

## REPORT TO CITY COUNCIL

**DATE:** SEPTEMBER 11, 2024

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** NATHAN HAMBURGER, CITY MANAGER

**BY:** DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR  
KATRINA GARCIA, ASSOCIATE PLANNER

**SUBJECT:** APPROVE RESOLUTION NO. 24-2081, APPROVING SITE PLAN AND ARCHITECTURAL REVIEW PERMIT CASE NO. SPR-2022-0020 AND OAK TREE PERMIT CASE NO. OAK-2022-0056 FOR THE CONSTRUCTION OF A NEW OFFICE BUILDING AT 5066 CHESEBRO ROAD; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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On February 15, 2024, the Planning Commission conducted a Public Hearing to consider a project application for a two-story 2,545 square-foot office building at 5066 Chesebro Road ("Project"). The Public Hearing was continued until June 20, 2024, where the Planning Commission voted to approve the Project. Resolution No. 24-1293 was approved by the Planning Commission on July 18, 2024, at the regularly scheduled Planning Commission meeting.

Following the approval of the Project by the Planning Commission and prior to the end of the appeal period, Daniel Farkash, representing the Old Agoura Homeowner's Group, filed an appeal application. At the regularly scheduled City Council meeting on August 28, 2024, the City Council of the City of Agoura Hills conducted a De Novo Public Hearing to consider the Project application and the appeal application. Following the Public Hearing, the City Council voted to approve the Project as proposed, with a minor change to the conditions of approval. The City Council directed staff to return to the next regularly scheduled City Council meeting with a resolution reflecting the City Council's decision, which is attached.

### **FISCAL IMPACT**

This appeal application will have no impact on the City's Fiscal Year 2024-25 Budget as the Applicant has paid all applicable fees, which covers staff's time to process the case and public notification fees.

## **RECOMMENDATION**

Staff respectfully recommends the City Council approve Resolution No. 24-2081, a Resolution of the City Council of the City of Agoura Hills, California, approving Site Plan and Architectural Review Permit Case No. SPR-2022-0020 and OAK-2022-0056 for the construction of a new office building at 5066 Chesebro Road; and making a finding of exemption under the California Environmental Quality Act.

Attachments:

1. Resolution No. 24-2081
  - a. Conditions of Approval

## RESOLUTION NO. 24-2081

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING SITE PLAN AND ARCHITECTURAL REVIEW PERMIT CASE NO. SPR-2022-0020 AND OAK-2022-0056 FOR THE CONSTRUCTION OF A NEW OFFICE BUILDING AT 5066 CHESEBRO ROAD; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

#### SECTION 1. PROJECT BACKGROUND AND PROJECT DESCRIPTION.

The City Council of the City of Agoura Hills does hereby find, determine, and declare that:

A. An application was duly filed by Robert Schutz for Kor-Ten, LLC on May 25, 2022, with respect to the real property located at 5066 Chesebro Road (Assessor's Identification Number 2061-013-033), requesting the approval of a Site Plan and Architectural Review permit (Case No. SPR-2022-0020) to construct a two-story 2,545 square-foot office building, and Oak Tree Permit (Case No. OAK-2022-0056 to encroach into the protected zone of one oak tree. ("Project").

B. The Planning Commission of the City of Agoura Hills considered the Project application at a public hearing held on February 15, 2024, at 6:30 p.m. in the City Council Chambers located at 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, means of participation in, and purpose of the aforesaid hearing was duly given and published as required by state law. The public hearing was continued to June 20, 2024, when the Planning Commission continued the public hearing and heard additional testimony.

C. Evidence, both written and oral, including a staff report and supporting documentation, was duly presented to, and considered by the Planning Commission at the public hearings on February 15, 2024, and June 20, 2024.

D. On June 20, 2024, following the conclusion of the public hearing, the Planning Commission approved Site Plan and Architectural Review Permit Case No. SPR-2022-0020 and Oak Tree Permit Case No. OAK-2022-0056, subject to Conditions of Approval, and directed staff to prepare a resolution of approval (Resolution No. 24-1293), which was approved on July 18, 2024, at the regularly scheduled Planning Commission meeting.

E. Following the approval of the Project by the Planning Commission and prior to the end of the appeal period, Daniel Farkash, representing the Old Agoura

Homeowner's Group, filed an appeal application with the City. The appeal application was accompanied by the required appeal fees.

F. At the regularly scheduled City Council meeting on August 28, 2024, at 6:00 p.m. in the City Council Chambers, the City Council of the City of Agoura Hills conducted a de novo public hearing to consider the Project application and the appeal application, where evidence, both written and oral, as well as supporting documentation, was duly presented to, and considered by the City council. Notice of the time, date, means of participation in, and purpose of the aforesaid hearing was duly given and published as required by state law.

**SECTION 2. PROCEDURAL FINDINGS.** The City Council of the City of Agoura Hills does hereby find, determine, and declare that:

A. California Environmental Quality Act (CEQA). The Project is a request for an office building and was reviewed pursuant to the California Environmental Quality Act (CEQA). The Project has been determined to be Categorically Exempt from the CEQA Guidelines per California Code of Regulations (CCR) §15303(c) (New Construction or Conversion of Small Structures) and CCR §15332 (In-Fill Development Projects). The Project proposes a new 2,545-square-foot office building, which is less than the 10,000-square-foot exemption criteria listed in CCR §15303(c), and does not involve the use of significant amounts of hazardous substances. All necessary public services and facilities are available to the Project and the surrounding area is not considered environmentally sensitive. The development meets the criteria listed in CCR §15332; it is consistent with the City's General Plan and applicable zoning regulations. The Project is located on a lot that is less than five (5) acres, is surrounded by urban uses, and has no habitat for endangered, rare, or threatened species. Additionally, approval of the Project would not result in significant effects relating to traffic (as demonstrated by collision data, speed data, and an LOS analysis), noise, air quality, or water quality. No significant environmental impacts are expected from the development of this project. No exception to this categorical exemption applies as set forth in §15300.2 of the CEQA Guidelines, including, but not limited to, subsection (c) which relates to unusual circumstances that could have a significant effect on the environment.

B. Site Plan Review. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the City Council finds for the Site Plan/Architectural Review, pursuant to the AHMC §9677.5, that:

1. The proposed use is consistent with the objectives and provisions of this article and the purposes of the land use district in which the use is located. The CRS zoning district allows for the development of office buildings. The Project meets the City's minimum development standards under the CRS zoning district, and the OA and FC overlay districts with regard to lot coverage, setbacks, building height, landscaping, use, and all other applicable development standards. The lot has a slope greater than 10 percent (%) and is concave per AHMC Section

9652.12.A, and the Community Development Director has the discretion to exclude such lots from the maximum floor area ratio limitations per AHMC Section 9652.13.B. The Project proposes to use earthtone colors and natural-appearing materials, as well as the installation of native and drought-tolerant landscaping which is keeping with the Zoning Ordinance and architectural design guidelines.

2. The proposed use and the manner in which it will be operated or maintained will not be detrimental to public health, safety, or general welfare. The proposed office use will have a dedicated driveway and drive aisle, as well as delineated walkways to ensure the safety of those on site. The small office use will result in a small number of trips to and from the site (4 a.m. and p.m. peak hour trips, with 27 total trips per day) resulting in minimal traffic impacts, and there will be no visual impediments for vehicles exiting or entering the property. Appropriate signage, road striping, and illumination will be installed to allow visibility for occupants, emergency vehicles, and the general public. The development will be required to comply with current Building and Fire codes to assure the use is operated and maintained for all occupants and passersby.

3. The proposed use will not conflict with the character and design of the buildings and open space in the surrounding area. The proposed office building is designed according to the City's architectural design guidelines and the development standards within the zoning and overlay districts. The project is located in the Old Agoura Overlay district, which consists of eclectic buildings and which encourages a broad range of architectural design so long as natural and rustic elements are incorporated into the design and accounts for the aesthetics of the open space. The location of the lot is not directly adjacent to open space, but the height of the building does not exceed the development standards, and therefore, does not impact any scenic vistas. The muted earth-tone colors, wood paneling and rustic elements of the building harmoniously blends in with existing developments, while still maintaining its own unique style, notable of the Old Agoura area.

4. The proposed use will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances or modifications. The Project is consistent with the CRS zoning district's requirements, as well as the OA and FC overlay districts for building height, lot coverage, setbacks, retaining walls, landscaping, and parking, with respect to State regulations. The Project does not require any variances or modifications.

5. The proposed use is consistent with the City's General Plan. The Project is consistent with Goals LU-2, LU-4, LU-5, LU-12, and LU-30 such that it will be developed on an underutilized-in-fill lot along the Freeway Corridor and will be used as an office building that will provide additional employment opportunities. The structure is also designed innovatively in a way that allows the business to thrive with the desired square-footage and adequate parking facilities, while still minimizing soil disturbance and reducing the heat island effect from the required

hardscape. The mass and density of the building is also compatible with the surrounding developments.

6. The proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The office, the associated street improvements, public utility service improvements, and onsite landscaping enhances the surrounding area as it will increase the value of the property and the properties in the vicinity. By developing the in-fill lot, it creates opportunities for improved walkways and creates a safer and aesthetically pleasing environment due to the maintenance typically needed for office buildings. The development of the in-fill lot is an asset to the surrounding area as it helps reduce vegetation overgrowth and litter on the lot, thereby preserving and enhancing the character of the neighborhood. The style of architecture is consistent with other buildings in the district, thereby preserving the character of the surrounding area.

C. Architectural Review. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the City Council finds for the Site Plan/Architectural Review, pursuant to the AHMC §9677.7G, that:

1. The proposed development is consistent with the General Plan, any Specific Plans, and any design standards adopted by the City Council. The Project is consistent with Goals LU-2, LU-4, LU-5, LU-12, and LU-30 of the General Plan, the Old Agoura Overlay District, and the City's Architectural Design Standards and Guidelines. The Project achieves the intent of the policies and goals through its architecture and site design, by providing adequate landscaping, using compatible muted earth-toned colors and rustic materials, such as wood paneling, that are notable within Old Agoura, and complying with the standards that are appropriate for the buildable area of the lot. The Project's density and mass are also compatible with respect to the surrounding areas and the size of the lot.

2. The design and location of the proposed development and its relationship to existing or proposed developments is such that it will not impair the desirability of investment or occupation in the neighborhood. The Project will add to the neighborhood's desirability because it will increase surrounding property values, and will maintain the eclectic design that is consistently seen in the Old Agoura Commercial Center. The size and scale of the structure is a good buffer and transition between the existing developments and any large-scale development that may be proposed on the vacant lot across the street from the Project site.

3. The design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by the general plan of the city. The Project is designed in consideration of the Old Agoura overlay district which calls for the use of natural and rustic elements, a broad range of

architectural styles, and shielding of unsightly uses, such as mechanical equipment and trash enclosures. The General Plan also promotes the use of underutilized properties within the Old Agoura Commercial Center, which will be achieved through the small-scale office that is proposed. The Project is consistent with the development standards in the zone regarding required street improvements, public utility improvements, landscaping, and other similar standards that positively affect not only the development site, but also the surrounding neighborhood.

4. The design of the proposed development will provide a desirable environment for its occupants, as well as for its neighbors, and is aesthetically of good composition, materials, textures, and colors. The Proposed two-story office building with a modern style and rustic elements can be found within the Old Agoura Commercial Center. Because the building is in keeping with modern architecture and sustainable development trends, the design will be a desirable environment for its occupants. The Project will also provide visual improvement for neighbors with its use of natural and earth-toned colors and materials.

5. The proposed use complies with all applicable requirements of the district in which it is in and all other applicable requirements. The Project comports with applicable development standards in the CRS zoning district, and the OA and FC overlay districts—including the City's Architectural Design Standards and Guidelines. The Project achieves the goals of the applicant and the City's vision for the neighborhood.

6. The overall development of the subject property is designed to ensure the protection of public health, safety, and general welfare. The development of the lot requires appurtenant facilities to be provided. This includes improvements to the right-of-way, an appropriate driveway, trash enclosures, and public utilities. The presence of the office building and its occupants will also assuage unwanted loitering and littering in the area. Therefore, the development will be beneficial to the safety and welfare of the public.

D. Oak Tree Permit. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the City Council finds for the Oak Tree Permit, pursuant to AHMC §9657.C.3 and the Oak Tree Preservation Guidelines, that:

1. The proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject property. The development site does not have oak trees, but an off-site oak tree, adjacent to the northwest corner of the lot, will have minimal encroachments, of no more than 10 – 15 percent (%) of the tree protected zone (TPZ). The development of the project will not require any pruning of the foliage and due to the grade difference between the Project site and the adjacent lot, encountering roots during excavation is

unlikely. Nevertheless, proper protections will be implemented throughout construction.

2. The removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated. The Project does not require the removal or relocation of any on and off-site oak trees. Proper drainage facilities will still be installed throughout the site to prevent soil erosion and increased flow of surface waters.

3. The Project can be developed without the need to remove or relocate oak trees. The existing off-site oak tree will not be a hindrance in carrying out the proposed development of the building, retaining walls, and landscaping. Due to the size of the lot, the location of the building and required parking is limited. Although there is encroachment into the existing oak tree, no foliage from the overhang is expected to be removed. Appropriate protections will be incorporated throughout the development of the Project to ensure that the tree's roots and foliage remains fully intact.

**SECTION 3. APPROVAL.** Based on the aforementioned findings, the City Council hereby approves Site Plan and Architectural Review Permit Case No. SPR-2022-0020 and Oak Tree Permit Case No. OAK-2022-0056, subject to Conditions of Approval, attached herein as Exhibit A, with respect to the property described in Section 1 hereof.

**SECTION 4. CERTIFICATION.** The City Clerk shall certify to the adoption of this Resolution, and shall cause this Resolution to be entered in the official records of the City.

**PASSED, APPROVED and ADOPTED** this 11<sup>th</sup> day of September, 2024, by the following vote to wit:

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

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Illece Buckley Weber, Mayor



ATTEST:

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Kimberly M. Rodrigues, City Clerk

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**(Case Nos. SPR-2022-0020 & OAK-2022-0056)**

**PLANNING DIVISION**

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. The approval of these permits shall not be effective for any purpose until the Applicant has agreed in writing that they are aware of, and accept, all conditions of the permits issued by the City of Agoura Hills.
3. The approval of this entitlement is subject to the following project description: Construction of a two-story office building, approximately 2,545 square feet (sq. ft.) with eight parking spaces, on a 7,425 square-foot lot.
4. Except as specifically modified by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved plans (i.e. site plan, floor plan, elevations, roof plan, and site lighting plan) dated May 7, 2024, color and material board, dated May 7, 2024, and the project description listed in condition number 3. The proposed development shall further comply with all conditions of approval stipulated in this resolution attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
5. Minor changes to the approved plans or the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Agoura Hills Municipal Code (AHMC). Revised plans reflecting the minor changes and additional fees shall be required to be submitted to complete the record. All exterior materials used in this project shall be in conformance with the material samples submitted as a part of this application.
6. It is hereby declared to be the intent that if any provision of these permits is held or declared invalid, the permits shall be void and the privileges granted hereunder shall lapse.
7. It is further declared and made a condition of this action that if any condition herein is violated, the permits 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.
8. All requirements of the AHMC and of the specific zoning designation of the subject property shall be complied with unless set forth in these conditions or on the approved plans.

9. No occupancy shall be granted for any new building until all conditions of approval have been complied with as determined by the Community Development Director.
10. The Site Plan and Architectural Review Permit (SPR-2022-0020) and the Oak Tree Permit (OAK-2022-0056) shall become void two years following the date each was approved, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the permits, or a certificate of occupancy is issued for the structure which was the subject of the permits. Prior to the expiration of the permits, the applicant may request up to two extensions for a period of time not exceeding 12 months, subject to the approval of the Planning Division.
11. The Applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of Building Permit issuance.
12. All outstanding fees owed to the City, if any, shall be paid by the Applicant within thirty (30) days of the approval of these permits.
13. One (1) native oak tree, twenty-four inches in size, shall be planted off-site subject to the approval of the Community Development Director.
14. All exterior lights shall be focused downward and shielded to minimize glare and light spillover onto the adjacent lots.
15. The electrical vehicle charging station shall be installed prior to receiving a Certificate of Occupancy. Charging equipment shall not be illuminated. A similar non-illuminated model to Chargepoint CT4000 shall be provided.
16. No construction work or repair shall be performed outside the hours of 7:00 a.m. to 7:00 p.m. or on any Sunday or Holiday.
17. A construction chain link fence with green mesh fabric screening, no less than eight (8) feet but no higher than ten (10) feet in height, shall be installed on-site along the perimeter of the site prior to construction, no closer than five feet from the property line or at the extent of grading activity. The fence shall allow for vehicle access to the site and be installed such that the line-of-sight for vehicles entering or exiting the site is clear and unobstructed. The fence and screening shall be installed prior to construction and shall remain in good working condition and free from disrepair and vandalism for the duration of the construction period. The fence shall be removed upon construction completion.
18. In the event archaeological resources are encountered during ground-disturbing activities, the Community Development Department – Planning Division (Planning) shall be notified immediately, and work shall stop within a 100-foot radius until a qualified archaeologist approved by Planning, and retained and paid for by the

Developer/Applicant, has assessed the nature, extent, and potential significance of any remains pursuant to the California Environmental Quality Act (CEQA). In the event such resources are determined to be significant, appropriate actions are to be determined by the archaeologist consistent with CEQA (PRC Section 21083.2) and the City General Plan, in consultation with the City Planning Department.

19. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbances shall occur until the County Coroner has made the necessary findings regarding origin and disposition pursuant to the Public Resources Code Section 5097.98. If human remains are unearthed, the Developer/Contractor shall contact Planning and County Coroner immediately. If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains. If an archaeologist and/or a Native American representative is needed to assess the remains and determine a course of action, all such fees and expenses shall be the responsibility of the developer/contractor and not the City of Agoura Hills (City).
20. It shall be the responsibility of the Applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
21. I understand that the receipt of the approvals and the rights granted pursuant to such approvals are for my benefit (or that of my principal). Therefore, if the approvals, any conditions attached thereto, or any other City permits issued pursuant to such approvals, are challenged by a third party, I will be responsible for defending against this challenge. I agree to accept this responsibility for defense at the request of the City and also agree to defend and indemnify (with counsel of the City's choosing), and hold the City harmless from any costs, claims, demand, financial loss, penalties, fines, judgments, or liabilities arising from the approvals, any conditions attached thereto, or any City permits issued pursuant to such approvals, including without limitation, any award or attorney's fees that might result from the third party challenge, excepting only liability arising from the sole negligence, gross negligence, or intentional misconduct of City. For the purpose of this indemnity, the term "City" shall include the City of Agoura Hills, its officers, officials, employees, agents, and representatives. For the purpose of this indemnity, the term "challenge" means any legal or administrative action to dispute, contest, attack, set aside, limit, or modify the approval, project conditions, or any act upon which the approval is based, including, but not limited to, any action alleging a failure to comply with the California Environmental Quality Act or other laws.

#### **CONSTRUCTION MANAGEMENT CONDITIONS**

22. Scaffolding used during construction must be covered with a ventilated tarp.

23. Additional measures shall be taken to maintain dust control using phased earthwork, watering, clean gravel, and composite wood chips.
24. Dust-generating work, including, but without limitation to brush clearing, sandblasting, grading, or any earth-moving activities, must be avoided on high-wind days.
25. Staging shall be located in an area farthest away from the north property line.
26. An anticipated schedule of construction activity shall be provided to the City on a monthly basis.

## **BUILDING AND SAFETY DIVISION**

### Prior to permit issuance

27. All buildings and structures to be constructed or altered, or any change of use proposed as part of the Project shall be designed and constructed in accordance with all applicable regulations and standards of the City's Building Codes, Fire Code, and any related Building Standards Code in effect; and all other applicable provisions of the AHMC which are adopted and in effect at the time of application for a building permit.
28. All the code requirements for the Very High Fire Hazard Severity Zone (VHFHSZ) per amended Chapter 7A of the governing California Building Code or the amended Section R337 of the governing California Residential Code, Los Angeles County Fire Code, and Agoura Hills Municipal Code shall apply to this Project.
29. A soils report is required to be submitted for this Project for review and shall be a part of the final construction plans.
30. A separate grading permit is required for this Project. Approval of the grading plan is required prior to the issuance of the building permits.
31. A separate permit is required for site retaining walls.
32. A separate permit is required for the photovoltaic (PV) solar system.
33. Fire Sprinklers are required for all new structures per Agoura Hills Municipal Code 903.2. A separate permit from the Los Angeles County Fire Department is required.
34. Los Angeles County Fire Department approval will be required prior to the issuance of building permits.
35. Las Virgenes Municipal Water District approval will be required prior to the issuance of building permits.
36. School fees are required to be paid prior to the issuance of building permits.

37. A comprehensive code analysis shall be provided at the building permit application submittal showing compliance to the Building Standards Code including but not limited to with respect to all exiting requirements, construction type, allowable area, allowable height, allowable stories, exit travel distance, exit separation, number of occupants, number of required exits, widths of stairs and doors, common path of travel, exterior exit stairway, occupancy separation, fire rating, exit passageway, etc. Occupancy/area separations shall be delineated on the plans based on CBC Table 508.4 (i.e. subterranean garage, retail/ residential occupancies, building separations).

During Construction

38. Hours of construction shall be limited to the following: 7:00 AM to 7:00 PM Monday through Saturday, no work on Sundays and Holidays. All construction workers shall be respectful of the surrounding neighborhood and keep non-construction-related noise to a minimum prior to, during, and after permissible construction hours.
39. All staging and storage of construction equipment and materials, including the construction dumpster, shall be on-site only. The Property Owner must obtain written permission from adjacent property owners for any construction staging occurring on adjacent property.
40. Compliance with the following noise standards shall be required at all times:
  - a) No construction equipment shall be operated without an exhaust muffler, and all such equipment shall have mufflers and sound control devices (i.e., intake silencers and noise shrouds) that are no less effective than those provided on the original equipment;
  - b) All construction equipment shall be properly maintained to minimize noise emissions;
  - c) If any construction vehicles are serviced at a location on site, the vehicle(s) shall be setback from any street and other property lines to maintain the greatest distance from the public right-of-way and Noise Sensitive Receptors;
  - d) Noise impacts from stationary sources (i.e., mechanical equipment, ventilators, and air conditioning units) shall be minimized by proper selection of equipment and the installation of acoustical shielding as approved by the Director of Community Development or/and the Building Official.
  - e) Stationary source equipment (i.e., compressors) shall be located to maintain the greatest distance from the public right-of-way and Noise Sensitive Receptors.
41. In the event multiple citations are issued in connection with the Project for violations of these Conditions of Approval or other violations of the AHMC, Project construction

shall be stopped until such time that it is determined to the satisfaction of the Community Development Director, that causes of such violations have been eliminated or corrected and that the Project will be able to proceed in full compliance with these Conditions of Approval and the AHMC.

Prior to TCO/CO issuance

42. Successfully complete all required inspections as determined by the Building Official.
43. Obtain all approvals and sign-offs from other City Departments/Divisions and outside agencies.

**ENGINEERING/PUBLIC WORKS DEPARTMENT**

44. Prior to permitting, all required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the City Engineer for review and approval.
45. For all work within a public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include, but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc., shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available by contacting the Public Works Department at 818-597-7322.
46. Prior to permitting, the applicant shall pay all applicable Transportation Impact Fee (TIF) to the Building and Safety Department.
47. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.
48. Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
49. The grading plan shall show location(s) of all Oak trees, if any, within the vicinity of the site. The applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval, if any.

50. The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
51. Prior to permitting, the applicant shall submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer.
52. Prior to permitting, the project shall obtain a permit from the Los Angeles County Fire Department and Las Virgenes Municipal Water District.
53. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. The applicant shall contact the Engineering Department at 818-597-7322 for approved City certification forms.
54. This project shall grind the top 2" of Asphalt Concrete (AC) pavement for the entire parcel frontage, construct a new concrete driveway approach, replace any damaged sidewalk during construction, construct new 8 inch sewer main line from project site to sewer trunk line under Dorothy Drive, construct 6" sewer lateral to connect to new sewer main line under Chesebro Road, construct all water appurtenances per Las Virgenes Municipal Water District, install new striping per the approved plan and repair any striping damaged during construction.
55. The following existing streets being cut for new services or being finished with curb and gutter will require an asphalt concrete overlay: Chesebro Road along the project frontage.
56. This property is within the LVMWD service area. The applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.
57. No sewer line is available for direct connection in front of this parcel. Applicant's Engineer shall prepare an improvement plan for a sewer main extension to provide 0.4% minimum grade and connect to trunk sewer line under Dorothy Drive east of Chesebro Rd.
58. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.
59. The applicant shall submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.



60. Prior to the approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
  - a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  - b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  - c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  - d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes and covering erosion susceptible slopes.
61. Prior to issuance of Certificate of Occupancy, all remaining fees/ deposits required by the Engineering Department must be paid in full.
62. Prior to issuance of Certificate of Occupancy, all requirements including construction of improvements covered in condition number 54 must be completed to the satisfaction of the City Engineer.
63. The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. *Please note that no final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless MYLAR, Record (As-built) Drawings, satisfactory to the City, are submitted.*
64. All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.
65. Upon receiving the Title Report, if conflicts/issues arise regarding recorded documents over the property, applicant shall take all measures necessary, as

directed by the City Engineer, to resolve said conflicts/issues. All conditions are to be complied with and to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

## **GEOTECHNICAL**

66. The applicant shall comply with all recommendations of the geotechnical investigation report prepared by A.G.I. Geotechnical, Inc. ("A.G.I.") dated November 4, 2021, response to the City of Agoura Hills Geotechnical Review Sheet (GeoDynamics, Inc.) dated September, 23, 2022, and the City Geological/Geotechnical Consultant's (GeoDynamics, Inc.) recommendation and comments dated November 26, 2022.

## **LANDSCAPE**

67. Final Landscape Plans shall substantially conform to the landscape plan, dated May 7, 2024, prepared by BPA Landscape Architects (Landscape Conceptual Plan, Sheet LPP.1), as approved by the City of Agoura Hills Planning Commission.
68. Location and material of paved surfaces, accessory structures, walls and fences, landscape features and other site improvements shown on the Final Landscape Plans shall substantially conform to those shown on the plans approved by Planning Commission.
69. Prior to the approval of a grading permit, the applicant shall submit an electronic copy of Final Landscape Plans for review by the City Landscape Consultant and approval by the Community Development Director. A California Landscape Architect with a current license shall prepare, stamp and sign the plans. The Plans shall be submitted with a copy of the following approved plans: Architectural Site Plan, Building Elevations and Final Grading Plan. Conditions of Approval shall also be submitted with the Landscape and Irrigation Plans.
70. The Planting and Irrigation Plans shall meet the requirements of the State Model Water Efficient Landscape Ordinance and Division 8, Chapter 6, Article IX of the Agoura Hills Municipal Code. Plans shall include Compliance Statements per State MWELO, California Code of Regulations Chapter 2.7 Model Water Efficient Landscape Ordinance §492.7(b)(6)&(7), which include:
  - a. "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"
  - b. Signature of the licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system
  - c. Completed and approved irrigation plans shall be submitted to Las Virgenes Municipal Water District.

71. At the time of the Final Landscape Plans submittal, the project Landscape Architect shall provide the City with written confirmation that the civil engineering drawings have been reviewed and that the Landscape Plan is not in conflict with the requirements of the National Pollutant Discharge Elimination System (NPDES) or Low Impact Development Standards (LID) .
72. Planting Plans shall indicate the botanical name, the plant container sizes and spacing. The minimum size of trees shall be fifteen (15) gallon. The minimum size of shrubs shall be five (5) gallons, except shrubs planted as groundcovers or as accent planting, may be one (1) gallon size. Plant sizes may be increased on some projects at the discretion of the Community Development Director. Plant symbols shall depict 75 percent of the size of the plant at maturity. Palm trees are not permitted in the City of Agoura Hills. All plant material shall be compatible with Sunset's Climate Zone 18.
73. The Final Landscape Plans shall include the following:
  - a. A note stating that the project Landscape Architect shall inspect and certify in writing that the landscape installation is in conformance with the approved Landscape Plans prior to final city inspection.
  - b. A table indicating the total square footage of the landscape area within the project.
74. The Final Irrigation Plans shall be provided separate from, but utilizing the same format as, the Planting Plans. The Final Irrigation Plans shall include calculations that demonstrate the irrigation design hydraulically works given the static and working design pressure of the system.
75. With the Final Landscape Plans, an electronic copy of plans, details, and specifications shall be provided, addressing, but not limited to, layout, planting, soil preparation, tree staking, guying, installation details and post installation maintenance.
76. The approved landscape shall be continually maintained in a healthy state. Plants that die and plants that are damaged shall be immediately replaced with originally specified material.
77. Invasive non-native plants that can threaten the local wildland ecosystems are not permitted. These plants are listed in the California Invasive Plant Inventory published by the California Invasive Plant Council.
78. All planting areas shall receive a three (3) inch layer of coniferous bark mulch. Mulch to be kept away from tree and shrub crowns. Mulch areas to be dressed to present a clean uniform appearance when complete.
79. The Final Landscape Plan shall be approved by the Fuel Modification Unit of the County of Los Angeles Fire Department prior to the issuance of a building permit.

80. Landscape improvements, planting, and irrigation installation shall be subject to inspection and approval by the Planning Department prior to final building permit inspection.
81. Erosion control shall be applied to all planting areas on slopes greater than 4:1.
82. The final planting plan shall include native plants to cover at least 50% of the planting areas. Only 25% of the planting area may be designated as medium or high water use plantings, designations per the State Model Water Efficient Landscape Ordinance. Planting area statistics to be provided.
83. All planting areas to be planted with a mix of trees, groundcover and shrubs.

### **OAK TREE**

84. The project shall be limited to the encroachment to one oak tree as described in the Oak Tree Letter (Lancaster, August 15, 2022). Any work within the Protected Zone above and beyond those described shall be approved by the City prior to encroaching the oak trees.
85. All conditions stated in City's Oak Tree Preservation Guidelines, Section V, Standards for performance of required work (pages 1048-1057), shall be implemented.
86. In the event that any oak tree dies or otherwise requires removal as a result of the Project, the tree shall be replaced with a minimum of four replacement oak trees. The final number, size, and species of the replacement trees shall be at the discretion of the City and shall include at least two 24-inch box specimens and one 36-inch box specimen.
87. Prior to the start of any work or mobilization at the site, a fencing plan shall be prepared in accordance with the City's Oak Tree Preservation Guidelines, Section V, Standards for performance of required work (see subsection 1.1 on page 1052) and submitted to the City for review and approval by the City's Oak Tree Consultant. The City's Oak Tree Consultant shall verify the installation of protective fencing prior to the start of construction activities.
  - a. Because the subject oak tree occurs on the neighboring property, protective fencing may be installed insofar as the Protected Zone extends onto the subject property. 48-hour written notice to the City is required before any work is to begin within the Protected Zone.
88. Onsite documentation. The following information must be located and permanently retained on the construction site at the start of grading operations. The superintendent will be required to call the Planning Division to request an inspection and to verify that the information is located on site.

- a. Oak tree report - All present and proposed modifications.
  - b. Oak tree location map.
  - c. Oak tree fencing plan.
  - d. Oak tree permit and all present and future modifications.
  - e. Approved grading plans approved by the city engineer and oak tree consultant. Stamped set approved by the Community Development Department.
  - f. Permit and tract conditions: A copy of the approved permit and tract conditions, and all current and future modifications approved by the department of planning and community development.
  - g. Oak tree ordinance.
  - h. Oak tree preservation guidelines.
  - i. Approved planting and irrigation drawings.
89. All work within the Protected Zone of an oak tree may be conducted with hand tools only.
90. All work performed within the Protected Zone shall be conducted in the presence of an oak tree preservation consultant, subject to verification by the City's oak tree consultant.
91. Any cut roots regardless of size must be treated with a City-approved compound before improvements are installed.
92. Roots over three (3) inches may only be cut with city approval. All root pruning shall consist of clean cuts and forty-five-degrees using sterilized tools.
93. No irrigation or ground cover shall be installed within the Protected Zone of any existing oak tree unless specifically approved by the City Oak Tree Consultant and the Community Development Director.
94. No vehicles, equipment, materials, spoil or other items shall be used or placed within the Protected Zone of any oak tree at any time except as specifically required to complete the approved work.
95. Prior to the removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree within 2 weeks of the site inspection.
96. No herbicide shall be used within 100 feet of the dripline of any oak tree unless the program is first reviewed and endorsed by the City Oak Tree Consultant.
97. Certification of oak tree work. All the oak tree work required by the condition of the development permit and the Oak Tree Permit, as applicable, shall be verified in a

letter prepared by the developer's oak tree preservation consultant within five working days of the completion of said work.

## **SOLID WASTE MANAGEMENT**

98. 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 65% 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 Planning Department 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.
99. The project shall comply with the City's Waste Reduction & Recycling 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 to and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
100. 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