

CONDITIONS OF APPROVAL (Case Nos. 07-CUP-011 and 07-OTP-020)

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, and Grading 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. 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 this permit is 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.
14. 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.
15. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$2.97 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. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$ 0.9223 per square foot of new floor area.
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 approved grading plan and construction plan, resolution, conditions of approval, and a color and material board shall be on site at all times during the construction of the project.
20. 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.
21. All retaining walls, if proposed, shall consist of materials subject to review and approval by the Director of Planning and Community Development.

22. Vehicle routes and access to the property for construction purpose shall be subject to review and approval by the City Engineer.
23. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 7:00 a.m. or any Sunday or holiday.
24. The applicant and delegated contractors shall participate with City staff in a pre-construction meeting prior to issuance of a grading permit. Any change in the construction team shall be reported to the Building and Safety Department in a timely manner.
25. It is 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.

ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

26. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)
 - A. General
 - 26.01 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.
 - 26.02 Applicant shall pay a Transportation Impact Fees (TIF) to the Building and Safety Department in the amount of \$2,440 prior to the issuance of the Certificate of Occupancy.
 - 26.03 All existing street and property monuments within or abutting this project site shall be preserved. 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.
 - 26.04 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.
 - 26.05 Grading Plan shall show location(s) of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.

- 26.06 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.
- 26.07 Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies:
- Los Angeles County Health Department (Provide written documentation showing septic system approval).
 - Las Virgenes Municipal Water District.
- 26.08 Building Permits shall not be issued until all graded areas (including building pad) have been certified for compaction and elevation, to the City's satisfaction. Contact Engineering Department @ 818.597.7322 for approved City certification forms.
- 26.09 Provide a preliminary title report not older than 30 days.
- 26.10 All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code.
- 26.11 Vacate the following street or easement: 20-foot Slope Easement along property frontage.
- 26.12 Any/all work affecting existing easements (i.e.: LVMWD, SCE, etc.) shall require written documentation confirming the respective utility purveyor's approval. This requirement shall be completed prior to constructing any work that affects said easements.

B. Public Improvements

- 26.13 The applicant shall improve Balkins Drive along property line to provide for a minimum of 20-foot paved width, and a 3-foot inverted shoulder, as recommended by a State-licensed Civil Engineer to ensure runoff is maintained within the roadway. The roadway sections shall be 4" asphalt concrete minimum on top of 6" crushed aggregate base, unless otherwise recommended by the geotechnical and/or civil engineer. Improvements shall be reviewed and approved by the Fire Department, and then the City Engineer.
- 26.14 This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.

C. Sewer

- 26.15 No sewer line is available for direct connection. Applicant shall obtain DHS approval for septic system prior to grading permit issuance, and shall provide written documentation to City showing DHS approval.

D. Water

- 26.16 All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.

E. Drainage/Hydrology

- 26.17 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 is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.

F. Stormwater Quality (NPDES)

- 26.18 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:

1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
2. 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;
3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
4. 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.

- 26.19 Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) shall be submitted to and approved by the Engineering Department. The SUSMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.
27. PRIOR TO CERTIFICATE OF OCCUPANCY
- 27.01 All remaining fees/ deposits required by the Engineering Department must be paid in full.
- 27.02 All requirements including construction of improvements covered in Section 2, must be completed to the satisfaction of the City Engineer.
- 27.03 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.*
- 27.04 The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: www.agoura-hills.ca.us.
- 27.05 Other Conditions: Upon receiving Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as directed by City Engineer, to resolve said conflicts/issues. All items listed are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

BUILDING AND SAFETY

28. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. Plans for required system shall be approved by the Fire Department prior to the issuance of Building Permits for the residence. Fire Sprinklers are required per Section 904.2.9 of the Agoura Hills Building Code.
29. The City Building Code requires that a minimum setback of structure to toe of slope per Agoura Hills Building Code, Section 1806.5.3 shall be demonstrated. Minimum setback from a descending slope is $H/2$, ($1/2$ the vertical height of the slope, including portions not on property), or provide the equivalent protection determined by the soils engineer. This deviation will need to be verified by the City Soils Engineer and approved by the Building Official.
30. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Section 6402.1.
31. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
32. Projects shall demonstrate the use of Class-A roofing material.
33. Preliminary and final site plan and construction plan shall show location of A/C condensing units or other HVAC equipment located on or around structure.
34. Building Permits shall not be issued until grading is approved and City Fire District and all other Departments' requirements have been satisfied.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees

35. The applicant is permitted to remove Oak Tree A to construct the project as proposed.
36. To mitigate the loss of Oak Tree A, the applicant shall plant the following replacement oak trees within the site:
 - a. At least four (4) *Quercus agrifolia* (Coast Live Oak)
 - b. At least two (2) of the four trees must have a minimum size of twenty-four inch (24" box
 - c. At least one (1) of the four trees must have a minimum size of thirty-six inch (36" box

37. To mitigate for the loss of the eighteen (18) Oak trees that have produced stump sprouts, the applicant shall plant three (3) additional twenty-four inch (24") box size Oak trees within the site.
38. The applicant is permitted to encroach on Oak Trees Number 1, 2, 9, and 11 to construct the project as shown on the approved plans.
39. All other Oak trees shall be preserved in place with no direct impacts.
40. The planting locations, species and quality of all mitigation Oak trees are subject to the approval of the City Oak Tree Consultant.
41. The mitigation Oak trees shall be maintained in perpetuity. Should any of the mitigation Oak trees decline or die, they shall be replaced in accordance with the provisions of the Oak Tree Preservation and Protection Guidelines.
42. 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.
43. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start approved work within the protected zone of an Oak tree.
44. 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 per the approved plans.
45. 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. All approved excavation performed within the protected zone of any Oak tree shall be performed with hand tools under the direct supervision of the applicant's Oak tree consultant
46. Prior to occupancy, each Oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
47. Any fertilization of the Oak trees should be based on actual soil tests from the site. Fertilization is generally not necessary unless serious deficiencies are evident in the leaves.
48. 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.
49. 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.

50. 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.
51. 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.
52. 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

53. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements; subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development.
 - 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
54. The Planting Plan shall indicate the botanical name and size of each plant.
55. Plant symbols shall depict the size of the plants at maturity.
56. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
57. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
58. 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.
59. 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
60. 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.
61. 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

62. 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.
63. The final landscape plan shall generally conform to the Planting Plan prepared by L. Newman Design Group, Inc. dated May 7, 2008 July 16, 2008.
64. Where coastal sage scrub vegetation was previously cleared from the site, California native plants and non-native weeds and grasses are currently re-sprouting in these areas. If, at the time of issuance of a building permit, fifty percent (50%) coverage with California native coastal sage scrub vegetation is achieved within these areas, no further action is required other than the continued protection of these plants. However, if fifty percent (50%) coverage has not been achieved, the applicant shall be required to hydraseed the disturbed area with an approved mix of California native shrubs, grasses and forbs. This planting must then be monitored for a period of two years following planting.
65. The landscape plan 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. 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.
66. 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.
67. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.

FIRE DEPARTMENT CONDITIONS

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

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

69. 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.
70. 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.
71. 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

72. All proposed retaining walls shall consist of split-faced block or other decorative materials, subject to review and approval by the Director of Planning and Community Development.
73. No portion of the residence shall exceed thirty-five (35) feet in height.

END