

RESOLUTION NO. 04-1312

A RESOLUTION OF THE AGOURA HILLS CITY COUNCIL
UPHOLDING THE DECISION OF THE PLANNING COMMISSION
AND APPROVING CONDITIONAL USE PERMIT CASE NO. 03-CUP-018

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

Section 1. An application was duly filed by HBF Holdings, LLC with respect to real property located on the north side of Canwood Street, between Kanan Road and Clareton Drive, Lot 8 of Tract No. 53752, (Assessor's Parcel No. 2048-011-033), requesting approval of a Conditional Use Permit (Case No. 03-CUP-018) to construct an 88,109 square foot, 125-unit hotel. A public hearing was duly held on December 18, 2003 at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing. On December 18, 2003, the Planning approved Conditional Use Permit Case No. 03-CUP-018 on a 5-0 vote, subject to conditions, per Resolution No. 765.

Section 2. An appeal of the Planning Commission's approval of Conditional Use Permit Case No. 03-CUP-018 was filed by Council Member John Edelston on January 2, 2004, with respect to property described in Section I hereof. The appellant, Council Member Edelston, appealed the decision of the Planning Commission for the following reasons: 1) Greater consideration is needed to the impact additional traffic will have on those residing in communities along Canwood and Kanan Roads, as well as to Chesebro Road, if the hotel is opened before the Kanan/101 Freeway interchange is completed; and 2) More consideration must also be given to any potential negative impact on the City that the Planning Commission, by its own admission, did not have the authority to address during the public hearing. A public hearing on the appeal was duly held and public testimony given on January 28, 2004 at 7:00 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given.

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

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

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The property is located in the Commercial Retail Service (CRS) zone and Freeway Corridor Overlay zone. The project provides for hotel use, which may be permitted in the CRS zone, subject to the issuance of a Conditional Use Permit.

B. The proposed use, as conditioned, is compatible with the surrounding properties in that a hotel is a permitted use within the CRS zone, subject to issuance of Conditional Use Permit. The building design, materials and colors are compatible with the Oak Creek apartment complex located to the north within the same tract and with the overall architectural design concept approved for the J.h. Snyder mixed use development project. The project meets or exceeds all development standards, including yard areas, building height, parking and lot coverage. Also, the potential mass of the project is mitigated through the design of four separate buildings that encompass 24% of the parcel, which is below the 60% building lot coverage allowed for the zone.

C. The proposed use, as conditioned, and the condition in which it will be maintained will not be detrimental to the public health, safety, or general welfare. The project will be developed in full compliance with all Building Code and measures identified in the Mitigation Monitoring Program, which was developed as part of the tract EIR and in the EIR Addendum prepared for this project. From the perspective of the California Environmental Quality Act (CEQA), traffic impacts associated with the hotel project are fully mitigated. The property owner's contribution to traffic improvements will allow the City to begin construction of the 101 Freeway interchange improvements at Kanan Road and the realignment of Canwood Street, which will serve traffic on Canwood Street and Kanan Road, will be completed prior to completion of the hotel's construction.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The projects meets the development standards of the CRS and FC zones relative to required yard areas, building height, off-street parking, lot coverage and landscape coverage. The height of the buildings will not exceed the 35-foot height limit of the zone, and the buildings will be placed 81-96 feet from the front yard property line, in excess of the minimum 35-foot front yard requirement of the zone

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Two hotels are located within the city. Both existing hotels are located near the Agoura Road/Reyes Adobe Road intersection and are more than one mile away from the project site and only one existing hotel in the City offers extended stay suites.

F. The proposed uses, as conditioned, are consistent with the goals, objectives and policies of the General Plan. Goal No. 1 of the General Plan Land Use Element calls for the provision of a mix of land uses which meet the diverse needs of the Agoura Hills residents, offers a variety of employment opportunities, and allows for capture of regional growth. The proposed project will provide for a visitor-serving commercial use, which is a policy of attaining this General Plan goal.

Section 5. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt an Addendum to the certified Final Environmental Impact Report (EIR) prepared for Tract 53752 (J.h. Snyder Mixed Use Development Project). Based upon the initial study, public comments and record before the City Council, the City Council finds that the Addendum to the Final EIR identifies potentially significant effects for which the feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The City Council reviewed the information contained in the Addendum to the Final EIR in considering the application and found that the Addendum to the Final EIR was prepared pursuant to the California Environmental Quality Act. The Addendum to the Final EIR represents independent judgment of the City of Agoura Hills. As approved, the project will not have a significant effect on the environment. The City Council hereby adopts the Addendum to the certified Final EIR for Tract 53752 and the mitigation monitoring plan.

Section 6. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 03-CUP-018, subject to attached conditions, with respect to the property described in Section I herein, and denies the appeal.

PASSED, APPROVED and ADOPTED this 28th day of January, 2004, by the following vote to wit:

AYES: (4) Corridori, Kuperberg, Reinhardt, Weber
NOES: (1) Edelston
ABSTAIN: (0) None
ABSENT: (0) None

Dan Kuperberg, Mayor

Carol E. Tubelis, City Clerk

CONDITIONS OF APPROVAL (Case Nos. 03-CUP-018)

STANDARD CONDITIONS

1. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the City Council on January 28, 2004: Site Plan, Building Elevation Plans, Floor Plans, Roof Plans, Building Section and Cross Section Plans, Grading Plans and Landscape Plans.
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth in the Conditional Use Permit.
6. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
7. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If overhead utilities of 66 KV or greater exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.
8. If required, the applicant shall provide road markers opposite the existing or proposed fire hydrants serving the property to the satisfaction of the City Engineer.
9. A minimum of one hundred and twenty five (125) parking spaces shall be provided on the subject property, at least five (5) of which shall be designated for handicap parking. All parking spaces shall include wheel stops and the spaces

shall be of standard size and pinstriped, in conformance with the City Parking Ordinance.

10. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
11. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
12. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
13. Unless Conditional Use Permit Case No. 03-CUP-018 is used within two (2) years from the date of City approval, the permit will expire. A written request for a one-year extension may be considered prior to the expiration date.
14. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
15. Prior to the issuance of Grading Permit or Building Permits, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.34/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
16. The applicant shall pay to the City the applicable Fire District Developer Fee prior to the issuance of Building Permits. The current fee is \$0.3716/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.
17. Prior to the issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.

OAK TREE AND LANDSCAPING CONDITIONS

18. Prior to the issuance of any permits, the applicant shall submit and obtain approval of a revised Oak Tree Report and an amendment to existing Oak Tree Permit 01-OTP-005 to address potential direct impacts to the oak tree on the adjacent property to the east.
19. The applicant shall incorporate mitigation measures into the project to address potential direct impacts to the oak tree on the adjacent property to the east to the satisfaction of the City Oak Tree Consultant.
20. The FC overlay requires that naturalistic and native landscaping, particularly native oaks, are to be used throughout the development. The applicant shall develop a final preliminary landscape plan to meet this objective, subject to review and by the City Landscape Consultant and the Director. The final landscape and irrigation plan shall be subject to approval by the Planning Commission prior to issuance of a building permit.
21. The final landscape plant palette shall utilize local California native plants and cultivars wherever appropriate and feasible.
22. All plant material shall be considered compatible with Sunset Zone 18.
23. No plant material considered invasive in the Santa Monica Mountains shall be included within the final plant palette.
24. Prior to the approval of building permits, the applicant shall submit three (3) sets of detailed 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
 - h. The Planting Plan shall indicate the botanical name and size of each plant.
25. Plant symbols shall depict the size of the plants at maturity.
 26. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
 27. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
 28. 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.
 29. 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
 30. 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.

31. 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
32. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
33. Unless otherwise approved by variance, a twenty-foot (20') deep landscape planter shall be provided along the right-of-way. No other use or storage may be placed within this area.
34. Unless otherwise approved by variance, parking lot planters shall have a minimum width of six feet (6') where parking abuts one side and a minimum width of eight feet (8') where parking abuts both sides.
35. Wherever feasible, undulating mounding shall be providing along the right-of-way having a minimum elevation variation of thirty inches (30").
36. Shade trees shall be provided to create fifty percent (50%) canopy coverage over the parking lot, including driveways and aisles, within fifteen (15) years after installation. Light standard locations shall be designed to minimize conflict with these trees.
37. In addition to any oak trees required for mitigation purposes, the landscape plan shall include six (6) twenty-four inch (24") box size oak trees.
38. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
39. Poor landscape practices such as topping, hedging and "lollipoping" shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City Landscape consultant.
40. The final plant palette shall strongly emphasize native trees and shrubs. Native oaks and sycamores shall comprise the majority of the tree palette. The use of ornamental species shall be limited to the entry and immediately surrounding the building. The overall goal is to landscape the developed portion of the site such that it virtually disappears into the natural terrain.

41. Additional contouring/landform grading, native plant material revegetation and application of native hydroseed mix to the slopes shall be employed to further mitigate the visual impacts of the proposed cut and fill slopes.
42. The Landscape Plan shall incorporate trees near the southern corners of the building to provide vertical relief. Also, a majority of the tree species located along the Canwood Street frontage should be native species.
43. The applicant shall use reclaimed water for irrigation unless otherwise specified by the Las Virgenes Municipal Water District. If reclaimed water is not presently available, the applicant shall install a dual-water irrigation system that can be converted to reclaimed water unless otherwise specified by the Las Virgenes Municipal Water District.

PUBLIC WORKS DEPARTMENT CONDITIONS:

General

44. All improvement plans, including, but not limited to, grading and drainage 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.
45. 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.
46. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.
47. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.

48. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.
49. All block walls and retaining walls shall be limited to six feet in height.

Grading

50. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.
51. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.
52. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
53. All off-site work shall require written permission from the affected property owner prior to beginning said work.

Drainage

54. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.
55. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner.

56. Prior to the issuance of a grading permit, the applicant shall submit a Local Storm Water Pollution Prevention Plan (SWPPP) that shall be subject to approval by the City Engineer. The applicant shall incorporate the Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles. This will require treatment of the first 0.75 inches of surface runoff during a rainstorm.
57. 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 storm water discharges from the construction site during the construction period and after construction as required.
58. All onsite drainage, including ingress/egress driveways, shall be directed into a City approved stormwater pollution prevention device.

Utilities

59. 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.
60. Sewer facility plans shall be designed and constructed by the applicant. The applicant shall provide evidence that all connection fees have been paid prior to issuance of a building permit.
61. Prior to issuance of a grading permit, the applicant shall submit to the City a Certificate of Compliance – Lot Line Adjustment for review and approval. The lot line adjustment is necessary to arrange the property so that the entire development can be constructed onto one lot.

FIRE DEPARTMENT CONDITIONS

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

PLANNING CONDITIONS

63. Any one room/unit cannot be occupied in excess of thirty (30) consecutive days by any one individual.

64. The rooms of the hotel are intended for intermittent occupancy. The use of any room in the hotel for residency is prohibited and may result in revocation of the Conditional Use Permit.
65. The hotel meeting room shall only be used by overnight guests of the hotel and used only during the daytime hours (prior to 5:00 p.m.). However, if a reciprocal parking agreement is in place with the adjacent commercial property owner(s) to the west, as approved by the City, the meeting room may be utilized during evening hours by individuals who are renting the meeting room and not staying overnight at the hotel.
66. If any significant changes as determined by the Director of Planning and Community Development are proposed in the number or location of the proposed retaining walls, an amendment to the Conditional Use Permit shall be submitted to the Planning Commission for review and approval.
67. A pre-construction conference shall be held prior to the issuance of a grading permit with all construction personnel involved with the grading operations. A procedure shall be established to handle any complaints received from the surrounding property owners or residents of the City during the grading and construction operations. Applicant shall deposit funds with the City necessary to cover costs of the City hiring an environmental mitigation monitor.
68. Roof-mounted mechanical equipment is prohibited. All roof vents shall be subject to review and approval by the Director of Planning and Community Development.
69. Prior to issuance of a building permit, the applicant shall provide locations and construction details for all transformer locations proposed for the project for approval by the Director of Planning and Community Development. The transformers shall be screened from public view by their locations and extensive landscape screening.
70. Prior to the issuance of a building permit, the applicant shall submit a comprehensive sign program for the project for review and approval by the Planning Commission. Prior to the Planning Commission's review of the sign program, J.h. Snyder Company shall submit a comprehensive sign program concept for all of the commercial lots within the tract, for review and approval by the Planning Commission.

71. Prior to submitting plans into plan check for a building permit, and in addition to complying with the requirements of the adopted Mitigation and Monitoring Program for this project, the applicant shall provide an exterior lighting fixture detail plan and photometric plan for review and approval by the Planning Commission. The plan shall comply with the City's lighting design standards and guidelines. Roof-mounted lighting is prohibited and wall-mounted lights are discouraged but may be considered by the Planning Commission upon review of a lighting fixture detail plan and photometric plan. The light fixtures related to any proposed signs shall not exceed the following requirements:
- i. For fluorescent source – maximum 4-430 milliamp tubes.
 - ii. For neon source – 30 milliamp tubes.
 - iii. For incandescent source – 2-40 watt floods.

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

72. Pursuant to Municipal Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit an arts plan for the buildings which meets the requirements set forth by the City Council, for review and approval by the Director of Planning and Community Development. Prior to the issuance of occupancy for the buildings, the artwork shall be constructed and thereafter displayed for public view in a location approved by the Director of Planning and Community Development. If the approved art display is not maintained in good condition, or is altered without the permission of the Director of Planning and Community Development so that the improvements no longer conform to the approved arts plan, the certificate of occupancy may be revoked and the owner of the property on which the improvement is located shall be deemed to have committed a misdemeanor.
73. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.
74. On-site decorative paving shall be provided at the driveway entrance serving the site and on the pedestrian pathways located between the buildings within the parking areas. The color, materials, length and location of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.

75. 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.
76. 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.
77. The applicant shall comply with all building material samples approved by the Planning Commission. Prior to final painting and final application of stone veneer on the buildings, the applicant shall provide color samples on the building wall for review and approval by the Director of Planning and Community Development.
78. Location and design details for all proposed walls and fences shall be provided for review and approval by the Director of Planning and Community Development, prior to the issuance of a grading permit. Garden walls and retaining walls shall be of split-face block.
79. Prior to the issuance of a building permit, the applicant shall specify the color of the wrought iron gates and fence around the swimming pool and include a decorative support base on the fence posts, subject to review and approval by the Director of Planning and Community Development.
80. The Grading Plan shall specify proposed paving materials and include a note that refers to the Landscape Plan for specific landscape materials shown on the Grading Plan.
81. Prior to the issuance of a grading permit the type and purpose of the utility pad area shown in the landscape planter near the south corner of the property shall be identified by the applicant and shall be subject to review and approval by the Director of Planning and Community Development.
82. The location and design of the air conditioning unit vent covers shall be subject to review and approval by the Director of Planning and Community Development prior to issuance of a building permit.
83. Prior to the issuance of a building permit, the applicant shall submit the location and screening details of all ground-mounted mechanical equipment for review and approval by the Director of Planning and Community Development.

84. Satellite dish antennas shall be screened from view from the parking lot and adjacent roadways, including the freeway. The location and screening methods proposed for installation of a satellite dish shall be subject to review and approval by the Director of Planning and Community Development.
85. Prior to grading or building permit issuance, the applicant shall post a bond for construction of future on-site pedestrian amenities (e.g. walkways and pergolas) that will link with approved walkways on Lot 7 of Tract 53752. The cost of the improvements and design and the bond amount shall be reviewed and approved by the Director of Planning and Community Development. The applicant agrees to construct the pedestrian amenities when requested by the City.
86. Prior to issuance of a grading permit, the property owner shall enter into and record a legally binding reciprocal parking and access covenant approved by the City Attorney with the commercial lots of the tract.
87. Except as otherwise approved herein, the applicant shall comply with all conditions of approval for Tentative Tract Map No. 53752 and Conditional Use Permit Case No. 01-CUP-009.
88. The applicant shall comply with all mitigation measures within the Mitigation Monitoring Program adopted for the certified Final Environmental Impact Report (EIR) for Tentative Tract Map No. 53752. The applicant shall also comply with all mitigation measures within the adopted Addendum to the certified Final EIR. 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.
89. The applicant shall work with the Planning Department staff to achieve greater separation between the one-story lobby building and the building to the east of it. Revised plans showing this shall be reviewed and approved by the Director of Planning and Community Development prior to issuance of building permits.

END