



REPORT TO CITY COUNCIL

DATE: AUGUST 22, 2012

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT 

SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER A REQUEST FOR A GENERAL PLAN AMENDMENT, TWO VARIANCES, A SITE PLAN/ARCHITECTURAL REVIEW, AN OAK TREE PERMIT, A SIGN PERMIT, AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE CONSTRUCTION OF AN 18-UNIT TOWNHOMES PROJECT ON THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018); AND INTRODUCTION FOR FIRST READING OF ORDINANCE NO. 12-398, APPROVING A ZONE CHANGE TO CHANGE THE ZONING DESIGNATION OF THE PROPERTY FOR RESIDENTIAL HIGH DENSITY USE (AITAN HILLEL, APPLICANT) (CASE NOS. 12-GPA-001, 12-ZC-001, 12-VAR-001 (A & B), 12-SPR-002, 12-OTP-005, AND 12-SP-011)

Staff is requesting the City Council conduct a public hearing to consider requests from Aitan Hillel, owner of property located on the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue, for a General Plan Amendment to change the land use designation of his property from CRS (Commercial Retail Service) to RHD (Residential High Density), two Variances to construct retaining walls in excess of 6 feet in height and to provide a reduction in required group open space areas, a Site Plan/Architectural Review to construct an 18-unit townhomes complex, an Oak Tree Permit to remove 4 oak trees and to encroach within the protected zone of 6 oak trees, and a Sign Permit to install one monument sign. Staff is also requesting the City Council introduce, for first reading, an Ordinance for a Zone Change to change the zoning designation of the property from CRS-FC-OA (Commercial Retail Service – Freeway Corridor Overlay- Old Agoura Design Overlay) to RH-(25)-FC-OA (High Density Residential (maximum 25 units per acre) – Freeway Corridor Overlay – Old Agoura Design Overlay. The City Council is also requested to consider adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program for the project.

The Planning Commission held a public hearing on August 2, 2012, to consider these requests and provide a recommendation to the City Council. After considering the written and oral evidence presented to them at their hearing, the Planning Commission unanimously recommended approval on a 5-0 vote, and requested the City Council also consider a few specific changes to the project.

Attached Exhibit I is a summary of comments by each Planning Commissioner. Also, attached for the City Council's reference, are a copy of the Planning Commission staff report that includes a detailed project description and staff analysis, and a draft copy of the Planning Commission meeting minutes. Staff respectfully requests that the City Council refer to the Planning Commission staff report for details on the project analysis regarding the requested General Plan Amendment, Zone Change, Site Plan/Architectural Review, Variances, Oak Tree Permit, Sign Permit, and Mitigated Negative Declaration/Mitigation Monitoring Program. The applicant's most recently revised project plans and written public comments are also attached for reference. The Planning Commission's role at its August 2, 2012, public hearing was advisory to the City Council, and the City Council's role at this time is to conduct a public hearing and take final action on the entitlement requests.

There was a general consensus amongst the Planning Commissioners in recommending: (1) that the building height be lowered; (2) that the buildings incorporate all hip roofs rather than the combination of hip and gable roofs; (3) that more subdued earthtone colors be used on the buildings; (4) to consider revising the landscape plans to include more evergreen trees planted along the Palo Comado Canyon Road property frontage for screening; and (5) to consider planting a Black Walnut tree on the property.

At the meeting, the applicant informed the Planning Commission that he is agreeable to making these changes. The applicant has since made the changes to the plans to address the recommendations of the Commission, as follows:

First, in response to a question raised by Chairman O'Meara, the applicant indicated at the Planning Commission meeting that he can reduce the building height an additional two feet by reducing interior ceiling heights and modifying the roof pitch. There was general support by the Commission regarding this height reduction option and the architectural plans presented to the City Council reflect the lowering of the exterior building height by two feet (from 34'11" to 32'11"). While the proposed maximum building height is now 32'11", this height would only be at the middle, ridge portion of the roof. The corners of the roof would be 5'6" lower than the roof ridge.

Second, the Planning Commission supported the option of using all hip roofs, as it has the visual effect of lowering the building height. The applicant has revised the plans to reflect this change. Staff would also note that, per the Zoning Ordinance, the height of the building is measured to the mid-point of the roof in cases where hip roofs are used. Therefore, after including the two-foot height reduction, noted above, and using hip roofs, the building height is now proposed at 30'2". Included within the project exhibits (Exhibit O) are "before and after" photo renderings comparing what the Planning Commission reviewed with the changes recommended by the Planning Commission to include the two-foot building height reduction and the use of hip roofs.

Staff would note that the building pads, as shown on the grading plans, are situated 1 to 2 feet above the street elevation of Chesebro Road, and 20 feet below the highest Palo Comado Canyon Road elevation. This is the lowest pad elevation possible to allow for surface drainage runoff from the site into the street (Chesebro Road) drainage system. It is possible to lower the site grades and, consequently, the building pads by an additional two feet through the use of underground storm drain pipes that would connect with a relocated catch basin on Chesebro Road. This option was not

supported by the Planning Commission and would consequently require additional grading, higher retaining walls, extensive street work and, possibly, a pump system from the drainage and sewer system. The City Council, however, has the discretion to require this option if they find that, in addition to the building height reduction and hip roofs, additional modulation of views of the buildings is necessary.

Third, to address the Planning Commission's comments about using more subdued earth-tone colors, the applicant has provided revised building colors. Color samples provided to the Planning Commission included multi-colored stone veneer of earth-tone colors, beige colored siding, white stucco, dark brown colored wood trim, and light blue colored window shutters. Based on the Planning Commission's recommendation for more subdued colors, the applicant is now requesting building colors of tan colored stucco and siding, dark brown colored wood trim, multi-colored stone veneer, brown shutters, and a multi-colored, flat cement tile roof.

Fourth, the Planning Commission expressed concern with the Sycamore trees that were proposed to be planted along the Palo Comado Canyon frontage of the property. Since these trees are deciduous, the Planning Commission recommended more evergreen trees be used instead to screen the buildings. The applicant was agreeable to the recommendation and staff consulted with the Los Angeles County Fire Department on whether such changes would be acceptable, as there are strict Fire Department regulations on the proximity of evergreen trees to building structures.

The Fire Department is agreeable to the possible planting of 4 to 6 oak trees and one Arbutus marina tree along the northeastern end of the property. Trees located further west, near the street intersection, would be required to be deciduous. While staff understands the rationale for more evergreen trees along the street, the proposed Sycamore trees are common and native to the area, are tall and fast growing, and are dormant for only 2 to 3 months during the year. In addition, deciduous trees allow for the Fire Department to approve taller, 6-foot shrubs to be planted near the trees. The planting of evergreen trees would restrict adjacent shrub heights to 3 feet. For the above reasons, the City Landscape Consultant prefers that Sycamore trees be retained as originally proposed. However, staff has included a condition of approval reflecting the Planning Commission's recommendation of using Sycamore trees in combination with evergreens, which the City Landscape Consultant finds acceptable.

Finally, during the Planning Commission meeting the applicant apologized for removing a mature size Black Walnut tree from the property. Although the tree was not protected by City code from removal, the applicant did agree with the Planning Commission's recommendation to plant another Black Walnut tree on the property. The City Landscape Consultant and staff, subsequently, researched the availability and viability of such a tree and found that the tree is rare and seldom held in local nurseries. The applicant would likely need to have a nursery order one, which would typically come in small size, 5-gallon containers. Staff also found that Black Walnut trees take to irrigation for only a short duration after planting and, subsequently, grows best without regular irrigation and in a natural habitat. Unlike the previous Black Walnut tree on the property that was left essentially undisturbed, the City Landscape Consultant finds that there is a likelihood that a new planted tree on this property would not take well. Therefore, in light of this information, the applicant is willing to volunteer to plant a new Black Walnut tree off-site.

In addition to the general consensus comments above, the applicant has proposed a number of changes to address Commissioner Northrup's comments regarding greater building modulation, greater transition in building height, and increased balcony depth. To address these concerns, the applicant is lowering the height of all buildings on the site by two feet and providing hip roof elements instead of a gable roof. The applicant is also providing recessed windows with thicker exterior sills, frames, and shutters and all balconies will be recessed one foot. These changes will provide for greater exterior building relief and articulation.

In summary, the applicant has worked with staff for the last year and a half in designing the project. The project has evolved to address issues raised by the Los Angeles County Fire Department and City departments. The project was reviewed by the City Architectural Review Panel. Staff also met with the representatives of the Old Agoura Homeowners Association on a number of occasions to receive their input and address their concerns. The Planning Commission reviewed the project at a public hearing held on August 2, 2012. The Commission recommended the City Council approve the project subject to the City Council taking into consideration all the comments of individual Planning Commissioners. The applicant has since revised the project to address the general consensus comments of the Planning Commission.

Staff has drafted the necessary resolutions of approval for the City Council if that is the decision of the City Council, with the appropriate conditions of approval.

RECOMMENDATION

Staff respectfully recommends the City Council conduct a public hearing and approve Resolutions 12-1682 through 12-1688, for General Plan Amendment Case No. 12-GPA-001, Variance Case Nos. 12-VAR-001(A) and 12-VAR-001(B), Site Plan/Architectural Review Case No. 12-SPR-002, Oak Tree Permit Case No. 12-OTP-005, Sign Permit Case No. 12-SP-035, and adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program, to construct an 18-unit townhomes complex. Staff also requests City Council introduce, read by title only, and waive further reading of Ordinance No. 12-398 for approval of Zone Change Case No. 12-ZC-001 for this project.

- Attachments:
- A. Draft Resolution No. 12-1682 (MND and Mitigation Monitoring Program)
 - B. Draft Resolution No. 12-1683 (General Plan Amendment)
 - C. Draft Ordinance No. 12-398 (Zone Change Ordinance)
 - D. Draft Resolution No. 12-1684 (Variance-A)
 - E. Draft Resolution No. 12-1685 (Variance-B)
 - F. Draft Resolution No. 12-1686 (Site Plan/Architectural Review)
 - G. Draft Resolution No. 12-1687 (Oak Tree Permit)
 - H. Draft Resolution No. 12-1688 (Sign Permit)
 - I. Planning Commission Comments
 - J. Planning Commission Staff Report
 - K. Draft Planning Commission Meeting Minutes (August 2, 2012)
 - L. Letter from the Applicant
 - M. Letters / Emails from the Public and Public Agencies
 - N. Vicinity Map
 - O. Reduced Copies of Project Plans
 - P. Planning Commission Resolution Nos. 12-1064 through 12-1071

EXHIBIT A

RESOLUTION NO. 12-1682

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM IN CONNECTION WITH A PROPOSED 18-UNIT TOWNHOME DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

Section I. The City Council hereby finds and determines that:

- A. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), to develop an 18-unit townhome development, requiring the following approvals from the City: General Plan Amendment Case No. 12-GPA-001; Zone Change Case No. 12-ZC-001; Variance Case No. 12-VAR-001 (A & B); Site Plan/Architectural Review Case No. 12-SPR-002; Oak Tree Permit Case No. 12-OTP-005; and Sign Permit Case No. 12-SP-011 (collectively, the "Project").
- B. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's local CEQA guidelines.
- C. Pursuant to CEQA and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the proposed townhomes project as described in the Initial Study (the "Project"). The Initial Study indicated that the project would not result in or create significant adverse environmental impacts to any environmental categories, except that the Initial Study identified potentially significant impacts to Biological Resources, Archaeological Resources, and Traffic. Staff determined that all of these potentially significant impacts could be mitigated to a less than significant level with the imposition of mitigation measures. As such, Staff determined that a Mitigated Negative Declaration was the appropriate CEQA document for analyzing and disclosing the proposed Project's potentially significant environmental impacts.

- D. City staff prepared a Mitigated Negative Declaration for the Project and provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration, as required by law. The public comment period commenced on May 24, 2012, and expired on June 25, 2012.
- E. Copies of the documents have been available for public review and inspection at the offices of the Department of Planning and Community Development, located at City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.
- F. Nine (9) written comments were received prior to the public hearing and a response to all of the comments made therein was prepared, submitted to the Planning Commission, and incorporated into the administrative record of the proceedings. Those comments and the responses are included as part of the Final Mitigated Negative Declaration.
- G. The Planning Commission reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration prior to and at their August 2, 2012, public hearing, and based on the whole record before it, found, per Resolution No. 12-1071, that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.
- H. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012, public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section II. Exercising its independent judgment and analysis, and based on the entire administrative record before it, the City Council hereby adopts the Mitigated Negative Declaration for the Project, based on the City Council's conclusion that the Project will not result in any significant adverse environmental impacts with the incorporation of the mitigation measures.

Section III. The City Council also hereby approves and adopts the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit A and incorporated herein by this reference. This resolution shall take effect immediately upon its adoption.

Section IV. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the City Council.

PASSED, APPROVED and ADOPTED this 22nd day of August, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

The Final Initial Study/Mitigated Negative Declaration identifies the mitigation measures that will be implemented to reduce the impacts associated with the Hillel 18-Unit Townhome project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development.

As stated in Section 21081.6 of the Public Resources Code,
... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Agoura Hills departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.



Hillel 18-Unit Townhome Project
Mitigation Monitoring and Reporting Program

Hillel 18-Unit Townhome Project - Final Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan						
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion		
				Check Box	Date	
Biological Resources						
BIO-1	To compensate for the loss of four oak trees, at least 12 replacement oak trees shall be planted on-site, consisting of at least eight (8) 24-inch box oak trees and four (4) 36-inch box oak trees. The 12 oak tree trees shall be shown on the project's approved landscape plans prior to issuance of a grading permit. The trees shall be planted on-site, per the landscape plans, prior to issuance of a certificate of occupancy for the first residential unit. In addition, the applicant shall hire the services of a City approved oak tree monitor during construction to ensure that all "Work Procedures" described in the Oak Tree Report are followed during construction.	Planning and Community Development Department	The Planning and Community Development Department shall review the final landscaping plan to ensure the plan includes at least 12 oak trees (8 24-inch box trees and 4 36-inch box trees).	Prior to issuance of a building permit.		
Cultural Resources						
CR-1	A qualified archaeologist shall monitor any grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil. If artifacts are discovered, the developer shall notify the City of Agoura Hills' Planning Department immediately, and construction activities shall cease until the archaeologist has documented and recovered the resources. Equipment stoppages prescribed by the archaeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and should not be	Planning and Community Development Department/ Building & Safety Department	The project's construction manager shall monitor the site for evidence of archaeological or paleontological resources.	On-site monitoring shall occur during all grading activities.		

Fountain Place Villas
Mitigation Monitoring and Reporting Program

Hillel 18-Unit Townhome Project - Final Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan						
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion		
				Check Box	Date	
<p>construed to require stoppage of all equipment on the site unless the resources are thought by the archaeologist to be distributed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be impacted, and said equipment may undertake work in other areas of the site away from the discovered resources. If the find is determined by the archaeologist to be a unique archaeological resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code with mitigation as appropriate. If the find is determined not to be a unique archaeological resource, no further action is necessary and construction may continue.</p>						
<p>CR-2</p> <p>Should archaeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by a qualified archaeologist. In general the following guidelines shall be followed:</p> <ul style="list-style-type: none"> • Preservation of sites in-place is the preferred manner of avoiding damage to historic and prehistoric archaeological resources. • In the event of discovery of human remains, work shall stop 	<p>Planning and Community Development Department/ Building & Safety Department</p>	<p>All on-site grading or other site disturbance shall be suspended in the event human remains are unearthed.</p>	<p>This measure shall be implemented as directed by the County Coroner and/or Native American Heritage Commission (NAHC).</p>			

Fountain Place Villas
Mitigation Monitoring and Reporting Program

Hillel 18-Unit Townhome Project - Final Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan						
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion		
				Check Box	Date	
	until the coroner has determined that no investigation of the cause of death is required; or, if descendants have made a recommendation of the property owner regarding proper disposal of the remains, or until descendants have failed to make a recommendation within 24 hours of notification. If no recommendation is received, remains shall be interred with appropriate dignity on the property in a location not subject to future development.					
Transportation/Traffic						
T-1	The project's proposed northern driveway entrance shall be restricted to right-in/right-out movements with appropriate on-street signage and striping. Prior to issuance of a building permit, the driveway shall be reviewed and approved by the City's Traffic Engineer to ensure compliance with this traffic safety requirement.	Building and Safety Department And City Traffic Engineer	The Building and Safety Department and City Traffic Engineer shall review and approve final construction plans to ensure proper design of entrance/exit driveways	Prior to issuance of building permits.		

EXHIBIT B

RESOLUTION NO. 12-1683

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018) TO CHANGE THE LAND USE DESIGNATION FOR SUCH PROPERTY FROM COMMERCIAL RETAIL SERVICE TO RESIDENTIAL HIGH DENSITY (CASE NO. 12-GPA-001)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a General Plan Amendment to change the land use designation of the subject property from Commercial Retail Service (CRS) to Residential High Density (RHD). A public hearing to consider Case No. 12-GPA-001 was duly held by the Planning Commission on August 2, 2012, 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 and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on August 2, 2012. The Planning Commission recommended the City Council approve General Plan Amendment Case No. 12-GPA-001 on a 5-0 vote, per Resolution No. 12-1064.

Section II. A public hearing was duly held by the City Council on August 22, 2012, at 6:00 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 hearing was duly given and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the City Council at the aforesaid public hearing on August 22, 2012.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the City Council declares as follows:

- A. The proposed General Plan amendment is consistent with the goals of the current General Plan in that applying the RHD land use designation to this property will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in Land Use Policy LU-2.1

- B. The proposed General Plan amendment will assist in the development of a range of housing types to meet the diverse needs of the community, as called for in Goal No. 2 of the City's General Plan Housing Element.
- C. The proposed RHD land use designation will be consistent with the same land use designation of adjacent property to the west, on the west side of Chesebro Road, and will offer a compatible and transitional land use between the commercial uses to the south and the single-family residential uses to the north.

Section IV. The City Council has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section V. Based on the aforementioned findings, the City Council hereby approves General Plan Amendment Case No. 12-GPA-001, with respect to the property described in Section I hereof, as shown on attached Exhibit A. This resolution shall take effect immediately upon its adoption.

Section VI. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the City Council.

PASSED, APPROVED and ADOPTED this 22nd day of August, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

Exhibit A
GENERAL PLAN AMENDMENT
CASE NO. 12-GPA-001

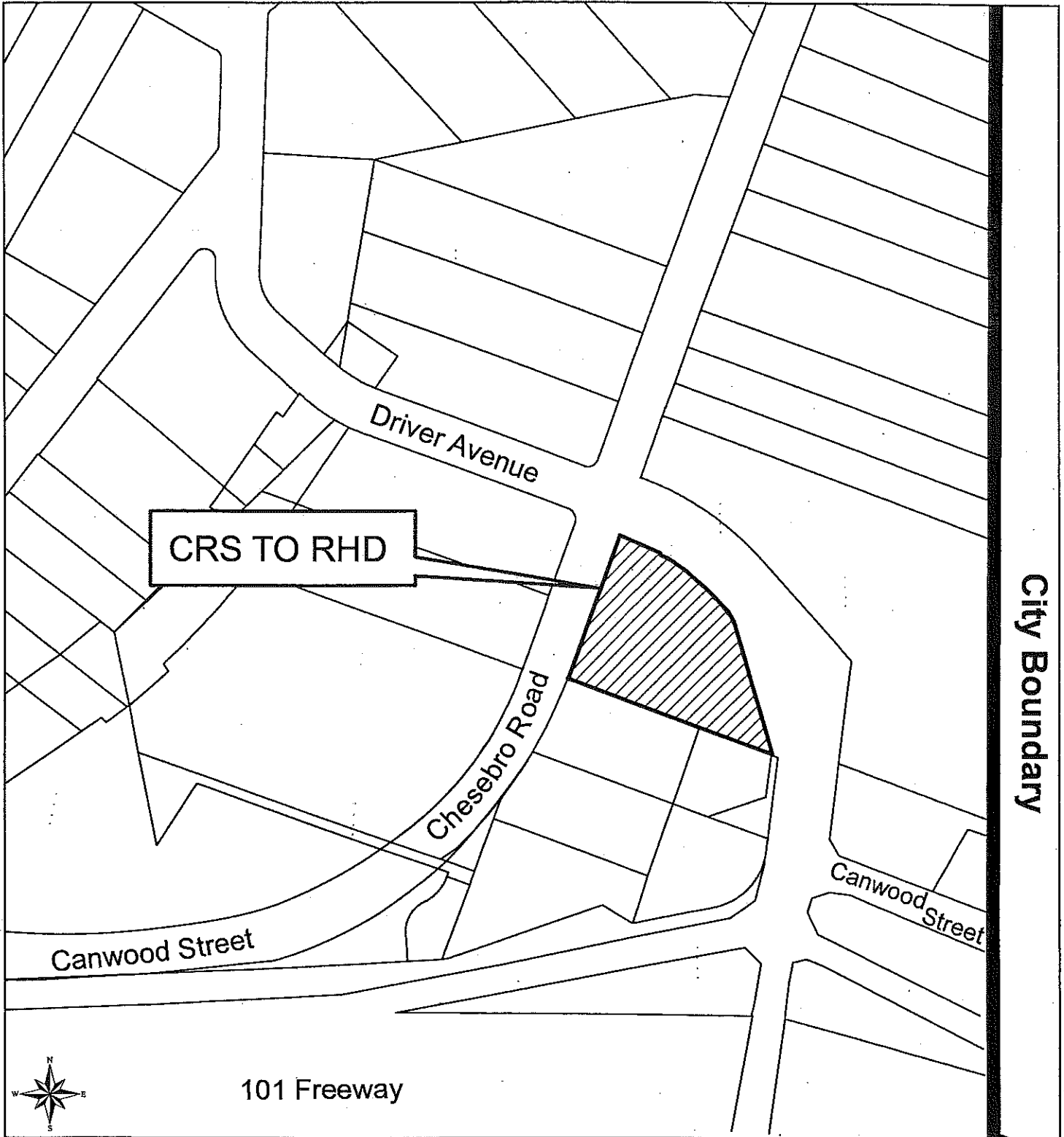


EXHIBIT C

ORDINANCE NO. 12-398

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001)

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

Section I. Findings and Intent.

- A. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (APN 2052-008-017 and 2052-008-018), requesting approval of a Zone Change for the property shown on Exhibit "A," to change the zoning land use designation of the subject property from Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay (CRS-FC-OA) to High Density Residential-(25) – Freeway Corridor Overlay – Old Agoura Design Overlay (RH-FC-OA).
- B. A public hearing to consider Case No. 12-ZC-001 was duly held by the City's Planning Commission on August 2, 2012, 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 and published as required by state law.
- C. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.
- D. The Planning Commission adopted Resolution No. 12-1065, recommending that the City Council approve Case No. 12-ZC-001 to provide for a zone change from CRS-FC-OA to RH-FC-OA for the subject property.
- E. A public hearing to consider Case No. 12-ZC-001 was duly held by the City Council on August 22, 2012, at 6:00 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 and published as required by state law.

- F. The proposed Zone Change will be consistent with the proposed General Plan designation of the subject property, in that both the zoning and General Plan land use designations will provide for high density, multi-family residential use of the property.
- G. The proposed Zone Change will be consistent with the goals of the current General Plan in that the RH land use designation will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in Land Use Policy LU-2.1
- H. The proposed Zone Change will provide for a density of proposed townhome units that is appropriate for the size of the parcel and compatible with neighboring commercial and residential uses.
- I. The proposed Zone Change will assist in the development of a range of housing types to meet the diverse needs of the community, as called for in Goal No. 2 of the City's General Plan Housing Element.
- J. The proposed RH-(25) zoning designation will be consistent with the same zoning designation of adjacent property to west, on the west side of Chesebro Road, and will offer a compatible and transitional land use between the commercial uses to the south and the single-family residential uses to the north.

Section II. CEQA. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The City Council hereby makes the following environmental findings and determinations in connection with the proposed project:

- A. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the proposed townhomes project as described in the Initial Study (the "Project"). The Initial Study indicated that the project would not result in or create significant adverse environmental impacts, except that the Initial Study identified potentially significant impacts to Biological Resources, Archaeological Resources, and Traffic. Staff determined that all of these potentially significant impacts could be mitigated to a less than significant level with the imposition of the mitigation measures identified in the

Mitigated Negative Declaration. As such, Staff determined that a Mitigated Negative Declaration was the appropriate CEQA document for analyzing and disclosing the proposed project's potentially significant environmental impacts.

- B. City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration as required by law. The public comment period commenced on May 24, 2012, and expired on June 25, 2012. Copies of the documents have been available for public review and inspection at the offices of the Department of Planning and Community Development, located at City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.
- C. Nine (9) written comments were received prior to the public hearing and a response to all of the comments made therein was prepared, submitted to the Planning Commission, and incorporated into the administrative record of the proceedings.
- D. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.
- E. Based on the aforementioned findings, the City Council hereby approves and adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the Project.

Section III. Zone Change. Based on the aforementioned findings, the City Council hereby approves Zone Change Case No. 12-ZC-001, with respect to the property described in Section 1 hereof, and as shown on the attached Exhibit A.

Section IV. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section V. Certification and Posting. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective 30 days after its passage.

PASSED, APPROVED, AND ADOPTED this 22nd day of August, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

Exhibit A
ZONE CHANGE
CASE NO. 12-ZC-001

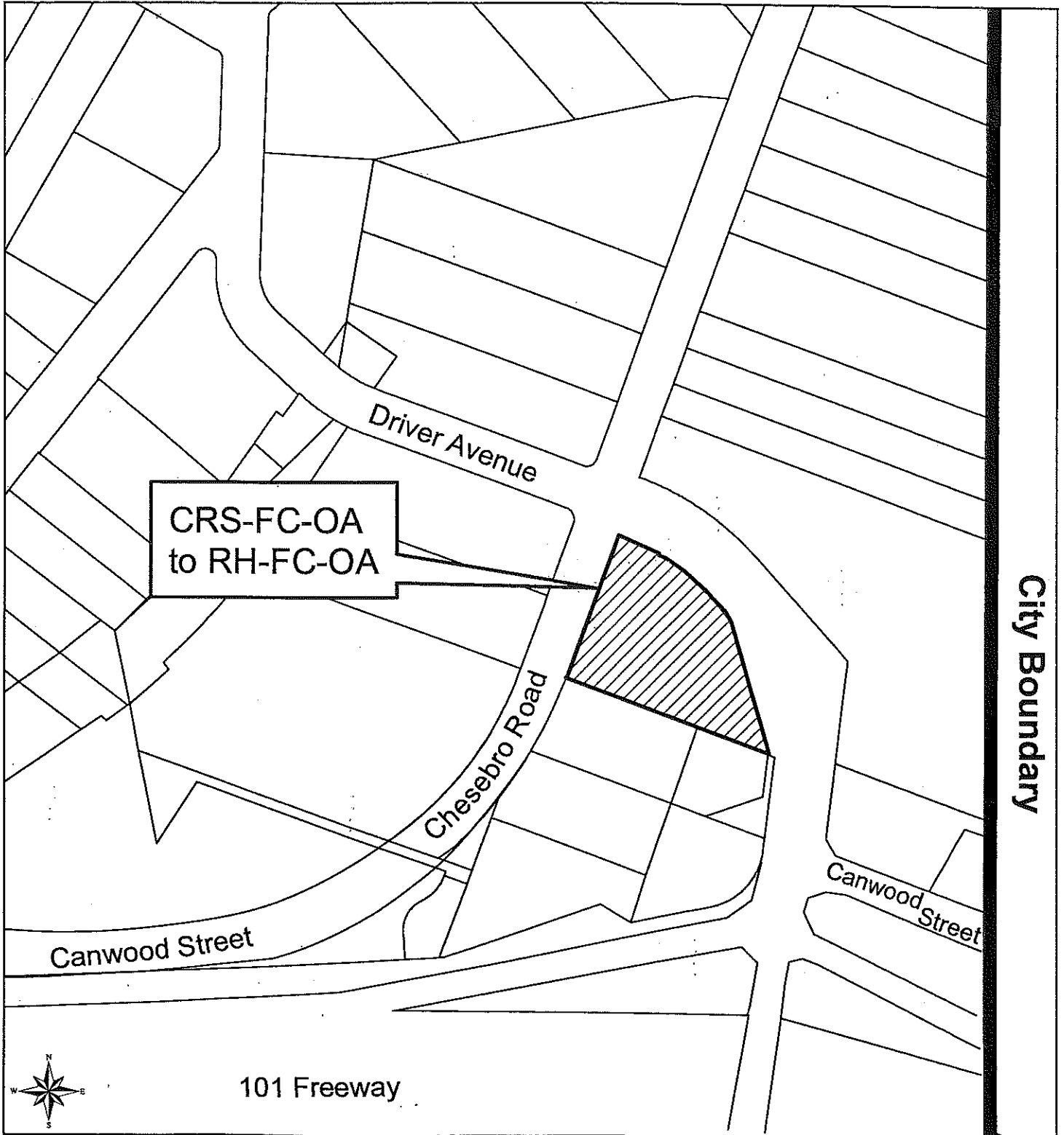


EXHIBIT D

RESOLUTION NO. 12-1684

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING VARIANCE CASE NO. 12-VAR-001(A) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018) TO ALLOW FOR THE CONSTRUCTION OF RETAINING WALLS IN EXCESS OF SIX FEET IN HEIGHT

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), 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 a townhome complex. A public hearing to consider Case No. 12-VAR-001(A) was duly held on August 2, 2012, 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 and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on August 2, 2012. The Planning Commission recommended the City Council approve Variance Case No. 12-VAR-001(A) on a 5-0 vote, per Resolution No. 12-1066.

Section II. A public hearing was duly held by the City Council on August 22, 2012, at 6:00 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 hearing was duly given and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the City Council at the aforesaid public hearing on August 22, 2012.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the City Council finds, pursuant to Section 9676.2.E of the Agoura Hills Municipal Code, 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. In light of the shape of the subject property, the need to ensure emergency access within the proposed project, and the desire to screen the development from the adjacent roads, the finished grade of the parcel will be below Palo Comado Canyon Road and the buildings will be located in large part on the perimeter of

the property. In order to accommodate this site plan, the applicant must construct retaining walls on the perimeter of the property in excess of six feet in height.

- 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 retaining walls are required for slope stabilization, and will allow for a density of residential units that is less than the otherwise allowed for the RH-(25) zone. Also, no portion of the walls facing the exterior of the property will exceed six feet above the adjacent grade. The proposed retaining walls allow for the development of the property in accordance with the Municipal Code, at a density that is below the allowable density, and in a manner that maximizes the preservation of oak trees. Thus, the variance will not grant special privileges inconsistent with the limitations upon other properties in the area.
- 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 fill slopes, which would result in additional impacts to oak trees and an increase in required mitigation.
- 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 consist of a decorative material, and will be partially screened with landscaping so as to blend with the setting and maintain the aesthetic value of the site.
- 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, and will help maintain the appropriate scale of the buildings for the area. The retaining walls also allow for a development footprint that maximizes the preservation of oak trees on-site. Additionally, the retaining walls will incorporate a decorative material to fit in with the surrounding area.

Section IV. The City Council has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section V. Based on the aforementioned findings, the City Council hereby approves Variance Case No. 12-VAR-001(A), subject to the attached Conditions, with respect to the property described in Section I hereof. This resolution shall take effect on the effective date of Ordinance No. 12-398, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001).

Section VI. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the City Council.

PASSED, APPROVED AND ADOPTED this 22nd day of August, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
(CASE NO. 12-VAR-001(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 Site Plan/Architectural Review Case No. 12-SPR-001.
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. Unless this approval is used within two (2) years from the date of City approval, Variance No. 12-VAR-001(A) will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

SPECIAL CONDITIONS

6. The walls shall be of a decorative material and design as approved by the Director of Planning and Community Development.

END

EXHIBIT E

RESOLUTION NO. 12-1685

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING VARIANCE CASE NO. 12-VAR-001(B) TO PROVIDE GROUP OPEN SPACE AREAS OF LESS THAN 300 SQUARE FEET IN SIZE PER RESIDENTIAL UNIT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a Variance from Zoning Ordinance Section 9273.7 to provide group open space areas of less than 300 square feet in size per residential unit, for construction of a townhome complex. A public hearing to consider Case No. 12-VAR-001(B) was duly held on August 2, 2012, 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 and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on August 2, 2012. The Planning Commission recommended the City Council approve Variance Case No. 12-VAR-001(B) on a 5-0 vote, per Resolution No. 12-1067.

Section II. A public hearing was duly held by the City Council on August 22, 2012, at 6:00 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 hearing was duly given and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the City Council at the aforesaid public hearing on August 22, 2012.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the City Council finds, pursuant to Section 9676.2.E of the Agoura Hills Municipal Code, 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 property is triangular in shape, thereby reducing the amount of available developable area. Even though the project is being proposed at a density that is below the allowable density for that zone, the shape of the property requires a site plan with slightly less open space per dwelling unit in order to accommodate the desired 18 units. The strict application of the City's open space

requirement would prevent the development of the allowable number of units on the property.

- 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 number of residential units on the property is less than is otherwise allowed for the RH-(25) zone. The proposed amenities, which include barbeque areas, and outdoor seating areas, are sufficient to serve the 18 residential units within the complex. Given that the reduced open space adequately serves the number of dwelling units in the project, this variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the area.
- 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 requirement for 300 square feet of group open space area per residential unit within the site would result in an even further reduced residential density for the property. As is, the residential density of the project is already proposed to be twenty-four percent less than would otherwise be allowed in the RH-(25) zone. The proposed open space and amenities are sufficient to serve the proposed 18 dwelling units, whereas the strict enforcement of the Zoning Ordinance would prevent the development of these units, which would not comply with the objectives of the Zoning Ordinance.
- 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 group open space areas will be located on-site and most areas will be located below adjacent street level and screened. The open space areas will not contribute to noise or aesthetic impacts on neighboring properties, nor will the reduction in open space allowed by this Variance contribute to any such impacts.
- E. The granting of the Variance, as conditioned, will be consistent with the character of the surrounding area. The granting of the Variance allows only a minor reduction in the open space requirement for the planned development. The Project will include 4,562 square feet of recreational space, only a 15 percent reduction from the required amount of open space under the Zoning Ordinance. Given the property's location across the street from Old Agoura Park, this amount of open space on-site will suffice to provide recreational amenities for the residents of the development.

Section IV. The City Council has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section V. Based on the aforementioned findings, the City Council hereby approves Variance Case No. 12-VAR-001(B), subject to the attached Conditions, with respect to the property described in Section I hereof. This resolution shall take effect on the effective date of Ordinance No. 12-398, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001).

Section VI. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the City Council.

PASSED, APPROVED AND ADOPTED this 22nd day of August 22, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
(CASE NO. 12-VAR-001(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 Site Plan submitted for Site Plan/Architectural Review Case No. 12-SPR-002.
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. Unless this approval is used within two (2) years from the date of City approval, Variance No. 12-VAR-001(B) will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

END

EXHIBIT F

RESOLUTION NO. 12-1686

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 12-SPR-002 FOR CONSTRUCTION OF A TOWNHOME COMPLEX LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a Site Plan/Architectural Review to construct an eighteen (18)-unit townhome complex, and requesting adoption of a Mitigated Negative Declaration. A public hearing to consider Case No. 12-SPR-002 and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was duly held on August 2, 2012, 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 and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on August 2, 2012. The Planning Commission recommended the City Council approve Site Plan/Architectural Review Case No. 12-SPR-002 on a 5-0 vote, per Resolution No. 12-1068.

Section II. A public hearing was duly held by the City Council on August 22, 2012, at 6:00 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 hearing was duly given and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the City Council at the aforesaid public hearing on August 22, 2012.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the City Council finds, pursuant to Sections 9677.5 and 9677.7.G of the Agoura Hills Municipal Code, that:

- A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. Townhome uses are permitted in the High Density Residential (RH) zone, the Freeway Corridor Overlay zone, and Old Agoura Design Overlay zone. With the approval of the variances requested by the applicant, the proposed buildings will meet all minimum yard and open space requirements for the RH zone, thereby preserving light, air, privacy and

open space for the surrounding properties. The project meets the height and lot coverage requirements as specified for the RH zone.

- B. The proposed use, as conditioned, and the manner in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. Access to the site would be taken from Chesebro Road. The placement of the buildings within the property will allow for on-site vehicular and pedestrian circulation, while preserving light, air, and privacy of the surrounding properties and, in turn, will protect the general welfare of the neighboring community. The project will also comply with current building standards and regulations. In addition, the project will preserve most of the existing oak trees and will involve the planting of an additional twelve oak trees, as required by the Municipal Code. The project will provide additional housing in accordance with the City's housing policies, including Goal No. 2 of the City's Housing Element, and will serve as a transition between the multi-family housing to the west, commercial properties to the south, and the single-family housing to the north.
- C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and open space in the surrounding area. The design of the buildings and exterior materials, which include stone veneer, wood siding, corbels, and stucco, will be compatible with the rural theme of the Old Agoura Design Overlay District and will be compatible with the surrounding neighborhood.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project complies with the provisions of the High Density Residential zone, the Freeway Corridor Overlay zone, and the Old Agoura Design Overlay zone in regards to use, on-site parking, lot coverage, and building height.
- E. The proposed use, as conditioned, is consistent with the City's General Plan, as amended, in that the townhomes will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs, and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in General Plan Land Use Policy LU-2.1.
- F. The proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed townhome use is consistent with the multi-family apartment complex and senior assisted living facility uses on the same street, to the west of the proposed project site. The project and its proposed density are compatible with the residential and commercial uses within the surrounding neighborhood. The project also will serve as an appropriate transition between the multi-family housing to the west, commercial properties to the south, and the single-family housing to the north.

- G. The proposed development, as conditioned, is consistent with the design standards adopted by the City Council with the incorporation of earthtone colors, full roof elements, and natural buildings on each building.
- H. The design and location of the proposed development, as conditioned, and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion. The project is anticipated to generate only 13 AM and 13 PM peak hour trips and to the study area intersections and the traffic volumes generated from this project will not degrade the level of service at the adjacent neighboring intersections.
- I. The design of the proposed development, as conditioned, is in keeping with the character of the surrounding commercial and residential neighborhoods, and is not detrimental to the harmonious, orderly, and attractive development contemplated by the Zoning Ordinance and General Plan of the City. As described above, the project will include exterior materials, such as stone veneer, wood siding, corbels, and stucco, which are compatible with the rural theme of the Old Agoura Design Overlay District and will be compatible with the surrounding neighborhood.
- J. The design of the proposed development, as conditioned, would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors. The project is accessible for its occupants and group open space areas and amenities will be provided. The buildings are also situated a sufficient distance from neighboring uses to provide for privacy, light, and air to its occupants.
- K. The proposed use, as conditioned, complies with all applicable requirements of the district in which it is located and all other applicable requirements in that all development standards of the RH zone, with the exception of group open space areas and retaining wall heights, will be met, and the project will comply with City Building Code requirements. With the approval of the variances applied for by the applicant, the proposed use complies with all applicable requirements of the RH zone.
- L. The overall development of the subject property, as conditioned, is designed to ensure the protection of the public health, safety, and general welfare. The project is accessible from the street for motorists, pedestrians, and emergency access. The buildings are located a sufficient distance from the property lines to allow for adequate light, air, and open space. The project provides additional housing in accordance with the City's Housing Element, which will encourage the local economy. In addition, the

reduced number of dwelling units in the project allows for an appropriate townhome project to serve as a buffer between the multi-family development to the west and the single-family development to the north.

Section IV. The City Council has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section V. Based on the aforementioned findings, the City Council hereby approves Site Plan/Architectural Review Case No. 12-SPR-002, subject to the attached Conditions, with respect to the property described in Section I hereof. This resolution shall take effect on the effective date of Ordinance No. 12-398, AN ORDINANCE OF THE CITY COUNCIL OF THE OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001).

Section VI. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the City Council.

PASSED, APPROVED AND ADOPTED this 22nd day of August, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
(CASE NO. 12-SPR-002)

STANDARD CONDITIONS

1. The approval of this permit shall not be effective for any purpose until the applicant has agreed in writing that he is aware of, and accepts, all Conditions 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 the complete conformation to the Site Plan, Architectural Plans, Roof Plans, Landscape Plans, and Grading Plans, as approved by the City Council on August 22, 2012.
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. Unless this approval is used within two (2) years from the date of City approval, Site/Plan Architectural Review Case No. 12-SPR-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
6. Except as modified herein, the approval of this action is limited to and requires complete conformation to the earth tone building colors shown to, and approved by, the City Council on August 22, 2012.
7. 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.
8. 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.
9. All requirements of the Zoning Ordinance must be complied with unless set forth in this permit.
10. 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.

11. A minimum of nine guest parking spaces (including one handicap parking space), and two enclosed parking spaces for each unit, shall be provided on the subject property and handicap parking shall be provided within the complex. All guest parking spaces shall include wheel stops and the spaces shall be of standard size and pinstriped, in conformance with the City Parking Ordinance.
12. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
13. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
14. 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.
15. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
16. 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 \$3.20/gross square foot for residential construction. Actual fees will be determined at the time of building permit issuance.
17. 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 \$0.9296/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.
18. 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.
19. 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

20. The landscape plans shall substantially conform to the Landscape Concept Plan prepared by Richard W. Campbell, ASLA, as approved the City Council.
21. 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
22. 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
- 23. 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.
- 24. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
- 25. 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.
- 26. Shade trees are generally required 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 parking lot trellis features included within the proposed plans serve to meet the intent of this requirement.

27. 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 Ordinance.
28. The Landscape Plan shall not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society of the California Exotic Pest Plan Council.
29. The final plans shall not include any palm species.
30. All plant material shall be considered compatible with Sunset Zone 18.
31. 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.
32. No other usage or storage shall be permitted within any required yard, including transformers and trash enclosures.
33. Any unsightly uses, including trash enclosure and transformers shall be screened with berms, decorative walls or landscaping.
34. 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.
35. The naturalistic landscape feature at the corner of Chesebro Road and Palo Comado Canyon road shall be further developed to create a more rugged, dramatic entry statement for Old Agoura. The applicant and his landscape architect shall continue to work with the Landscape Consultant to ensure this requirement is met, to the satisfaction of the Director of Planning and Community Development.
36. The Freeway Corridor Overlay and Old Agoura Design Overlay zones require locally native, low water use landscape plantings with a naturalistic appearance to preserve the rural character of the area. Native, drought resistant plants shall be utilized extensively on all graded slopes in accordance with the Old Agoura Design Overlay zone requirements. The applicant and his landscape architect shall continue to work with the City Landscape Consultant to ensure this requirement is met.
37. Landscape berming shall be provided at the corner of Chesebro Road and Palo Comado Canyon Road to the satisfaction of the City Landscape Consultant.
38. A rustic fence shall be incorporated along Palo Comado Canyon Road to provide a safety barrier above the slope, to the satisfaction of the Director of Planning and Community Development.

ENGINEERING / PUBLIC WORKS DEPARTMENT CONDITIONS:

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

General

- A. 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.
- B. 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.
- C. Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department. The current fee is \$1,516 per unit.
- D. 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.
- E. 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.
- F. 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.
- G. 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.

- H. 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.
- I. Prior to issuance of permits from the Engineering Department, this project will require a permit from the Las Virgenes Municipal Water District.
- J. 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.
- K. The applicant shall provide a title report no older than thirty (30) days.

Public Improvements

- A. The applicant shall design full public improvements in accordance with City Code, specifications, and/or conditional of approval for the area. Such public improvements may include, but not be limited to, the following:

Improvement Item	STREET NO. 1 CHESEBRO ROAD	STREET NO. 2 PALO COMADO ROAD
Curb & Gutter	<input type="checkbox"/> New; ___ ft from C/L <input checked="" type="checkbox"/> Replace Damaged <input type="checkbox"/> Remove existing & Relocate	<input type="checkbox"/> New; ___ ft from C/L <input type="checkbox"/> Replace Damaged <input type="checkbox"/> Remove existing & Relocate
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen; _____-add'l ft. along frontage, incl. pavement transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen; _____-add'l ft. along frontage, incl. pavement transitions
PCC Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input type="checkbox"/> New <input type="checkbox"/> Replacement
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input type="checkbox"/> New <input type="checkbox"/> Replacement
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)

Conditions of Approval (Case No. 12-SPR-002)

Raised Median	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation) <input type="checkbox"/> Hard Landscaping	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation) <input type="checkbox"/> Hard Landscaping
Street Lights	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New <input type="checkbox"/> Relocation
Sewer Service (See sec. 2C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
All water appurtances are per LVMWD standards (see Section 2D)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> Main <input type="checkbox"/> Catch Basin	<input type="checkbox"/> Main <input type="checkbox"/> Catch Basin
Traffic Signal Facilities (See sec. 2G)	<input type="checkbox"/> New <input type="checkbox"/> Modification <input type="checkbox"/> Relocation	<input type="checkbox"/> New <input type="checkbox"/> Modification <input type="checkbox"/> Relocation
Traffic Signing and Striping (See sec. 2G)	<input type="checkbox"/> New <input type="checkbox"/> Modification	<input type="checkbox"/> New <input type="checkbox"/> Modification
Bus Stop and/or Turn-out (See Sec. 2G)	<input type="checkbox"/> New <input type="checkbox"/> Modification	<input type="checkbox"/> New <input type="checkbox"/> Modification
Underground Overhead Utilities	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
Equestrian Trail Construct	<input type="checkbox"/> Trail Only <input type="checkbox"/> Trail& Fence	<input type="checkbox"/> Trail Only <input type="checkbox"/> Trail& Fence
Removal of	_____	_____
Other req'd improvements	_____	GUARD RAIL ALONG PALO COMADO ROAD TO PROVIDE VEHICULAR SAFETY AND FALL PROTECTION

- B. The applicant shall provide a fully compliant ADA ramp with truncated domes at the southeast corner of the intersection. The applicant shall also use earth-tone pigment in all concrete work, including the curbs, gutters, driveways, and sidewalks.
- C. The following existing street being cut for new services or being finished with curb and gutter may require an asphalt concrete overlay: Chesebro Road in front of the property.
- D. 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.

Sewer

- A. 10-inch sewer line is available for connection by this project in Chesebro Road (Ref. Sewer Plan Drawing No. T-77).

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.

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. The applicant is required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP handbook for Construction at: www.cabmphandbooks.com and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site. Said plan shall 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.

40. 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. The applicant shall record a covenant for continued stormwater maintenance, using City-approved forms, with the County of Los Angeles. An electronic copy of this document is available on the City's website: www.agoura-hills.ca.us.
 - 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.

CITY TRAFFIC ENGINEER CONDITIONS

41. Due to the proximity of the proposed north driveway serving the project to the intersection of Chesebro Road and Palo Comado Canyon Road, this driveway shall be restricted to right in – right out movements with appropriate on-street striping and signage that shall be subject to approval by the City Traffic Engineer and City Engineer. The south driveway serving the project can be a full access driveway.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

42. All exterior materials used for eaves, sidings, porches, patios, carports, and other similar structures shall meet the Very High Fire Hazard Severity Zone requirements as outlined in Chapter 2 of Article VIII of the Agoura Hills Municipal Code. The applicant shall identify the types of materials being used.

43. As part of the building permitting review process and prior to permit issuance, two (2) full sets of construction plans, including Architectural, Electrical, Plumbing, Mechanical, Green Building, Title 24 Energy Calculations, Structural Plans, and calculations shall be submitted to the Building and Safety Department for plan review and approval.
44. All common areas, as well as one (1) unit of this project, are required to meet the accessibility requirements per Chapter 11A of the California Building Code (latest edition). The applicant shall show all accessibility information and provide the specifications necessary at the time of construction plan submittal to the Building and Safety Department for review.

FIRE DEPARTMENT CONDITIONS

45. 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 shall be decoratively designed, as approved by the Director of Planning and Community Development. All fencing, including a required three-rail design fence, shall be subject to approval by the Director of Planning and Community Development.
50. 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.
51. All mechanical 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.
52. All exterior lighting fixtures shall be decorative in design, as approved for this project, 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.
53. All adopted mitigation measures identified in the Final Mitigated Negative Declaration and 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.
54. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.

55. 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.
56. 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.
57. 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.
58. 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.
59. The applicant shall provide decorative paving of at least 20 feet in depth at both driveways. The materials and colors shall be subject to approval by the Director of Planning and Community Development.
60. Prior to the start of construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and the fence shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material approved by the Director of Planning and Community Development. The location of the fence shall be subject to approval by the City Traffic Engineer and the City Engineer. The temporary construction fencing and gates shall be maintained in good order at all times.
61. 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 during the grading and construction operations. The applicant shall deposit funds with the City necessary to cover costs of the City hiring an environmental mitigation monitor.

SPECIAL CONDITIONS

62. In the event of a legal action instituted by a third party or other governmental entity or official challenging the certification of the Final Mitigated Negative Declaration, the granting of the project approvals and permits, or any term or provision thereof, or seeking to enjoin, invalidate or prohibit construction of the project, the applicant (or any

successor in interest) shall indemnify the City of Agoura Hills, its officers, agents and employees and reimburse the City for all of its expenditures actually incurred and supported by receipts in the defense of such action including, but not limited to, the City's reasonable attorney's fees, so long as there is no settlement thereof without the applicant's consent, which shall not be unreasonably withheld. The City and the applicant shall cooperate in any such defense.

63. The applicant shall plant evergreen trees along the perimeter of the property where determined appropriate by the City and the Los Angeles County Fire Department Fuel Modification Division, and shall include a minimum of four (4) Oak trees and one Arbutus marina tree along the northeast end of the property.

END

EXHIBIT G

RESOLUTION NO. 12-1687

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN OAK TREE PERMIT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, IDENTIFIED AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-OTP-005)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of an Oak Tree Permit to remove four (4) oak trees and encroach within the protected zone of six (6) oak trees for the construction of an 18-unit townhome complex. A public hearing to consider Case No. 12-OTP-005 was duly held on August 2, 2012, 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 and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on August 2, 2012. The Planning Commission recommended the City Council approve Oak Tree Permit Case No. 12-OTP-005 on a 5-0 vote, per Resolution No. 12-1069.

Section II. A public hearing was duly held by the City Council on August 22, 2012, at 6:00 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 hearing was duly given and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the City Council at the aforesaid public hearing on August 22, 2012.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the City Council finds, pursuant to Section 9657.5 of the Agoura Hills Municipal Code, that it is necessary to remove and encroach into the protected zone of certain oak trees because their continued existence would prevent the development of the subject property, as based on the following findings:

- A. The proposed construction and removal of four (4) oak trees, as conditioned, will be accomplished without endangering the health of the remaining six (6) trees on the subject vicinity.
- B. The removal of and encroachment into the protected zone 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 slope stability and property

drainage on-site and off-site as a result of construction and for the protection against soil erosion.

- C. The removal of and encroachment into the protected zone of the oak trees is necessary because their continued existence at the present locations prevents the planned improvements to such an extent that alternative development plans cannot achieve the same permitted density, on-site access, and group open space areas.

Section IV. The City Council has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section V. Based on the aforementioned findings, the City Council hereby approves Oak Tree Permit Case No. 12-OTP-005, with respect to the property described in Section I hereof, and subject to the attached Conditions of Approval. This resolution shall take effect on the effective date of Ordinance No. 12-398, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001).

Section VI. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the City Council.

PASSED, APPROVED AND ADOPTED this 22nd day of August, 2012, by the following vote to wit:

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

John M. Edelston, Mayor

Resolution No. 12-1687
Page 3

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
(CASE NO. 12-OTP-005)

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 Site Plan/Architectural Review Case No. 12-SPR-005 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 Site Plan/Architectural Review Permit Case No. 12-SPR-002.

SPECIAL CONDITIONS

6. The Oak Tree Map shall indicate the proposed improvements.
7. All plan, including the Architectural Site Plan, Landscape Plan, and Grading Plan, shall indicate the tag number, trunk location, exact canopy spread and protected zone of all oak trees located within and immediately adjacent to the subject property as indicated on the Oak Tree Map.
8. The applicant is permitted to remove Oak Trees Number Hot-3, 8, 9, and 10 in order to complete the approved site development program.
9. To mitigate the removal of the four (4) listed above, the landscape plan shall include at least twenty-six inches (26") 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 sixteen (16) oak trees within the site, to include the following twelve (12) trees:
 - a. Four (4) thirty-six-inch (36") box size trees.
 - b. Eight (8) twenty-four-inch (24") box size trees.

10. The applicant is permitted to encroach within the protected zones of Oak Trees Number Hot-1, 2, 4, 5, 6, and 7 in order to complete the approved site development program.
11. For any of the Oak Trees Number Hot-1, 2, 4, 5, 6 or 7 for which roots of a significant size or number are encountered during grading operations, the applicant shall mitigate the removal of the tree. For each tree requiring mitigation, the landscape plan shall include at least the equivalent number of inches of trunk diameter of new oak trees within the landscape. The exact species, planting sizes and planting locations shall be subject to review by the City Oak Tree Consultant and approval by the Director of Planning and Community Development. The applicant shall plant at least four (4) oak trees within the site, to include the following three (3) trees:
 - a. One (1) thirty-six-inch (36") box size tree.
 - b. Two (2) twenty-four-inch (24") box size trees.
12. Should the Director of Planning and Community Development and the City Oak Tree Consultant determine that the required number of oak trees cannot be planted on the subject site in practical fashion, equivalent alternative mitigation shall be established through the establishment of an equivalent in-lieu fee which the applicant shall pay to 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.
13. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.
14. 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.
15. All excavation within the protected zone of Oak Trees Number Hot-1, 2, 4, 5, 6 and 7 shall be performed using only hand tools under the direct supervision of the applicant's oak tree consultant. Light construction equipment may be utilized with prior approval of the City Oak Tree Consultant.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of the oak trees within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, and monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

END

EXHIBIT H

RESOLUTION NO. 12-1688

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING A SIGN PERMIT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018) (CASE NO. 12-SP-011)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a sign permit (Case No. 12-SP-011) for the construction of one (1) monument sign to serve a townhome complex. A public hearing was duly held to consider Case No. 12-SP-011 on August 2, 2012, 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 and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on August 2, 2012. The Planning Commission recommended the City Council approve Sign Permit Case No. 12-SP-011 on a 5-0 vote, per Resolution No. 12-1070.

Section II. A public hearing was duly held by the City Council on August 22, 2012, at 6:00 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 hearing was duly given and published as required by state law. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the City Council at the aforesaid public hearing on August 22, 2012.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the City Council finds, pursuant to Sections 9655.5.D and 9655.6.E of the Agoura Hills Municipal Code, that:

- A. The proposed monument sign, as conditioned, is consistent with the General Plan and the provisions of the Zoning Ordinance, including the Sign Ordinance. The sign program enhances the visual character of the townhomes complex and provides meaningful identification, as called for in Policy LU-13.2 of the General Plan.
- B. The location of the proposed sign and the design of their visual elements (lettering, words, figures, colors, decorative motifs, spacing, and proportions), as conditioned, are legible under normal viewing conditions prevailing where the sign is to be installed. The monument sign will be subtly externally illuminated to identify the complex. The sign will be located near the southwest corner of the site, near the southerly driveway entrance

on Chesebro Road. The sign will be located five feet from the front property line. Given its proposed location and the subtle illumination, the sign will be legible under normal viewing conditions.

- C. The location and design of the proposed sign, its size, shape, illumination, and colors, as conditioned, are compatible with the visual characteristics of the surrounding area so as not to cause significant depreciation of the value or quality of adjacent properties. The size of the sign is appropriate given the size of the property and the proposed sign colors and materials are compatible with the buildings served by the signs and the Old Agoura Design Overlay zone.
- D. The proposed sign, as conditioned, is consistent with the sign standards of the Sign Ordinance in that the number of colors, the proposed materials, and the illumination of the project identification sign are consistent with the standards specified in the Sign Ordinance, Sign Guidelines, and the Old Agoura Design Overlay zone.
- E. The proposed sign, as conditioned, is consistent with the City's adopted sign design guidelines. The proposed sign colors and letter styles are compatible with the architectural design of the buildings that are served in that they will incorporate earth-tones, wood, and stone materials.

Section IV. The City Council has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 22, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section V. Based on the aforementioned findings, the City Council hereby approves Sign Permit Case No. 12-SP-011, with respect to the property described in Section I hereof, and subject to the attached Conditions. This resolution shall take effect on the effective date of Ordinance No. 12-398, AN ORDINANCE OF THE CITY COUNCIL OF THE OF AGOURA HILLS, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001).

Section VI. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the City Council.

Resolution No. 12-1688

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PASSED, APPROVED AND ADOPTED this 22nd day of August, 2012, by the following vote to wit:

AYES: (0)

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
(CASE NO. 12-SP-011)

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 Sign Plans for the townhome complex, 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. Unless this approval is used within two (2) years from the date of City approval, Sign Permit Case No. 12-SP-011 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
6. The applicant shall obtain a building permit for construction of the monument sign, and any other proposed sign as determined by the Building Official.

SPECIAL CONDITIONS

7. The monument sign shall be located at least five feet from the front property line.
8. Specific design details, including the routed lettering, colors, and illumination method, shall be in general compliance with the approved sign plans, shall comply with the City Sign Ordinance, and shall be subject to final approval by the Director of Planning and Community.

END