



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: November 19, 2009

TO: Planning Commission

APPLICANT: Heathcote for Agoura Medical Partners, LLC.
23945 Calabasas Road, Suite 111
Calabasas, CA 91302

CASE NOS.: 07-GPA-002, 07-ZC-002, 07-SPR-015, 09-OTP-019, TPM 70096, &
09-VAR-002.

LOCATION: Northwest Corner of Agoura Road and Chesebro Road (A.P.Ns. 2061-
012-012, 014, 015, 018, & 047-049)

REQUEST: Request for the Planning Commission to provide a recommendation of approval to the City Council regarding a proposed Site Plan/Architectural Review to construct a 40,700 square foot medical building with underground parking; an Oak Tree Permit to encroach in the protected zone of an off-site oak tree for the proposed construction; a Tentative Parcel Map to merge seven (7) parcels into one (1) parcel; a General Plan Amendment to change the land use designation of approximately one acre of the property from Commercial-Retail/Service (CG) to Business Park-Office/Retail (BP-OR); a Zone Change to change the zoning designation of approximately one acre of the property from Commercial Retail/Service-Freeway Corridor-Old Agoura Design Overlay (CRS-FC-OA) to Business Park-Office/Retail-Freeway Corridor-Old Agoura Design Overlay (BP-OR-FC-OA); a Variance from Section 9553.1 to provide a building lot coverage of 58% instead of 50% maximum; and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.

**ENVIRONMENTAL
DETERMINATION:** Mitigated Negative Declaration and Mitigation Monitoring Plan

RECOMMENDATION: Staff recommends that the Planning Commission recommends approval to the City Council of General Plan Amendment Case No. 07-GPA-002, Zone Change Case No. 07-ZC-002, Site Plan/Architectural Review Case No. 07-SPR-015, Tentative Parcel Map No. 70096, Oak Tree Permit Case No. 09-OTP-019, & Variance Case No. 09-VAR-002, subject to Conditions, based on the findings of the draft Resolutions.

ZONING DESIGNATION: BP-OR-FC-OA (Business Park –Office/Retail- Freeway Corridor-Old Agoura Design Overlay District) and CRS-FC-OA (Commercial Retail Services – Freeway Corridor-Old Agoura Design Overlay District)

GENERAL PLAN

DESIGNATION: BP-OR (Business Park – Office/Retail) & CG (Commercial-Retail/Service)

I. BACKGROUND AND PROJECT DESCRIPTION

The applicant, Agoura Medical Partners, LLC, is requesting approval of a Site Plan/Architectural Review to build a 40,700 square-foot, two-story medical office building with underground parking on seven vacant parcels located on the northwest corner of Agoura Road and Chesebro Road. The southerly six parcels of the project are zoned Business Park-Office/Retail-Freeway Corridor Design Overlay/Old Agoura Design Overlay (BP-OR-FC-OA) and the northerly parcel is zoned Commercial/Retail Service/Freeway Corridor Design Overlay/Old Agoura Design Overlay (CRS-FC-OA). The applicant is also seeking a General Plan Amendment and Zone Change to apply the BP-OR land use designation to all the parcels for consistency. The applicant is also requesting approval of a Tentative Parcel Map to merge all the parcels into one. The merger of the parcel will create a 77,179 square foot parcel after all the street improvements are done.

The proposed medical office use is permitted in the BP-OR zone. The following is a summary of the proposed development relative to the applicable Zoning Ordinance development standards:

Pertinent Data for the Proposal:

	<u>Existing</u>	<u>Proposed</u>	<u>Required for BP-OR</u>
1. <u>Lot Area</u>			
Lot 13	44,901 sq.ft.	N/A	
Lot 14	8,293 sq.ft.	N/A	
Lot 15	5,200 sq.ft.	N/A	
Lot 16	5,200 sq.ft.	N/A	
Lot 17	5,200 sq.ft.	N/A	
Lot 18	5,200 sq.ft.	N/A	
Lot 19	5,200 sq.ft.	N/A	
Total	79,194 sqft.	77,179 sq.ft.	20,000 sq.ft.
2. <u>Building Size</u>	N/A	40,700 sq.ft.	N/A
3. <u>Building Height</u>	N/A	35 feet	35 feet max.
4. <u>Lot Coverage</u>			
• Building Footprint	N/A	23.3%	40% max.
• Building Footprint And Parking Footprint	N/A	58%	See above

	<u>Existing</u>	<u>Proposed</u>	<u>Required for BP-OR/OA</u>
5. <u>Landscape Coverage</u>			
• Project	N/A	32.5%	20% min.
6. <u>Building Setbacks</u>			
• Front (South)	N/A	30 feet	20 feet or height of bldg.
• Rear (North)	N/A	142 feet	20 feet or height of bldg.
• Side (East)	N/A	8 feet	70 feet combined
• Side (West)	N/A	42 feet	70 feet combined
7. <u>Parking</u>			
• Surface	N/A	24 spaces	N/A
• - 1 level	N/A	119 spaces	N/A
• - 2 level	N/A	66 spaces	N/A
• Total	N/A	209 spaces	204 min. spaces required
8. <u>Oak Trees to be provided</u>	None	3 trees min.	1 per 15,000 sq.ft. of bldg.

II. STAFF ANALYSIS

The project site is split between two zone classifications, the Business Park-Office/Retail and the Commercial Retail/Service zones. The site is adjacent to parcels zoned Business Park-Office/Retail to the south, east and west. Properties to the east and south of the project site are developed with office uses. All the parcels to the north are zoned Commercial Retail/Service but include a variety of uses commercial and office uses. A single-family tract is at the southeast corner of Agoura Road and Chesebro Road.

The lot topography is concave and thus is not considered a hillside lot for development purposes based on the interpretation by the Planning Commission which excluded infill lots such as those that are not adjacent to public or private open space. The applicant, however, has made extensive effort in designing the project to conform to the existing topography.

The proposed site plan configuration was designed to address the number of parking spaces required for medical office use and the desire to screen the visibility of the parking areas from the public right-of-way. The exposure on two sides of the parcel and the low intensity development surrounding the parcel called for a design that would emphasize the building and deemphasize the parking. As such, the building was designed with two wings, one oriented in an east-west direction and the other one oriented in a north-south direction and tied to a free-standing lobby connected by bridges for second story access. Although the Old Agoura Design Overlay district restricts lot and landscape coverage, it provides discretion to the Planning Commission, on a case-by-case basis to allow varying setback distances between the street and the building in this particular area of Old Agoura. As such, the building was placed as low as 8 feet from Chesebro Road and as low as 30 feet from Agoura Road with a meandering side walk, an equestrian trail and landscaping in between. The applicant has chosen a wider setback on the Agoura Road side to maintain prevailing

setbacks of other properties to the west of the project and has proposed a building pad 5 feet below the street to minimize the impacts of the new mass on the street and adjacent businesses. The applicant has also designed the building with curvilinear facades, sloping roof planes and columns that provide visual interest along Agoura Road. The curvilinear facade provides between 30 and 42 feet of separation between the property line and the structure. The overall separation between the structure and the pavement is between 52 to 65 feet along Agoura Road. A closer building setback of 8 feet over a 35 foot length along the north wing was selected. The area along Agoura Road also consists of separate equestrian trail, meandering side walk and landscaped parkway area which help to enhance public views onto this site.

The setbacks along Chesebro Road range from 8 feet to 22 feet. The streetscape along Chesebro road consists of 3 separate buildings with different facades, height, fenestration, and building textures. The Chesebro Road side is further articulated by a meandering sidewalk, landscaped parkway areas; the proposed setback is consistent with the setback of the existing building further north on Chesebro Road. For these reasons, planning staff supports the proposed building setbacks on Agoura Road and on Chesebro Road.

Walkways around the buildings and lobby are provided for pedestrian circulation from the street to the rear of the building where the main entrances are located. A small number of surface level parking spaces were placed at the same elevation as the building and the remaining parking spaces are proposed in a subterranean garage. Keeping the pedestrian scale of the building as well as well as its relationship to the surrounding topography and the Old Agoura commercial area was strongly considered.

An analysis of the commercial properties surveyed with known square footage of the buildings and the size of the parcels showed 11 constructed office buildings located in the vicinity that varying from 7,800 to 14,000 square feet in size. Lot sizes varied from 15,800 to 187,300 square feet. The ratio between the size of the office space and of the parcel varies from 0.35 to 0.81. In this case, the applicant is requesting a 40,700 square-foot office building on a 77,179 square-foot lot with a ratio of 0.53.

One of the purposes of the City Architectural Design Standards and Guidelines is to preserve the semi-rural character of the community. The architect has addressed these standards through the use of appropriate building forms, colors, materials and detailing through the use of natural materials and natural color tones. The result is a contemporary design with use of stone veneer, heavy timber, metal roofs, curved walls and vertical and horizontal articulation of the building mass. The building will be lower than the topographic elevation of Agoura Road and the glass curtain wall will be screened by the wide overhang of the curved metal roof. The curved walls and roof line softens the impacts of the elevations closest to the streets. The interior elevations provide covered entries for patient drop-off. Staff and the Architectural Review Panel recommended minor changes to the north elevation where the second floor cantilevers over the parking area with respect to the windows shape and size. The applicant made the requested changes and the Panel supported the design of the project to comply with the City Architectural Design Standards and Guidelines. A letter from the Old Agoura Homeowners Association is attached to the report.

No signs are proposed on the building. A monument sign is shown on the site plan near the intersection of Agoura Road and Chesebro Road. The monument sign can be reviewed by the Director of Planning and Community Development.

Lighting

The applicant has selected bell-shaped parking lot luminaries for the project. The lighting and photometric plan must meet the City lighting guidelines including the limitation of no more than one foot candle of illumination at the property lines. The proposed Lighting Plan shows eight (8) single-fixture light poles to be installed on the perimeter of the parking lots and drive aisles with two (2) double-fixture poles. These light poles will not exceed 16 feet in height, including the base. The project also incorporates sixteen (16) pedestrian bollard light fixtures along walking paths and recessed light into the wall of the handicap accessible path. Two types of in-ground lights are used also; one type is used with a single purpose of illuminating the columns of the building and another type illuminating the exterior walls of the lobby. The fixture specifications are attached to the plans for the Commission's review.

Landscaping/Oak Tree Review

The project is required to include at least 10% landscape coverage for the total site, and at least 15% landscape coverage for the parking area, with 50% tree canopy coverage. These measures are intended to enhance the visual appearance of the project, promote public safety, moderate the temperature and reduce noise and glare. The applicant is providing 32.5% landscape coverage for the entire site, in addition to providing shade coverage on the upper level. The underground parking garage will have the effect of providing almost 88% shade coverage for entire parking. Staff reviewed an Oak Tree Report to determine whether an off-site oak tree would sustain any impacts from the grading along the north side of the property. The oak tree, a *Quercus Lobata*, is approximately 28 feet tall and 7 inches in diameter. Conditions have been provided to protect the tree from development impacts and the project is subject to further review when the grading plan is finalized. In the event that the development will cause a decline in the health of the tree, replacement will be required.

Grading/Drainage

The project will generate an estimated cut of 10,591 cubic yards of soil, 2,537 cubic yards of fill, and an estimated 8,055 cubic yards of export soil from the site to prepare the site to accommodate the underground parking. The proposed building pad elevation will be slightly below Agoura Road and Chesebro Road. The existing site elevation varies from 908 feet to 940 feet. As such, the applicant would be using the existing terrain to build the underground parking, instead of building a raised pad to meet the elevation of the street, which could require fill up to 30 feet in height. No retaining walls greater than 6 feet are proposed as a result. The applicant has provided staff with photo simulations of the project to illustrate the pad and building height.

The City Geotechnical Consultant has reviewed the geotechnical report, prepared by Geosoils Consultants and has not recommended the project be approved from a Planning/Feasibility perspective yet. However, the applicant has indicated that he is agreeable to making any changes that are required in the final report approved by the City Geotechnical and Geological Consultant. Conditions of Approval are included to ensure that recommendations contained in the final

Geotechnical/Geological report are incorporated into the project before a Grading Permit is issued. Any significant changes will require further review by the Planning Commission.

The project will not change the direction of the drainage flow delivered to the downstream property. The Hydrology Study submitted by the applicant shows that the amount of flow peak leaving the site will be same with a slight volume increase because of the impervious surface introduced on the site. The overall site run off will be caught at the driveway entrance on Chesebro Road, directed to the landscaped area located at the northeast corner of the property with an emergency relief outlet. Some infiltration will occur and the rest will be directed to the natural course. In the event that ponding is occurring in the landscaped area, the overflow will be directed to Chesebro Road to be disposed in the existing Caltrans-owned storm drain at the bottom of the hill. The flow on Chesebro Road cannot be significant because of the Caltrans requirements and can cause driving hazards to vehicles on Chesebro Road.

Traffic/Circulation/Street Improvements

The City's Traffic Engineer reviewed the proposed project with respect to on-site circulation, access. There are two ingress and egress points proposed. A two-way driveway is proposed at the easterly side of the parcel on Chesebro Road and a two-way driveway is proposed at the southwest corner of the parcel on Agoura Road. Both driveways provide access to the "plaza parking lot" which contains the pedestrian drop-off area. The driveways are located as far away as possible from the intersection for traffic safety reasons.

The required street improvements include adding left-turn pockets on Chesebro going southbound, another one at the intersection of Chesebro and Palo Comado Canyon Drive and one on Agoura Road. The applicant will also have to provide curb and gutter along both sides of the project with meandering sidewalks and an equestrian trail on the north side of Agoura Road. A bike path is also incorporated into the right-of-way design.

The project will generate 101 daily vehicle trips during the morning peak hour and 152 vehicle trips during the evening peak hour. The attached conditions of approval from the Engineering Department address both project specific and cumulative traffic mitigation measures.

Parking

The proposed project includes 209 parking spaces, 8 of which are required to be designated as handicap spaces. A minimum of 204 parking spaces are required by the Zoning Ordinance for the proposed medical office. Out of the 209 parking spaces, 24 (12%) are on the upper level "plaza parking lot", 119 (57%) on the lower level and 66 (31%) on the lowest level.

Tentative Parcel Map

The applicant is requesting a Tentative Parcel Map for the merger of the lots. The ultimate parcel boundary will encompass 7 lots. The merger will bring the final parcel design into conformance with the BP-OR zone requirements for parcel size. The proposed 77,179 square-foot parcel will exceed the BP-OR requirement minimum of 20,000 square foot. Merging the parcels will allow the final parcel to have two street frontages, will facilitate access to the site, and will create a more viable development site. The City Engineer has reviewed the Tentative Parcel Map finding it

compliant with the Subdivision Map Act. The final map requires City Council approval.

General Plan Amendment/Zone Change

In order for this project to be approved, a change in the property land use designations would be required. This process requires a Zone Change and a General Plan Amendment. The northerly parcel is zoned CRS, and CG in the General Plan and the southerly parcels are zoned BP-OR and also designated as BP-OR in the General Plan. The applicant is requesting that all the parcels be merged into one and that parcel be zoned BP-OR. Properties to the east, west and south of the project site are zoned BP-OR. The site has FC (Freeway Corridor) and OA (Old Agoura) design overlay designations. The project is considered in-fill development and therefore should be compatible with surrounding uses.

The Agoura Road/Chesebro Road/Palo Comado Canyon Drive area has evolved over time into a predominantly multi-tenant office area and not a retail area. The subject request completes this development trend. For this reason staff supports the request to have BP-OR designation on the entire site rather than the CRS designation. Staff finds that the BP-OR is an appropriate designation for the parcel for several other reasons including the property topography is more appropriate for the infrastructure of an office development over that of a commercial retail center. Additionally, the office use is a weekday and daytime use which minimize impacts outside of business hours to residential properties nearby. The zone can provide support services to the business community in the vicinity as well as serve the medical needs of the residential community. Combining all seven parcels with same zoning provides more viable development than CRS in the front and BP-OR in the back. The parcel immediately to the north is also occupied by an office building despite the different zoning classification (CRS). Although, the site is being developed with the intent to provide office uses, the BP-OR also allows a variety of uses considered support services such as cafes, copying services, pharmacies, gifts shops and the like that could be approved by right. Overall, the loss of CRS-zoned parcels would be negligible and would minimally affect the City's total commercial land use base.

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

Variance Findings

The site is located in the Old Agoura zone which limits lot coverage to 50%. The applicant is requesting a Variance to increase lot coverage to 58%. This Variance is necessitated primarily because of the proposed underground parking which counts against lot coverage. Staff recommends approval of the Variance based on analysis of the findings below:

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 all the required parking to be provided on site and in the most efficient design and with the least amount of impact, i.e., import or export of soil, the garage was designed to be underground. The envelope of the parking structure would be wider than the

footprint of the building above it. In calculating the *building site coverage*, the wider footprint had to be taken into consideration in the lot coverage calculation since it is considered a structure even though it is below ground. This design results in a more creative design with only 23% building coverage above ground, with pedestrian walkways and landscaping and hidden subterranean parking lot.

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 and the primary reason for the increase in lot coverage is to provide underground parking. Commercial projects in the vicinity have underground parking in order to build office developments. This concave lot lends itself to building below street level rather than at street level and avoids significant import of fill to level the lot to accommodate large surface parking lots or complex retaining wall systems. This is a significant piece of property with three street frontages and irregularly-shaped lots. The topography is also unusual with varying elevations along the streets with an overall concave topography. These existing physical features have lent themselves to a solution calling for the under-grounding of parking. Technically, the underground parking area is considered building coverage which adds to the overall lot coverage even though not contributing to the vertical mass as viewed from the street.

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 project's existing lot subdivision encompasses seven separate parcels, six of which are non-conforming in size. The final design of the parcel, given the topography of the lots, would require a considerable amount of grading and would present physical constraints for the parking layout. The project's design was intended to minimize the visual impact of a large parking lot given the parking requirements for a medical use. As such, the parking lot was designed underground with the envelope of the building below ground resulting in an overall lot coverage of 58% of the parcel size. The office space above ground will be occupying less than 23% of the parcel size.

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 will also be constructed per City Building Code standards and the City Geotechnical Consultant's recommendations. The project offers a compatible design in keeping with the Old Agoura aesthetics values established in the Old Agoura Design District and the City's Architectural Design Standards and Guidelines. The parking structure exposed walls are to be setback from the northern property line to preserve light and air for the existing building built near the property line. The lot coverage increase allows for safe public access to the site.

E. The granting of the Variance will be consistent with the character of the surrounding area. The building floor area to parcel size ratio is within range of surrounding commercial properties and based on visual survey, the coverage averages to the project's coverage. By screening the most of the parking from street views, the project remains compatible with the development style in the area.

Environmental Review/Mitigated Negative Declaration

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

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

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

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

Issue Area	Impact	Mitigation
<i>Air Quality</i>	Potential Impacts of PM-10 Emissions	Prepare a Construction Management Plan to control PM-10 emissions and to control equipment emissions during construction.
<i>Biological Resources</i>	Encroachment in the protected zone of an off-site oak tree.	Applicant to submit a final grading plan. Oak Tree Specialist shall monitor the grading work around the tree.
<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>Geology and Soils</i>	Soil expansion	Comply with all measures in the geotechnical report.

	During construction soil erosion	AQMD Rule 403 and SPPP implementation required.
<i>Noise</i>	Interior Noise	Construct building with rated noise attenuating features.
<i>Transportation/Traffic</i>	Adjacent and Localized Traffic	Street frontage improvements and payment of Transportation Improvement Fund Fees.

The Draft MND was circulated for a 30-day review period, ending on November 9, 2009. The applicant has accepted the proposed mitigation measures which staff finds would reduce the environmental impacts associated with the project to less than significant levels. For these reasons, staff finds the use of a Mitigated Negative Declaration for CEQA processing of this application to be appropriate.

If the Planning Commission approves the application, CEQA requires that the Planning Commission also adopt a "mitigation monitoring program" (MMP) to ensure compliance during project construction and operation.

V. RECOMMENDATION

There are two legislative actions (the General Plan Amendment and Zone Change) associated with the project. The entitlements associated with the project including the Site Plan/Architectural Review, the Oak Tree Permit and the Tentative Parcel Map will be forwarded to the Council for final action concurrent with the General Plan Amendment and Zone Change.

It is recommended that the Planning Commission recommend approval of the General Plan Amendment Case No. 07-GPA-002, and Zone Change Case No. 07-ZC-002 as well as Site Plan/Architectural Review Case No. 07-SPR-015, Vesting Tentative Tract Map No. 70096, Oak Tree Permit Case No. 09-OTP-019 and Variance Case No. 09-VAR-002, subject to conditions of approval.

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

VI. ATTACHMENTS

- Draft Resolution for the General Plan Amendment with Exhibit Page
- Draft Resolution for the Zone Change with Exhibit Page
- Draft Ordinance with Exhibit Page
- Draft Resolution and Conditions of Approval for the Site Plan/Architectural Review & Oak Tree Permit
- Draft Resolution and Conditions of Approval for the Tentative Parcel Map
- Draft Resolution and Conditions of Approval for the Variance
- Exhibit A: Old Agoura Homeowners Association Letter

- Exhibit B: Vicinity/Zoning Map and Square Footage Analysis Map
- Exhibit C: Reduced Photocopies of the Plans
- Exhibit D: Renderings and Photo-simulations
- Exhibit E: Photographs of the Site and Color Copy of the Color and Material Board
- Exhibit F: Mitigated Negative Declaration Report 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 THE CITY COUNCIL APPROVE
GENERAL PLAN AMENDMENT CASE NO. 07-GPA-002

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 Medical Partners, LLC with respect to the real property located at the northwest corner of Agoura Road and Chesebro Road (Assessor's Parcel Nos. 2061-012-012, 014, 015, 018, 047, 048, & 049), shown on Exhibit "A" requesting a recommendation of approval of a General Plan Amendment to change the land use designation from CG (Commercial Retail/Service) to BP-OR (Business Park-Office Retail). A public hearing was duly held on November 19, 2009 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

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

- A. The proposed amendment is needed to ensure consistency between the Zone Change and the General Plan. The Agoura Road/Chesebro Road/Palo Comado Canyon Drive area has evolved over time into a predominantly multi-tenant office area and not a retail area. Applying the BP-OR designation to all the parcels complies with this development trend and the proposed amendment will maintain the internal consistency of the General Plan.
- B. The proposed General Plan Amendment is consistent with the goals of the current General Plan in that the use will expand the medical services base for the community and provide additional development fees. The proposed use will contribute to the employment base and provide services to the community and visitors. The project is considered in-fill development and therefore should be compatible with surrounding uses. The BP-OR land use designation is an appropriate designation for the parcel for reasons of compatibility with other office developments in the area, of manageability of impacts to nearby residential properties and of expansion of business opportunities.
- C. The proposed General Plan Amendment will allow for an increased compatibility of uses with adjacent parcels and to continue promoting the highest and best use of parcels located in the Freeway Corridor Overlay zone.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared a 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 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 Mitigated Negative Declaration in considering the application and finds that it was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of the General Plan Amendment Case No. 07-GPA-002, with respect to the property described in Section I hereof.

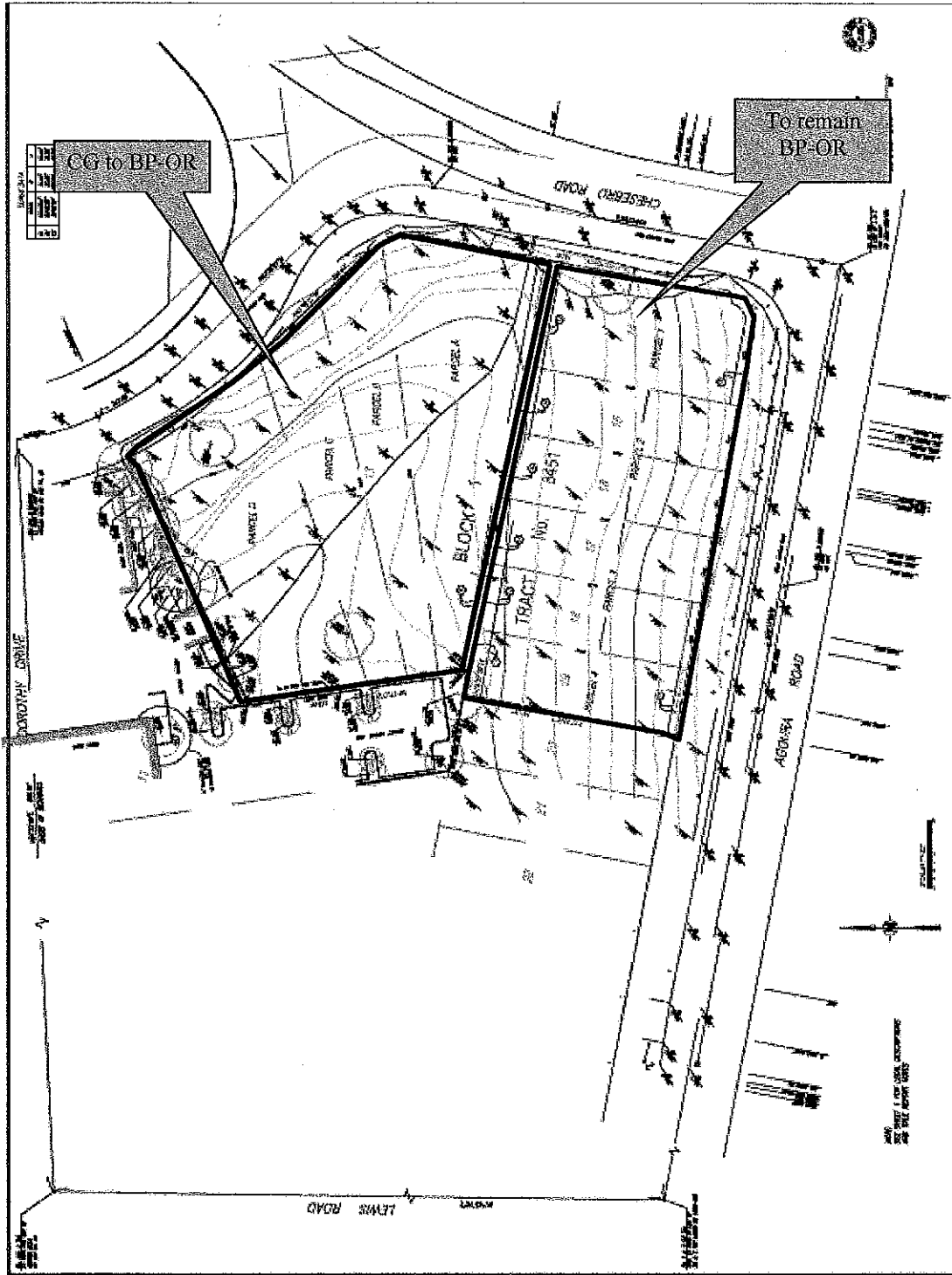
PASSED, APPROVED, and ADOPTED this 19th day of November 2009 by the following vote to wit:

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

John O'Meara, Chairperson

Mike Kamino, Secretary

Exhibit A
GENERAL PLAN AMENDEMENT
—CASE NO. 07-GPA-002



DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING THE CITY COUNCIL APPROVE
ZONE CHANGE CASE NO. 07-ZC-002

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 Medical Partners, LLC with respect to the real property located at the northwest corner of Agoura Road and Chesebro Road (Assessor's Parcel Nos. 2061-012-012, 014, 015, 018, 047, 048, & 049), shown on Exhibit "A" requesting a recommendation of approval of a Zone Change to change the zone from CRS-FC-OA (Commercial Retail/Service, Freeway Corridor Overlay, Old Agoura Design Overlay District) to BP-OR-OA-FC (Business Park-Office/Retail, Old Agoura Design Overlay and Freeway Corridor Overlay District). A public hearing was duly held on November 19, 2009 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

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

A. The proposed Zone Change is necessary to carry out the City's desire to develop the project as an office-oriented neighborhood given its surroundings.

B. The proposed Zone Change will be consistent with the proposed General Plan designation of the subject property in that both the Zoning and the General Plan will provide for office/retail uses.

C. The proposed Zone Change from CRS to BP-OR will broaden the City's medical uses base in that the Zone Change will attract specialized disciplines and other support businesses to serve the existing medical community.

D. The project provides employment, maintains a professional identity, and is incorporated into its surrounding and has exceeded the minimum development standards established by the Zoning Ordinance.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared a 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 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 Mitigated Negative Declaration in

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

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Zone Change 07-ZC-002, with respect to the property described in Section I hereof.

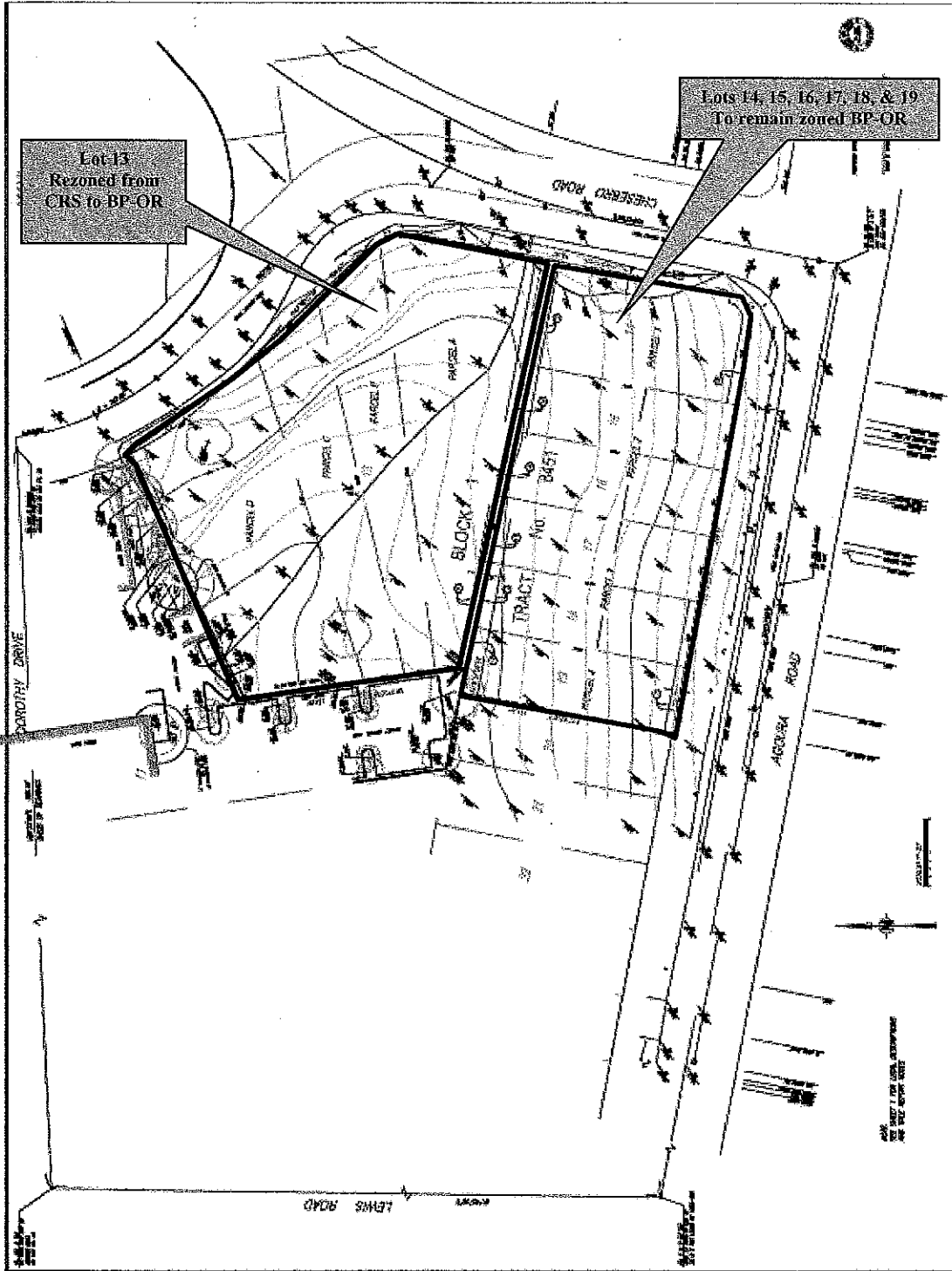
PASSED, APPROVED, and ADOPTED this 19th day of November 2009 by the following vote to wit:

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

John O'Meara, Chairperson

Mike Kamino, Secretary

Exhibit A
ZONE CHANGE—CASE NO. 07-ZC-002



ORDINANCE NO. 09-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE (CASE NO. 07-ZC-002)

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

WHEREAS, an application for a recommendation of approval of a zone change was duly filed by Agoura Medical Partners, LLC, to rezone the property shown on Exhibit "A". The property A.P.N. 2061-012-012 is currently zoned CRS-FC (Commercial Retail Service-Freeway Corridor Overlay), and is to be zoned BP-OR-FC (Business Park-Office/Retail-Freeway Corridor) to match the zoning of Parcels Nos. 2061-012-012, 014, 015, 018, 047, 048, & 049, BP-OR and to be merged into one larger parcel.

WHEREAS, the City Planning Commission held a public hearing on the addendum to the Mitigated Negative Declaration on November 19, 2009 in the City Council Chambers, at which public comments were received, and the Planning Commission made the following recommendations to City Council: recommend approval of the addendum to the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program (MMRP).

WHEREAS, a duly noticed public hearing was held on _____, 2009 at 7:00 p.m. in the City Hall Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

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

1. The proposed Zone Change is necessary to carry out the City's desires to develop the subject area as a office building-oriented neighborhood given its proximity to other office building developments.
2. The proposed Zone Change will allow for an in-fill development to be compatible with surrounding uses.
3. The proposed Zone Change is necessary to implement the General Plan.

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

PASSED, APPROVED, AND ADOPTED this _____ 2009, by the following vote
to wit:

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

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

DRAFT RESOLUTION NO. ____
A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 07-SPR-015 AND
OAK TREE PERMIT CASE NO. 09-OTP-019

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 Medical Partners, LLC with respect to the real property located at the northwest corner of Agoura Road and Chesebro Road (Assessor's Parcel Nos. 2061-012-012, 014, 015, 018, 047, 048, & 049), requesting approval of a Site Plan/Architectural Review to allow the development of a two story, medical office building for a total of 40,700 square feet as well as an approval of an Oak Tree Permit to encroach upon the protected zone of one off-site oak tree. 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 hearing.

Section III. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The property designation allows for development of an office building use and the proposal meets the development standards for the BP-OR-FC-OA zone relative to building height, landscape coverage, and parking. The Planning Commission further finds that the proposed setbacks are appropriate and meet the intent of the Old Agoura Overlay District.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The proposed office use is allowed within the Business Park-Office/Retail-Old Agoura Design Overlay-Freeway Corridor zones. The building design, materials and colors are compatible with the surrounding development, in that stone veneer and earth tone stucco colors are used throughout several adjacent office building along Agoura Road and are a reflection of the City policy to incorporate the architecture into the natural surrounding. The buildings placement provides variation with adjacent buildings.

C. The proposed use, as conditioned, and the condition in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. The roadway was widened to accommodate future traffic in the vicinity as a result of the new development. The placement and design of the building would preserve the light, air, privacy to the adjacent parcels, specifically to the north. Ingress and egress is

provided on two sides of the parcel to spread traffic and avoid on and off-site queuing of vehicles.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The underground parking allows for additional open space at grade and higher quality outdoor experience. The project as a whole complies with the intent of the development standards of the BP-OR zone and the Old Agoura Design Overlay District.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The site is zoned for office commercial type uses. The office type use is an appropriate land use within the freeway corridor and provides a buffer between the freeway and the open space parcels above Agoura Road. The area consists of a mix of medical, professional, and general office uses.

F. 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.

G. The project will require encroachment in the protected zone of an off-site oak tree for grading purposes. In the event that the impacts exceed what is anticipated, the project has been conditioned to provide replacement Oak Tree specimens into the Landscape Plan and/or provide an in-lieu fee if necessary thus helping to ensure the continued preservation of off-site natural resources.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared a Mitigated Negative Declaration for this project. Based upon the findings, public comments and the record before the Planning Commission, the Planning Commission finds 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 Mitigated Negative Declaration in considering the application and finds that it was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 07-SPR-015 and Oak Tree Permit Case No. 09-OTP-019, subject to the attached conditions, with respect to the property described in Section I hereof.

Draft Resolution No. ____

Page 3 of 3

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

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

John O'Meara, Chairman

ATTEST:

Mike Kamino, Secretary

**CONDITIONS OF APPROVAL
CASE NOS. 07-SPR-015 & 09-OTP-019**

PLANNING CONDITIONS

Entitlement Requirements

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of these Permits with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to, and requires complete conformation to, the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, Landscape Plan and Grading Plan.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse, provided that the applicant has been given written notice to cease such violation and has filed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 07-SPR-015 and 09-OTP-019 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 the City's Environmental Planner is notified and a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.
16. The approved grading plan and construction plans, resolution, conditions of approval, the mitigated negative declaration and the mitigation monitoring and reporting program and a color and material board shall be on site at all time during the construction of the project.
17. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.

Construction Requirements

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

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

SOLID WASTE MANAGEMENT REQUIREMENTS

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

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

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

ENVIRONMENTAL REQUIREMENTS

30. The applicant shall comply with each mitigation measure listed in the Final Mitigated Negative Declaration and outlined in the Mitigation Monitoring Program for the project approved on November 19, 2009 as well as the conditions of approval applicable at the time of construction.
31. Air quality measures (Rule 403) shall be copied onto the cover sheets of the Grading Plans.

LANDSCAPING/IRRIGATION

Oak trees

32. All plans shall indicate the exact tag number, trunk location, canopy and protected zone of all oak trees as well as the mature trees located adjacent to the subject property.
33. The final Grading Plan shall be redesigned to minimize impacts to the mature trees near the northerly property line on the adjacent property to the satisfaction of the City Landscape and Oak Tree Consultant.
34. The applicant is permitted to encroach within the protected zone of Oak Tree Number OST-2 to construct the project as proposed, subject to the potential modifications discussed in the above condition.
35. Prior to the start of any work or mobilization at the site, each 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.
36. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start of approved work within the protected zone of any oak tree.
37. 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.

Conditions of Approval

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38. 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.
39. 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.
40. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
41. 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.
42. 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.
43. The above standards shall also apply to the mature trees located along the northerly property line.

Landscaping

44. The landscape plan shall substantially conform to the plan prepared by Edward Gripp E.G.L.A. Landscape Architecture, dated September 10, 2009.
45. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
 - a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
 - b. All plans shall be legible and clearly drawn.
 - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
 - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
 - f. The project identification number shall be shown on each sheet.

- g. The plans shall accurately and clearly depict the following existing and proposed features:
 - Landscape trees, shrubs, ground cover and any other landscaping materials
 - Property lines
 - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
 - Buildings and structures
 - Parking areas, including lighting, striping and wheel stops
 - General contour lines
 - Grading areas, including tops and toes of slopes
 - Utilities, including street lighting and fire hydrants
 - Natural features, including watercourses, rock outcroppings
 - h. The Planting Plan shall indicate the botanical name and size of each plant.
46. 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.
 47. The final plans shall not include any palm species.
 48. Proposed plant material shall 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.
 49. All finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) parking stalls apart.
 50. Proposed parking lot planters shall be consistent on all project plans and shall meet all minimum size requirements. The discrepancy between the architectural site and grading plans and the landscape plan as to the exact configuration of the proposed parking lot planter at the northern corner of the at-grade parking level shall be resolved prior to grading permit approval.
 51. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
 52. All unsightly uses shall be screened with berms, decorative walls or landscaping.
 53. The landscape plans shall prominently display the following notes:

Conditions of Approval

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- a. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - b. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".
 - c. 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.
54. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
55. 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.
56. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
- a. Design and static pressures
 - b. Point of connection
 - c. Backflow protection
 - d. Valves, piping, controllers, heads, quick couplers
 - e. Gallon requirements for each valve
57. 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.
58. 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
59. 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.

60. The landscape plan must be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.
61. A minimum of twenty percent (20%) of the total lot shall be landscaped.
62. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
63. 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, subject to the approval by the Director of Planning and Community Development.
64. 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, three (3) such trees will be required.
65. 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.
66. All plant material must be considered compatible with Sunset Zone 18.
67. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
68. 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.
69. 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.
70. Planting within the three proposed infiltration trenches, located on both sides of the driveway on Chesebro Road and at the northwesterly corner of the site, shall be in accordance with engineering requirements and subject to the approval of the City Landscape Consultant.
71. Sufficient depth of soil shall be provided at all planting areas to provide for proper development of all plants. Planters shall have the capacity for the soil volume required to meet development needs of the trees. Drainage details for above-grade planters shall be provided, subject to approval of the City Landscape Consultant.

ENGINEERING CONDITIONS

72. PRIOR TO FINAL MAP RECORDATION

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

Additional five (5) feet along entire Agoura Road frontage; and additional two (2) feet dedication along entire Chesebro Road (north-south) frontage to its intersection with Palo Comado Canyon Road.

- 1.02 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.03 Provide a Monumentation bond (i.e. cash deposit) in an amount calculated by the Engineering Department or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.04 Provide a preliminary title report not older than 30 days.

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

A. General

- 2.01 Record Parcel/Tract No. 70096 pursuant to the Subdivision Map Act and in accordance with City Code. Provide a duplicate photo mylar of the recorded map to the City Engineer
- 2.02 The project will require a Tract map to be processed, and this development plan shall only proceed to the Development Advisory Board (DAB) concurrently with the required tract map.
- 2.03 All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
- 2.04 For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at www.ci.agoura-hills.ca.us.

- 2.05 Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.
- 2.06 All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.
- 2.07 Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
- 2.08 Grading Plan shall show location(s) of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
- 2.09 The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
- 2.10 Submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer. The report shall be reviewed and approved by the City Geotechnical/Geological Consultant.
- 2.11 Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project is subject to a permit from the Las Virgenes Municipal Water District if required.
- 2.12 Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact Engineering Department @ 818.597.7322 for approved City certification forms.

B. Public Improvements

- 2.20 Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of

Approval for the area. Such public improvements may include, but not be limited to, the following:

Improvement Item	AGOURA ROAD	CHESEBRO ROAD
Curb & Gutter	<input checked="" type="checkbox"/> New; <u>27</u> ft from C/L <input checked="" type="checkbox"/> Replace Damaged <input type="checkbox"/> Remove existing & Relocate	New: <u>24</u> ft from C/L Replace Damaged
AC Pavement	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen; <u>as required</u> - incl. pavement transitions for Traffic Index = 9.0	
PCC Drive Approach	<input checked="" type="checkbox"/> New – Construct two new 26' wide driveways <input type="checkbox"/> Replacement	
Sidewalk	<input checked="" type="checkbox"/> New – Construct new meandering sidewalk for entire property frontage Along both Agoura Road and Chesebro Road. <input type="checkbox"/> Replacement	
ADA Access Ramp	<input checked="" type="checkbox"/> New – Minimum two required in public right-of-way <input type="checkbox"/> Replacement	
Parkway	<input type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (with irrigation)	
Raised Median	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation) <input type="checkbox"/> Hard Landscaping	
Street Lights	<input checked="" type="checkbox"/> New – as required during plan check process by the City Engineer. <input type="checkbox"/> Relocation	
Sewer Service (See sec. 2C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral – as required during plan check process by the City Engineer.	
All water appurtenances are per LVMWD standards (see Section 2D)	<input checked="" type="checkbox"/> Yes – as required during plan check process by the City Engineer.	
Storm Drain (See sec. 2E)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Catch Basin – as required during plan check process by the City Engineer.	
Traffic Signal Facilities (See sec. 2G)	<input type="checkbox"/> New <input type="checkbox"/> Modification <input type="checkbox"/> Relocation	
Traffic Signing and Striping (See sec. 2G)	<input checked="" type="checkbox"/> New – as required during plan check process by the City Traffic Engineer. <input type="checkbox"/> Modification	

Conditions of Approval

Improvement Item	AGOURA ROAD	CHESEBRO ROAD
Bus Stop and/or Turn-out (See Sec. 2G)	<input type="checkbox"/> New <input type="checkbox"/> Modification	
Underground Overhead Utilities	<input checked="" type="checkbox"/> Yes – along entire street frontage	
Equestrian Trail Construct	<input type="checkbox"/> Trail Only <input checked="" type="checkbox"/> Trail & Fence – along entire frontage on Agoura Road	
Removal of the following:	Existing water valves, meter and fire hydrant along Agoura Road Existing power poles and cable lines along entire street frontage	

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 An 8-inch sewer line is available for connection by this project on Dorothy Drive. An existing sewer line on Agoura Road would require extension to the project site and the flow line grade will not be workable to serve the building by gravity.

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.

2.51 Other Conditions: Recycling of car wash water is required. Consult LVMWD for requirements.

F. Stormwater (NPDES)

- 2.60 Prior to the approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
- Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 - Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 - Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
- 2.61 Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Urban Stormwater Mitigation Plan (USMP) shall be submitted to and approved by, the Engineering Department. The USMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.
- 2.62 All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit For Storm Water Discharges Associated With Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.

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

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

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 void 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.
- 2.64 Other Conditions: Ground water recharge is always a desirable element. However, it should not jeopardize the structural safety of existing adjacent buildings on the north side of the project site. A geotechnical review is required to assess such impacts, if it is proposed.

G. Traffic/Transportation

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

- 2.71 The applicant shall construct all mitigation, or pay fair-share costs identified in the report as required by the City Engineer. When appropriate, the traffic study shall also identify timelines for construction of required traffic mitigation and other public improvements for phased or master planned developments.
- 2.72 Other Conditions: If traffic mitigation measures are required, then those recommendations will become the conditions of approval of this project.

75. 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.

BUILDING AND SAFETY

76. Per Section 903.2 of Chapter 2 of the Agoura Hills Municipal Code (AHMC), this structure is required to be fire sprinklered.
77. This project must meet all requirements for the fuel modification plan Per Section 704A.6 of Chapter 2 of AHMC.
78. An accessible path of travel must be provided from public right-of-way to the main entrance of the building(s) on site.
79. Provide number and the location of all accessible and van accessible parking stalls in the project on plan.

80. 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.
81. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans, including Structural and Energy calculations, shall be submitted to Building and Safety Department to be reviewed for compliance with the latest adopted codes.
82. 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.
83. Dual pane windows shall be utilized, as required for Fire Zone 4 compliance.
84. The applicant shall demonstrate the use of Class-A roofing material.
85. The final site plan and construction plan shall show the location of A/C condensing units or other HVAC equipment located on or around structure.
86. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

SPECIAL CONDITIONS

87. 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.
88. All transformers, other equipment, and refuse containers shall be screened from view. A plan showing this shall be reviewed and approved by the Director of Planning and Community Development.
89. All parking stalls shall be pinstriped. A minimum of 209 parking spaces shall be provided for the project.
90. In the event, that revisions to the plans required during the Plan Check process cause substantial changes to the project design as determined by the Director of Planning and Community Development, the project will be subject to additional review and approval by the Planning Commission.
91. 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

Conditions of Approval

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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.

92. The Variance Case No. 09-VAR-002 is valid only in conjunction with Case Nos. 07-GPA-002, 07-ZC-002, 07-SPR-015, 09-OTP-019, and TPM 70096, and the approved Conditions of approval therein.
93. No signs are approved on the building. A monument sign is subject to the requirements of the Zoning Ordinance and may be approved by the Director of Planning and Community Development.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING APPROVAL OF TENTATIVE PARCEL MAP NO. 70096

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 Medical Partners, LLC, with respect to the real properties located at the northwest corner of Agoura Road and Chesebro Road (Assessor's Parcel Nos. 2061-012-012, 014, 015, 018, 047, 048, & 049) requesting a recommendation of approval of a Tentative Parcel Map (Case No. TPM 70096) to adjust the boundaries of seven parcels. A public meeting 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 that:

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

Section IV. In accordance with the California Environmental Quality Act, the City has prepared a 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 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 Mitigated Negative Declaration in considering the application and finds that it was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends approval of Tentative Parcel Map No. 70096, subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 19th 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
(TENTATIVE PARCEL MAP CASE NO. TPM 70096)**

STANDARD CONDITIONS

1. This decision for approval of the Tentative Parcel Map application, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the approved Tentative Parcel 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 Tentative Parcel Map No. 70096 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 for the approved Tentative Parcel Map.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDS APPROVAL OF VARIANCE CASE NO. 09-VAR-002

Section I. An application was duly filed by Agoura Medical Partners, LLC, with respect to the real property located at the northwest corner of Agoura Road and Chesebro Road (Assessor's Parcel Nos. 2061-012-012, 014, 015, 018, 047, 048, & 049), requesting a recommendation of approval of a Variance Case No. 09-VAR-002 to allow a lot coverage of 58% instead of 50% per the Old Agoura Design Overlay District. This application for the Variance was considered in conjunction with Site Plan/Architectural Review Case No. 07-SPR-015, Oak Tree Permit Case No. 09-OTP-019 and Tentative Parcel Map Case No. 70096. A public hearing was duly held on November 19, 2009 at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California on the appeal. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

Section III. Pursuant to Sections 9553.1. of the Zoning Ordinance, the Planning Commission finds that:

1. Because of 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 all the required parking to be provided on site and in the most efficient design and with the least amount of impact, i.e., import or export of soil, the garage was designed to be underground. The envelope of the parking structure would be wider than the footprint of the building above it. In calculating the *building site coverage*, the wider footprint had to be taken into consideration in the lot coverage calculation since it is considered a structure even though it is below ground. This design results in a more creative design with only 23% building coverage above ground, with pedestrian walkways and landscaping and hidden subterranean parking lot.
2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The development standards of the project are being met for the entire site and the primary reason for the increase in lot coverage is to provide underground parking. Commercial projects in the vicinity have underground parking in order to build office developments. This concave lot lends itself to building below street level rather than at street level and avoids significant import of fill to level the lot to

accommodate large surface parking lots or complex retaining wall systems. This is a significant piece of property with three street frontages and irregularly-shaped lots. The topography is also unusual with varying elevations along the streets with an overall concave topography. These existing physical features have lent themselves to a solution calling for the under-grounding of parking. Technically, the underground parking area is considered building coverage which adds to the overall lot coverage even though not contributing to the vertical mass as viewed from the street.

3. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in impractical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The project's existing lot subdivision encompasses seven separate parcels, six of which are non-conforming in size. The final design of the parcel, given the topography of the lots would require a considerable amount of grading and would present physical constraints for the parking layout. The project's design was intended to minimize the visual impact of a large parking lot given the parking requirements for a medical use. As such, the parking lot was designed underground with the envelope of the building below ground resulting in an overall lot coverage of 58% of the parcel size. The office space above ground will be occupying less than 23% of the parcel size.
4. The granting of the Variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements of the aesthetic value in the vicinity. The buildings will be constructed per City Building Code standards and the City Geotechnical Consultant's recommendations. The project offers a compatible design in keeping with the Old Agoura aesthetics values established in the Old Agoura Design District and the City's Architectural Design Standards and Guidelines. The parking structure exposed walls are to be setback from the northern property line to preserve light and air for the existing building built near the property line. The lot coverage increase allows for safe public access to the site.
5. The granting of the Variance will be consistent with the character of the surrounding area. The building floor area to parcel size ratio is within range of surrounding commercial properties. By screening most of the parking from street views, the project remains compatible with the development style in the area.

Section IV. In accordance with the California Environmental Quality Act, the City has prepared a 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 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 Mitigation Negative Declaration in considering the application and finds that it was prepared pursuant to the California Environmental Quality Act. The Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends the approval of Variance Case No. 09-VAR-002 subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 19th 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. 09-VAR-002)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the Special Conditions stated below.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless the approval is used within two (2) years from the date of City approval, Case No. 09-VAR-002 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-002 is valid only in conjunction with Case Nos. 07-GPA-002, 07-ZC-002, 07-SPR-015, 09-OTP-019, and TPM 70096, and the approved Conditions of approval therein.

END



**MEDICAL OFFICE DEVELOPMENT
FOR THE PROPERTY LOCATED
AT THE NORTHWEST CORNER OF
AGOURA ROAD AND CHESEBRO ROAD
AGOURA HILLS**

**Case Nos. 07-GPA-002
07-ZC-002
07-SPR-015
09-OTP-019
TPM 70096
09-VAR-002**

EXHIBIT A

Old Agoura Homeowners Association Letter

DATE: March 3, 2009

RE: Review of Proposed Project

FROM: Planning and Zoning Committee,
Old Agoura Homeowners Association

TO: Mike Kamino, Director
Department of Planning & Community Development
City of Agoura Hills

SUBJECT: 07-SPR-015 and 07-GPA-002 and 07-ZC-002 (Agoura Medical Partners)

The Planning and Zoning Committee of the Old Agoura Homeowners Association had previously written a letter of support to the city regarding the initial computer renderings of the Heathcote/Smith Medical Plaza in its conceptual stage. To quote from portions of then Chairperson Robert Evren's letter to the city -

"In recent years the City of Agoura Hills has distinguished itself by taking a deliberately forward looking approach to development. Evidence of this may be found not only in such things as the Agoura Village Specific Plan but, also in a general raising of architectural standards in commercial development. An important result of this has been the increasing willingness of developers with national "chain" clients to build to local standards. Another – and this is the one that concerns us here – is that it provides encouragement to developers and architects to break out of the twin straight jackets of utilitarian stucco boxes on the one hand, and questionable historicizing styles on the other. What is often forgotten is that there is a vital tradition of modern architecture in rural settings. And it is this tradition, rather than pseudo-styles like "Tuscan" or "Mediterranean" that has the power to produce consequential architecture for the future. It is in this context that the Heathcote design needs to be viewed.

The Heathcote design is a modern building that manages to subtly reflect some of the relevant architectural traditions of the west, both old and new. One might describe the building as a structure that at its heart is modernist, but changes as it moves outward to absorb and reflect back a more rural architectural tradition. The interior courtyard of the building will exhibit a more clearly modernist vocabulary, with such flourishes as an entrance porch which might be mistaken for a piece of sculpture. The exterior, by contrast, responds more directly to the building's context, moving from the bold cantilevering of a porch one associates with the arts and crafts pioneers Greene & Greene, to a more abstract set of forms rendered in natural materials that evoke the colors and tones of the countryside, finally to an arcading and trellising that pays homage to rural vernacular buildings. Heathcote has also sought to give the building rich textures and varied natural tones by using, in addition to standard materials such as stone, others that will weather to produce increasingly rich tonal effects with the passage of time. One of the best features is the rambling, undulating south elevation facing Agoura Road, where the building feels like it is part of the earth; the way the barrel roof and vertical elements intersect each other periodically is a welcome untraditional feature."

Now that plans have been formally submitted to the city, the OAHA continues to support the design concepts of the Heathcote/Smith Medical Plaza. The OAHA appreciates the architect's inclusion of a horse trail, the shielded lower level of parking, the generally pedestrian-friendly design, and landscaping plans that include plantings of dry climate natives. We are, as always, concerned about lighting and dark skies.

Should you have questions, please contact the Planning and Zoning Committee, Old Agoura Homeowners Association at pz@oldagoura.org.

Thank you for the opportunity to comment.

cc. Valerie Darbouze, Associate Planner



**MEDICAL OFFICE DEVELOPMENT
FOR THE PROPERTY LOCATED
AT THE NORTHWEST CORNER OF
AGOURA ROAD AND CHESEBRO ROAD
AGOURA HILLS**

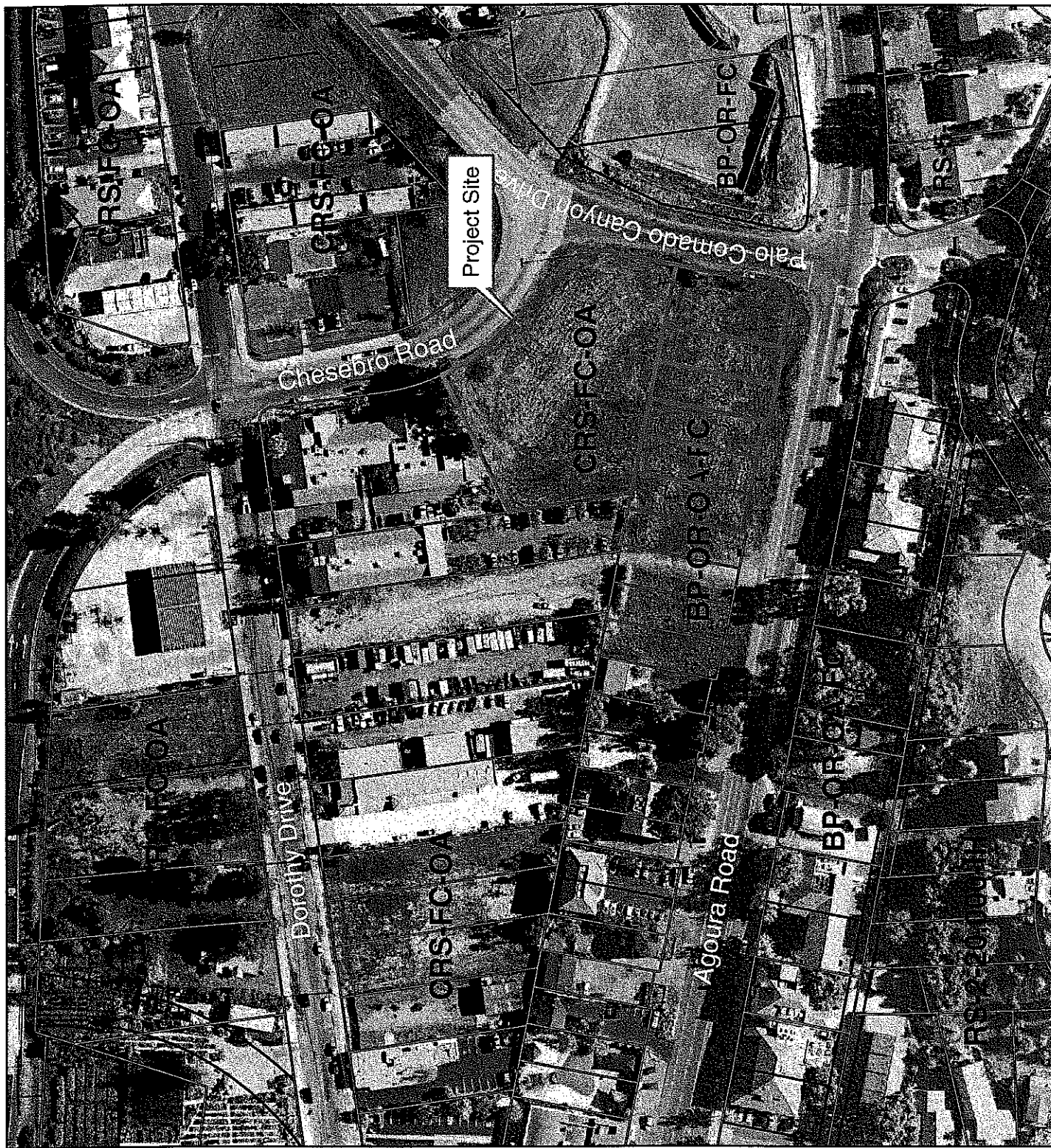
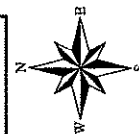
**Case Nos. 07-GPA-002
07-ZC-002
07-SPR-015
09-OTP-019
TPM 70096
09-VAR-002**

EXHIBIT B

**Vicinity/Zoning Map
&
Square Footage Analysis Map**

Case Nos. 07-GPA-002
07-ZC-002
07-SPR-015
09-OTP-019
TPM 70096
09-VAR-002

Vicinity/Zoning
Map



Square Footage Analysis of Commercial Properties in the Vicinity of the Project Site

