

**CONDITIONS OF APPROVAL  
(CASE NOS. 05-SPR-010 & 05-OTP-010)**

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 this letter, 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 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 reviewed and approved by the Planning Commission on May 4, 2006 Site Plan; Elevations; Floor Plan; Roof Plan; Grading Plan; and Landscape Plan.
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 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 over-head utilities 66 KV or larger 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. 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.

## Conditions of Approval

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11. All advertising and monument signs shall be subject to the Director of Planning and Community Development approval.
12. A minimum of three hundred and eight (308) parking spaces shall be provided on the subject property. All parking spaces shall be pinstriped, in conformance with the City Parking Ordinance.
13. A minimum of twelve (12) bicycle racks shall be provided on the subject property, subject to review and approval by the Director of Planning and Community Development.
14. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
15. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
16. 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.
17. Unless these permits are used within two (2) years from the date of City approval, Case Nos. 05-SPR-010 and 05-OTP-010 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
18. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
19. Prior to the issuance of Grading Permits or Building Permits, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.42 per gross square foot of commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
20. Prior to 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.
21. All proposed trash storage areas must comply with the requirements of Zoning Ordinance Section 9606.5.

22. All Roof-top equipment shall be designed to be lower than the parapet walls. A detailed elevation showing the mechanical equipment location and height as it relates to the parapet walls shall be subject to the approval of the Director of Planning and Community Development. The location and dimensions of all proposed rooftop equipment shall be shown on the building plans and approved by the City prior to building permit issuance.
23. The applicant shall pay to the City the applicable Fire District Developer Fee prior to issuance of Building Permits. The current fee is \$0.3877 per gross square foot of commercial /industrial construction. Actual fees will be determined at the time of building permit issuance.

### ENGINEERING CONDITIONS

#### General

24. All improvement plans, including, but not limited to, street, grading, sewer, storm drain, and striping/signage plans, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.
25. 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.
26. The applicant shall acquire and obtain and pay all costs of acquiring any off-site real property and/or easements required in connection with this project prior to issuance of a grading permit.
27. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Engineering Division prior to issuance of the final Certificate of Occupancy.
28. All block walls and retaining walls shall be limited to six feet in height.
29. A title report is required to be submitted with the project plans. The plans shall show all proposed and existing easements.
30. Prior to issuance of a grading permit, applicant shall submit cost estimates of public improvements to the City Engineer for approval, on the City form, signed and stamped by a State-Licensed Civil Engineer.

Grading

31. All grading shall conform to City's Grading Ordinance and Chapter 33 of the Uniform Building Code, as modified.
32. A soils report shall be prepared and submitted in accordance with the Agoura Hills Guidelines for geotechnical/geological reports.
33. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show proposed utilities, existing and proposed easements, stormwater 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.
34. 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.
35. For any grading operations conducted between October 1 and April 15 of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.

Drainage

36. 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 the Los Angeles County Department of Public Works (LACDPW).
37. Prior to the issuance of a grading permit, the applicant shall file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the State Water Resources Control Board, and provide written documentation thereof to the City Engineer.
38. The SWPPP shall be prepared in compliance with the Development Construction Model Program for Stormwater Management within the County of Los Angeles, and shall be subject to approval by the City Engineer. The SWPPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in stormwater discharges from the construction site during the construction period, and after construction as required.
39. Prior to issuance of a grading permit, the applicant shall prepare a Standard Urban Stormwater Mitigation Plan (SUSMP), as outlined in the Development Planning Model Program for Stormwater Management within the County of Los Angeles. The plan will demonstrate treatment of the first ¾" of rainfall, as required by the

- Model Program. SUSMP hydrology and plans shall be submitted to and approved by the City Engineer.
40. A Best Management Practice (BMP) Covenant and Deed Restriction shall be prepared and recorded with the Los Angeles County Recorder's Office by the applicant prior to issuance of a Certificate of Occupancy.
  41. Prior to issuance of a grading permit, the applicant shall obtain approval and the necessary permits from the LACDPW to connect any drainage improvements to the existing flood control channel on the property, and to alter, construct in, around and/or on top of said channel, and provide evidence of such approval to the City Engineer.
  42. Drainage improvements on private property shall be continually maintained, repaired and replaced by the property owner(s).

#### Streets/Traffic

43. Agoura Road shall be designed and constructed to accommodate for two westbound/one eastbound lanes of traffic, landscaped and irrigated median islands, left turn pockets and Class II bike lanes, subject to review and approval of the City Traffic Engineer, City Engineer and Director of Community Development. Improvements are required along the property frontage, and beyond as necessary to properly provide for public health and safety.
44. Agoura Road was resurfaced in 2005 and is therefore under the City's 5-year no-cut moratorium. Any utility cuts will require full lane-width pavement replacement, subject to the approval of the City Engineer in concert with the street improvement and utility plans.
45. No driveway apron shall be constructed closer than three feet (3') from any curb return, fire hydrant, ornamental light standard, telephone or electrical pole, meter box, underground vault or manhole or tree.
46. Based upon the proposed plans and the City of Agoura Hills Municipal Code, the project's Transportation Improvement Fee will be \$585,477 (95,215 sf @ \$6.149/sf). Since Agoura Road is listed as a deficient arterial in the City's TIF Report, all improvements to Agoura Road right-of-way will be creditable against the TIF.

#### Utilities

47. Water facilities shall be designed and constructed by the applicant in accordance with the standards of Las Virgenes Municipal Water District (lvmwd). Prior to issuance of a building permit, the applicant shall provide documentation from LVMWD that all improvement requirements have been met, including fee payment.

48. Any and all existing and proposed utilities on the property or along the property frontage shall be placed underground to the next available off-site above-ground facility.

### OAK TREE/LANDSCAPE CONDITIONS

#### Oak Trees

##### Onsite:

49. The applicant is permitted to remove Oak Tree Number 85 to construct the proposed project.
50. To mitigate the loss of Oak Tree Number 85, the applicant shall plant at least four (4) oak trees within the site, to include the following three (3) trees:
  - a. Two (2) twenty-four inch (24") box-size oak trees
  - b. One (1) thirty-six inch (36") box-size oak tree
51. The applicant is permitted to encroach within the protected zone of Oak Tree Numbers 83 and 84 to construct the parking lot improvements as shown on the approved plans. This encroachment is minor and, if performed with care, should not be detrimental to the health of the trees.
52. All other oak trees shall be preserved in place.

##### Offsite:

53. The applicant is permitted to remove Tree Numbers 6 and 7 and to encroach upon Tree Numbers 133, 134 and 135 to accommodate road improvements on the south side of Agoura Road as required for this project.
54. The encroachment upon Tree Number 133 is likely to be significant, but it is anticipated that the tree can remain in place for approximately ten to fifteen years. Mitigation for this tree is therefore reduced to twenty-five percent (25%) of what would be required if the tree was to be removed at this time.
55. To mitigate for the removals and significant encroachment, the applicant shall pay a fee of \$29,030 (as calculated on the attached tables) into the City Oak Tree Mitigation Fund.

##### General:

56. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.

57. 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.
58. 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.
59. 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.
60. All approved work shall be performed with hand tools under the direct observation of the applicant's oak tree consultant.
61. 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.
62. 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.
63. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
64. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
65. All non-native plants shall be removed, by hand, from within the protected zone of Oak Tree Number 100.
66. All authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.

### Landscape

The site is located within the Business Park-Manufacturing District within the Freeway Corridor Overlay (BP-M-FC). The FC Overlay requires the use of native and naturalistic landscaping, emphasizing native oak trees. The preliminary landscape plan appears to fulfill this requirement.

67. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:

- a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - b. All plans shall be legible and clearly drawn.
  - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
  - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
  - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
  - f. The project identification number shall be shown on each sheet.
  - g. The plans shall accurately and clearly depict the following existing and proposed features:
    - Landscape trees, shrubs, ground cover and any other landscaping materials
    - Property lines
    - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
    - Buildings and structures
    - Parking areas, including lighting, striping and wheel stops
    - General contour lines
    - Grading areas, including tops and toes of slopes
    - Utilities, including street lighting and fire hydrants
    - Natural features, including watercourses, rock outcroppings
  - h. The Planting Plan shall indicate the botanical name and size of each plant.
68. 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.
69. The final plans shall not include any palm species.
70. Twenty-foot (20') wide landscaped planters shall be provided adjacent to Agoura Road and adjacent to the freeway.



71. All finger planters shall be at least eight feet (8') wide and spaced no more than ten (10) stalls apart.
72. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
73. In addition to any oak trees required for mitigation purposes, the landscape plan shall include one (1) twenty-four inch (24") box size oak tree per fifteen thousand (15,000) gross square feet of building area. According to the plans provided, seven (7) such trees will be required.
74. 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.
75. 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.
76. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
77. 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.
78. 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
79. 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.

80. 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
81. 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.
82. A minimum of twenty percent (20%) of the total lot shall be landscaped.
83. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
84. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including driveways and aisles, shall be covered by tree canopies within fifteen (15) years after installation.
85. In accordance with the Freeway Corridor Overlay District, the final plant palette and arrangement along the outer borders of the project shall be revised to provide a more naturalistic and native theme.
86. All plant material must be considered compatible with Sunset Zone 18.
87. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
88. 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.
89. Decorative landscape mounding shall be provided in the planter along Agoura Road in accordance with Article IX, Section 9373.7 – Required Landscaping, to the satisfaction of the City Landscape Architect.
90. Any new perimeter walls shall be decorative with a height of six feet (6’), subject to review and approval by the City Landscape Consultant and the Director.

#### ENVIRONMENTAL CONDITIONS

91. The applicant shall comply with each mitigation measure listed in the Final Mitigated Negative Declaration and outlined in the Mitigation Monitoring and Reporting Program dated April 2006 prepared for the project.

92. A list of all project conditions of approval and mitigation measures found in the Mitigated Negative Declaration shall be included, along with a signed copy of the Resolution, on the construction plans submitted prior to issuance of a Grading or Building Permit.

#### SOLID WASTE MANAGEMENT STANDARD CONDITIONS

93. 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.
94. 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.
95. 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

96. All interior property boundaries shall consist of a decorative fencing, such as wrought iron, subject to review and approval by the Director of Planning and Community Development as to its design and location.

97. All retaining, screen and garden walls be decorative and shall not exceed a maximum height of six feet, subject to review and approval by the Director of Planning and Community Development.
98. On-site decorative paving shall be provided at the driveway entrance serving the site and the walking pathway around the proposed buildings. The color, materials and length of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.
99. A sign program shall be submitted for review and approval by the Director of Planning and Community Development.
100. Pursuant to Code Section 9659, prior to the issuance of a Building Permit, the applicant shall submit an arts plan for the building 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 building, the art shall be constructed and thereafter displayed for view by the public 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.
101. All transformers shall be screened from view. A plan showing this shall be reviewed and approved by the Director of Planning and Community Development.
102. The applicant shall comply with the project recommendations of the City Geotechnical Consultant and the City Geological Consultant prior to submittal of plans for plan check with the Building and Safety Department.
103. 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.
104. All parking stalls shall meet the standard size requirement of being 8.5 ft x 18 ft. in length and shall be pinstriped.
105. All mitigation measures listed in the attached Mitigation Monitoring and Reporting Program shall be considered Conditions of Approval for this project.
106. Pursuant to the City's Transportation Demand Management Ordinance (Code Section 9654.4), the applicant shall show on development plans and shall provide, to the satisfaction of the City, a bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are

likely to see it. Information in the display shall include, but is not limited to the following:

- Current maps, routes and schedules for public transit serving the site;
- Telephone numbers for referrals on transportation information including telephone numbers for the regional ridesharing agency and local transit operators;
- Ridesharing promotional material supplied by commuter-oriented organizations;
- Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information; and
- A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

107. Prior to the starting construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and fence material shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material as approved by the Director of Planning and Community Development. Temporary construction fencing and gates shall be maintained in good order at all times.

END