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RESOLUTION NO. 09-1542

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING VESTING TENTATIVE PARCEL MAP NO. 69426

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 & 02) requesting the approval of a Vesting Tentative Parcel Map to adjust the boundaries of two parcels. A public hearing was duly held by the Planning Commission 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. Evidence, both written and oral, was duly presented to, and considered by, the Planning Commission at the aforesaid public hearing on May 21, 2009. The Planning Commission recommended the City Council approve Vesting Tentative Parcel Map No. 69426 on a 3-0 vote (Commissioners O'Meara and Buckley Weber absent), per Resolution No. 974.

Section II. A public hearing was duly held by the City Council on June 24, 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. Evidence, both written and oral, was duly presented to, and considered by, the City Council at the aforesaid public hearing on June 24, 2009.

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

Section IV. Pursuant to the Agoura Hills Zoning Ordinance and Subdivision Ordinance, the City Council finds 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, and 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 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 City Council hereby approves Vesting Tentative Parcel Map No. 69426, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 24th day of June, 2009 by the following vote to wit:

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

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

**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.

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RESOLUTION NO. 09-1543

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING SIGN PERMIT CASE NO. 07-SP-036 AND VARIANCE CASE NO. 08-VAR-006(B)

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 & 02) requesting the approval of a Sign Permit for a Sign Program and a Variance to add secondary signs with a square footage in excess of 10 square feet. A public hearing was duly held by the Planning Commission on 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 hearing was duly given. Evidence, both written and oral, was duly presented to, and considered by, the Planning Commission at the aforesaid public hearing on June 4, 2009. The Planning Commission recommended the City Council approve Sign Permit Case No. 07-SP-036 and Variance Case No. 08-VAR-006(B) on a 4-0 vote (Commissioner O'Meara abstained).

Section II. A public hearing was duly held by the City Council on June 24, 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. Evidence, both written and oral, was duly presented to, and considered by, the City Council at the aforesaid public hearing on June 24, 2009.

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

Section IV. Pursuant to Sections 9655 and 9655.2.N. of the Agoura Hills Zoning Ordinance, the City Council finds that:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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:

F. 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.

G. 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.

H. 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.

I. 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.

J. 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 VI. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for 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 VII. Based on the aforementioned findings, the City Council hereby approves 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 24th day of June, 2009 by the following vote to wit:

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

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

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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

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

South Elevation Signage
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.

South Elevation Signage (Continued)
c. The signs shall be reverse-lit only at the exception of the monument sign which shall be externally lit.
North Elevation Signage
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.
West Elevation Signage
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

RESOLUTION NO. 975

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 "A" requesting a recommendation of approval of a General Plan Amendment to change the land use designation from BP-M (Business Park-Manufacturing) to CG (Commercial Retail/Service). A Public Hearing was duly held on May 21, 2009 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

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

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

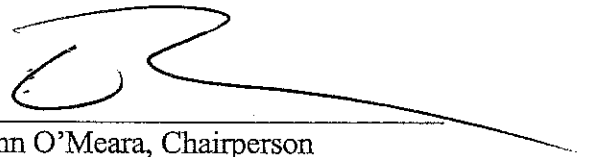
Section IV. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for this project. The Mitigated Negative Declaration was the appropriate document based on the fact that the project will not cause significant impacts to citywide traffic, aesthetics and sensitive receptors including the closest residential neighborhoods. Based upon the initial study, public comments and the record before the Planning Commission, the Planning Commission finds that

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

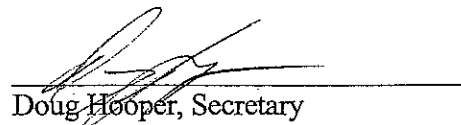
Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of the General Plan Amendment Case No. 07-GPA-001, with respect to the property described in Section I hereof.

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

AYES:	(3)	O'Meara, Rishoff and Nouzille
NOES:	(0)	
ABSTAIN:	(0)	
ABSENT:	(2)	Zacuto and Buckley Weber

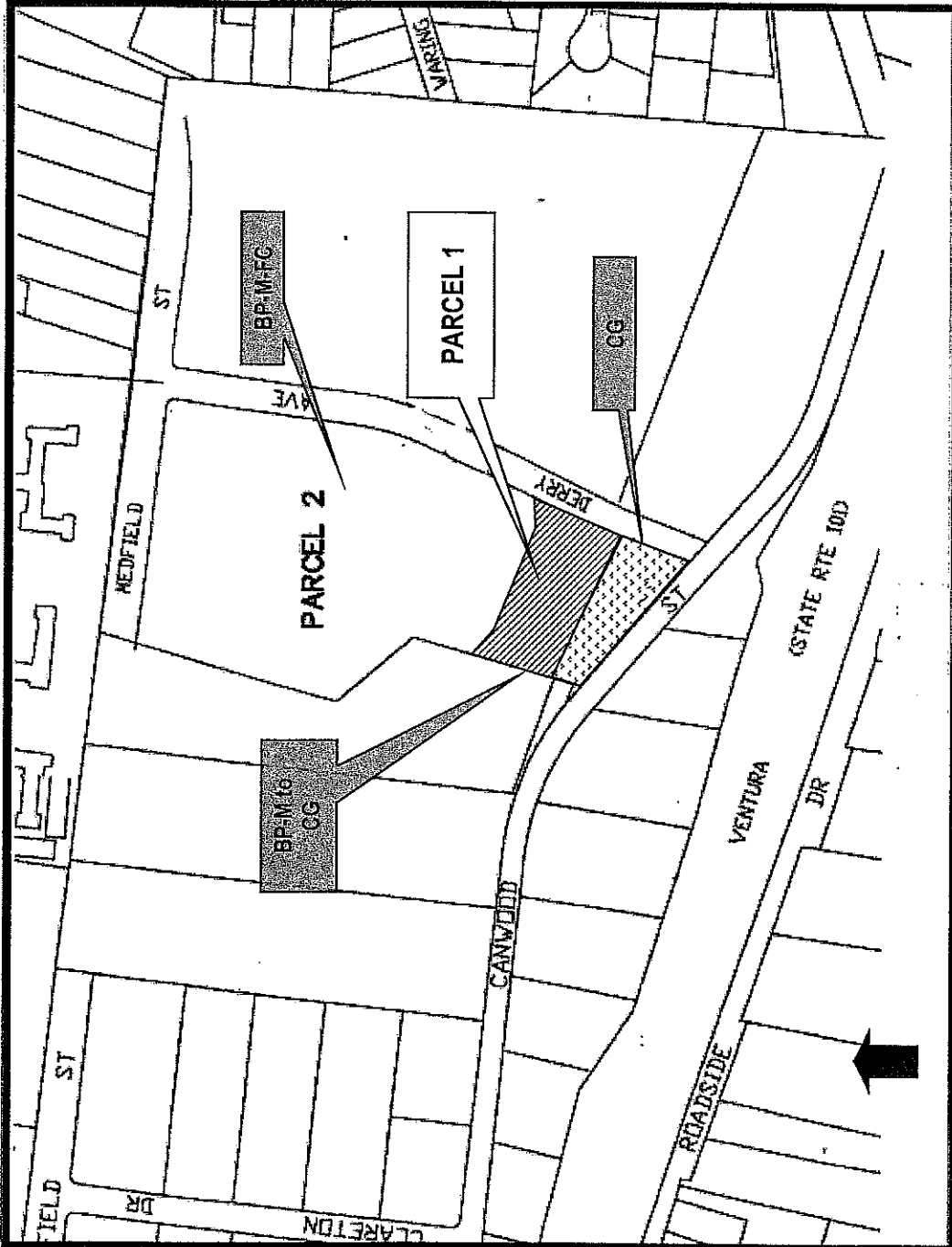


John O'Meara, Chairperson



Doug Hooper, Secretary

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



RESOLUTION NO: 976

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

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

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

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

AYES: (3) O'Meara, Rishoff, and Nouzille
NOES: (0)
ABSTAIN: (0)
ABSENT: (2) Zacuto and Buckley Weber



John O'Meara, Chairperson


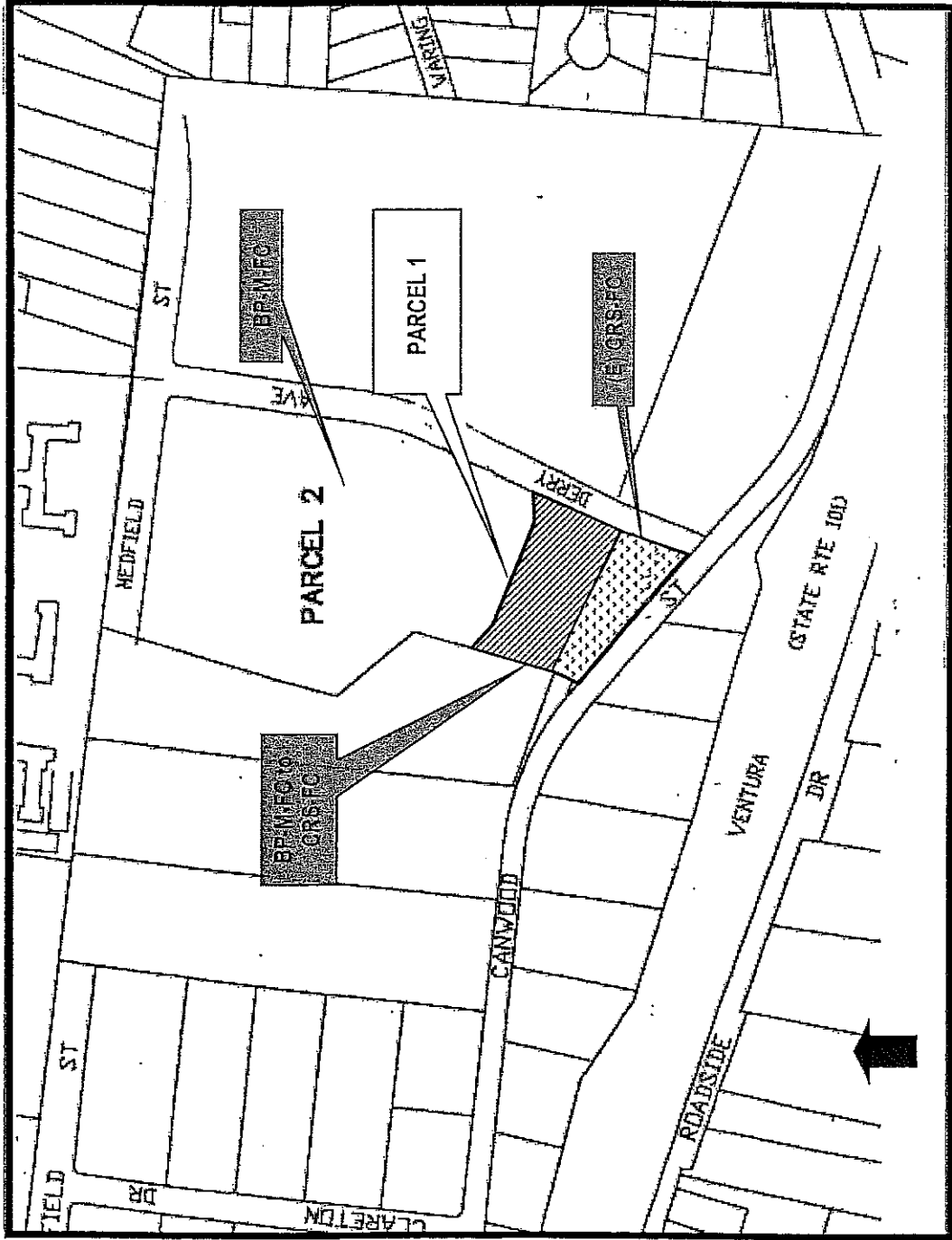

Doug Hooper, Secretary

Exhibit A
ZONE CHANGE—CASE NO. 07-ZC-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

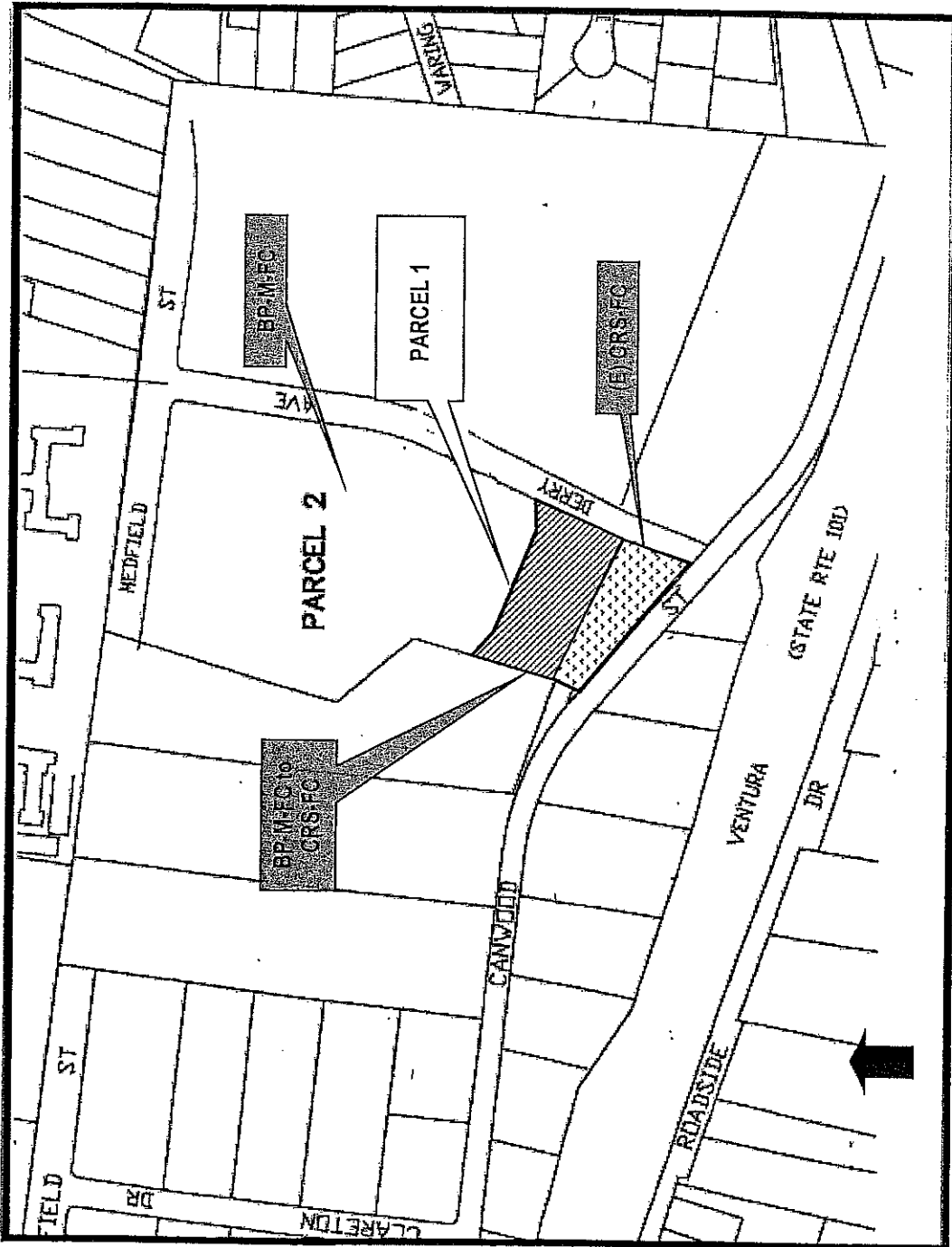
ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

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



RESOLUTION NO. 972

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING APPROVAL OF
CONDITIONAL USE PERMIT CASE NO. 07-CUP-010,
& 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; 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.

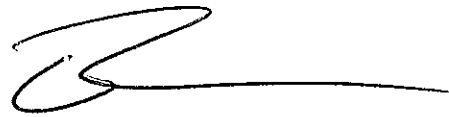
G. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan and the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated 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. 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 Conditional Use Permit Case No. 07-CUP-010, and the Mitigated Negative Declaration and Monitoring Plan, subject to the attached conditions, with respect to the property described in Section I hereof.

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

AYES:	(3)	O'Meara, Rishoff, and Nouzille
NOES:	(0)	
ABSTAIN:	(0)	
ABSENT:	(2)	Zacuto and Buckley Weber



John O'Meara, Chairperson



Doug Hooper, Secretary

CONDITIONS OF APPROVAL
CASE NO. 07-CUP-010

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 No. 07-CUP-010 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.

Conditions of Approval

Page 2 of 15

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 21st, 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 "lollipopping" shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City landscape consultant.

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 For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at www.ci.agoura-hills.ca.us.
- 2.05 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.
- 2.06 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.
- 2.07 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.

- 2.08 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.
- 2.09 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.
- 2.10 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.
- 2.11 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
- 2.12 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.

Improvement Item	Canwood Street and Derry Avenue
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 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.
- 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 $H/2$, ($1/2$ the vertical height of the slope, including portions not on property), or provide the equivalent protection determined by the soils engineer. This deviation will need to be verified by City soils engineer and approved by Building Official.
- 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 applicant shall provide a more subdued color for the parapet elements of the building, for review and approval by the Director of Planning Community Development.

END

RESOLUTION NO. 973

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

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(A) to build a retaining wall, 17 feet in height instead of the maximum 6 feet in height. This application for a Variance was considered in conjunction with Conditional Use Permit Case No. 07-CUP-010, 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. 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.
- 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. Two pads currently exist on the property with significant grade differential. The retaining wall is required for slope stability and development of the site.
- 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. 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.
- 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. A soil nail wall would have a natural appearance and will be screened with landscaping and engineered to comply with the Building Code standards.

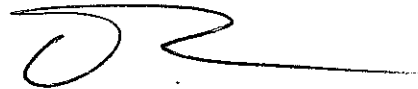
- E. The granting of the Variance will be consistent with the character of the surrounding area. The building size is within the square footage range of surrounding commercial properties with similarly sized parking lots. The wall will maintain a similar pattern of development along Canwood Street and 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.

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

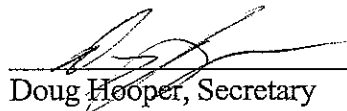
Section V. Based on the aforementioned findings, the Planning Commission hereby recommends the approval of Variance Case No. 08-VAR-006(A), subject to the attached conditions, with respect to the property described in Section I hereof.

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

AYES:	(3)	O'Meara, Rishoff and Nouzille
NOES:	(0)	
ABSTAIN:	(0)	
ABSENT:	(2)	Zacuto and Buckley Weber



John O'Meara, Chairperson



Doug Hooper, Secretary

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

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(A) 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(A) 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

RESOLUTION NO. 974

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

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

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

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

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

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

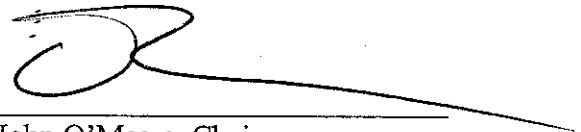
Section IV. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for this project. The Mitigated Negative Declaration was the appropriate document based on the fact that the

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

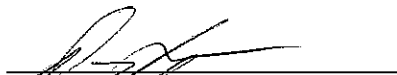
Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Vesting Tentative Parcel Map No. 69426, subject to attached Conditions, with respect to the property described in Section 1 hereof.

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

AYES: (3) O'Meara, Rishoff, and Nouzille
NOES: (0)
ABSTAIN: (0)
ABSENT: (2) Zacuto and Buckley Weber



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