

CONDITIONS OF APPROVAL (Case Nos. 06-CUP-005 and 06-OTP-008-Gray)

STANDARD CONDITIONS

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. 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.
3. 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.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. 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.
6. 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.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. 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.
9. 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.
10. A minimum of two (2) enclosed parking spaces shall be provided on the subject property, in conformance with the City Parking Ordinance. A minimum interior clear space of 20 feet by 20 feet must be maintained within the garage.

11. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
12. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
13. 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.
14. Unless Conditional Use Permit Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008 are used within two (2) years from the date of City approval, these permits will expire. A written request for a one-year extension may be considered prior to the expiration date.
15. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$2.63 per square foot.
16. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
17. 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.
18. 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.
19. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. Plans for the required system shall be approved by the Fire Department prior to the issuance of Building Permits for the residence.

ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

General

20. All improvement plans, including, but not limited to, street, grading/drainage, 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.
21. 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.
 22. A soils report shall be prepared and submitted in accordance with the Agoura Hills Guidelines for geotechnical/geological reports.
 23. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Engineering Department prior to issuance of the final Certificate of Occupancy.
 24. A title report is required to be submitted with the project plans. The plans shall show all proposed and existing easements.
 25. Submit cost estimates of public improvements to City Engineer for approval prior to issuance of a grading permit.
 26. The developer/owner shall pay all applicable fees and deposits prior to issuances of the grading permit, building permit, and certificate of occupancy.
 27. A Transportation Impact Fee (TIF) in the amount of \$2,440 is due prior to issuance of Certificate of Occupancy.

Grading

28. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code, as modified. Cut and fill slopes shall be limited to 25 feet in height.
29. Detailed grading/drainage plan stamped and signed by a California Registered Civil Engineer. The grading/drainage plan shall be prepared using existing benchmark datum and clearly show existing and proposed contour lines. The plan shall also show: existing oak trees, pad and finish floor elevations, all retaining and/or block walls, which shall be limited to 6 feet in height, and street improvement limits/cross sections. The grading/drainage plan shall show existing grades, other off-site improvements for a minimum of 100' outside of the property boundaries, all existing and proposed utilities, and all utility connections from the street to the site, all existing and proposed easements, and all property lines.

30. 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.
31. Prior to approval of foundation by Building & Safety Department, applicant shall submit a grading report as outlined in Section 3304.20 of the City's Municipal Code. Report information shall include, but is not limited to, building pad and grade certifications. Building pad certifications must be completed by the applicant's project Civil Engineer. Grade certifications must be completed by the applicant's Civil Engineer and Geotechnical Engineer and/or Geologist. All certifications must be signed and stamped by State licensed professionals.
32. 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

33. Submit a drainage study 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).
34. 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.
35. 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, subject to approval by the City Engineer. The plan will demonstrate treatment of the first ¾" of rainfall, as required by the Model Program.
36. 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.

Traffic

37. The applicant shall improve Fairview Place along property frontage to provide for a minimum of 26-foot paved width, 8-foot equestrian trail per the Old Agoura standards, and asphalt curb or a 3-foot wide inverted shoulder, as recommended

by a State-licensed Civil Engineer to ensure runoff is maintained within the roadway. The roadway section shall be 4" asphalt concrete minimum on top of crushed aggregate base, as recommended by the geotechnical and/or civil engineer, subject to the review and approval of the City Engineer.

Utilities

38. The applicant shall obtain plan approval for septic system purposes by the L.A. County Department of Health prior to issuance of grading permit.
39. The applicant shall submit evidence to the Building Official that all sewer and water fees have been to Las Virgenes Municipal Water District (LVMWD) and Los Angeles County prior to issuance of a building permit.

GEOTECHNICAL CONDITIONS

40. The applicant shall comply with all of GeoDynamics, Inc.'s (The City's of Agoura Hills' Geotechnical Consultant) Conditions of Approval letter dated July 31, 2006.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees

41. The applicant is permitted to encroach within the protected zone of Tree Number 12, outside of the dripline, for construction access only.
42. The applicant is permitted to encroach within the protected zone of Tree Number 19 to construct the required equestrian trail along Fairview Place. The applicant is also permitted to prune the tree for clearance over the new equestrian trail to provide a vertical clearance of fourteen feet (14'). Additionally, it is recommended that three co-dominant branches be reduced by one-third (1/3) to encourage the tree to adopt a more vertical form.
43. All authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
44. All other oak trees shall be preserved in place with no direct impacts.
45. It is recommended that the applicant implement remedial actions as recommended in the Addendum to the Oak Tree Report as prepared by Peter Bogue Designs. Mr. Bogue's recommendations should be implemented as follows:

- a. Tree Number 1 through 6, 9, and 19 - Prune existing stubs to just outside the branch collar in accordance with “The Pruning Standards of the Western Chapter of the International Society of Arboriculture”.
 - b. Tree Numbers 7 and 12 each present large trunk cavities. A professional tree care firm should be retained to determine the extent of decay associated with the cavities, the remaining structural integrity, and the risks, if any, associated with preserving these trees in a developed residential environment.
 - c. Tree Number 7 also presents crossing branches and some branch damage. One of each set of the crossing branches should be removed as well as any severely damaged limbs in danger of breaking. The professional tree care firm should assess the branching structure and damage and recommend mitigation measures.
 - d. A prior cut condition exists uphill of Tree Numbers 7, 8, 10 through 15, and 18. No action should be taken, as filling the depressions now could cause more harm than benefit.
 - e. Tree Number 10 presents a water trap at the branching point. The report recommends that a professional tree care firm drill a channel from the low point of the water trap at an incline to the surface of the trunk. This is an outdated process and this recommendation shall be eliminated.
 - f. Tree Number 10 shows indication of infestation or disease at a height not clearly visible from the ground. The professional tree care firm should assess the cause and propose mitigation measures.
 - g. Tree Number 11 presents minor branch cavities. The professional tree care firm should assess the need for removal of cabling of individual branches.
 - h. Tree Number 12 has a piece of wire cable embedded in the trunk. The professional tree care firm should assess the possibility of removing the cable without causing significant damage.
 - i. Tree Numbers 16 and 17 have numerous large galls on the trunks of major limbs. The professional tree care firm should inspect the galls to determine their cause and recommend treatment accordingly.
 - j. Tree Number 17 is infected with mistletoe which shall be removed by the professional tree care firm experienced with removal of this parasite.
46. Prior to the start of any work or mobilization at the site, each oak tree to be preserved shall be fenced at the edge of the protected zone or at the approved work limits, in accordance with Article IX, Appendix A, Section V.C.1.1. The City Oak Tree Consultant shall approve the fencing locations.

47. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start of any approved work within the protected zone of an oak tree.
48. No grading, scarifying or other soil disturbance shall be permitted within the portion of the protected zone of any oak tree not directly impacted by the project construction.
49. 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.
50. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
51. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
52. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree at that time.
53. No herbicides shall be used within one hundred feet (100') of the dripline of any oak tree unless the program is first reviewed and endorsed by the City Oak Tree Consultant.
54. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

Landscaping

55. Prior to the approval of grading 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-four inches (24") 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
 - 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
56. The Planting Plan shall indicate the botanical name and size of each plant.
57. Plant symbols shall depict the size of the plants at maturity.
58. 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.

59. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
60. 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.
61. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
 - h. Design and static pressures
 - i. Point of connection
 - j. Backflow protection
 - k. Valves, piping, controllers, heads, quick couplers
 - l. Gallon requirements for each valve
62. 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.
63. 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
64. The Old Agoura Overlay District requires the use of locally native, drought-resistant landscape plantings. The final planting scheme must have a naturalistic appearance to preserve the rural character of the Old Agoura area.
65. Proposed plant material may not be considered invasive in the Santa Monica Mountains, as it could negatively impact the adjacent natural area. Lists of exotic material can be obtained from the California Native Plant Society and/or the California Exotic Pest Plant Council.
66. Native, drought resistant plants shall be utilized on the graded slope in accordance with the Old Agoura Design Overlay District requirements.
67. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.

68. The plans shall also be prepared in accordance with the Fuel Modification Guidelines of the Los Angeles County Fire Department.

FIRE DEPARTMENT CONDITIONS

69. The applicant shall comply with all conditions of the Los Angeles County Fire Department prior to the issuance of a building permit.

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

70. 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.
71. 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, or final inspection if issuance of a certificate of occupancy is not applicable.
72. 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.

SPECIAL CONDITIONS

73. 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.

74. Detailed plans shall be submitted for all walls and fences on the property and shall be subject to review and approval by the Director of Planning and Community Development.
75. The driveway and hardscape surfaces shall consist of permeable or semi-permeable materials approved by the Director of Planning and Community Development.
76. Prior to the issuance of a grading permit the applicant shall obtain approval of a landscaping fuel modification plan from the Los Angeles County Fire District. A copy of the Fire District's approved plan shall be submitted to the City Planning Department.
77. 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.
78. Any new building or structure shown on the approved Site Plan shall be subject to approval of a Conditional Use Permit from the Planning Commission.

END