

#### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MINUTES OF THE REGULAR SCHEDULED MEETING OF THE PLANNING COMMISSION January 20, 2011

**CALL TO ORDER:** 

Chair Rishoff called the meeting to order at 6:45 p.m.

FLAG SALUTE:

Commissioner Justice

**ROLL CALL:** 

Chair Stephen Rishoff, Vice Chair John O'Meara, Commissioners Illece Buckley Weber, Michael Justice, and Rick Moses.

Also present were Assistant City Attorney Candice Lee. Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Public Works Project Manager Kelly Fisher, City Traffic Consultant Sri Chakravarthy, City Oak Tree and Landscape Consultant Ann Burroughs, City Environmental Consultant Joe Power of Rincon Consultants, City LEED Design Consultant Erik Justesen of RRM Design Group, and Recording Secretary Sheila

Keckhut.

APPROVAL<sup>)</sup> OF AGENDA:

On a motion by Vice Chair O'Meara, seconded by Commissioner Buckley Weber, the January 20, 2011 Agenda was approved without objection.

PUBLIC COMMENTS:

There were no public comments.

### APPROVAL OF MINUTES

Minutes – December 16, 2010 Planning Commission Meeting 1.

> On a motion by Commissioner Buckley Weber, seconded by Commissioner Justice, the Planning Commission moved to approve the Minutes of the December 16, 2010 Planning Commission Meeting. Motion carried 4-0. Vice Chair O'Meara abstained.

### PUBLIC HEARING

2. REQUEST:

Request for a recommendation of approval to the City Council for a Conditional Use Permit to construct a 90,300 sq. ft., 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 retraining 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).

APPLICANT:

Conrad N. Hilton Foundation

10100 Santa Monica Blvd., Suite 1000

Santa Monica, CA 90067

CASE NOS.:

09-CUP-001; 10-VAR-004; 09-0TP-003; VTPM 71284;

and 09-DA-001 (Draft Ordinance)

LOCATION:

30440 and 30500 Agoura Road

(A.P.N. 2061-002-024 and 2061-002-048)

ENVIRONMENTAL

ANALYSIS:

**Environmental Impact Report** 

RECOMMENDATION:

Staff recommended 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 Ordinance, subject to conditions, based on the findings in the attached Resolutions; and recommending certification of the Final Environmental Impact Report and adoption of the Mitigation Monitoring Program prepared for the project, based on the findings of

the Resolution.

PUBLIC COMMENTS:

Chair Rishoff opened the public hearing.

The following persons spoke on this project.

Steve Hilton, Conrad N. Hilton Foundation, Applicant

Frans Bigelow, Bigelow Development Associates, representing the applicant.

Doss Mabe, Zimmer Gunsul Frasca LLP, representing the applicant.

Susan Van Atta, Landscape Architect representing the applicant.

David Magney, California Native Plant Society

Clark Stevens, Resource Conservation District of the Santa Monica Mountains

The following persons were representing the applicant and available for questions, but did not speak on this project.

Chuck Cohen, Attorney

Fred Cunningham, Stantec Consulting

Colin Nemeroff, Stantec Consulting

Mark A. Jones

Pat Modugno

REBUTTAL:

Frans Bigelow, Bigelow Development Associates, and Travis Cullen, Envicom Corporation, representing the applicant, gave rebuttal testimony regarding the project and answered questions of the Planning Commission.

Chair Rishoff closed the public hearing.

ACTION:

On a motion by Commissioner Moses, seconded by Commissioner Justice, the Planning Commission moved to adopt Resolution No. 11-1020, approving Conditional Use Permit Case No. 09-CUP-001; Resolution No. 11-1021,

approving Variance Case No. 10-VAR-004(A); Resolution No. 11-1022, approving Variance Case No. 10-VAR-004(B); Resolution No. 11-1023, approving Oak Tree Permit Case No. 09-OTP-003; Resolution No. 11-1024, approving Vesting Tentative Parcel Map No. 71284; Resolution No. 11-1025, approving the Development Agreement Ordinance Case No. 09-DA-001; and Resolution No. 11-1026 recommending certification of the Final Environmental Impact Report and adoption of the Mitigation Monitoring Program prepared for the project, all subject to revised conditions. Motion carried 5-0.

RECESS:

Chair Rishoff called for a recess at 8:55 p.m.

RECONVENE:

Chair Rishoff reconvened the meeting at 9:16 p.m.

**DISCUSSION ITEMS** 

3. REQUEST:

Request for a determination of whether a commercial use ("movie studio") not listed in Zoning Ordinance Section 9312.2 (Commercial Use Table) is like and similar to a permitted use in the BP-M (Business Park-Manufacturing) zone.

APPLICANT:

Doug Jacobsen

Realty Bancorp Equities

2\\800 Burbank Boulevard, Suite 330

Woodland Hills, CA 91367

CASE NO .:

10-DY-001

LOCATION:

Citywide<sup>1</sup>

RECOMMENDATION:

Staff recommended that the Planning Commission determine whether a "movie studio" use is like and similar to a permitted use in the BP-M (Business Park-Manufacturing) zone for the purpose of applying the Zoning Ordinance Section 9312.2 (Commercial Use Table),

subject to the finding of the Resolution.

**PUBLIC COMMENTS:** 

Chair Rishoff opened the public hearing.

The following persons spoke on this project.

Doug Jacobsen, Realty Ban Corp., Applicant.

Brian Poliquin, Architect representing the Applicant.

Chair Rishoff closed the public hearing.

ACTION:

On a motion by Commissioner Justice, seconded by Commissioner Buckley Weber, the Planning Commission moved to adopt Resolution No. 11-1027, approving Case No. 10-INT-001 finding that a "digital movie studio" is like and similar to permitted use in the BP-M (Business Park-Manufacturing) zone. Motion carried 5-0.

4. Selection of Planning Commission Chair and Vice Chair

On a motion by Vice Chair O'Meara, seconded by Commissioner Moses, the Planning Commission moved to re-appoint Commissioner Rishoff as Chairperson for the 2011 calendar year. Motion carried 4-0. Chair Rishoff abstained.

On a motion by Commissioner Justice, seconded by Chair Rishoff, the Planning Commission moved to appoint Commissioner Buckley-Weber as Vice Chairperson for the 2011 calendar year. Motion carried 4-0. Vice Chair Buckley-Weber abstained.

5. Committee Appointment Selections for 2011

On a motion by Commissioner O'Meara, seconded by Chair Rishoff, the Planning Commission moved to appoint Vice Chair Buckley Weber and Commissioner Moses to serve on the Agoura Village Policy Committee for the 2011 calendar year. Motion carried 5-0.

### **INFORMATION ITEM**

Planning Commission Meeting Schedule for 2011

No action was required of the Planning Commission.

## PLANNING COMMISSION/STAFF COMMENTS

None

## **ADJOURNMENT**

At 10:00 p.m., the Planning Commission moved to adjourn the meeting to the next scheduled Planning Commission meeting on Thursday, February 3, 2011 at 6:30 p.m. Motion carried 5.0.

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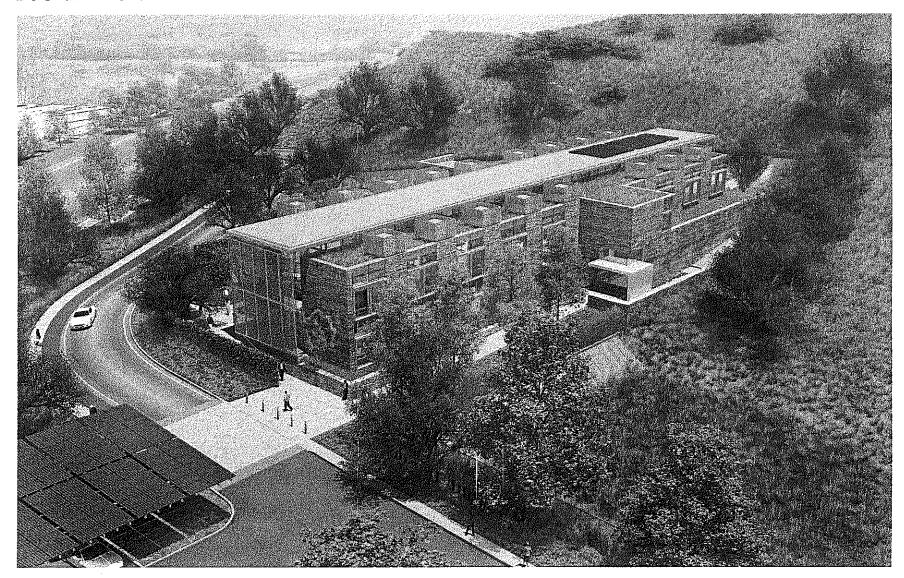






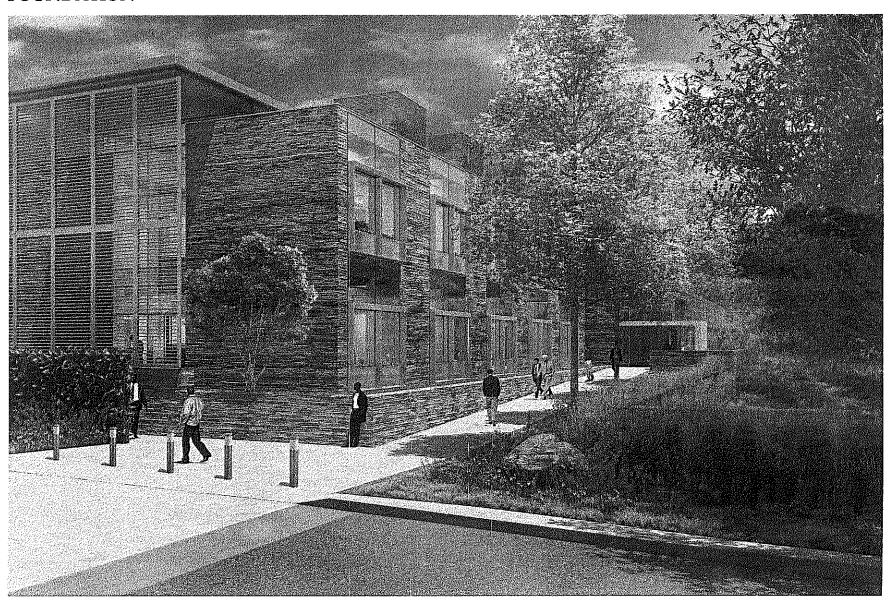
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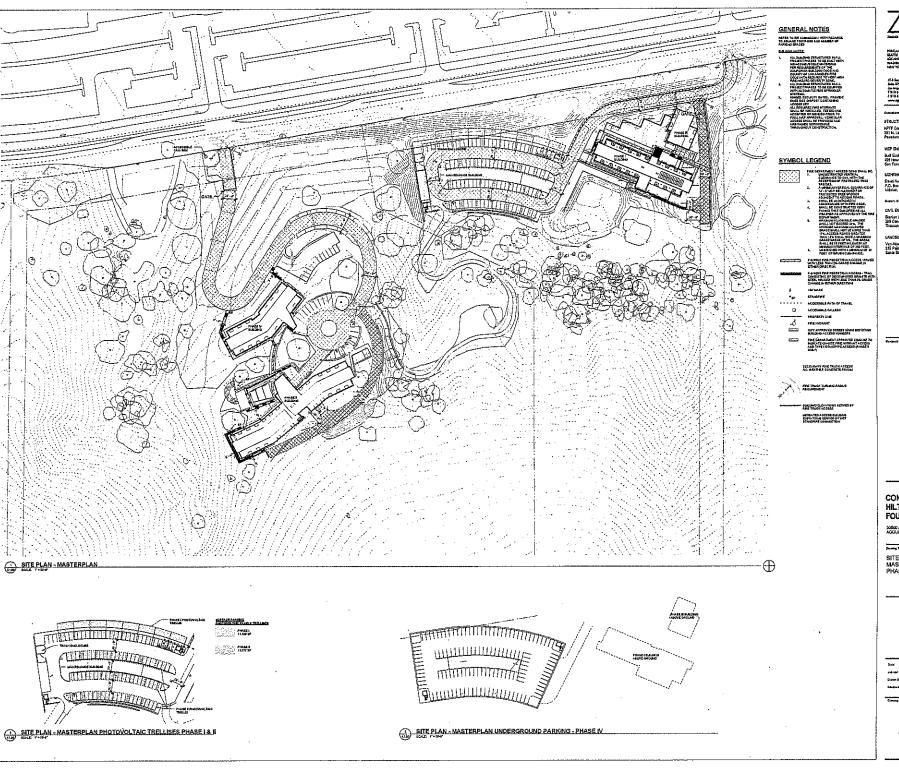




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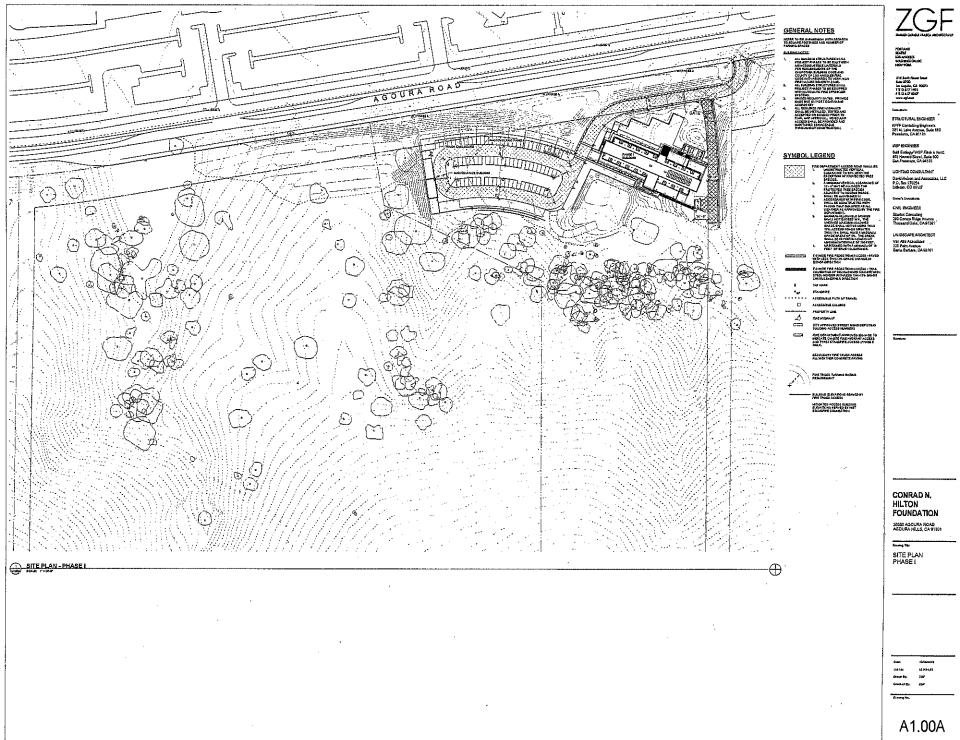
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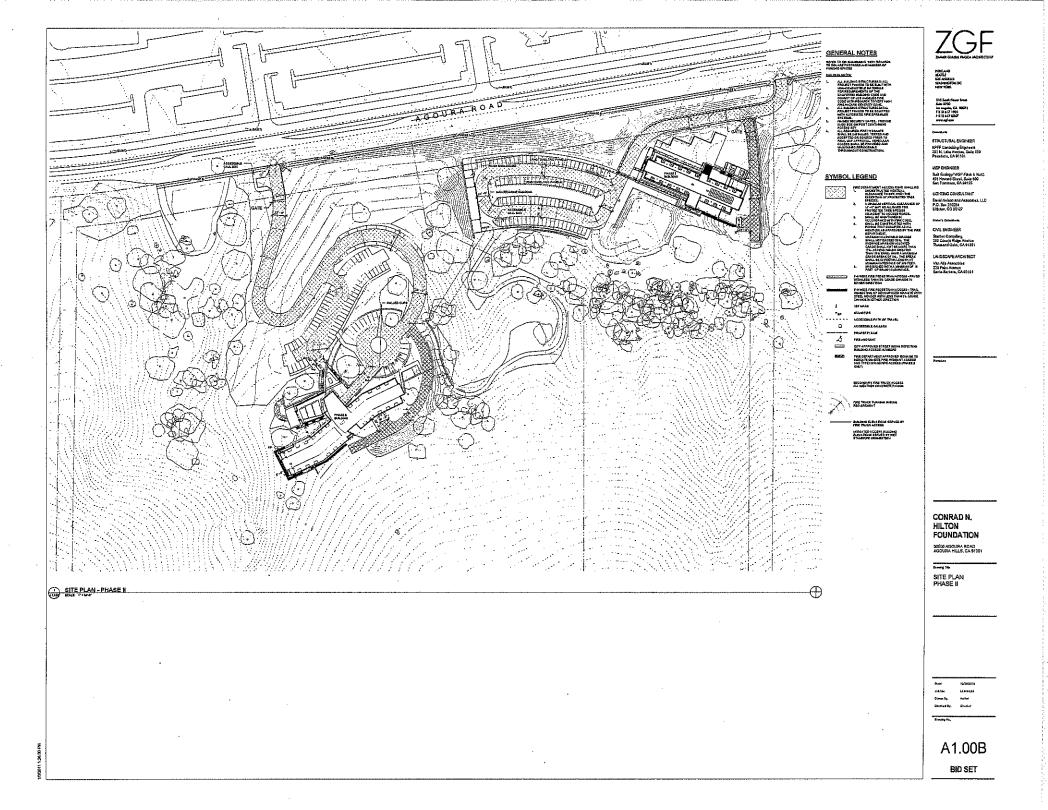
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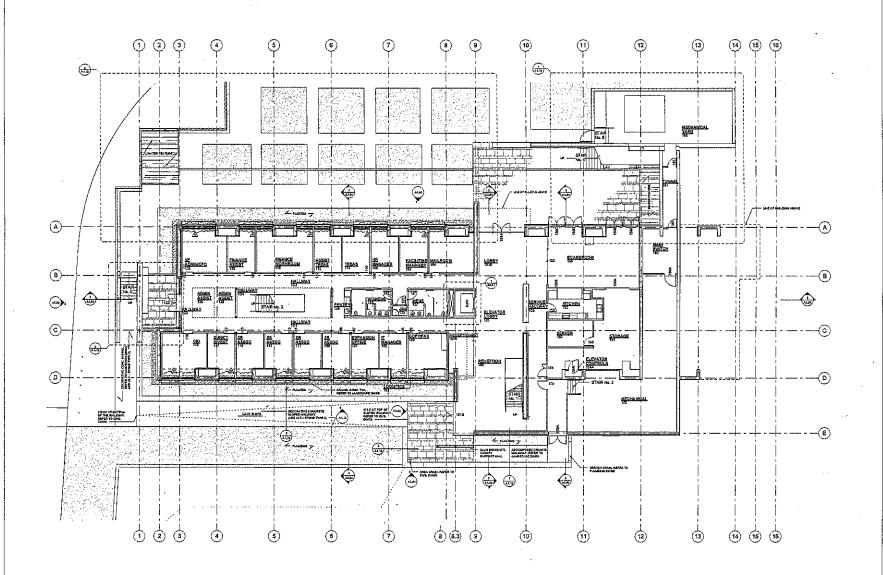
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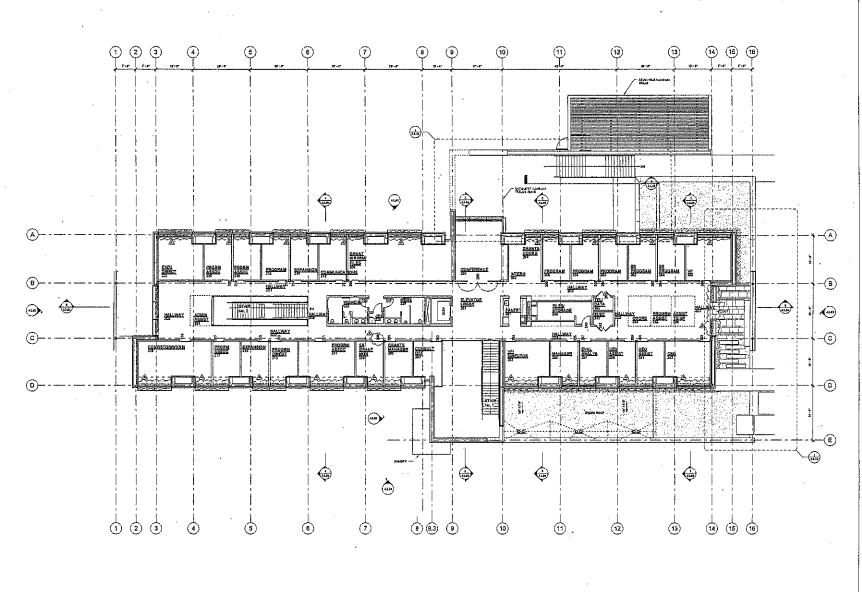
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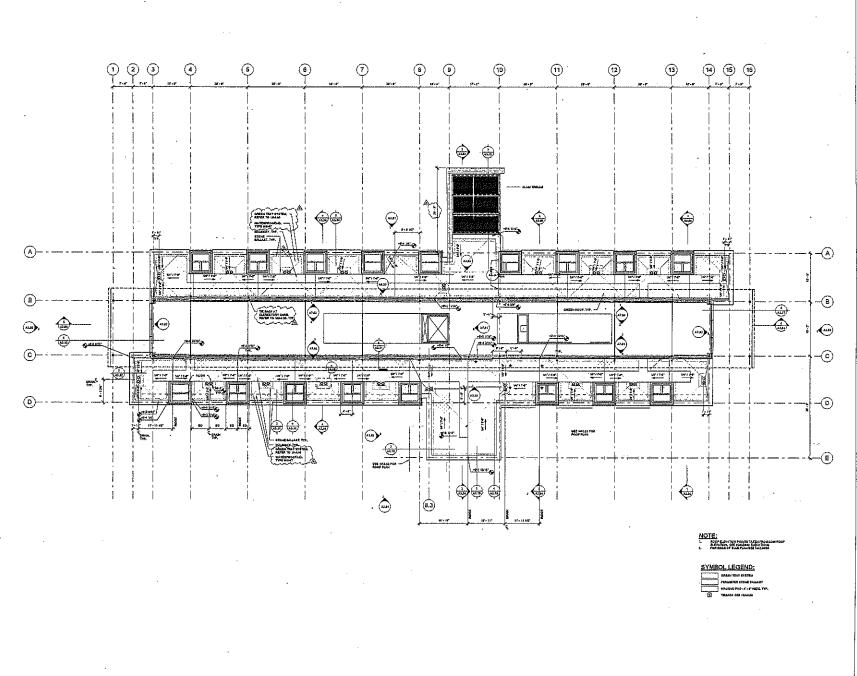


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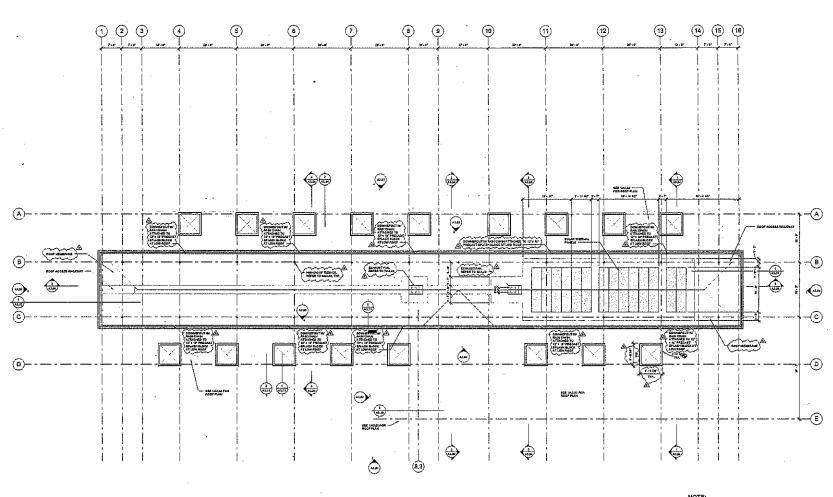
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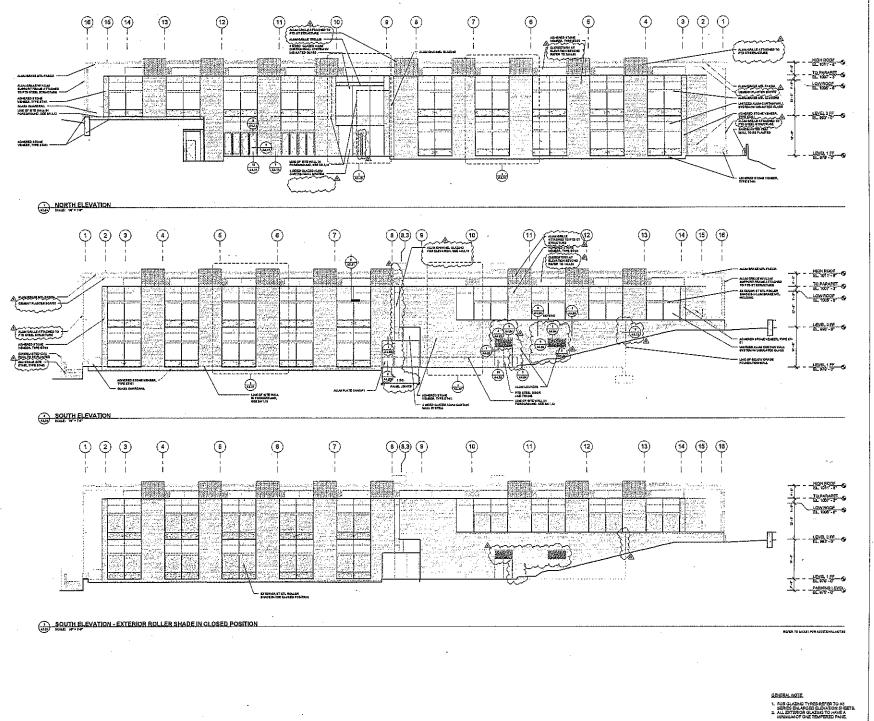
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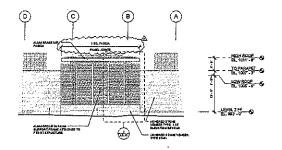
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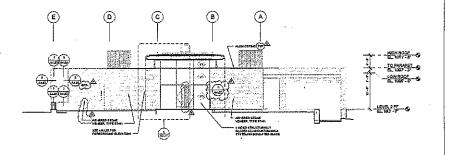
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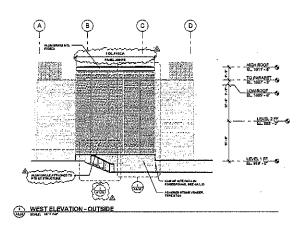
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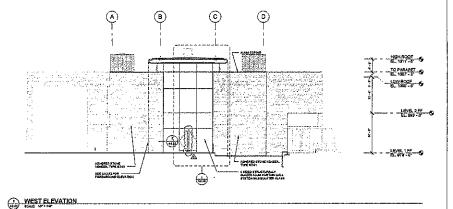




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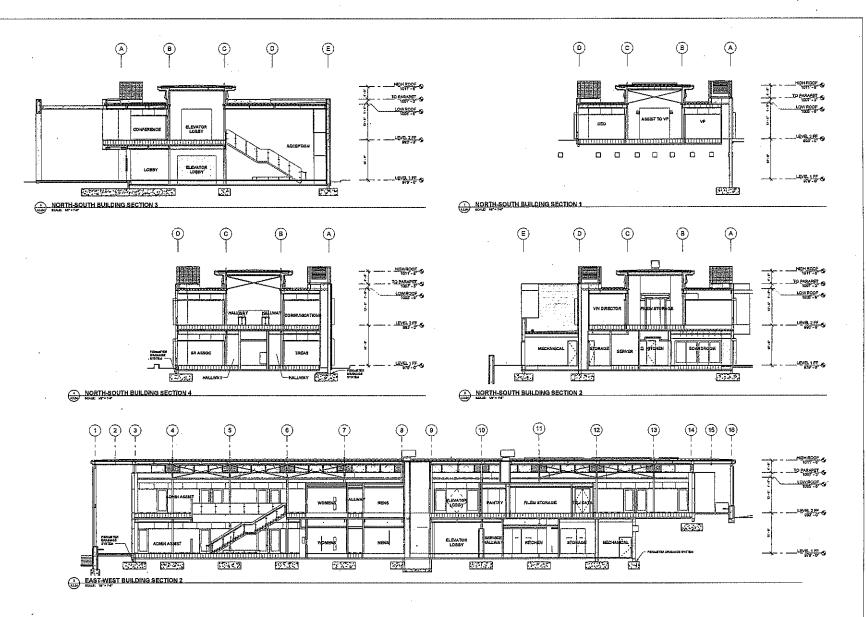
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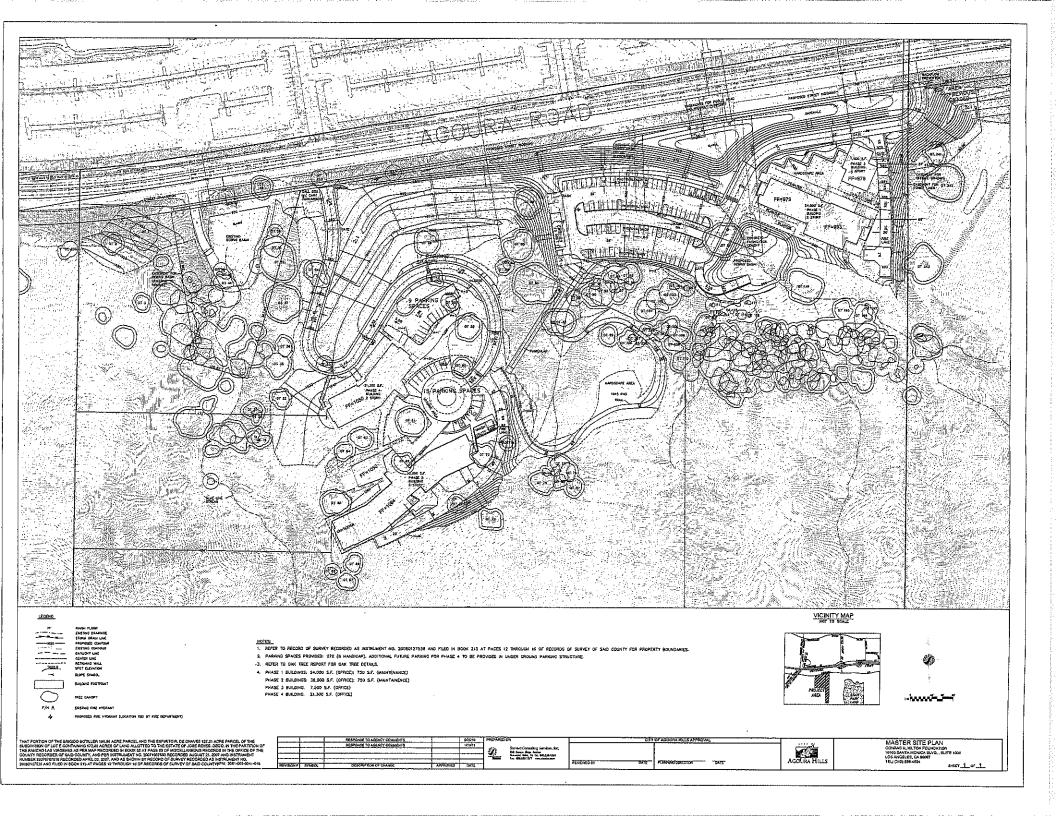
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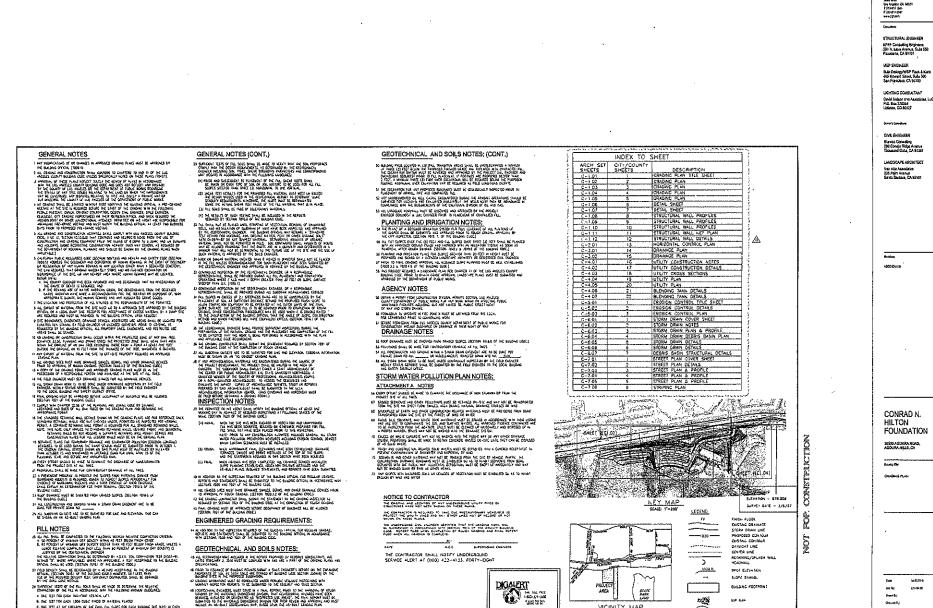
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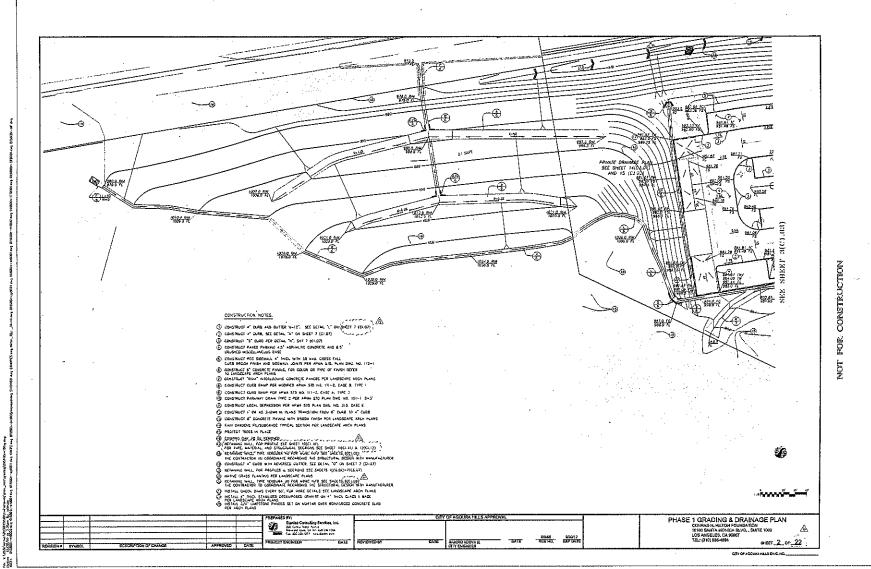
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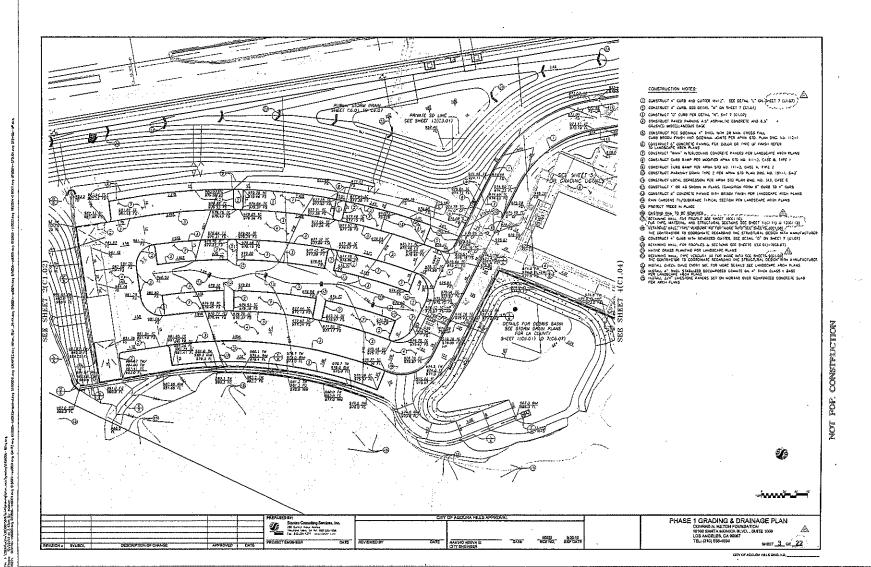
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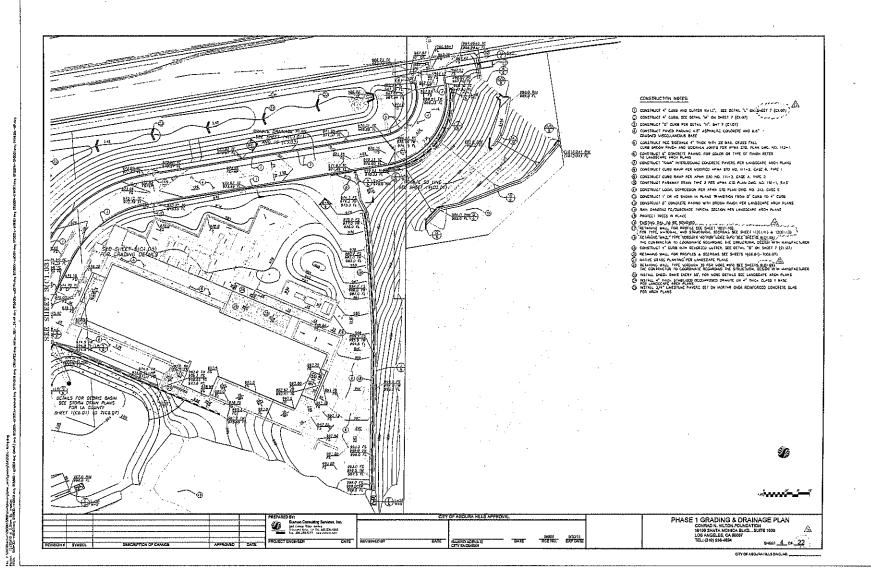
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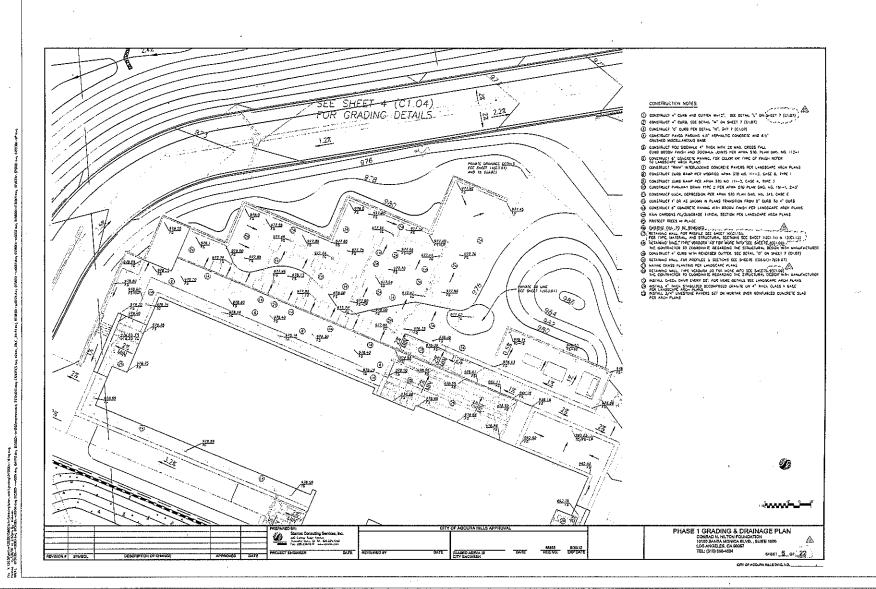
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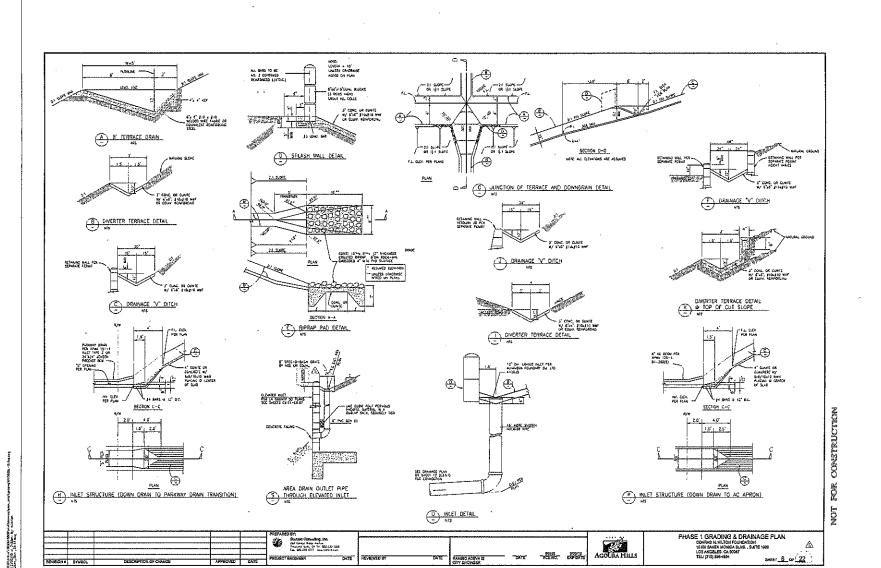
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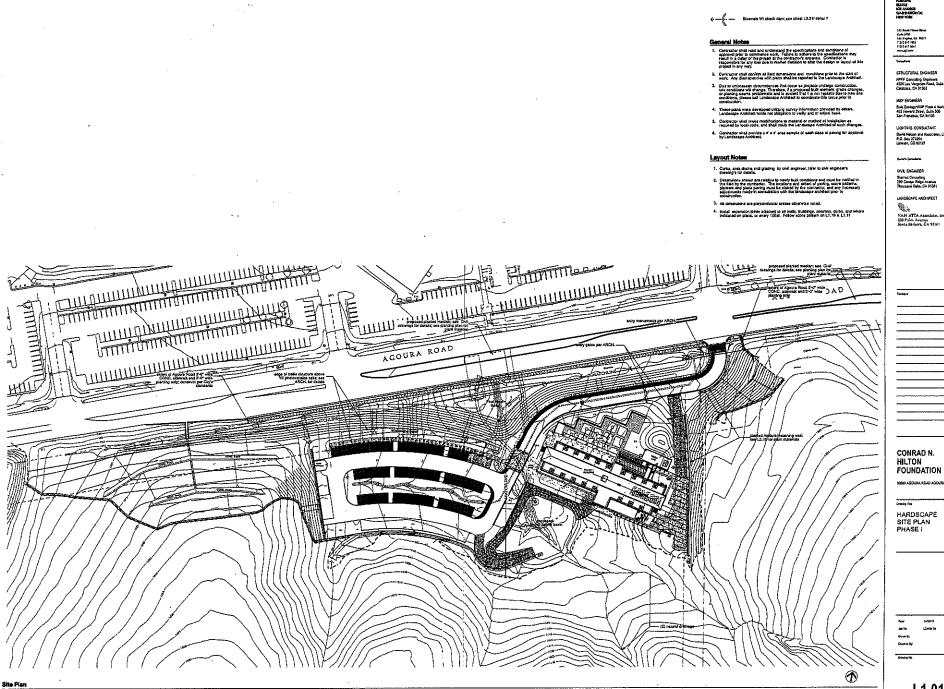
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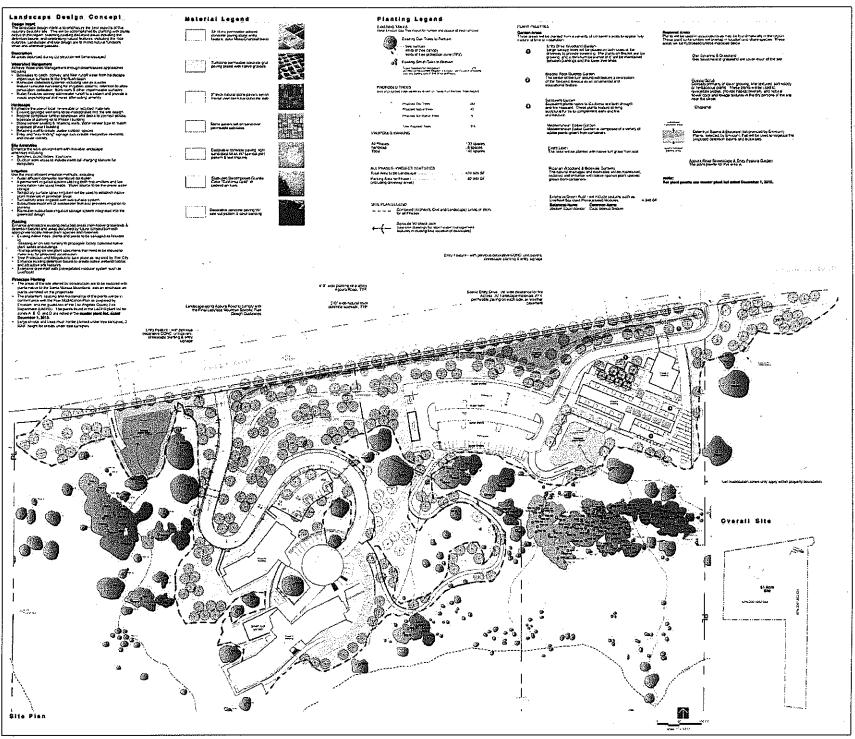
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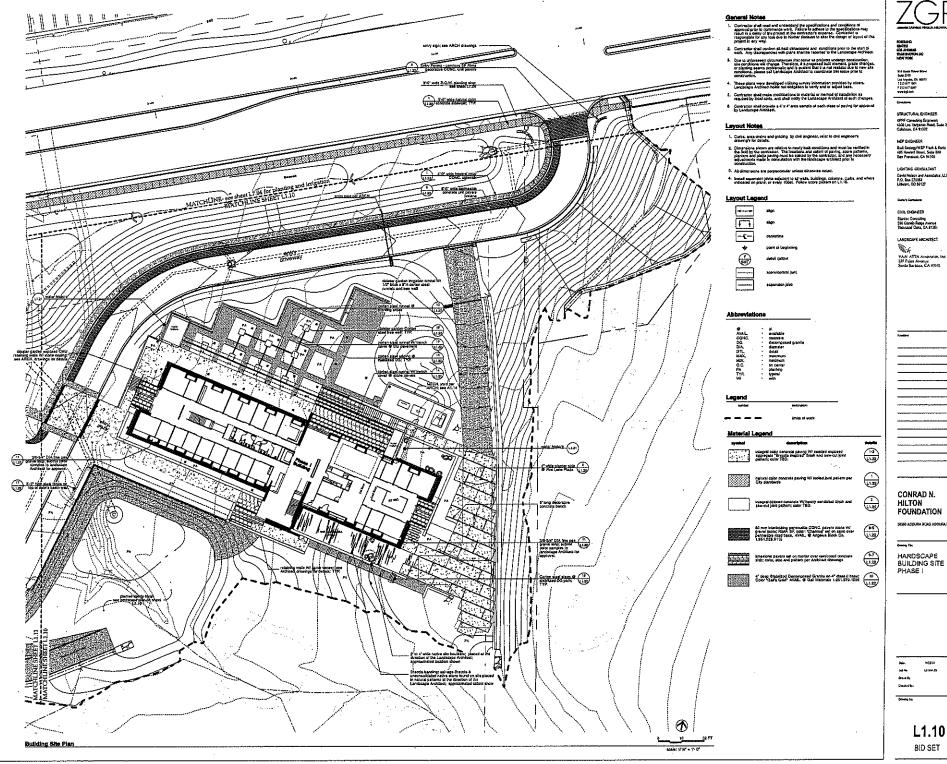
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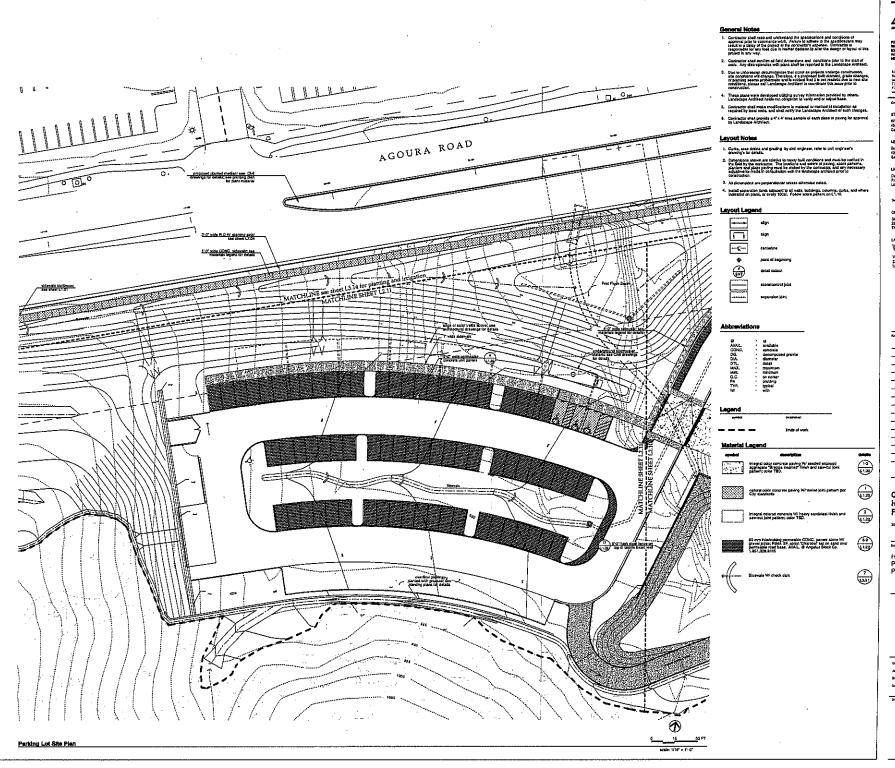


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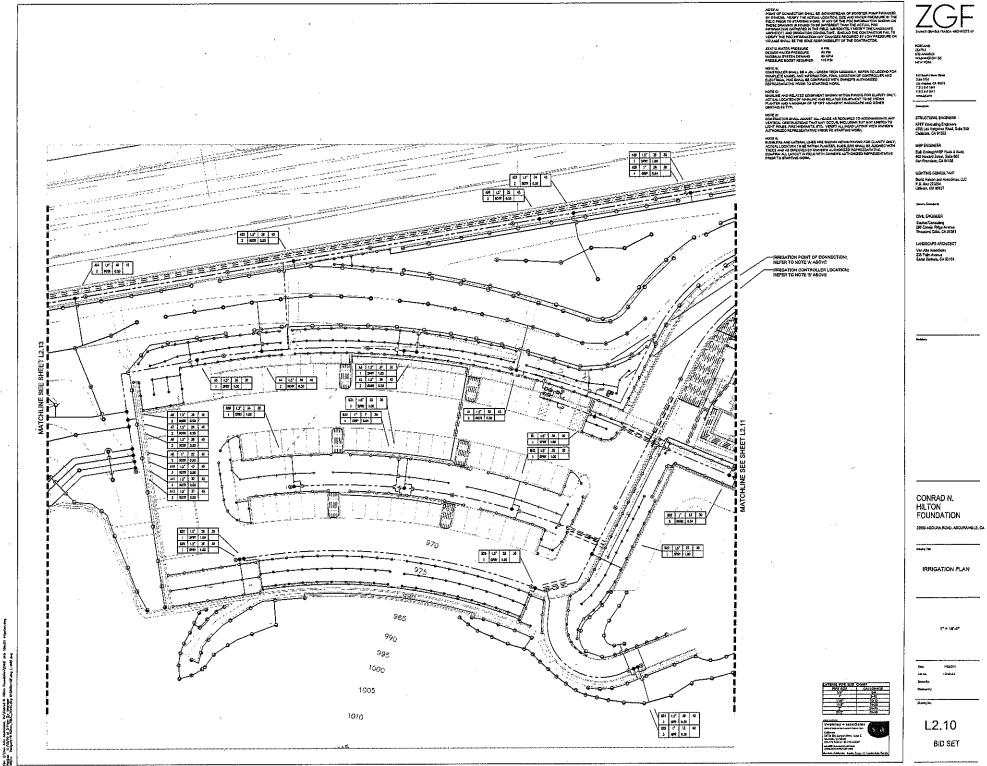
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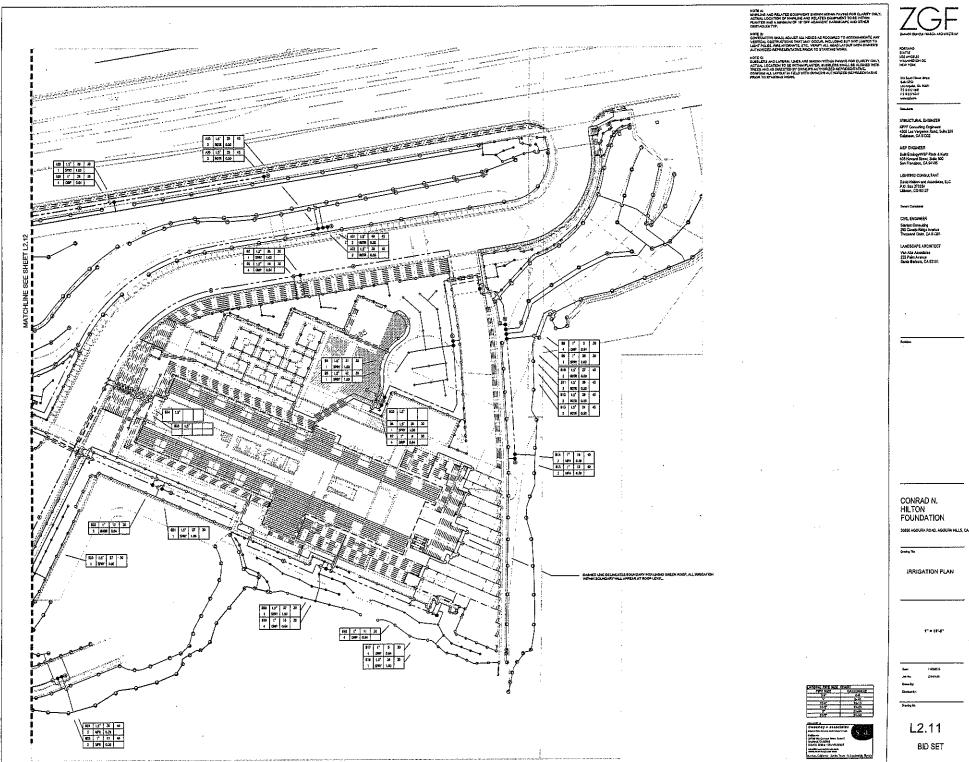
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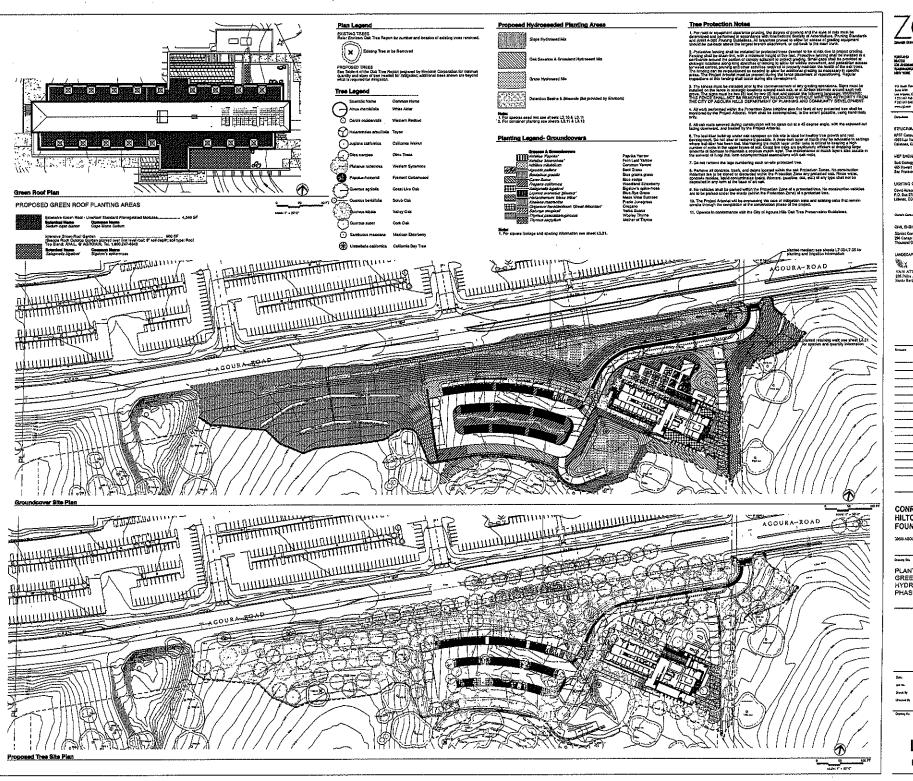
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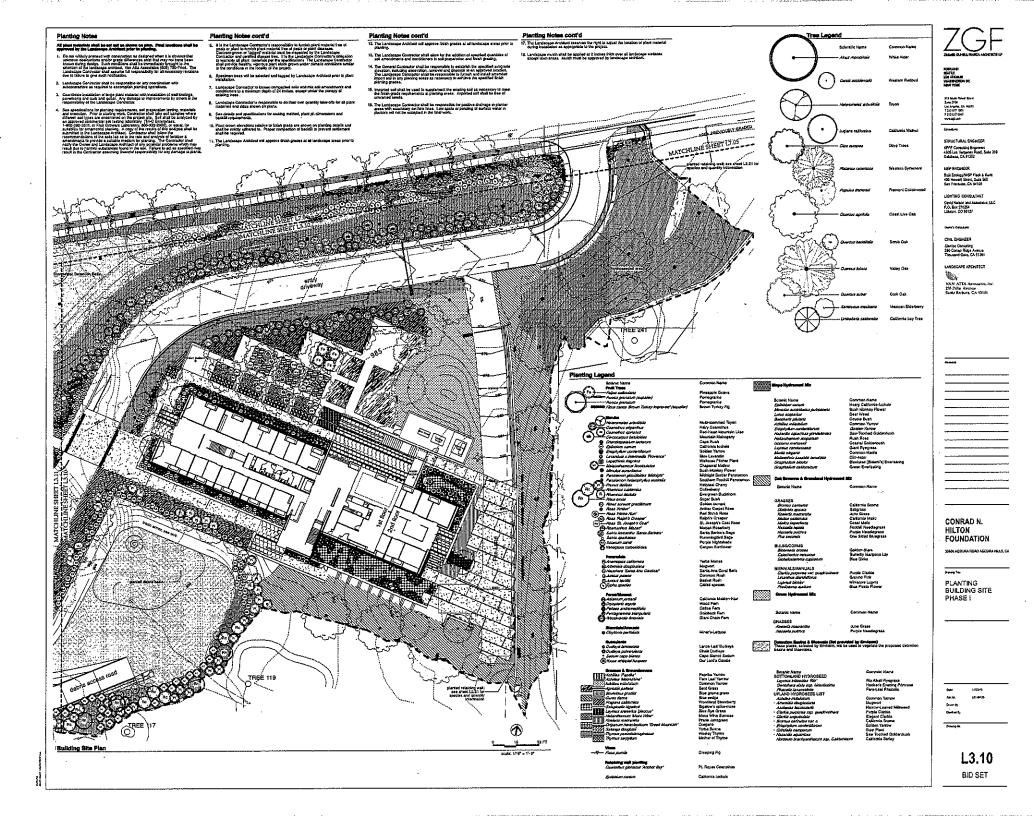
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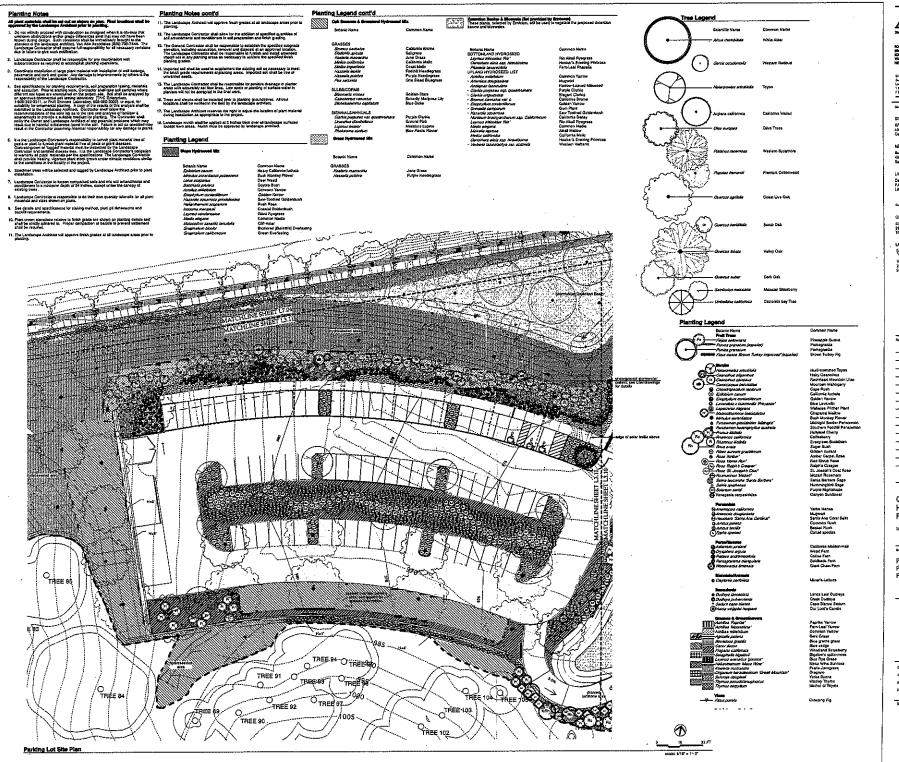
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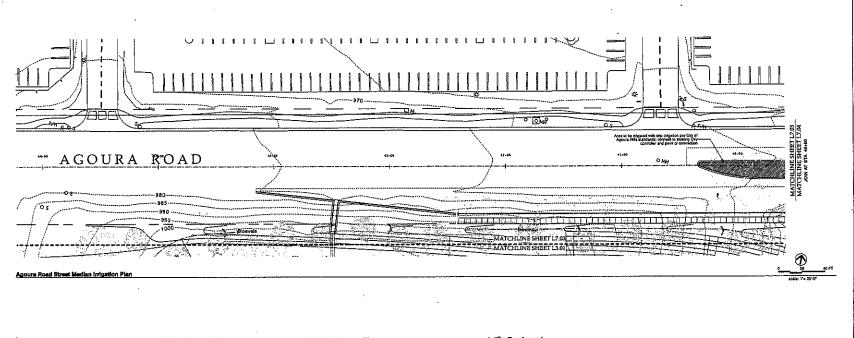
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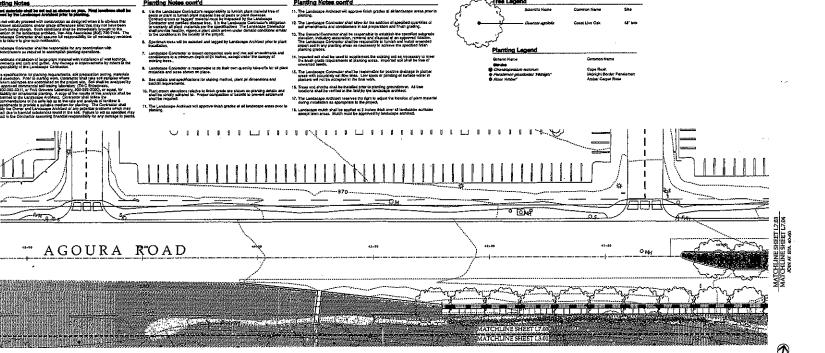
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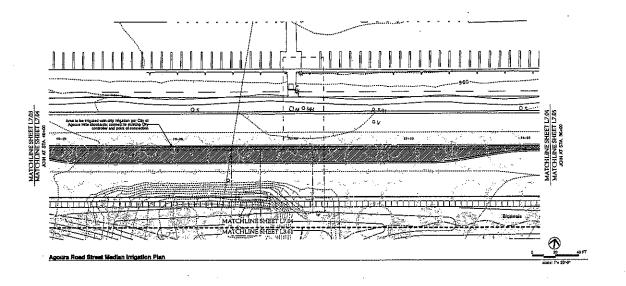
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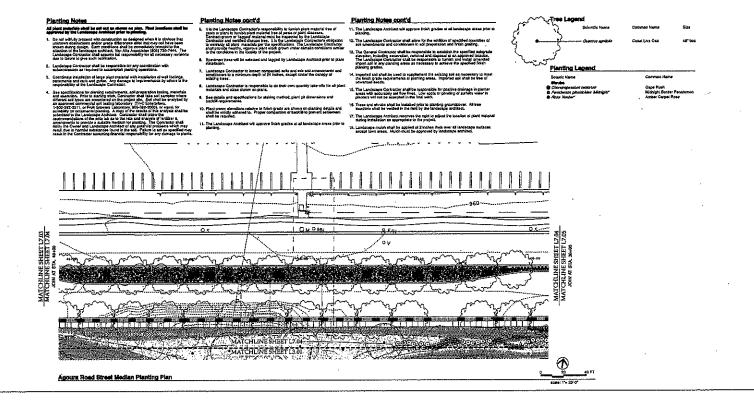
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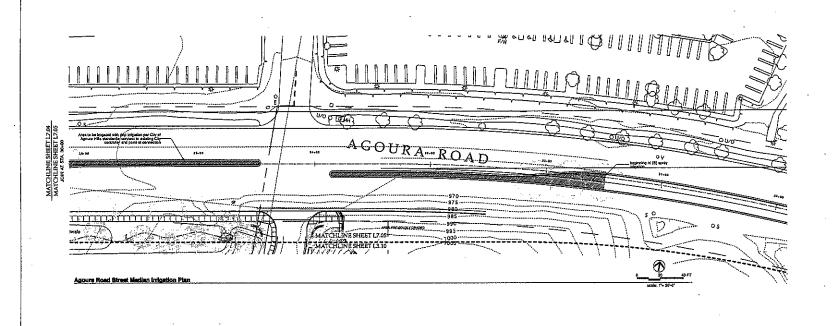
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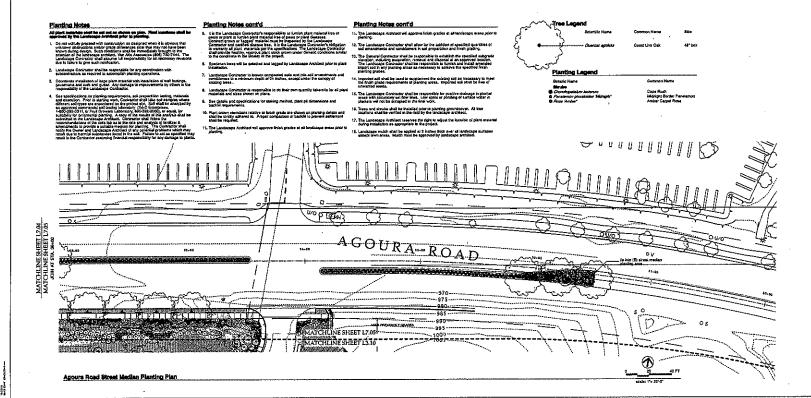
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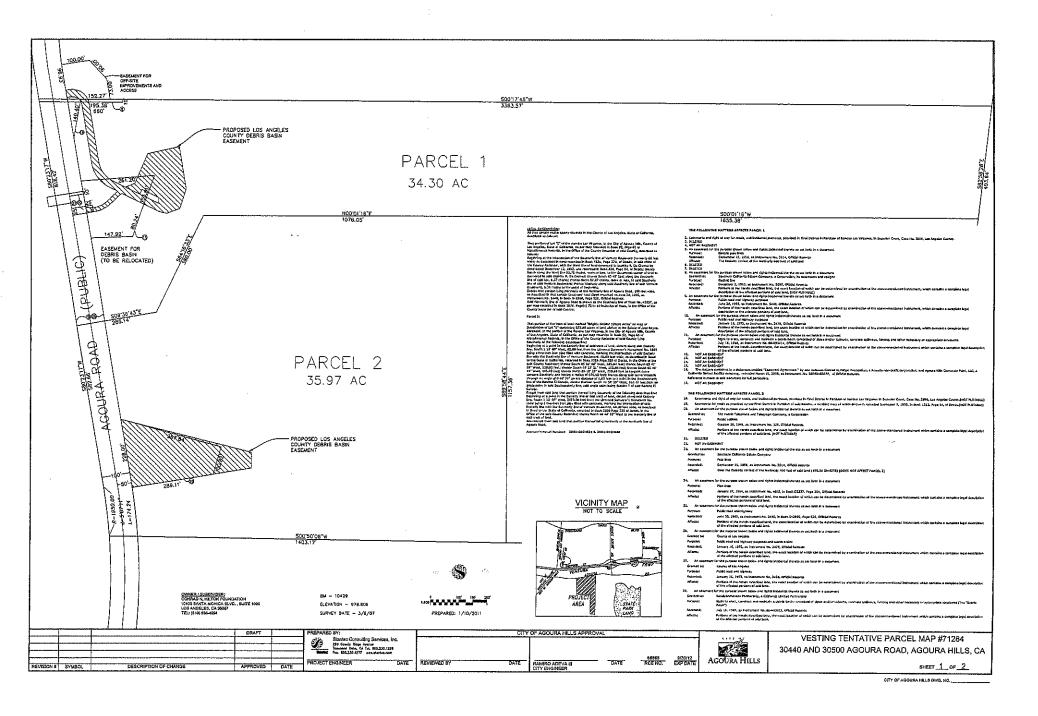
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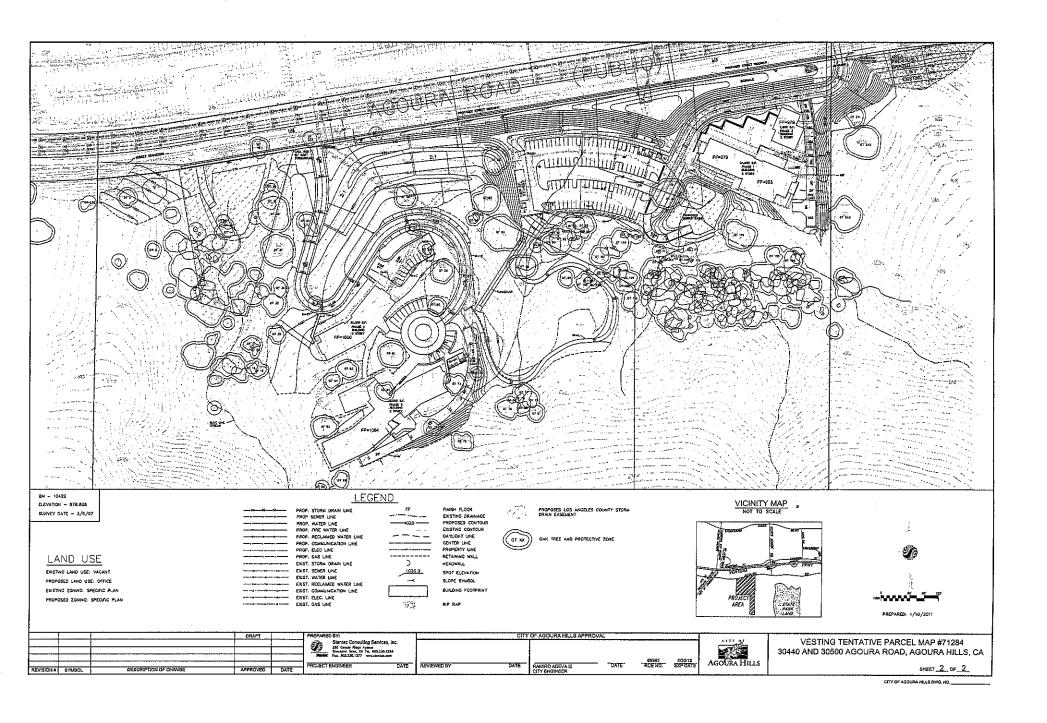
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### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 09-CUP-001

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 721vehicle 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, undergrounding 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.

<u>Section 6.</u> 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:

(5)

Buckley Weber, Justice, Moses, O'Meara, Rishoff

NOES:

(0)

ABSTAIN:

(0)

ABSENT:

(0)

## 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.

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

<u>Section III.</u> 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.

<u>Section V.</u> 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:

(5)

Buckley Weber, Justice, Moses, O'Meara, Rishoff

NOES:

(0)

ABSTAIN: ABSENT:

(0)

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steve Riskott, Chairperson

ATTEST:

# 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.

Page 3

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

AYES:

(5)

Buckley Weber, Justice, Moses, O'Meara, Rishoff

NOES:

(0)

ABSTAIN:

(0)

ABSENT:

(0)

ATTEST:

### 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 20th day of January, 2011, by the following vote to wit:

AYES:

(5)

Buckley Weber, Justice, Moses, O'Meara, Rishoff

NOES:

(0)

(0)

ABSTAIN: ABSENT:

(0)

Steve Rishoft Chairperson

ATTEST:

### 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.

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.

Based on the aforementioned findings, the Planning Commission Section V. 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 20th day of January, 2011, by the following vote to wit:

AYES:

(5)

Buckley Weber, Justice, Moses, O'Meara, Rishoff

NOES:

(0)

ABSTAIN: (0)

ABSENT:

(0)

person

# 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:

An application was duly filed by Conrad N. Hilton Foundation with respect to a Section 1. 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.

- <u>Section 2</u>. 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

- Will not be detrimental to the health, safety and general welfare as the project 3. 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
- Will not adversely affect the orderly development of property or the preservation of 4. 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.

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 Nos. 11-1020, 11-1021, 11-1022, 11-1023, 11-1024). Those actions apply equally to this approval and are incorporated herein by this reference.

Based upon the aforementioned findings, the Planning Commission hereby Section 5. 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:

(5)

Buckley Weber, Justice, Moses, O'Meara, Rishoff

NOES:

(0)

ABSENT:

(0)ABSTAIN:

(0)

ATTEST:

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 TENATIVE 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.