



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: May 20, 2010

TO: Planning Commission

APPLICANT: Vinod Gupta
29800 Agoura Road
Agoura Hills, CA 91301

CASE NOS.: 07-SPA-001, 07-CUP-009, 07-OTP-012 and 10-VAR-001

LOCATION: 29760 Agoura Road, East of Ladyface Court
(A.P.N. 2061-033-015)

REQUEST: A request for a recommendation of approval to the City Council for a Specific Plan Amendment to the Ladyface Mountain Specific Plan to increase the maximum allowable developable building size from 8,000 to 12,700 square feet, to increase the maximum allowable developable pad area from 0.74 acres to 1 acre, and to increase the maximum allowable number of vehicular PM peak hour trips allocated for the parcel from 25 to 41; a Conditional Use Permit to build a 12,700 square-foot, two-story office building; a Variance from the Ladyface Mountain Specific Plan Section IV.A.6. to reduce the minimum required front yard from 70 to 60 feet, and the minimum west side yard from 35 to 20 feet; an Oak Tree Permit to encroach in the protected zone of 10 oak trees and to remove 5 other oak trees; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.

**ENVIRONMENTAL
DETERMINATION:** Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission recommend approval to the City Council of Specific Plan Amendment, Case No. 07-SPA-001, Conditional Use Permit Case No. 07-CUP-009, Oak Tree Permit Case No. 07-OTP-012, Variance Case No. 10-VAR-001, subject to Conditions of the Draft Resolutions.

ZONING DESIGNATION: SP (Ladyface Mountain Specific Plan)

**GENERAL PLAN
DESIGNATION:** PD (Planned Development District)

I. BACKGROUND

As background, in 1990, a 28,000 sq. ft. office building was approved on this site. However, that entitlement expired 1993. In the meantime, in 1991, the City approved the Ladyface Mountain Specific Plan with a maximum allowable building area for this parcel of 8,000 square feet, the maximum allowable pad area of .74 acres, and a traffic budget of 25 p.m. peak hour trips. In 2003, that same applicant requested a Pre-screen Review by the City Council to amend the Ladyface Mountain Specific Plan to increase the maximum allowable building area from 8,000 square feet to the previously entitled (and expired) 28,000 square feet. The request also included corresponding increases in maximum allowable pad area and traffic budget to accommodate the larger building area. The majority of the Council's comments were not in favor of such an increase.

In 2005 and 2007, the City Council considered two different Pre-screen Review requests to increase the maximum allowable building area from 8,000 square feet to 17,000 square feet and to 15,900 square feet, respectively. (The 2007 request was from this applicant, Dr. Vinod Gupta.) Both of these requests also included corresponding increases in maximum allowable pad area and traffic budget. The Council's comments were mixed, with most expressing concerns with the increase, but supportive of slight to moderate increases.

The Specific Plan, which was adopted by the City Council in 1991, provides the City with a comprehensive set of plans, policies regulations and conditions for guiding and ensuring the orderly development of properties located at the foothills of Ladyface Mountain along Agoura Road, west of Kanan Road. The purpose of the Specific Plan, which supersedes the Zoning Ordinance, is three-fold:

1. To ensure that all development at the base of Ladyface Mountain is compatible with the unique nature of this natural asset of the community.
2. To encourage the coordinated development of a mixture of business park, commercial and limited residential uses within the study area.
3. To encourage developers to address compatibility of proposed projects with infrastructure capacity.

The predominant use allowed within the Specific Plan area is business park. Within the Specific Plan area, a maximum of 396,000 square feet has been allocated towards development of business park uses.

II. PROJECT DESCRIPTION

Conditional Use Permit Case No. 07-CUP-009 is a request of Vinod Gupta to construct a 12,700 square-foot, two-story office building on a pre-graded vacant parcel. The project site is located on the south side of Agoura Road, and east of Ladyface Court. The project is accessed via a single 26-foot wide driveway that it shares with the Gateway church property to the east. The project also shares a common driveway with the office building to the west. Surrounding uses include an office building to the west, also owned by the applicant, vacant open space to the south, and a church with ancillary facilities to the east. The parcel is located in the Ladyface Mountain Specific Plan area.

The Conditional Permit Use is a requirement of the Ladyface Mountain Specific Plan for any development project within the Specific Plan Area. The applicant is proposing a 12,700 square-foot, two-story building which is 4,700 square feet larger than the maximum 8,000 square-foot building size allowed in the Specific Plan for this particular parcel, and a building pad of 1 acre in size instead of the maximum 0.74 acre-size limit. As such, the review and approval of a Specific Plan Amendment is required. Furthermore, at the time of the Specific Plan adoption, a traffic study was prepared which established a maximum number of expected vehicular trips during the PM peak hour for each parcel. The project traffic study forecasted a greater number of PM trips generated by the proposed office use than is allowed for development of the parcel. As such, the traffic budget established for this parcel is also proposed to be amended.

The applicant is also requesting a Variance for reduced front and side yard setbacks, an Oak Tree Permit to encroach in the protected zone of 10 oak trees and to remove 5 oak trees. The proposed use as an office would be permitted in the Ladyface Mountain Specific Plan.

The following is a summary of the proposed development relative to the applicable development standards:

Pertinent Data for the Proposal:

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
1. <u>Lot Area</u>	71,874 sq.ft. (1.65 acres)	71,874 sq.ft. (1.65 acres)	N/A
2. <u>Lot Dimensions</u>			
Width	132 feet	132 feet	N/A
Length	527 feet	527 feet	
3. <u>Building Size</u>	N/A	12,700 sq.ft.	8,000 sq.ft. max.
4. <u>Building Pad</u>	N/A	1 acre	0.74 acres
5. <u>Building Coverage</u>	N/A	12.1%	30% max.
6. <u>Bldg. Height</u>	N/A	35 feet	35 feet max.
7. <u>Bldg. Setbacks</u>			
• Front	N/A	60 feet	70 feet min.
• Rear	N/A	295 feet	70 feet min.
• Side (East)	N/A	50 feet	35 feet min.
• Side (West)	N/A	20 feet	35 feet min.
8. <u>Landscape Coverage</u>	N/A	62%	20%
9. <u>Parking</u>	N/A	51 spaces	42 spaces

III. STAFF ANALYSIS

The applicant proposes a development on a 1.65-acre, vacant parcel that was created in 1969. Approximately two-thirds of the parcel was disturbed by either brush clearance or grading. The pre-graded pad on the site is believed to have been graded while the office building to the west was constructed. The applicant is requesting an approval to build a 12,700 square-foot office building with surface and underground parking. General office is a permitted use for the "Business Park" sub-area of the Specific Plan.

The footprint would be located on the existing flat pad closer at the front of the parcel, similar to the adjacent office building to the west. The proposed location of the building was dictated by several constraints including the configuration of the graded pad, the proximity to the open space in the rear of the parcel (south-end), balanced cut and fill quantities of soil, and the elevation of the parking lot on the adjacent parcel to the west so as to provide access between both parcels for shared parking. The maximum allowable building size was a factor in proposing 50% of the parking to be located underground.

Based on the information provided on the architectural plans, the building setback would be less than what is required by the Specific Plan. The proposed front yard setback is 60 feet and the Specific Plan requires it to be 70 feet (twice the 35-foot height of the building).

The slope of the driveway exceeds the acceptable percentage for required American Disabilities Act (ADA) handicap access from the sidewalk to the building entrance, therefore the applicant proposes a chair lift on the slope in front yard that would provide access from the street to the lowest level of the office building on the west side.

Following is staff's analysis regarding the Specific Plan Amendment, architectural design, Landscape and Oak Tree Report, grading, traffic, parking and variance request.

Specific Plan Amendment

The Ladyface Mountain Specific Plan limits the amount of building area for all properties within the Specific Plan area. On this parcel, the maximum allowable building area is 7,000 square feet in Scenario 1-A. The property owner may request, in connection with a Conditional Use Permit application, that the maximum building area be increased provided that certain findings listed in the Specific Plan are met. The maximum building size increase allowed, per Scenario 2-A of the Specific Plan, for this parcel is 8,000 square feet. Therefore, the theoretical maximum allowable building area, as prescribed in the Specific Plan, on this parcel is between 7,000 and 8,000 square feet. Any development beyond this range of building area would require a Specific Plan Amendment. Maximum development pad areas and traffic budget were also established for this parcel based on the assumption of an 8,000 square foot building. Since the proposal is for a 12,700 square foot building, the specific plan amendments regarding maximum allowable pad area and traffic budget are collaterally required. Therefore, the proposed project requires amendments to the following criteria in the Ladyface Mountain Specific Plan:

1. Increase the maximum allowable building area from 8,000 square feet to 12,700 square feet.

2. Increase the maximum pad size from 0.74 acres to 1.0 acre.
3. Increase the traffic budget from 25 PM peak hour trips to 41 PM peak hour trips.

The project's discretionary permits which include the Conditional Use Permit, Oak Tree Permit, and Variance, cannot proceed without approval of the Specific Plan Amendment.

The Planning Commission's role is advisory to the City Council on amendments to the Specific Plan. The Specific Plan states that the Planning Commission and City Council must consider six specific factors in considering amendments to the Specific Plan. Below is staff's analysis of each of the six factors. If the Planning Commission's decision is to recommend approval of the Specific Plan Amendment, staff recommends that the findings in the resolution include language contained under each of the factors below.

1. The amendment is consistent with the General Plan and in keeping with the Ladyface Mountain Specific Plan concept. The proposed office use is a permitted use in the BP sub-area of the Specific Plan and is consistent with the surrounding uses. This is the smallest parcel in the Ladyface Mountain Specific Plan and is located adjacent to existing development to the west and the proposed building pad location is similar to the existing development to the west. The perpendicular orientation of the building to Agoura Road and the stepped massing of the building design helps minimize vertical building mass. Most of the parking spaces are located underground and over 60% of the site is landscaped. Views from the freeway and adjacent parcels along Agoura Road would not be negatively impacted by the construction of the two-story building, as it would not exceed the allowable height and the height of the existing buildings on adjacent parcels.
2. The amendments preserve the intent and purpose of the Ladyface Mountain Specific Plan; this parcel is non-conforming in size and was pre-graded prior to City incorporation. The building pad area and the surface parking area will not extend beyond the pre-graded pad and the south portion of the lot will remain undisturbed. Unlike many other parcels, in the Ladyface Mountain Specific Plan that are natural and ungraded, this parcel was graded some time ago. This particular parcel has an average slope of 15% and would not exceed the maximum allowable floor area ratio (FAR) for parcels with 15% slope. In this case, the proposed FAR is .17 and the building to the west is .35 whereas the maximum FAR permitted is .25. The proposed setback from Agoura Road is similar to the existing building setback of the building immediately to the west and Library/City Hall further west. The building and parking layout of those existing developments are similar to the proposed project in that the building is in the front with parking behind and/or underground.
3. The amendment is sensitive to the maintenance and protection of the natural terrain and environment. The applicant is proposing a development with a balanced grading and is using the existing pad design. Retaining walls do not exceed 6 feet in height. The project will provide an opportunity to landscape the unused areas of the parcel with native plant material in order to blend into the hillside. A Mitigated Negative Declaration was prepared and all mitigation measures will be incorporated into the project.

4. Although the number of budgeted PM peak hour trips exceeds the number specified in the Specific Plan, the level of service at nearby intersections will not worsen as a result of the increase. Many nearby intersections including Ladyface Court and Agoura Road and Reyes Adobe and Agoura Road have been improved since the Specific Plan was adopted.
5. The circulation along Agoura Road will be maintained. The main access is through a common driveway shared with the neighboring Gateway church site to the east. There is also proposed a common driveway with the building to the west which provides shared parking opportunities between the two buildings.
6. Public services and utilities will adequately serve the parcel. This is a pre-graded site in proximity to existing infrastructure and no new significant water, sewer, drainage, and roadway improvement are required. The project will comply with all public works conditions.

Architectural Design

In an effort to minimize the impacts of the mass of the structure and preserve the semi-rural character of the Specific Plan areas, and keep the building size as close to the maximum size provided in the Specific Plan as possible, the applicant has designed the second floor to be nearly half of the size of the first floor, and setback from the north and east sides of the building envelope. The remainder space is designed as a deck with large free-standing planters for added landscaping. The roof of the second story is designed with a flat roof and two hip-roofed towers.

The building design includes the use of a two-story entry way located at the rear of the building. The proposed glazed window panels are flanked by two stone-veneered, two-story tall columns and a metal canopy at midpoint. This would allow for internal views of the Ladyface Mountain immediately south of the parcel. Exterior finishing materials also include smooth stucco; the veneer would be applied to the corners of the building and on sections of the rear and west elevations as well. The roof would be clad with concrete tiles. The color scheme uses brown tones which help to blend the building with the surrounding natural environment. Based on a preliminary review of the building design, the Building Official expects the building to comply with the structural requirements dictated by the most recently adopted building code.

The project was presented to the Architectural Review Panel which recommended minor changes to the entry way and windows by reducing the height of the entry and breaking up the glazing into individual windows. The architect, however, has chosen to maintain the design as proposed.

Since minimal surface parking would be provided, only two light poles are proposed in the parking area, which are not expected to have negative visual impacts as they are shielded fixtures. The project, however, has been conditioned and is subject to the submittal of a detailed lighting and photometric plan for review by the Director of Planning and Community Development to verify compliance with the Zoning Ordinance; the City lighting guidelines recommend with restricted use of illumination near the property lines.

No signage is proposed on the building at this time, other than the address of the property. A monument sign is shown on the site plan at the street elevation to be externally illuminated.

However, the sign would be subject to a Sign Permit approval by the Director of Planning and Community Development at a later date.

Landscaping/Oak Tree Report Review

The applicant is required to provide for at least 25% landscape coverage for the total site, and at least 15% landscape coverage for the parking area. The applicant meets these requirements by providing over 60% landscape coverage which includes new landscaping and existing native landscaping at the south end of the parcel. Also, the project was conditioned to record a conservation easement to permanently preserve the rear of the parcel in its natural form because of its proximity to an undisturbed open space area per the Santa Monica Mountain Conservancy's request. The landscape plan includes native plants throughout to stabilize the newly graded slopes and a palette of trees with various heights on the front slope to help integrate the project in its surroundings. An Oak Tree will also be added to the landscaping in the right-of-way. A final landscape plan will be subject to approval by the Director of Planning and Community Development.

The applicant has submitted a required Oak Tree Report to evaluate the impacts of the project to the on and off-site oak trees. The report found, within the study boundary, 21 trees subject to review, including 7 trees on-site and 14 off-site (including one dead tree). It was determined that the project would require the removal of 5 other oak trees for the driveway and retaining wall construction (3 off-site and 2 on-site). All existing scrub oak on the hillside would remain undisturbed. Per the Zoning Ordinance, the removal requires a replacement ratio of 4:1 plus the total size of the caliper. Given the limited space on the site, the applicant may not be able to replant all mitigation trees on site and therefore would be required to pay an in-lieu fee prior to the City finalizing the construction for preservation of off-site oak habitat. Additionally, any new commercial project is required to plant one oak tree for every 15,000 square feet of gross floor area; in this case, the applicant will be required to plant 1, 24"-box tree to meet that requirement.

Grading

The project will generate an estimated cut of 1,800 cubic yards of soil, and 1,800 cubic yards of fill for a balanced grading. The elevation of the underground garage finished pad will be 892 feet above sea level or 15 feet above the street, 906 feet for the first floor (which is approximately the elevation of the existing pad) or 30 feet above the street and 920 feet for the second floor which equates to 43 feet above the street. The project will require retaining walls along the rear parking lot and along the east side of the common driveway and a slough wall along the front property wall. The applicant will be required to install a meandering sidewalk in front of the parcel along Agoura Road, and in front of the adjacent parcel to the west, to connect to the Ladyface Court-Agoura Road intersection.

Traffic/Circulation/Street Improvements

The Ladyface Mountain Specific Plan established a traffic budget of 25 PM peak hour trips based on an 8,000 square-foot office building. The traffic analysis submitted for this project forecasts 41 PM peak hour trips for the proposed 12,700 square foot building. A Specific Plan Amendment is necessary to exceed the traffic budget. The traffic analysis found that the proposed project, with the increase in building area, will not create significant impacts to the local circulation system. No

mitigation measures are recommended by the City Traffic Engineer given the level of improvement to the transportation system that has occurred in the vicinity of the project site since the Specific Plan was adopted. The applicant will be responsible instead for paying the City's Transportation Improvement Fund Fee which is required for any commercial development and is used by the City to improve the City's circulation system per the General Plan. All recommended conditions of the City Engineer for this project are included in the attached draft conditions of approval and the Mitigated Negative Declaration.

Parking

General office use requires one parking space for each 300 square feet of gross floor area, thus a total of 42 parking spaces are required for this development. The proposed project incorporates 51 parking spaces, 28 below ground and 23 at grade including 2 designated as handicap spaces. One reason why the applicant is providing additional parking spaces is to help alleviate the deficiency in parking on the adjacent site, which was built prior to the current development standards and is owned by the same applicant.

Variance

The applicant is requesting a Variance from the Ladyface Mountain Specific Plan Section IV.A.6. to reduce the minimum required front yard from 70 to 60 feet, and the minimum west side yard from 35 to 20 feet.

In order for the Planning Commission to grant approval of a Variance, each of the following five (5) findings must be made:

1. Required Finding:

Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Ladyface Mountain Specific Plan would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The parcel is unusually small by comparison to the other parcels in the Specific Plan. The proposed front and side setbacks would comply with the development standards of the BP-OR zone which is a zone intended primarily for office uses.

2. Required Finding:

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 parcel is the smallest parcel in the Ladyface Mountain Specific Plan and unlike many other parcels in the Specific Plan Area that are natural and ungraded, this property was graded some time ago. The landscaping within the front slope area helps reduce the visual prominence of the building potentially caused by the reduced setback.

3. Required Finding:

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 lot is impacted by its size. The Specific Plan requirements were

meant for all parcels regardless of their size. The location of the building on this lot will be compatible with neighboring properties and uses.

4. Required Finding:

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 lot was pre-graded and the project is designed for minimal grading work, and the preservation of the oak tree resources to the extent possible. The location of the building will not negatively impact light and air of the adjacent parcels as the buildings would be separated by 40 feet. The buildings will be constructed per City Building Code standards and the City Geotechnical Consultant's recommendations.

5. Required Findings:

The granting of the Variance will be consistent with the character of the surrounding area. By screening most of the parking from street views, with a terraced, two-story building and the project remains compatible with the development style in the area. The proposed front yard setback of 60 feet is greater than the setback of the existing building to the west which is setback 33.4 feet from the front property line. Also, the project proposes to setback the second floor an additional 55 feet from the front building wall thereby reducing the vertical mass as viewed from the front. In regard to the side yard setback, the offset second floor results in the first 55 feet with a one story element, thereby reducing the visual impact of the requested site yard reduction as seen from the street.

IV. 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 Report or a Mitigated Negative Declaration;
- B. To enable the Lead Agency to modify a project, mitigate adverse impacts and avoid 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.

Staff found that although the proposed project could have potential significant effects on the environment, revisions to the project have been made by or agreed to by the applicant and, therefore, a Draft Mitigated Negative Declaration (MND) was prepared for review and adoption by the Planning Commission.

The following matrix briefly identifies the environmental issue areas addressed in the MND that

were found to have potentially significant impacts, and identifies the recommended mitigation measures. All impacts were found to be mitigable to a less than significant level upon implementation of the measures.

Issue Area	Impact	Mitigation
<i>Biological Resources</i>	Potential for Special Status Plant	Sensitive zone shall be fenced for the entire duration of the project and construction monitoring shall occur. Prior to grading, a focus survey shall be conducted; if a plant is identified, it shall be relocated and its growth monitored.
	Potential for Special Status Wildlife	Prior to grading, a focus survey shall be conducted; if special status wildlife is identified, it shall be relocated; if state or federal endangered or threatened species are identified, proper agencies shall be contacted and proper permits issued.
	Potential nesting birds within a regulated distance	Tree pruning shall occur outside of breeding season (September 15 to February 15). If within the specified season, a nesting survey shall be conducted weekly for 30 days prior to grading. If nesting is found, construction shall be postponed, proper agencies contacted and proper permits issued.
	Encroachment in the protected zone of an oak and removal of an oak tree	Replacement of oak tree resource to the full extent possible and/or payment of in-lieu fee.
Issue Area	Impact	Mitigation
<i>Cultural Resources</i>	Unexpected discovery of archaeological or paleontological resources or human remains	Monitor construction if discovery of a resource. Work to cease and the appropriate officials contacted and find assessed; mitigation work as necessary.
Issue Area	Impact	Mitigation
<i>Geology and Soils</i>	Soil expansion	Comply with all measures in the geotechnical report
	During construction soil erosion	AQMD Rule 403 and SPPP implementation required
	Post Construction soil erosion	Additional paving and strategically placed landscaping

The Draft MND was circulated for a 30-day public review period, ending on April 30, 2010. Comments were received and a response incorporated in the final MND. The applicant has accepted the proposed mitigation measures which reduce the impacts associated with all environmental concerns 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.

The Planning Commission is asked to provide the City Council with a recommendation to adopt the final MND as well as a "mitigation monitoring program" (MMP) to ensure compliance during project construction and operation.

V. RECOMMENDATION

Based on staff's analysis, it is recommended the Planning Commission adopt the attached resolutions recommending that the City Council approve Specific Plan Amendment Case No. 07-SPA-001, Conditional Use Permit Case No. 07-CUP-009, Oak Tree Permit 07-OTP-01, and Variance Case No. 10-VAR-001 subject to conditions. In addition, staff recommends that the Planning Commission recommend the City Council adopt the Mitigated Negative Declaration and Mitigated Monitoring Program.

VI. ATTACHMENTS

- Ladyface Mountain Specific Plan Amendment Draft Resolution and Conditions of Approval and Draft Ordinance
- Conditional Use Permit and Oak Tree Permit Draft Resolution and Conditions of Approval
- Variance Request Draft Resolution and Conditions of Approval
 1. Photo-Simulation of the Project
 2. Photocopies of the Plans
 3. Vicinity/Zoning Map
 4. Photographs of the Site and Color and Material Board
 5. Final Mitigated Negative Declaration (Attached Report)

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 AN AMENDMENT TO THE LADYFACE MOUNTAIN SPECIFIC PLAN TO
INCREASE THE MAXIMUM ALLOWABLE BUILDING SIZE, THE DEVELOPABLE PAD
SIZE, AND THE TRAFFIC BUDGET FOR THE DEVELOPMENT OF AN OFFICE
BUILDING (CASE NO. 07-SPA-001)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY
RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section I. An application was duly filed by Vinod Gupta with respect to the property located at 29760 Agoura Road, (A.P.N. 2061-033-015), requesting a recommendation of approval to amend the Ladyface Mountain Specific Plan (Case No. 07-SPA-001) to increase the maximum allowable building size from 8,000 square feet to 12,700 square feet, the developable pad from 0.74 acres to 1 acre and the number of P.M. peak hour vehicular trips from 25 to 41. A public hearing was duly held on May 20, 2010, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given.

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

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance and the Ladyface Mountain Specific Plan, that:

- A. The amendment is consistent with the General Plan and in keeping with the Ladyface Mountain Specific Plan concept. The proposed office use is a permitted use in the BP sub-area of the Specific Plan and is consistent with the surrounding uses. This is the smallest parcel in the Ladyface Mountain Specific Plan and is located adjacent to existing development to the west and the proposed building pad location is similar to the existing development to the west. The perpendicular orientation of the building to Agoura Road and the stepped massing of the building design helps minimize vertical building mass. Most of the parking spaces are located underground and over 60% of the site is landscaped. Views from the freeway and adjacent parcels along Agoura Road would not be negatively impacted by the construction of the two-story building, as it would not exceed the allowable height and the height of the existing buildings on adjacent parcels.
- B. The amendments preserve the intent and purpose of the Ladyface Mountain Specific Plan; this parcel is non-conforming in size and was pre-graded prior to City incorporation. The building pad area and the surface parking area will not extend beyond the pre-graded pad and the south portion of the lot will remain undisturbed. Unlike many other parcels, in the Ladyface Mountain Specific Plan that are natural and ungraded, this parcel was graded some time ago. This particular parcel has an average slope of 15% and would not exceed

the maximum allowable floor area ratio (FAR) for parcels with 15% slope. In this case, the proposed FAR is .17 and the building to the west is .35 whereas the maximum FAR permitted is .25. The proposed setback from Agoura Road is similar to the existing building setback of the building immediately to the west and Library/City Hall further west. The building and parking layout of those existing development are similar to the proposed project in that the building is in the front with parking behind and/or underground.

- C. The amendment is sensitive to the maintenance and protection of the natural terrain and environment. The applicant is proposing a development with a balanced grading and is using the existing pad design. Retaining walls do not exceed 6 feet in height. The project will provide an opportunity to landscape the unused areas of the parcel with native plant material in order to blend into the hillside. A Mitigated Negative Declaration was prepared and all mitigation measures will be incorporated into the project.
- D. Although the number of budgeted PM peak hour trips exceeds the number specified in the Specific Plan, the level of service at nearby intersections will not worsen as a result of the increase. Many nearby intersections including Ladyface Court and Agoura Road and Reyes Adobe and Agoura Road have been improved since the Specific Plan was adopted.
- E. The circulation along Agoura Road will be maintained. The main access is through a common driveway shared with the neighboring Gateway church site to the east. There is also proposed a common driveway with the building to the west which provides shared parking opportunities between the two buildings.
- F. Public services and utilities will adequately serve the parcel. This is a pre-graded site in proximity to existing infrastructure and no new significant water, sewer, drainage, and roadway improvement are required. The project will comply with all public works conditions.

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 recommends the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council approve the attached Ordinance and approve Specific Plan Amendment Case No. 07-SPA-001, subject to the attached Conditions, with respect to property located described in Section I herein.

Draft Resolution No. ____

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PASSED, APPROVED, and ADOPTED this 20th day of May, 2010, by the following vote to wit:

AYES: (0)

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

ORDINANCE NO. 10-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE AGOURA HILLS LADYFACE MOUNTAIN SPECIFIC PLAN (CASE NO. 07-SPA-001)

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

SECTION 1. The Agoura Hills Ladyface Mountain Specific Plan is amended to change the following language in CHAPTER IV, DEVELOPMENT REGULATIONS AND REQUIREMENTS Section A.1.:

TABLE IV – 1
MAXIMUM DEVELOPMENT POTENTIAL – Scenario 1-A

Parcel No.	2061-033-015
Total Acreage of Parcel	1.65
Average % Slope (1)	15.2%
% Development Area Allowed (acres) Under Hillside Guidelines (2)	67.5%
% Open Space Under Hillside Guidelines (2)	32.5%
Total Developable Pad Area 30.18 AC 30.44 AC	.74 AC 1 AC
Land Use & Developable Building Square Footage Business Park Retail Commercial	7,000
Traffic Budget (PM Peak Hour Trips) 1315/1005 (5)	20

TABLE IV – 2
Scenario 2-A

Assessor's Parcel #	Permitted Land Use	Maximum Bldg. Area	Traffic Budget
2061-033-015	Bus. Park	8,000 s.f. <u>12,700 s.f.</u>	25 <u>41</u>

SECTION 2. Notwithstanding any provision of the Agoura Hills Municipal Code and Ladyface Mountain Specific Plan, or any other ordinance of the City, this Ordinance shall apply specifically to Parcel Number 2061-033-015 upon approval of the project and becomes null and void in the event the project is not approved or expires.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and this end, the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

SECTION 4. 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 City Council, the City Council 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 City Council 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 City Council hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program.

SECTION 5. The City Clerk shall publish and cause notice of this ordinance to be given according to law.

PASSED, APPROVED, AND ADOPTED this _____ 2010, by the following vote to wit:

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

William Koehler, 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
RECOMMENDING APPROVAL OF
A CONDITIONAL USE PERMIT CASE NO. 07-CUP-009,
AN OAK TREE PERMIT CASE NO. 07-OTP-012
AND ADOPTING A MITIGATED NEGATIVE DECLARATION

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section I. An application was duly filed by Vinod Gupta with respect with the property located 29760 Agoura Road (A.P.N. 2061-033-015), requesting a recommendation of approval of a Conditional Use Permit (Case No. 07-CUP-009) to allow the construction of a 12,700 square-foot office building, and an Oak Tree Permit (Case No. 07-OTP-012) to encroach in the protected zone of 10 oak trees and to remove 5 oak trees. A public hearing was duly held on May 20, 2010, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given.

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

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance and the Ladyface Mountain Specific Plan, that:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the Ladyface Mountain Specific Plan and the purposes of the zoning district in which the use is located. The project provides for business park development as called for this parcel within the Specific Plan.
- B. The proposed use, as conditioned, is compatible with surrounding properties. The parcel is adjacent to similar uses including large financial and research and development employers. The use is expected to operate within typical business hours and all activities are to be conducted within an enclosed building. The proposed site layout uses the parcel's topography efficiently while protecting the open space areas that expand into the parcel.
- C. The proposed use, as conditioned, and the condition in which it will be maintained will not be detrimental to the public health, safety, or general welfare. The project will be developed in full compliance with all Building Code and measures identified in the Mitigation Monitoring Program, which was developed as part of the project Mitigated Negative Declaration which are made conditions of approval for the project.

- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance and the Ladyface Mountain Specific Plan except for approved variances. The project meets the development standards relative to required rear yard area, building height, lot coverage, parking, and landscape coverage. The level of service at nearby intersections will not worsen as the local circulation system has been improved since the adoption of the Specific Plan.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Parcels north and south of Agoura road, west of Kanan Road, have developed into a primarily office use zone. The Ladyface Mountain Specific Plan in which this project is located calls for low impact development which this office complies with. Although the projects are similar, the buildings can accommodate a variety of uses to provide diversity.
- F. The proposed uses, as conditioned, are consistent with the goals and policies of the General Plan or the Specific Plan. As called for in the General Plan Land Use and Community Form for the Planned Development District (Ladyface Mountain Specific Plan -West End), the project is designed to be economically viable and scaled to reflect its natural setting at the base of Ladyface Mountain. The development of the project will be done with minimal recontouring of the land and the introduced landscaping will connect with the existing natural open spaces providing a total coverage that exceeds the minimum landscape requirement. The natural slopes will be preserved by way of a conservation easement that bars future expansion of the development.
- G. The proposed use will not mar the property's unique natural elements and will have a positive relationship to the character of Ladyface Mountain. Although the building is visible from the street and the freeway corridor, the project will provide a large amount of landscaping along the front of the property and the west side between buildings. The pad elevation which is maintained below any protected ridge line combined with the architectural style and colors of the building and the terraced design element will reduce the visual impact to the Agoura Road corridor. The location and configuration of the building are intended to screen views of the parking lot where most of the parcel's physical changes would occur.
- H. Adequate evidence and guarantees have been provided to indicate that all provisions of the Specific Plan have been satisfied by protecting sensitive areas on and off-site and mitigating impacts by reducing them to a less significant level including the biology, cultural resources, and existing geotechnical and geological conditions, maintaining manufactured slopes to a ratio of less or equal to 2:1, by screening retaining walls, and providing more landscaping than the minimum requirement.
- I. The removal of five Oak Trees is required to complete the access driveway from Agoura Road to the parking lot and the parking lot of the adjacent property, building out the right-of-way as well as for the construction of retaining walls necessary to retain the hillside. The trees to be removed are less than 12 inches in diameter and

were assigned an *average* rating for health/aesthetic value. The loss of trees is mitigated in kind and with an in-lieu fee.

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 recommends the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends the City Council approve Case Nos. 07-CUP-009 and 07-OTP-012, subject to the attached Conditions, with respect to property located described in Section I herein.

PASSED, APPROVED, and ADOPTED this 20th day of May, 2010, by the following vote to wit:

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

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

**CONDITIONS OF APPROVAL
CASE NOS. 07-CUP-009 & 07-OTP-012**

STANDARD CONDITIONS

Entitlement Requirements

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of these Permits with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to, and requires complete conformation to, the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, Landscape Plan and Grading Plan.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse, provided that the applicant has been given written notice to cease such violation and has filed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 07-CUP-009 and 07-OTP-012 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. 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.
21. A copy of all communications between the City and the applicant pertaining to the approved plans shall be kept on-site at all times.
 22. 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.
 23. 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 CONDITIONS

24. 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.
25. 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.
26. 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 CONDITIONS

27. The applicant shall comply with each mitigation measure listed in the Final Mitigated Negative Declaration and outlined in the adopted Mitigation Monitoring Program for the project, as well as the conditions of approval applicable.
28. Air quality measures (Rule 403) shall be copied onto the cover sheets of the Grading Plans.

OAK TREE/LANDSCAPING CONDITIONS

Oak trees

29. The applicant is permitted to remove the following five (5) oak trees: Trees GOT-1, GOT-9, GOT-10, GOT-13, and GOT-17 to construct the approved project. The total diameter to be removed is eighty-one inches (81”).
30. The applicant is permitted to encroach within the protected zone of the following ten (10) oak trees to construct the approved project as shown in the above Grading Plans: Trees GOT-2, GOT-3, GOT-4, GOT-6, GOT-7, GOT-8, GOT-16, GOT-18, GOT-19, and GOT-20.
31. No activities are permitted within the protected zones of the remaining five (5) oak trees, Trees GOT-5, GOT-12, GOT-14, GOT-15, and GOT-22. They are to be preserved in place.
32. To mitigate the loss of Trees GOT-1, GOT-9, GOT-10, GOT-13, and GOT-17, the landscape plan shall include eighty-one inches (81”) of diameter of oak trees. The applicant shall plant at least twenty (20) oak trees within the site, to include the following fifteen (15) trees:
 - a. Ten (10) twenty-four inch (24”) box-size oak trees
 - b. Five (5) thirty-six inch (36”) box-size oak trees
33. The proposed Oak Tree Mitigation Plan provides twenty-five (25) new oak trees, having a total diameter of seventy-eight inches (78”). If the site will not accommodate additional trees to meet the mitigation requirement, the applicant shall pay a fee in the amount of \$1,208.00 (as calculated on the attached tables) into the City Oak Tree Mitigation Fund for the deficit of three (3) inches. This amount shall be adjusted as required based upon the final Landscape Plan.
34. Trees GOT-7 and GOT-8 may require pruning to allow for vehicular clearance beneath the dripline. All pruning shall be subject to the review and approval of the City Oak Tree Consultant.
35. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.

36. The mitigation oak trees shall be maintained in perpetuity. Should any of the mitigation oak trees decline or die, they shall be replaced in accordance with the provisions of the Oak Tree Preservation and Protection Guidelines.
37. All excavation within the protected zone of Oak Trees GOT-2, GOT-3, GOT-4, GOT-6, GOT-7, GOT-8, GOT-16, GOT-18, GOT-19, and GOT-20 shall be performed using only hand tools under the direct supervision of the applicant's oak tree consultant.
38. No planting or irrigation is permitted within the protected zone of an existing oak tree without approval from the City of Agoura Hills Landscape and Oak Tree Consultant. Planting within the protected zones of Trees GOT-2 through GOT-5 where the slope is to be repaired shall be drought tolerant plants, suitable for planting under oak trees. Selection of plants shall be subject to the review and approval of the City Oak Tree Consultant. Irrigation within the protected zone shall be on a separate valve that can be disconnected when plants have become established.
39. Prior to the start of any mobilization or construction activities on the site, Oak Trees shall be fenced at the edge of the protected zone in strict accordance with Article IX, Appendix A, Section V.C.1.1 of the City of Agoura Hills Oak Tree Preservation and Protection Guidelines. The City Oak Tree Consultant shall approve the fencing location subsequent to installation and prior to the start of any mobilization or work on the site.
40. No vehicles, equipment, materials, spoil 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.
41. Prior to occupancy, each existing and new oak tree shall be mulched throughout the dripline with three inches (3") of approved organic mulch as needed to supplement natural leaf litter.
42. No pruning of live wood shall be permitted unless specifically authorized by the City Oak Tree Consultant. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. All pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
43. The applicant shall provide forty-eight (48) hour notice prior to the start of any approved work within the protected zone of any oak tree.
44. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree at that time.

Landscape:

45. The landscape plan shall substantially conform to the Landscape Concept Plan, prepared by Richard W. Campbell, ASLA as received by the City of Agoura Hills June 12, 2009.
46. 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
47. 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, rights-of-way, 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.

- i. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
 - j. Plant symbols shall depict the size of the plants at maturity.
 - k. The landscape plans shall prominently display the following notes:
 - i. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - ii. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".
 - iii. Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plans.
 - l. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
 - m. The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings with a minimum of waste and over spray on adjoining areas.
 - n. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
 - Design and static pressures
 - Point of connection
 - Backflow protection
 - Valves, piping, controllers, heads, quick couplers
 - Gallon requirements for each valve
 - o. Three (3) copies of details and specifications shall be provided, addressing but not limited to, planting, soil preparation, tree staking, guying, installation details, and post installation maintenance.
48. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
49. The Landscape Plan must be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.
50. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including driveways and aisles, shall be covered by tree canopies within fifteen (15)

years after installation. The applicant has demonstrated that this condition has been met and will work with staff during the County of Los Angeles Fire Department Fuel Modification approval process to ensure the proposed design meets the highest percentage of canopy coverage that can be achieved.

51. A complete Landscape Documentation package shall be provided 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.
52. The Landscape Plan shall not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society or the California Exotic Pest Plant Council.
53. The final plans shall not include any palm species.
54. All plant material shall be considered compatible with Sunset Zone 18.
55. The proposed driveway connection between the subject site and the parcel to the west shall be consistent on all project plans and shall meet all minimum dimension requirements. Discrepancies between the landscape plan and other project plans as to the exact configuration of this connection shall be resolved prior to grading permit approval.
56. A minimum of twenty percent (20%) of the total lot shall be landscaped.
57. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
58. A minimum of twenty-five feet (25') of landscaping shall be provided along Agoura Road.
59. 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, one (1) such tree will be required. This requirement is in addition to any mitigation required for removal of existing oak trees.
60. All finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) stalls apart.
61. Parking lot planters shall have a minimum width of six feet (6') when parking abuts one side and eight feet (8') when parking abuts on both sides.
62. Planters shall have a minimum width of four feet (4').
63. 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.

64. No other usage or storage shall be permitted within any required yard, including transformers and trash enclosures.
65. Any unsightly uses, including trash enclosure and transformers shall be screened with berms, decorative walls or landscaping.
66. Special paving material and streetscape planting shall be provided at project entries in accord with the Ladyface Mountain Specific Plan.
67. Poor landscape practices such as topping, hedging and "lollipopping" shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City Landscape consultant.
68. 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.

ENGINEERING CONDITIONS

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

A. General

- 2.01 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.
- 2.02 The applicant shall provide a copy of proposed Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, to the City Engineer for review and approval of the City Attorney. These CC&R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- 2.03 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.
- 2.04 Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.

- 2.05 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.
- 2.06 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.
- 2.07 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.
- 2.08 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.
- 2.09 The applicant shall 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.
- 2.10 Prior to issuance of permits from the Engineering Department, the applicant shall obtain a permit from the Las Virgenes Municipal Water District.
- 2.11 Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. The applicant may contact Engineering Department at (818) 597-7322 for approved City certification forms.
- 2.12 The applicant shall provide a plan and profile of the main entry driveway with notation of vertical curves for smooth riding characteristics. It is required to flatten driveway slope in front of subterranean entry driveway. This will lower the entire building by at least one foot. The inlet curb near driveway entry shall provide for a sloping apron and extended sidewalk connection to work around the drain box.