



**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

**ACTION DATE:** January 20, 2011

**TO:** Planning Commission

**APPLICANT:** Conrad N. Hilton Foundation  
10100 Santa Monica Blvd., Suite 1000  
Santa Monica, CA 90067

**CASE NOS.:** 09-CUP-001; 10-VAR-004; 09-OTP-003; VTPM 71284; and 09-DA-001 (Draft Ordinance)

**LOCATION:** 30440 and 30500 Agoura Road (APN 2061-002-024 & 2061-002-048)

**REQUEST:** Request for a recommendation of approval to the City Council for a Conditional Use Permit to construct a 90,300 square foot office complex in four phases over a 25-year period, with entitlement proposed for Phase I that includes a 24,000 sq. ft., two-story office building; a Variance from Zoning Ordinance Section 9606.2(D) to construct retaining walls in excess of 6 feet in height, and Section 9654.6 to provide a reduction in required parking spaces; an Oak Tree Permit to remove 65 oak trees and encroach within the protected zone of 36 oak trees; a Vesting Tentative Parcel Map to adjust the parcel lines of two parcels; an Ordinance for a Development Agreement; and adoption of an Environmental Impact Report and a Mitigation Monitoring Program (with a Statement of Overriding Considerations).

**ENVIRONMENTAL ANALYSIS:** Environmental Impact Report

**RECOMMENDATION:** Staff recommends the Planning Commission adopt motions recommending to the City Council approval of Conditional Use Permit No. 09-CUP-001; Variance Case No. 10-VAR-004; Oak Tree Permit Case No. 09-OTP-003; Vesting Tentative Parcel Map No. 71284; and the Development Agreement, subject to conditions, based on the findings in the attached Draft Resolutions; and recommending certification of the Final Environmental Impact Report and adoption of the Mitigation Monitoring and Program prepared for the project, based on the findings of the Draft Resolution.

**ZONING DESIGNATION:** SP (Ladyface Mountain Specific Plan)

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

## **I. BACKGROUND**

### Ladyface Mountain Specific Plan

Excluding the construction of the City Hall/Library building, the former Temple Beth Haverim's synagogue project, and two office buildings, all of which were developed on pre-graded parcels located on Ladyface Court, the applicant's proposed office project will be the second development proposal located on vacant land reviewed under the Ladyface Mountain Specific Plan. The first development proposal was an office complex located 30200 and 30300 Agoura Road. That project was approved and is currently under construction.

The Specific Plan provides the City with a comprehensive set of plans, policies, regulations and conditions for guiding and ensuring the orderly development of properties located on the north side of Ladyface Mountain, between Kanan Road and the westerly City limits. The purpose of the Specific Plan, which supersedes the City 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.

In April of 2010, the City Council approved amendments to the Specific Plan that included additional development regulations and requirements, including that all projects meet a design construction standard equivalent to the minimum U.S. Green Building Council LEED Certified rating, the use of pervious or semi-pervious paving material to limit run-off, the use of a gray water system or other water efficient features, the use of a rock-faced soil-nail wall design for retaining walls that exceed 6 feet in height, and compliance with an updated native landscaping plant palette. Although the proposed project is exempt from these new standards as the applications were filed prior to adoption of the Specific Plan amendments, the project meets this new development criteria.

The predominant use allowed within the Specific Plan area is business park. Within the Specific Plan area, a maximum of 396,600 square feet has been allocated towards the development of business park uses. The methodology for determining the maximum development and density for parcels within the Specific Plan area consists of the following:

1. Maximum Development Area and Minimum Open Space Area

The maximum development areas and the minimum open space areas were developed by applying the City's hillside development criteria to each parcel. It also assumes that development is prohibited above the 1,100 foot elevation. For the proposed project site, the Ladyface Mountain Specific Plan requires at least 47.5% of the site remain as open space. The proposed non-disturbed/open space area is 80% of the total property.

2. Maximum Pad Area

Maximum pad areas were developed based on assumptions contained within the hillside development criteria, using 2:1 manufactured slopes, minimal retaining walls, and applying all setback requirements and the grading guidelines established for grading adjacent to scenic highways. The Specific Plan encourages the use of innovative siting techniques to reduce grading. The pad locations proposed for this project is generally consistent with the one contemplated in the Ladyface Mountain Specific Plan for this parcel. If the pad were to be located further north and closer to Agoura Road, more grading and cut/fill slopes would be required due to the steep and undulated topography in this area. The proposed pad areas meet the required standards and are specified in the development standards table within Section II (Project Description) of this staff report.

3. Maximum Developable Building Area

The maximum building areas were developed assuming the pad areas for each parcel consists of a 2-story building with on-grading parking provided at a ratio of 1/300 square feet of building area. Other assumed development standards included building setbacks, lot coverage, oak tree encroachment restrictions, retaining wall and grading guidelines, and landscaping. The proposed building areas meet the required standards and are specified in the development standards table within Section II (Project Description) of this staff report.

4. Traffic Budget

In order to ensure that cumulative traffic generated from development of the specific plan does not result in unacceptable levels of service at any of the eight intersections/interchanges in the vicinity of the Specific Plan area, a traffic budget has been established for each parcel in the Specific Plan area. A theoretical maximum building area was developed based on cumulative traffic forecasts generated from long-term building out of the Specific Plan area, where each parcel has been assigned a maximum number of afternoon peak hour trips it may generate based on the conceptual

building square footages. The project traffic meets the required standards and the traffic analysis is within Section III-I of this staff report.

## 5. Open Space

The Ladyface Mountain Specific Plan is the primary land use document governing the applicant's proposed project, which consists of the ultimate build-out of four, two-story office buildings of totaling 90,300 square feet size. Preservation of open space is a key element of the plan. The Specific Plan requires that lands above the 1,100-foot elevation be designated as permanent open space and access for designated trail systems be provided.

Open space lands within the Ladyface Mountain Specific Plan area are intended to serve important functions, including: 1) Preserving significant hillsides and ridgelines of Ladyface Mountain for visual and aesthetic purposes; 2) Providing logical extensions to the existing regional park uses; 3) Preserving and enhancing existing wildlife habitats, and; 4) Providing a transitional area that can accommodate fuel modification zones, viewshed zones and site plan adjustments in critical areas.

The applicant's property consists of two parcels of totaling approximately 70 acres in size. The previous owner of the westerly parcel voluntarily donated all land above the 1,100-foot elevation as permanent space, resulting in a reduction in the lot size from approximately 75.85 acres to 36.6 acres. That action assured that 39.25 acres of donated land that extended south towards the summit of Ladyface Mountain will remain undeveloped and will provide significant long-term protection to an important habitat linkage within the Ladyface Mountain Wildlife Corridor. The applicant has submitted an application for a Vesting Tentative Parcel Map for the merger of their two parcels. The Ladyface Mountain Specific Plan requires the portion of the easterly parcel that extends above the 1,100-foot elevation to be donated as permanent open space to a public parkland agency. Approximately 80% of the total site is proposed as undisturbed open space, which exceeds the minimum requirement of 47.5%.

## **II. PROJECT DESCRIPTION**

The applicant, Conrad N. Hilton Foundation, is proposing construction of their campus headquarters on two vacant parcels totaling approximately 70 acres in size. The property is located at 30400 and 30500 Agoura Road, west of Reyes Adobe Road, adjacent to and west of the Agoura Hills Corporate Point office complex that is currently under construction. Both of the applicant's parcels are located within the Ladyface Mountain Specific Plan area. The lower, developable portion of the property is located within the Business Park Office/Retail (BP-O/R) sub-area of the Specific Plan.

The parcels are irregularly shaped, having a northern frontage along Agoura Road of approximately 1208 feet. Eastern and western property boundaries extend approximately 750 feet south from Agoura Road. Adjacent land uses include:

<u>Location</u>	<u>Zone</u>	<u>Current Use</u>
North:	Business Park-Manufacturing	Zebra (R&D), Beyond Trust Mortgage, and office use
South:	Ladyface Mountain Specific Plan	Vacant
East:	Ladyface Mountain Specific Plan	Agoura Hills Corporate Point office complex (under construction)
West:	Ladyface Mountain Specific Plan	Vacant

The proposed project involves 90,300 square feet of development, including 88,000 square feet of office space in four buildings, and a 1,500 square-foot maintenance facility. The project would focus development on the central and northern portions of the site. Within the area proposed for development, there are two main subareas: the western portion and the eastern portion.

The applicant is seeking a Development Agreement to construct the project in four phases over a 15-year period that can be extended by two, 5-year extensions for a total 25-year period. At this time, the applicant is seeking approval of the master site plan, the master grading plan, the master landscape plan and oak tree permit, Variances for total parking and retaining wall heights, and a Vesting Tentative Parcel Map to adjust the property lines of the two parcels. The applicant is also seeking at this time approval of the construction plans for the Phase I development that includes the Phase I site plan, grading plan, floor plans, building elevation plans, and landscape plans. No building elevation plans are proposed at this time for Phases II, III, and IV. Project development during Phases I and III would occur primarily on the eastern portion of the site. Project development during Phases II and IV would occur on the western portion of the site.

Phase I development would occur on the northeastern portion of the project site and include the construction of the Phase I office building, a maintenance structure, parking and circulation elements, and drainage improvements, as well as landscaping and related outdoor features. With respect to the overall plan for the proposed project, Phase I would also include grading on the slope east of the western basin along the south side of Agoura Road; grading within the Agoura Road right-of-way from the eastern property boundary to the western debris basin; improvement and widening of Agoura Road from the eastern property boundary to proposed western boundary of the eastern parcel; and rough grading for the Phase III building pad. To minimize soil erosion and water run-off, the graded area for the Phase III building would be planted with native vegetation until such time that Phase III is implemented. All rough-graded areas of the property are conditioned to be temporarily landscaped.

The proposed 24,000 square foot Phase I building would consist of two stories with a maximum height of 35 feet. The Phase I building is envisioned to include offices, a reception area, meeting rooms, and a convenience kitchen. Landscaping is proposed along building facades and internal circulation routes. Garden features would be installed in the parking lot area, obscuring and softening the façade appearance. The proposed 750 square foot ancillary maintenance structure would be situated on the west end of the proposed parking lot area. A first-flush detention basin to be located north of the Phase I parking lot would collect and hold the first ¾-inch of water from the development footprint and adjacent sections of Agoura Road until it is released into the off-site storm drain system.

Vehicular access for Phase I would be provided from a driveway off of Agoura Road at the northeast corner of the site (actually off-site so as to align with another driveway located directly north, on the north side of Agoura Road). A total of 75 parking spaces would be provided in a surface parking lot west of and adjacent to the Phase I building (the "central parking lot"); the entry drive would consist of an internal landscaped roadway providing on-site access to the surface parking lot; and a landscaped pedestrian walkway would provide connectivity between the parking and office uses.

Phase II would be implemented to as accommodate the Foundation's anticipated growth over time. This phase of development would include the construction of a 36,000 square foot office building, an access driveway with road side parking, a parking lot on the western parcel, added spaces to the central parking lot, completion of the improvements to Agoura Road up to the western property line, and improvements to the western debris basin to accommodate for the widening of Agoura Road. The proposed office building would consist of two stories and reach a maximum height of 35 feet. Although the design of this building would be subject to future entitlement review, the building is envisioned to include offices, a reception area, meeting rooms, and a kitchen. Phase II would also expand the Phase I maintenance structure by 750 square feet, which would provide additional area for grounds keeping facilities, as well as equipment and electrical cart storage for the project.

Phase II would also provide a total of 110 parking spaces between a new western parking lot, driveway and circle parking spaces, and additional spaces within the central parking lot. The western parking lot would consist of 43 spaces adjacent to the Phase II office building in the location of the Phase IV office building. Thirty-three (33) parking spaces would be provided along the driveway and circle near the entrance of the Phase II building, and 34 parking spaces would be added to the central parking lot. Site improvements to occur during Phase II also include a funicular, which is a cable railway on a steep incline, to provide direct connectivity between Phase I development and Phase II development, as well as an internal cart path that would meander between the eastern and western portions of the site. The proposed funicular and cart path will be built upon completion of Phase II and are intended to eliminate the need of an interior roadway connection between the eastern portion of the site (Phases I and III) and the

westerly portions of the site (Phase II and IV). Vehicular access to the Phase II building and parking areas would be provided from a driveway on Agoura Road on the western portion of the project site.

The 7,500 square foot Phase III office building would be constructed on the northeastern corner of the project site during this phase, north of the Phase I office building. The height of the Phase III office building would be two-stories, but not exceed 35 feet. Mass grading for the Phase III building pad would be conducted during Phase I; however, some fine grading would be required to prepare the site for the Phase II building. The western parking lot would be expanded by 23 parking spaces to move parking spaces allocated to Phase II closer to the Phase II building, and free up parking spaces in the central parking lot for the proposed Phase III use.

Construction of the Phase IV office building would complete the anticipated build-out of the proposed project. Similar to the Phase II and III office buildings, the design of the Phase IV office building would be subject to future entitlement review. During Phase IV, a 21,300 square foot office building would be constructed in the western portion of the site and would be two stories with an approximate 35-foot height. The building would consist of office and meeting rooms. With respect to the overall site plan, the Phase IV building would replace the western parking lot that would be developed during Phase II. Parking spaces within the western parking lot, as well as additional parking spaces required for Phase IV, would be accommodated via construction of a subterranean, 130 parking space garage within the central parking lot.

The proposed project requires the approval of a Conditional Use Permit, as specified in the Ladyface Mountain Specific Plan. An Oak Tree Permit is also required for construction impacts that would necessitate the removal of Oak trees and encroachment within the protected zone of Oak trees.

The required development standards for the project are noted below.

	<u>Proposed</u>	<u>Allowed/Required</u>
Lot Size:	Approximately 70 acres	N/A
Building Height (Phase I):	35 feet	35 feet max.

Proposed

Allowed/Required

Building Pad  
Areas:

Phase I and III:	32,255 sq. ft.	
Phase II:	42,570 sq. ft.	
<u>Phase IV:</u>	<u>13,530 sq. ft.</u>	
Total:	88,355 sq. ft. (2.03 acres)	4.55 acres max.

Building Coverage :

Phase I:	12,347 sq. ft.	
Phase II:	18,705 sq. ft.	
Phase III:	3,890 sq. ft.	
<u>Phase IV:</u>	<u>10,815 sq. ft.</u>	
Total:	45,757 sq. ft. (1.05 acres) (1.5% of overall site)	30% max.

Building Setbacks:

Front (North):

Phase I:	120 feet	70 feet min.
Phase II:	510 feet	2x the bldg. ht.
Phase III:	82 feet	2x the bldg. ht.
Phase IV:	310 feet	2x the bldg. ht.

Rear (South):

Phase I:	3,000 feet +	70 feet min.
Phase II:	235 feet	2x the bldg. ht.
Phase III:	3,000 feet +	2x the bldg. ht.
Phase IV:	465 feet	2x the bldg. ht.

Side (East):

Phase I:	70 feet	70 feet min.
Phase II:	390 feet	70 feet min.
Phase III:	60 feet	0.75 x ht. of Bldg. I & II
Phase IV:	255 feet	0.75 x ht. of Bldg. II & IV



	<u>Proposed</u>	<u>Allowed/Required</u>
Side (West):		
Phase I:	488 feet	52.5 feet min.
Phase II:	485 feet	70 feet min.
Phase III:	660 feet	0.75 x ht. of Bldg. I & II
Phase IV:	470 feet	0.75 x ht. of Bldg. II & IV
Parking:	271 spaces	300 min. spaces
No. of Oak Trees:	207 proposed to be retained	243 existing
No. of Scrub Oaks:	84 proposed to be retained	113 scrub oaks

### III. STAFF ANALYSIS

#### A. Architectural Review

Beginning with the presentation of conceptual plans, the applicant met with the City Architectural Review Panel on three occasions for the Panel's review of Phase I. The project design includes LEED Platinum design elements that incorporate exterior features of the following:

1. Cast in place concrete
2. Matte finish metal screen
3. Exterior stainless steel roller shades
4. Exterior glass wall
5. Matte finish metal panels
6. Stone veneer

The City Council reviewed the project design as a Pre-Screen Review discussion item on July 14, 2010. The stone veneer was applied to greater portions of the building to address concerns raised by both the City Council and the Architectural Review Panel who preferred more use of building colors and materials that were compatible with the natural environment.

In addition to the proposed building design, the project indicates the potential for photovoltaic carport canopies to shade portions of the parking lot and generate electricity. Under the proposed project, only the Phase I building would be entitled at this time, with subsequent entitlements to be considered by the Planning Commission over the next 25 years.

The project design is intended to result in a building that is an example of contemporary architecture of rare LEED (Leadership in Energy and Environmental Design) Platinum design, an office campus that integrates with the natural landscape and preserves the integrity of the surrounding landscape, provides a building that will last of 100 years, is well articulated from a variety of vantage points, and sets an example in the sustainable building community as developing a process and advancing technology that can be accessible to the general public with hopes of encouraging sustainable strategies both nationally and internationally. However, LEED design applies to entire project site. Examples of a few of the proposed sustainable design elements for this project include:

- Photovoltaic solar energy panels on the buildings and in the parking lot solar trellis
- Passive heating/ventilation systems and no recirculation of air
- Thermal massing features
- Green roof system
- A building design that maximize use of natural light
- Mechanical shading devices
- Local, renewable and recycled building materials
- Collection of rainwater to support irrigation demand
- Permeable hardscape materials in the courtyards, parking areas and cart path
- Native vegetation in landscaping

Although the proposed LEED building design elements are not required by the City, the applicant intends to obtain the highest LEED Platinum status level. Accordingly, the City staff has retained a LEED Consultant (RRM Design Group) to assist in review of the plans before the Planning Commission and the plan check review process of the LEED components of the building. RRM Design Group confirms that it meets LEED Platinum criteria and will verify compliance at plan check.

The applicant's desire to achieve a Platinum LEED building with the features noted above will require a deviation from the City's Architectural Design Standards and Guidelines for hillside development. Specifically, to achieve heating and ventilation efficiency the building would not be terraced between stories and it would include expansive use of transparent glass for natural light within the building. The Architectural Review Panel acknowledged that the building design represents a deviation from the terraced hillside development envisioned of the Ladyface Mountain Specific Plan area, but also understood the applications of the building design, which begins with designing the interior of the building to be the most energy efficient as possible, which in this case requires the second floor to be placed directly above the first floor for the natural ventilation circulation which the applicant desires. The exterior design of the building is intended to complement the functional components of the interior of the building. Thus, the Architectural Review Panel supported the project as being of a leading-edge design that is also complimentary to the surrounding natural and built environment along Ladyface Mountain.

B. Lighting

The applicant desires to provide exterior light fixtures for the Phase I construction within the parking lot (including under the covered parking stalls on the north end of the parking lot), along the entry driveway, and within the pedestrian path areas along the perimeter of the building. The locations of the proposed fixtures are shown on Electrical Plan Sheet E0.06.

Staff is recommending that the applicant be conditioned to provide final light details, including fixtures design, illumination details, and a photometric plan, for approval by the Planning Commission. The EIR requires as a mitigation measures that the project "incorporate lighting design features to the extent possible that will reduce the amount and intensity of night lighting in open space areas adjacent to the development. This would involve using lighting only to the extent necessary, using low-intensity lights, placing lighting close to the ground when possible, using shields to reduce glare and direct lighting downward, and pointing lights away from open space areas. Security lighting from the site should not exceed 0.001 foot-candles at the edge of the fuel modification zone."

C. Signage

No Sign Plan for the project has been submitted. The Ladyface Mountain Specific Plan allows for building wall signage, as well as project identification signage at the driveway entrance. Driveway entry signage that identifies the project is to be incorporated into retaining or planter walls. A monument sign is another alternative that could be considered. Monument signs may be single or double-faced, located near the driveway entrance. The Specific Plan also allows for wall-mounted signage that includes low levels of illumination and that are compatible with the architecture of the buildings in regard to size, proportions, location and colors. All signage for the project would be subject to a sign program that is subject to review and approval from the Planning Commission.

D. Vesting Tentative Parcel Map

The property currently consists of two parcels totaling approximately 70 acres in size. The applicant desires to adjust the lot lines of the two parcels to accommodate the construction of Phase I entirely within the easterly parcel, which would result in two parcels of 35.97 acres and 34.30 acres in size.

For the purpose of the lot line adjustment, the applicant has filed a Vesting Tentative Parcel Map. A Vesting Tentative Parcel Map is identical to a Tentative Parcel Map except that, by law, when a local jurisdiction approves a vesting map, the developer has received the vested right to build the project laid out in the tentative map. A vested map restricts local government from imposing new standards or conditions on the tentative map that were not in place at the time the application was deemed complete (or approved). Additionally, the law specifies that a local jurisdiction cannot

deny a subdivision proposal (or, in this case, a lot line adjustment), simply because a vesting tentative map is being sought.

The City Engineer has reviewed the proposed Vesting Tentative Tract Map and finds that it meets the requirements of the Subdivision Map Act and the City Municipal Code, subject to conditions of approval. Likewise, Planning staff finds that the Vesting Tentative Map will allow for development of the property in compliance with the General Plan, Zoning Ordinance, and Ladyface Mountain Specific Plan development standards.

E. Grading and Drainage

Proposed grading of the project site would occur over the four phases of construction and would consist of a cut/fill operation to create level building pads and associated features. The primary proposed fill areas are the lower lying, gentle slopes between the ridges. Erosion control measures would be included during grading and prior to the completion and construction of permanent drainage controls. Mass grading from the building pads would be limited to Phases I and II, with minimal grading to occur in Phase III (the building pad for Phase II construction would be graded during Phase I). Phase IV would involve excavation of 5,000 cubic yards of soil to construct the subterranean garage beneath the central parking lot on the eastern portion of the site, with soil retained on-site.

During Phase I, grading activities would be conducted in association with the proposed widening of Agoura Road along the frontage of the easterly parcel, the project's easterly ingress/egress, as well as the pads for the Proposed Phase I and Phase III buildings, central parking lot, internal circulation improvements, and drainage improvements (eastern debris basin and detention basin). In order to align the project's easterly ingress/egress from Agoura Road, a small amount of grading would occur in the neighboring property, whereby the applicant and the adjacent property owner have an existing easement agreement. Phase I grading would disturb roughly 7.2 acres, which includes on-site grading, as well as grading within the Agoura Road right-of-way, and the aforementioned off-site ingress/egress from Agoura Road. Roughly 60,000 cubic yards of cut and 49,000 cubic yards of fill would be required, resulting in about 11,000 cubic yards of soil export.

The grading activities proposed during Phase II would be conducted in association with the project's westerly ingress/egress from Agoura Road, Phase II and Phase IV buildings, the proposed western parking lot, internal circulation, and drainage improvements (western debris basin and bioswales). Phase II grading would disturb roughly 6.3 acres on-site and would include 38,000 cubic yards of cut and 15,000 cubic yards of fill for a net export of 23,000 cubic yards of soil. Phase IV grading would include 5,000 cubic yards of cut and export for excavation of the subterranean garage.

Grading for the widening of Agoura Road would occur during Phases I and II. During Phase I, grading would occur along the easterly parcel frontage, on the south side of Agoura Road and within the right-of-way frontage and street improvements would occur along this same street frontage. The remainder of the grading/improvements associated with the widening of Agoura Road along the western parcel would be conducted in Phase II.

There are two existing debris basins located on-site along Agoura Road. One is near the eastern property boundary of the project site and the other is near the western property boundary. The widening of Agoura Road would affect the existing configuration of both basins. The easterly basin would be redesigned and relocated south of the proposed Phase I building and central parking lot. In the location of the existing eastern debris basin, a detention basin would be constructed to collect first-flush runoff from the entire site, as well as from portions of Agoura Road. Runoff from the developed areas of the eastern portion of the site would be collected via onsite storm drainage and routed to a bioswale, which is a component of LEED design, to be located between the eastern access drive and Agoura Road, before entering the detention basin.

Runoff from within the development footprint on the western portion of the site would be collected via a series of inlets and routed to bioswales along the access road and Agoura Road before entering the detention basin. The westerly debris basin would also be moved to accommodate the widening of Agoura Road and improved to meet current design requirements. Multiple project LEED design elements, including roofs, access roads, parking lots, sidewalks, and green space would be designed to be multifunctional, incorporating detention, retention, filtration, or runoff use.

The proposed westerly and easterly debris basins will include a "debris cone" maintenance area. Each debris cone would extend beyond the limits of grading. The westerly debris cone extends 280 feet beyond the limits of grading. The eastern debris cone extends 70 feet beyond the limits of grading. Maintenance activities within the debris cones would be performed by the Los Angeles County Flood Control District and include clearance of vegetation and removal of oaks within its limits when necessary. The oak tree removals anticipated within the debris cone area has been accounted for in the project oak tree report.

Except where prohibited due to Los Angeles County Fire Department requirements, many hardscape surfaces such as parking lots, courtyards, and pathways would be constructed of permeable materials to reduce surface flows and promote infiltration prior to entering the stormwater system, consistent with the recently amended design criteria of the Ladyface Mountain Specific Plan.

The development of the project will require remedial grading in the form of removal and recompaction to provide suitable building pad areas and a primary vehicular access driveway. The total grading of the site will require approximately 120,142 cubic yards of cut and 31,627 cubic yards of fill. Portions of the site have been rough graded to provide interim access routes primarily for field investigation purposes.

Cut slopes of up to approximately 30 feet height are currently located along the property frontage, adjacent to Agoura Road. The grading plan calls for new cut slopes along this street frontage at 2:1 gradients. The highest cut slopes proposed are approximately 46 feet in height at the easterly driveway entrance (adjacent to the 1.5:1 cut slope on the property to the west) and 66 feet in height on the west side of the Phase I parking lot. These cut slopes are necessary to accommodate the on-site driveway and the widening of Agoura Road and to align with the existing driveway on the north side of Agoura Road, while retaining the 2:1 maximum slope called for in the Specific Plan.

The Specific Plan calls for manufactured slopes not to exceed 25 feet in height. Slopes steeper than 2:1 and of heights greater than 25 feet currently exist along the front property line and on the adjacent parcel to the east. However, the proposed grading plan is intended to reduce the need for multiple retaining walls that may have a greater visual impact due to their potential exposure from various viewshed corridors.

In 1986 the City Council adopted a Resolution (No. 329) intended to maintain consistency with the General Plan Scenic Highway Element by limiting the height of cut and fill slopes to 25 feet, provided that the Planning Commission that it can be adequately demonstrated that the slope will not be viewable from a major street or highway, or other visual corridor. This 25-foot height limit is iterated in the Ladyface Mountain Specific Plan. However, the cut slopes are necessary for the required widening of Agoura Road and entrance to the property.

The City Building Code gives the Planning Commission and the City Council the discretion to consider approving cut slopes greater than 25 feet in height on a case-by-case basis and the City Geotechnical consultant is satisfied with the safety of the proposed grading. The Planning Commission or City Council has the discretion, however, to require alternative grading plans, including the provision of a higher retaining wall along Agoura Road, or soil-nail retaining walls (similar to those recently approved for Archstone Oak Creek Apartment complex on Canwood Street), both of which would reduce the steepness of the proposed cut slopes. Completion of the road widening would permanently change the viewscape of Agoura Road. Staff would note that the Agoura Hills Corporate Point property to the east of the project site was approved with cut slopes of less than 2:1 slope and heights greater than 25 feet. Thus, while the proposed project will have cut slopes in excess of 25 feet in height, it will not be cut as steep as the property to the east.

The City's Geotechnical Consultant has approved the proposed grading plan and staff finds that the project is appropriately situated on the site to provide access to the buildings. The project will require the construction of several retaining walls near building pad areas and driveways. The proposed landscape plan will eventually result in landscape screening of all cut and fill slopes, and on-site retaining walls.

Some retaining walls are proposed to exceed the maximum 6-foot height. Specifically, a 12-foot retaining wall is proposed along the upper portion of the westerly on-site driveway that would provide access for Phases II and IV. An approximate 10-foot high wall is proposed along the back

side of the maintenance facility located on the west side of the Phase I parking lot that will be screen from view from Agoura Road. Accordingly, the applicant has filed a Variance application for the Planning Commission's consideration. Staff has reviewed the request and supports the increase in wall height in these areas as they will reduce the need for additional grading, thereby protecting natural slopes and biological resources. Also, the walls will include a soil-nail design to incorporate a simulated rock-face appearance on the exposed areas for greater compatibility of the natural features of the site, as required of the Ladyface Mountain Specific Plan for walls greater than 6 feet in height. Specific findings for approval of the Variance are included in the attached draft Resolution for the Planning Commission's consideration.

F. Oak Trees

Of the 243 protected oak trees identified within 200 feet of the development footprint, the proposed project over all four phases would remove 36 protected oak trees, including 16 valley oak trees and 20 coast live oak trees. An additional 32 protected trees would be encroached upon within the canopy and protected root zone. Fuel modification activities would be limited to removal of deadwood in the canopies and would not substantially impact protected oak trees within fuel modification zones.

Of the 113 scrub oaks surveyed, there are a total of 33 impacted (29 removals and 4 protection zone encroachments). The 29 removed oak canopies area total 5,660 square feet. Although there are four phases of development in the proposed project (two phases of mass grading), all 33 scrub oaks would be affected during Phase II grading. The required widening of Agoura Road and eastern and western debris cones would not affect any scrub oaks.

In compliance with the City Oak Tree Ordinance, the required mitigation for the identified oak tree impacts would include a total of 669 inches of new oak tree trunk diameter.

Staff would make every attempt to ensure the oak trees are planted according to species-specific habitat requirements, including that valley oak trees are located at lower elevations in alluvial soils and that coast live oak trees are located in music soil conditions on north-facing slopes. Staff also recommends that in the event that a portion of the required mitigation trees cannot be planted on-site, as determined by the Director of Planning and Community Development, that the applicant be allowed to pay an equivalent valued in-lieu fee to the City's oak tree habitat fund. The oak tree habitat fund is used for the planting and restoration of oak trees on public property in the City, and for acquisition of open space property that includes oak habitat.

G. Landscaping

In addition to the planting of several new large boxed oak tree specimens required for oak tree removal purposes, the conceptual landscape plan for the project includes landscaping and trees to be planted along the access road, internal circulation paths, and the Agoura Road frontage.

Landscaping is also proposed around structures and related outdoor elements (e.g., gardens and water features), and screening of the parking lot, and would be appropriately located throughout the developed portions of the project site. Undeveloped open space areas would retain natural vegetation and graded slopes would be planted with native plants, including chaparral species, coastal sage scrub, and grassland intended to meet LEED design components. Irrigation for the proposed landscaping would be provided via a combination of a rainwater collection system, potable water, and reclaimed water.

Landscaping will be provided for stability to the cut and fill slopes. The City Landscape Consultant supports the overall landscape design considerations that will help ensure the building's harmonious existence with the natural surroundings and finds the design to meet the Ladyface Mountain Specific Plan plant list. Final landscape and irrigation plans will be subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development.

#### H. Visibility

The General Plan contains considerable guidance about the protection of scenic resources in the Scenic Highways Element and Community Design Element. The important goals of these elements call for 1) creation of an efficiently organized and aesthetically pleasing City; 2) maintenance of the City's rural atmosphere; 3) adoption of design standards; 4) development of adequate buffer areas; and 5) provision of adequate landscaping.

In addition, the Ladyface Mountain Specific Plan includes a comprehensive set of plans, policies, regulations and conditions for guiding and ensuring orderly development. The main purpose of this planning document (with respect to aesthetics and visual resources) is "to ensure that all development at the base of Ladyface Mountain is compatible with the unique nature of this natural asset to the community."

The proposed project has several unique features compared to many other portions of the City that are presently being considered for commercial development. The first of these features are the undeveloped north-facing slopes of Ladyface Mountain. This landform represents one of the City most cherished scenic resources. Thus development within the Specific Plan area is required to be well coordinated, environmentally sensitive and aesthetically pleasing. The existing Renaissance Hotel and Agoura Hills Corporate Point office complex (in construction) are located directly east of the proposed development, while portions west of the project site are currently undeveloped.

Along the frontage of the project, Agoura Road has an average topographic elevation of approximately 970 feet. The Phase I office building would have a finished floor elevation 993 feet. The Phase II office building would have a finished floor elevation of 1,064 feet (which is approximately the same finished floor elevation as the adjacent Agoura Hills Corporate Point project). The Phase III building would have a finished floor elevation of 976 feet, and the Phase IV



building would have a finished floor elevation of 1050 feet. Due to grade differences between the proposed project and the adjacent transportation corridors, the project will be visible from portions of Agoura Road, the 101 Freeway, residential neighborhoods to the north of the 101 Freeway, and Westlake Village.

The Environmental Impact Report (EIR) prepared for this project includes a comprehensive analysis of the project's visual impacts and includes photosimulations (reference Section 4.1 – Aesthetics). The EIR describes viewshed impacts of the project as follows:

- Agoura Road – Foreground views of the project site are available from limited locations along Agoura Road. Views from Agoura Road differ considerably depending upon a viewer's location, the direction of travel, and view orientation. The elevation, configuration, and sequencing of the natural ridge spurs on the project site and the adjacent properties, and the new cut slopes are the most visually prominent features that can be seen from along Agoura Road.
- US 101 Freeway Corridor – The project site's middle and upper-most elevations can be seen from the US 101 Freeway and adjacent frontage street. Commercial and business/office park development and mature tree landscaping in parking lots and within the public streetscape on land between Agoura Road and the US 101 Freeway block views of the site (particularly views of the site's lower elevations nearest Agoura Road) from the US 101 Freeway and frontage street. Views directed toward the site from the freeway or from frontage road locations (from Canwood Street, for example) are often either partially impeded, completely blocked, and/or filtered or screened by the presence of tall freeway sound walls and/or by Caltrans landscaping within the sound wall gaps.
- Residential Neighborhoods – Limited and restricted project site views are available from selected street and park locations in the suburban residential neighborhoods of the City to the north of the freeway. Residential streets tend to have limited site views because of their orientations (that do not align with viewing directions toward the project site and the presence of view-blocking structures and landscaping along their predominate east-west and north-south orientations).
- Westlake Village – Views of the project site are available from limited locations along Russell Ranch Road in Westlake Village. The elevation, configuration, and sequencing of the natural ridge spurs on the project site and the adjacent properties are the most visually prominent features than can be seen from Russell Ranch Road. Adjacent and commercial and business/office park development and landscaping partially block views of the project site (particularly the site's lower elevations) from Russell Ranch Road.

Although the building mass will be highly visible, the project is to include large quantities of native landscaping as a component of the development. This landscaping will provide visual screening of the buildings. This design element combined with the limitation of development below the 1,100-foot elevation, the incorporation of unique exterior architectural features complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of significant setbacks from Agoura Road will reduce the visual impact to the Agoura Road corridor.

Modifications to existing view conditions along the Agoura Road corridor include 1) landform alterations and roadway improvements necessary to access the project; 2) partial elimination of the dominant foreground view of the Oak tree canopy along Agoura Road ; and 3) the creation of the building mass. However, the passing motorist on Agoura Road would have only a modest 5-10 second duration of the buildings and cut slope visibility from the Agoura Road corridor.

Given the siting of the project towards the rear of the development parcel, preservation of ridgelines, and the preservation of open space, the Environmental Impact Report concludes that no significant loss of open space perception will result from the development of the project. The applicant redesigned the project during initial staff review, which included alternative exterior building materials and colors that are more compatible with the natural environment. View corridor changes will not significantly alter the community viewshed of this property for either foreground or background perspectives from the existing developed portion of the City.

The applicant has installed story-poles to demarcate the locations of each building corner and their ultimate roof heights. In some instances, such as for Phase I, the building pad will be placed on fill soil. Thus, the story-pole in the field is higher than 35 feet but the ultimate finished floor elevation is marked on the building story-poles.

#### I. Traffic

The traffic impact study prepared for the project notes that the development (all four phases) would generate and add 721 vehicle trips to the City's road system. Of these total vehicle trips, 135 trips would occur during the AM peak period and 127 during the PM peak period. Project trip generation during the off-peak hours (primarily between (9:00 AM to 4:00 PM) would be approximately 459 trips, or fewer than 66 trips on average per hour. The PM peak period traffic estimates generated by the project is within the 200 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A).

A total of eight (8) roadway intersections in Agoura Hills and Westlake Village were analyzed for potential traffic impacts associated with the project. The project traffic report concludes that volume/capacity (V/C) ratios or delays would range from less than 0.01 to 0.06. All studied intersections would operate at level of service (LOS) C or better under projected conditions.

Therefore, the City Traffic Engineer agrees that the project would not generate project specific impacts based on City thresholds.

While the proposed development will result in some increases in roadway traffic, the relative contribution of the project to traffic volume growth in the area is small. However, the applicant will be required to provide the following road improvements along the street frontage of the eastern parcel during Phase I construction, and along the western parcel during Phase II construction:

- 1) half street widening along the project frontage (east bound lanes of Agoura Road);
- 2) half street improvements creating a bike lane and a sidewalk;
- 3) full street improvements that taper and transition to join existing paving and striping;
- 4) construction of a raised median with left-turn pockets serving eastbound Agoura Road;
- 5) Payment of TIF Fee (estimated, based on current fees, to be \$555,254.70 based on \$6.149 per square foot (90,300square feet); and
- 6) Compliance with the City's Transportation Demand Ordinance which requires to the applicant to provide incentives for employee carpooling and offers employees information on available alternative transportation options (i.e. bus route, bicycle lane, carpooling information).

The street and right-of-way improvements on the north side of Agoura Road are already complete. If this project is approved, it would complete full street and roadway improvements on Agoura Road of 1,900 additional linear feet.

#### J. Parking and Variance Request

The Zoning Ordinance requires that general office uses provide for one parking space for each 300 square feet of gross floor area. In this instance, Phase I of the project would require 82 parking spaces, Phase II would require an additional 122 parking spaces, Phase III would require an additional 25 parking spaces, and Phase IV would require an additional 71 parking spaces, for a total of 300 parking spaces. However, the applicant's proposed parking supply of 271 parking spaces would not meet the City's parking requirements for the project. As such, the applicant is seeking approval of a Variance to allow fewer parking spaces than is required by Code. The deficiency in required parking would begin with the Phase I construction, at which time the project would be deficient by seven (7) parking spaces. Each subsequent phase of construction would also be deficient in meeting the required on-site parking requirement.

Staff can support approval of the Variance request as the Zoning Ordinance required parking ratios do not always reflect the actual parking demands of the proposed land uses. A parking demand analysis for the project was, therefore, completed and was based on empirical parking demand rates. Based on research completed by Walker Parking Consultants, U.S. Census Bureau data indicates that approximately 89% of employees who work in Agoura Hills arrive to work in single occupancy vehicles and 11% utilize alternative transportation. Therefore, an 11% reduction was applied to the employee parking demand estimate of 300 parking spaces for this project. Thus, it was concluded

that 267 parking spaces would meet the estimated peak parking demand which typically occurs at 10:00 a.m. for office uses, and that the proposed parking supply of 271 parking spaces would satisfy the peak parking demand. Staff would also note that the entire project is anticipated to be occupied by a single tenant with public parking demand for the private non-profit organization anticipated to be less than would typically be expected of a professional office complex that is open to the public during weekday hours. The City Traffic Engineer agrees with the findings of the parking analysis. Specific finds for approval of the Variance are included in the draft Resolution for the Planning Commission's consideration.

Staff would note that the applicant is proposing to install security gates for both driveways serving the property and are shown on the project site plan. While staff does not encourage the use of security gates due to potential blockage of street traffic, visual impacts, and precedence for additional security gates throughout the City, the applicant is proposing to locate the Phase I security gate approximately 150 feet within the entry driveway, and to locate the Phase II security gate 90 feet within the entry driveway. Staff can support the request as the proposed use of the property is for an internationally known private foundation and the gates will not impede traffic flow or be highly visible to roadway motorists. Staff recommends the design of the gates be subject to approval by the Director of Planning and Community Development.

K. Compliance with the Specific Plan and Land Use Compatibility

Scenario 1-A of the Specific Plan allows for the property to be developed with a 47,400 square foot business park use on the two parcels within a 4.55-acre building pad area. A property owner may request, in connection with a Conditional Use Permit application, that the maximum building area be increased provided that the applicant meets his burden of complying the required findings listed in the Specific Plan. The applicant has requested, as a component of the current application, that the maximum building area be increased from 47,400 square feet to 90,300 square feet over a 25-year, four-phased development. This increase is within the 90,300 square foot maximum permitted under Scenario 2-A of the Ladyface Mountain Specific Plan. As a result, the proposed increase in square footage would not require an amendment to the Specific Plan, but may be applied if certain findings called out in the Ladyface Mountain Specific Plan are made.

Listed below are the findings required to be met for the proposed increase in building size, and staff's analysis of each finding:

1-A. Finding: The proposed use is consistent with the objectives of the City Zoning Ordinance and the purposes of the zoning district in which the use is located.

Staff Analysis: The property is located in the Ladyface Mountain Specific Plan area. The project provides for business park development as called for this parcel within Specific Plan.

1-B. Finding: The proposed use is compatible with the surrounding properties.

Staff Analysis: The project is adjacent to similar land uses including the Agoura Hills Corporate Point project this under construction and is located to the east, and office uses and research and development uses to the north. Property located to the west of the project is currently vacant. The applicant's preservation of open space above the 1,100-foot elevation will sustain the natural habitat of the area.

1-C Finding: The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare.

Staff Analysis: The applicant will be required to construct the project in full compliance with the City Building Code and development standards of the Ladyface Mountain Specific Plan. Additionally, the applicant is responsible to mitigate against potentially significant environmental impacts relating to the project prior to and during construction.

1-D Finding: The distance from other similar and like uses is sufficient to maintain the diversity of the community.

Staff Analysis: The Agoura Road corridor has several office complexes, however development within the Ladyface Mountain Specific Plan is primarily intended for business park development. Although an office complex is under construction on a parcel located immediately east of the project site, the other nearest general office complexes to the applicant property are located approximately 400 feet to the northwest and 100 feet to the northeast. Also, the applicant's property is the second truly vacant parcel within the Specific Plan area to be developed.

1-E Finding: The proposed use will not mar the property's unique natural elements and has a positive relationship to the character of Ladyface Mountain.

Staff Analysis: Although the building mass will be highly visible, the project is to include large quantities of native landscaping as a component of the development. This landscaping will provide significant visual screening. This design element combined with the limitation of development below the 1,100 foot elevation, the incorporation of unique exterior architectural elements complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of compliant setbacks from Agoura Road, will reduce the visual impact to the Agoura Road corridor. The applicant is designing the project to achieve LEED Platinum certification.

1-F. Finding: Adequate evidence and guarantees have been provided to indicate that all provisions of the Specific Plan can be satisfied.

Staff Analysis: The applicant has worked closely with staff and the Architectural Review Panel in designing a project within pad areas that are allowed per the Specific Plan. Creative design techniques have been incorporated into the project design that preserve open space areas, allow for fewer retaining walls, provide for access for up to four buildings, and incorporate variation in building pad heights and natural building materials that are compatible with the natural features of the area.

- 1-G. Finding: The proposed use is consistent with the goals, objectives and policies of the General Plan.

Staff Analysis: Goal LU-23 of the General Plan Land Use and Community Form Element calls for Ladyface Mountain to be developed with economically viable business parks that are designed to reflect its natural setting at the base of Ladyface Mountain, while providing high-quality jobs. The project meets this goal through the design of LEED Platinum building within a proposed business park complex that will be located below the 1,100-foot elevation of Ladyface Mountain.

2. Finding: The increased density will not adversely affect the goals, objectives and policies of the General Plan or the Specific Plan.

Staff Analysis: As called for in General Plan Land Use and Community Form Element Policies, the project will preserve view corridors along Ladyface Mountain and be designed within the specifications of the Ladyface Mountain Specific Plan. The design criteria of the Ladyface Mountain Specific Plan help ensure that all development within the Specific Plan area is compatible with the surrounding natural environment and includes and architectural design of utmost quality. Additionally, the project is designed to achieve LEED Platinum certification and will promote extensive landscaping while emphasizing drought-tolerant plant materials. The preservation of open space above the 1,100-foot elevation will assist in maintaining open space resources for the purposes of maintaining the visual quality of the City.

3. Finding: The increased density will not reduce traffic Level of Service (LOS) at any intersection in the City to below LOS C as determined by the General Plan. In the event that the existing LOS is below C, then the increased density will not reduce the existing level of service to a lower level. Any increase in the traffic budget is offset by increases in roadway capacity or other acceptable mitigation measures.

Staff Analysis: The traffic impact study prepared for the project notes that the development (all four phases) would generate 721 vehicle trips to the City's road system. Of these total vehicle trips, 135 trips would occur during the AM peak period and 127 during the PM peak period. Project trip generation during the off-peak hours (primarily between (9:00 AM to 4:00 PM) would be approximately 459 trips, or fewer than 66 trips

on average per hour. The PM peak period traffic estimates generated by the project is within the 200 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A).

A total of eight (8) roadway intersections in Agoura Hills and Westlake Village were analyzed for potential traffic impacts associated with the project. The project traffic report concludes that volume/capacity (V/C) ratios or delays would range from less than 0.01 to 0.06. All studies intersections would operate at level of service (LOS) C or better under projected conditions. Therefore, the project would not generate project specific impacts based on City thresholds.

4. Finding: The increased density will not create any potentially significant environmental effects.

Staff Analysis: The Final Environmental Impact Report (FEIR) prepared for this project includes a detailed analysis the following issues: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, and Transportation/Traffic. While anticipated environmental impacts are identified within the DEIR, all can be mitigated to levels of insignificance with the exception of Biological Resources. However, it is recommended that a Statement of Overriding Considerations be adopted for this impact.

5. Finding: Manufactured slopes do not exceed a ratio of 2:1.

Staff Analysis: Although proposed cut slopes exceeding 25 feet in height are necessary for the widening of Agoura Road, no manufactured slopes will exceed a ratio of 2:1.

6. Finding: The increased density will not result in an increased loss of oak trees.

Staff Analysis: The increased density will result in the loss of oak trees. The majority of the oak trees proposed for removal is located near the required debris basins and need to be cleared for maintenance access, and along the Agoura Road frontage where road widening improvements would be required regardless of the proposed increase in density. Scrub oak removal is necessary for the Phase II construction, which is situated on the property to reduce grading impacts to the site and additional oak tree removal. All oak removals will be fully mitigated to less than significant impacts.

7. Finding: Exposed retaining walls will be used only to enhance design or to protect oak trees.

Staff Analysis: The retaining walls are proposed to reduce the extent of grading on the site, thereby preserving oak trees and other existing biological resources. Retaining walls greater than 6 feet in height will be soil-nail walls consistent with the Ladyface Mountain Specific Plan Amendments approved in April of 2010. The visual appearance of soil-nail walls is compatible with promoting the natural visual qualities of the site, including oak trees.

8. Finding: Grading will be limited and innovative building techniques such as stepped massing, sculpturing the building into the hillside, underground parking, or other similar mitigating measures will be incorporated into the project.

Staff Analysis: The building pads are clustered at the east and west ends of the property on varying pad levels, and all will be primarily served with a centralized parking lot that will be placed underground during the fourth phase of construction. These siting techniques, including the use of a funicular between the easterly and westerly development areas, reduce required grading area on the overall property will still accommodating for the widening of Agoura Road.

9. Finding: Landscaping will be provided that exceeds the minimum requirements.

Staff Analysis: The conceptual landscape plan for the project includes the planting of several large boxed oak tree specimens in the incorporation of primarily native plant species into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan. The use of native landscaping will help integrate the built environment with the natural environment.

10. Finding: The proposed project with the increased density will comply with the maximum developable land area, maximum building pad, and minimum open space requirements provided for Scenario 1-A in Table IV-1.

Staff Analysis: The maximum development potential of the parcel, as specified in Scenario 1-A in the Specific Plan, includes a development area of 52.5% of the parcel (under the Hillside Ordinance regulations) a requirement of 47.5% to remain as open space. The maximum developable pad area is 4.55 acres. The applicant is proposing building pad areas totaling 2.03 acres and building lot coverage of 1.03 acres. Thus, the project complies with the Ladyface Mountain Specific Plan criteria.

In summary, the proposed project would result in the construction of a commercial office development that is in conformance with the present land use designations. The property can readily accommodate the proposed zone and use. Therefore, the request is consistent with the



City's goals and policies contained in the Land Use Element of the City's General Plan and the Ladyface Mountain Specific Plan.

The project is compatible in scale and use characteristics with adjacent land uses. The project would not result in land use conflicts that would be detrimental to the well-being and privacy of existing uses.

L. Development Agreement

State law allows cities and counties to enter into binding development agreements for the development of real property. Development Agreements provide for a form of vested entitlement that supersedes any changes in zoning, subdivisions and building regulations as well as developer fees in existence at time of execution of the agreement. The Development Agreement is intended to provide the developer with substantial assurance that his/her project can be completed in accordance with existing policies, rates and procedures. Given the applicant's desire to develop the property at a rate which corresponds to the growth of the Conrad N. Hilton Foundation, it would be appropriate to provide additional assurances for project development through a property development agreement.

A draft of the proposed Development Agreement between the City and Conrad N. Hilton Foundation was reviewed by the City Attorney's office and is attached to this report. The City Council is the final decision making body on the approval of the Development Agreement including the proposed deal points. The major deal points include a 15-year vesting of development with two additional five-year options (25 years maximum). The timing of the development phases would be at the owner's option. The project would be entitled to proceed in the form, description and design approved by the Planning Commission and City Council, with mostly staff level approvals and permits following the initial approval of the project. The applicant agrees to construct the project as approved, to make significant right-of-way dedications, and to construct mutually agreed-upon improvements to the Agoura Road right-of-way adjacent to the project. The Planning Commission's role is to look at the land use issues related to the Development Agreement. The Commission must make findings that 1) the Agreement and the vested rights it grants is consistent with the General Plan, and 2) the Agreement is consistent in terms of the rights it grants and the concessions it requires with the other approvals and conditions of the project. The attached Development Agreement Resolution contains the recommended findings for adoption of a the required attached Draft Ordinance. It is recommended that the Planning Commission adopt these findings. The Planning Commission's findings will be forwarded to the Planning Commission.

#### IV. ENVIRONMENTAL REVIEW

Since the proposed project requires discretionary approval from the City it is subject to the California Environmental Quality Act (CEQA). As part of the CEQA review, staff determined that an Environmental Impact Report (EIR) was necessary and directed Rincon Consultants, Inc., to proceed with the preparation of the environmental document. An Initial Study was prepared and staff distributed a Notice of Preparation (NOP) on July 6, 2010, as required by CEQA. Based on the Initial Study and comments received in response to the NOP the following issues were identified for analysis in the Draft EIR (DEIR): aesthetics; air quality; biological resources; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population, housing and employment; public services; recreation; transportation/traffic; utilities and service systems; and climate change.

As required by CEQA, the DEIR identified the potential environmental impacts from the proposed project. The DEIR established "thresholds of significance" for each type of impact. The threshold is typically a quantifiable measurement, such as the number of vehicle trips generated per day or per hour, a defined noise level, or a certain amount of pollutant to be emitted into the air. The DEIR analyzed the existing environment, and the environment with the addition of the project. When the project causes an impact that exceeds the threshold of significance, that impact is considered to be significant. For significant impacts, the DEIR then analyzed whether feasible mitigation measures can be imposed on the project that will reduce the impact to a level of insignificance. When significant environmental impacts are identified that cannot be mitigated to a level of insignificance, the impact has been found to be unavoidably significant.

One of the basic purposes of an EIR is to ensure that the City, applicant, and public have a clear understanding of the significant environmental consequences of a proposed project. Once a Draft EIR is completed, there is a public review period to allow decision-makers, public agencies, applicants and the public an opportunity to comment on whether they believe the DEIR has adequately analyzed the environmental impacts of the project. CEQA establishes a minimum 45-day comment period when the document is sent to the State Clearinghouse. During the comment period Cities and agencies can hold a public hearing to receive verbal comments on the adequacy of the DEIR, but a public hearing is not required. The City typically holds at least one public hearing during the comment period to ensure that the public has an opportunity to comment verbally on the adequacy of the DEIR before the Final EIR is prepared.

The Planning Commission held a public hearing for receiving public comment on the adequacy of this project's DEIR on November 4, 2010. The staff mentioned at the meeting that the DEIR concluded that a majority of the environmental impacts of the project can be mitigated to less than significant levels. However, biological impacts during the construction phase of the project were found to be unavoidably significant on a short-term basis. However, no comments regarding the adequacy of the DEIR and proposed mitigation measures were offered by the public or the Planning

Commission. The 45-day comment period for the DEIR began on October 21, 2010, and ended on December 6, 2010.

The EIR subsequently addresses each of the written comments received during the comment period and incorporated the responses within the project Final EIR. The Final EIR has been completed and distributed to the Planning Commission for further consideration and for a recommendation to the City Council for certification or denial. Certifying the Final EIR would simply mean that the Planning Commission believes the Final EIR was completed in compliance with CEQA and adequately analyzes the project's environmental impacts and that the proposed project alternatives discussed within the Final EIR have been considered. If the Planning Commission feels the Final EIR does not adequately analyze the project impacts, the EIR consultant would be directed to remedy any deficiencies in the Final EIR and present the revised Final EIR for further consideration. Certifying the Final EIR is not the same as approving the Conditional Use Permit or other entitlement requests. If the Planning Commission is to recommend approval of the project entitlements, the Planning Commission must find that the Final EIR was prepared pursuant to CEQA and that the Planning Commission reviewed the information in the Final EIR in reaching its decision. It should be noted, however, that if the Conditional Use Permit is not recommended for approval by the Planning Commission, or approved by the City Council, no action is required regarding the Final EIR.

Anticipated impacts of this project have been identified for each environmental resource discussed within the Final EIR. The Final EIR identifies the following significant impact for which mitigation measures have been incorporated to the extent feasible, but which are not mitigable to a less than significant level, and therefore are considered to be "significant and unavoidable" impacts of the Project.

1. The Ojai navarettia plant species is seriously threatened in California. Construction of Phase I of the project parking lot and access road would remove approximately 0.27 acres of this species, and construction of the Phase II access trail would remove an additional 15 individual Ojai navarettia plants. Besides direct effects associated with the loss of habitat, the Ojai navarettia species would be subjected to indirect effects associated with the change of land use to a business park use. Given the location of the population adjacent to the parking lot, the primary indirect effects to the remaining habitat would be micro-climate changes associated with solar heating of the parking lot, possible over-irrigation associated with landscaping plants, and use of pesticides. Because of the relative rareness of this species and the loss of about 87% of known occupied habitat at this site, this is considered a significant impact.

The Final EIR identifies and analyzes a reasonable range of alternatives to the project, as required by CEQA. These alternatives include 1) No Project; 2) Parking Lot Redesign; and 3) Reduced Density, and are addressed in Section 6.0 of the Final EIR. For the reasons specified in the Final EIR, the Planning Commission is asked to find that the economic, legal, social, technical and other benefits of the project have been balanced against the project's environmental risks, and that none of the alternatives identified in the Final EIR fully accomplishes the goals and objectives of the proposed project. The Planning Commission is also asked to consider finding that each and any one of the benefits of the proposed project included in the draft Resolution, standing alone or in combination with the others, outweighs each unavoidable adverse environmental effect of the project, and recommend that the City Council adopt a Statement of Overriding Considerations as required by CEQA (and included in the draft Resolution).

To assure that all recommended mitigation measures will be appropriately addressed prior to and during building construction, the applicant will be responsible for complying with the Environmental Mitigation Monitoring Program within the Final EIR.

## V. RECOMMENDATIONS

Based on our analysis of the project and the projects compliance with the developed standards of the Ladyface Mountain Specific Plan and Zoning Ordinance, staff recommends that the Planning Commission recommend approval of Conditional Use Permit Case No. 09-CUP-001, Variance Case No. 10-VAR-004 (A&B), Oak Tree Permit Case No. No. 09-OTP-003, Vesting Tentative Parcel Map 71284, and Development Agreement Case No. 09-DA-001, subject to conditions, by adopting the attached Resolutions. Staff also recommends that the Planning Commission recommend the City Council certify the Final Environmental Impact Report prepared for this project, finding that it adequately analyzes the project's environmental impacts, and recommend adoption of a Statement of Overriding Considerations and the proposed mitigation and monitoring program prepared for this project.

## ATTACHMENTS

- CUP Draft Resolution and Conditions of Approval
- Variance (A) Draft Resolution and Conditions of Approval
- Variance (B) Draft Resolution and Conditions of Approval
- Oak Tree Permit Draft Resolution and Conditions of Approval
- Vesting Tentative Parcel Map Draft Resolution and Conditions of Approval
- EIR Resolution
- Development Agreement Draft Resolution, Ordinance, and Draft Development Agreement
- Letters/Emails from the Public
- Reduced copies of project plans

Case Planner: Doug Hooper, Assistant Director of Community Development

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS RECOMMENDING APPROVAL OF  
CONDITIONAL USE PERMIT NO. 09-CUP-001

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

Section 1. An application was duly filed by Conrad N. Hilton Foundation with respect to real property located at 30440 and 30500 Agoura Road (Assessor's Parcel No. 2061-002-024 and 2061-002-048), requesting approval of a Conditional Use Permit (Case No. 09-CUP-001) to construct a 90,300 square foot office complex. A public hearing was duly held on January 20, 2011, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. Pursuant to the Agoura Hills Zoning Ordinance, the Planning Commission finds as follows:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The property is located in the Ladyface Mountain Specific Plan area. The project provides for business park development as called for this parcel within Specific Plan.
- B. The proposed use, as conditioned, are compatible with the surrounding properties. The project is adjacent to similar land uses including the Agoura Hills Corporate Point project this under construction and is located to the east, and office uses and research and development uses to the north. Property located to the west of the project is currently vacant. The applicant's preservation of open space above the 1,100-foot elevation will sustain the natural habitat of the area.
- 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 applicant will be required to construct the project in full compliance with the City Building Code and development standards of the Ladyface Mountain Specific Plan. Additionally, the applicant is responsible to mitigate against potentially significant environmental impacts relating to the project prior to and during construction.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project meets the development standards of the Ladyface Mountain Specific Plan and the Zoning Ordinance relative to required yard areas, building height, lot coverage and landscape coverage.

- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The Agoura Road corridor has several office complexes, however development within the Ladyface Mountain Specific Plan is primarily intended for business park development. Although an office complex is under construction on a parcel located immediately east of the project site, the other nearest general office complexes to the applicant property are located approximately 400 feet to the northwest and 100 feet to the northeast. Also, the applicant's property is the second truly vacant parcel within the Specific Plan area to be developed.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. Goal LU-23 of the General Plan Land Use and Community Form Element calls for Ladyface Mountain to be developed with economically viable business parks that are designed to reflect its natural setting at the base of Ladyface Mountain, while providing high-quality jobs. The project meets this goal through the design of LEED Platinum building within a proposed business park complex that will be located below the 1,100-foot elevation of Ladyface Mountain.
- G. The proposed use, as conditioned, will not mar the property's unique natural elements and has a positive relationship to the character of Ladyface Mountain. Although the building mass will be highly visible, the project is to include large quantities of native landscaping as a component of the development. This landscaping will provide significant visual screening. This design element combined with the limitation of development below the 1,100 foot elevation, the incorporation of unique exterior architectural elements complimentary to the surrounding environment, conformance with the Ladyface Mountain Specific Plan and the provision of compliant setbacks from Agoura Road, will reduce the visual impact to the Agoura Road corridor. The applicant is designing the project to achieve LEED Platinum certification.
- H. Adequate evidence and guarantees have been provided to indicate that all provisions of the Specific Plan can be satisfied. The applicant has worked closely with staff and the Architectural Review Panel in designing a project within pad areas that are allowed per the Specific Plan. Creative design techniques have been incorporated into the project design that preserve open space areas, allow for fewer retaining walls, provide for access for up to four buildings, and incorporate variation in building pad heights and natural building materials that are compatible with the natural features of the area.
- I. The proposed building density increase to Scenario 2-A of the Ladyface Mountain Specific Plan will not adversely affect the goals, objectives and policies of the General Plan or the Specific Plan. As called for in General Plan Land Use and Community Form Element Policies, the project will preserve view corridors along Ladyface Mountain and be designed within the specifications of the Ladyface Mountain Specific Plan. The design criteria of the Ladyface Mountain Specific Plan help ensure that all development within the

Specific Plan area is compatible with the surrounding natural environment and includes and architectural design of utmost quality. Additionally, the project is designed to achieve LEED Platinum certification and will promote extensive landscaping while emphasizing drought-tolerant plant materials. The preservation of open space above the 1,100-foot elevation will assist in maintaining open space resources for the purposes of maintaining the visual quality of the City.

- J. The proposed building density will not reduce traffic Level of Service (LOS) to a lower level of service and is offset by increases in roadway capacity or other acceptable mitigation measures. The traffic impact study prepared for the project notes that the development (all four phases) would generate 721 vehicle trips to the City's road system. Of these total vehicle trips, 135 trips would occur during the AM peak period and 127 during the PM peak period. Project trip generation during the off-peak hours (primarily between (9:00 AM to 4:00 PM) would be approximately 459 trips, or fewer than 66 trips on average per hour. The PM peak period traffic estimates generated by the project is within the 200 peak hour trips the Specific Plan has allotted for development of this parcel at the higher density (Scenario 2-A).

A total of eight (8) roadway intersections in Agoura Hills and Westlake Village were analyzed for potential traffic impacts associated with the project. The project traffic report concludes that volume/capacity (V/C) ratios or delays would range from less than 0.01 to 0.06. All studies intersections would operate at level of service (LOS) C or better under projected conditions. Therefore, the project would not generate project specific impacts based on City thresholds.

- K. The proposed building density will not create any potentially significant environmental effects. The Final Environmental Impact Report (FEIR) prepared for this project includes a detailed analysis the following issues: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, and Transportation/Traffic. While anticipated environmental impacts are identified within the DEIR, all can be mitigated to levels of insignificance with the exception of Biological Resources. However, it is recommended that a Statement of Overriding Considerations be adopted for this impact.
- L. Although proposed cut slopes exceeding 25 feet in height are necessary for the widening of Agoura Road, no manufactured slopes will exceed a ratio of 2:1.
- M. The increased density will result in the loss of oak trees. The majority of the oak trees proposed for removal is located near the required debris basins and need to be cleared for maintenance access, and along the Agoura Road frontage where road widening

improvements would be required regardless of the proposed increase in density. Scrub oak removal is necessary for the Phase II construction, which is situated on the property to reduce grading impacts to the site and additional oak tree removal. All oak removals will be fully mitigated to less than significant impacts.

- N. Exposed retaining walls will be used only to enhance design or to protect oak trees. The retaining walls are proposed to reduce the extent of grading on the site, thereby preserving oak trees and other existing biological resources. Retaining walls greater than 6 feet in height will be soil-nail walls consistent with the Ladyface Mountain Specific Plan Amendments approved in April of 2010. The visual appearance of soil-nail walls is compatible with promoting the natural visual qualities of the site, including oak trees.
- O. Grading will be limited and innovative building techniques such as stepped massing, sculpturing the building into the hillside, underground parking, or other similar mitigating measures will be incorporated into the project. The building pads are clustered at the east and west ends of the property on varying pad levels, and all will be primarily served with a centralized parking lot that will be placed underground during the fourth phase of construction. These siting techniques, including the use of a funicular between the easterly and westerly development areas, reduce required grading area on the overall property will still accommodating for the widening of Agoura Road.
- P. Landscaping will be provided that exceeds the minimum requirements. The conceptual landscape plan for the project includes the planting of several large boxed oak tree specimens in the incorporation of primarily native plant species into the buildable area of the property. A multitude of existing live and valley oak species throughout the property will be preserved and incorporated in the project site plan. The use of native landscaping will help integrate the built environment with the natural environment.
- Q. The proposed project with the proposed building density will comply with the maximum developable land area, maximum building pad, and minimum open space requirements provided for Scenario 1-A in Table IV-1 of the Ladyface Mountain Specific Plan. The maximum development potential of the parcel, as specified in Scenario 1-A in the Specific Plan, includes a development area of 52.5% of the parcel (under the Hillside Ordinance regulations) a requirement of 47.5% to remain as open space. The maximum developable pad area is 4.55 acres. The applicant is proposing building pad areas totaling 2.03 acres and building lot coverage of 1.03 acres. Thus, the project complies with the Ladyface Mountain Specific Plan criteria.

Section 4. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt an Environmental Impact Report for this project. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Project and recommends that the City Council certify the Final



Program Environmental Impact Report, make the environmental findings pursuant to the CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program.

Section 5. The Planning Commission has reviewed the Development Agreement proposed for the project and finds that: 1) the Agreement and the vested rights it grants is consistent with the General Plan and 2) the Agreement is consistent in terms of the rights it grants and the concessions it requires with the other approvals and conditions of the project.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 09-CUP-001, subject to attached conditions, with respect to the property described in Section I herein.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of January, 2011, by the following vote to wit:

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

\_\_\_\_\_  
Chairperson

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

DRAFT CONDITIONS OF APPROVAL  
(Case No. 09-CUP-001)

STANDARD CONDITIONS

1. This permit is valid for the term of the Development Agreement approved as part of the project.
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 Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved exhibits: Site Plan, Building Elevation Plans, Grading Plans and Landscape Plans. Entitlement applies to Phase I construction, and the Master Site Plan and Grading Plan for Phases I, II, III, and IV.
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. All requirements of the Ladyface Mountain Specific Plan and Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth in the Conditional Use Permit.
7. If required, the applicant shall provide road markers opposite the existing or proposed fire hydrants serving the property to the satisfaction of the City Engineer.
8. A minimum of two hundred and seventy-one (271) parking spaces for all four phases of construction shall be provided on the subject property and handicap parking shall be provided. All parking spaces shall include wheel stops and the spaces shall be of standard size and pinstriped, in conformance with the City Parking Ordinance.
9. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
10. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.

11. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
12. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
13. Unless otherwise specified in the Development Agreement for this project, prior to the issuance of a Building Permit, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.47/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
14. Unless otherwise specified in the Development Agreement for this project, the applicant shall pay to the City the applicable Fire District Developer Fee prior to the issuance of Building Permits. The current fee is \$0.9292/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.
15. Unless otherwise specified in the Development Agreement for this project, 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.
16. Prior to the issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.

#### LANDSCAPING CONDITIONS

17. The landscape plans shall substantially conform to the Phase I Landscape Site Plan and Landscape Master Plan prepared by Susan Van Atta Associates, as approved by the City of Agoura Hills City Council.

18. 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
19. 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.
20. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
21. The Landscape Plan shall be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department prior to the issuance of building permits.
22. 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.
23. 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.
24. 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.

25. The final plans shall not include any palm species.
26. All plant material shall be considered compatible with Sunset Zone 18.
27. A minimum of twenty percent (20%) of the total lot shall be landscaped.
28. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
29. A minimum of twenty-five feet (25') of landscaping shall be provided along Agoura Road.
30. 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, six (6) such trees will be required. This requirement is in addition to any mitigation required for removal of existing oak trees.
31. All finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) stalls apart.
32. 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.
33. Planters shall have a minimum width of four feet (4').
34. 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.
35. No other usage or storage shall be permitted within any required yard, including transformers and trash enclosures.
36. Any unsightly uses, including trash enclosure and transformers shall be screened with berms, decorative walls or landscaping.
37. Special paving material and streetscape planting shall be provided at project entries in accord with the Ladyface Mountain Specific Plan.
38. 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.
39. 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 / PUBLIC WORKS DEPARTMENT CONDITIONS:

40. Prior to issuance of grading, building, or encroachment permits, the applicant shall comply with the following conditions of approval:

General

- A. Record Parcel Map No. 71284 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.
- B. 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.
- C. Provide a copy of proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer for review and approval by the City Attorney. These CC&Rs shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- D. For all work within the 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. 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 website at [www.ci.agoura-hills.ca.us](http://www.ci.agoura-hills.ca.us).
- E. Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.
- F. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. 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.
- G. 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.
- H. Grading Plan shall show locations 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 Permit conditions of approval.

- I. 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.
- J. Submit a soils/geology report to the City project engineer for review and approval in accordance with Government Code Section 66434.5 as required by the City Engineer.
- K. Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies: 1) Los Angeles County Flood Control District (LACFDC); 2) Las Virgenes Municipal Water District; and 3) California Department of Fish & Game.
- L. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact the City Engineering Department at (818) 597-7329 for approved City certification forms.
- M. All off-site work shall require written permission from the affected owner prior to beginning said work.

Public Improvements

- A. The applicant shall design and construct Agoura Road to full width along the project frontage and any necessary transitions. Said improvements shall include asphalt concrete, curb gutter, sidewalk, street lights, landscaping, and all pavement markings. The design shall include a 14-foot wide raised median along the property frontage. The median shall be landscaped prior to acceptance of the median. The design of the roadway improvement shall be reviewed and approved by the City Engineer.
- B. Agoura Road is being cut for new services or being finished with curb and gutter and require an asphalt concrete overlay.
- C. This property is within the Las Virgenes Municipal Water District (LVMWD) service area. Applicant shall make arrangements with the LVMWD for those services and provide the city with proof that all LVMWD fees have been paid.
- D. Any street improvements to be used for reimbursement against the City's TIF fee shall be fully documented and presented to the City Engineer for review and approval.



Sewer

- A. 10-inch sewer line is available for connection by this project in Agoura Road (Ref. Sewer Plan Drawing C02-146).
- B. Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.

Water

- A. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed by LVMWD and the City.

Drainage

- A. 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.
- B. Prior to issuance of a grading permit, the applicant shall obtain approvals from the Los Angeles County Flood Control District and the City Engineer for the alteration of storm drain and MTD 1127 Line "D" and the associated debris basin.
- C. Prior to occupancy, the applicant shall be responsible for all plan, documentation, and fees to the Los Angeles County Flood Control District associated with the construction, inspection, and transfer of storm drain MTD 1127 Line "D," the associated debris basin, and any other drainage appurtenances related to Phase I construction.

Stormwater Quality (NPDES)

- A. Prior to approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
  - 1. Sediments generated on the project site shall be retained using adequate Treatment Control BMPs;

2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
- B. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) 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.
- C. 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.
- D. All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP handbook for Construction at: [www.cabmphandbooks.com](http://www.cabmphandbooks.com) and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:

1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
41. Prior to issuance of certificate of occupancy, the applicant shall comply with the following conditions of approval:
- A. All remaining fees/deposits required by the Engineering Department must be paid in full.
  - B. All requirements including construction of improvements required of the Engineering / Public Works Department noted herein for this project must be completed to the satisfaction of the City Engineer.
  - C. 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. 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.
  - D. All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.
  - E. Upon receiving the Title Report, if conflicts/issues arise regarding recorded documents over property, the applicant shall take all measures necessary, as directed by the City Engineer, to resolve said conflicts/issues. All conditions listed are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

FIRE DEPARTMENT CONDITIONS

42. The applicant shall comply with all conditions of the Los Angeles County Fire Department prior to issuance of a Building Permit.

SOLID WASTE MANAGEMENT CONDITIONS

46. 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.
47. 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.
48. 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.

PLANNING CONDITIONS

49. The final design of all proposed retaining wall systems located on the site shall be submitted to the Planning and Community Development Director for review and approval prior to the issuance of a grading permit. All walls over six feet (6') in height shall be constructed of a soil-nail design with a rock finish, as approved by the Director of Planning and Community Development.
50. Prior to issuance of a Grading Permit or Building Permit, the applicant shall record a deed restriction approved by the City Attorney that extinguishes any development rights exclusive of pad area. The deed restricted areas shall be designated as permanent open space.
51. Prior to issuance of Grading Permit or Building Permit, the applicant shall dedicate all land above the 1,100-foot elevation to a public parkland agency and record a conservation easement for this dedication. The applicant shall agree to provide an easement for public use of the east-west pedestrian hiking trail adopted for the Ladyface Mountain Specific, as specified in the Development Agreement approved for this project.
52. A pre-construction conference shall be held prior to the issuance of a grading permit with all construction personnel involved with the grading operations. A procedure shall be established to handle any complaints received from the surrounding property owners or residents of the City during the grading and construction operations. Applicant shall deposit funds with the City necessary to cover costs of the City hiring an environmental mitigation monitor.
53. All roof top equipment shall be screened from public view from the adjacent roadways and surrounding properties to the satisfaction of the Director of Planning and Community Development.
54. Prior to issuance of a building permit, the applicant shall provide locations and construction details for all transformer locations proposed for the project for approval by the Director of Planning and Community Development. The transformers shall be screened from public view by their locations and extensive landscape screening.
55. The location and design of the security gates shall be subject to approval by the Director of Planning and Community Development and the City Engineer.
56. Any proposed on-site signage shall comply with the City Sign Ordinance and shall be subject to review and approval by the Planning Commission.

57. In addition to complying with the requirements of the adopted Mitigation and Monitoring Program for this project the applicant shall provide an exterior lighting fixture detail plan and photometric plan for review and approval by the Director of Planning and Community Development, prior to the submittal of plans into plan check for a Building Permit. All exterior lighting fixtures shall be decorative in design and shall be architecturally compatible with the building design and shall be directed downward so as not to produce glare onto adjacent parcels or roadways. The light intensity of installed project light fixtures shall be subject to review and approval by the Community Development Director. The lighting shall be of a low intensity that is compatible with the natural environment.
58. The applicant shall comply with requirements of Municipal Code Section 9659 regarding the provision of public art for the project.
59. All adopted mitigation measures identified in the Environmental Impact Report and attached Mitigation Monitoring and Reporting Program (MMRP) shall apply to this permit. The applicant shall pay for all mitigation review and monitoring completed by outside consultants such as the City Arborist, City-approved biologist or other consultants needed to ensure compliance with the MMRP as determined by the Director of Planning and Community Development.
60. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.
61. Pursuant to the City's Transportation Demand Management Ordinance (Municipal Code Section 9654.4) the applicant shall show on the development plans and shall provide to the satisfaction of the Planning and Community Development Director a bulletin board, display case or kiosk that displays transportation information. The displays shall be provided in each building where the greatest number of employees are likely to see them. Information in the displays shall include, but are not limited to the following:
  - i. Current maps, routes and schedules for public transit serving the site;
  - ii. Telephone numbers for referrals on transportation information including the regional ridesharing agency and local transit operators;
  - iii. Ridesharing promotional material supplied by commuter-oriented organizations;
  - iv. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information; and
  - v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

62. Pursuant to the City's Transportation Demand Ordinance (Municipal Code Section 9654.4), not less than fifteen percent (15%) of the employee parking area shall be located as close as is practical to the employee entrances and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the Site Plan upon application for a Building Permit, to the satisfaction of the Planning and Community Development Director. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included in the required information board/display. Parking spaces shall be signed/marked as demand warrants. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles.
63. On-site decorative paving shall be provided at the driveway entrance serving the site and on the pedestrian pathways located between the buildings in within the parking areas. The color, materials and length of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.
64. Prior to the submittal of plans into plan check for a Grading Permit or Building Permit, the applicant shall comply with the project recommendations of the City Geotechnical Consultant and the City Geological Consultant.
65. 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.
66. The applicant shall comply with all building material samples approved by the Planning Commission. Prior to painting of the buildings, the applicant shall provide color samples on the building wall for review and approval by the Planning and Community Development Director.
67. The applicant shall plant all cut slopes with low-growing landscape materials that emulate the natural terrain as much as is feasible. The landscape materials for the cut slope areas shall be subject to review by the City Landscape Consultant and approval by the Planning and Community Development Director.
68. All rough-graded areas of the property shall be temporarily landscaped per a landscape plan approved by the Director of Planning and Community Development.
69. Conditions of Vesting Tentative Tract Map No. 71284 shall apply to this permit.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF VARIANCE CASE NO. 10-VAR-004(A)  
TO CONSTRUCT RETAINING WALLS IN EXCESS OF SIX FEET IN HEIGHT

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

Section I. An application was duly filed by Conrad N. Hilton Foundation, with respect to the real property located at 30440 and 30500 Agoura Road (A.P.N. 2061-002-024 and 2061-002-048), requesting approval of a Variance from Zoning Ordinance Section 9606.2(D) to construct retaining walls in excess of 6 feet in height for construction of an office complex. A public hearing was duly held on January 20, 2011, at 6:30 p.m. in the City 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. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Excluding the steep undevelopable portions of the property to the south, the average natural slope of the property is 31.63%. Due to the steep and varying topography of the site, the grading plans for this project include retaining walls in excess of six feet to reduce the development footprint, cubic yards of grading, protect biological resources (such as oak trees), promote interconnectivity between buildings and to allow for ADA (Americans with Disabilities Act) conformance. With the use of retaining walls in excess of six feet, the ratio of undeveloped land to total land area would be 77%.
- B. The granting of the Variance, as conditioned, 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 regulations of the Ladyface Specific Plan allow for the construction of walls in excess of six feet as long as the exposed walls are rock faced or other decorative surfaces are incorporated into the design. The Ladyface Mountain Specific Plan requires retaining walls on the project in excess of six feet to be designed and constructed to incorporate rock facing or decorative surfaces similar to other projects within the City. Additionally, other projects within the City of Agoura have incorporated



decorative retaining walls in excess of six feet such as the northeast corner of Kanan Road and Canwood Street.

- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The incorporation of retaining walls in excess of six feet into the grading plan is a practical solution that contributes to the minimization of the development footprint and impacts to environmental resources. Removal or reduction in the size of the walls will result in an expansion of cut and fills slopes, which would result in additional impacts to oak trees and an increase in the mitigation costs. The objectives of the Ladyface Specific Plan include ensuring that projects are compatible with the unique natural elements of the property and Ladyface Mountain. Minimizing the footprint of the project by using retaining walls in excess of six feet would also contribute to the compatibility of the project with its setting.
- D. The granting of the Variance, as conditioned, 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 proposed retaining walls in excess of six feet have been designed and will be constructed in conformance with the City's Building Code standards. Conformance with the City standards will ensure the variance for retaining walls in excess of six feet are not a hazard to public health, safety and welfare.

From an aesthetic perspective, retaining walls in excess of six feet will incorporate a decorative façade that incorporates earth tones found in rock exposures on the site. The decorative façades in combination with the landscape plan and topography will blend these walls into the natural setting and maintain the aesthetic value of the site. The soil nail wall design will be compatible with the visual appearance of the oak trees.

- E. The granting of the Variance, as conditioned, will be consistent with the character of the surrounding area. The retaining walls in excess of six feet will reduce the development footprint by alleviating the need for cut and fill slopes. Additionally, these walls will incorporate a decorative façade that incorporates the color schemes for within the rock outcroppings on the site and in the surrounding area. The decorative façades in combination with the landscape plan and topography will blend these walls into site and surrounding area.

Section IV. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt an Environmental Impact Report for this project. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Project and recommends that the

City Council certify the Final Program Environmental Impact Report, make the environmental findings pursuant to the CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves recommends the City Council approve Variance Case No. 10-VAR-004(A), subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of January, 2011, by the following vote to wit:

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

\_\_\_\_\_  
Chairperson

ATTEST:

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

DRAFT CONDITIONS OF APPROVAL  
(CASE NO. 10-VAR-004(A))

STANDARD CONDITIONS

1. 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.
2. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the Grading Plan submitted for Conditional Use Permit Case No. 09-CUP-001 and approved by the City Council.
3. 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.
4. 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.
5. This permit is valid for the term of the Development Agreement approved as part of the project.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF VARIANCE CASE NO. 10-VAR-004(B)  
TO PROVIDE REDUCTION IN REQUIRED PARKING SPACES

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

Section I. An application was duly filed by Conrad N. Hilton Foundation, with respect to the real property located at 30440 and 30500 Agoura Road (A.P.N. 2061-002-024 and 2061-002-048), requesting approval of a Variance from Zoning Ordinance Section 9654.6 to provide a reduction in required parking spaces for construction of an office complex. A public hearing was duly held on January 20, 2011, at 6:30 p.m. in the City 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. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The subject property is constrained by a number of environmental resources that limit the developable area of the subject property. In order to address the Foundation's reduced parking demand and limit the project's disturbance to these environmental resources, the applicant has requested a 10% reduction to the parking requirement of one stall per 300 square feet of office space. At buildout, the 10% reduction would result in a total of 271 parking spaces as opposed to the required 300. The reduction would allow for the majority of parking to be accommodated in a centralized lot that reduces the development footprint, and grading quantities.

B. The granting of the Variance, as conditioned, 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 proposed Hilton Foundation Headquarters campus represents a unique project in that the applicant will be the owner operator of the facility. As the owner operator, the Foundation has designed the interior office space at a lower density than typical office space affording more square feet per employee. In addition to addressing the reduced density, the parking reduction would also help minimize the footprint of the development. Due to the topographic and environmental constraints of the site, there is limited space for development. The reduction in the number of parking spaces would allow the parking for the project to be accommodated

within a smaller footprint. The provision of parking beyond the project's demand would likely result in a larger development footprint and additional impacts.

- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The intent of the requested parking reduction is to address the actual parking demand for the Foundation's programming and minimize the footprint of the development thereby reducing the project's affect on environmental resources. Without the 10% parking reduction, the development would be over-parked and would likely have an expanded footprint resulting in additional impacts and associated construction/mitigation costs. The zoning designation for the parcel is SP – Specific Plan. The objectives of the Ladyface Specific Plan include ensuring that projects are compatible with the unique natural elements of the property and Ladyface Mountain. Minimizing the footprint of the project by reducing the parking required for the project would contribute to the compatibility of the project with its setting.
- D. The granting of the Variance, as conditioned, 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 proposed parking lots have been designed and will be constructed in conformance with the City's Building Code standards. Conformance with the City standards will ensure the modification for reduced parking is not detrimental to public health, safety and welfare. As previously discussed, the proposed modification would contribute to maintaining a minimized development footprint and to minimize grading. Minimizing the development footprint will help maintain the aesthetic value of the site and its setting.
- E. The granting of the Variance, as conditioned, will be consistent with the character of the surrounding area. Reducing the number of parking spaces provided on the site will address the project's actual parking demand, help minimize the project's coverage of the site, and maintain the rural character of the surrounding area.

Section IV. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt an Environmental Impact Report for this project. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Project and recommends that the City Council certify the Final Program Environmental Impact Report, make the environmental findings pursuant to the CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves recommends the City Council approve Variance Case No. 10-VAR-004(B), subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of January, 2011, by the following vote to wit:

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

\_\_\_\_\_  
Chairperson

ATTEST:

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

DRAFT CONDITIONS OF APPROVAL  
(CASE NO. 10-VAR-004(B))

STANDARD CONDITIONS

1. 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.
2. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the to the Grading Plan submitted for Conditional Use Permit Case No. 09-CUP-001 and approved by the City Council.
3. 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.
4. 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.
5. This permit is valid for the term of the Development Agreement approved as part of the project.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF OAK TEE PERMIT NO. 09-OTP-003

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

Section I. An application was duly filed by Conrad N. Hilton Foundation, with respect to the real property located at 30440 and 30500 Agoura Road (A.P.N. 2061-002-024 and 2061-002-048), requesting approval of an Oak Tree Permit to remove 65 oak trees and encroach within the protected zone of 36 oak trees for the proposed construction of a 90,300 square foot office complex. A public hearing was duly held on January 20, 2011, at 6:30 p.m. in the City 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. The Planning Commission finds, pursuant to Agoura Hills Zoning Ordinance Section 9657.5 that:

- A. The proposed construction will be accomplished without endangering the health of the remaining trees on the subject property.
- B. The removal and encroachment of the oak trees will not result in soil erosion through the diversion or increased flow of surface waters in which cannot be satisfactorily mitigated. The approved grading plan for the construction of the project ensures for adequate and property drainage on-site and off-site as a result of construction and for the protection against soil erosion.
- C. The removal and encroachment of the oak trees is necessary because the continued existence at present locations prevents the planned improvement to such an extent that alternative development plans cannot achieve the same permitted density.

Section IV. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt an Environmental Impact Report for this project. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Project and recommends that the City Council certify the Final Program Environmental Impact Report, make the environmental findings pursuant to the CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program.



Section V. Based on the aforementioned findings, the Planning Commission hereby approves recommends the City Council approve Oak Tree Permit Case No. 09-OTP-003, subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of January, 2011, by the following vote to wit:

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

\_\_\_\_\_  
Chairperson

ATTEST:

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

DRAFT CONDITIONS OF APPROVAL  
(CASE NO. 09-OTP-003)

STANDARD CONDITIONS

1. 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.
2. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the to the Site Plan and Grading Plan submitted for Conditional Use Permit Case No. 09-CUP-001 and approved by the City Council.
3. 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.
4. 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.
5. This permit is valid for the term of the Development Agreement approved as part of the project.

SPECIAL CONDITIONS

6. The applicant is permitted to remove thirty-six (36) oak trees in order to complete the approved site development program as follows:
  - a. The applicant is permitted to remove the following ten (10) oak trees during Phase I of the approved site development program: Trees Number 56, 86, 87, 89, 115, 116, 117, 119, 223, and 239.
  - b. The applicant is permitted to remove the following twenty-six (26) oak trees during Phase II of the approved site development program: Trees Number 1, 2, 22, 24, 31, 32, 40 through 46, 49, 50, 51, 53, 54, 55, 57, 58, 62, 71, 73, 74, and 88.
7. To mitigate the removal of the thirty-six (36) oak trees listed above, the landscape plan shall include at least six hundred sixty-nine inches (669") of trunk diameter of new oak trees within the landscape. The exact species, planting sizes and planting locations shall be subject to review and approval by the City Oak Tree Consultant. The applicant shall plant at least one hundred forty-two (142) oak trees within the site, to include the following one hundred seven (107) trees:
  - a. Thirty-five (35) thirty-six-inch (36") box size trees
  - b. Seventy (70) twenty-four-inch (24") box size trees

- c. Two (2) container-grown sixty-inch (60") box size trees to mitigate for the removal of Tree Number 31 designated a landmark tree. A landmark tree is one whose trunk diameter exceeds forty-eight inches (48") in diameter at forty-two inches (42") above grade.
8. The applicant is permitted to remove five thousand six hundred sixty (5,660) square feet of scrub oak habitat during Phase II grading.
9. To mitigate the removal of the five thousand six hundred sixty (5,660) square feet of scrub oak habitat listed above, the landscape plan shall include at least fifty-seven (57) fifteen-gallon (15 gal) scrub oak trees planted at ten feet on center (10' o. c.). These scrub oak trees shall be irrigated with automatic irrigation by the applicant for a minimum period of three years.
10. Should the Director and the City Oak Tree Consultant determine that the required number of oak trees cannot be planted on the subject site in a practical fashion, equivalent alternative mitigation shall be established through the establishment of an equivalent in-lieu fee which the applicant shall pay into the City Oak Tree Mitigation Fund for the deficit. The amount of the in-lieu fee shall be based upon tree appraisal standards contained in the 9th Edition of the Guide for Plant Appraisal.
11. The applicant is permitted to encroach within the protected zone of thirty-two (32) oak trees in order to complete the approved site development program as follows:
  - a. The applicant is permitted to encroach within the protected zone the following nine (9) oak trees in order to complete the approved site development program: Trees Number 91, 92, 94, 95, 105, 111, 114, 118, and 241.
  - b. The applicant is permitted to encroach within the protected zone the following twenty-three (23) oak trees in order to complete the approved site development program: Oak Trees Number 15, 16, 25, 28, 29, 36, 37, 39, 52, 59, 60, 61, 63, 64, 65, 72, 78, 84, 99, 100, 227, 228, and 229.
12. No activities are permitted within the protected zone of the remaining one hundred seventy-five (175) oak trees. They are to be preserved in place with no direct impacts.
13. No activities are permitted within the protected zone of the remaining thirty two thousand five hundred forty-four (32,544) square feet of scrub oak habitat. This area is to be preserved in place with no direct impacts.
14. The project shall be subject to periodic inspections by the City of Agoura Hills Landscape and Oak Tree Consultant. The number and timing of the inspections shall be determined by the Director and the City Landscape and Oak Tree Consultant to ensure compliance by the applicant.
15. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.

16. 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.
17. All excavation within the protected zone of Oak Trees Number 15, 16, 25, 28, 29, 36, 37, 39, 52, 59, 60, 61, 63, 64, 65, 72, 78, 84, 91, 92, 94, 95, 100, 101, 105, 111, 114, 118, 227, 228, 229, and 241 shall be performed using only hand tools under the direct supervision of the applicant's oak tree consultant.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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. Pruning operations shall be consistent with ANSI A300 Standards – Part 1 Pruning.
23. 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.
24. 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.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
RECOMMENDING APPROVAL OF VESTING TENTATIVE PARCEL MAP NO. 71284

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

Section I. An application was duly filed by Conrad N. Hilton Foundation, with respect to the real property located at 30440 and 30500 Agoura Road (Assessor's Parcel No. 2061-002-024 and 2061-002-048), requesting approval of a Vesting Tentative Parcel Map to adjust the lot lines of two parcels totaling 70.27 acres in size. A public hearing was duly held on January 20, 2011, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

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

A. The proposed Vesting Tentative Parcel Map, as conditioned, is consistent with the City's General Plan designation of PD (Planned Development) in that the proposed Parcel Map will allow for buildings to be clustered on-site to minimize grading and modifications of the natural topography, with development located below the 1,100-foot elevation, as called for in Policy LU-23.3 of the Land Use and Community Form Element of the General Plan.

B. The site is physically suitable for future development in that the parcels of the Vesting Tentative Parcel Map are within proposed buildings which meet the development standards of the SP (Ladyface Mountain Specific Plan) zone relative to building locations, lot coverage, and building height.

C. The design of the Vesting Tentative Parcel Map and proposed improvements are not likely to cause substantial environmental damage or serious public health problems. Street improvements and on-site property improvements will be required upon development of the vacant parcels.

D. The design of the Vesting Tentative Parcel Map or type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed development. Access to the parcels will be provided via Agoura Road.

Section IV. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt an Environmental Impact Report for this project. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Project and recommends that the City Council certify the Final Program Environmental Impact Report, make the environmental findings pursuant to the CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends the City Council approve of Vesting Tentative Parcel Map No. 71284, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 20<sup>th</sup> day of January, 2011, by the following vote to wit:

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

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Chairperson

ATTEST:

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Mike Kamino, Secretary

## CONDITIONS OF APPROVAL (Tentative Parcel Map No. 71284)

### STANDARD CONDITIONS

1. 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 Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Vesting Tentative Parcel Map No. 71284.
3. 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.
4. 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.
5. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth on the approved Vesting Tentative Parcel Map.
6. The applicant must comply with all requirements of the City Subdivision Ordinance.
7. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
8. This permit is valid for the term of the Development Agreement approved as part of the project.
10. Vesting Tentative Parcel Map No. 71284 shall only be valid with Conditional Use Permit 09-CUP-001.

### ENGINEERING DEPARTMENT CONDITIONS

11. Prior to final map recordation, the applicant shall:
  - A. Dedicate the following public utility easement(s) and emergency access easement(s): Storm Drain MTD 1127 Line "D," associated with debris basin, and any other drainage appurtenances associated with Phase I.

- B. Provide a copy of proposed Covenants, Conditions and Restrictions, as applicable to the project, to the City Engineer for review and approval by the City Attorney. These CC&Rs shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- C. Prepare fully executed Development Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- D. Provide a preliminary title report not older than thirty (30) days.

END



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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CONRAD N. HILTON FOUNDATION HEADQUARTERS CAMPUS PROJECT (STATE CLEARINGHOUSE NO. 2010071025); MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; RECOMMENDING ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS; AND RECOMMENDING ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM (CONDITIONAL USE PERMIT CASE NO. 09-CUP-001; VARIANCE CASE NO. 10-VAR-004 (A&B), OAK TREE PERMIT CASE NO. 09-OTP-003, VESTING TENTATIVE PARCEL MAP NO. 71284, AND DEVELOPMENT AGREEMENT CASE NO. 09-DA-001)**

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

Section 1. An application for approval of the Conrad N. Hilton Foundation Headquarters Campus Project ("Project") was duly filed by Conrad N. Hilton Foundation for property located at 30440 and 30500 Agoura Road (APN 2061-002-024 and 2061-002-048), for construction of 90,300 square foot office complex (Conditional Use Permit Case No. 09-CUP-001, Variance Case No. 10-VAR-004 (A&B), Oak Tree Permit Case No. No. 09-OTP-003, Vesting Tentative Parcel Map 71284, and Development Agreement Case No. 09-DA-001. A public hearing was duly held by the Planning Commission on January 20, 2011, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.

Section 2. Evidence, both written and oral, was presented to the Planning Commission at the aforesaid public hearing.

Section 3. On October 21, 2010, a Draft Environmental Impact Report (DEIR) was published for the Project in the City of Agoura Hills. A Notice of Preparation and Request for Agency Input Regarding the Scope of the EIR was properly noticed and circulated for public review.

Section 4. The availability of the Draft Environmental Impact Report (DEIR) for public review was duly noticed. The DEIR was circulated to the State Clearinghouse for the State of California's Office of Planning and Research, as well as to other responsible, trustee, and/or interested agencies and persons. The DEIR was circulated for public comment for a period of 45 days, as required by law. On November 4, 2010, the Planning Commission held a public meeting to receive comments regarding the adequacy of the DEIR. The City of

Agoura Hills (City) accepted and responded in writing to comments relating to California Environmental Quality Act (CEQA) issues, as required by law. Both the comments and the City's written responses thereto were incorporated in the Final Environmental Impact Report (FEIR) as required by CEQA. Responses were returned to the commenting agencies at least ten (10) days prior to the certification of the FEIR, pursuant to Public Resources Code Section 21092.5. The Planning Commission finds that the public and government agencies have been afforded ample notice and opportunities to comment on the Notice of Preparation and Request for Agency Input Regarding the Scope of the EIR, the DEIR and the FEIR.

Section 5. In accordance with CEQA, the City's Local CEQA Guidelines, and State CEQA Guidelines, the City prepared the Final Environmental Impact Report (Final Program EIR) for the project. The Final EIR was comprised of the DEIR, the technical appendices noted and incorporated therein, public comments and the City's responses thereto, amendments to the DEIR, and the Mitigation Monitoring and Reporting Program.

Section 6. On January 20, 2011, the Planning Commission considered the Project and FEIR at a duly noticed public hearing, as prescribed by law, at which time interested persons had an opportunity to, and did, testify either in support of or opposition to this matter.

Section 7. The Planning Commission hereby finds that the FEIR for the Project was completed in compliance with the provisions of CEQA and the guidelines promulgated pursuant thereto, the City's local CEQA guidelines, and is legally adequate. The Planning Commission has reviewed and considered the contents of the FEIR prior to deciding whether to recommend approval of the proposed Project. Based on the facts stated in this Resolution and substantial evidence in the record of this proceeding, the Planning Commission hereby recommends the City Council certifies the FEIR.

Section 8. Based upon the FEIR, public comments, and the record before the Planning Commission, the Planning Commission hereby finds that the FEIR identifies less than significant impacts to the following areas: land use/planning; transportation/traffic; hazards and hazardous materials; public services; aesthetics; population/housing; agricultural and forest resources; mineral resources; utilities/service systems; hydrology and water quality; and greenhouse gas emissions.

Section 9. Based upon the FEIR, public comments, and the record before the Planning Commission, the Planning Commission hereby finds that the FEIR identifies the potentially significant environmental effects for which feasible mitigation measures have been identified that will avoid or reduce the effects to a less than significant level: air quality (construction dust control); biology (wildlife: sensitive wildlife survey, bird nesting surveys, and lighting requirements; jurisdictional drainages: agency consultation, replacement ratio, and riparian habitat restoration; oak trees: oak tree protection and mitigation, grading, and

oak tree replacement; and rare plants: flagging and buffers for Agoura Hills Dudleya); cultural resources (archaeological resources: construction monitoring, and archaeological discovery; and paleontological resources: paleontological monitoring); and geology and soils (erosion control measures).

Section 10. The Planning Commission recommends the City Council adopts the mitigation measures set forth in the FEIR and to impose each mitigation measure as a condition of approval of the Project. The Planning Commission further recommends the City Council adopt the Mitigation Monitoring and Reporting Program included as part of the FEIR.

Section 11. Statement of Overriding Considerations. The FEIR identifies the following significant impacts for which mitigation measures have been incorporated to the extent feasible, but which are not mitigable to a less than significant level, and therefore are considered to be "significant and unavoidable" impacts of the Project.

1. The Ojai navarettia plant species is seriously threatened in California. Construction of Phase I of the project parking lot and access road would remove approximately 0.27 acres of this species, and construction of the Phase II access trail would remove an additional 15 individual Ojai navarettia plants. Besides direct effects associated with the loss of habitat, the Ojai navarettia species would be subjected to indirect effects associated with the change of land use to a business park use. Given the location of the population adjacent to the parking lot, the primary indirect effects to the remaining habitat would be micro-climate changes associated with solar heating of the parking lot, possible over-irrigation associated with landscaping plants, and use of pesticides. Because of the relative rareness of this species and the loss of about 87% of known occupied habitat at this site, this is considered a significant impact.

The FEIR identifies and analyzes a reasonable range of alternatives to the Project, as required by CEQA. For the reasons specified herein and in the FEIR, the Planning Commission hereby finds that the economic, legal, social, technical and other benefits of the Project have been balanced against the Project's environmental risks. Further, none of the alternatives identified in the FEIR fully accomplishes the goals and objectives of the proposed Project. The Planning Commission finds that each and any one of the following benefits of the proposed Project, standing alone or in combination with the others, outweighs each unavoidable adverse environmental effect of the Project being approved at this time, and the Planning Commission recommends the City Council adopt a Statement of Overriding Considerations as required by CEQA.

1. The project, as designed, will preserve additional biological resources on the site, including oak habitat, and will enhance open space protection elsewhere on the property.
2. The project preserves the bio-swale and bio-detention basin designs that needed to reduce off-site drainage.
3. The project, as designed, will eliminate the need for additional parking structures or additional surface parking area.
4. The project, as designed, minimizes potential visual impacts as viewed from the public roadway.
5. The central parking lot best serves the ultimate build-out of the four phases of building construction by concentrating the parking in an area that will serve all four buildings and reducing additional surface grading.
6. The project will provide a high quality building design that provides for office use as allowed in the Ladyface Mountain Specific Plan, and would generate additional tax revenues and employment opportunities in the City.
7. The phased development of construction will ensure protection of the natural areas of the property until expansion of the office complex is needed.
8. The City is legally required to permit economically viable development of private property.

Section 12. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed Project, the Planning Commission hereby recommends that the City Council certify the Final Program Environmental Impact Report (Sate Clearinghouse No. 2010071025), make the environmental findings pursuant to the CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program.

PASSED, APPROVED, AND ADOPTED, this 20<sup>th</sup> day of January, 2011, by the following vote to wit:

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

\_\_\_\_\_  
Chairperson

ATTEST:

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

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

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF AGOURA HILLS  
RECOMMENDING THE CITY COUNCIL APPROVE AN ORDINANCE  
APPROVING A DEVELOPMENT AGREEMENT BETWEEN  
CONRAD N. HILTON FOUNDATION AND THE CITY OF AGOURA HILLS  
(CASE NO. 09-DA-001)

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

Section 1. An application was duly filed by Conrad N. Hilton Foundation with respect to a request for a Development Agreement (Draft Ordinance - Case No. 09-DA-001) on property located at 30440 and 30500 Agoura Road (Assessor's Parcel Nos. 2061-002-024 and 2061-002-048) in the City of Agoura Hills, in the County of Los Angeles, State of California requesting approval to construct a 90,300 square foot office complex in four phases over a 25-year period, with entitlement proposed for Phase I that includes a 24,000 sq. ft., two-story office building; a Variance from Zoning Ordinance Section 9606.2(D) to construct retaining walls in excess of 6 feet in height, and Section 9654.6 to provide a reduction in required parking spaces; an Oak Tree Permit to remove 65 oak trees and encroach within the protected zone of 36 oak trees; a Vesting Tentative Parcel Map to adjust the parcel lines of two parcels totaling approximately 70 acres; and certification of the Final EIR, along with approval of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program. A duly noticed public hearing was held by the Planning Commission on January 20, 2011, at 6:30 p.m. in the City Hall Council Chambers and notice of the time, date, place and purpose of the aforesaid hearing was duly given, all as required by Section 96821.6 of the Agoura Hills Municipal Code.

Section 2. Evidence, both written and oral, was presented to and considered by the Planning Commission at the aforesaid public meeting.

Section 3. Based on the full record of these proceedings, the Planning Commission hereby finds the Development Agreement:

1. Is consistent with the General Plan as the Development Agreement will provide an economically viable business park that is designed to reflect its natural setting at the base of Ladyface Mountain, while providing high-quality jobs, as called for in Goal LU-23 of the General Plan Land Use & Community Form Element; and
2. Is in conformity with public conveniences and good land use practices as the project approvals, mitigation monitoring program and Development Agreement will guarantee adequate infrastructure for the development and land uses that are compatible with their surroundings; and

- 3. Will not be detrimental to the health, safety and general welfare as the project approvals, mitigation monitoring program and the Development Agreement will guarantee adequate infrastructure, safety measures and public services such as police, fire, utilities and sanitation; and
- 4. Will not adversely affect the orderly development of property or the preservation of property values because the proposed development is conditioned so as to be consistent with the General Plan and compatible with surrounding land uses. The buildings will be located below the 1,100-foot elevation, thereby preserving open space with the Ladyface Mountain Specific Plan area.
- 5. Is consistent with the provisions of Government Code 65864 through 65869.5.

Section 4. The Planning Commission has recommended adoption of the findings and Statement of Overriding Considerations required by CEQA and applicable to this Project as a part of its approval of 09-CUP-001, 10-VAR-004 (A&B), 09-OTP-003, and VTPM No. 71284, (Resolution No. \_\_\_\_). Those actions apply equally to this approval and are incorporated herein by this reference.

Section 5. Based upon the aforementioned findings, the Planning Commission hereby recommends that the City Council adopt the attached Ordinance to approve the proposed draft Ordinance for a Development Agreement (Case No. 09-DA-001) between Conrad N. Hilton Foundation and the City of Agoura Hills.

PASSED, APPROVED, and ADOPTED this 20<sup>th</sup> day of January, 2011, by the following vote to wit:

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

\_\_\_\_\_  
 Chairperson

ATTEST:

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