

REPORT TO CITY COUNCIL

DATE: DECEMBER 9, 2015

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER
DOUG HOOPER, PLANNING DIRECTOR *D.H.*

SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION NO. 15-1802, AMENDING AN APPROVED CONDITIONAL USE PERMIT (CASE NO. 01-CUP-009) TO REQUIRE UNLOCKED/OPEN-GATE ACCESS FOR THE PUBLIC, THROUGH AN APARMENT COMPLEX LOCATED AT 29128 OAK CREEK LANE, DURING THE HOURS IN WHICH CITY PARKS ARE OPEN; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. AMND-01177-2015) (MARGARITA WYNN/AVALON BAY COMMUNITIES, APPLICANT)

Staff is requesting the City Council conduct a public hearing to consider adoption of Resolution No. 15-1802, amending an approved Conditional Use Permit (Case No. 01-CUP-009) to require unlocked/open-gate access for the public, through an apartment complex located at 29128 Oak Creek Lane, during the hours in which City parks are open. Margarita Wynn, representing Avalon Bay Communities (owner of the Avalon Apartments complex), is the applicant for this Conditional Use Permit amendment request (Case No. AMND-01177-2015).

On June 12, 2002, the City Council approved several entitlements for the development of the first phase of the 38.72-acre Oak Creek mixed-use project, including the issuance of a Conditional Use Permit, Tentative Tract Map, Oak Tree Permit and Variances. This first phase of development included the construction of the 336-unit apartment complex on Oak Creek Lane, in the Residential-High Density (RH) zoning district. The property is situated south of Chumash Park, and north of the Shops at Oak Creek retail center and Homewood Suites Hotel.

With their approval of the apartment complex, the City Council intended to ensure public access through the property for those desiring to cross between Chumash Park and retail center. In fact, at the time of final occupancy issuance for the complex, the pedestrian gates on the perimeter of the property had no locks. Over time, though, the apartment complex has changed ownership and the perimeter gates occasionally have been locked to non-residents for security reasons, and there is no apparent adopted

condition of approval requiring the gates to remain open. Residents of the apartment complex, however, have had access to both Chumash Park and the retail center.

Knowing the desire of the City Council, at the time of project approval, was to provide public access through the apartment complex now named Avalon Apartments, staff and the Public Works Subcommittee met on October 22, 2015, to discuss options with representatives of the current property owner. The meeting resulted in the property owner offering to unlock the pedestrian gates during the hours in which City parks, in particular Chumash Park, are open. City parks are open every day from 7:00 a.m. to sunset. The property owner subsequently filed an application to amend the original project Conditional Use Permit to require this open-gate, public access through the property. Since the City Council took final action on the original Conditional Use Permit after receiving the Planning Commission's recommendation, staff found it appropriate for the City Council, instead of the Planning Commission, to be the reviewing authority for this Conditional Use Permit amendment application.

Attached for reference is a map (Exhibit B) identifying the location of five gates within the apartment complex that are located on pedestrian paths which serve as access to Chumash Park and the Shops at Oak Creek retail center. Two gates are within a pedestrian path on the north side of the apartment complex connecting to Chumash Park. Two gates on the south side of the property serve as access entry to the Shops at Oak Creek retail center, west of Medea Creek. Another gate is located east of Medea Creek, on the south side of the apartment complex, which connects to a pedestrian path located behind Jinky's Restaurant and Trader Joe's. These are the five gates which are intended to remain unlocked during the hours in which the City parks are open, and staff recommends the conditions of approval of original Conditional Use Permit, which are included in attached City Council Resolution No. 1245 (Exhibit C), be amended to add the following condition of approval:

"Pedestrian gates located on the north and south sides of the apartment complex shall remain unlocked/open for public access through the apartment complex property, during the hours in which City parks are open. The property owner shall allow for inspections of the gates when requested by the City."

This new condition of approval is included as a special condition in the attached Resolution (Exhibit A) being considered for the Conditional Use Permit Amendment application.

Staff finds this proposed amendment meets the original intent of the City Council's approval of the apartment complex development, and also meets the intent of General Plan Infrastructure and Community Services Element Mitigation Measure 7.4, which encourages mixed-use development so that it is possible for a greater number of short trips to be made by walking. Allowing public access through the apartment complex will not result in an expansion or change in use of the property, and is consistent with the pedestrian paths of travel currently in place on the property. Also, the proposed Conditional Use Permit amendment will not be detrimental to the public, health safety or

general welfare as the open access will be provided during daylight hours, and the gates can be locked at night, thus providing the security desired by the property owner and apartment residents. For these reasons, staff supports the proposed amendment to the original Conditional Use Permit.

Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, staff determined that the proposed project has no possibility of causing a significant impact on the environment, nor would its effects from adoption. Staff concluded that the proposed project is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15301 in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of the operation and maintenance within an existing, private apartment complex involving no expansion of the residential use of the property.

RECOMMENDATION

Staff respectfully recommends the City Council conduct a public hearing and adopt Resolution No. 15-1802, approving Conditional Use Permit Amendment Case No. AMND-01177-2015, subject to conditions, and making a finding of exemption under the California Environmental Quality Act.

Attachments: Exhibit A: Resolution No. 15-1802 and Conditions of Approval
Exhibit B: Vicinity / Gate Location Map
Exhibit C: Adopted City Council Resolution No. 1245

EXHIBIT A

**Resolution No. 15-1802
and Conditions of Approval**

RESOLUTION NO. 15-1802

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT CASE NO. AMND-01177-2015 TO REQUIRE UNLOCKED/OPEN-GATE ACCESS FOR THE PUBLIC, THROUGH AN APARTMENT COMPLEX LOCATED AT 29128 OAK CREEK LANE, DURING THE HOURS IN WHICH CITY PARKS ARE OPEN; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (MARGARITA WYNN/AVALON BAY COMMUNITIES, APPLICANT)

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

Section 1. An application was duly filed by Margarita Wynn of Avalon Bay Communities, with respect to real property located at 29128 Oak Creek Lane (Assessor's Parcel Nos. 2048-011-(045-048, 057, 058, 065)), requesting approval of a Conditional Use Permit Amendment (Case No. AMND-01177-2015) to require unlocked/open gate access for the public through the subject property, during the hours in which City parks are open. A public hearing to consider Case No. AMND-01177-2015 was duly held on December 9, 2015, 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 was duly given and published as required by state law.

Section 2. 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.

Section 3. 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 9673.2.E of the Agoura Hills Municipal Code, that:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The subject property is located in the Residential-High Density (RH) zoning district. The purpose of the RH zoning district is to provide for higher density condominium units, apartments and related uses at appropriate locations with south standards of public health and safety. Unlocked/open-gate access through subject apartment complex will allow for direct and safe circulation between a public park and retail center, for the benefit of the apartment residents and general public.
- B. The proposed use, as conditioned, is compatible with the surrounding properties. The amendment to the Conditional Use Permit will allow for access available to the

general public between a public park, apartment complex, and retail center, for the benefit of community.

- C. The proposed use, as conditioned, and the condition under which it will be operated and maintained will not be detrimental to the public health, safety, or general welfare. The daylight hours in which the gates of the apartment complex will be open will not negatively impact the operation of the public park or other surrounding businesses.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance relative to the use and standards of operation. The gates are within a conditionally permitted residential use of the property and the provision of open access through the property will require no modifications to the development standards in place for the RH zoning district.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. No changes to the high density residential use of the property are proposed. The provision of open-gate access through the apartment complex will require no significant alteration to the existing high density residential use of the property and is consistent with the pedestrian paths of travel currently in place on the property.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The open gates within the apartment complex of the Oak Creek mixed use site, will meet General Plan Infrastructure and Community Services Element Measure 7.4, which encourages mixed-use development so that it is possible for a greater number of short trips to be made by walking.

Section 6. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, the City Council finds the proposed project has no possibility of causing a significant impact on the environment, nor would its effects from adoption. The City Council concludes that the proposed project is exempt from the application of CEQA, pursuant to CEQA Guidelines Section 15301, in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of the operation and maintenance within an existing, private apartment complex involving no expansion of the residential use of the property, and no negative declaration or environmental impact report is required.

Section 7. Based on the aforementioned findings, the City Council hereby approves Conditional Use Permit Amendment Case No. AMND-01177-2015, subject to the attached conditions, with respect to the property described in Section 1 herein.

Section 8. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and certification to be entered in the Book of Resolutions of the City Council of the City.

PASSED, APPROVED and ADOPTED this 9th day of December, 2015, by the following vote to wit:

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

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

**CONDITIONS OF APPROVAL
(Case No. AMND-01177-2015)**

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 Planning Department.
2. 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.
3. 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.
4. Unless this permit is used within two (2) years from the date of City approval, Case No. AMND-01177-2015 shall expire. A written request for a one (1) year extension may be considered prior to the expiration date.
5. The applicant and property owner, and their successors in interest ("Property Owners"), shall indemnify, defend, and hold harmless the City of Agoura Hills and its elected and appointed officials, officers, employees and agents from and against any and all claims, actions, proceedings, liabilities and costs brought against the City and its elected and appointed officials, officers, employees and agents relating to the City's actions regarding this project, including but not limited to any proceeding under CEQA. This indemnification shall include (without limitation) damages, fees, and/or costs awarded against the City, costs of suit, attorney's fees, and any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and the Property Owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project and the City's costs, fees, and damages that it incurs in enforcing the indemnification provisions set forth in this section."

SPECIAL CONDITION

6. Condition No. 96, of City Council Resolution No. 1245, is hereby amended (added) to read as follows:

"96. Pedestrian gates located on the north and south sides of the apartment complex property shall remain unlocked/open for public access through the apartment complex property, during the hours in which City parks are open. The

property owner shall allow for inspections of the gates when requested by the City."

END

EXHIBIT B

Vicinity / Gate Location Map



Kanan Rd.

Canwood St.

Oak Creek Ln.

AVALON APARTMENTS

CHUMASH PARK

Gate

Gate

Gate

Gate

Gate

SHOPS AT OAK CREEK

SHOPS AT OAK CREEK

HOMEWOOD SUITES HOTEL

EXHIBIT C

**Adopted City Council
Resolution No. 1245**

RESOLUTION NO. 1245

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AGOURA HILLS APPROVING
CONDITIONAL USE PERMIT NO. 01-CUP-009
AND OAK TREE PERMIT NO. 01-OTP-03, MAKING FINDINGS
REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
AND A STATEMENT OF OVERRIDING CONSIDERATIONS

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

Section 1. An application was duly filed by J. h. Snyder Company with respect to real property located on a portion of property located on the north side of Canwood Street east of Kanan Road (Assessor's Parcel Map Nos. 2048-011-008, 009, 010, 033, 036, 037 and 902 and 2048-007-001 and 002) requesting approval of a Conditional Use Permit to construct 336 multiple family units, two office buildings with a combined total of 85,000 square feet of building area and three restaurants with a combined total of 21,500 square feet of building area and 2,200 square feet of outdoor patio area. An Oak Tree Permit was filed to remove eleven (11) oak trees and to encroach within the protected zone of ten (10) oak trees. A public hearing was duly held on June 6, 2002 by the Planning Commission of the City of Agoura Hills who after considering the request recommended approval to the City Council. On June 12, 2002 the City Council held a public hearing on the request. The public hearing was held at 6:30 p.m. in the City Council Chambers of City Hall. Notice of the time, date, place and purpose of the aforesaid was duly given.

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

Section 3. The City Council, pursuant to the Agoura Hills Zoning Ordinance and Subdivision Ordinance, finds as follows:

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The multiple family units are consistent with the RH-CD-FC zoning designation on the property and the proposed commercial center is consistent with the CRS-CD zoning designation. The proposed project provides for the preservation of the two knolls and Medea Creek as permanently protected open space.

B. The proposed uses, as conditioned, are compatible with the surrounding properties. The preservation of the two knolls and Medea Creek will help foster and enhance local identity and sense of place. These two knolls will also act as natural buffers for the residential project from the surrounding properties. The commercial project is located adjacent to Canwood Street consistent with the existing

development pattern in the area. The proposed public walkways will provide for coordinated linkages to the surrounding properties.

C. The proposed use, as conditioned, and the condition in which it will be maintained will not be detrimental to the public health, safety, or general welfare. The project will be developed in full compliance with all Building Code and Grading Ordinance requirements, and geotechnical studies have concluded the project can be safely developed with mitigation measures. All the mitigation measures identified in the Mitigation Monitoring and Reporting Program, which was developed as part of the project EIR will be made conditions of approval for the project.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The proposed lot sizes meet the minimum standards of the zone and the lots are clustered in a preferred manner to preserve open space amenities, as called for in the Cluster Development Overlay and Open Space Zone.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Condominiums are located to the north of the property, a low scale business park is located to the east, and Canwood Street borders the property on the west and south. The future development of the commercial lots, including building design and location, will be subject to the approval of separate Conditional Use Permits.

F. The proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan. The project will help address the community's housing needs, as called for in the Land Use and Housing Elements of the General Plan as well as preserve open space as called for in the Open Space Element of the General Plan. The commercial project will be consistent with the Land Use Element, which calls for the development of vacant freeway parcels with commercial uses, which capitalize on their freeway access and visibility.

Section 5. In accordance with the California Environmental Quality Act, the City has prepared an Addendum to the previously-certified Final Environmental Impact Report ("FEIR") State Clearinghouse Number 2000111155 for this project. Although changes to the proposed project following the certification of the FEIR created the need for some minor changes and/or additions to the FEIR, none of the conditions set forth in CEQA Guidelines Section 15162 calling for the preparation of a subsequent or supplemental EIR have occurred.

Section 6. The Final EIR consists of the Draft EIR, comments and recommendations received regarding the Draft EIR and the City's responses thereto, the list of persons and agencies consulted, the Addendum to the Final EIR and any other information added to the Final EIR by the City Council. The Final EIR and the documents that make up the record of this proceeding are on file with the City's Custodian of Records, the City Clerk, at City Hall, 30001 Ladyface Court, Agoura Hills.

The City Council has considered the FEIR and all relevant evidence in reaching its decision on this matter.

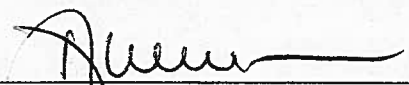
Section 7. On April 24, 2002 the City Council adopted Resolution No. 02-1237, certifying the FEIR, adopting findings and facts in support of findings as required by CEQA, adopting a Statement of Overriding Considerations and adopting a mitigation monitoring program for the project. Resolution No. 02-1237 was adopted as part of the City Council's approval of the legislative changes necessary to facilitate the project. The City Council hereby finds that the findings set forth in that resolution as well as the Statement of Overriding Considerations apply to the FEIR as amended by the addendum and apply to the project and all its associated entitlement approvals. The mitigation measures identified in the FEIR are incorporated as conditions of approval of the project. Resolution No. 02-1237 and each of the findings set forth in that resolution are hereby incorporated by reference as if made again and set forth fully herein. In addition to the benefits of the project identified in Resolution No. 02-1237 as overriding considerations, the City Council further finds that the following additional benefits of the project would, individually or collectively, outweigh the environmental risks of the project:

- a. The Development Agreement for the project provides for construction of necessary improvements to Canwood Street substantially at the Applicant's expense.
- b. The Applicant has voluntarily agreed to remove unsightly billboards from the project site.
- c. The Applicant will contribute approximately \$1.5 million to the City's inclusionary housing fund.

Section 8. Based upon the aforementioned findings, the City Council approves Conditional Use Permit No. 01-CUP-009 and Oak Tree Permit 01-OTP-003 with respect to property described in Section 1 hereof, subject to the attached Conditions of Approval. Code of Civil Procedure Section 1094.6 governs the time within which legal challenge, if any, to this approval must be brought.

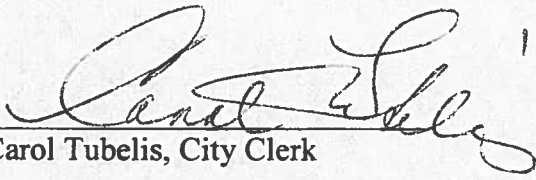
PASSED, APPROVED and ADOPTED this 12th day of June 2002, by the following vote to wit:

AYES: (5) Weber, Reinhardt, Corridori, Kuperberg, Rishoff
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)



Denis Weber, Mayor

ATTEST:



Carol Tubelis
Carol Tubelis, City Clerk

CONDITIONS OF APPROVAL (Case Nos. 01-CUP-009 and 01-OTP-003)

1. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved exhibits:
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth in the Conditional Use Permit or on the approved Tract Map.
6. This permit is valid for the term of the Development Agreement approved as part of the project.
7. Conditions of Tentative Tract Map No. 53752 shall apply to this permit.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees

9. The applicant is permitted to remove the following nine (9) trees for the project: Tree Numbers 18, 19, 20, 25, 27, 32, 33, 38, and 66. The applicant is also permitted to remove the following four (4) oak trees for Canwood Street improvements: 34, 61, 62 and 63.
10. To mitigate the removal of the subject trees, the applicant shall plant one hundred seventy-three (173") of diameters of new oak trees on the site. The new trees shall include at least nine (9) thirty-six inch (36") box size trees and eighteen (18) twenty-four inch (24") box size trees. The City Oak Tree Consultant shall approve the final size and species distribution. These trees shall be maintained in perpetuity. Any tree that dies shall immediately be replaced with another oak tree with a size, species and location acceptable to the City Oak Tree Consultant.

11. To mitigate the loss of the oak resources/habitat from the site, the applicant shall pay the City a mitigation fee of \$96,710 (based on the removal of 9 trees for the project) prior to removal of the trees. This fee shall be used to fund oak tree program(s) throughout the City at the discretion of the City Council, Planning Commission, and/or staff.
12. The applicant is permitted to encroach within the protected zone of the following twelve (12) trees to construct the project as approved: Tree Numbers 6, 9, 11, 13, 17, 21, 23, 28, 29, 37, 64, and 67.
13. Prior to approval of the grading plan, the applicant shall modify the grading and site plans to further reduce the subject removals and encroachments to the satisfaction of the City Oak Tree Consultant and the Director. Such modifications may include the addition of retaining walls. If additional oak trees are saved, the mitigation requirements shall be reduced accordingly.
14. The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree.
15. Prior to the start of construction, all oak trees to be preserved shall be fenced with chain link fencing at the edge of the protected zone or the approved work limits to the extent possible in accordance with the Oak Tree Preservation and Protection Guidelines.
16. No pruning of live wood is permitted without written authorization from the Director.
17. All approved excavation performed within the protected zone of any oak tree shall be performed with hand tools under the direction of the applicant's oak tree consultant.
18. No construction materials, debris or vehicles shall be stored within the protected zone of any oak tree at any time.
19. Unless specifically approved by the City, no planting or irrigation shall be placed within the protected zone of any oak tree.
20. At the completion of construction, the applicant shall place three inches (3") of approved mulch throughout the dripline of each oak tree.
21. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the City. The certification shall describe all work performed and whether such work was performed in accordance with the above permit conditions.

Landscape

22. The applicant shall submit three (3) sets of detailed Landscape Plans prepared by a licensed landscape architect, to be reviewed and approved by the City Landscape Consultant and the Director prior to the issuance of any permits. The applicant shall pay all applicable plan review fees at the time of submission. The plans shall comply with

the submittal requirements contained in Section 9658.2 of the Zoning Code and shall address the following conditions:

23. Each section of the site shall be landscaped in accordance with the criteria specified for each zone in the Zoning Code.
24. A minimum of fifteen percent (15%) of each parking lot shall be landscaped.
25. The plans shall prominently display the following notes:
 - a) All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - b) 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.
 - c) The landscape plans shall comply with all requirements of the Water Efficient Landscape Ordinance (Ordinance Number 92-220), including the submittal of a complete Landscape Documentation Package.
 - d) All landscaping shall be installed with a fully automatic irrigation system.
26. The applicant shall use reclaimed water for irrigation unless otherwise specified by the Las Virgenes Municipal Water District.
27. If reclaimed water is not presently available, the applicant shall install a dual-water irrigation system that can be converted to reclaimed water unless otherwise specified by the Las Virgenes Municipal Water District.
28. The applicant shall demonstrate that the proposed parking lot tree configuration will create fifty-percent (50%) canopy coverage within fifteen (15) years of installation.
29. 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.
30. All landscaping shall be maintained in accordance with the approved plans in perpetuity.
31. All planters shall have a minimum inside width of at least four feet (4').
32. The plant palette shall include native plant material, as required in the Freeway Corridor Overlay District design criteria.
33. Additional trees shall be added to further screen the buildings and increase parking lot shading where possible, to the satisfaction of the Director.
34. Substitutions are required for any plant material that is not considered compatible with Sunset Zone 18 as listed in the most current edition of the Sunset Western Garden Book.

35. Where feasible, undulating berming with a minimum elevation variation of thirty inches (30") shall be provided along all public right-of-ways.
36. Parking lot landscaping shall meet all of the design standards listed under Section 9654.3 of the Zoning Code.

PUBIC WORKS CONDITIONS

General

37. All improvement plans, including, but not limited to, grading, and striping/signage plans, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.
38. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit
39. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.
40. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.
41. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.
42. All block walls and retaining walls shall be limited to six feet in height unless a Variance is approved to exceed the height of six feet.

Grading

43. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.
44. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological

reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.

45. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
46. All off-site work shall require written permission from the affected property owner prior to beginning said work.
47. The applicant shall submit to the City Engineer for review and approval the haul route for fill material.

Drainage

48. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.
49. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner. The applicant shall obtain appropriate permits from regulating agencies prior to drainage improvements within Medea Creek.
50. The applicant shall design and construct storm drain improvements within Canwood Street to collect stormwater runoff and convey it to Medea Creek. All storm drain improvements shall be reviewed and approved by the City Engineer and Los Angeles County Public Works. Prior to acceptance of the improvements, the applicant shall have all Canwood Street storm drain improvements transferred to Los Angeles County Public Works for maintenance.
51. This project has been identified to be in the Special Flood Hazard Area (SFHA) as delineated on the Federal Insurance Rate Map (FIRM). The applicant shall comply with all FEMA regulations and the City's Municipal Code. The applicant shall provide engineering data (which may include HEC-2 or HEC-RAS analysis) to establish the base flood elevation and show the cumulative effects of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.
52. A Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) shall be obtained from FEMA and submitted to the City Engineer prior to issuance of a grading permit within the floodplain. A Letter of Map Revision (LOMR) shall be obtained by the applicant from FEMA prior to the issuance of a Certificate of Occupancy of any building within the existing floodplain.

53. Prior to the issuance of a grading permit, the applicant shall submit a Standard Urban Storm Water Mitigation Plan (SUSWMP) that shall be subject to approval by the City Engineer. The applicant shall incorporate the Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management within the County of Los Angeles. This will require detention and treatment of the first 0.75 inches of surface runoff during a rainstorm.
54. The SUSWMP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants and erosion in storm water discharges from the construction site during the construction period and after construction as required.

Streets/Traffic

55. The applicant shall pay the Arterial Street System Development Fee specified in the City of Agoura Hills Municipal Code. The estimated fee of \$1,469,872 is based on 336 residential units, two office buildings with a total of 80,000 square feet, and three restaurants with a total of 24,000 square feet. Actual fees will be determined at the time of building permit issuance.
56. The applicant shall design and construct the realigned Canwood Street improvements from the easterly boundary of the project to Kanan Road. Said improvements shall include asphalt, concrete curb, gutter, sidewalk, street lights, landscaping, and all pavement markings. The design of the roadway improvements shall be reviewed and approved by the City Engineer.
57. The applicant shall design and construct a new signal at Kanan Road and the realigned Canwood Street. The design shall be reviewed and approved by the City Engineer, Los Angeles County Public works, and if necessary, Caltrans. The design shall include the modification to the existing median on Kanan Road to include a left turn pocket for southbound Kanan Road.
58. The applicant shall design and construct new bridge improvements for the widening of the Canwood Street bridge over Medea Creek. Said design shall be reviewed and approved by the City Engineer. The applicant shall pay for consultant plan checking and if necessary separate inspection of the bridge.
59. The City Engineer shall determine and approve any phasing of the Canwood Street improvements upon written request from the applicant.
60. The fire department access roadway along the easterly project boundary shall be designed and paved in accordance to Los Angeles County Fire Department requirements.

61. Prior to the issuance of a grading permit, the applicant shall design traffic improvements for the Driver/Chesebro Road intersection. The plans shall be reviewed and approved by the City Engineer. Improvements shall include the widening of Driver Avenue to accommodate a separate westbound left turn lane for vehicles turning south onto Chesebro Road. This will include among other things the construction of curb/gutter/sidewalk, signage, striping, and handicap ramps along the southerly side of Driver. In addition, the westerly side of the intersection along Driver Avenue shall be restriped/widened in order to line up the travel lanes. Said improvements shall be fully constructed and accepted prior to issuance of a certificate of occupancy for any building
62. Prior to the issuance of a grading permit, the applicant shall design traffic improvements at Palo Comado Drive/101 Freeway (north side). Improvements shall include the restriping of Palo Comado Drive to accommodate a separate southbound right turn lane for vehicles turning onto the northbound 101 Freeway. Said improvements shall be fully constructed and accepted prior to issuance of a certificate of occupancy for any building.
63. All walls adjacent to public right-of-way shall be located entirely on private property.

Utilities

64. The applicant shall design, coordinate, and relocate all existing overhead utilities along Canwood Street between Kanan Road to the easterly project boundaries.
65. The applicant shall relocate those underground facilities such as water and sewer to coordinate and align with the construction of the relocated Canwood Street. Said utility relocation shall be coordinated with the purveying utility company.
66. Water facilities shall be designed and constructed by the applicant in accordance with the standards of Las Virgenes Municipal Water District (LVMWD). Prior to issuance of a building permit, the applicant shall provide documentation from LVMWD that all improvement requirements have been met and all fees have been paid.
67. Sewer facility plans shall be designed and constructed by the applicant. The applicant shall provide evidence that all connection fees have been paid prior to issuance of a building permit. Sewer facilities shall be reviewed and approved by the City Engineer, Los Angeles County Public Works, and Las Virgenes Municipal Water District.

FIRE DEPARTMENT CONDITIONS

68. All the buildings shall have interior fire sprinklers installed. The sprinkler systems shall comply with NFPA 13, including the residential units. This is an upgrade from the NFPA 13R standard. It was agreed upon by the developer in lieu of providing fire department access to within 150 ft. of the buildings.

69. The secondary egress on the east side of the project shall remain. There are too many units for a single means of ingress/egress. Section 902.2.1 of the Fire Code allows the Fire Department to require more than one access road due to traffic congestion, terrain, etc.
70. Fire hydrant locations and water flow will be determined during building permit plan check.

SPECIAL PLANNING CONDITIONS

71. The future development of the commercial lots, including building design and location, shall be subject to the approval of separate Conditional Use Permits by the Planning Commission.
72. The final design of all proposed retaining wall systems located on the site shall be submitted to the Planning Commission for review and approval prior to the issuance of a grading permit.
73. If any significant changes as determined by the Director of Planning and Community Development are proposed in the number or location of the proposed retaining walls, including the elimination or substitution of the proposed greenwall system, an amendment to the CUP permit shall be approved by the Planning Commission
74. The uses allowed on the property shall include general retail, restaurants and offices. The prohibited uses shall include but not be limited to stand alone uses such as auto service stations, car washes, auto repair, outdoor recreation and uses involving outdoor storage or display. The intent of this condition shall be to encourage the development of an integrated pedestrian oriented commercial center with uses that complement one another. Prior to issuance of building permits, the applicant shall submit a list of prohibited uses on the CRS zoned property for review and approval by the Planning Commission. Once approved by the Planning Commission, the applicant shall record a legally binding covenant approved by the City Attorney that restricts the types of land uses allowed on the CRS zone property.
75. Prior to recordation of a Final Map, the applicant shall record a legally binding reciprocal parking and access covenant approved by the City Attorney, on the five commercial lots.
76. Prior to recordation of the Final Map, the applicant shall record a deed restriction approved by the City Attorney that extinguishes any development rights on all three open space lots including the lot shown as Parcel 8 on the Tentative Tract map located at the intersection of Kanan Road and Canwood Street.
77. The applicant must file and receive approval from the Director of Planning and Community Development and the Public Works Director of a construction phasing

schedule including improvements to Canwood Street prior to the issuance of any building permits.

78. A pre-construction conference shall be held prior to the issuance of a grading permit with all construction personnel involved with the grading operations. This conference shall review procedures for the preservation of the two knolls, Medea Creek and the oak trees that will remain on site as well as details of the haul route proposed for the project. 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 a monitor.
79. The applicant shall provide all the items listed as part of the Step 2 density increase including: 1) a contribution covering two-thirds the cost of development of a designated city park, 2) active solar and other energy conservation facilities, in excess of the Building Code requirements, in the individual units, 3) swimming pools and recreation facilities; 4) upgraded paving materials, 5) entry features, 6) at least 75 percent of all trees provided must be specimen plant materials at least 24 inch box in size, 7) a two-thirds increase in the required contribution to the city transportation improvement fund and 8) children's play areas of sufficient size to meet the needs of the ultimate number of children expected to reside in the development.
80. The applicant shall submit a detailed proposal for all pedestrian access shown on the Landscape and Site Plan prior to issuance of a grading permit. The plan shall include pedestrian elements such as enhanced paving, arbors, trellises, etc. The east/west pedestrian access shown in the parking lot on the Landscape Plan between Medea Creek and Building E shall be relocated from the four foot wide landscape planter to the front of the lot. Said plan shall be subject to review and approval by the Director of Planning and Community Development.
81. The design of the proposed drop structures in Medea Creek shall be approved by the Director of Planning and Community Development prior to issuance of a grading permit for the project. The drop structures shall be designed to complement the natural environment of the creek.
82. A total of 100,800 square feet of group useable open space is required for the residential project. The applicant shall submit a detailed design for each area shown as group open space on the landscape plan for review and approval of the Director of Planning and Community Development prior to issuance of any building permits. The group open space areas shown on the east side of Medea Creek shall be designed as private parks with an array of amenities such as a hiking and jogging path, par course equipment, picnic areas and benches, tot lots, play equipment, picnic barbecue areas, etc.). Full pedestrian access shall be provided to the entire area including the area shown as landscape slopes on the Landscape Plan at the base of the eastern knoll.

83. An interim landscape and irrigation plan for the CRS zoned property shall be submitted for review and approval by the Director of Planning and Community Development. The interim landscape plan shall include a plan to screen the retaining walls adjacent to the CRS zoned property utilizing vines, shrubs and trees.
84. All roof top equipment shall be screened from public view from the adjacent roadways and surrounding properties to the satisfaction of the Director of Planning and Community Development.
85. Prior to issuance of a building permit, the applicant shall provide location and construction details for all mailboxes proposed for the residential project for approval by the Director of Planning and Community Development. The mailboxes must be designed consistent with the architectural style of the buildings.
86. Prior to issuance of a building permit, the applicant shall provide locations and construction details for all transformer locations proposed for the project for approval by the Director of Planning and Community Development.
87. There shall be no lockable gates to the parking garages as some of the required guest parking spaces is located with the garages. Signage, approved by the Director of Planning and Community Development shall be installed outside of each underground garage in the residential project that notified guests that guest parking is available under the building.
88. The proposed Sign Program shall comply with the City's Sign Ordinance.
89. Final parking lot light fixtures and pedestrian lighting shall be subject to approval of the Director of Planning and Community Development.
90. The project shall comply with Section 9659 of the Zoning Ordinance regarding the provision of public art.
91. The applicant shall pay an affordable housing in lieu fee of \$4,541 for each unit. Based on 336 units, the fee shall be \$1,525,776. In addition, the applicant shall pay an administrative fee of 10% of the total in lieu fee. This fee shall be paid in full before a certificate of occupancy is issued for any unit in the apartment project.
92. The design of the proposed sidewalk, landscaping and wall along the new northerly extension of Canwood Street shall be subject to review and approval by the Director of Planning and Community Development, the City's Landscape Consultant and the Director of Public Works. The design shall include a meandering sidewalk with contoured landscape areas on each side of the walkway. The wall design shall be decorative and incorporate pilaster and others to breakup the length and mass of the wall.

93. The applicant shall work with the City and the Los Angeles County Fire Department (FD) to design the FD drive areas located between the residential buildings with a permeable landscape material.
94. The Fire Department access road at the east property line shall be constructed of semi-permeable surface acceptable to the Fire Department.
95. All adopted mitigation measures identified in the Environmental Impact Report and attached Mitigation Monitoring and Reporting Program 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.

END