

REPORT TO CITY COUNCIL

DATE: AUGUST 13, 2008

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: ADOPTION OF RESOLUTION NO. 08-1491, APPROVING CONDITIONAL USE PERMIT CASE NO. 06-CUP-007 AND SIGN PERMIT CASE NO. 06-SP-037, WHICH IS A REQUEST TO CONSTRUCT FIVE (5) DETACHED BUILDINGS TOTALING 33,680 SQUARE FEET IN SIZE FOR RETAIL AND RESTAURANT USE – “SHOPS AT OAK CREEK,” AND A REQUEST FOR A SIGN PERMIT FOR THE PROJECT’S PROPOSED SIGN PROGRAM (DANARI OAK CREEK, LLC, APPLICANT)

Based on direction given on June 25, 2008, staff is requesting the City Council adopt Resolution No. 08-1491, overturning the Planning Commission’s decision and approving Danari Oak Creek, LLC’s Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037 to develop five (5) detached buildings totaling 33,680 square feet in size for retail and restaurant use. The 5.7-acre commercially zoned site is located within the Oak Creek tract on the north side of Canwood Street, east of Kanan Road and west of Clareton Drive, at 28941-29145 Canwood Street.

The City Council conducted public hearings on April 23, 2008 and June 25, 2008, to consider an appeal by the applicant of the Planning Commission’s denial of the project. Upon review of the revised plans at the June 25, 2008 meeting, the City Council directed staff to return with a resolution of approval and conditions for the City Council to adopt. The attached conditions of approval that staff has prepared include the four specific conditions requested by the City Council: 1) At the June 25, 2008, City Council Meeting, the City Council deferred approval of the size of the “focal” oak tree in the parking lot planter, west of the creek, to the City Oak Tree Consultant. Accordingly, the City Oak Tree Consultant has reviewed the plans and finds that a 96-inch box size oak tree is feasible and appropriate, and a condition to this effect is included; 2) Hardscape, landscape and trellis requirements within the patio area north of Building A will be subject to review and approval by the Director of Planning and Community Development; 3) The style and placement of the light fixtures on the Canwood Street bridge railing will be subject to approval by the Director of Planning and Community Development; and 4) Building C-1, east of the creek, will be required to be located on the north end of the lot, as depicted in the alternative site plan presented to the City Council on June 25, 2008.

RECOMMENDATION

Based on direction given on June 25, 2008, it is recommended the City Council adopt Resolution No. 08-1491, approving Conditional Use Permit No. 06-CUP-007 and Sign Permit Case No. 06-SP-037, subject to conditions.

Attachment: Resolution No. 08-1491, and conditions of approval

RESOLUTION NO. 08-1491

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, OVERTURNING THE PLANNING COMMISSION'S DENIAL AND APPROVING CONDITIONAL USE PERMIT CASE NO. 06-CUP-007 AND SIGN PERMIT CASE NO. 06-SP-037

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

Section 1. An application was duly filed by Danari Oak Creek, LLC, with respect to the real property located at 28941-29145 Canwood Street (Assessor's Parcel Nos. 2048-011-(049-053) and 2048-011-061), requesting approval of a Conditional Use Permit to construct five detached buildings totaling 33,680 square feet in size for retail and restaurant use, and requesting approval of a Sign Permit for the project's sign program. Public hearings on the request were duly held by the Planning Commission on December 6, 2007, and February 21, 2008, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearings was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings. On March 6, 2008, the Planning Commission denied Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037 on a 2-0 vote (Chairperson O'Meara and Commissioner Nouzille abstained, Commissioner Buckley Weber was absent), subject to conditions, per Planning Commission Resolution No. 926.

Section 2. An appeal of the Planning Commission's denial of Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037 was filed by Danari Oak Creek, LLC, on March 19, 2008, with respect to the property described in Section 1 hereof. Public hearings on the appeal were duly held by the City Council and public testimony was given on April 23, 2008 and June 25, 2008, 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 public hearings was duly given.

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

Section 4. Pursuant to Section 9673.2.E and 9655.5 of the Agoura Hills Zoning Ordinance, the City Council finds as follows:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The property zoning designation and General Plan Land Use designation allows for development of a restaurant and retail center and the proposal meets the development standards for the CRS-FC (Commercial Retail Service - Freeway Corridor Overlay) zones relative to building height, lot coverage, and landscape coverage.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The proposed restaurant and retail center is an allowed use within the Commercial Retail Service zone. The craftsman building design, earthtone colors, and natural materials are compatible with the surrounding commercial and residential development. Although portions of the finished floor elevations are located above adjacent street grade, the buildings will be situated below the residential property to the north.

C. The proposed use and the condition in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. Access to the property will be via three separate driveways and a public sidewalk located on Canwood Street. The proposed number of on-site parking spaces serving the project will meet the City's Zoning Ordinance requirement. The varied roof lines of the buildings and the buildings' proximity to neighboring residences will preserve the light, air, privacy and open space to the surrounding neighboring parcels. The proposed project is within the maximum building coverage standards for the Commercial Retail Service zone.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The single-story buildings meet the 35-foot building height limitation for structures within the zone. Building lot coverage is below the maximum allowed for the zone and the project will provide landscape coverage that meets or exceeds the minimum requirement.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Although existing restaurant and retail centers are located on Canwood Street and Kanan Road in close proximity to the project site, the restaurant, and retail center will allow for a range of shopping and consumer opportunities to meet the needs of the City residents, as called for in the Economic Development Element of the General Plan.

F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The project design maintains and enhances the community identity and development quality for the City and its neighborhoods, as called for as Goal No. 2 of the General Plan Land Use Element. The site planning of the buildings and proposed exterior spaces favorably consider features that are of a human scale and encourage pedestrian activity. Also, the site plan incorporates sufficient areas of open space in the development project, including pedestrian spaces, sidewalks, and usable open space to maintain a sense of openness in developed areas, as called for in Policies 2.7 and 2.8 of the General Plan Land Use Element.

G. The applicant has revised the plans from what was denied by the Planning Commission by reorienting Building B-1, relocating Building C-1, and providing an increased amount of on-site pedestrian areas and hardscape materials.

H. The proposed concept sign program, as conditioned, is consistent with applicable provisions of this Zoning Ordinance as it relates to the Sign Ordinance. The sign program preserves and enhances the visual appearance of the City by organizing signage on commercial properties and incorporating new design elements that are compatible in materials and scale with the project.

I. The style and materials proposed for the concept sign program, as conditioned, are in general keeping with the architectural style of the building and similar projects in the vicinity.

J. The proposed concept sign program, as conditioned, is consistent with applicable provisions of the Zoning Ordinance as it relates to the Sign Ordinance. The sign program generally meets the approved Design Guidelines with regard to illumination methods, legibility, contrast, and colors.

Section 5. The project involves the proposed development of retail and restaurant use on a 5.71 acre site. A Final Environmental Impact Report (EIR) was prepared for the J.h. Snyder Company mixed use development project dated May, 2002, which includes this proposed site among contiguous other parcels. A Development Agreement was prepared between the original project applicant and the City of Agoura Hills in July of 2002. The project is vested per the Development Agreement that was approved by the City Council. The proposed project is generally consistent with the project analyzed in the prior EIR, and is consistent with the Commercial Retail Service zoning for the site. The project has been vested by the Final EIR and the execution of a Development Agreement, and no additional environmental analysis per the California Environmental Quality Act is required of the City.

Section 6. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 06-CUP-007 and Sign Permit Case No. 06-SP-037 as shown in the revised plans submitted to the City Council on June 25, 2008, including the approved alternative site plan for Buildings C-1 and C-2, which includes Building C-1 located on the north end of the property, subject to the attached conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED, and ADOPTED this 13th day of August, 2008, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL (Case Nos. 06-CUP-007 and 06-SP-037)

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 Plan: Building Elevation Plans, Floor Plans, Roof Plans, Grading Plans, Landscape Plans, and Site Plans (including Alternative Site Plan for Buildings C-1 and C-2 presented to the City Council on June 25, 2008).
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 271 parking spaces shall be provided on the subject property, at least eleven (11) 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.

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10. The applicant shall install bicycle racks within the project area. The number and location of bicycle racks shall be subject to approval by the Director of Planning and Community Development.
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 to 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-007 and Sign Permit Case No. 06-SP-037 are 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.
15. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
16. 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 \$0.47/gross square foot for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
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 \$0.9223/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.
18. 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 per \$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.
19. 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.

LANDSCAPING CONDITIONS

Landscaping

20. 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, and rock outcroppings
- h. The Planting Plan shall indicate the botanical name and size of each plant.
21. Plant symbols shall depict the size of the plants at maturity. Tree spacing, specifically, shall be adjusted to allow for optimum growth of each tree species.
 22. The final plans shall not include any palm species.
 23. All parking lot finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) stalls apart.
 24. All planters must have a minimum width of four feet (4'). Planters along the south side of the buildings along Canwood are too small to support trees. Larger planters would enable small trees to grow along the edges of the patios, through the proposed trellis.
 25. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
 26. The plans shall provide for the planting of one (1) twenty-four inch (24") box-size oak tree per fifteen thousand (15,000) gross square feet of building area.
 27. 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. 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.
 28. Proposed light standard locations shall be depicted on the planting plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Consultant.
 29. The Irrigation Plan shall be provided separate from, but utilizing the same format as, the Planting Plan.
 30. 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.

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31. 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
32. 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.
33. 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
34. 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.
35. A minimum of fifteen percent (15%) of the total lot shall be landscaped.
36. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
37. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including parking spaces, driveways, and aisles, shall be covered by tree canopies within fifteen (15) years after installation. The applicant shall submit an exhibit that demonstrates how this requirement has been met.
38. In accordance with the Freeway Corridor Overlay District, the final plant palette and arrangement along the outer borders of the project must reflect a more naturalistic and native theme, emphasizing native oak trees.

39. All plant material must be considered compatible with Sunset Zone.
40. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
41. Poor landscape practices such as topping, hedging, and “lollipopping” shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City Landscape consultant.

PUBLIC WORKS/ENGINEERING DEPARTMENT CONDITIONS

The following conditions are required with this permit:

Prior to Permitting (Grading, Building, Encroachment, Etc.)

42. This project requires a Lot Line Adjustment to be processed.
43. 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.
44. Provide a copy of proposed Covenants, Conditions, and Restrictions (CC&R's), as applicable to the project, to the City Engineer for review and approval of the City Attorney. These CC&R's shall ensure, among things, common ingress and egress, joint maintenance of all common access parking areas, utilities, and drives as applicable to the project.
45. For all work within the public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include, but are not limited to, street, water, sewer, storm drain, lighting, signing, and striping, etc., shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet Las Virgenes Municipal Water District (LVMWD) standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at: www.ci.agoura-hills.ca.us.
46. All existing street and property monuments within or abutting this project site shall be preserved, consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's Office.

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47. Detailed onsite 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 City Engineering Department until this detailed utility information is included on the plans.
48. The Grading Plan shall show the location(s) of all Oak trees within the vicinity of the site. The applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
49. The applicant shall submit electronic files (i.e. CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
50. The applicant shall submit a soils/geology report to the project engineer for review and approval in accordance with Government Code Section 66434.5 as required by the City Engineer.
51. Prior to the issuance of permits from the Engineering Department, this project will require a permit from the following agencies: 1) Los Angeles County Flood Control District; 2) FEMA; and 3) Las Virgenes Municipal Water District.
52. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. The applicant shall contact the Engineering Department for approved City certification forms.
53. The applicant shall provide a preliminary title report not older than thirty (30) days.
54. The applicant shall provide detectable warnings on all on-site and/or off-site ramps or walks where pedestrian (with visual disability) are required to enter hazardous vehicular areas.

Public Improvements

55. The applicant shall design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. Such public improvement on Canwood Street may include, but not be limited to, the following: 1) Replace damaged curb and gutter; 2) Provide a new retaining curb along the sidewalk to combat mud and silt migration from newly created ground slopes.

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The final design of the curb shall be reviewed and approved by the City at Plan Check stage; 3) Provide/add detectable warning (truncated domes) on all existing curb ramps in compliance with ADAAG and 2007 CBC requirements; 4) Provide trees and landscaping in the parkways; 5) Provide new street lights along the entire frontage on Canwood Street; 6) Provide lateral(s) for sewer service; 7) Provide all water appurtenances per Las Virgenes Municipal Water District standards; 8) Provide storm drain catch basins; 9) Modify traffic signage and striping; 10) Underground overhead utilities in compliance with the Municipal Code; and 11) Provide ADA compliant access to the Oak Creek apartments on the north side of Parcel 5, in-lieu of stairs.

56. Canwood Street will be cut for new services or be finished with curb and gutter and may require an asphalt concrete overlay.
57. This property is within the LVMWD service area. The applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.

Sewer

58. An 8-inch sewer line is available for connection by the project in Canwood Street (Ref. Sewer Plan Dwg. # CO2-0488-10).
59. The applicant shall use existing laterals, whenever provided, for connection to the public sewer system.

Water

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

Hydrology

61. 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.
62. Post-development flow shall not exceed the pre-development condition. Any excess flow shall be detained onsite by approved methods.
63. Post development flows shall not adversely alter the current natural condition of Medea Creek. Additional measures, as approved by the City Engineer, may be required if determined necessary at Plan Check stage.

Stormwater Quality (NPDES)

64. Prior to approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to, and approved by, the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
 - A. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - B. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff.
 - C. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
 - D. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded area during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
65. 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 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.
66. All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction permit to the Engineering Department.

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67. All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: www.cabmphandbooks.com and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.
- A. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - B. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff.
 - C. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
 - D. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded area during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

Traffic

68. The westerly driveway, west of Building A, shall be restricted to right and left-turn vehicular movement in, and right-turn only vehicular movement out. All applicable signage shall be subject to the City Engineer's approval prior to issuance of a Building Permit.

Prior to Certificate of Occupancy

69. All remaining fees/deposits required by the Engineering Department must be paid in full.
70. All requirements including construction of improvements covered in Section 2, must be completed to the satisfaction of the City Engineer.

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71. The applicant's Engineer shall submit a set of **MYLAR**, Record (as-built) Drawings, for offsite 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 the City's inspection prior to scheduling of final inspection for acceptance of the improvements. 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.
72. The applicant shall record a covenant for continued stormwater maintenance, using City-approved forms, with Los Angeles County. An electronic copy of this document is available on the City's website at: www.agoura-hills.ca.us.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

73. Each handicap parking stall must be located at the closest possible location to the building entrance and shown on the site plan.
74. The applicant shall note on the site plan the total number of on-site parking spaces, handicap parking spaces, and van-accessible parking spaces.
75. The required accessible path of travel from the public right-of-way (sidewalk) to the site and between the buildings shall be shown and noted on the site plan and grading plan.

FIRE DEPARTMENT CONDITIONS

76. 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

77. 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.

78. 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.
79. 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.

PLANNING DEPARTMENT/SPECIAL CONDITIONS

80. 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.
81. Roof-mounted mechanical equipment shall be screened from public view and views from adjoining properties in a manner that is architecturally compatible with the buildings and subject to review and approval by the Director of Planning and Community Development.
82. 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.
83. Prior to submitting plans into plan check for a building permit the applicant shall provide an exterior lighting photometric plan for review and approval by Director of Planning and Community Development. 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.

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84. Pursuant to Municipal Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit a public art plan for the buildings which meets the requirements set forth by the City Council, for review and approval by the City Public Art Committee. 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 Public Art Committee. If the approved art display is not maintained in good condition, or is altered without the permission of the Public Art Committee 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.
85. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.
86. 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, as shown on the approved Site Plans. The color, materials, length, and location of the decorative paving shall match the materials approved by the City Council.
87. 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.
88. 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.
89. The applicant shall comply with all building material samples approved by the City Council. 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.
90. 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.
91. 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.
92. 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.

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93. 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.
94. Prior to issuance of a grading permit, the property owner shall enter into and record a legally binding reciprocal parking and access covenant for the five lots, subject to review and approval by the City Attorney.
95. Building C-1 is not approved with this permit, but the Alternative Site Plan presented to the City Council on June 25, 2008, is approved. Development on Parcel 6 shall be subject to approval of a Conditional Use Permit from the Planning Commission.
96. Prior to 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. The location of the temporary fences shall be subject to approval by the City Engineer. Temporary construction fencing and gates shall be maintained in good order at all times.
97. The landscaping along the frontage of Canwood Street shall be bermed as determined feasible by the City Landscape Consultant. Open rail fencing shall also be provided between the sidewalk and westerly parking lot, west of Building A.
98. All retaining walls and garden walls shall be of decorative split-face block, or similar material as approved by the Director of Planning and Community Development.
99. The applicant or property owner shall obtain the Planning Commission approval of a Sign Permit and a Building Permit from the City, prior to construction and/or installation of any tenant or monument sign. Sign colors, materials, and location shall be at the discretion of the Planning Commission.
100. All approved illuminated signs shall be illuminated by light-emitting diode (LED), subject to compliance with the City Sign Guidelines, the City Architectural Design Standards and Guidelines, and the regulations of the City Building and Safety Department.

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101. Upon installation of the signs, the intensity level of the illumination shall be subject to review and approval by the Director of Planning and Community Development. The Director may require the reduction of the intensity of illumination at any time.
102. The signs shall not be illuminated after 11:30 p.m., or after the close of business, whichever occurs last.
103. Upon removal of any wall sign, remaining holes on the building shall be patched and painted to match the building.
104. Prior to the issuance of a Building Permit, the applicant shall provide specific landscape and hardscape design details, including trellis elements, of the outdoor patio area serving Building A, for review and approval by the Director of Planning and Community Development.
105. Prior to the issuance of a Building Permit, the applicant shall provide design details for the illumination of the Canwood Street bridge railing, subject to approval by the Director of Planning and Community Development and the City Engineer. The electrical power source serving the bridge lights shall be determined by the City Engineer.
106. The applicant shall provide, at a minimum, a 96-inch box-size oak tree within the parking lot planter area, west of the creek.

END