

RESOLUTION NO. 05-1379

A RESOLUTION OF THE AGOURA HILLS CITY COUNCIL
UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF
CONDITIONAL USE PERMIT CASE NO. 04-CUP-007 AND OAK
TREE PERMIT CASE NO. 04-OTP-020 AND ADOPTING A
MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING PROGRAM

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

Section 1. An application was duly filed by Adler Realty Investments with respect to the real property located on the northeast corner of Canwood Street and Derry Avenue (Assessor's Parcel No. 2048-012-017,018 and 2055-003-064), requesting approval of a Conditional Use Permit to allow the development of a 118,162 square foot furniture retail center. The applicant also requested approval of an Oak Tree Permit to remove three (3) oak trees for the proposed construction. Public hearings were duly held by the Planning Commission on April 7, 2005 and May 5, 2005, 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings. On May 5, 2005, the Planning Commission approved Conditional Use Permit Case No. 04-CUP-007 and Oak Tree Permit Case No. 04-OTP-020 on a 3-0 vote (Chairperson Koehler and Commissioner Zacuto abstained), subject to conditions, per Resolution No. 807.

Section 2. An appeal of the Planning Commission's approval of Conditional Use Permit Case No. 04-CUP-007 and Oak Tree Permit Case No. 04-OTP-020 was filed by Council Member Dan Kuperberg on May 20, 2005 with respect to the property described in Section 1 hereof. The appellant, Council Member Kuperberg, appealed the decision of the Planning Commission for the following reasons: 1) Size of buildings; 2) Distance between buildings; 3) Amount size and location of parking; 3) Landscaping; and 4) Overall site layout. A public hearing on the appeal was duly held and public testimony was given on July 13, 2005 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 public hearing was duly given.

Section 3. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearing.

Section 4. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the City Council finds as follows:

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. The property zoning designation and General Plan Land Use designation allows for development of a furniture retail center and the proposal meets the development standards for the CRS-FC-OA (Commercial Retail Service - Freeway Corridor Overlay - Old Agoura Design Overlay) zones relative to building height, lot coverage and landscape coverage.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The proposed furniture retail center is allowed use within the Commercial Retail Service zone. The craftsman building design, earthtone colors and natural materials are compatible with the surrounding commercial and residential development. The finished floor of the building, although located above adjacent street grade, will be below the residential and commercial property to the north.

C. The proposed use, as conditioned, and the condition in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. Access to the property will be via two driveways located on Canwood Street and one driveway located on Lewis Road. A special parking study was conducted which showed that sufficient on-site parking will be provided. The varied roof lines of the buildings and its proximity to neighboring residences will preserve the light, air, privacy and open space to the surrounding neighboring parcels. The project, as conditioned, meets the maximum building coverage standards for the Commercial Retail Service zone.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The two-story buildings meet the 35-foot building height limitation for structures within the zone. Building lot coverage is below the maximum allowed for the zone and the applicant will provide landscape coverage in excess of the minimum requirement.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Although existing furniture centers are located on Canwood Street in close proximity to the project site, the proposed furniture retail center will allow for a range of shopping opportunities to meet the needs of the City residents, as called for in the Economic Development Element of the General Plan.

F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed furniture retail center is located below existing commercial and residential grade elevations to the north and incorporates varied roof lines and perimeter landscaping to ensure that this commercial use is buffered from adjacent residences in a harmonious and attractive way, as called for in the General Plan Land Use Element.

G. The applicant has revised the plans from what was approved by the Planning Commission by reducing the size of Buildings 2 and 3 and increasing the amount of landscaping along Canwood Street.

Section 5. Pursuant to Section 9545.1 of the Agoura Hills Zoning Ordinance, the City Council finds as follows:

A. The project, as conditioned, is compatible with the City's semi-rural character and does not overwhelm the City's low-intensity development style. The potential visual mass of the buildings is reduced by its location at the northern end of the property and the separation between each of the three buildings. The site plan layout, combined with recommended increased landscaping along Canwood Street, helps provide a pedestrian scale environment similar to what is promoted in the Agoura Hills/Ventura Freeway/Canwood Corridor Visions Plan and the city's Freeway Corridor Overlay zone.

B. The project's features and space enhance the site so that the buildings are integral parts of the community fabric. The craftsman architectural elements and use of natural colors and materials, as well as the separation between the buildings, enhance the site so that the buildings are integral parts of the community fabric. The project site plan, as conditioned, provides a pedestrian scale environment through the use of streetscape landscaping, pedestrian walkways and trellises that are in keeping with the Agoura Hills/Ventura Freeway/Canwood Corridor Visions Plan. The project does not negatively impact the views of the City's point of natural scenic beauty, such as Medea Creek, Ladyface Mountain or Strawberry Hill.

C. The project has provided for safe and convenient access by incorporating three separate means of ingress and egress at Canwood Street and Lewis Road. Parking areas, as conditioned, are situated on the site and landscaped to avoid vast expanses of uninterrupted parking spaces in that the proposed parking lots incorporate landscaped planters throughout the vehicle parking spaces. The City Traffic Engineer has analyzed the adequacy of the proposed on-site parking areas and found the project to be in conformance with the City parking requirements and that it would provide sufficient parking for this type of retail use.

D. The proposed project works with the characteristics of the existing, pre-graded terrain and maximizes the preservation of open space, hillsides and oak trees in that the development area has been located on the flattest portion of the development parcel and, therefore, will preserve the existing slopes located along the northeast portion of the development, adjacent to residential properties.

E. A Mitigated Negative Declaration was prepared for the project. The project design avoids significant impacts to sensitive or endangered plants and animals and sensitive plant communities such as oak woodlands in that the site is situated in a developed, urban corridor. The site was previously graded and invasive grasses and other non-native ruderal vegetation comprise the on-site plant community. Very limited on-site native plants or habitat remains within the property boundary due to previous grading activities. The site is of no biological or botanical significance.

F. The proposed development design conveys the high quality image envisioned in the General Plan. The proposed retail center is a permitted use as prescribed in the General Plan Land Use Element. The proposed retail center, as conditioned, will provide design features such as trellises, pedestrian walkways, and landscaping against the buildings that will provide a pedestrian scale to maintain a sense of openness in the developed areas as called for per Policy 2.7 and 2.8 of Goal No. 2 of the General Plan Land Use Element. Line-of-sight studies have been prepared for the purposes of determining the visual impact of the project.

G. The building elevations are articulated on all sides through the use of varied rooflines and varied building façades that are setback over 65 feet from the south property line to reduce the scale of the buildings. Exterior building facades will include smooth troweled plaster, exposed wood roof rafters, ledgerstone veneer, non-reflective bronze tinted window glazing and flat concrete roof shingles. The buildings' colors will be subtle, relatively neutral earth tone colors. Variations in roof lines are used to add interest and reduce the massive scale of large buildings. Roof features compliment the character of the adjoining Old Agoura neighborhood.

H. The landscaping compliments the natural setting of the region in that native trees, shrubs and grasses will be incorporated into the project landscape plan.

I. Traffic, light, noise and other environmental impacts have been mitigated to the maximum extent feasible. A Mitigated Negative Declaration (MND) has been prepared for the project and will include a set of mitigation measures designed to ensure that environmental impacts resulting from both project construction and operation are reduced to less than significant levels. A traffic report prepared for the project concluded that the project will not significantly impact the City road system. The proposed project is compatible with the adjacent residential neighborhood located north of the east flag parking lot. The project will include a 1-foot to 4-foot high retaining wall and five feet (5') of landscaping to buffer the parking lot from residences to the north. Also, this flag

parking lot serves as a buffer and transition between the Reeds furniture building and the residences. The parking lot lighting will be limited to 1-foot candle at the property lines. The project will not negatively impact the aesthetic character of the neighboring residential community in that the project site plan has placed the buildings on the relatively flat portions of the property and the building pads will be established at elevations which maintain adequate grade separation from the adjacent residential buildings pads. The project complies with the height limitation imposed on developments within the CRS-FC-OA zone and the project has incorporated the use of natural building materials and significant landscape buffers which will reduce the visual impacts of the project as viewed from scenic corridors and residential uses within the area.

Section 6. The removal of three (3) oak trees, as conditioned, is needed for required sidewalk and grading improvements along Canwood Street and Lewis Road. Measures have been implemented to mitigate the loss of oak trees through the requirement to provide for at least six (6) new, 36-inch box size oak trees on the site.

Section 7. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for this project. Based upon the initial study, public comments and the record before the City Council, the City Council finds that the Mitigated Negative Declaration identifies potentially significant environmental effects for which feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The City Council has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act. The City Council hereby adopts the Mitigated Negative Declaration and attached Mitigation Monitoring Plan.

Section 8. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 04-CUP-007 and Oak Tree Permit Case No. 04-OTP-020, subject to the attached conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2005, by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Ed Corridori, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL (Case Nos. 04-CUP-007 and 04-OTP-020)

STANDARD CONDITIONS

1. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the Planning Commission: Site Plan, Building Elevation Plans, Floor Plans, Roof Plans, Grading Plans and Landscape Plans.
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.
6. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
7. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If overhead utilities of 66 KV or greater exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.

8. 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.
9. A minimum of one hundred and fifty five (155) parking spaces shall be provided on the subject property, at least six (6) of which shall be designated for handicap parking. All parking spaces shall include wheel stops and the spaces shall be of standard size and pinstriped, in conformance with the City Parking Ordinance.

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10. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
11. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
12. 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.
13. Unless Conditional Use Permit Case No. 04-CUP-007 and Oak Tree Permit Case No. 04-OTP-020 are used within two (2) years from the date of City approval, the permit will expire. A written request for a one-year extension may be considered prior to the expiration date.
14. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
15. Prior to the issuance of Grading Permit or Building Permits, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.36/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
16. The applicant shall pay to the City the applicable Fire District Developer Fee prior to the issuance of Building Permits. The current fee is \$0.3877/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.
17. 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.

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OAK TREE AND LANDSCAPING CONDITIONS

18. The applicant is permitted to remove Oak Tree Numbers 1, 2 and 3 to construct the project as approved. To mitigate the removal of these trees as well as the loss of the three (3) other oak trees that died previously, the applicant shall plant six (6) thirty-six inch (36") box size oak trees within the site as part of the project landscaping.
19. All planted oak trees shall be maintained in perpetuity.
20. The planting location, species and quality of the mitigation trees shall be subject to the review and approval of the City Landscape and Oak Tree Consultant.
21. The final landscape plan shall generally conform to the Preliminary Plan prepared by Carter Romanek as submitted on December 14, 2004, subject to the following conditions.
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, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
- * Buildings and structures

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- * 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.

23. Plant symbols shall depict the size of the plants at maturity. Tree spacing specifically shall be adjusted to allow for optimum growth of each tree species.
24. The final plans shall not include any palm species.
25. All finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) stalls apart.
26. The applicant shall install a decorative split-rail type fence along the entire Canwood Street frontage, at the top of the landscape slope. The fence shall be planted with flowering vines. The fence design, placement and plantings shall be subject to the review and approval of the Director of Planning and Community Development.
27. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
28. In addition to any oak trees required for mitigation purposes, the landscape plan shall include seven (7) twenty-four inch (24") box size oak trees.
29. The landscape 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. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees."

- c. 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.
30. 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.
31. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.

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32. 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.
33. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
 - a. Design and static pressures
 - b. Point of connection
 - c. Backflow protection
 - d. Valves, piping, controllers, heads, quick couplers
 - e. Gallon requirements for each valve
34. 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.
35. 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
36. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
37. A minimum of ten percent (10%) of the total lot shall be landscaped.
38. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.

39. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including driveways and aisles, shall be covered by tree canopies within fifteen (15) years after installation.
40. In accordance with the Freeway Corridor Overlay District, the final plant palette and arrangement along the outer borders of the project shall be revised to provide a more naturalistic and native theme. The landscape design shall enhance the scenic quality of the freeway corridor to the satisfaction of the Director.

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41. All plant material must be considered compatible with Sunset Zone 18.
42. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
43. 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.
44. Any new perimeter walls shall be decorative with a height of six feet (6’), subject to review and approval by the City Landscape Consultant and the Director.

PUBLIC WORKS/ENGINEERING DEPARTMENT CONDITIONS

General

45. All improvement plans, including, but not limited to, street, grading, sewer, storm drain, 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.
46. 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.
47. The applicant shall acquire and obtain and pay all costs of acquiring any off-site real property and/or easements required in connection with this project prior to issuance of a grading permit.

48. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Engineering Division prior to issuance of the final Certificate of Occupancy.
49. All block walls and retaining walls shall be limited to six feet in height.
50. A title report is required to be submitted with the project plans. The plans shall show all proposed and existing easements.

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51. Prior to issuance of a building permit, the applicant shall obtain City Council approval of the Parcel Map. Said Map shall be recorded with the Los Angeles County Recorder's Office prior to issuance of a Certificate of Occupancy.

Grading

52. All grading shall conform to City's Grading Ordinance and Chapter 33 of the Uniform Building Code, as modified.
53. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show proposed utilities, existing and proposed easements, stormwater 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.
54. 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.
55. For any grading operations conducted between October 1 and April 15 of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.

Drainage

56. 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 the Los Angeles County Department of Public Works (LACDPW).
57. Prior to the issuance of a grading permit, the applicant shall file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the State Water

Resources Control Board, and provide written documentation thereof to the City Engineer.

58. The SWPPP shall be prepared in compliance with the Development Construction Model Program for Stormwater Management within the County of Los Angeles, and shall be subject to approval by the City Engineer. The SWPPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in stormwater discharges from the construction site during the construction period, and after construction as required.

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59. Prior to issuance of a grading permit, the applicant shall prepare a Standard Urban Stormwater Mitigation Plan (SUSMP), as outlined in the Development Planning Model Program for Stormwater Management within the County of Los Angeles. The plan will demonstrate treatment of the first ¾" of rainfall, as required by the Model Program. SUSMP hydrology and plans shall be submitted to and approved by the City Engineer.
60. A Best Management Practice (BMP) Covenant and Deed Restriction shall be prepared and recorded with the Los Angeles County Recorder's Office by the applicant prior to issuance of a Certificate of Occupancy.
61. Prior to issuance of a grading permit, the applicant shall obtain the necessary permits from the LACDPW to connect to the public storm drain system, PD No. 1693, and provide evidence of such to the City Engineer.
62. Drainage improvements on private property shall be continually maintained, repaired and replaced by the property owner(s).

Streets/Traffic

63. Canwood Street's eastbound lane shows longitudinal failure along a vast majority of the project limits. The applicant shall provide proposed repair work as suggested by a State-licensed Civil and/or Geotechnical Engineer, subject to approval of the City Engineer.
64. The existing sewer trench on Canwood Street shows evidence of failure. Applicant shall cold mill two inches in depth and pave with asphalt concrete and Petromat fabric, or solely rubberized asphalt concrete, or provide proposed repair work as suggested by a State-licensed Civil and/or Geotechnical Engineer, subject to approval of the City Engineer.
65. After said pavement repairs, Canwood Street shall receive its final 2" thick

rubberized asphalt concrete cap, striping to include left-turns into driveways, and sidewalk to connect to existing adjacent improvements, subject to the approval of the City and Traffic Engineers.

66. Lewis Road sidewalk, curb and gutter shall be completed north of Canwood Street. The property owner will be responsible for maintenance of this new landscaping in the public right-of-way, including irrigation.
67. Derry Avenue easterly sidewalk shall be completed to connect to existing adjacent improvements.

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68. Based upon the Composite Site Plan and the City of Agoura Hills Municipal Code, the project's Transportation Improvement Fee will be approximately \$778,451 (\$6.588/SF building area).
69. The westerly driveway on Canwood Street shall be designed to accommodate WB40 semi-truck ingress and egress turning movements.
70. Vacation of public right-of-way for roadway purposes will be required along the project's Canwood Street frontage to provide a property line that aligns with the back of the new sidewalk. The applicant's final Parcel Map shall clearly show all land to be vacated by the City along the project frontage. The vacation and final map will require City Council approval in accordance with State law. In the event that City Council chooses to retain the road right-of-way, the applicant shall redesign the project to comply with setbacks and all other zoning requirements. The applicant shall prepare all the necessary documents, pay any and all applicable fees, record all documents and provide written proof thereof to the City Engineer prior to issuance of a Building Permit.

Utilities

71. 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, including fee payment.
72. The applicant shall submit evidence from the Los Angeles County Fire Department for approval of location and spacing of fire hydrants prior to issuance of a building permit.
73. Any and all existing and proposed utilities shall be placed underground within the project limits.

FIRE DEPARTMENT CONDITIONS

74. The applicant shall comply with all conditions of the Los Angeles County Fire Department prior to the issuance of a building permit.
75. The cul-de-sac drive aisle within the easterly parking lot, near the northeast corner of Building 3, shall not exceed 150 feet in length, subject to review and approval by the Los Angeles County Fire Department.

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PLANNING DEPARTMENT/SPECIAL CONDITIONS

76. 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.
77. Roof-mounted mechanical equipment shall be screened from public view and views from adjoining properties in a manner that is architecturally compatible with the buildings and subject to review and approval by the Director of Planning and Community Development.
78. Prior to issuance of a building permit, the applicant shall provide locations and construction details for all transformer locations proposed for the project for approval by the Director of Planning and Community Development. The transformers shall be screened from public view by their locations and extensive landscape screening.
79. Prior to the issuance of a building permit, the applicant shall submit a comprehensive sign program for the project for review and approval by the Planning Commission.
80. Prior to submitting plans into plan check for a building permit, and in addition to complying with the requirements of the adopted Mitigation and Monitoring Program for this project, the applicant shall provide an exterior lighting fixture detail plan and photometric plan for review and approval by the Planning Commission. The plan shall comply with the City's lighting design standards and guidelines. Roof-mounted lighting is prohibited and wall-mounted lights are discouraged but may be considered by the Planning Commission upon review of a

lighting fixture detail plan and photometric plan. The light intensity of installed project light fixtures shall be subject to field review and approval by the Community Development Director. The lighting shall be of a low intensity that is compatible with the natural environment.

80. Pursuant to Municipal Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit a public art plan for the buildings which meets the requirements set forth by the City Council, for review and approval by the Director of Planning and Community Development. Prior to the issuance of occupancy for the buildings, the artwork shall be constructed and thereafter displayed for public view in a location approved by the Director of Planning and

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Community Development. If the approved art display is not maintained in good condition, or is altered without the permission of the Director of Planning and Community Development so that the improvements no longer conform to the approved arts plan, the certificate of occupancy may be revoked and the owner of the property on which the improvement is located shall be deemed to have committed a misdemeanor.

82. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.
83. On-site decorative paving shall be provided at the driveway entrance serving the site and on the pedestrian pathways located between the buildings within the parking areas. The color, materials, length and location of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.
84. 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.
85. 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.
86. The applicant shall comply with all building material samples approved by the Planning Commission. Prior to final painting and final application of stone veneer on the buildings, the applicant shall provide color samples on the building wall for review and approval by the Director of Planning and Community Development.
87. Location and design details for all proposed walls and fences shall be provided for review and approval by the Director of Planning and Community Development,

prior to the issuance of a grading permit. Garden walls and retaining walls shall be of split-face block.

88. The Grading Plan shall specify proposed paving materials and include a note that refers to the Landscape Plan for specific landscape materials shown on the Grading Plan.
89. Prior to the issuance of a building permit, the applicant shall submit the location and screening details of all ground-mounted mechanical equipment for review and approval by the Director of Planning and Community Development.

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90. Satellite dish antennas shall be screened from view from the parking lot and adjacent roadways, including the freeway. The location and screening methods proposed for installation of a satellite dish shall be subject to review and approval by the Director of Planning and Community Development.
91. Prior to issuance of a grading permit, the property owner shall enter into and record a legally binding reciprocal parking and access covenant for the two lots, subject to review and approval by the City Attorney.
92. Except as otherwise approved herein, the applicant shall comply with all conditions of approval for Tentative Parcel Map No. 62245.
93. The applicant shall comply with all mitigation measures within the Mitigation Monitoring Program prepared for the adopted Mitigated Negative Declaration adopted for the project. 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 Mitigation Monitoring Plan as determined by the Director of Planning and Community Development.
94. The landscape planter located along the south property line, adjacent to the Canwood Street frontage shall be at least 20 feet in width in front of Buildings 1 and 2, and shall be at least 15 feet in width in front of Building 3. The landscape planters located adjacent to the Lewis Road frontage, at the driveway entrance, shall be at least 20 feet in length.
95. All portions of Building 1 shall be located at least 32 feet from the west and east property lines of Lot 1.
96. All portions of Building 2 shall be located at least 35 feet from the west property line of Lot 2.

97. The gross floor area of any individual retail store, as defined by Agoura Hills Municipal Code Section 9120.17(M) (as the same may be amended from time to time) operated on the subject property shall not exceed 60,000 square feet. The gross floor area of a retail store shall be determined using the criteria in Agoura Hills Municipal Code Sections 9120.6 and 9306, and/or any then-applicable law. More than one adjacent retail stores on the property shall not be combined, associated or integrated if such action would require the aggregation of gross floor areas pursuant to Agoura Hills Municipal Code Section 9306(C) (as the same may be amended from time to time) and such aggregation would cause the aggregated gross floor area of the retail stores to exceed 60,000 square feet.

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98. All roof-mounted mechanical equipment on Building 3 shall be located within enclosure(s) that are subject to approval by the Director of Planning and Community Development.
99. All visible elements of the skylight shown over the entry roof element of Building 1, including mullions and glass coatings, shall be coordinated in color with immediately adjacent roofing materials, subject to approval by the Director of Planning and Community Development.
100. Prior to the starting construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and fence material shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material as approved by the Director of Planning and Community Development. Temporary construction fencing and gates shall be maintained in good order at all times.

SOLID WASTE MANAGEMENT CONDITIONS

101. 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.

102. 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.

103. 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.

END