

CONDITIONS OF APPROVAL (Case Nos. 03-CUP-020 and 03-OTP-019)

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. 03-CUP-020 and Oak Tree Permit Case No. 03-OTP-019 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.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees Permit

20. The applicant is permitted to remove Tree Number 1 and to encroach within the protected zone of Tree Number 2 in order to complete the proposed road improvements on Fountain Road.
21. To mitigate the loss of Tree Number 1, the applicant shall plant replacement oak trees onsite prior to occupancy. At least four (4) new oak trees shall be planted, to include one (1) thirty-six inch box size *Quercus agrifolia* and at least two (2) twenty-four inch (24") box size *Quercus agrifolia*. The sum of the calipers of the trees planted shall be at least equal to that of the tree removed, which shall be measured at forty-two inches (42") above natural grade and verified by the City Oak Tree Consultant prior to its removal.
22. Prior to issuance of grading permits, the applicant shall modify the project grading plan to eliminate encroachment within the protected zone of Tree Numbers 3a, 3b, 3c, 3d, 3e, 3f, 3g, 4, 4a, 4b, and 5. The final grading design shall be subject to the review and approval of the City Oak Tree Consultant.
23. Tree Numbers 6, 7, 8, and OS-1 shall be preserved in place with no encroachments.
24. The species, quality and planting locations and methods of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.
25. All mitigation oak trees shall be maintained in perpetuity. Should any of the mitigation oak trees die, they shall be replaced in accordance with the provisions of the Oak Tree Preservation and Protection Guidelines.
26. The applicant shall provide a forty-eight (48) hour written notice to the Director and to the project oak tree consultant prior to the start of any work within the protected zone of any oak tree.
27. All approved work conducted within the protected zone of any oak tree shall be performed in the presence of the project oak tree consultant and verified by the City Oak Tree Consultant.
28. Unless otherwise approved by the City Oak Tree Consultant, all work performed within the protected zone of any oak tree shall be accomplished with the use of hand tools only.
29. Prior to the start of any mobilization or construction activities on the site, a chain link fence shall be installed at the edge of the protected zone and/or the approved work limits for all oak trees to remain on site. The fencing shall be completed in strict accordance with Article IX, Appendix A, Section V.C.1.1 of the City of Agoura Hills Oak Tree Preservation and Protection Guidelines. The City Oak

- Tree Consultant shall approve the fencing location subsequent to installation and prior to the start of any mobilization or work on the site.
30. 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.
 31. No pruning of live wood shall be permitted unless specifically authorized by the City Oak Tree Consultant. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
 32. No irrigation or planting shall be installed within the dripline of any existing or new oak tree unless specifically approved by the City Oak Tree Consultant.
 33. 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.
 34. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within five (5) 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.
 35. Other than dead wooding, no pruning may be performed on the subject trees unless specifically approved by the City Oak Tree Consultant.

Landscaping

36. 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
 - 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
37. The Planting Plan shall indicate the botanical name and size of each plant.
38. Plant symbols shall depict the size of the plants at maturity.
39. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
40. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
41. 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.
42. 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
43. 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.
 44. 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
 45. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
 46. The plan calls for all the slopes to be hydroseeded with Red Fescue. This is inconsistent with the requirement for native and drought tolerant plantings as required in the Old Agoura Overlay Zone. A substitution must be made for this plant.
 47. The project site contains areas of viable Coastal Sage Scrub. Prior to commencement of construction, the applicant shall meet with the City Landscape Consultant to identify areas to be preserved by fencing to the limit of work with chain-link fencing. The fencing shall remain in place until the completion of construction.
 48. The project biologist must calculate the amount of Scrub Oak Habitat area to be removed. To mitigate for the loss of this habitat, the applicant shall restore an area of non-native weeds within the site to native species. The acreage of the area to be reclaimed shall be at least equal to that developed. The applicant should refer to the project biological inventory for appropriate species. The restoration program shall include the following:
 - a. Retain a consulting biologist/restoration specialist to prepare a five-year plan for native plant restoration on the site.
 - b. Preserve existing native vegetation. Identify native material and flag it prior to weed removal activities.
 - c. Remove non-native vegetation from the areas slated for native plantings.

- d. Monitor the germination rate of the seeded areas, and perform non-native weed eradication, as necessary for a period of five years.
49. The Old Agoura Overlay District requires the use of locally native, drought-resistant landscape plantings. The final planting scheme, especially with respect to slope plantings, must have a naturalistic appearance to preserve the rural character of the Old Agoura area.
50. 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. The proposed plant palette contains *Schinus molle* and *Ulmus parvifolia*, both of which are considered invasive. Substitutions must be considered.

PUBLIC WORKS/ENGINEERING DEPARTMENT CONDITIONS

General

51. 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.
52. 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.
53. 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.
54. 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.
55. All block walls and retaining walls shall be limited to six feet in height.
56. A title report is required to be submitted with the project plans. The plans shall show all proposed and existing easements.

Grading

57. All grading shall conform to City's Grading Ordinance and Chapter 33 of the Uniform Building Code, as modified.
58. A site grading plan shall be submitted for review and acceptance by the City Engineer and shall conform to the City's grading ordinance. The plan shall be signed and stamped by a California registered engineer. The plans, among other details, shall show all easements, proposed drainage facilities and all utility lines. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Guidelines for Geotechnical and Geological Reports in the City of Agoura Hills.
59. 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.
60. 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 project Civil Engineer and Geotechnical Engineer and/or Geologist. All certifications must be signed and stamped by State-licensed professionals.
61. 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

62. A final Hydrology Report 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).
63. A Storm Water Pollution Prevention Plan (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.

64. Prior to the issuance of a grading permit, the applicant shall file a Notice of Intent (NOI) and the SWPPP with the State Water Resources Control Board, and provide written documentation thereof to the City Engineer.
65. 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 reviewed and approved by the City Engineer.
66. 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. Maintenance of the culvert under Fountain Place shall be indicated within the document as well.
67. Drainage improvements on private property shall be continually maintained, repaired and replaced by the property owner.
68. The applicant shall improve the culvert under Fountain Place per the hydrology report's recommendations, and include conveyance of street flows, subject to the review and approval of the City Engineer. Prior to issuance of a grading permit, the applicant shall cause the downstream (across Fountain Place) property owner to authorize construction of the proposed drainage improvements via signature on the grading plans or separate letter. This facility will remain a private drain and be maintained in perpetuity by the owner of the applicant's property.
69. Should the downstream property owner not authorize the construction of the proposed improvements on his property, the applicant shall improve only the inlet to the culvert under Fountain Place, which is on his property, and cause its acceptance of street flows, subject to the review and approval of the City Engineer. This facility will remain a private drain and be maintained in perpetuity by the owner of the applicant's property.
70. In concert with the previous condition, prior to issuance of a grading permit, an irrevocable offer of a drainage easement shall be prepared by a State-license Civil Engineer or Surveyor and submitted for review and approval by the City Engineer. Applicant shall cause the recording of said easement with the Los Angeles County Recorder's Office prior to issuance of a Certificate of Occupancy.

Traffic and Roadways

71. Prior to issuance of the Certificate of Occupancy, the applicant shall pay a Transportation Impact Fee of \$2,440, based upon a single-family residence.

72. Prior to issuance of a grading permit, the applicant shall prepare all the necessary documents to dedicate an additional 12 feet of public road right-of-way for Fountain Place, subject to the review and approval of the City Engineer. Said documents shall be recorded with the Los Angeles County Recorder's Office prior to issuance of the Certificate of Occupancy.
73. The applicant shall improve Fountain Place from his westerly property line to Foothill Drive in accordance with Old Agoura Road Standards. The half-street improvements shall include a 13-foot paved travel lane and a 3-foot inverted drainage shoulder, subject to review and approval of the City Engineer.

Utilities

74. 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.
75. Prior to issuance of a building permit, the applicant shall submit evidence of approval for the septic system from the Los Angeles County Health Department.

FIRE DEPARTMENT CONDITIONS

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

ENVIRONMENTAL CONDITIONS

77. The applicant shall comply with each mitigation measure listed in the Mitigated Negative Declaration and outlined in the Mitigation Monitoring and Reporting Program prepared for the project, dated June 2006.
78. A list of all project conditions of approval and mitigation measures found in the Mitigated Negative Declaration shall be included, along with a signed copy of the Resolution, on the construction plans submitted prior to issuance of a Grading or Building Permit.

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

79. 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.

80. 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.
81. 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

82. 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.
83. 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.
84. 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. Garden walls and retaining walls shall be of split-face block.
85. The applicant shall provide a permeable or semi-permeable driveway surface for the driveway leading to the main residence and the accessory structure subject to review and approval by the Director of Planning and Community Development and the Fire District.

86. 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.
87. 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.
88. Any new building or structure not shown on the approved Site Plan shall be subject to approval of a Conditional Use Permit from the Planning Commission.

END