial development would generate sale tax revenue while sustaining employment opportunities and would serve as a gateway to the industrial park.

The Planning Commission is requested to provide a recommendation to the City Council for final action on the General Plan Amendment and Zone Change. If this legislative action is not approved, all other entitlements associated with this project would not be valid.

Variance

In order for the Planning Commission to grant the Variance for the applicant to build a 17-foot high retaining wall instead of the maximum allowed height of 6 feet, and allow additional signage the Zoning Ordinance requires that the following five (5) findings be made for each request. Staff has analyzed the applicant's requests for the retaining wall height Variance and the sign Variance per the required findings and recommends that the Variance be approved.

A. Variance – Retaining Wall Height

1. Required Finding That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Analysis: 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. Required Finding. That 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.

Staff Analysis: Two pads currently exist on the property with significant grade differential. The retaining wall is required for slope stability and development of the site.

3. Required Findings. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of this the Zoning Ordinance.

Staff Analysis: 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.

4. Required Finding. That 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.

Staff Analysis: A soil nail wall would have a natural appearance and will be screened with landscaping and engineered to comply with the Building Code standards.

5. Required Finding. That the granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis: 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.

---

### B. Variance – Sign Program

1. Required Finding. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Analysis: The building orientation restricts the tenant identification as viewed from the street. Thus, street-facing signage is needed for identification.

2. Required Finding. That 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.

Staff Analysis: Adjacent retail stores have signage that is visible from Canwood Street and the signage serves to identify the tenants and the entry to the tenant spaces since no other entry exists.

3. Required Findings. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of this the Zoning Ordinance.

Staff Analysis: 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 street identification desired by the tenants, and interior facing signs would provide identification of tenant entries.

4. Required Finding. That 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.

Staff Analysis: 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.

5. Required Finding. That the granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis: The additional signage will help establish the identity of the building as a retail center and promote a local economic base. Visually, the request to provide signage on the Canwood Street side would be in keeping with the nearby stores.



**Environmental Review/Mitigated Negative Declaration**

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

- A. To provide the Lead Agency (City of Agoura Hills) with the necessary information to decide whether to prepare an Environmental Impact or a Mitigated Negative Declaration;
- B. To enable the Lead Agency to modify a project, mitigating adverse impacts thus avoiding the need to prepare an EIR;
- C. To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

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

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

Issue Area	Impact	Mitigation
<i>Biological Resources</i>	Potential nesting birds within a regulated distance	Survey for nests prior to construction and avoid work until nests have been vacated.
Issue Area	Impact	Mitigation
<i>Cultural Resources</i>	Unexpected discovery of archaeological or paleontological resources or human remains	Monitor construction if discovery of a resource. Work to cease and the appropriate officials contacted and find assessed; mitigation work as necessary.

Issue Area	Impact	Mitigations
<i>Geology and Soils</i>	Soil expansion	Comply with all measures in the geotechnical report
	During construction soil erosion	AQMD Rule 403 and SPPP implementation required
	Post Construction soil erosion	Additional paving and strategically placed landscaping

The Draft MND was circulated for a 30-day review period, ending on April 30, 2009. The applicant has accepted the proposed mitigation measures which staff finds would reduce the environmental impacts associated with the project to less than significant levels. For these reasons, staff finds the use of a Mitigated Negative Declaration for CEQA processing of this application to be appropriate.

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

**V. RECOMMENDATION**

As there are two legislative actions (the General Plan Amendment and Zone Change) associated with the project. The entitlements associated with the project including the Conditional Use Permit, the Variance, the Sign Permit, and the Vesting Tentative Parcel Map will be forwarded to the Council for final action concurrent with the General Plan Amendment and Zone Change.

It is recommended that the Planning Commission recommend approval of Conditional Use Permit Case No. 07-CUP-010, Vesting Tentative Tract Map No. 69426, Sign Permit Case No. 07-SP-036 and Variance Case No. 08-VAR-006, subject to conditions as well as the General Plan Amendment Case No. 07-GPA-001, and Zone Change Case No. 07-ZC-001 for the proposed development.

Staff also recommends the Planning Commission approve the Final Mitigated Negative Declaration and Mitigation Monitoring Program.

**VI. ATTACHMENTS**

- Draft Resolution and Conditions of Approval for the Conditional Use Permit and Sign Permit
- Draft Resolution and Conditions of Approval for the Variance Request

**VI. ATTACHMENTS (Continued)**

- Draft Resolution and Conditions of Approval for the Vesting Tentative Parcel Map
- Draft Resolution for the General Plan Amendment
- Draft Resolution for the Zone Change
- Draft Ordinance with Exhibit Page
- Exhibit A: Applicant's Burden of Proof for the Wall and Signage
- Exhibit B: Applicant's Letter
- Exhibit C: Vicinity/Zoning Map
- Exhibit D: Reduced Photocopies of the Plans
- Exhibit E: Renderings and Photo-simulations
- Exhibit F: Photographs of the Site and Color Copy of the Color and Material Board

**CASE PLANNER:** Valerie Darbouze, Associate Planner

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF  
CONDITIONAL USE PERMIT CASE NO. 07-CUP-010, SIGN PERMIT CASE NO. 07-SP-036  
& A MITIGATED NEGATIVE DECLARATION AND MONITORING PLAN

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) requesting a recommendation of approval of a Conditional Use Permit to build a 22,617 square-foot retail building; a Sign Permit to establish a Sign Program for the proposed project, and a request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program. 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 9673.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. The property designation allows for development of retail buildings and the proposal meets the development standards for the CRS-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. The access in and out of the site is conditioned to maximize safety in the right-of-way. The placement and design of the building would preserve the light, air, privacy to the adjacent parcels and the equipment and refuse is 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. Because of its placement, the building is clearly separated from the industrial buildings in the rear which take access on Derry Road. The building was designed to be identifiable as a retail building as those along Canwood Street. The design of the proposed development would provide a desirable environment of its occupants, as well as for its neighbors. The retail building is aesthetically of good composition, materials, textures, and colors. The building design is compatible with the variety of architectural styles in the area. The project design complies 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 is via two driveways located a safe distance from the intersection which would increase safety for egress/ingress traffic.

E. The proposed use, as conditioned, and the condition in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. All uses permitted in the CRS-FC zones are indoor uses with a wide variety of business types.

F. The distance from other similar and like uses is sufficient to maintain the diversity of the community, because the proposed retail building is adjacent to industrial buildings. The site is now zoned for retail uses as are the parcels across the streets.

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.

Section IV. The Sign Program is designed to add identity to the building and not distract from its design. The monument signs will direct traffic to either driveway. The number of signs was intended to facilitate access to the tenant's main entrance. The proposed square footage is in keeping with the building design.

Section V. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for this project. 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 VI. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Conditional Use Permit Case No. 07-CUP-010, Sign Permit, 07-SP-036 and the Mitigated Negative Declaration and Monitoring Plan, subject to the attached conditions, with respect to the property described in Section I hereof.

Draft Resolution No. \_\_\_\_

Page 3 of 3

PASSED, APPROVED, and ADOPTED this 21<sup>st</sup> 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 NOS. 07-CUP-010 & 07-SP-036**

**PLANNING CONDITIONS**

Entitlement Requirements

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of these Permits with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, Landscape Plan and Grading Plan.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has filed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 07-CUP-010 and 07-SP-036 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.

11. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
12. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
13. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District that is currently established at \$0.47 per square-foot of new floor area.
14. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$ 0.9296 per square-foot of new floor area.
15. Prior to issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until the City's Environmental Planner is notified and a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.
16. The approved grading plan and construction plans, resolution, conditions of approval, the mitigated negative declaration and the mitigation monitoring and reporting program and a color and material board shall be on site at all time during the construction of the project.
17. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.

Construction Requirements

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



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

#### **SOLID WASTE MANAGEMENT REQUIREMENTS**

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

reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.

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

### **ENVIRONMENT REQUIREMENTS**

30. The applicant shall comply with each mitigation measure listed in the Final Mitigated Negative Declaration and outlined in the Mitigation Monitoring Program for the project approved on May 21<sup>st</sup>, 2009. The Mitigation Monitoring Program is attached to these Conditions of Approval.
31. A list of all project conditions of approval and mitigation measures found in the Mitigated Negative Declaration shall be included, along with a signed copy of the Resolution, on the construction plans submitted prior to issuance of a Grading or Building Permit.
32. Air quality measures (Rule 403) shall be copied onto the cover sheets of the Grading Plans.

### **LANDSCAPING/IRRIGATION**

#### **Landscaping**

33. The landscape plan plans shall substantially conform to the plan prepared by SqLA Landscape Architects, dated March 05, 2009.
34. 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
35. Prior to the approval of building permits, the applicant shall submit three (3) sets of 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. Plans should show the current date.
- 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
  - General contour lines
  - Grading areas, including tops and toes of slopes
  - Utilities, including street lighting and fire hydrants, if applicable
  - Natural features, including watercourses, rock outcroppings
- h. The Planting Plan shall indicate the botanical name, common name, and size of each plant.
- i. Plant symbols shall depict the size of the plants at maturity, and be drawn to scale. Spacing of trees and shrubs shall be adjusted to allow for optimum growth of each species.
- 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 landscape plans shall prominently display the following notes:

- All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
  - All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".
  - Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plans.
- l. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
  - m. 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.
  - n. 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
  - o. 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.
36. The landscape plan shall include at least two (2) twenty-four inch (24") box size oak trees.
  37. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
  38. The landscape plan may not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society or the California Invasive Plant Council (Cal-IPC).

39. All plant material must be considered compatible with Sunset Zone 18. A native and naturalistic planting scheme is recommended to preserve and enhance the native environmental context in which the development will occur.
40. Landscape plans shall be submitted for review and approval by the City Planning and Community Development Department prior to issuance of a Grading Permit.
41. The landscape plan must be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.
42. The landscape design shall be naturalistic in style, emphasizing native oak trees per the design standards for the Freeway Corridor Overlay District. The applicant and his landscape architect shall work with the City Landscape Consultant to ensure this requirement is met.
43. Poor landscape practices such as topping, hedging and "lollipoping" shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City landscape consultant.

**ENGINEERING CONDITIONS**

44. PRIOR TO FINAL MAP RECORDATION

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

Ten feet wide (minimum) easement along the southerly property line for maintenance of storm drain system. Variable width easement for installation and maintenance of proposed sewer line rerouting at the northwest corner of Derry Avenue and Canwood Street, spot locations of easement areas for the installation and maintenance of water, BFV and PIV.

- 1.02 Restrict vehicular access as follows: only to locations shown on the Vesting Tentative Parcel Map.

- 1.03 Vacate the following street or easement: Old Canwood Street Alignment.

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

- 1.05 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.

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

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

A. General

- 2.01 Prior to Building Permit issuance, record Parcel Map No. 69426 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.
- 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 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.
- 2.04 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.
- 2.05 For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at [www.ci.agoura-hills.ca.us](http://www.ci.agoura-hills.ca.us).
- 2.06 Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department. TIF fee shall be based on the approved rate for a commercial use, and not a residential use.
- 2.07 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.

- 2.08 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.
- 2.09 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.
- 2.10 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.
- 2.11 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.
- 2.12 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:
  - Las Virgenes Municipal Water District
- 2.13 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

- 2.20 Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. Such public improvements may include, but not be limited to, the following:

Improvement Item	Canwood Street and Derry Avenue
AC Pavement	Replace all damages during construction Improve Canwood Street for T.I. = 9.0. Minimum and/or key cut along gutter edges and install 2" overlay on Canwood Street from westerly property line to northeast curb return at Derry Avenue-Canwood intersection and on Derry Avenue from the intersection to the connection point reclaimed water.
PCC Drive Approach	New – on Canwood Street and Derry Avenue
Sidewalk	New – Meandering walk along Canwood Street and affected sidewalk along Derry Avenue
ADA Access Ramp	New – in compliance with ADA regulations
Street Lights	New - As directed by the City Engineer
Sewer Service (See Section 2C)	Main
All water appurtenances are per LVMWD standards (See Section 2D)	Yes, per intended commercial use
Storm Drain (See Section 2E)	Drain line, catch basins and appropriate local depression and connectors.
Traffic Signing and Striping (See Section 2G)	New – with appropriate transitions to existing
Underground Overhead Utilities	Yes – in compliance with City Municipal Code.
Removal and replacement of	All re-aligned public utilities through lot
Other required improvements	Reclaimed water main in Canwood Street and portion of Derry Avenue north of Canwood Street

- 2.21 The following existing streets being cut for new services will require an asphalt concrete overlay: Canwood Street and Derry Avenue.
- 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:

- All retaining walls shall be built on private property and are prohibited from being constructed in the public right-of-way (R.O.W.).

C. Sewer

2.30 Relocated sewer line is available for connection by this project in Canwood Street.

2.31 Other Conditions: Sewer improvement plans shall be reviewed and approved by the City Engineer and Los Angeles County Public Works, Sanitation Maintenance District.

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.

2.41 Other Conditions: Separation between potable water line and reclaimed water line, sewer line or storm drain line is 10 feet clear (i.e. distance from outer extremities of water line and other utility conduit).

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.

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](http://www.cabmphandbooks.com) and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train

all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

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

- 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.

2.64 Other Conditions: A Best Management Practice (B.M.P.) Covenant and Deed Restriction shall be prepared and recorded with the Los Angeles County Recorder's office by the applicant prior to issuance of a Certificate of Occupancy.

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.

46. PRIOR TO CERTIFICATE OF OCCUPANCY

3.01 All remaining fees/ deposits required by the Engineering Department must be paid in full.

3.02 All requirements including construction of improvements covered in Section 2 must be completed to the satisfaction of the City Engineer.

3.03 The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all

change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. *Please note that no final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless MYLAR, Record (As-built) Drawings, satisfactory to the City, are submitted.*

- 3.04 The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: [www.agoura-hills.ca.us](http://www.agoura-hills.ca.us).
- 3.05 All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.
- 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
<b>BIOLOGY</b>						
<b>BIO-1 Migratory Bird Species Act Compliance.</b> To avoid the accidental take of any migratory bird species or raptors, such as Cooper's hawk (Accipiter cooper ii), 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.	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 of survey shall be sent to City. 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.	Prior to issuance of a grading or building permit for plan check. Prior to grading or initial construction activity. Prior to any construction activities.	Once  Weekly for 30 days.  Once	PCD  EA approved biologist/ornithologist  PCD		

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
<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 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>	<p>Review and approval of surveys.</p>	<p>Prior to any construction activities.</p>	<p>Once</p>	<p>PCD</p>		
<b>CULTURAL RESOURCES</b>						
<p><b>CR-1 Monitoring.</b> A qualified archaeologist shall monitor any grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil. If artifacts are discovered, the developer shall notify the City of Agoura Hills' Environmental Analyst immediately, and construction activities shall cease until the archaeologist has documented and recovered the resources. Equipment stoppages prescribed by the archaeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and should not be construed to require stoppage of all equipment on the site unless the resources are thought by the archaeologist to be distributed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be impacted, and said equipment may 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>	<p>Field monitoring by a qualified archaeologist.</p>	<p>During grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil.</p>	<p>Daily during grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil.</p>	<p>PCD, EA</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
<p>be a unique archaeological resource, no further action is necessary and construction may continue.</p> <p><b>CR-2 Evaluation and Notification.</b> Should archaeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by a qualified archaeologist. In general, the following guidelines shall be followed:</p> <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>	<p>Site evaluation by a qualified archaeologist.</p>	<p>Upon discovery of an archaeological resource.</p>	<p>Upon discovery of an archaeological resource.</p>	<p>PCD</p>		
<b>GEOLOGY AND SOILS</b>						
<p><b>GEO-1 Design and Construction.</b> 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>	<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.</p>	<p>Prior to the issuance of a grading permit.</p>	<p>Once</p>	<p>BD, Project Engineer</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	
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

Draft Resolution No. \_\_\_\_

Page 3 of 3

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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> day of May 2009 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

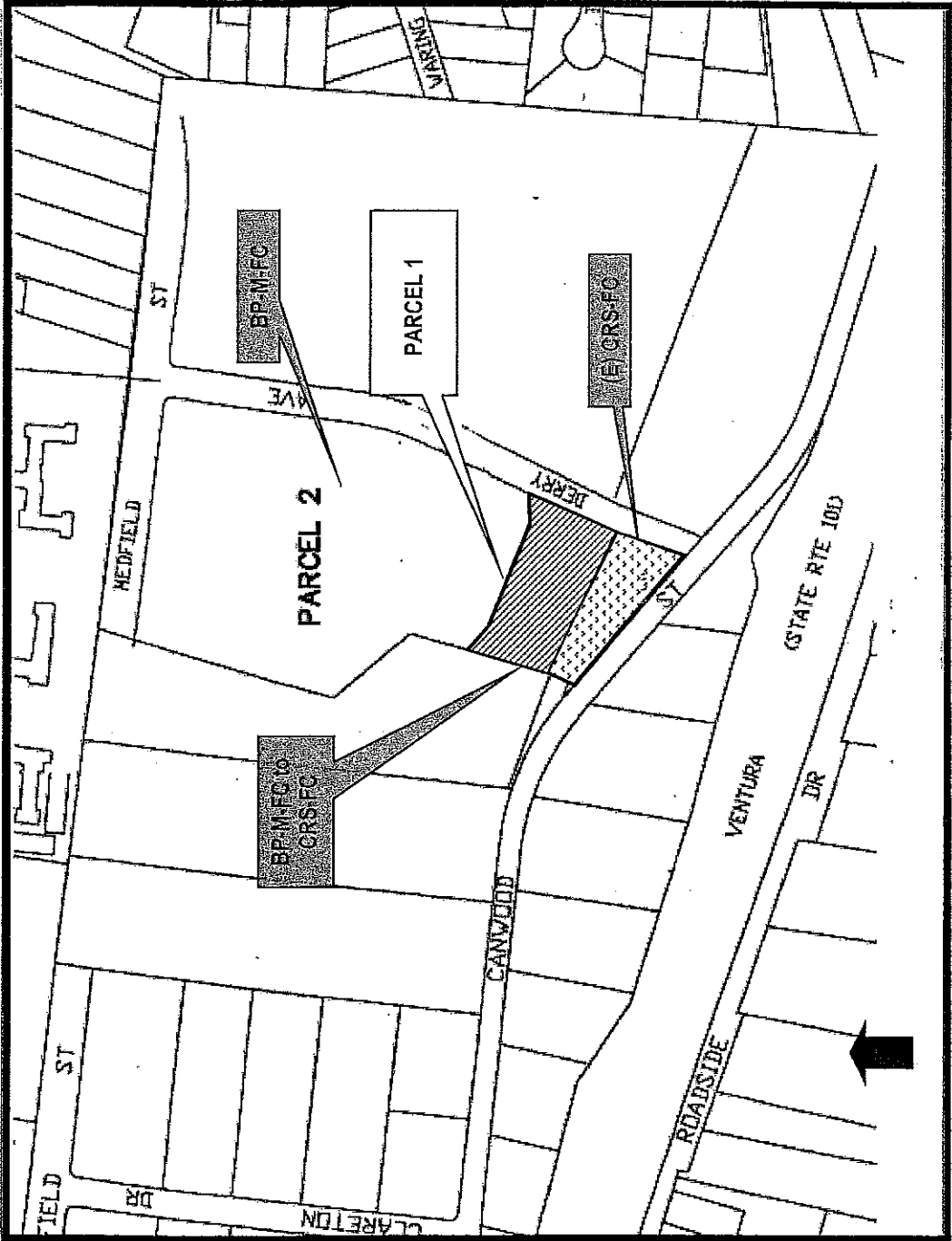
---

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 21<sup>st</sup> day of May 2009 by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

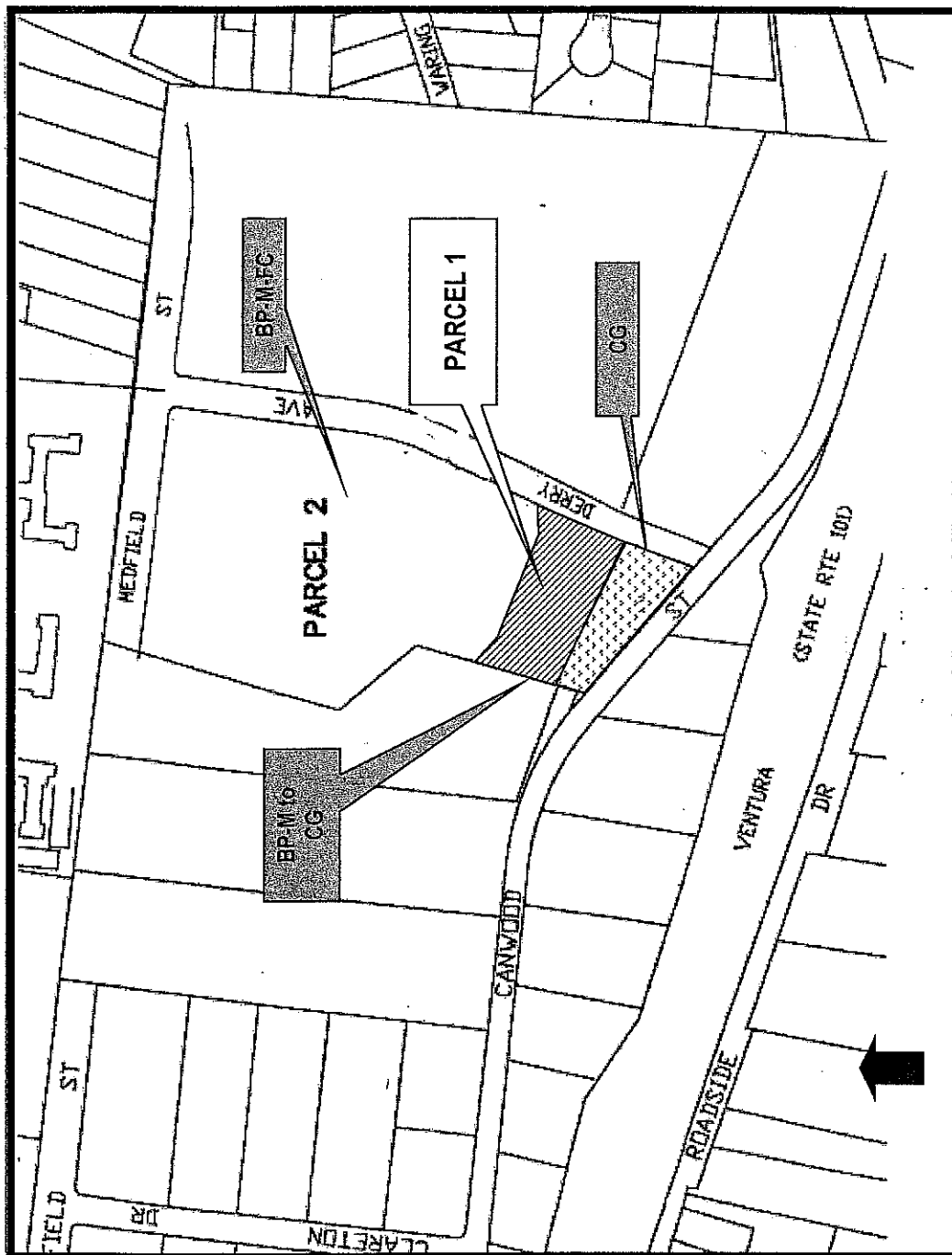
---

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

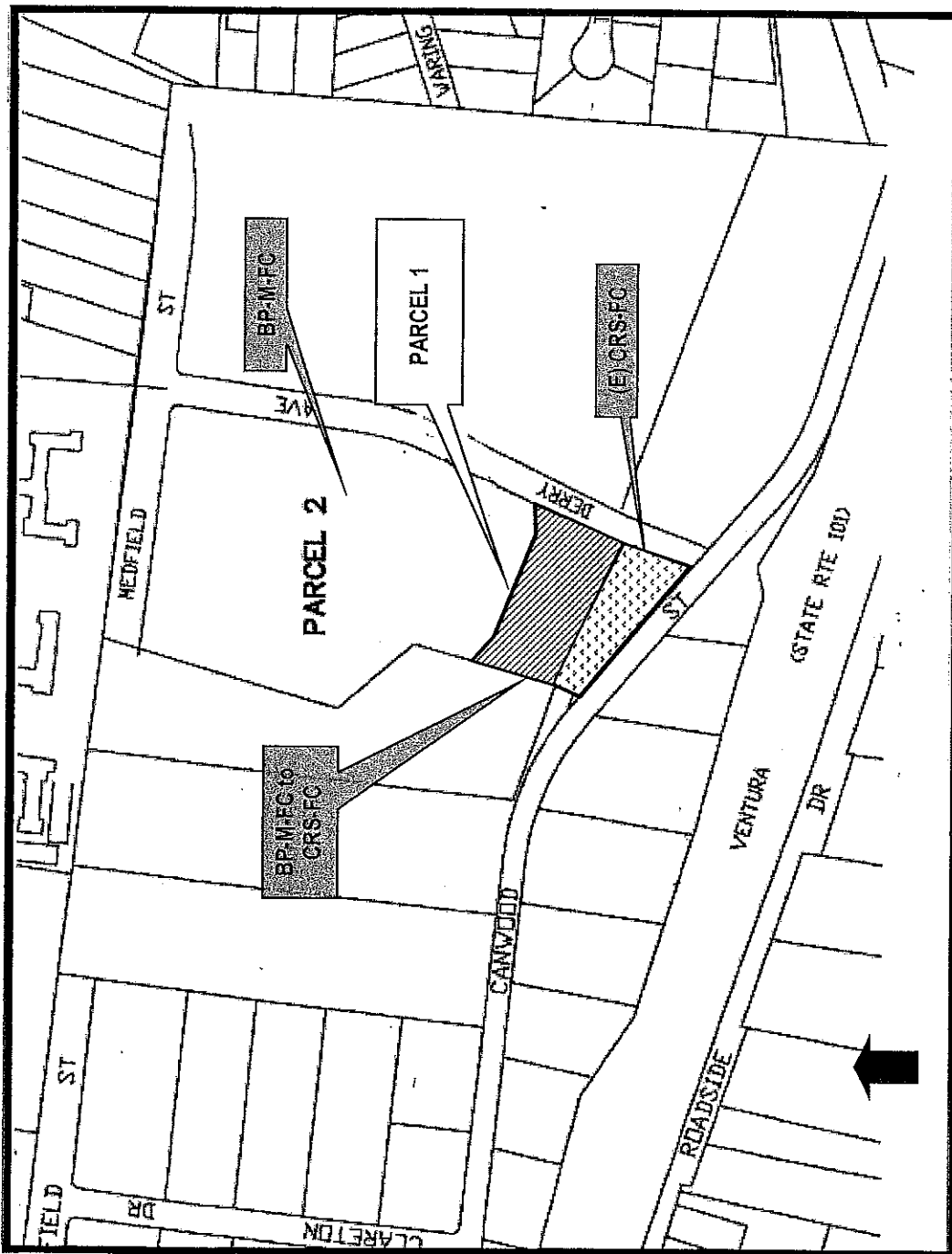
ATTEST:

\_\_\_\_\_  
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.

