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**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

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**ACTION DATE:** November 19, 2009

**TO:** Planning Commission

**APPLICANT:** Agoura Landmark, L.P.  
569 Constitution Avenue, Suite H  
Camarillo, CA 93012

**CASE NOS.:** 08-SPR-011, 08-OTP-021, 08-SP-036, VTTM 70707, &  
09-VAR-003

**LOCATION:** 29621 Agoura Road (A.P.N. 2061-013-027)

**REQUEST:** Request for approval of a Site Plan/Architectural Review to allow the development of five two and three-story office buildings totaling 100,634 square feet; an Oak Tree Permit to remove four (4) on-site oak trees, and three (3) off-site oak trees and encroach in the protected zone of nine (9) on-site oak trees and two (2) off-site oak trees for the construction; a Sign Permit to establish a sign program; a Vesting Tentative Tract Map for subdivision purposes; and a Variance from the development standards of the BP-M-FC zones in Sections 9383.1 (lot size), 9383.2 (building coverage), 9383.4 (yards), 9383.5 (landscaping), 9383.6 (walls), 9383.7 (access) and 9654.6 (parking); and a request to adopt an Addendum to an approved Mitigated Negative Declaration and Mitigation Monitoring Program

**ENVIRONMENTAL  
DETERMINATION:** Addendum to an approved Mitigated Negative Declaration and Mitigation Monitoring Program

**RECOMMENDATION:** Staff recommends approval of Site Plan/Architectural Review Case No. 08-SPR-011; Oak Tree Permit No. 08-OTP-021, Vesting Tentative Tract Map No. 70707, Sign Permit Case No. 08-SP-036, and Variance Case No. 09-VAR-003, subject to Conditions of the Draft Resolutions

**ZONING DESIGNATION:** BP-M-FC (Business Park –Manufacturing- Freeway Corridor Overlay District)

GENERAL PLAN  
DESIGNATION:

BP-M (Business Park-Manufacturing)

**I. BACKGROUND AND PROJECT DESCRIPTION**

The site is located between the 101 Freeway and Agoura Road. The proposed project is located in the Business Park Manufacturing-Freeway Corridor Overlay (BP-M-FC) zone in which the proposed office use is permitted. Adjacent buildings include the Bank of America office building to the west and the Los Angeles County Animal Control facility to the east. The Gateway Foursquare Church is located across the street, south of Agoura Road. The buildings would be clustered around a heritage Oak Tree which would serve as the focal point of the project. An Oak Tree Permit application has also been filed to permit encroachment into the protected zone of two (2) on-site oak trees. The Oak Tree Permit would also address the removal of two (2) on-site oak tree required for the development of the parking lot. Included in the scope of the project is the widening of Agoura Road which would require the removal of four (4) oak trees and the encroachment into one (1) other oak tree on the south side of Agoura Road. The applicant is also seeking the approval of a tract map which would allow each building within its own parcel which also requires the review and approval of a Variance. A Variance is technically required because the parcel map creates lots for each building and thus the development standards for the zone cannot be met. The applicant is also seeking approval of a sign program which would include ground-mounted and wall-mounted signs.

A Site Plan/Architectural review was approved in May of 2006 by the Planning Commission (Case Nos. 05-SPR-010 and 05-OTP-010) to build a single 94,000 square-foot, two-story office building on this vacant 5.17-acre site. The proposal was for a single, L-shape office building with surface parking designed around the heritage oak tree. Ownership of the property has since changed and the new partnership is no longer interested in pursuing the approved project design, and desires instead to develop 5 individual office buildings totaling 100,634 square feet.

The following is a summary of the proposed development relative to the City Code requirements.

Pertinent Data for the Proposal:

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
1. <u>Lot Area</u>	5.17 acres	5.17 acres	1 acre
2. <u>Building Size</u>			
Building A	N/A	14,536 sq.ft.	N/A
Building B	N/A	26,858 sq.ft.	N/A
Building C	N/A	8,306 sq.ft.	N/A
Building D	N/A	25,484 sq.ft.	N/A
Building E	N/A	25,450 sq.ft.	N/A
<b>Total</b>	<b>N/A</b>	<b>100,634 sq.ft.</b>	<b>N/A</b>

Pertinent Data for the Proposal:

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
3. <u>Building Heights</u>	N/A		
Building A	N/A	34 feet/2 stories	35 feet max.
Building B	N/A	35 feet/3 stories	35 feet max.
Building C	N/A	27.6 feet/2 stories	35 feet max.
Building D	N/A	35 feet/3 stories	35 feet max.
Building E	N/A	34 feet/2 stories	35 feet max.
4. <u>Lot Coverage</u>	N/A	19% overall	30% max.
5. <u>Bldg. Setbacks</u> (all bldgs combined as measured from exterior property line)			
Front (South):	N/A	148 feet	20 feet min.
Side (East):	N/A	52 feet	70 combined, 15 ft. min.
Side (West):	N/A	54 feet	70 combined, 15 ft. min.
Rear (North):	N/A	70 feet	70 ft from Freeway R-O-W min.
6. <u>Parking</u>	N/A	336 spaces	335 spaces min.
7. <u>Landscape Coverage</u>			
Overall	N/A	31 %	20 % min.
Parking Only	N/A	20 %	15 % min.

**II. STAFF ANALYSIS**

Site Plan

The office buildings were designed and placed to resemble a campus-like setting. All five buildings are placed around the heritage oak tree with most of the parking at grade and 15% of the total amount of spaces built underground. The underground parking is built on 125' x 145' pad between Building A and Building E with parking at grade and accessible from the drive-aisle along the eastern property line. The upper level is slightly raised above grade on its north side. Parking spaces are located at the perimeter of the building to allow for enhanced interior pedestrian access among the buildings. The applicant has incorporated open space areas in a center courtyard surrounding the heritage oak tree with benches, covered handicap parking spaces and trellis covers on portions of the handicap accessibility path in the front (south) parking lot. The applicant has also provided textured walkways within the parking area to accentuate entries into the campus courtyard. Other amenities in the center court yard include walkways that wind and connect the buildings, public gathering area and trellised pedestrian access from Agoura Road to the buildings and bike racks.

The building located closest to Agoura Road (Building B) is setback 148 feet from the front (south) property line. The building closest to the Freeway (Building E) is located 70 feet from the Caltrans

property line to the rear. In comparison with the buildings located west of the project, the Bank of America Buildings are setback approximately 70 and 90 feet from the Caltrans right-of-way, the Line 6 property approximately 40 feet and the THQ building approximately 67 feet. The proposed building is setback as much as the buildings along the corridor or more. The side yard setbacks comply with the Zoning Ordinance and exceed the requirement combined setback (70 feet) for the side yards by 36 feet as well as the minimum required (15 feet) on any one side. There is a 30-foot wide primary driveway accessing the site located at midpoint of the project frontage on Agoura Road. The center location of this driveway provides a terminating vista of the focal heritage oak tree, the site's landmark. A covered walkway trellis connects the side walk on Agoura Road with the center of the site through the parking lot. A 2-way reciprocal access driveway is proposed with the Bank of America site to the west.

### Architectural Design

One of the intended purposes of the City Design Guidelines is to preserve the surrounding semi-rural character of the community. Also, the Freeway Corridor standards are intended to promote the City's image and preserve the City's naturalistic environment for development of this pre-graded infill lot. The applicant is proposing elements of the Craftsman style of architecture with dark wood exposed outriggers, multi-panes windows, and stone veneer base. The buildings also feature covered entries and balconies. The exterior building colors include beige and brown tones. Any roof-mounted equipment will be screened by the parapet roof or within a well so as not to be visible from the freeway right-of-way.

The Architectural Review Panel recommended that the applicant widen the trims around the openings, provide trellises above the building main entry points, widen the overhang, use wider outriggers and change the roof line which the applicant addressed. The applicant was also asked to provide a trellis over the pedestrian access from the street, provide a wall separating the parking spaces closest to the oak tree from the walkway for pedestrian safety and, provide a cover over a portion of the designated handicap spaces. With these changes that were made by the applicant, the architectural Review Panel found that the design and building colors and materials to be consistent with the City Architectural Design Standards and Guidelines.

The Site Plan includes a masonry wall on the eastern and western property lines with railing. Existing fencing, at the exception of the Caltrans right-of-way fencing will be removed. Staff does not recommend the installation of new fencing other than safety fences as the project would more likely to be integrated into surrounding existing landscaping; unobstructed planters would allow for more landscaping and; the risk of graffiti would be eliminated. In the event that the applicant requests the use of fencing, the design of the structure will be subject to review by the Director of Planning and Community Development. This recommendation is included as a draft condition of approval.

### Lighting

The applicant is proposing to use a European style fixture which includes a solid, extended ballast

directed downward and attached to a goose neck-shaped pendant. The lens is to be completely housed inside the extended ballast. The light poles will be a maximum of 16 feet high. The lighting standard and a final photometric plan must meet the limitation of a maximum of one foot candle of light at the property line and the intent of the recently adopted lighting guidelines. The Photometric Plan indicates twenty-five (25) single-fixture light poles installed on the perimeter of the parking lot and drive aisles, with 5 double-fixture light poles in the landscape planter in the front parking area, eleven (11) double fixture light poles in the center of the parcel and one (1) single-fixture pole with lower wattage near the entrance of the driveway shared with the parcel to the west. One flood light is proposed for the monument sign near Agoura Road. The applicant, in an attempt to emphasize the presence of the heritage oak tree, is proposing four (4) tree up-lights to be ground-mounted around the tree canopy.

### Signage

The Sign Ordinance requires that new commercial projects design and implement a sign program for the entire site. The intent of the requirement is to incorporate the signage into the proposed architectural design. As such, the applicant has submitted plans which indicate one identification name for each building such as "Building A" through "E". Each sign is 14 square feet in size and to be made of aluminum with dark oxidized bronze finish cut-out letters, pin-mounted to the façade. The signs will not be illuminated. One other wall-mounted sign, which names the project, is intended to be viewed from the freeway. The Sign Ordinance allows for a 25 square-foot secondary sign and the proposed sign complies with that requirement. The sign is of the same construction but halo-lit and is placed between the first and second floor on the north elevation of Building E.

One 48 square-foot monument sign is proposed at the entrance of the project. It is a masonry structure with a stone base and stone veneer clad column on each side and finished with the same colors of the buildings. Only the name of the project is identified at this time and only on one side of the structure. Additionally, 4 directional signs are proposed throughout the site made of the same construction and colors. The directional signs are to be 3 square feet in size with a maximum height of 3 feet. The directional sign face has been conditioned to meet that requirement in compliance with the Sign Ordinance. Details of the signs such as material and illumination are included for final Planning Commission review and approval. The Planning Commission has the ability to recommend changes on size, location, design and illumination.

### Oak Tree Review

Certain On-site and off-site oak trees will be impacted as a result of the construction. All potential impacts to oak trees were identified in an Oak Tree Report submitted for the previous project on this site that was approved by the Planning Commission. The applicant reevaluated the impacts per the current design. The applicant has applied for an Oak Tree Permit to specifically allow for removal and encroachment into the protected zone of several trees. The applicant proposes to remove four (4) on-site oak trees, (total diameter: 14") for the grading and three (3) off-site oak trees (total diameter inches: 63") to accommodate for the required road improvements. The

applicant will be encroaching in the protected zone of nine (9) on-site oak trees, which is allowed without mitigation, and two (2) off-site oak trees for road improvement purposes, which is subject to mitigation. The heritage oak tree, Oak Tree #100, will not be encroached upon.

The applicant would be required by the Zoning Ordinance to replant at least 32 oak trees with a specified caliper size plus additional trees for a total of 104 inches of tree diameter as a result of the loss and the encroachment of the on and off-site oak trees. However the applicant is only able to plant approximately 71 inches of oak trees caliper because of a lack of available planting space on the parcel and therefore is subject to payment of an in-lieu fee of \$39,397 for the difference. The quantity of trees is determined by a replacement ratio established by the Oak Tree Preservation Guidelines of the Zoning Ordinance in addition to the cumulative caliper dimensions of the removed trees.

#### Landscaping Review

The project is required to provide landscaping for at least 20% of the total site and 15% of the parking area with at least 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 proposing 31% landscaping for the overall site and 20% for the parking area alone

Furthermore, the project is located in the Freeway Corridor Design Overlay District which has special landscape requirements. These include additional landscaping, berming or wall parallel to the Freeway right-of-way. In this case, the finished grade elevation is lower than the freeway traveling lanes and, as such, the use of a wall or berming would not accomplish the necessary screening. Instead, the applicant is proposing a row of trees which would provide a softer landscape buffer from the freeway and would be consistent with the treatment on other parcels in the corridor. The Freeway Corridor Overlay District also requires that findings be made in addition to the underlying zone requirements. These findings pertain to building setbacks from the freeway corridor (a minimum of 2 feet of setback for every 1 foot of building height), to compatibility with the city's low intensity development style, the protection of vistas, the properly landscaped parking lots, and the protection of open space, oak woodlands or riparian habitats. The project complies with the Freeway Corridor Overlay District requirements and findings are incorporated into the draft resolution.

The submitted Landscape Plans have incorporated a high level of native trees and plants such as California Black Walnut trees, California Sycamore trees and various types of Oak trees. The landscaped buffer zones along the front (south) and rear (north) yards are substantial. Landscaped planters are provided all around the building and throughout the parking lot area. The City Landscape consultant has reviewed the project and finds the landscaping coverage and planting palette to be in compliance with the Zoning Ordinance. Findings are incorporated in the Draft Resolution attached to his report.

### Engineering Review

The project will generate an estimated cut of 15,755 cubic yards of soil, 3,481 cubic yards of fill and will export an estimated 4,038 cubic yards of soil from the site as a result of raising the pad and softening the slopes in order to avoid retaining walls. These grading quantities are less than the previously approved application for the site. The existing topographical map indicates varying topographic elevations from 877 feet above sea level at Agoura Road, to 885 feet on the freeway travel lanes, with elevations of 856 feet to 865 feet throughout the parcel. The building pad elevations are proposed to be at an elevation of 871 and 872 feet which is approximately 14 feet on average below the freeway right-of-way. Based on a 35 feet building height, 21 feet of the building facades would be above the freeway elevation. The closest buildings are located 70 feet from the freeway right-of-way and 115 feet from the nearest southbound lane. Three floors are accommodated within 35 feet by partially sinking the first floor below the adjacent finished grade.

The grading will require construction of two, 6-foot high by 470 to 550-foot long retaining walls along the eastern and western property lines, and a deepened curb around the Heritage Oak, and another curb at the southwest corner of the property. The eastern wall will have a 42-inch rail atop for safety purposes, due to a change in topography between the two lots. No grading is permitted in the Caltrans right-of-way, which is immediately behind the rear property fence line. Prior to issuance of a Grading Permit or a Building Permit, the applicant would be required to obtain final clearance from the City's Geotechnical Consultant and the Public Works Department. The City Geotechnical Consultant has reviewed the geotechnical report, prepared by Gorian and Associates and all subsequent supplemental information, for this project and recommends approval for its planning/feasibility review stage.

The off-site improvements require the widening of Agoura Road resulting in the removal of 4,921 cubic yards of cut soil from a knoll on the south side of the road in an existing roadway easement. The cut will occur along 440 feet of road frontage. As a result, the slope will be redesigned at a 1.5:1 gradient. The finished road widening will include realigned travel lanes, bike lane, and two raised medians. The apron to the Gateway Foursquare Church parking lot driveway on the south side of Agoura Road would also be regraded.

The parcel is encumbered with a storm drain easement owned by the Los Angeles County Flood Control District which runs east-west in the front yard area of the lot. No building is allowed on top of the easement thus requiring that the buildings be placed closer to the freeway than Agoura Road. As part of the grading, the storm drain will require reinforcement. The storm drain is a result of the encapsulation of the Lindero Creek during the construction of the freeway right-of-way. An exposed outlet exists at the southwest corner of the parcel which will be required to be modified as well per the Los Angeles County Flood Control District. The applicant is required to apply for a permit with the Flood Control District post Planning Commission review and approval. In the event that the agency's approval requires modifications of the Site Plan layout, the project will require additional review and approval by the City.

### Parking

The project proposes 336 parking spaces whereas 335 parking spaces are required; 8 of these spaces will have to be designated as handicap spaces. The parking lot is designed to accommodate sufficient parking for a general office use only but not for medical office. The site will be accessible from Agoura Road and from the adjacent lot to the west through a secondary driveway. In order to preserve enough open space, the applicant is building one 18,000 square foot underground level to accommodate 49 spaces with 56 spaces on the top along the east driveway where the access will be located. The remaining 231 spaces would be at grade spread out throughout the parcel. The parking structure would be partially exposed on the north side, near Building E. The Parking Ordinance also requires parking for alternative forms of transportation such as bicycling. For every 25 parking spaces, a commercial project must provide 1 bicycle rack space. The applicant is required to provide 13 bicycle rack spaces, at a minimum, to accommodate the bicycles. The location is indicated on the landscape plan at the northwest and northeast corners of the lot.

### Street Improvements

All the street improvements that are required for this project were required for the previous project at the exception of minor changes to the raised medians. As part of the development, the Public Works Department has required the widening of Agoura Road. The General Plan identifies this portion of Agoura Road with an optimum width of 100 feet of right-of-way improvements for four lanes of traffic. The current road width is 45 feet. As such, the Public Works Department has requested that an interim road widening be undertaken by the project applicant as a condition of approval. The Public Works Department is requesting the submittal of street improvements plans that reflect an acceptable level of road improvement for Agoura Road to sustain current traffic conditions. These improvements consist of realigning the south side of Agoura Road to accommodate 2 westbound lanes and a leastbound lane of 12 feet in width with a 5-foot wide bike lane on the north and south side of the road. Sidewalks, curb and gutter already exist on the north side. Curb and gutter alone will be required on the south side of Agoura Road. The finished roadway width will be 75 feet, curb to curb. In order to widen the road, the applicant will be grading into an existing City right-of-way easement. A man-made slope that is 440 lineal feet will be recut at a gradient of 1.5:1. According to the Public Works Department and the City Geotechnical Consultant, the 1.5:1 cut is feasible without the use of retaining walls and the department both find it acceptable.

Existing utilities are located in the right-of-way including underground water lines, reclaimed water lines, natural gas and power lines. These conduits will not be required to be updated or modified. In addition, a sewer line is located along the east property line and connecting the sewer systems located north of the freeway and south the freeway.

### Vesting Tentative Tract Map and Variance

The applicant has applied for a Vesting Tentative Tract Map to create a map for subdivision of the property which would allow the sale of each individual building and office spaces in each



building. The applicant desires to create an individual parcel for each building, approximately the size of the building footprint. The City Engineer has reviewed the Vesting Tentative Tract Map and supports the request, with conditions. Since the proposed lots essentially cover the footprint of the buildings, a Variance is needed from the required minimum lot dimensions, landscaping, parking, building coverage, and yard areas, required of the BP-M-FC zone; staff's analysis of each required finding is as follows:

A. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, in which the strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. In order for the required lot size, width and depth to be met, the site plan would need to remain as it is currently and individual ownership could not occur. The constraint is the lot is the footprint of the building. Thus, the development standards technically can't be met if the subdivision is to be approved. The total site, based on exterior lot lines, meets all development standards established by the Zoning Ordinance for the general office development.

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. The development standards of the entire project are being met for the entire site. The proposed subdivision is compliant with the Subdivision Map Act. Similar subdivisions have been granted by the Planning Commission and there will be not physical change to the property if the subdivision is approved. The primary reason the applicant is seeking approval of smaller size lots equal to the size of the building footprint is for marketing and industry demands. The entire development itself functions as a unit in that all of the five buildings are designed similarly by having common architectural design themes. The parking and landscaping are designed to be utilized in common thereby not granting special privilege to any one tenant. All the parking spaces and landscape amenities were designed to be utilized and enjoyed by all.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The subdivision which is allowed per the Subdivision Map Act, results in lot sizes that do not allow for the provision of the required development standards. However, the developments standards, including parking, will be met for the entire project.

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. The professional office uses on the site are allowed in the BP-M zone. The buildings will be constructed per City Building Code and grading standards. The building heights and locations allow for required public access and will not block views of adjoining properties and for these reasons, the Variance will not be detrimental to the public health, safety and welfare.

E. The granting of the Variance will be consistent with the character of the surrounding area. All the buildings share the parking as well as access to the site, therefore functioning as one unified development site similarly to adjacent sites and development in the BP-M zone. The building design and choice of materials and colors will be compatible with surrounding commercial office developments and was found to be complying with the Architectural Design Standards and Guidelines. Similar variances have been granted in the past for office project with subdivision involving the creation of new interior lot lines for each building.

**Environmental Review/Mitigated Negative Declaration**

A Mitigated Negative Declaration and Mitigation Monitoring Plan were prepared for the previously approved project (Case Nos. 05-SPR-010 and 05-OTP-010); an Addendum to the Mitigated Negative Declaration was prepared by Rincon Consultants for this current project. The Addendum was deemed to be the appropriate CEQA document given that the increase in square footage from the previous project is only 6,700 square feet. The addendum finds that the changes to the project would not cause significant impacts on the environment. CEQA does not require an MND Addendum to be circulated for public comments. The original conditions attached to the Resolution and Conditions of Approval still apply.

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

Issue Area	Impact	Mitigation
<i>Aesthetics</i>	View Alteration	Construction Screening
		Landscaping of off-site improvements
		Contour grading of cut slope on Agoura Road
<i>Biological Resources</i>	Potential distance to nesting birds	Survey for nests prior to construction and avoid work until nests have vacated
	Loss of wetlands and riparian area	In-lieu fees
	Loss of 2 on-site and 4 off-site oak trees	Stake limits of work area; mitigate at 4:1 for on-site removed trees and in-lieu fee for off-site removed trees

<i>Cultural Resources</i>	Unexpected discovery of archaeological or paleontological resources or human remains	Monitor construction if discovery of a resource. Work to cease and the appropriate officials contacted and find assessed; mitigation work as necessary
<i>Hydrology/Water Quality</i>	Reduced water absorption rate due to development	Drainage plan and study to be approved by the City Engineering Department
<i>Noise</i>	Interior working conditions due to proximity to the freeway traffic	Install windows with minimum Standard Transmission Class of 33
	Construction noise	Limited work hours from 7:00 am to 7:00 pm.
<i>Air Quality</i>	Construction equipment pollution and dirt	Standard dust control measures during construction
<i>Geology and Soils</i>	Soil expansion, inadequate soils in some areas	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
<i>Transportation/Traffic</i>	Traffic level increased	Widen west side of Kanan Road and south side of Agoura Road

If the Planning Commission's decision is to approve the application, it must adopt the Addendum to the originally approved Mitigated Negative Declaration.

## V. RECOMMENDATION

Based on the foregoing analysis, staff recommends approval of the project. Attached for the Planning Commission's review and approval, are draft resolution and conditions of approval for Site Plan/Architectural Review Case No. 08-SPR-011, Oak Tree Permit No. 08-OTP-021, VTTM No. 70707, Sign Permit Case No. 08-SP-036 and Variance Case No. 09-VAR-003.

## VI. ATTACHMENTS

- Draft Resolutions and Conditions of Approval for the SPR/OTP, SP, VTTM & VAR
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Reduced Photocopies of the Plans

- Exhibit C: Color Renderings and Photo-Simulation
- Exhibit D: Photograph of the Site and of the Color and Material Board
- Exhibit E: Mitigated Negative Declaration , Addendum and Mitigation Monitoring Program

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

DRAFT RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF  
SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 08-SPR-011 AND  
OAK TREE PERMIT CASE NO. 08-OTP-021

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

Section I. An application was duly filed by Agoura Landmark, LLC with respect to the real property located at 29621 Agoura Road (Assessor's Parcel No. 2061-003-027), requesting an approval of a Site Plan/Architectural Review to allow the development of five two and three story, office buildings for a total of 100,634 square feet as well as the approval of an Oak Tree Permit to encroach upon the protected zone of 11 oak trees and to remove 7 oak trees for the proposed development. A public hearing was duly held on November 19, 2009 at 6:30 p.m. in the City Hall Council Chambers, City of Agoura Hills, 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 Sections 9677.5 and 9677.G 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 this article and the purpose of the land use district in which the use is located. The property designation allows for development of an office building use and the development as a whole complies with the development standards of the BP-M-FC zone.

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. Agoura Road will be widened to accommodate additional traffic and access to the site. The placement and design of the buildings would preserve the light, air, privacy to the adjacent parcels. On site access to adjacent sites will be preserved and improved. The project layout will improve desirability of the corridor.

C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and open space in the surrounding areas. The proposed office use is allowed within the Business-Park/-Manufacturing-Freeway Corridor zone and compatible with the surrounding properties. The building locations, design, materials including the use of stone veneer, wood outrigger, and entry covers and earth tone stucco colors are used on several office buildings along the freeway corridor and are compliant with the Architectural Design Standards and Guidelines.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance except for approved variances or modifications. Outside of the subdivision, the overall project complies with the development standards of the zone including parking, landscaping, building setback and coverage, access, and walls. The project layout contributes to a higher quality development landscaping which provides an improved outdoor experience. The heritage oak tree is preserved and all the buildings enjoy the courtyard open space area. The variances are required to satisfy the legal subdivision of the parcel.

E. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed office building is a permitted use as prescribed in the General Plan Land Use Element. Furthermore, the project facilitates the development of office centers within the freeway corridor to provide employment, as called for per Policy 1.2 of the Land Use Element. The project meets the Freeway Corridor Overlay zone requirements for the development and the use.

F. The distance from other similar and like uses is sufficient to maintain the diversity of the community, because the proposed office use is in proximity to an office use, a public building and across a church and the animal shelter. The Gateway Foursquare Church is located directly across the street from the project as well as open space zoned parcels. The site is zoned for office commercial type uses and the buildings can accommodate a multitude of uses. The office type use is an appropriate land use within the freeway corridor and provides a buffer between the freeway and the open space parcels.

G. The heritage oak tree will be preserved as the focus of the development and will be enjoyed by its occupants. The removal and encroachment of other less mature oak trees are required for the street improvement and grading of the site specifically along the property lines where walls must be erected. The development has been conditioned to provide replacement specimens into the Landscape Plan and to provide an in-lieu fee thus helping to mitigate the loss of oak canopy and ensuring the continued preservation of on-site and off-site biological habitat.

H. Per the Freeway Corridor Overlay District, the project will preserve the low intensity development style of the corridor because of the campus like design. The buildings will be as equally tall as existing buildings along the corridor and will not block Ladyface Mountain ridge line. The relatively flat lot does not offer any natural topographic features to be incorporated in the site layout other than an oak tree and the buildings were placed around the tree to preserve it as a landmark. The style of architecture will incorporate natural tones and a balance of glass, wood and stucco and the roof lines will help the building blend in with the background.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared an addendum to the approved Mitigated Negative Declaration for this project. Based upon the findings, public comments and the record before the Planning Commission, the Planning Commission finds that the addendum to the Mitigated Negative Declaration does not worsen the 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 addendum in considering the application and finds that the addendum was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the addendum to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Site Plan/Architectural Review Case No. 08-SPR-011 and Oak Tree Permit Case No. 08-OTP-021, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 19<sup>th</sup> day of November, 2009, by the following vote to wit:

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

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John O'Meara, Chairperson

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Mike Kamino, Secretary

**CONDITIONS OF APPROVAL**  
**(CASE NOS. 08-SPR-011 & 08-OTP-021)**

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 the Planning Commission approval, 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 labeled exhibits reviewed and approved by the Planning Commission on November 19, 2009 Site Plan; Elevation Plans; Floor Plan; Roof Plan; Grading Plan; and Landscape 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 failed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific Zoning 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 new 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. 08-SPR-011 and Case No. 08-OTP-021 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.



## Conditions of Approval

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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 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.
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.

#### ENVIRONMENTAL REQUIREMENTS

30. The applicant shall comply with each mitigation measure listed in the Final Addendum to the Mitigated Negative Declaration and outlined in the Mitigation Monitoring Program for the project approved on May 21, 2006 and the Addendum approved on November 19, 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 Addendum to 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.

#### ENGINEERING CONDITIONS

##### 33. PRIOR TO FINAL MAP RECORDATION

- 1.1 Acquire and dedicate the following right-of-way and easement in locations listed below:

Variable area of slope easement on south side of Agoura Road along Gateway Church (APN-2061-033-013 and small area of right of way and slope easement from APN 2061-033-016 to widen Agoura Road to accommodate two westbound and one eastbound lanes of traffic, landscaped and irrigated median islands, left turn pockets and 8' wide class II bike lanes, subject to review and approval of the City Traffic Engineer, City Engineer and Director of Community Development.

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

Easement to City, Los Angeles County Flood Control District, Las Vergenes Municipal Water District, Southern California Edison Company, and Los Angeles County Public Works to maintain flood channel areas,

water and sewer appurtenances, and power lines.

- 1.3 Provide and record a reciprocal use agreement to the parcel located on west side to assure common ingress and egress and joint maintenance of all common access, parking areas and drives.
- 1.4 Provide a copy of proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer and the Director of Planning and Community Development for review and approval of the City Attorney. These CC& R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- 1.5 Provide a preliminary title report not older than 30 days.
- 1.6 Other Conditions: Provide adequate security fencing at or near the property line between the applicant's property and existing improvements on both sides of the property. The height, location and type of fencing shall be reviewed by and approved by the City and the concerned property owner.

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

1. General

- 2.01 Record Parcel/Tract No. 70707 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 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.
- 2.03 Provide a copy of the proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer for review and approval of the City Attorney. These CC&Rs 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.
- 2.04 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](http://www.ci.agoura-hills.ca.us).

- 2.03 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.
- 2.04 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.
- 2.05 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.
- 2.06 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.
- 2.07 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.
- 2.08 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.
- 2.09 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:
  1. Las Virgenes Municipal Water District
  2. Los Angeles County Flood Control District (LACFCD)
- 2.10 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.

- 2.11 Other Conditions: Existing drainage box has open top for about 30 to 35 feet long cordoned by a fence. The applicant's engineer shall design a seal-tight traffic rated lid and get it approved by the Los Angeles County Flood Control District and the City Engineer.

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	AGOURA ROAD
Curb & Gutter	<input checked="" type="checkbox"/> New; along south side plus transitions <input checked="" type="checkbox"/> Replace Damaged <input type="checkbox"/> Remove existing & Relocate
AC Pavement	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen along southerly frontage, incl. pavement transitions
PCC Drive Approach	<input checked="" type="checkbox"/> New – Construct one driveway for Gateway Church entrance. <input type="checkbox"/> Replacement
Sidewalk	<input type="checkbox"/> New <input checked="" type="checkbox"/> Replacement – as shown on approved plan
ADA Access Ramp	<input checked="" type="checkbox"/> New – two at the main driveway entrance <input type="checkbox"/> Replacement
Parkway	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Median	<input type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation) <input checked="" type="checkbox"/> Hard Landscaping – at narrow sections of the median
Street Lights	<input type="checkbox"/> New <input type="checkbox"/> Relocation
Sewer Service (See sec. 2C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
All water appurtenances are per LVMWD standards (see	<input checked="" type="checkbox"/> Yes

Section 2D)	
Improvement Item	AGOURA ROAD
Storm Drain (See sec. 2E)	<input type="checkbox"/> Main <input type="checkbox"/> Catch Basin
Traffic Signing and Striping (See sec. 2G)	<input checked="" type="checkbox"/> New – as approved by the Traffic and City Engineer <input type="checkbox"/> Modification
Bus Stop and/or Turn-out (See Sec. 2G)	<input type="checkbox"/> New <input type="checkbox"/> Modification
Underground Overhead Utilities	<input type="checkbox"/> Yes
Equestrian Trail Construct	<input type="checkbox"/> Trail Only <input type="checkbox"/> Trail & Fence
Removal of	Fence around open section of the flood control channel.
Other req'd improvements	

SPECIFIC NOTES FOR IMPROVEMENTS LISTED IN ITEM 2.20. Toe of cut slope along southerly frontage shall be kept at least 3' away behind the back of new curb which will have 16" wide level bench flush with top of curb and 10" deep drainage swale with 2:1 slope on road side. Cut slope may be kept at 1.5:1 provided Geotechnical Engineer can furnish slope stability recommendation.

2.21 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.

2.22 Provide a preliminary title report not older than 30 days.

C. Sewer

2.30 Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.

D. Water

2.40 All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and

City.

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:

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

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



waters.

- 2.62 All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit For Storm Water Discharges Associated With Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.
- 2.63 SWPPP Plan – All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: [www.cabmphandbooks.com](http://www.cabmphandbooks.com) and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

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

- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
- b. 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;
- c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
- d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes and covering erosion susceptible slopes.

G. Traffic/Transportation

- 2.70 Other Conditions: A prevailing Transportation Impact Fee is due prior to issuance of a Building Permit.

35. 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.

OAK TREE/LANDSCAPE CONDITIONS

Oak Trees (On-site)

36. The applicant is permitted to remove the following four (4) oak trees: Oak Trees Number 59, 60, 61, and 85 to construct the proposed project. The total number of diameter inches to be removed on-site is fourteen inches (14").
37. The applicant is permitted to encroach within the protected zone of the following oak trees: Oak Trees Numbers 58, 62, 63, 64, 77, 78, 83, 84, and 86 to construct the proposed project as set forth in the above Oak Tree Survey.

38. No activities are permitted within the protected zone of the remaining five (5) oak trees. They are to be preserved in place.
39. To mitigate the loss of Oak Trees Number 59, 60, 61, and 85 the landscape plan shall include fourteen inches (14") of diameter of oak trees. The applicant shall plant at least sixteen (16) oak trees within the site, to include the following twelve (12) trees:
  - a. Eight (8) twenty-four inch (24") box-size oak trees
  - b. Four (4) thirty-six inch (36") box-size oak trees

Oak Trees (Off-site)

40. The applicant is permitted to remove Trees Number 6, 7, and 133 and to encroach upon Trees Number 134 and 135 to accommodate road improvements on the south side of Agoura Road as required for this project. No activities are permitted within the protected zone of the remaining four (4) off-site oak trees. They are to be preserved in place with no impacts. The total number of diameter inches to be removed off-site is sixty-three inches (63") with an additional twenty-seven inches (27") of significant encroachment.
41. To mitigate the loss of the three (3) oak trees listed above and significant encroachment into the protected zone of one (1) oak tree, the landscape plan shall include ninety inches (90") of diameter of new oak trees within the landscape. The applicant shall plant at least sixteen (16) oak trees within the site, to include the following twelve (12) trees:
  - a. Eight (8) twenty-four inch (24") box-size oak trees
  - b. Four (4) thirty-six inch (36") box-size oak trees

Oak Trees General

42. The proposed landscape plan may not accommodate the number of oak trees required for mitigation. Therefore it may be appropriate to consider an in-lieu fee for at least a portion of the mitigation.
43. The thirty-four (34) oak trees proposed for planting on the applicant's Planting Plan total seventy-one inches (71") of diameter of oak trees. If the site will not accommodate additional trees the applicant shall pay a fee in the amount of \$39,397.00 (as calculated on the attached tables) into the City Oak Tree Mitigation Fund to mitigate for the remaining thirty-three inches (33"), or thirty-two percent (32%) of the one-hundred-four inches (104") of diameter of removals and significant encroachment per item numbers 1 and 5 above.
44. Tree spacing on the applicant's Planting Plan must be adjusted to allow for optimum canopy development of each tree species. Since once this adjustment has been made it may not be possible to accommodate all of the oak trees depicted on the current Planting Plan it may be necessary to revise the in-lieu fee to mitigate for an

additional portion of the total of one-hundred-four inches (104") of removals and significant encroachment.

45. The encroachment upon Tree Number 134 is likely to be significant, but the possibility exists that the tree can remain in place for some additional years. Mitigation for this tree is therefore included in the fee to be paid into the City Oak Tree Mitigation Fund. During final field staking the City Landscape and Oak Tree Consultant will inspect the encroachment and determine whether or not the mitigation fee amount for this tree can be reduced or eliminated.
46. Construction within the protected zone of Oak Trees Number 83 and 84 shall be limited to pervious paving subject to the review and approval of the City Oak Tree Consultant. Tree 84 may require pruning to allow for vehicular clearance within the dripline. All pruning shall be subject to the review and approval of the City Oak Tree Consultant.
47. All non-native plants shall be removed, by hand, from within the protected zone of Oak Tree Number 100.
48. The tag number, canopy and protected zones of all oak trees, including those located south of Agoura Road, shall be depicted consistently on all project plans and maps.
49. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.
50. The mitigation oak trees shall be maintained in perpetuity. Should any of the mitigation oak trees decline or die, they shall be replaced in accordance with the provisions of the Oak Tree Preservation and Protection Guidelines.
51. Prior to the start of any work or mobilization at the site, each oak tree to be preserved shall be fenced at the edge of the protected zone or at the approved work limits, in accordance with Article IX, Appendix A, Section V.C.1.1. The City Oak Tree Consultant shall approve the fencing locations.
52. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start approved work within the protected zone of an oak tree.
53. All approved work within the protected zone of an oak tree shall be performed with hand tools under the direct observation of the applicant's oak tree consultant.
54. No grading, scarifying or other soil disturbance shall be permitted within the portion of the protected zone of any oak tree not directly impacted by the project construction.
55. No vehicles, equipment, materials, spoils or other items shall be used or placed within the protected zone of any oak tree at any time, except as specifically required to complete the approved work.

## Conditions of Approval

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56. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
57. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
58. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.

### Landscape

59. The landscape plan shall substantially conform to the plan prepared by Jordan, Gilbert & Bain Landscape Architects, Inc. dated August 21, 2008, revised January 20, 2009.
60. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements, subject to the revisions by the City Landscape Consultant and approval by the Director of Planning and Community Development:
  - A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - All plans shall be legible and clearly drawn.
  - 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.
  - 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.
  - A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
  - The project identification number shall be shown on each sheet.
  - The plans shall accurately and clearly depict the following existing and proposed features:
    - Landscape trees, shrubs, ground cover and any other landscaping materials
    - Property lines

- Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
  - Buildings and structures
  - Parking areas, including lighting, striping and wheel stops
  - General contour lines
  - Grading areas, including tops and toes of slopes
  - Utilities, including street lighting and fire hydrants
  - Natural features, including watercourses, rock outcroppings
  - The Planting Plan shall indicate the botanical name and size of each plant.
61. Plant symbols shall depict the size of the plants at maturity. Tree spacing specifically shall be adjusted to allow for optimum canopy development of each tree species.
62. The final plans shall not include any palm species.
63. Proposed plant material may not be considered invasive in the Santa Monica Mountains. Lists of exotic material can be obtained from the California Native Plant Society and/or the California Exotic Pest Plant Council.
64. The applicant shall permanently eradicate any *Ailanthus altissima* (Tree of Heaven) and *Ricinus communis* (Castor Bean) from the site and the right-of-way. The landscape plans must specify the method of eradication of these plants.
65. The applicant shall permanently eradicate the existing *Schinus molle* (California Pepper Trees) and *Nerium oleander* (Oleander) where they hinder development of the existing oaks as recommended by the Oak Tree Report prepared by Envicom Corporation, dated February 5, 2009. The applicant shall utilize the services of a qualified pest control advisor/applicator to ensure that any herbicides used to eliminate stumps will not harm oaks.
66. A minimum of twenty-foot (20') wide landscaped planters shall be provided adjacent to Agoura Road and adjacent to the freeway.
67. Decorative undulating landscape mounding shall be provided in the planter along Agoura Road in accordance with Article IX, Section 9373.7 – Required Landscaping, to the satisfaction of the City Landscape Architect.
68. All finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) stalls apart.
69. The Landscape Plans include a detail for rooftop planters at the upper level of the proposed parking lot that continue down to the lower level of the lot. This detail

does not appear to have been integrated into the Grading Plan. The final grading plan shall reflect that the rooftop planters go all the way to the ground.

70. The tree planting detail for the roof planters shall be revised to eliminate the potential drainage problem caused by textural stratification of soil.
71. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
72. The landscape plan shall include two (2) twenty-four inch (24") box size *Quercus agrifolia* (Coast Live Oak) to replace two missing street trees along Agoura Road. The landscape plan shall also include one (1) twenty-four inch (24") box size *Q. agrifolia* to replace Oak Tree Number 82, a street tree of poor health and vigor. These three (3) trees are in addition to any oak trees required for mitigation purposes due to removal of oak trees.
73. In addition to any oak trees required for mitigation purposes, the landscape plan shall include one (1) twenty-four inch (24") box size oak tree per fifteen thousand (15,000) gross square feet of building area. According to the plans provided, seven (7) such trees will be required.
74. 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.
75. Proposed light standard locations shall be depicted on the planting plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Consultant.
76. The landscape plan must be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.
77. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
78. 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.

79. 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
80. 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.
81. 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
82. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
83. A minimum of twenty percent (20%) of the total lot shall be landscaped.
84. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
85. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including driveways and aisles, shall be covered by tree canopies within fifteen (15) years after installation. The applicant has not demonstrated that this condition has been met but will work with staff to ensure the proposed design meets the highest percentage of canopy coverage that can be achieved.
86. In accordance with the Freeway Corridor Overlay District, the final plant palette and arrangement along the outer borders of the project shall utilize naturalistic and native landscaping, particularly native oaks. The landscape plan shall include call-outs to ensure this requirement has been met using the proposed palette which is generally acceptable.
87. All plant material must be considered compatible with Sunset Zone 18.



88. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
89. 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.
90. Any new perimeter walls shall be decorative with a height of six feet (6'), subject to review and approval by the City Landscape Consultant and the Director.

BUILDING AND SAFETY CONDITIONS

91. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures shall meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in the Agoura Hills Municipal Code.
92. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans including, Structural, Floor, Mechanical, Electrical, Plumbing, Energy and Accessibility plans needs to be submitted to Building and Safety Department for plan review and approval.
93. All routes of travel from a building shall be accessible (California Building Code Section 1114B).
94. The applicant shall provide location of the elevator on the site plan for compliance with all accessibility requirements.
95. Pursuant to Section 903.2 of Chapter 2 of the Agoura Hills Municipal Code (AHMC), these structures are required to be fire sprinklered.
96. This project must meet all requirements for the fuel modification plan Per Section 704A.6 of Chapter 2 of AHMC.
97. An accessible path of travel must be provided from public right-of-way to the main entrance of the building on site.
98. The applicant shall provide number and the location of all accessible and van accessible parking stalls in the project on plan.
99. 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.
100. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans, including Structural and Energy calculations, need to be

submitted to Building and Safety Department to be reviewed for compliance with the latest adopted codes.

101. 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.
102. Dual pane windows shall be utilized, as required for Fire Zone 4 compliance.
103. Projects shall demonstrate the use of Class-A roofing material.
104. The final site plan and construction plan shall show location of A/C condensing units or other HVAC equipment located on or around structure.
105. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

#### SPECIAL CONDITIONS

106. In the event that a property boundary wall is used, it shall consist of a decorative fencing, such as wrought iron, subject to review and approval by the Director of Planning and Community Development.
107. All retaining, screen and garden walls be decorative and shall not exceed a maximum height of six feet, subject to review and approval by the Director of Planning and Community Development.
108. 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.
109. Pursuant to Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit an arts plan for the building which meets the requirements set forth by the City Council, for review and approval by the Director of Planning and Community Development. Prior to the issuance of occupancy for the building, the art shall be constructed and thereafter displayed for view by the public in a location approved by the Director of Planning and Community Development. If the approved art display is not maintained in good condition, or is altered without the permission of the Director of Planning and Community Development so that the improvements no longer conform to the approved arts plan, the certificate of occupancy may be revoked and the owner of the property on which the improvement is located shall be deemed to have committed a misdemeanor.

110. All transformers shall be screened from view. A plan showing this shall be reviewed and approved by the Director of Planning and Community Development.
111. The applicant shall comply with the project recommendations of the City Geotechnical Consultant and the City Geological Consultant prior to submittal of plans for plan check with the Building and Safety Department.
112. 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.
113. All parking stalls shall meet the standard size requirement established in the Parking Ordinance.
114. All mitigation measures listed in the attached Mitigation Monitoring and Reporting Program shall be considered Conditions of Approval for this project.
115. Pursuant to the City's Transportation Demand Management Ordinance (Code Section 9654.4), the applicant shall show on development plans and shall provide, to the satisfaction of the City, a bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the display shall include, but is not limited to the following:
  - Current maps, routes and schedules for public transit serving the site;
  - Telephone numbers for referrals on transportation information including telephone numbers for the regional ridesharing agency and local transit operators;
  - Ridesharing promotional material supplied by commuter-oriented organizations;
  - Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information; and
  - A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
116. 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. The location of the fence shall be subject to approval by the City Engineering Department. Temporary construction fencing and gates shall be maintained in good order at all times.
117. The applicant shall indicate on the grading plan and construction plans the location of the existing sewer line located underground along the eastern property line and the

requirement for contacting or notifying the Las Virgenes Municipal Water District (LVMWD) of construction scheduling prior to commencement of the work.

118. The applicant shall incorporate strict water conservation measures such as use of ultra low flow toilets and showers, hot water circulating systems, and other measures promoting water conservation and use of recycled water as recommended by the LVMWD.
119. The applicant shall demonstrate proof of payment of all potable water and sewer capacity charges to the LVMWD prior to issuance of a Building Permit.
120. The lighting designed to illuminate Oak Tree #100 shall be placed on a timer and turned off no later than 11:30 p.m. each evening.
121. A minimum of three hundred and thirty six (336) parking spaces shall be provided on the subject property. All parking spaces shall be pinstriped, in conformance with the City Parking Ordinance.
122. Bicycle racks to accommodate a minimum of thirteen (13) bicycles shall be provided on the subject property, subject to review and approval by the Director of Planning and Community Development.
123. All proposed trash and recycle materials storage areas must comply with the requirements of Zoning Ordinance Section 9606.5.
124. All roof-top equipment shall be designed to be lower than the parapet walls. A detailed elevation showing the mechanical equipment location and height as it relates to the parapet walls shall be subject to the approval of the Director of Planning and Community Development. The location and dimensions of all proposed rooftop equipment shall be shown on the building plans and approved by the City prior to building permit issuance.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING SIGN PERMIT CASE NO. 08-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 Landmark, LLC with respect to the real property located at 29621 Agoura Road, (Assessor's Parcel No. 2061-003-027) requesting an approval of a Sign Program (Case No. 08-SP-036) for a Business Park. A public hearing was duly held on November 19, 2009 at 6:30 p.m. in the City Hall Council Chambers, City of Agoura Hills, 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 Sections 9655.5.D. and 9655.6.E. of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed sign program, as conditioned, is consistent with the objectives of the Zoning Ordinance regarding the Sign Ordinance and the General Plan. Each individual sign meets the requirements of the Sign Ordinance as well as the overall sign program. 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 Sign Design Guidelines in that the signs on the site are compatible, are discrete in design and style, both wall-mounted and ground-mounted have been designed to have unifying appearance. The contrast is achieved by the use of black letter on a beige background.

C. The Sign Program is legible and 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 correct address. The proposed square footage is in keeping with the building design.

D. The Sign Program is adaptable to future revisions and will not cause depreciation of the subject property or surrounding properties. The cut-out letters transcends signage trends and helps transition between the existing older signs on Agoura Road and the most recently signs facing the Freeway.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared an addendum to the approved Mitigated Negative Declaration for this project. Based upon the findings, public comments and the record before the Planning Commission, the Planning Commission finds that the addendum to the Mitigated Negative Declaration does not worsen the

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 addendum in considering the application and finds that the addendum was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the addendum to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Sign Permit Case No. 08-SP-036, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 19<sup>th</sup> day of November, 2009, by the following vote to wit:

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

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

\_\_\_\_\_  
Mike Kamino, Secretary

**CONDITIONS OF APPROVAL**  
**(Case No. 08-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 Sign Program plans approved by the Planning Commission at the November 19, 2009 public hearing.
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-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. 08-SP-036 is valid only in conjunction with 08-SPR-011, 08-OTP-021, VTPM 70707, and 09-VAR-003 and the approved conditions of approval therein.

SPECIAL CONDITIONS

8. The directional signs shall not exceed 3 feet in height and the monument sign 6 feet in height as measured from average grade.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF VESTING TENTATIVE TRACT MAP NO. 70707

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 Landmark, LLC, with respect to the real property located at 29621 Agoura Road (Assessor's Parcel No. 2061-003-027) requesting a recommendation of approval of a Vesting Tentative Tract Map (Case No. VTPM 7070) to create 5 parcels. A public hearing was duly held on November 19, 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 hearing:

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance and Subdivision Ordinance Section 10414 that:

- A. The proposed Vesting Tentative Tract Map and the public improvements are 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 Tract Map will help raise the rate of small business ownership.
- B. The Vesting Tentative Tract Map provides the highest and best use of the land by creating multiple ownership interests without duplicating site improvements and services. All parcels will benefit from the same improvements. The density will not impact the design of the Tract Map.
- C. The design of the Vesting Tentative Tract 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 Tract Map or type of improvements will not conflict with the existing layout of the streets and access to other properties. The development will not conflict with existing easements including utility and access easements.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared an addendum to the approved Mitigated Negative Declaration for this project.



Based upon the findings, public comments and the record before the Planning Commission, the Planning Commission finds that the addendum to the Mitigated Negative Declaration does not worsen the 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 addendum in considering the application and finds that the addendum was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the addendum to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Vesting Tentative Tract Map No. 70707, subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 19<sup>th</sup> day of November, 2009, by the following vote to wit:

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

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John O'Meara, Chairperson

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Mike Kamino, Secretary

**CONDITIONS OF APPROVAL**  
**(VESTING TENTATIVE TRACT MAP CASE NO. VTTM 70707)**

**STANDARD CONDITIONS**

1. This decision for approval of the Vesting Tentative Tract 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 Tract Map reviewed and approved by the Planning Commission on November 19, 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 Tract Map No. 70707 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 Tract Map.

END

DRAFT RESOLUTION NO. \_\_\_\_  
A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING VARIANCE CASE NO. 09-VAR-003

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 Landmark, L.P. with respect to the real property located at 29621 Agoura Road (Assessor's Parcel No. 2061-003-027), requesting approval of a Variance from (Zoning Ordinance Sections 9383.1, 9383.2, 9383.4, 9383.5, 9383.6, 9383.7 and 9654.6) for development of five (5) two-and-three story, office buildings (Case No. 08-SPR-011 and VTTM 70707). A public hearing was duly held on November 19, 2009 at 6:30 p.m. in the City Hall Council Chambers, City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given as required by law.

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

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance regarding the variance to development standards of lot dimensions, building coverage, landscape coverage, parking, yards, access and walls:

A. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, in which the strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. In order for the project to enjoy ownership of individual buildings, a Tract Map with multiple parcels must be created. Conventional designs require that the parcel become the size of the footprint of the building as such the required lot size, width and depth cannot be met. Although the various parcels are non-conforming, the total site was designed to meet all development standards established by the Zoning Ordinance for the general office development. Existing and future easements will be protected in order for occupants to be guaranteed equal access to on-site amenities.

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. The development standards of the project are being met for the entire site. The proposed subdivision is compliant with the Subdivision Map Act. Similar subdivisions have been granted by the Planning Commission and there will be no physical change to the property if the subdivision is approved. The

subdivision is intended to serve industry demands. The entire development itself functions as a unit in that all of the five buildings are designed similarly by having a common architectural design theme. The parking and landscaping are designed to be utilized in common thereby not granting special privilege to any one tenant. All the parking spaces and landscape amenities were designed to be utilized and enjoyed by all.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The subdivision which is allowed per the Subdivision Map Act, results in lot sizes that do not allow for the provision of the required development standards. No physical boundaries will be created between the buildings so as to not restrict access to the use of the property. However, the developments standards, including parking, will be met for the entire project.

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. The buildings are to be constructed per City Building Code and grading standards. The building heights and locations allow for required public access and will not block views of adjoining properties. The professional office uses on the site are allowed in the BP-M zone.

E. The granting of the Variance will be consistent with the character of the surrounding area. All the buildings share the parking as well as access to the site, therefore functioning as one unified development site similarly to adjacent sites and development in the BP-M zone. The building design and choice of materials and colors will be compatible with surrounding commercial office developments and was found to be complying with the Architectural Design Standards and Guidelines.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared an addendum to the approved Mitigated Negative Declaration for this project. Based upon the findings, public comments and the record before the Planning Commission, the Planning Commission finds that the addendum to the Mitigated Negative Declaration does not worsen the 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 addendum in considering the application and finds that the addendum was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the addendum to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Variance Case No. 09-VAR-003, on the property described in Section 1 hereof, subject to the conditions attached hereto.

PASSED, APPROVED, and ADOPTED this 19<sup>th</sup> day of November 2009, by the following vote to wit:

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

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John O'Meara, Chairperson

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Mike Kamino, Secretary

**CONDITIONS OF APPROVAL**  
**(Case No. 09-VAR-003)**

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 plans.
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. 09-VAR-003 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. 09-VAR-003 is valid only in conjunction with Case Nos. 08-SPR-011, 08-OTP-021, 08-SP-036 and VTTM 70707, and the approved Conditions of approval therein.

END