

REPORT TO CITY COUNCIL

DATE: AUGUST 24, 2011

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DENIAL OF PROPOSED CONSTRUCTION OF TWO SINGLE-FAMILY RESIDENCES ON TWO ADJACENT LOTS ON RENEE DRIVE (CONDITIONAL USE PERMIT CASE NO. 03-CUP-022/OAK TREE PERMIT CASE NO. 05-OTP-011, AND CONDITIONAL USE PERMIT CASE NO. 03-CUP-023/OAK TREE PERMIT CASE NO. 05-OTP-012) (ASHOOR PIROUTI, APPELLANT/APPLICANT)

The request before the City Council is to consider an appeal of the Planning Commission's denial of Conditional Use Permit Case No. 03-CUP-022/Oak Tree Permit Case No. 05-OTP-011 (Lot 5), and Conditional Use Permit Case No. 03-CUP-023/Oak Tree Permit Case No. 05-OTP-012 (Lot 4), for the proposed construction of one 2,431-square-foot single-family residence on Lot 5, and one 1,874-square-foot single-family residence on Lot 4, which are two adjacent residentially zoned parcels. The Oak Tree Permits are requested for the proposed construction, specifically, to remove one (1) oak tree and encroach within the protected zone of six (6) oak trees on Lot 4, and to encroach within the protected zone of seven (7) on-site oak trees on Lot 5, and one (1) off-site oak tree. The vacant properties are located at 28454 Renee Drive (Lot 5) and 28458 Renee Drive (Lot 4), in the Indian Hills residential neighborhood. Both properties are owned by Ashoor Pirouti, the appellant and applicant.

As background, on May 5, 2011, the Planning Commission considered Mr. Ashoor Pirouti's applications at a noticed public hearing. The applicant requested that both projects be reviewed concurrently as he intended to build them at the same time. Although the project met the minimum development standards of the RS-20,000 IH (Residential Single-Family/20,000 acre minimum lot size) in the Indian Hills Overlay zone, certain Planning Commissioners expressed concern regarding potential view obstruction impacts and the possible loss of privacy. The Commission asked the applicant whether he would agree to a continuance so the project could be reviewed by the full Commission, the line-of-sight plan submitted by the applicant at the meeting can be reviewed by staff, and to explore possible changes to address comments of certain Commissioners. The applicant declined to have the public hearing continued and, instead, requested the Planning Commission vote that evening, based on the evidence before them. Upon deliberation, the Planning Commissioners were not able to reach a unanimous decision, with two votes to approve (Chair Rishoff and Commissioner Moses), and two opposed (Commissioners

Justice and O’Meara), which resulted in no decision and a de facto denial of both projects. Vice Chair Buckley Weber was absent.

On May 18, 2011, David Moss from Moss and Associates, on behalf of his client, Mr. Pirouti, filed an application for an appeal of the Planning Commission’s decision. A copy of the appeal letter (Exhibit C), with the applicant’s basis for the appeal, is attached for the Council’s review. The appellant makes assertions in the appeal letter of the Planning Commission taking action, or making a “determination.” While individual Planning Commissioners had questions and comments, technically the Planning Commission did not make a determination on the projects as the vote was 2-2. Staff would also note that the Planning Commission offered the applicant an opportunity to have the public hearing continued. However, the applicant declined the offer and, instead, requested the Planning Commission vote on the applications that evening.

As the projects’ plans presented to the City Council do not differ from those presented to the Planning Commission, staff respectfully requests the City Council refer to the attached May 5, 2011, Planning Commission staff reports (Exhibits F and G) for the project descriptions and analysis. Staff would note that the Planning Commission originally considered the development applications by this applicant on these two lots in 2005 and continued the applications for redesign. The applicant later withdrew the applications and re-submitted with redesigned plans. The following table is a summary of the projects.

LOT 4 03-CUP-023/05-OTP-12	Existing	Original Proposal	Current Proposal	Allowed/ Required
1. Lot Size	6,462 sq. ft.	Same	Same	20,000 sq. ft.
2. Lot Width	52 ft.	Same	Same	90 ft.
3. Lot Depth	116 ft.	Same	Same	100 ft.
4. Building Size				
A. House:	N/A	2,445 sq. ft.	1,874 sq. ft.	N/A
B. <u>Garage:</u>	N/A	<u>602 sq. ft.</u>	<u>616 sq. ft.</u>	N/A
Total:		3,047 sq. ft.	2,490 sq. ft.	
5. Building Height	N/A	35 ft.	35 ft.	35 ft.
6. Lot Coverage	N/A	18.5%	16.4%	35%
7. Building Setbacks				
A. Front:	N/A	25 ft.	25 ft.	25 ft.
B. Rear:	N/A	44 ft.	46 ft.	25 ft.
C. Side (East):	N/A	12 ft.	11 ft.	10 ft. min.
D. Side: (West):	N/A	10 ft.	12 ft.	10 ft. min.

LOT 5 03-CUP-022/05-OTP-011	Existing	Original Proposal	Current Proposal	Allowed/ Required
8. Lot Size	5,940 sq. ft.	Same	Same	20,000 sq. ft.
9. Lot Width	74 ft.	Same	Same	90 ft.
10. Lot Depth	83 ft.	Same	Same	100 ft.
11. Building Size				
A. House:	N/A	3,106 sq. ft.	2,431 sq. ft.	N/A
B. <u>Garage:</u>	N/A	<u>565 sq. ft.</u>	<u>568 sq. ft.</u>	N/A
Total:		3,671 sq. ft	2,999 sq. ft.	N/A
12. Building Height	None	35 ft.	35 ft.	35 ft.
13. Lot Coverage	None	24.5%	21.8%	35%
14. Building Setbacks				
A. Front:	N/A	25 ft.	25 ft.	25 ft.
B. Rear:	N/A	34 ft.	37 ft.	25 ft.
C. Side (East):	N/A	12 ft.	12 ft.	10 or 12 ft.
D. Side (West):	N/A	10 ft.	10 ft.	10 or 12 ft.

These are two pre-graded lots of 6,452 square feet in size (Lot 4) and 5,940 square feet in size (Lot 5) and both lots are considered to be legal non-conforming in that their sizes are less than the minimum 20,000-square-foot lot sizes required of this zoning district. Both lots are average in size for the neighborhood. One house is allowed per each lot, and the lots are considered to be in-fill, and not in proximity to ridgelines nor abutting, protected open space. The existing sloping topography on both lots is conducive for the two-story designs with tucked-under garages, as proposed by the applicant, and found elsewhere within the Indian Hills neighborhood. The projects comply with the development standards of the RS zone, including setbacks, lot coverage and hillside building height, and designed to minimize impacts to oak trees. The applicant proposes a design with the garage above the street, with two floors of living space above the garage and the private areas behind the house.

Staff's analysis of the development requirements of the RS zone and the proposed development criteria for each lot, including analysis of the site plan, hillside development standards, architectural design, oak trees, landscaping, and engineering, is also included in the attached Planning Commission staff reports (Exhibits F and G). Although proposed lot coverage of Lot 4 exceeds the maximum amount of hillside lot coverage (16% instead of 7.5%), the proposed lot coverage meets the 35% maximum coverage of the RS zone. The applicant has also designed the residence to meet the Hillside Ordinance height requirements, as well as meeting or exceeding the required setback distances from property lines. A total of 496 cubic yards of cut soil and 100 cubic yards of fill soil, with 339 cubic yards of export soil, will be required for construction on Lot 4, as well as the installation of two retaining walls, not to exceed six feet in height. Based on the analysis of the project Oak Tree Report, the City Oak Tree Consultant

supported the removal of one Scrub Oak tree and encroachment in the protected zone of six other Oak trees for the construction on Lot 4, subject to mitigation. Lot 5 is proposed to be developed with 21.8% lot coverage, which also exceeds the maximum amount of hillside lot coverage, but is less than the 35% maximum lot coverage of the RS zone. A total of 661 cubic yards of cut soil, 540 of fill soil, with 121 cubic yards of export soil will be required for development on Lot 5, as well as the installation of two retaining walls, not to exceed six feet in height. The City Oak Tree Consultant supports the required construction encroachment into the protected zone of seven on-site Oak trees and one off-site Oak tree. Recommended mitigation for the Oak tree impacts for the development on both lots includes the planting of four (4) Oak trees within the sites for the proposed removal of the one Oak tree, as required per the City Oak Tree Ordinance, and the planting of at least 8.5” of scrub oak trunk diameter for the proposed Oak tree encroachments.

As stated earlier, the appellant is submitting the same plans to the City Council for approval that were presented to the Planning Commission. The appellant has, however, provided a new cross-section plan (Exhibit I) of the properties in relation to neighboring parcels, to help clarify potential viewshed impacts.

According to the cross-section plans, the top of the roof on both buildings would be situated approximately 1.5 feet above the pad/finished floor elevation of the residence to the south. The heights of the proposed residences are within the height limitations of the Hillside Ordinance, which allows a maximum height of 15 feet above the average elevation of the rear yard setback line. In this instance, per the Hillside Height Ordinance, the building located on Lot 4 could have had a maximum height of approximately 7 feet above the pad/finished floor elevation of the residence to the south, rather than the approximate 1.5 feet as currently proposed. The west elevation of the westerly proposed residence would be adjacent to a façade of the neighboring house without any windows and both rear yards would be at the same elevation. With respect to the potential privacy impacts to the existing residences across the street, the dwelling units are designed with a second floor living space that would be above the properties across the street, with a view above the roof of the residences. Their rear yards are below the street and fenced with 6-foot high masonry and wood fencing, and so the line-of-sight would make it difficult to view the private outdoor areas.

Staff recommended the Planning Commission approve both projects, and now recommends the City Council approve both projects with the same conditions as staff recommended to the Planning Commission, in the new, de novo, appeal hearing, based on the findings of the attached draft resolutions.

The projects were determined by staff to be categorically exempt from the California Environmental Quality Act based on the fact these projects are residential projects proposed on in-fill lots with no variance requests.

RECOMMENDATION

It is recommended the City Council consider an appeal of the Planning Commission’s denial of Conditional Use Permit No. 03-CUP-022/Oak Tree Permit Case No. 05-OTP-011, and Conditional Use Permit Case No. 03-CUP-023/Oak Tree Permit Case No. 05-OTP-012. If the

City Council votes to approve the projects, it is recommended that attached Resolution Nos. 11-1642 and 11-1643 be adopted, subject to conditions. If the City Council votes to deny the projects, a resolution of denial will be brought back for adoption at the next earliest possible City Council meeting.

Attachments: Exhibit A: City Council Draft Resolution No. 11-1642 and Conditions of Approval
Exhibit B: City Council Draft Resolution No. 11-1643 and Conditions of Approval
Exhibit C: Appeal Application
Exhibit D: Planning Commission Project Overview (submitted by Applicant)
Exhibit E: May 5, 2011 Planning Commission Meeting Minutes
Exhibit F: May 5, 2011 Planning Commission Staff Report – Lot 4
Exhibit G: May 5, 2011 Planning Commission Staff Report – Lot 5
Exhibit H: Residents' Letters
Exhibit I: Cross-Section Plans
Exhibit J: Reduced Copy of Project Plans – Lot 4
Exhibit K: Reduced Copy of Project Plan – Lot 5

EXHIBIT A

DRAFT RESOLUTION
AND CONDITIONS OF APPROVAL
(LOT 4)

RESOLUTION NO. 11-1642

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CASE NO. 03-CUP-023, AND OAK TREE PERMIT CASE NO. 05-OTP-012

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section I. An application was duly filed by Ashour Pirouti with respect to the real property located at 28458 Renee Drive, Assessor's Parcel Number 2061-021-023 (Lot 4), requesting the approval of a Conditional Use Permit Case No. 03-CUP-023 to allow the development of a 1,874-square-foot, two-story single-family residence and a 616-square-foot attached two-car garage and the approval of an Oak Tree Permit Case No. 05-OTP-012 to remove one oak tree and encroach in the protected zone of six other oak trees. A Public Hearing was duly held on May 5, 2011, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, California, 91301. Notice of the time, date and place and purpose of the aforesaid was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on May 5, 2011. The Planning Commission voted 2-2 on Conditional Use Permit Case No. 03-CUP-022, and Oak Tree Permit Case No. 05-OTP-011 (Commissioner Buckley Weber absent), resulting in no decision and a de facto denial of the requests.

Section II. An appeal of the Planning Commission's denial of Conditional Use Permit Case No. 03-CUP-023 and Oak Tree Permit Case No. 05-OTP-012 was filed by Ashoor Pirouti on May 18, 2011 with respect to the property described in Section I hereof. A hearing on the appeal was duly held and public testimony was given on August 24, 2011, at 6:00 p.m., in the City Council chambers of the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. Notice of time, date, place and purpose of the aforesaid hearing was duly

Section III. Evidence, both written and oral, was presented to and was considered by the City Council at the aforesaid public meeting.

Section IV. Pursuant to the Agoura Hills Zoning Ordinance, the City Council finds that:

- A. The proposed use as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Residential Single-Family zone and the Indian Hills Overlay District, which allows for single-family residential development. All minimum development standards have been met with regard to setbacks, lot coverage, height and architectural guidelines.
- B. The proposed use as conditioned, is compatible with the surrounding properties. The proposed building of architectural style and building materials are compatible with the neighborhood and meet the requirements of the Indian Hills Design Overlay District.

The proposed development on the in-fill lot meets the Hillside Development Standards as well as the standards of the underlying zone relative to building height, lot coverage and grading thereby minimizing impacts to neighboring developed properties.

- C. The proposed use as conditioned, and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare. All the minimum yard setbacks will be met and the two-story residence is similar in design in height to neighboring residences. Geological, geotechnical, drainage studies and landscape plans have been provided and approved by the City Consultants.
- D. The proposed use as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project does not require any other entitlements and meets the setback, height, lot coverage of the underlying zone as well as the setback and height of the hillside development requirements. The lot was pre-graded which has caused disturbance of the natural terrain of the property. Although the proposed developed area exceeds 7.5%, the minimum setbacks and maximum lot coverage for the zone are met on a lot that is less than 35% of the minimum lot size required for the zone. The hillside would be protected with landscaping and drainage and no other structural amenities are proposed other than the main residence and retaining walls.
- E. The proposed use as conditioned, will maintain the diversity of the community by the building's rustic architecture and natural building materials. Placement of the building on this non-conforming, pre-graded lot will not negatively impact view-sheds of these properties.
- F. The proposed use as conditioned, is consistent with the goals, objectives and policies of the General Plan by preserving the high quality of the City's existing residential areas.

Section V. The City Council finds, pursuant to Section 9652.15. A of the Agoura Hills Municipal-Code which establishes special regulations for hillside development areas, that:

- A. The proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/property due to the presence of geologic, seismic, slope instability, fire, flood mud flow, erosion hazards or other hazards. Per the City Geotechnical and Geological Consultant's directions, the project can be built with conditions to alleviate potential threats to life and property. The disturbed areas of the slopes will be landscaped to prevent erosion and mud flows.
- B. The proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area. The project is an-fill development and therefore is separated from any significant protected open space areas and the project does not protrude above protected ridges and minimally blocks neighbors' views. The existing oak tree resource will be preserved at the exception of one tree.

- C. The proposed project can be provided with essential public services and is consistent with the objectives and policies of the general plan. All utility services will be brought to the parcel without interference to the existing infrastructure that houses beyond already use.
- D. The proposed development will complement the community character and benefit current and future community residents. The project is one of several new houses that contribute to the revitalization of the neighborhood.

Section VI. The City Council finds, pursuant to Section 9652.18.A of the Agoura Hills Municipal Code for hillside development areas, that:

A. The proposal is consistent with the General Plan in that the General Plan land use designation of the property is RS (Residential Single Family), which allows for the development of a single family residence in the property. The proposal also maintains the identity, scale, and character of the Indian Hills neighborhood, as called for in Goal LU-9 of the General Plan.

B. The burden of proof set forth in Section 9652.15.A has been met by the applicant, as found in Section V, above, of this Resolution.

C. The proposed development is consistent with the general design and construction standards provided in the Zoning Ordinance in the residence is designed with variations in the roofs, architectural detailing and treatment on each building elevation, and building materials and color schemes that blend with the natural landscape.

Section VII. The City Council finds, pursuant to Section 9652.13.D of the Agoura Hills Municipal Code for hillside development areas, that the project has been designed to take into consideration existing views of neighboring residences, views from scenic roadways, and the freeways. The project meets or exceeds required setbacks from property lines to minimize mass and to reduce prominence in viewshed. In addition, the viewshed of the hillside area is protected by facing the dwelling unit to the lower viewing area of the lot and locating the residence at the minimum front setback distance to avoid obstructing the view from other dwelling units.

Section VIII. The City Council finds, pursuant to Section 9607.1 of the Agoura Hills Municipal Code, that the residence will not exceed a height of fifteen feet above the average finished grade of the rear yard setback line, thereby preserving the existing viewshed.

Section IX. The City Council finds, pursuant to Section 9657.5.C.3' of the Agoura Hills Municipal Code, which establishes limitations on impacts to oak trees for the purpose of development on privately owned land, that:

- A. The proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject property. The removal of one (1) oak tree is warranted for the purpose of grading and constructing retaining walls to protect a proposed residence.

- B. The removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated. The location previously occupied by the tree will be where the new retaining wall will be built and the graded area will have no irrigation system so as to not impact nearby oak trees.
- C. The removal or relocation of the oak tree(s) proposed is necessary because the continued existence at present locations(s) prevents the planned improvement or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive or that the placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized; or that the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s). The removal is required in order to protect the new structure and because the structural improvements of the parcel must be contained within the boundaries of narrow lot.

Mitigation measures have been implemented to mitigate the loss of the oak tree through the requirement to provide for at least four (4) oak trees to be planted on-site or provide an in-lieu fee equivalent to the amount required to purchase and plant the required trees. The proposed mitigation measures for encroachment within the protected zone of four oak trees for grading purposes satisfy the Oak Tree Preservation Ordinance and the City's Oak Tree/Landscape Consultant's requirements.

Section X. The project is exempt from the California Environmental Quality Act (CEQA), per Section 15303, Class 3, Subsection (a) which pertains to the construction of a single-family residence and therefore does not require the adoption of a negative declaration or an environmental impact report.

Section XI. Based on the aforementioned findings, the City Council approves with respect to the property described in Section I herein, Conditional Use Permit No. 03-CUP-023 and Oak Tree Permit Case No. 05-OTP-012, subject to the attached Conditions,

PASSED, APPROVED, and ADOPTED this 24th day of August, 2011, by the following vote to wit:

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

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
(Case Nos. 03-CUP-023 & 05-OTP-012)

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.
2. 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 Plan, Roof Plan, Grading Plan, and Landscape Plans.
3. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
10. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.

11. 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.
12. Unless Conditional Use Permit Case No. 03-CUP-023 is used within two (2) years from the date of City approval, this permit will expire. A written request for a one-year extension may be considered prior to the expiration date.
13. 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.
14. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
15. 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 \$ 0.9296 per square foot of new floor area.
16. 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.
17. 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.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

18. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. The residence shall comply with this requirement.
19. All new or replacement windows shall be tempered on at least one side of the dual pane, or a 20 minute rated, or glass block per Section 704A.3.2.2 of the 2007 California Building Code.
20. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures need to meet the Very High Fire Hazard Severity Zone

(VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC).

21. As part of the permitting process and prior to building permit issuance, two (2) complete sets of construction plans, including Structural, Floor Plan, Title 24 including Cool Roofing, Mechanical, Electrical, Plumbing, Energy Plans, Septic Tank plans shall be submitted to Building and Safety Department for plan review and approval.
22. The project shall comply with Agoura Hills Municipal Code Section 1805.3.2 for hillside setback requirements.

ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

23. Prior to permitting, 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.
24. For all work within 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 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.
25. Prior to the issuance of a grading permit, the applicant shall pay a Transportation Impact Fee (TIF) in the amount of \$2,440 to the Building and Safety Department.
26. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. 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.
27. 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.

Conditions of Approval

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28. The grading Plan shall show location(s) of all Oak trees, if any, 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, if any.
29. Prior to permitting, 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.
30. Prior to permitting, 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.
31. Prior to issuance of permits from the Engineering Department, this project will require the applicant to obtain a permit from Las Virgenes Municipal Water District and Los Angeles County Department of Public Works Sewer Division.
32. 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 at 818.597.7322 for approved City certification forms.
33. The applicant shall extend the 8-inch main sewer line across entire property frontage.
34. Public improvements shall be designed in accordance with City Code, Specifications, approved Specific Plan, and/or approved Conditions of Approval for the area. The applicant shall install a driveway approach, extend the 8-inch main sewer line across the entire property frontage, install a sewer lateral, install all water appurtenances per LVMWD standards, and provide for a minimum of 20-foot wide paved surface with 4" asphalt concrete on top of 6" crushed aggregate base along Renee Drive, unless otherwise recommended by the soils engineer. The half-street improvements shall be provided within the applicant's property and be reviewed and approved by the City Engineer and Fire Department.
35. The section of Renee Drive across entire property fronting the project site being cut for new services or being finished with curb and gutter, may require an asphalt concrete overlay.
36. 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.
37. All off-site work shall require written permission from the affected property owner(s) prior to issuance of a grading permit. If said permission cannot be

- obtained, then applicant shall re-design the plans to ensure work is done only on applicant's property, and commit to the City in writing permission to allow the adjacent property owner(s) to construct the improvements within the private street easement in the future to provide the minimum 20-foot-wide paved surface.
38. There is no sewer line available for direct connection in front of lot 5. The closest line is a few feet north of lot 4. The applicant's Engineer shall prepare plans for a sewer main extension along the entire property frontage of lot number 5 to provide 0.4% minimum grade.
 39. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City. Prior to issuance of a building permit, the applicant shall provide documentation from LVMWD that all improvement requirements have been met, including fee payment.
 40. 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.
 41. 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; and
 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.

42. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Storm water 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 Storm water 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.
43. 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 Storm water 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 site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

Said plan shall, among other things, ensure 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; and
 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.
44. For any grading operations conducted between October 1th and April 15th of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
 45. Prior to issuance of Certificate of Occupancy, all remaining fees/ deposits required by the Engineering Department must be paid in full.

46. Prior to issuance of Certificate of Occupancy, all requirements including construction of improvements covered in Condition No. 36 must be completed to the satisfaction of the City Engineer.
47. Prior to issuance of Certificate of Occupancy, 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. *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.*
48. Prior to issuance of Certificate of Occupancy, the applicant shall record a covenant for continued storm water 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.
49. Upon receiving the Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as directed by the City Engineer, to resolve said conflicts/issues. All conditions are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

GEOTECHNICAL CONDITIONS

50. The applicant shall comply with all of GeoDynamics, Inc.'s (The City's of Agoura Hills' Geotechnical Consultant) Conditions of Approval letter dated March 6, 2007.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees:

52. The applicant is permitted to remove Oak Tree 1 to construct the approved site development plan for Lot 4. The diameter of the tree to be removed is nine and one-half inches (9-1/2").
53. The applicant is permitted to encroach within the protected zones of the following eight (8) oak trees in order to complete the approved site development program: Oak Trees 2, 3, 4, 5, 6, 11, 12, and 13.
54. No activities shall be permitted within the protected zones of the remaining five (5) oak trees, Trees 7, 8, 9, 10, and A. They shall be preserved in place with no direct impacts.

55. To mitigate the removal of Oak Tree 1, a Scrub Oak, the applicant shall plant at least nine and one-half inches (9-1/2") of diameter of new oak trees within the landscape. The applicant shall plant at least four (4) native oak trees within the site to include a minimum of (1) thirty-six inch (36") box size and two (2) twenty-four inch (24") box size Coast Live Oak trees.
56. To mitigate the significant impact to the protected zone of Oak Tree 13, a Scrub Oak, the applicant shall plant at least eight and one-half inches (8-1/2") of diameter of new oak trees within the landscape. Since Scrub Oaks are seldom available in sizes larger than fifteen gallon (15-gal) containers, it is acceptable that the required mitigation Scrub Oaks be planted from small containers.
57. The exact species, planting sizes and planting locations of the mitigation oak trees shall be subject to review and approval by the City Oak Tree Consultant.
58. All excavation within the protected zones of Oak Trees 2, 3, 4, 5, 6, 11, 12, and 13 shall be performed using only hand tools under the direct observation of the applicant's oak tree consultant.
59. Should the Director and the City Oak Tree Consultant determine that the required number of mitigation oak trees cannot be planted on the subject site in a practical fashion, equivalent alternative mitigation shall be established through the establishment of an in-lieu fee which the applicant shall pay into the City of Agoura Hills Oak Tree Mitigation Fund for the deficit. The amount of the in-lieu fee shall be based upon tree appraisal standards contained in the 9th Edition of the Guide for Plant Appraisal.
60. 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.
61. The Grading Plan shall contain a note that states that no grading will occur more than two feet (2') from the back of any proposed wall. This must be reflected on the protective fencing plan.
62. Should the applicant or any subsequent property owner wish to add a property line fence along the southerly property line, he shall go through the City of Agoura Hills Oak Tree Permit process.
63. Prior to the start of any work or mobilization at the site, each oak tree to be preserved shall be fenced with temporary chain link fencing 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.
64. The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree.

65. 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.
66. 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.
67. 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 tree trimmer under the direct observation of the applicant's oak tree consultant. Pruning operations shall be consistent with ANSI A300 Standards – Part 1 Pruning.
68. 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.
69. No irrigation or planting shall be installed within the drip line of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
70. Prior to occupancy, each existing and new oak tree shall be mulched throughout the dripline with three inches (3") of approved organic mulch—as needed to supplement natural leaf litter.
71. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the City. The certification shall describe all work performed and whether such work was performed in accordance with the above permit conditions.

Landscaping:

72. The final landscape plan shall generally conform to the approved preliminary landscape plan, as prepared by Elemental Landscapes, dated May 19, 2010.
73. 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
74. Prior to the approval of grading permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements. The plans shall be 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
75. The Planting Plan shall indicate the botanical name and size of each plant.
76. Plant symbols shall depict the size of the plants at maturity.
77. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
78. 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. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".

- c. 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.
79. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
80. 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.
81. 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
82. 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.
83. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
84. 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.
85. Plants located in the planters below the retaining walls within the protected zones of the oak trees shall be irrigated with drip irrigation or bubblers only.
86. Proposed plant material shall 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.
87. The final plant palette shall reflect a naturalistic and native theme.
88. All plant material shall be considered compatible with Sunset Zone 18.

89. Any *Ailanthus altissima* (Tree of Heaven) shall be permanently eradicated. The landscape plans shall contain a note to this effect and specify the method of eradication.
90. The Landscape Plan shall be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.

FIRE DEPARTMENT CONDITIONS

91. 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

92. 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.
93. 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.
94. 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

95. All proposed garden walls shall consist of split-faced block or other decorative materials, subject to review and approval by the Director of Planning and Community Development.
96. All proposed building retaining walls for the house shall consist of stucco facing and stone, as shown on the plans, subject to review and approval by the Director of Planning and Community Development.
97. The driveway material shall consist of decorative pavement subject to the review and approval of the Director of Planning and Community Development.
98. No roof-mounted equipment shall be permitted other than solar panels.

END

EXHIBIT B

DRAFT RESOLUTION
AND CONDITIONS OF APPROVAL
(LOT 5)

RESOLUTION NO. 11-1643

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CASE NO. 03-CUP-022, AND OAK TREE PERMIT CASE NO. 05-OTP-011

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section I. An application was duly filed by Ashour Pirouti with respect to the real property located at 28454 Renee Drive, Assessor's Parcel Number 2061-021-035 (Lot 5), requesting the approval of a Conditional Use Permit Case No. 03-CUP-022 to allow the development of a 2,431 square-foot, two-story single-family residence and a 568 square-foot attached garage and an Oak Tree Permit Case No. 05-OTP-011 to encroach in the protected zone of 8 oak trees. A Public Hearing was duly held on May 5, 2011 at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, California, 91301. Notice of the time, date and place and purpose of the aforesaid was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing on May 5, 2011. The Planning Commission voted 2-2 on Conditional Use Permit Case No. 03-CUP-022, and Oak Tree Permit Case No. 05-OTP-011 (Commissioner Buckley Weber absent), resulting in no decision and a de facto denial of the requests.

Section II. An appeal of the Planning Commission's denial of Conditional Use Permit Case No. 03-CUP-022 and Oak Tree Permit Case No. 05-OTP-011 was filed by Ashour Pirouti on May 18, 2011 with respect to the property described in Section I hereof. A public hearing on the appeal was duly held and public testimony was given on August 24, 2011 at 6:00 p.m., in the City Council chambers of the City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, California. Notice of time, date, place and purpose of the aforesaid hearing was duly given.

Section III. Evidence, both written and oral, was presented to and was considered by the City Council at the aforesaid public meeting.

Section IV. Pursuant to the Agoura Hills Zoning Ordinance, the City Council finds that:

- A. The proposed use as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Residential Single-Family zone and the Indian Hills Overlay District, which allows for single-family residential development. All minimum development standards have been met with regard to setbacks, lot coverage, height and architectural guidelines.
- B. The proposed use as conditioned, is compatible with the surrounding properties. The proposed building of architectural style and building materials are compatible with the neighborhood and meet the requirements of the Indian Hills Design Overlay District. The proposed development on the in-fill lot meets the Hillside Development Standards as well as the standards of the underlying zone relative to building height, lot coverage and grading thereby minimizing impacts to neighboring developed properties.

- C. The proposed use as conditioned, and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare. All the minimum yard setbacks will be met and the two-story residence is similar in design in height to neighboring residences. Geological, geotechnical, drainage studies and landscape plans have been provided and approved by the City Consultants.
- D. The proposed use as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project does not require any other entitlements and meets the setback, height, lot coverage of the underlying zone as well as the setback and height of the hillside development requirements. The lot was pre-graded which has caused disturbance of the natural terrain of the property. Although the proposed developed area exceeds 7.5%, the minimum setbacks and maximum lot coverage for the zone are met on a lot that is less than 35% of the minimum lot size required for the zone. The hillside would be protected with landscaping and drainage and no other structural amenities are proposed other than the main residence and retaining walls.
- E. The proposed use as conditioned, will maintain the diversity of the community by the building's rustic architecture and natural building materials. Placement of the building on this non-conforming, pre-graded lot will not negatively impact view-sheds of these properties.
- F. The proposed use as conditioned, is consistent with the goals, objectives and policies of the General Plan by preserving the high quality of the City's existing residential areas.

Section-V. The City Council finds, pursuant to Section 9652.15. A of the Agoura Hills Municipal Code which establishes special regulations for hillside development areas, that:

- A. The proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/property due to the presence of geologic, seismic, slope instability, fire, flood mud flow, erosion hazards or other hazards. Per the City Geotechnical and Geological Consultant's directions, the project can be built with conditions to alleviate potential threats to life and property. The disturbed areas of the slopes will be landscaped to prevent erosion and mud flows.
- B. The proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area. The project is an-fill development and therefore is separated from any significant protected open space areas and the project does not protrude above protected ridges and minimally blocks neighbors' views. The existing oak tree resource will be preserved at the exception of one tree.
- C. The proposed project can be provided with essential public services and is consistent with the objectives and policies of the general plan. All utility services will be brought to the parcel without interference to the existing infrastructure that houses beyond already use.
- D. The proposed development will complement the community character and benefit current and future community residents. The project is one of several new houses that contribute to the revitalization of the neighborhood.

Section VI. The City Council finds, pursuant to Section 9652.18.A of the Agoura Hills Municipal Code for hillside development areas, that:

A. The proposal is consistent with the General Plan in that the General Plan land use designation of the property is RS (Residential Single Family), which allows for the development of a single family residence in the property. The proposal also maintains the identity, scale, and character of the Indian Hills neighborhood, as called for in Goal LU-9 of the General Plan.

B. The burden of proof set forth in Section 9652.15.A has been met by the applicant, as found in Section V, above, of this Resolution.

C. The proposed development is consistent with the general design and construction standards provided in the Zoning Ordinance in the residence is designed with variations in the roofs, architectural detailing and treatment on each building elevation, and building materials and color schemes that blend with the natural landscape.

Section VII. The City Council finds, pursuant to Section 9652.13.D of the Agoura Hills Municipal Code for hillside development areas, that the project has been designed to take into consideration existing views of neighboring residences, views from scenic roadways, and the freeways. The project meets or exceeds required setbacks from property lines to minimize mass and to reduce prominence in viewshed. In addition, the viewshed of the hillside area is protected by facing the dwelling unit to the lower viewing area of the lot and locating the residence at the minimum front setback distance to avoid obstructing the view from other dwelling units.

Section VIII. The City Council finds, pursuant to Section 9607.1 of the Agoura Hills Municipal Code, that the residence will not exceed a height of fifteen feet above the average finished grade of the rear yard setback line, thereby preserving the existing viewshed.

Section IX. The City Council finds, pursuant to Section 9657.5.C.3 of the Agoura Hills Municipal Code, which establishes limitations on impacts to oak trees for the purpose of development on privately owned land, that:

- A. The proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject property. The removal of one (1) oak tree is warranted for the purpose of grading and constructing retaining walls to protect a proposed residence.
- B. The removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated. The location previously occupied by the tree will be where the new retaining wall will be built and the graded area will have no irrigation system so as to not impact nearby oak trees.
- C. The removal or relocation of the oak tree(s) proposed is necessary because the continued existence at present locations(s) prevents the planned improvement or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive or that the

placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized; or that the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s). The removal is required in order to protect the new structure and because the structural improvements of the parcel must be contained within the boundaries of narrow lot.

Mitigation measures have been implemented to mitigate the loss of the oak tree through the requirement to provide for at least four (4) oak trees to be planted on-site or provide an in-lieu fee equivalent to the amount required to purchase and plant the required trees. The proposed mitigation measures for encroachment within the protected zone of four oak trees for grading purposes satisfy the Oak Tree Preservation Ordinance and the City's Oak Tree/Landscape Consultant's requirements.

Section X. The project is exempt from the California Environmental Quality Act (CEQA), per Section 15303, Class 3, Subsection (a) which pertains to the construction of a single-family residence and therefore does not require the adoption of a negative declaration or an environmental impact report.

Section XI. Based on the aforementioned findings, the City Council approves with respect to the property described in Section I herein, Conditional Use Permit No. 03-CUP-022 and Oak Tree Permit Case No. 05-OTP-011, subject to the attached Conditions,

PASSED, APPROVED, and ADOPTED this 24th day of August, 2011, by the following vote to wit:

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

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

CONDITIONS OF APPROVAL
(Case Nos. 03-CUP-022 & 05-OTP-011)

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.
2. 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 Plan, Roof Plan, Grading Plan, and Landscape Plans.
3. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
10. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.

11. 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.
12. Unless Conditional Use Permit Case No. 03-CUP-022 is used within two (2) years from the date of City approval, this permit will expire. A written request for a one-year extension may be considered prior to the expiration date.
13. 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.
14. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
15. 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 \$ 0.9296 per square foot of new floor area.
16. 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.
17. 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.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

18. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. The residence shall comply with this requirement.
19. All new or replacement windows shall be tempered on at least one side of the dual pane, or a 20 minute rated, or glass block per Section 704A.3.2.2 of the 2007 California Building Code.
20. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures need to meet the Very High Fire Hazard Severity Zone

- (VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC).
21. As part of the permitting process and prior to building permit issuance, two (2) complete sets of construction plans, including Structural, Floor Plan, Title 24 including Cool Roofing, Mechanical, Electrical, Plumbing, Energy Plans, Septic Tank plans shall be submitted to Building and Safety Department for plan review and approval.
 22. The project shall comply with Agoura Hills Municipal Code Section 1805.3.2 for hillside setback requirements.

ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

24. Prior to permitting, 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.
25. For all work within 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 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.
26. Prior to the issuance of a grading permit, the applicant shall pay a Transportation Impact Fee (TIF) in the amount of \$2,440 to the Building and Safety Department.
27. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. 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.
28. 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.

29. The grading Plan shall show location(s) of all Oak trees, if any, 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, if any.
30. Prior to permitting, 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.
31. Prior to permitting, 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.
32. Prior to issuance of permits from the Engineering Department, this project will require the applicant to obtain a permit from Las Virgenes Municipal Water District and Los Angeles County Department of Public Works Sewer Division.
33. 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 at 818.597.7322 for approved City certification forms.
34. The applicant shall extend the 8-inch main sewer line across entire property frontage.
35. Public improvements shall be designed in accordance with City Code, Specifications, approved Specific Plan, and/or approved Conditions of Approval for the area. The applicant shall install a driveway approach, extend the 8-inch main sewer line across the entire property frontage, install a sewer lateral, install all water appurtenances per LVMWD standards, and provide for a minimum of 20-foot wide paved surface with 4" asphalt concrete on top of 6" crushed aggregate base along Renee Drive, unless otherwise recommended by the soils engineer. The half-street improvements shall be provided within the applicant's property and be reviewed and approved by the City Engineer and Fire Department.
36. The section of Renee Drive across entire property fronting the project site being cut for new services or being finished with curb and gutter, may require an asphalt concrete overlay.
37. 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.
38. All off-site work shall require written permission from the affected property owner(s) prior to issuance of a grading permit. If said permission cannot be obtained, then applicant shall re-design the plans to ensure work is done only on

- applicant's property, and commit to the City in writing permission to allow the adjacent property owner(s) to construct the improvements within the private street easement in the future to provide the minimum 20-foot-wide paved surface.
39. There is no sewer line available for direct connection in front of lot 5. The closest line is a few feet north of lot 4. The applicant's Engineer shall prepare plans for a sewer main extension along the entire property frontage of lot number 5 to provide 0.4% minimum grade.
 40. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City. Prior to issuance of a building permit, the applicant shall provide documentation from LVMWD that all improvement requirements have been met, including fee payment.
 41. 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.
 42. 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; and
 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.

43. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Storm water 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 Storm water 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.
44. 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 Storm water 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 site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

Said plan shall, among other things, ensure 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; and
 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.
45. For any grading operations conducted between October 1th and April 15th of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
 46. Prior to issuance of Certificate of Occupancy, all remaining fees/ deposits required by the Engineering Department must be paid in full.

47. Prior to issuance of Certificate of Occupancy, all requirements including construction of improvements covered in Condition No. 36 must be completed to the satisfaction of the City Engineer.
48. Prior to issuance of Certificate of Occupancy, 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. *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.*
49. Prior to issuance of Certificate of Occupancy, the applicant shall record a covenant for continued storm water 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.
50. Upon receiving the Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as-directed by the City Engineer, to resolve said conflicts/issues. All conditions are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura-Hills Municipal Code.

GEOTECHNICAL CONDITIONS

51. The applicant shall comply with all of GeoDynamics, Inc.'s (The City's of Agoura Hills' Geotechnical Consultant) Conditions of Approval letter dated March 6, 2007.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees:

52. The applicant is permitted to remove Oak Tree 1 to construct the approved site development plan for Lot 4. The diameter of the tree to be removed is nine and one-half inches (9-1/2").
53. The applicant is permitted to encroach within the protected zones of the following eight (8) oak trees in order to complete the approved site development program: Oak Trees 2, 3, 4, 5, 6, 11, 12, and 13.
54. No activities shall be permitted within the protected zones of the remaining five (5) oak trees, Trees 7, 8, 9, 10, and A. They shall be preserved in place with no direct impacts.

55. To mitigate the removal of Oak Tree 1, a Scrub Oak, the applicant shall plant at least nine and one-half inches (9-1/2") of diameter of new oak trees within the landscape. The applicant shall plant at least four (4) native oak trees within the site to include a minimum of (1) thirty-six inch (36") box size and two (2) twenty-four inch (24") box size Coast Live Oak trees.
56. To mitigate the significant impact to the protected zone of Oak Tree 13, a Scrub Oak, the applicant shall plant at least eight and one-half inches (8-1/2") of diameter of new oak trees within the landscape. Since Scrub Oaks are seldom available in sizes larger than fifteen gallon (15-gal) containers, it is acceptable that the required mitigation Scrub Oaks be planted from small containers.
57. The exact species, planting sizes and planting locations of the mitigation oak trees shall be subject to review and approval by the City Oak Tree Consultant.
58. All excavation within the protected zones of Oak Trees 2, 3, 4, 5, 6, 11, 12, and 13 shall be performed using only hand tools under the direct observation of the applicant's oak tree consultant.
59. Should the Director and the City Oak Tree Consultant determine that the required number of mitigation oak trees cannot be planted on the subject site in a practical fashion, equivalent alternative mitigation shall be established through the establishment of an in-lieu fee which the applicant shall pay into the City of Agoura Hills Oak Tree Mitigation Fund for the deficit. The amount of the in-lieu fee shall be based upon tree-appraisal standards contained in the 9th Edition of the Guide for Plant Appraisal.
60. 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.
61. The Grading Plan shall contain a note that states that no grading will occur more than two feet (2') from the back of any proposed wall. This must be reflected on the protective fencing plan.
62. Should the applicant or any subsequent property owner wish to add a property line fence along the southerly property line, he shall go through the City of Agoura Hills Oak Tree Permit process.
63. Prior to the start of any work or mobilization at the site, each oak tree to be preserved shall be fenced with temporary chain link fencing 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.
64. The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree.

65. 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.
66. 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.
67. 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 tree trimmer under the direct observation of the applicant's oak tree consultant. Pruning operations shall be consistent with ANSI A300 Standards – Part 1 Pruning.
68. 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.
69. No irrigation or planting shall be installed within the drip line of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
70. Prior to occupancy, each existing and new oak tree shall be mulched throughout the dripline with three inches (3") of approved organic mulch as needed to supplement natural leaf litter.
71. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the City. The certification shall describe all work performed and whether such work was performed in accordance with the above permit conditions.

Landscaping:

72. The final landscape plan shall generally conform to the approved preliminary landscape plan, as prepared by Elemental Landscapes, dated May 19, 2010.
73. 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
74. Prior to the approval of grading permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements. The plans shall be 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
75. The Planting Plan shall indicate the botanical name and size of each plant.
76. Plant symbols shall depict the size of the plants at maturity.
77. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
78. 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. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".

- c. 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.
79. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
80. 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.
81. 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
82. 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.
83. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
84. 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.
85. Plants located in the planters below the retaining walls within the protected zones of the oak trees shall be irrigated with drip irrigation or bubblers only.
86. Proposed plant material shall 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.
87. The final plant palette shall reflect a naturalistic and native theme.
88. All plant material shall be considered compatible with Sunset Zone 18.

89. Any *Ailanthus altissima* (Tree of Heaven) shall be permanently eradicated. The landscape plans shall contain a note to this effect and specify the method of eradication.
90. The Landscape Plan shall be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.

FIRE DEPARTMENT CONDITIONS

91. 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

92. 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.
93. 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.
94. 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

95. All proposed garden walls shall consist of split-faced block or other decorative materials, subject to review and approval by the Director of Planning and Community Development.
96. All proposed building retaining walls for the house shall consist of stucco facing and stone, as shown on the plans, subject to review and approval by the Director of Planning and Community Development.
97. The driveway material shall consist of decorative pavement subject to the review and approval of the Director of Planning and Community Development.
98. No roof-mounted equipment shall be permitted other than solar panels.

END

EXHIBIT C

APPEAL APPLICATION

CITY OF AGOURA HILLS

2011 MAY 18 PM 2:08



CITY CLERK

Department of Planning and Community Development
1001 Ladyface Court, Agoura Hills, CA 91301 Phone (818) 597-7309 / Fax (818) 597-7352 www.ci.agoura-hills.ca.us

APPEAL APPLICATION **

NAME Ashoor Pirouti, Applicant
ADDRESS 5955 Lindley Ave., Tarzana CA 91356
PHONE NO (818) 996-0586
CASE NO. 03-CUP-022/05-OTP-011 and 03-CUP-023/05-OTP-012

APPEAL TO:

- PLANNING COMMISSION Decision Date: _____
- CITY COUNCIL Decision Date: Planning Commission 5/5/11

Applications for appeals must be filed within fifteen (15) days of the date of the decision. This application, along with the appropriate filing fee, should be submitted to the Director of Planning and Community Development Department. As part of the appeal, applicants should be prepared to provide the department with additional sets of project plans and other pertinent materials.

Below, please explain the reasons for the appeal or attach a letter to the application

- The attached letter fully describes the following reasons for the appeal:
 - The Applicant is aggrieved by the Commission's Determination of de facto denial by a 2 - 2 vote on May 5, 2011.
 - The Determination contradicts the express recommendations and extensive analysis of City staff and the City's own independent oak tree-biology expert, and is not supported by substantial evidence.
 - The Determination is contrary to directions from the Commission in 2005.
 - The Commission improperly expanded its authority by basing its Determination on alleged view impairment and privacy impacts which are not protected by City ordinances.
 - The two homes are compatible with the neighborhood and the Commission failed to rely on established precedent set by prior discretionary and ministerial approval of similarly- sized homes on similarly- sized lots.

Signature of the Appellant(s): [Signature]

RECEIVED DATE: 5/18/11

** The contact person for this Appeal is David Moss, President, of DMA Inc. ; please forward a copy of all responses and notices to:

David E. Moss, President
David Moss & Associates, Inc.
613 Wilshire Blvd., Suite 105
Santa Monica, CA 90401
Tel: 310-395-3481
Fax: 310-395-8191

CITY OF AGOURA HILLS
MAY 18 2011 2:07 PM
APPEAL REQUEST TO COUNCIL
CD2/7158
1,000.00

Ashoor Pirouti
12390 Chandler Blvd., Unit H
Valley Village, CA 91607

Tel: (818) 324-0065

Via Hand

May 17, 2011

Valerie Darbouze, Assoc. Pl.
Planning Department
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Re: Authorization for Representation
Case No. 03-CUP-022/ 05-OTP-011 - 28454 Renee Drive – Lot 5
Case No. 03-CUP-023/ 05-OTP-012 - 28458 Renee Drive – Lot 4

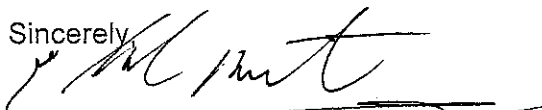
Dear Valerie,

I am the owner in fee of the above referenced property.

I have previously authorized the firm of David Moss & Associates, Inc ("DMA, Inc.) to prepare and process any and all discretionary and ministerial land use and building permits related to the proposed development of the above referenced property.

Per the request of City staff, I am re-affirming my authorization to the firm of DMA, Inc. to prepare and process any and all discretionary and ministerial land use and building permits related to the proposed development of the above referenced property – including the appeal of the May 5, 2011 Planning Commission decision.

Sincerely,



Ashoor Pirouti, Property Owner.

cc: David Moss & Associates, Inc.

DAVID MOSS & ASSOCIATES, Inc.

Permitting / Environmental Compliance / Development Consultation

613 Wilshire Blvd., Suite 105, Santa Monica, CA 90401, Tel 310.395.3481, Fax 310.395.8191

Via Hand Delivery

May 18, 2011

Valerie Darbouze, Associate Pl.
City of Agoura Hills
Planning and Community Development
30001 Ladyface Court
Agoura Hills, CA 91301

Re: Transmittal of Appeal to May 5, 2011 Planning Commission Decision
Case No. 03-CUP-022/ 05-OTP-011 - 28454 Renee Drive – Lot 5
Case No. 03-CUP-023/ 05-OTP-012 - 28458 Renee Drive – Lot 4

Dear Valerie:

Appeal Filing

On behalf of Ashoor Pirouti ("Applicant") we are filing the City form and attached letter of explanation to appeal the above- referenced Planning Commission decision. As you requested the following additional items that emanate from the Planning Commission hearing are included as part of the filing:

- 7 sets – full size Architectural / Landscape Plans
- 7 sets – full size Grading Plans (Sheets 1 to 3)
- 12 sets – Planning Commission 5/5/11 Overview. (An updated Council-specific Project Overview will be provided prior to the Council appeal hearing.)

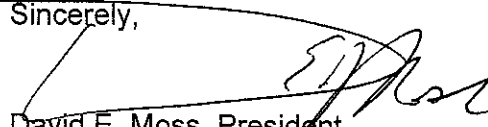
Waiver of 40-day Appeal Review Period

In order to insure that the Applicant, DMA and the project consultants are all available, we respectfully request that the appeal be heard on August 10, 2011. The second July date would have been acceptable but we understand that the Council will meet only on July 13, 2011 and that date is in conflict with the Applicant's schedule and that of one or more of his representatives.

Therefore, on behalf of the Applicant we are agreeing to a waiver of the 40-day review period to have the Council hear this appeal on August 10, 2011

We look forward to working closely with Staff during the appeal.

Sincerely,


David E. Moss, President

cc Ashoor Pirouti, Applicant


Gerry Hernandez, Planner

DAVID MOSS & ASSOCIATES, Inc.

Permitting / Environmental Compliance / Development Consultation

613 Wilshire Blvd., Suite 105, Santa Monica, CA 90401, Tel 310.395.3481, Fax 310.395.8191

Via Hand Delivery

May 18, 2011

Honorable Mayor Schwarz and City Council members
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Re: Attachment to Form to Appeal the May 5, 2011 Planning Commission Decision
Case No. 03-CUP-022/ 05-OTP-011 - 28454 Renee Drive – Lot 5
Case No. 03-CUP-023/ 05-OTP-012 - 28458 Renee Drive – Lot 4

Dear Mayor Schwarz and Members of the City Council:

On behalf of Ashoor Pirouti ("Applicant") we are filing the City form to appeal the above-referenced Planning Commission decision. We are providing this letter to expand on the description of the project being appealed, and the basis for the appeal – as set forth below. The Commission's action became final on May 5, 2011 and we have been advised by City staff that the appeal must be filed by May 20, 2011.

The following statements are intended to provide a brief summary of the project description, and an outline of the reasons for the Applicant's appeal. The Applicant reserves the right to submit additional evidence and information in support of its appeal prior to the public hearing.

Description of Project and Decision Being Appealed

On November 21, 2003, the Applicant submitted two Conditional Use Permit ("CUP") and Oak Tree Permit ("OTP") applications to construct on Lot 5 a 3,106 sq. ft. two story home and remove nine oak trees, and on Lot 4 to construct a 2,445 sq. ft. two-story home and remove one oak tree. On September 1, 2005 the Commission (i) considered the CUP/OTP requests, and (ii) continued the public hearing for the Applicant to revise the applications and redesign both homes to reduce concerns of the Commission and neighbors that testified at the hearing.

Subsequently, the Applicant hired DMA, Inc. – a full service land use planning and environmental consulting firm with considerable expertise with the design and mitigation of environmental and land use impacts in hillside areas. In consultation with the Applicant, DMA withdrew the two applications in order to completely and significantly redesign both homes, reduce oak tree impacts, consult with neighbors, and mitigate the concerns of the Commission and the neighbors as articulated at the 2005 public hearing.

During the period from September 2005 to April 2011, under the guidance of DMA, the Applicant's oak tree biologist, architect and engineer worked closely with City staff and its City consultant to redesign and downsize the homes, reduce and re-orient the retaining walls footprints, and prepare new grading, oak tree and landscape plans. Once the site development work had achieved significant reduction in grading, wall and tree impacts, the architect redesigned and enhanced all elevations for articulation, color, and materials, and reduced the scale and size of both proposed homes with an emphasis on reducing view impacts from adjacent homes and insuring the size of the homes on the two legal lots are consistent with the house and lots sizes in the surrounding community.

On May 5, 2011, the Commission voted 2-2 and thereby achieved a de facto denial despite (i) recommendation of Planning staff for approval, and (ii) demonstration that all findings could be made. Each of the Commissioners stated for the record that (i) the homes were attractive and would be an asset to the community, and (ii) that the Applicant achieved the goals set forth at the 2005 Commission hearing to mitigate environmental, land use and aesthetic impacts.

The Applicant is appealing the entire decision and intends to demonstrate that the Commission erred in not approving the CUP and OTP entitlements.

How the Applicant is Aggrieved by the Commission's Determination

- 1) The Determination contradicts the express recommendations and extensive analysis of City staff and the City's own independent oak tree-biology expert, and is not supported by substantial evidence. The failure to rely on the analyses of City Planning and Engineering staff and the City-appointed oak tree-biology expert was improper, prejudiced the Commission's consideration of the applications, precluded informed decision-making and public participation, and deprived the Applicant of a fair and impartial hearing.
- 2) The Applicant submits that the only purpose of the Determination is to prevent the Applicant from constructing one two-story home on each of two legal lots: This is a misuse of the City's Hillside and Oak Tree Ordinances and their purposes, and an infringement on the Applicant's right to construct one home on each legal lot.
- 3) The record before the Commission enabled the Commission to make all CUP and OTP findings and eliminated any reasonable basis in the record to reach a Determination that is a de facto denial. The record before the Commission demonstrated that all environmental, land use and neighborhood compatibility concerns had been mitigated.
- 4) The Determination is contrary to directions from the Commission in 2005. Over the past six years the Applicant substantially reduced the size and FAR of each home, increased the setbacks, enhanced landscaping and completely revised architectural elevations. Plans presented to the May 5, 2011 Commission comply with direction provided in 2005 – including reducing loss of oak tree impacts to removal of one tree.
- 5) The Commission improperly expanded its authority by basing its Determination on alleged view impairment and privacy impacts which are not protected by City ordinances.
 - The Commission improperly expanded its authority to regulate hillside development by imparting Commission- made rules and regulations to impose that an Applicant has an obligation to mitigate alleged view impairment and privacy impacts with or without proof by adjacent property owners that such impacts exist.
 - The Determination was prejudiced based on unsubstantiated testimony by three property owners whose concerns regarding view impairment and privacy are neither protected nor guaranteed by codified ordinances. The Commission ignored the advice of its own City Attorney that there is no legal basis in the City or authority to the Commission to deny the requested land use entitlements on the grounds that one or more adjacent property owners will experience view impairment and privacy impacts.

Why the Commission Erred or Abused its Discretion

- 1) The two homes are compatible with the neighborhood: The Commission erred by not relying on established criteria set forth in codified ordinances and based on established local precedent demonstrated by prior discretionary and ministerial approval of similarly- sized homes on similarly- sized lots.
- 2) Despite the Applicant's objections, and despite the testimony of the City Attorney, the Commission made its Determination by imparting un-codified interpretation that the compatibility of the homes (CUP - Finding B) could be determined based on unsubstantiated testimony and allegations of view impairment and privacy impacts to offsite residences. Failure by two commissioners to make CUP - Finding B on such a basis was improper, further prejudiced the Commission's consideration of the CUP and OTP requests, precluded informed decision-making and public participation, and deprived the Applicant of a fair and impartial hearing.

Why the Commission Erred or Abused its Discretion (contd.)

- 3) A Minority Number of Community Property Owners and Residents Opposes the Two Homes:
The Determination conflicts with written and oral testimony of three neighbors that demonstrated the homes are attractive, compatible with the community and would be an asset to and upgrade the aesthetics of the community. Two mailings – one by the Applicant and one by the City- to all property owners within the 750 ft radius failed to elicit objections from more than three owners. The three owners base their opposition on non protected view impairment and privacy issues.
- 4) The Commission did not fully take into consideration the amount and significance of engineering redesign that resulted in reduction of height, and redesign of all retaining walls resulting in deminimus and insignificant impacts on on- and off-site oak trees. The Commission under-valued the amount of change despite evidence that the Applicant had fulfilled the directions of the 2005 Commission to reduce oak tree impacts – the revised plans before the 2011 Commission demonstrated that proposed planting of new trees mitigates the loss of one oak tree on Lot 5.
- 5) The Determination (i) contradicts the express recommendations and extensive analysis of City staff and the City's own independent oak tree-biology expert, (ii) is not supported by substantial evidence, and (iii) did not rely on Staff findings of compliance with hillside ordinance development standards: The Commission's Staff Reports state *"In evaluating the compatibility of the design and the size of the structure(s) with other Indian Hill properties, staff found that the proposed residences are similar in design with other two story structures"* in the area. *"Staff finds that the single-family residence(s) would not result in significant environmental impacts", and recommends that the Commission adopt a motion to approve" the CUP / OTPs".*
- 6) The Commission improperly expanded its authority by basing its Determination on alleged view impairment and privacy impacts which are not protected by City ordinances.
 - The Commission improperly expanded its authority to regulate hillside development by imparting Commission- made rules and regulations to impose that an Applicant has an obligation to mitigate alleged view impairment and privacy impacts with or without proof by adjacent property owners that such impacts exist.
 - The Determination was prejudiced based on unsubstantiated testimony by three property owners whose concerns regarding view impairment and privacy are neither protected nor guaranteed by codified ordinances. The Commission ignored the advice of its own City Attorney that there is no legal basis in the City or authority to the Commission to deny the requested land use entitlements on the grounds that one or more adjacent property owners will experience view impairment and privacy impacts.

Because there is overwhelming evidence in the record, starting with the 2005 Commission hearing to present, the Applicant respectfully requests that (i) the City Council reconsider and overturn the Commission's Determination, (ii) uphold Staff's recommendation and (iii) adopt new findings for approval for the CUP and OTP entitlements for both lots based on the administrative record.

Please provide us with a copy of the Council Staff Report and advise us of the hearing date as soon as such date is known. We look forward to working closely with Staff during the appeal.

Sincerely,


David E. Moss, President

cc Ashoor Pirouti, Applicant


Gerry Hernandez, Planner

EXHIBIT D

PLANNING COMMISSION PROJECT OVERVIEW (FROM APPLICANT)

An updated Council-specific Project Overview will be provided prior to the Council appeal hearing.

May 5, 2011

Planning Commission Project Overview

Agenda Item 4

Case No. 03 CUP 022 / 05 OTP 011

Agenda Item 4 - 28454 Renee Dr. – Lot 5

Agenda Item 5

Case No. 03 CUP 023 / 05 OTP 012

28458 Renee Dr. – Lot 4

Applicant

Mr. Ashoor Pirouti, Owner



Lot 5

Lot 4

STUDIO10.COM

Prepared by:

David Moss & Associates, Inc.

613 Wilshire Blvd., Suite 105

Santa Monica, CA 90401

Tel (310) 395-3481

**This Overview parallels the Staff Report and hearing packages
(no new information is provided)**

PROJECT HISTORY

- 1) **September 2005** - The Commission directed the applicant to "*do a better job*" by improving the scale, articulation, use of materials, and *reduce oak tree encroachments / removals*.
- 2) **November 2005** – DMA, Inc. was hired and withdrew the 2005 CUP/OTP applications with the understanding from Staff that at the Commission hearing, the following was acknowledged:
 - a) *Lots 4 and 5 were legally established* with frontage along a private rd.
 - b) Net lot size excludes the private road.
 - c) No lot line adjustment would be required despite legal, nonconforming size of <20K sq ft in the RS-20K-IH zoning.
 - d) A CUP and OTP were the entitlements required for each home on each lot due to Oak tree encroachment and slope >10%.
- 3) **2005 – Present** – The applicant's land use, architecture, engineering and biology consultants *redesigned both homes* and *re-engineered the entire land development*.
 - a) Location of the homes, retaining walls and grading amounts were determined by *eliminating oak tree impacts first* and *then designing the homes* to fit onto the *revised site plans*.
 - b) *Extensive field surveys* and meetings with City staff resulted in *five transmittals of revised site (Figure 1) and house plans (cove rendering)* prior to tonight's hearing.

PROJECT DESCRIPTION

- 4) The 2011 proposals bear no relationship to 2005 (**See Tables 1 and 2**).
 - a) House footprint within each lot has been re-oriented.
 - b) All facades have been changed.
 - c) All landscaping has been upgraded and redesigned.
 - d) One oak tree to be removed is mitigated by planting/maintaining a grove of new trees.
 - e) All setbacks have been increased (25 ft front, 10-12 ft side).
 - f) No variance is required.
 - g) Two story homes - 1,874 and 2450 sq ft - typify this community on lots <20,000 sq ft.

RESPONSE TO NEIGHBOR COMMENTS – 2005 – 2011

- i) **Comment:** Gateway Lots to the undeveloped Santa Monica Mtns. should not be developed.

Response: These are two *previously subdivided infill lots* surrounded by *existing one and two-story* homes in all directions.

- ii) **Comment:** Additional homes increase fire risk and traffic hazards.

Response: City staff determined that compliance with building codes and direct access to a private un-gated street do not present unmitigated impacts.

- iii) **Comment:** The houses will impact valley views and privacy (from 28448 Renee – Merrill to the north), (from 28464 Renee – Rahm to the east), and (from 28354 Laura La Plante -south – Oshiro) (see Figure 2).

Response: Merrill House: one story window heights of 135 ft are 2 ft. above the top of the Lot 4 and 5 rooflines and the valley view will be protected or blocked by *existing trees*.

Response: Rahm House: East elevation has no windows and no view towards Lot 4.

Response: Oshiro House: Is 80 ft. north from either new home, and will have substantially the same views over the top of the new homes. Oshiro Home is double frontage – along Renee and La Plante Drs.

Response: Oshiro House: Mr. Pirouti will plant at his sole expense, additional landscaping along the south property line of the Oshiro home – 80 ft away from the new homes.

- iv) **Comment:** What are the proposed setbacks?

Response: .25 ft front yards, and 10 – 12 ft side yards

- v) **Comment:** What is height of garage door relative to Renee Dr.?

Response: Lot 4: 11 ft. and Lot 5 - 11 ft. 6-in.

- vi) **Comment:** Only one house is allowed to be built.

Response: The City determined in 2005 that the lots were legally established and the owner has a right to construct two homes.

- vii) **Comment:** Where is the nearest fire hydrant?

Response: Nearest hydrant is located 200 ft. approximately, from lots.

- viii) **Comment:** (2005) The homes are too large and out of scale.

Response: Two story homes - 1,874 and 2,450 sq ft - typify this community on lots <20,000 sq ft. The Staff Report details several lots ranging from 5,119 to 6,055 sq. ft. with 1,804 to 2,244 sq. ft. homes.

Table 1 Lot 4 Development Standards and Plan Changes – 2005 - 2011

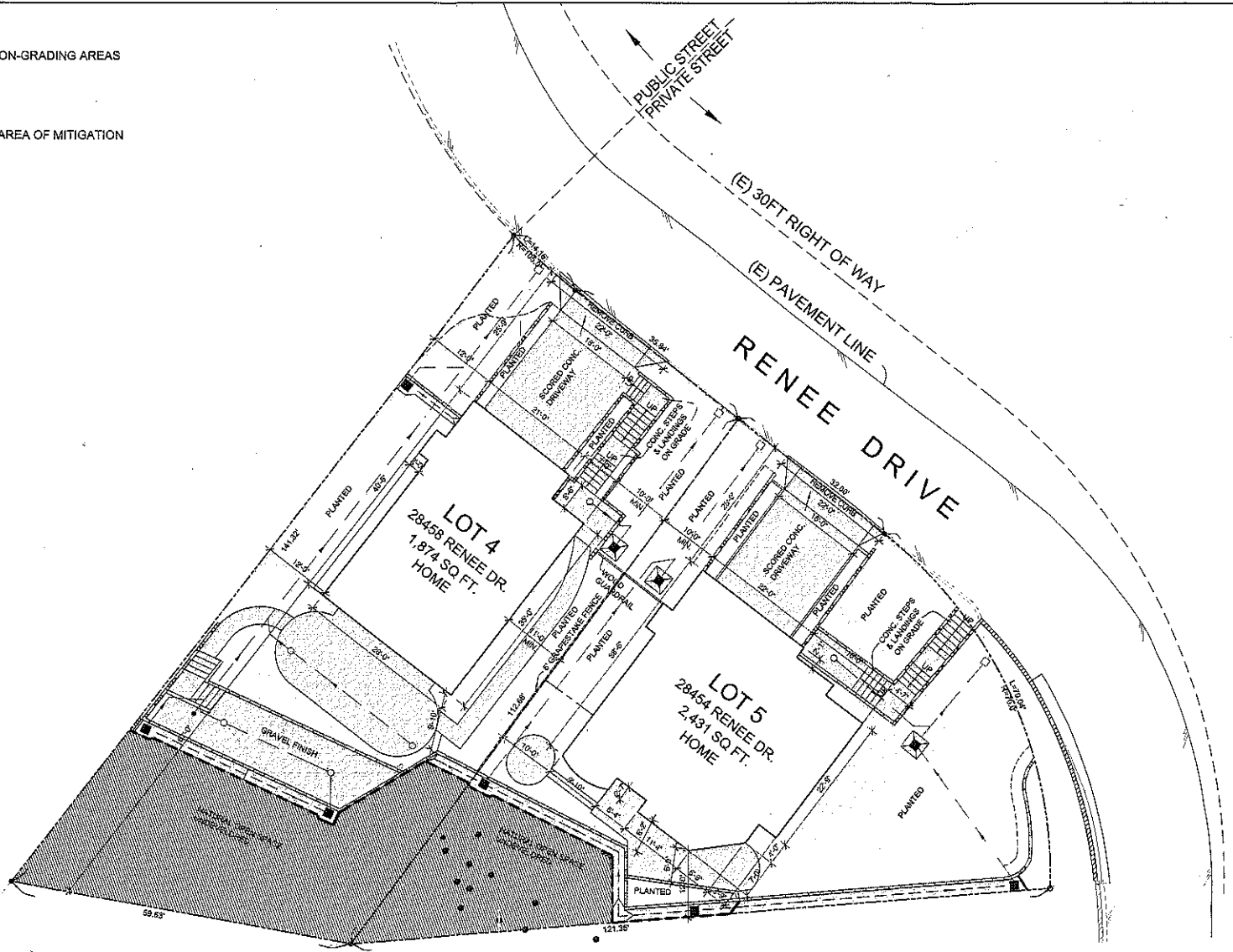
Lot 4 28458 Renee Dr: 6,462 sq. ft.	2005 Plans	2007 Plans	2011 Plans
Design and Size of House	Out of scale Poor design Significant oak tree impact	Significant improvement compared to 2005	<ul style="list-style-type: none"> • 2011 plans bear no relationship to 2005 plans presented to the Commission and the Indian Hills Association • Redesign of all elevations • Significant reductions in oak tree and grading impacts • Collaborative effort influenced by City staff and its consultants working with the design and environmental consultants
House Size sq ft	2,445	2,070	<ul style="list-style-type: none"> • 1,874 - 23% floor area reduction
FAR sq ft. % Coverage (34% allowed)	1,219 19	1,059 16	<ul style="list-style-type: none"> • Same as 2007 - 13% reduction • Coverage is significantly less than allowed
Ht Above Grade at Garage (ft) (35 ft. allowed)	36	35	<ul style="list-style-type: none"> • Same as 2007 - Decrease of 1 ft to highest point
Grading (cu ft)	540 cut/export	Similar to 2005	<ul style="list-style-type: none"> • 439 cut – reduced by 100 cu ft • 100 fill – increased by 100 cu ft • 339 export – reduced by 200 cu ft. • Grading will be conditioned as shown on the plans
Façade Material	Boxy, flat, unarticulated	Use of stone, texture and color	<ul style="list-style-type: none"> • Significant aesthetic improvement
Retaining walls	Wiped out existing vegetation	Location / height reduced / tiered Most trees and vegetation remain	<ul style="list-style-type: none"> • Significant height reduction, increased tiering • Preserve vegetation / oaks
Oaks to be removed	One cluster	One coast live oak	<ul style="list-style-type: none"> • Majority of existing rear slope to remain

Table 1 Lot 5 Development Standards and Plan Changes – 2005 - 2011

<p>Lot 5 28454 Renee Dr: 5,940 sq. ft.</p>	<p>2005 Plans</p>	<p>2007 Plans</p>	<p><i>2011 Plans</i></p>
<p>Design and Size of House</p>	<p>Out of scale Poor design Significant oak tree impact</p>	<p>Significant improvement compared to 2005</p>	<ul style="list-style-type: none"> • 2011 Plans bear no relationship to 2005 plans presented to the Commission and the Indian Hills Association • Redesign of all elevations • Significant reductions in oak tree and grading impacts • Collaborative effort influenced by City staff and its consultants working with the applicants design and environmental consultants
<p>House Size (sf)</p>	<p>3,106</p>	<p>2,605</p>	<ul style="list-style-type: none"> • 2,431 - 21% floor area reduction
<p>FAR Sq. Ft.</p>	<p>1,534</p>	<p>1,295</p>	<ul style="list-style-type: none"> • Same as 2007 - 15% reduction
<p>% Coverage (34% allowed)</p>	<p>25</p>	<p>21</p>	<ul style="list-style-type: none"> • Coverage is significantly less than allowed
<p>Ht Above Grade at Garage (ft)</p>	<p>36</p>	<p>35</p>	<ul style="list-style-type: none"> • Same as 2007 - Decrease of 1 ft to highest point
<p>Grading</p>	<p>761 cut/export No fill</p>	<p>Not calculated</p>	<ul style="list-style-type: none"> • 661 cut - reduced by 100 cu. ft. • 540 fill – increased by 540 • 121 export - reduced by 640 cu. ft. • Grading will be conditioned as shown on the plans
<p>Façade Material.</p>	<p>Boxy, flat, unarticulated appearance</p>	<p>Use of stone, texture and color for enhancement</p>	<ul style="list-style-type: none"> • Significant aesthetic improvements
<p>Retaining walls</p>	<p>Wiped out existing vegetation</p>	<p>Location / height reduced /tiered Most trees and vegetation remain</p>	<ul style="list-style-type: none"> • Significant reduction in height, increased tiering
<p>Oaks to be removed</p>	<p>8 clusters</p>	<p>No trees removed</p>	<ul style="list-style-type: none"> • Majority of existing rear slope to remain

LEGEND

- FENCE TO SEPARATE GRADED FROM NON-GRADING AREAS
- ▨ NATURAL AREA - NO GRADING
- NEW LANDSCAPED AREA
- EXISTING OAK TREES AND PROPOSED AREA OF MITIGATION OAKS
- THE ONE SCRUB OAK TO BE REMOVED



COLORED SITE PLAN
 FOR
 LOT 4 & LOT 5 RENEE DRIVE AGOURA HILLS CA, 91301
 PROJECT NO. _____ SHEET 1 OF 1



FIGURE 2
AERIAL VIEW

LOOKING NORTH
AND WEST

- These are two *previously subdivided infill lots* surrounded by *existing one and two-story* homes in all directions
- *Neither lot* is situated at the terminus of undeveloped land in the Santa Monica Mtns
- Privacy for the house to the south (Merrill) is protected – lots 4 and 5 are topographically lower and existing oak trees block views from Merrill towards Renee Dr. and from the new homes back towards Merrill (Merrill looks down on the new homes).
- Privacy for the house to the west (Rahm) is protected by lack of E- facing (Rahm) windows and minimum 12 ft side setback

EXHIBIT E

MAY 5, 2011
PLANNING COMMISSION
MEETING MINUTES



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
May 5, 2011**

CALL TO ORDER: Chair Rishoff called the meeting to order at 6:35 p.m.

FLAG SALUTE: Commissioner Moses

ROLL CALL: Chair Stephen Rishoff, Commissioners Michael Justice, Rick Moses and John O'Meara. Vice Chair Buckley Weber was absent.

Also present were Assistant City Attorney Candice Lee, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Associate Planner Valerie Darbouze, Public Works Project Manager Kelly Fisher, Engineering Aide Robert Cortes, City Oak Tree and Landscape Consultant Ann Burroughs, and Recording Secretary Sheila Keckhut.

Chair Rishoff stated that staff had received notification of Vice Chair Buckley Weber's absence prior to the meeting. There were no objections to excusing the absence.

APPROVAL OF AGENDA: On a motion by Commissioner Justice, seconded by Commissioner O'Meara, the May 5, 2011 Agenda was approved without objection.

PUBLIC COMMENTS: There were no public comments.

APPROVAL OF MINUTES

1. Minutes – April 7, 2011 Planning Commission Meeting

On a motion by Commissioner Justice, seconded by Commissioner O'Meara, the Planning Commission moved to approve the Minutes of the April 7, 2011 Planning Commission Meeting. Motion carried 4-0. Vice Chair Buckley Weber was absent.

CONTINUED PUBLIC HEARING

2. REQUEST:

Request for approval of a Site Plan/Architectural Review to construct a 4,580 square-foot, one story single-family residence with a 672 square-foot garage on a previously developed parcel, and an Oak Tree Permit to encroach in the protected zone of four (4) off-site Oak trees.

APPLICANT:

Allen Adel, Lorient & Associates for Parviz Amini
5890 Fairhaven Avenue, #A
Woodland Hills, CA 91367

CASE NOS.:

10-SPR-001 & 10-OTP-011

LOCATION:

5622 Foothill Drive
(A.P.N. 2055-017-007)

ENVIRONMENTAL
ANALYSIS:

Categorically Exempt from CEQA, per Section 15303(a)

RECOMMENDATION:

A draft resolution with conditions of approval was prepared if the Planning Commission's decision was to approve Site Plan/Architectural Review Case No. 10-SPR-001 and Oak Tree Permit Case No. 10-OTP-011.

PUBLIC COMMENTS:

Chair Rishoff opened the public hearing.

The following persons spoke on this project.

Mehri Amini, Applicant

Robyn Britton, OAHOA

Chair Rishoff closed the public hearing.

ACTION:

On a motion by Commissioner O'Meara, seconded by Commissioner Moses, the Planning Commission moved to adopt Resolution No. 11-1031, approving Site Plan/Architectural Review Case No. 10-SPR-001 and Oak Tree Permit Case No. 10-OTP-011, with conditions. Motion carried 4-0. Vice Chair Buckley Weber was absent.

NEW PUBLIC HEARINGS

3. **REQUEST:**

Request for approval of a one-year time extension for a previously-approved Conditional Use Permit that allows for the construction of seven (7) light industrial buildings totaling 103,070 square feet in size; a request for a one-year time extension for an approved Oak Tree Permit that allows for the removal of one (1) Oak tree and the encroachment within the protected zone of one (1) Oak tree for the proposed construction; and a request for a one-year time extension of a Tentative Parcel Map for the subdivision of the 10-acre parcel into 25 commercial/industrial condominium units.

APPLICANT:

Brett Trebil for Agoura Business Center North, LLC
5304 Derry Avenue, Suite A
Agoura Hills, CA 91301

CASE NOS.:

06-CUP-003 (Amendment), 06-OTP-005 (Amendment),
and TPM 65503 (Amendment)

LOCATION:

28721 Canwood Street (APN 2048-012-026)

**ENVIRONMENTAL
ANALYSIS:**

The proposed project is consistent with the Mitigated Negative Declaration and Mitigation Monitoring Program adopted on June 19, 2008, by Planning Commission Resolution No. 937.

RECOMMENDATION:

Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 06-CUP-003 (Amendment), Oak Tree Permit Case No. 06-OTP-005 (Amendment), and Tentative Parcel Map 65503

(Amendment), subject to conditions, based on the findings of the Draft Resolution.

PUBLIC COMMENTS: Chair Rishoff opened the public hearing.

The following person spoke on this project.

Brett Trebil, Trebil Construction, representing the Applicant.

Chair Rishoff closed the public hearing.

ACTION: On a motion by Commissioner O'Meara, seconded by Commissioner Moses, the Planning Commission moved to adopt Resolution No. 11-1032, approving Conditional Use Permit Case No. 06-CUP-003 (Amendment), Oak Tree Permit Case No. 06-OTP-005 (Amendment), and Tentative Parcel Map 65503 (Amendment), with conditions. Motion carried 4-0. Vice Chair Buckley Weber was absent.

4. REQUEST: Request for approval of a Conditional Use Permit to construct a 2,431 square-foot residence with an attached, 568 square-foot, two-car garage; and a request for approval of an Oak Tree Permit to encroach in the protected zone of seven (7) on-site Oak trees and one (1) off-site Oak tree for the proposed construction.

APPLICANT: Ashoor Pirouti
12390 Chandler Boulevard, #H
Valley Village, CA 91607

CASE NOS.: 03-CUP-022 and 05-OTP-011

LOCATION: 28454 Renee Drive - Lot 5
(A.P.N. 2061-021-005)

ENVIRONMENTAL DETERMINATION: Exempt from CEQA (Section 15303)

RECOMMENDATION: Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-022 and Oak Tree Permit Case No. 05-OTP-011, subject to conditions, based on the findings of the Draft Resolution.

5. REQUEST: Request for approval of a Conditional Use Permit to construct a 1,874 square-foot residence with an attached, 616 square-foot, two-car garage; and a request for approval of an Oak Tree Permit to encroach into the protected zone of six (6) Oak trees on an adjacent lot and remove one (1) on-site Scrub Oak tree for the proposed construction.

APPLICANT: Ashoor Pirouti
12390 Chandler Boulevard, #H
Valley Village, CA 91607

CASE NOS.: 03-CUP-023 and 05-OTP-012
LOCATION: 28458 Renee Drive - Lot 4
(A.P.N. 2061-021-023)

ENVIRONMENTAL
DETERMINATION: Exempt from CEQA (Section 15303)

RECOMMENDATION: Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-023 and Oak Tree Permit Case No. 05-OTP-012, subject to conditions, based on the findings of the Draft Resolution.

THE PLANNING COMMISSION HEARD BOTH CASE NOS. 03-CUP-022, 05-OTP-011, AND 03-CUP-023, 05-OTP-012 TOGETHER.

PUBLIC COMMENTS: Chair Rishoff opened the public hearing.

The following persons spoke on this project.

David Moss, Moss and Associates, representing the Applicant.

Dan Motta, Resident spoke in favor of the project.

Terry Ahern, Resident, spoke in opposition of the project.

Patty Merrell, Resident, spoke in opposition of the project.

D. Rahm, Resident, spoke in opposition of the project.

REBUTTAL: David Moss, Moss and Associates, representing the Applicant gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Chair Rishoff closed the public hearing.

RECESS: Chair Rishoff called for a recess at 8:43 p.m.

RECONVENE: Chair Rishoff reconvened the meeting at 8:57 p.m.

ACTION: On a minute motion by Commissioner Moses, seconded by Chair Rishoff, motion failed on a 2-2 vote to approve Conditional Use Permit Case No. 03-CUP-023 and Oak Tree Permit Case No. 05-OTP-012. Commissioners Justice and O'Meara opposed. Vice Chair Buckley Weber was absent.

INFORMATION ITEM

6. Introduction of the Upcoming General Plan Implementation Measures Ordinance.

No action was required of the Planning Commission.

PLANNING COMMISSION/STAFF COMMENTS

None

ADJOURNMENT

At 10:17 p.m., the Planning Commission moved to adjourn the meeting to the next scheduled Planning Commission meeting on Thursday, May 19, 2011 at 6:30 p.m. Motion carried 4-0. Commissioner Buckley Weber was absent.