



**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

**ACTION DATE:** August 2, 2012

**TO:** Planning Commission

**APPLICANT:** Aitan Hillel  
164 W. Del Mar Avenue  
Pasadena, CA 91105

**CASE NOS.:** 12-SPR-002; 12-OTP-005; 12-VAR-001 (A & B); 12-SP-011; 12-GPA-001; and 12-ZC-001

**LOCATION:** Southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (APN 2052-008-017 & 2052-008-018)

**REQUEST:** Request for the Planning Commission to recommend that the City Council approve a General Plan Amendment to change the land use designation of the property from CRS (Commercial Retail Service) to RHD (Residential High Density); an Ordinance for a Zone Change to change the zoning designation of the property from CRS-FC-OA (Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay) to RH-(25)-FC-OA (High Density Residential (maximum 25 units per acre) – Freeway Corridor Overlay – Old Agoura Design Overlay); a Site Plan/Architectural Review to construct an 18-unit townhome complex; an Oak Tree Permit to remove four (4) oak trees and encroach within the protected zone of six (6) oak trees for the proposed construction; a Variance from Zoning Ordinance Sections 9606.2(D) and 9273.7 to construct retaining walls in excess of six feet in height and to provide group open space areas of less than 300 square feet in size per residential unit; and a Sign Permit to install one monument sign; and to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program.

**ENVIRONMENTAL ANALYSIS:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt motions recommending that the City Council adopt the Final Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the project; and approve General Plan Amendment Case No. 12-GPA-001; an Ordinance for Zone Change Case No. 12-ZC-001, subject to conditions; Variance Case No. 12-VAR-001 (A & B); Site Plan/Architectural Review Case No. 12-SPR-002; Oak Tree Permit Case No. 12-OTP-005; and Sign Permit Case No. 12-SP-011, based on the findings in the attached Draft Resolutions.

**ZONING DESIGNATION:** CRS-OA-FC (Commercial Retail Service – Freeway Corridor Overlay - Old Agoura Design Overlay)

**GENERAL PLAN DESIGNATION:** CRS (Commercial Retail Service)

## **I. BACKGROUND**

Aitan Hillel owns the vacant, 41,039 square foot (0.94 acre) lot located on the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue, in the Old Agoura neighborhood. The property has a zoning designation of CRS-FC-OA (Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay). Surrounding land uses include low density, single-family and open space residential uses to the north; Old Agoura Park to the northwest; a pre-school, an apartment complex, and a senior assisted living facility to the west; a gas station to the southeast; and an office building to the south.

On March 15, 2007, the Planning Commission conducted a public hearing to consider the owner's request for a Site Plan/Architectural Review, Oak Tree Permit, and Sign Permit application to construct a car wash, lube, and detailing facility on his property. On a 4-0 vote (Commissioner O'Meara was absent), the Planning Commission denied the applicant's request. The Planning Commission's decision was appealed by the applicant to the City Council. The City Council considered the appeal in a public hearing held on July 11, 2007, and unanimously denied the project based findings of potential impacts generated from the project, including traffic, parking, noise, building design, and compatibility with neighboring uses. The property has remained vacant since that time.

## II. PROJECT DESCRIPTION

To address issues raised during the course of the previous public hearings regarding the need for greater land use compatibility with any development of the site, the property owner has filed applications to change the general plan land use designation from CRS (Commercial Retail Service) to RHD (Residential High Density), and to develop an 18-unit townhome complex. The specific development applications being presented to the Planning Commission include a Site Plan/Architectural Review for construction on this vacant land which has an average slope of less than 10%; an Oak Tree Permit to remove four (4) oak trees and encroach within the protected zone of six (6) oak trees for the proposed construction; a Variance to construct retaining walls in excess of six feet in height and to provide group open space areas of less than 300 square feet in size per residential unit; a Sign Permit to install one monument sign; a General Plan Amendment to change the land use designation of the property from CRS (Commercial Retail Service) to RHD (High Density Residential); and a Zone Change to change the zoning designation of the property from CRS-FC-OA (Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay) to RH-(25)-FC-OA (High Density Residential (maximum 25 units per acre) – Freeway Corridor Overlay – Old Agoura Design Overlay). The Planning Commission's role for this proposed project is to provide a recommendation to the City Council for final action. Draft Resolutions are attached for the Planning Commission's review and consideration for adoption, and any additional comments provided by the Planning Commission will be forwarded to the City Council, who will conduct a new and separate public hearing for the project.

The property is triangular in shape. Its topography is generally flat, but it rises at its eastern end, resulting in an average topographic slope of approximately 7%. A total of eight (8) buildings with attached 2-3 units are proposed that will cover 11,592 square feet, or 28.2% of the parcel. Four different models are proposed within the complex. A total of eleven (11) proposed Type "A" units include 1,364 square feet of living space and a 651 square foot garage and storage space. Two (2) proposed Type "B" units include 1,345 living space and 630 sq. ft. of garage and storage space. One (1) proposed Type "C" unit includes 1,257 square feet of living space and 651 square feet of garage and storage space. Four (4) Type "D" units include 1,289 square feet of living space and 630 square feet of garage and storage space. All units include three (3) bedrooms, with the exception of unit Type "C" which includes two bedrooms. All of the unit types and locations are noted on the Site Plan and all have their own interior stairwell. Entry into the units can be taken from the individual garages or from a shared exterior stairwell serving the first floor of the units, above the garages.

With a change of zoning designation to RH-(25), the proposed townhomes project would be a permitted use on the property. The applicant intends to rent all of the units at market rate.

The following is a summary of the proposed development relative to the Zoning Ordinance development standards of the RH zone:

Pertinent Data

	<u>Proposed</u>	<u>Required/Allowed</u>
A. Lot Size	41,039 sq. ft.	17,500 sq. ft. min.
B. Lot Width	150 feet	100 feet min.
C. Lot Depth	300 feet	100 feet min.
D. Building Height	34'11" (2 stories)	35 feet max (2 stories max., excluding the garages)

E. Unit Sizes

1. Living Space

Unit A (11 units)	1,364 sq. ft.	N/A
Unit B (2 units)	1,345 sq. ft.	N/A
Unit C (1 unit)	1,257 sq. ft.	N/A
Unit D (4 units)	1,289 sq. ft.	N/A

2. Garages & Storage

Units A & C	651 sq. ft.	N/A
Unit B & D	630 sq. ft.	N/A

3. Totals For All Units

Living Space	24,107 sq. ft.	N/A
Garages & Storage	11,592 sq. ft.	N/A

F. Building Setbacks

Front (west)	36 feet	15 feet min.
Rear (east)	60 feet	10 feet min.
Side (north)	11.18 feet	7 feet min.
Side (south)	7 feet	7 feet min.

G. Bldg. Lot Coverage	28.2% (11,592 sq. ft.)	50% max. (20,519 sq. ft.)
H. Group Open Space	4,562 sq. ft. (253 sq. ft./unit)	5,400 sq. ft. min. (300 sq. ft./unit)
I. Parking	2 covered per unit plus 9 visitor parking spaces	2 covered per unit plus 9 minimum visitor parking spaces
J. Landscaping		No minimum requirement
On-site	5,776 sq. ft. (14%)	No minimum requirement
On-site and Off-site	9,372 sq. ft.	No minimum requirement
K. Oak Trees	6 of 10 oak trees to remain	10 oak trees in vicinity

### III. STAFF ANALYSIS

#### A. General Plan Amendment and Zone Change Request

The property currently has a general plan land use designation of CRS (Commercial Retail Service), similar to the neighboring properties to the south on Chesebro Road and Palo Comado Canyon Road, and the properties to the southeast on Canwood Street. Residential use of the property is prohibited in the CRS land use district. As such, the applicant is requesting to amend the General Plan from CRS to Residential High Density (RHD) and the zoning designations of the property from CRS to RH-(25) (High Density Residential – maximum 25 units per acre). Currently, the RH-(25) zone extends from both sides of Colodny Drive eastward to the west side of Chesebro Road, and includes the apartment complex and senior assisted living facility located across the street from the applicant's parcel.

Requests for General Plan amendments and zone changes occur infrequently. However, in this instance, the change of land use from commercial to multi-family residential would relieve some of the impacts to neighboring properties, especially residential properties to the north, that are typically associated with commercial uses, including noise, traffic, and parking issues. The proposed townhomes would comply with the General Plan, which calls for opportunities for a full range of housing types, locations, and densities to address the community's fair share of regional housing needs. In addition, the proposed general plan amendment and the townhome

development would generate new housing and provide market support to sustain commercial land uses in the City.

Overall, staff supports the General Plan amendment and zone change requests given the low impacts associated with the proposed use of the property, and the fact that a RH-(25) land use designation for the property would be a logical extension of the same land use designation applied to the multi-family residential properties to the west. In addition, staff finds the RH-(25) designation to be a compatible transitional land use between the commercial properties to the south and the residential properties to the north.

The General Plan amendment and zone change requests require legislative approval by the City Council, who will consider the recommendation given by the Planning Commission. The zone change requires the City Council's adoption of an ordinance (a draft version is attached for the Planning Commission review), while the General Plan amendment can be adopted by resolution. The proposed townhomes project cannot be approved without the General Plan amendment and zone change requests also being approved, as the residential use would be inconsistent with the current commercial zoning designation of the property. If approved, the General Plan amendment and Zone Change to RH-(25) will remain with the property, regardless of whether this particular project proceeds to completion.

#### B. Site Plan

The site planning of the project was dictated, to a large extent, by the accessibility requirements of the Los Angeles County Fire Department. The two proposed driveways serve to allow for required on-site turn-around for the Fire Department trucks. Additionally, the Fire Department requires "clear to the sky" accessibility, thereby precluding any portion of the buildings building from extending within their accessibility area. In addition, driveway access is needed for each unit within the project. Therefore, the buildings are located in large part on the perimeter of the property and the proposed density is the result of the placement of the buildings within these parameters and the development standards of the zone. Access to the site is to be taken from Chesebro Road. Guest parking spaces are dispersed near both of the driveway entrances, while group open space areas are located on the north and east portions of the property.

The applicant originally proposed a 22-unit complex, but through staff's suggestions and recommendations of the Architectural Review Panel, the density was reduced and greater separation was provided between buildings, with a two-plex and tri-plex design used to break the massing of the buildings and to allow for more group open space areas. The applicant also lowered the finished grade of the buildings and provided for extensive landscaping along the roadways to help screen the buildings as viewed from the adjacent roads, as discussed further in this report. In addition, the buildings would be setback 42 feet to 52 feet from the Chesebro Road street pavement, and 35 feet to 70 feet from the Palo Comado Road street pavement. The

table under the "Project Description" section of this report shows the proposed and required setbacks of the RH zone. For further comparison purposes, staff notes that the current CRS building setback requirements from the property lines are as follows:

Front (west):	Height of the building (20 feet minimum)
Rear (east):	Height of the building (20 feet minimum)
Street Side (north):	10 feet minimum
Side (south):	No minimum distance

The two-story office building to the south is located 47 feet from the applicant's south property line (separated by a parking lot), and 54 feet from the nearest proposed townhome building.

### C. Density

The maximum density allowed in the RH-(25) zone is 25 units per acre. Based on the project being 0.94 acres in size, a maximum of 23 units could be developed on this property. However, the applicant is proposing to develop 18 units on the property, which is equivalent to a density of 19 units per acre.

Excluding the assisted care facility on the west side of Chesebro Road, south of Driver Avenue, the only multi-family residential complex on this same street is the 24-unit apartment complex located directly across from the applicant's property, on the west side of Chesebro Road. This two-story complex with detached garages was approved by Los Angeles County, prior to the City's incorporation, with a density of 27 units per acre.

Within the immediate neighborhood, most other condominium complexes are located on both sides of Colodny Drive, and on Driver Avenue, and most were approved by Los Angeles County. On average, those properties were granted greater density allowances than what the City Zoning Ordinance currently allows. Examples of these existing townhomes and their densities include:

- 5275 Colodny Drive (21 units): 26 units/acre
- 5291 Colodny Drive (27 units): 26 units/acre
- 5321 Colodny Drive (14 units): 42 units/acre
- 5320 Colodny Drive (18 units): 22 units/acre
- 28142 Driver Avenue (18 units): 22 units/acre
- 5249-5263 Colodny Drive (46 units): 24 units/acre

In 2002, the Planning Commission approved a 19-unit townhome complex at 5241 Colodny Drive, which includes two-story units situated above private garages. The density approved for that project, which is in the RH-(25) zone, was 21 units per acre. As previously stated, the applicant is proposing to build at a density of only 19 units per acre, which would result in the

construction of only 18 units, even though a maximum of 23 units would otherwise be allowed on that property under the RH-(25) zoning.

#### D. Group Open Space Variance

Municipal Code Section 9273.7 requires that developments in the RH zone provide 300 square feet of group usable, outdoor recreational open space per dwelling unit. In this instance, 5,400 square feet of group usable recreation space is required for the 18-unit complex. However, the applicant is requesting a Variance to allow for a total of 4,562 square feet of recreational space, which equates to 253 square feet per unit (a 15.5% decrease from what is required).

The Zoning Ordinance does not specify the type of open space and the City has discretion with respect to the specific amenities to be required – such amenities are reviewed on a case-by-case basis. Staff supports this Variance request since the amenities and spaces being provided are sufficient for the number of residential units, are logically dispersed within the complex, are accessible to disabled persons, and would meet the needs of the residents for outdoor recreational opportunities. Also, there are logical connections proposed between the group open space areas and the units through pedestrian pathways. The proposed amenities, which are located on the north side of the complex and in the southeast corner of the complex, include a spa, two barbecue areas, and seating areas under wooden trellises. A common area is also proposed at the northwest corner of the property, near the street intersection.

Specific findings for approval of the Variance are included in the attached draft Resolution for the Planning Commission's consideration. Staff notes that the complex would be in close proximity to Old Agoura Park, located across the street from the project site, and its recreational opportunities.

#### E. Architectural Review

The fact that the multi-family use of the site would be transitional from the commercial areas to the south, and the single-family residential uses to the north, was taken into consideration in the design of the buildings. Staff and the Architectural Review Panel met several times with the applicant and his architect to achieve building designs that are compatible with the surrounding uses and this key intersection in the Old Agoura neighborhood.

The sizes of the units are standard for townhomes, with two-story living spaces varying from 1,257 square feet to 1,364 square feet in sizes. In order to create a townhouse atmosphere, the applicant desired to have attached garages for each unit, resulting in the proposed 34'11" height of the buildings. A two-story height limit is required of the RH zone, however, the Zoning Ordinance allows for garages to be excluded from being considered a story when it is used primarily for parking and storage purposes. Thus, the proposed project complies with the height requirements for the zone. This same exclusion was approved by the Planning Commission in



2002 for a 19-unit condominium project at 5241 Colodny Drive. The gable roof designs, though, off-sets the building height as only the center portion of the building is at the full height of 34'11". The corners of the buildings are six feet lower, at a height of 28'11".

The building designs incorporate craftsman-like features with elements of the office building to the south and the senior assisted living facility to the west. The inclusion of building line off-sets, balconies, and gable roofs of multi-colored concrete tiles, are compatible with the colors on the building, exposed rafter tails, multi-colored stone veneer of earthtone colors, beige colored siding, white stucco, dark brown colored wood trim, and light blue colored window shutters. This detailing fits within the architectural fabric established in this transitional area. Also, the project would be compatible in scale with the other developments in the area, including the single-family residences to the north, a two-story commercial office building to the south, a gas station to the southeast, and a single-story pre-school, a two-story apartment complex and two-story senior assisted living facility to the west. Visual simulations are included in the Mitigated Negative Declaration prepared for this project.

Lighting within the driveway and guest parking areas is proposed, as well as decorative lighting on the buildings. Mission-style, bell-shaped light fixtures with flat lens design (similar to the style of fixtures used in the City Hall parking lot) are proposed for use within the driveway areas. Sconce lighting with a clear glass is proposed on each building for security purposes, and down-lit fixtures are proposed to be attached to the top of the visitor parking space trellises. The photometric plan notes that the illumination produced by the proposed exterior lighting will be less than one foot-candle measured at the property lines, as called for in the City Lighting Standards and Guidelines.

The Architectural Review Panel and staff support the design of the project, finding it to be compatible with the City's Architectural Design Standards and Guidelines, and the high quality of design expected throughout the City, including the Old Agoura neighborhood with the incorporation of natural materials.

#### F. Grading and Retaining Wall Variance

The site rises approximately 18 feet in elevation from the Chesebro Road/Driver Avenue intersection to the southeast corner of the property, near the Chevron Gas Station property. The site has been disked and one walnut tree was removed in 2008, as allowed for the non-protected tree. Otherwise, the property has remained undisturbed.

At the request of staff to reduce the visual height of the buildings as viewed from the adjacent streets, the applicant has designed the project to be situated at the lowest possible elevation while still allowing for needed on-site and off-site drainage. To accomplish this, building pads are proposed at a 908-foot and 909-foot elevation closest to Chesebro Road, and a 910-foot elevation

at the rear of the property. Chesebro Road has an average street elevation in front of this parcel of 908 feet. The site is proposed to sheet flow east to west. Trench drains are proposed at both on-site driveways to assist in capturing on-site drainage run-off.

Palo Comado Canyon Road rises steadily from the corner of Chesebro Road at elevation 912, going southeasterly to elevation 930 at the southeast corner of the property. The proposed building pad elevations require the use of retaining walls along the north, east and south property lines as the finished grade of the site will be below Palo Comado Canyon Road. An 8-foot retaining wall of approximately 300 feet in length is proposed along the north and east property lines, and approximately 75% of the length of this wall will be located entirely below the street grade of Palo Comado Canyon Road. Another retaining wall of approximately 180 feet in length is proposed along the south property line, 70 feet of which will be no higher than 6 feet. The remaining length of this wall varies from 7 feet in height to 12 feet in height. The portions of the southerly retaining wall that exceeds 6 feet in height will be located at least 155 feet east of the front property line at Chesebro Road. Staff would note that walls of up to 8 feet in height are allowed inside and rear yards in residentially zoned parcels that are adjacent to commercially zoned property. In this instance, the project site is adjacent to a commercial office building to the south.

An additional retaining wall that varies in height from 1-foot to 8 feet is proposed along the rear of the property. Thus, two retaining walls are proposed at the rear of the property and are separated by a 5-foot landscape planter, in the vicinity where the existing topography of the property rises substantially. This double-wall system is needed to lower the existing grade by 18-20 feet in order accommodate required pedestrian access to the proposed group open space areas at the rear of the complex, and was preferred over the use of a single retaining wall of 18-20 feet in height. This retaining wall system will also provide for vehicle access to the units located at the east end of the property. Staff would note that the applicant had considered situating the group open space area located at the southeast corner of the property at a higher elevation in order to reduce the amount of grading, but pedestrian and ADA accessibility requirements to this group open space area dictated the lowering of the grade in this area.

Since portions of the proposed retaining walls for this project exceed the maximum 6-foot height requirement, the applicant has filed a Variance application for the Planning Commission's consideration. Staff has reviewed the request and supports the increase in wall height in these areas as they will assist in lowering the height of the buildings as viewed from the roadway and will allow for vehicular and pedestrian access throughout the property. Excluding portions of the south retaining wall, the walls would be visible only from within the project, and not from the street. The Planning Commission has approved a number of retaining wall height variances in the past, particularly if the views of the wall are screened from public view or only visible internally. Staff has included a condition of approval in the draft Variance that would require the applicant to construct a decorative retaining wall. The applicant is agreeable to this condition and will consider using a soil-nail wall, similar to what was approved at the Oak Creek Apartments, located northeast

corner of Kanan Road and Canwood Street. Specific findings for approval of the Variance are included in the attached draft Resolution for the Planning Commission's consideration.

A total of 5,800 cubic yards of cut, and 150 cubic yards of fill soil will be required for grading of the site. The City's Geotechnical Consultant has reviewed the project soils report and grading plan and supports approval of both at this design review phase.

#### G. Oak Trees and Landscaping

An Oak Tree Report was prepared by Richard A. Campbell to determine potential impacts of the project on protected Oak trees located on-site and in the vicinity of the project, near the southeast corner of the property. A total of 10 trees were surveyed and evaluated from the present condition and potential impacts from the proposed site clearing, grading, and construction activities. Based on this independent evaluation, a total of four (4) Oak trees are recommended for removal (Oak Tree Nos. 3, 8, 9, and 10). These trees, each of which is located on the applicant's parcel, have trunk sizes of 3"-8"; 4"-5"; 2.5"; and 2.5" respectively. Detailed descriptions of each tree can be found in the Oak Tree Report included in the Mitigated Negative Declaration.

The six (6) other Oak trees (Oak Tree Nos. 1, 2, 4, 5, 6, and 7) would have encroachment due to the proposed construction. The impacts range from 12% to 28%. However, clearance pruning will only be needed for Oak Tree No. 1 and because of their small sizes and the distance of the grading from their trees may be able to sustain this level of impact, unless roots of a significant number or size are encountered. Mitigation measures, included in the Oak Tree Permit draft resolution, are recommended by staff in the event this is the case.

The City Oak Tree Consultant has reviewed the Oak Tree Report and supports its analysis and conclusions. Staff's recommended mitigation measures require that at least 16 oak trees with a minimum of 26-inches of trunk diameter be incorporated within the landscape. The proposed landscape plan provides 5 new 60-inch box-size Coast Live Oak trees having a total trunk diameter of 25-inches. Given the geographic constraints of the site, it may not be possible for the applicant to plant the total number of required mitigation oak trees on site. If the site will not accommodate additional trees to meet the mitigation requirement, equivalent alternative mitigation would be required through the establishment of an equivalent in-lieu fee. This fee would be paid by the applicant into the City Oak Tree Mitigation Fund.

There is no minimum requirement for landscape coverage in the RH zone. However, the applicant is proposing on-site landscape coverage of 14%, with landscape areas dispersed primarily along the west, north, and east ends of the property for screening purposes, and the guest parking areas include trellises over each space to meet the City's parking lot shading requirements. Fifteen-foot wide landscape planters are proposed along Chesebro Road, adjacent

to the trellis covered guest parking spaces. Landscaping along Palo Comado Canyon Road is to include landscape planters of 30 feet to 38 feet in width, located on-site and within the public right-of-way, to assist in screening the buildings as viewed from the roadway. A 6-foot high rustic, three-rail wood fence is also proposed along the perimeter of the project.

As shown on the photo simulations, the above-mentioned design features help in reducing the visual massing of the buildings as viewed from Palo Comado Canyon Road and from Chesebro Road, and is intended to create a more natural look. In addition, the City's landscape/oak tree consultant is recommending a condition of approval that the final landscape plan be revised to provide greater detail to show more natural undulating berming along the project perimeter, with the final landscape plan subject to review and approval by the Director of Planning and Community Development.

Also, at the request of the Old Agoura Homeowners Association, extensive attention has been given to the landscaping of the northwest corner of the property, adjacent to the street intersection. From the roadway, this corner open space area measures 50 feet by 45 feet (2,250 square feet). Proposed landscape detailing includes a 6-foot high berm, boulders, hedges, an Oak tree, and Sycamore trees. Staff is recommending as a condition of approval that this corner be even further developed to create a more dramatic entry statement of Old Agoura, to the satisfaction of the Planning Director, prior to building permit issuance.

#### H. Traffic, Parking, and Street Improvements

The traffic trip generation for the proposed project was estimated using trip generation rates from the Institute of Transportation Engineers' *Trip Generation, 8<sup>th</sup> Edition (2008)*. The project's anticipated number of vehicle trips was generated using ITE Land Use Code 224- Rental Townhouse. Using this trip generation factor, the City Traffic Engineer determined the proposed 18-unit project would generate 130 daily vehicle trips, including 13 weekday AM peak hour trips and 13 weekday PM peak hour trips.

A traffic impact analysis is generally needed if a project would generate 50 or more peak hour trips (AM or PM) or there are critical intersections that are operating close to, at, or worse than the acceptable Level of Service (LOS) in the vicinity of the proposed project. The proposed project would generate substantially less than 50 AM or PM peak hour trips. Therefore, a traffic report was not required for the project. The project-related traffic was assigned to the two proposed driveways serving the complex along Chesebro Road, as well as the study area roadways, and study area intersections which include the Chesebro road / Driver Avenue / Palo Comado Canyon Road intersection and the US-101 northbound ramps at Palo Comado Canyon Road. Based upon the trip generation and trip distribution analysis conducted by the City Traffic Engineer, the project is expected to add 13 AM and 13 PM trips to the study area intersections. Because of the low number of project trips that would be added to the adjacent intersections, the

LOS at these intersections is not expected to degrade because of the proposed project. For comparative purposes, the City Traffic Engineer prepared the following table to show the difference in trip generation between the proposed project and a 20,000 square foot retail project that would be an allowable use within the current CRS zoning designation.

**Trip Generation for Proposed 18-Unit Townhouse Development**

Trip Generation	Land-Use	Units	Project Generated Trips						
			Total Daily Trips	AM Peak			PM Peak		
				In	Out	Total	In	Out	Total
ITE	224 (Rental Townhouse)	18	130*	4	9	13	7	6	13
ITE	820 (Shopping Center)	20 ksf**	860	12	8	20	37	38	75
Difference			-730	-8	1	-7	-30	-32	-62

Source: ITE Trip Generation Manual (8th Edition); Kimley-Horn and Associates, Inc. 2012

\*Estimated based upon 5 times the AM and PM peak trips combined

\*\* Assumes a conservative scenario of 20ksf of commercial retail area

This table indicates that the proposed townhouses project would generate approximately 7 fewer AM peak hour trips, 62 fewer PM peak hour trips, and 730 fewer daily trips compared to a large (20,000 square foot) commercial retail project as allowed by the current General Plan.

Further traffic analysis was not required for the proposed townhomes project. However, the City Traffic Engineer is recommending that because of the proximity of the project's north driveway on Chesebro Road to the Chesebro Road / Driver Avenue / Palo Comado Canyon Road intersection, this driveway be restricted to right-turn-in and right-turn-out movements with appropriate on-street striping and signage. This recommendation is included as a mitigation measure in the Mitigated Negative Declaration that was prepared for the project. The south driveway serving the project can remain a full access driveway.

The project meets the minimum parking requirements of providing 2 covered parking spaces for each unit, and 0.5 guest parking space for each unit. Each unit allows for the parking of two vehicles in the individual garages. A total of nine guest parking spaces are provided on-site, and are dispersed near both driveway entrances. As mentioned above, the guest parking spaces will

include a wooden, covered trellis to not only serve as an architectural element, but also to screen the parking spaces and provide required shade coverage within these spaces.

The Public Works/Engineering Department will not be requiring the widening or re-striping of Chesebro Road or Palo Comado Canyon Road for this project, nor is it required to be provided along the street frontage. The applicant will be required, however, to provide sidewalk, curb, and gutter improvements along Chesebro Road. A required sidewalk along Palo Comado Canyon Road will be of meandering design and of an earth-tone color, as requested by the Old Agoura Homeowners Association. Placement of the this sidewalk will account for the future improvements that may occur along Palo Comado Canyon Road as a result of future improvements to the adjacent freeway over-pass. The applicant will also be required to provide for and maintain landscaping within the adjacent right-of-way to his project site, and pay required Traffic Impact Fees of \$1,516 per unit (\$27,288 total).

#### I. Signage

The applicant is requesting approval of a Sign Permit to erect one monument sign for identification of the complex. The sign is proposed to be located near the southwest corner of the site, near the southerly driveway entrance on Chesebro Road, five feet from the front property line/sidewalk.

Per the City's Sign Ordinance, the applicant would be entitled to one, maximum 48 square foot monument sign per street frontage. Although two monument signs would be allowed for this corner parcel, the applicant is proposing one, 6' x 6' double-faced sign, identifying the name of the project, description ("an 18 unit family community"), and a contact phone number for rental purposes.

The base of the sign, which is 1'7" in height and 6' in length, includes a rock veneer to match the buildings. The sign faces are 3'7" x 6' in size and are shown of laminated wood with routed letters to be painted with contrasting brown and other earthtone colors. An LED exterior down-facing lighting fixture is proposed to be attached to the top of the sign.

Staff finds the proposed sign to comply with the City Sign Guidelines and Old Agoura Design Overlay in that the monument sign is constructed out of materials that compliment the building architecture and enhance the rural appearance of the neighborhood, and includes wood and stone materials that are called for in the Old Agoura Design Overlay zone.

Staff recommends the colors of the sign be subject to approval by the Director of Planning and Community Development, as the applicant has not chosen them yet. Overall, the sign complies with the standards of the Sign Ordinance in that its 36 square foot size is within the maximum 48 square foot size allowed for the use. Also, the design of the sign is not distracting to motorists, is

appropriately located on the site, is visually attractive, is externally illuminated as called for in the Old Agoura Design Overlay zone, and provides adequate identification for the complex. In addition, the monument sign is appropriate given the size of the property and staff supports the sign permit request.

J. Environmental Review

An Initial Study was prepared by Rincon Consultants, Inc., in accordance with the requirements of the California Environmental Quality Act (CEQA) to analyze the potential environmental consequences of the proposed project. The purposes of an Initial Study are:

- A. To provide the Lead Agency (City of Agoura Hills) with the necessary information to decide whether to prepare an Environmental Impact Report (EIR) or a Mitigated Negative Declaration;
- B. To enable the Lead Agency to modify a project, mitigating adverse impacts thus avoiding the need to prepare an EIR;
- C. To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

In the case of the proposed townhomes complex, it was found that it would not result in any significant effects on the environment that cannot be mitigated to less than significant levels and therefore, a Draft Mitigated Negative Declaration (MND) was prepared for review by the Planning Commission and for adoption by the City Council.

Staff found that impacts to transportation/traffic, biological resources, and cultural resources were potentially significant, but staff also found that these impacts could be lessened to a level of insignificance through incorporation of the proposed mitigation measures.

Overall, with the incorporation of the mitigation measures, staff found that the project would not result in any significant effects on the environment that could not be mitigated to less than significant levels. The Draft MND was circulated for a 32-day review period, which began on May 24, 2012, and ended on June 25, 2012. The Final MND is attached. Responses to nine (9) comment letters received regarding the Draft MND are also attached for reference and included in the Final MND. Staff recommends that the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, finding it to comply with the requirements of CEQA.

K. Summary

The applicant has worked with staff over the last year and half in designing this project. The project has evolved over time to address issues raised by the Fire Department, the City Development Review Committee, and the City's Architectural Review Panel. The project was also review by other City Departments and revised to comply with Public Works Department requirements regarding drainage and grading, and the Building and Safety Department regarding compliance with requirements of the Americans with Disabilities Act (ADA). The project was also reviewed by the City's landscape and oak tree consultant. Staff also met with representatives of the Old Agoura Homeowners Association on a number of occasions to review the project, and address their comments on and concerns regarding the project. This extensive review process has led to a series of project revisions resulting in the reduction in the number of units, and changes to the building elevations and materials, driveway configurations, layout of the site plan, grading, landscaping, and other project features.

Through this review process, staff has worked with the applicant to reduce the appearance of the visual mass of the buildings as viewed from the street. The solution was to lower the internal pad elevations as low as possible, and along the project perimeter to use a series of landscape berms, heavy landscaping, trees, and fencing to soften and screen the buildings to give an appearance of reduced building height as viewed from the street. Of note is the tall berming and landscaping at the street corner at the Old Agoura gateway sign. The proposed berming, fencing, and landscaping will also help with privacy and noise buffering for the residents of this development.

Staff has discussed with the applicant the possibility of further reducing the pad elevations in order to further reduce the visual mass of the buildings as viewed from the streets. Currently, the grading plans show the project's pad elevations to be relatively flat with finished surfaces of 908.10 to 909.00 at the units along Chesebro road rising slightly up to 910.18 for the units to the rear of the site. These grades allow for surface sheet flow towards Chesebro Road. It is, however, possible to drop the grades up to 2 more feet through the use of underground storm drain pipes that would connect with a catch basin further south on Chesebro Road. This option, which is not the applicant's preference, would consequently require additional grading and higher retaining walls. The Planning Commission, however, has the discretion to recommend this option to the City Council if it finds that additional mitigation of views of the buildings is necessary.

The applicant also has proposed other options that the Planning Commission could consider to help reduce the visual prominence of the project as viewed from the street. The current plans show a combination of gable and hip roofs for all buildings. One possible option is to use all hip roofs instead, which would reduce the vertical massing towards the top of the buildings. Also, since the zoning ordinance allows hip roofs to be measured to the mid-point, the building height, as defined by the zoning ordinance, would be reduced by approximately 3 feet. The Planning Commission has discretion to recommend this option to the City Council as well.



#### **IV. RECOMMENDATION**

Based on our analysis of the project and the project's compliance with the developed standards of the proposed land use designation, staff recommends that the Planning Commission recommend that the City Council adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project, and approve General Plan Amendment Case No. 12-GPA-001; an Ordinance for Zone Change Case No. 12-ZC-001; Variance Case No. 12-VAR-001 (A & B); Site Plan/Architectural Review Case No. 12-SPR-002; Oak Tree Permit Case No. 12-OTP-005; and Sign Permit Case No. 12-SP-011. As the Planning Commission's role in this matter is advisory to the City Council, staff respectfully requests that the Commissioners, either individually or collectively, via a minute motion, provide any specific comments that they wish to convey to the City Council on the project. A separate public hearing will be scheduled with the City Council who will make the final decision.

#### **V. ATTACHMENTS**

- Exhibit A:** General Plan Amendment Draft Resolution
- Exhibit B:** Zone Change Draft Resolution and Draft Ordinance
- Exhibit C:** Site Plan/ Architectural Review Draft Resolution and Conditions
- Exhibit D:** Variance (A) (Retaining Walls) Draft Resolution and Conditions
- Exhibit E:** Variance (B) (Group Open Space) Draft Resolution and Conditions
- Exhibit F:** Oak Tree Permit Draft Resolution and Conditions
- Exhibit G:** Sign Permit Draft Resolution and Conditions
- Exhibit H:** MND and Mitigation Monitoring Program Draft Resolution
- Exhibit I:** Letter from the Applicant (Project Description)
- Exhibit J:** Letters / Emails from the Public
- Exhibit K:** Vicinity Map
- Exhibit L:** Reduced copies of project plans

Case Planner: Doug Hooper, Assistant Director of Community Development

# EXHIBIT A

DRAFT RESOLUTION NO. 12-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018) TO CHANGE THE LAND USE DESIGNATION FOR SUCH PROPERTY FROM COMMERCIAL RETAIL SERVICE TO RESIDENTIAL HIGH DENSITY (CASE NO. 12-GPA-001)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a General Plan Amendment to change the land use designation of the subject property from Commercial Retail Service (CRS) to Residential High Density (RHD). A public hearing to consider Case No. 12-GPA-001 was duly held on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission declares as follows:

A. The proposed General Plan amendment is consistent with the goals of the current General Plan in that applying the RHD land use designation to this property will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in Land Use Policy LU-2.1

B. The proposed General Plan amendment will assist in the development of a range of housing types to meet the diverse needs of the community, as called for in Goal No. 2 of the City's General Plan Housing Element.

C. The proposed RHD land use designation will be consistent with the same land use designation of adjacent property to the west, on the west side of Chesebro Road, and will offer a compatible and transitional land use between the commercial uses to the south and the single-family residential uses to the north.

Section IV. The Planning Commission has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council approve General Plan Amendment Case No. 12-GPA-001, with respect to the property described in Section I hereof, as shown on attached Exhibit A.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of August, 2012, by the following vote to wit:

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

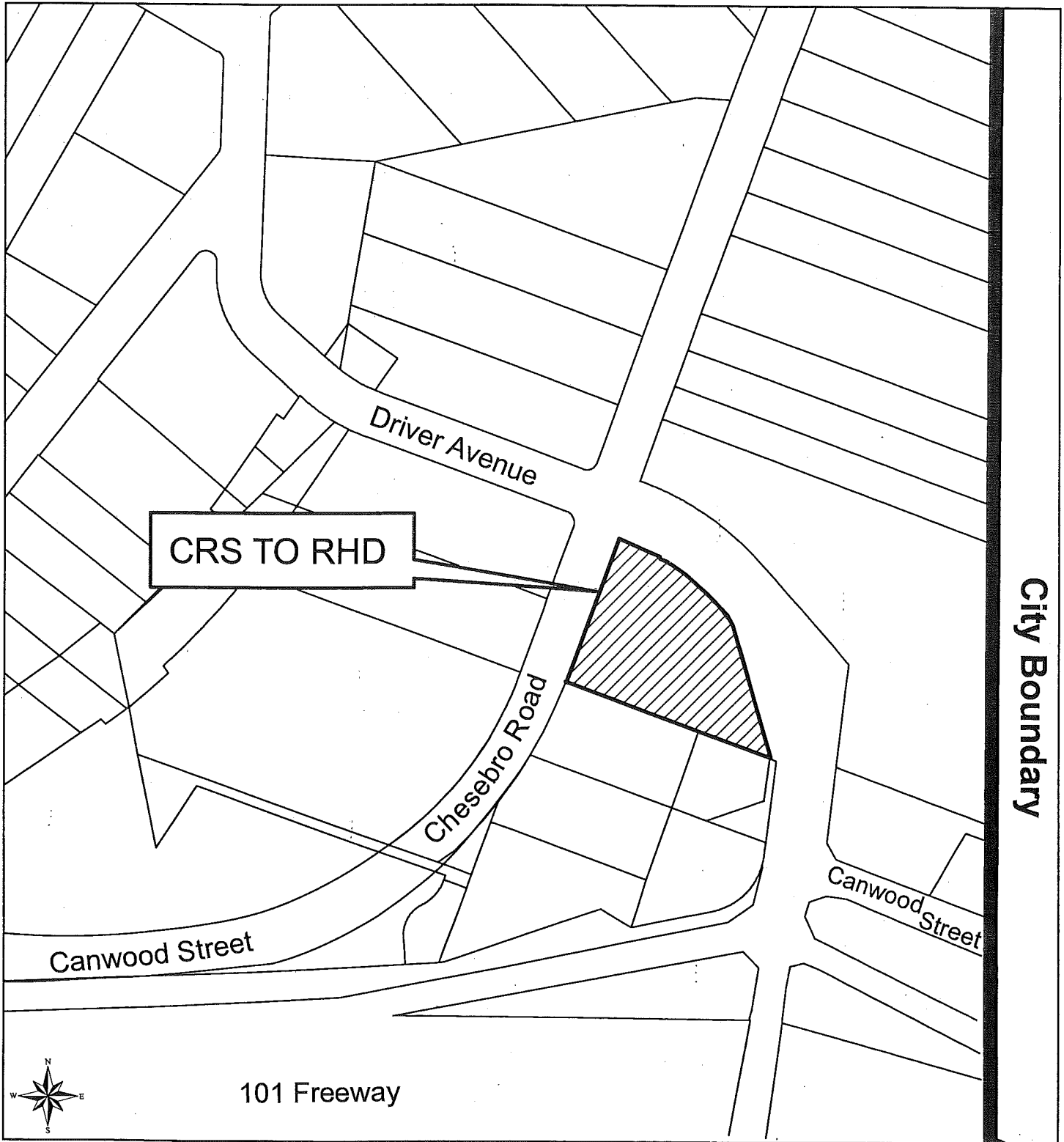
\_\_\_\_\_  
John O'Meara, Chairperson

ATTEST:

\_\_\_\_\_  
Mike Kamino, Secretary

**Exhibit A**

**GENERAL PLAN AMENDMENT  
CASE NO. 12-GPA-001**



# **EXHIBIT B**

DRAFT RESOLUTION NO. 12-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE CHANGE FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018) TO CHANGE THE ZONE FOR SUCH PROPERTY FROM COMMERCIAL RETAIL SERVICE – FREEWAY CORRIDOR OVERLAY – OLD AGOURA DESIGN OVERLAY (CRS-FC-OA) TO HIGH DENSITY RESIDENTIAL-(25) – FREEWAY CORRIDOR OVERLAY – OLD AGOURA DESIGN OVERLAY (RH-FC-OA) (CASE NO. 12-ZC-001)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a Zone Change to change the zoning land use designation of the subject property from Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay (CRS-FC-OA) to High Density Residential-(25) – Freeway Corridor Overlay – Old Agoura Design Overlay (RH-FC-OA). A public hearing to consider Case No. 12-ZC-001 was duly held on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9672 of the Agoura Hills Municipal Code, that:

A. The proposed Zone Change will be consistent with the proposed General Plan designation of the subject property, in that both the zoning and General Plan land use designations will provide for high density, multi-family residential use of the property.

B. The proposed Zone Change will be consistent with the goals of the current General Plan in that the RH land use designation will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in Land Use Policy LU-2.1

C. The proposed Zone Change will provide for a density of proposed townhome units that is appropriate for the size of the parcel and compatible with neighboring commercial and residential uses.

D. The proposed Zone Change will assist in the development of a range of housing types to meet the diverse needs of the community, as called for in Goal No. 2 of the City's General Plan Housing Element.

E. The proposed RH-(25) zoning designation will be consistent with the same zoning designation of adjacent property to the west, on the west side of Chesebro Road, and will offer a compatible and transitional land use between the commercial uses to the south and the single-family residential uses to the north.

Section IV. The Planning Commission has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council approve Zone Change Case No. 12-ZC-001, with respect to the property described in Section I hereof, and as shown on attached Exhibit A.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of August, 2012, by the following vote to wit:

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

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John O'Meara, Chairperson



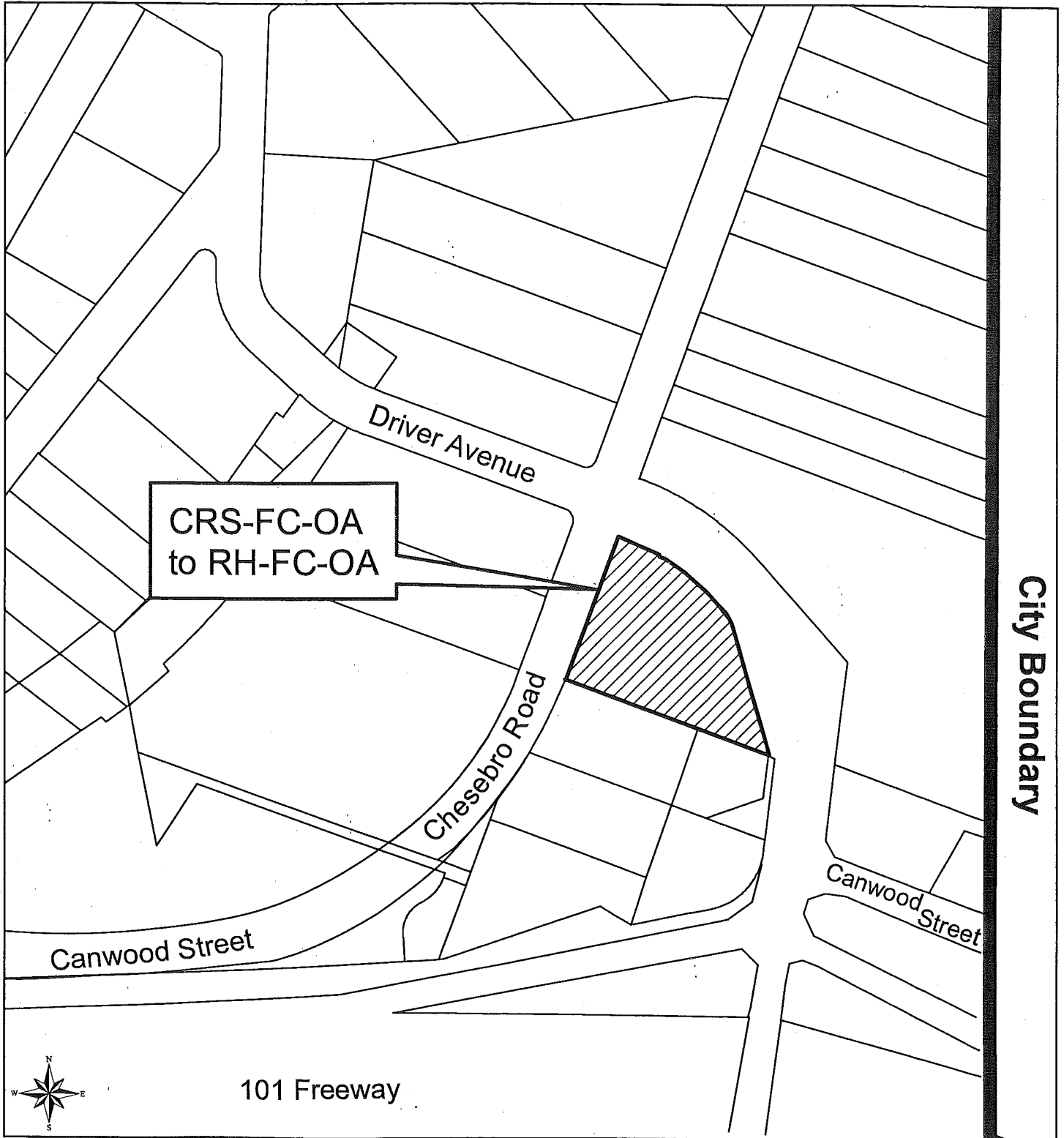
Draft Resolution No. 12-\_\_\_\_  
Page 3

ATTEST:

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Mike Kamino, Secretary

**Exhibit A**  
**ZONE CHANGE**  
**CASE NO. 12-ZC-001**



DRAFT ORDINANCE NO. 12-\_\_\_\_

AN ORDINANCE OF THE CITY OF AGOURA HILLS APPROVING A ZONE CHANGE FROM COMMERCIAL RETAIL SERVICE TO HIGH DENSITY RESIDENTIAL (RH-25) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, KNOWN AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-ZC-001)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

**Section 1. Findings and Intent.**

- A. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a Zone Change for the property shown on Exhibit "A," to change the zoning land use designation of the subject property from Commercial Retail Service – Freeway Corridor Overlay – Old Agoura Design Overlay (CRS-FC-OA) to High Density Residential-(25) – Freeway Corridor Overlay – Old Agoura Design Overlay (RH-FC-OA).
- B. A public hearing to consider Case No. 12-ZC-001 was duly held by the City's Planning Commission on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.
- C. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.
- D. The Planning Commission adopted Resolution No. \_\_\_\_, recommending that the City Council approve Case No. 12-ZC-001 to provide for a zone change from CRS-FC-OA to RH-FC-OA for the subject property.
- E. A public hearing to consider Case No. 12-ZC-001 was duly held by the City Council on \_\_\_\_\_, 2012, at 6:00 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

- F. The proposed Zone Change will be consistent with the proposed General Plan designation of the subject property, in that both the zoning and General Plan land use designations will provide for high density, multi-family residential use of the property.
- G. The proposed Zone Change will be consistent with the goals of the current General Plan in that the RH land use designation will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in Land Use Policy LU-2.1
- H. The proposed Zone Change will provide for a density of proposed townhome units that is appropriate for the size of the parcel and compatible with neighboring commercial and residential uses.
- I. The proposed Zone Change will assist in the development of a range of housing types to meet the diverse needs of the community, as called for in Goal No. 2 of the City's General Plan Housing Element.
- J. The proposed RH-(25) zoning designation will be consistent with the same zoning designation of adjacent property to west, on the west side of Chesebro Road, and will offer a compatible and transitional land use between the commercial uses to the south and the single-family residential uses to the north.

**Section 2.** **CEQA.** The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The City Council hereby makes the following environmental findings and determinations in connection with the proposed project:

- A. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the proposed townhomes project as described in the Initial Study (the "Project"). The Initial Study indicated that the project would not result in or create significant adverse environmental impacts, except that the Initial Study identified potentially significant impacts to Biological Resources, Archaeological Resources, and Traffic. Staff determined that all of these potentially significant impacts could be mitigated to a less than significant level with the imposition of the mitigation measures identified in the

Mitigated Negative Declaration. As such, Staff determined that a Mitigated Negative Declaration was the appropriate CEQA document for analyzing and disclosing the proposed project's potentially significant environmental impacts.

- B. City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration as required by law. The public comment period commenced on May 24, 2012, and expired on June 25, 2012. Copies of the documents have been available for public review and inspection at the offices of the Department of Planning and Community Development, located at City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.
- C. Nine (9) written comments were received prior to the public hearing and a response to all of the comments made therein was prepared, submitted to the Planning Commission, and incorporated into the administrative record of the proceedings.
- D. The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration prior to and at the August 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.
- E. Based on the aforementioned findings, the City Council hereby approves and adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the Project.

**Section 3. Zone Change.** Based on the aforementioned findings, the City Council hereby approves Zone Change Case No. 12-ZC-001, with respect to the property described in Section 1 hereof, and as shown on the attached Exhibit A.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 5. Certification and Posting.** The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law. This Ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote to wit:

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

\_\_\_\_\_  
John M. Edelston, Mayor

ATTEST:

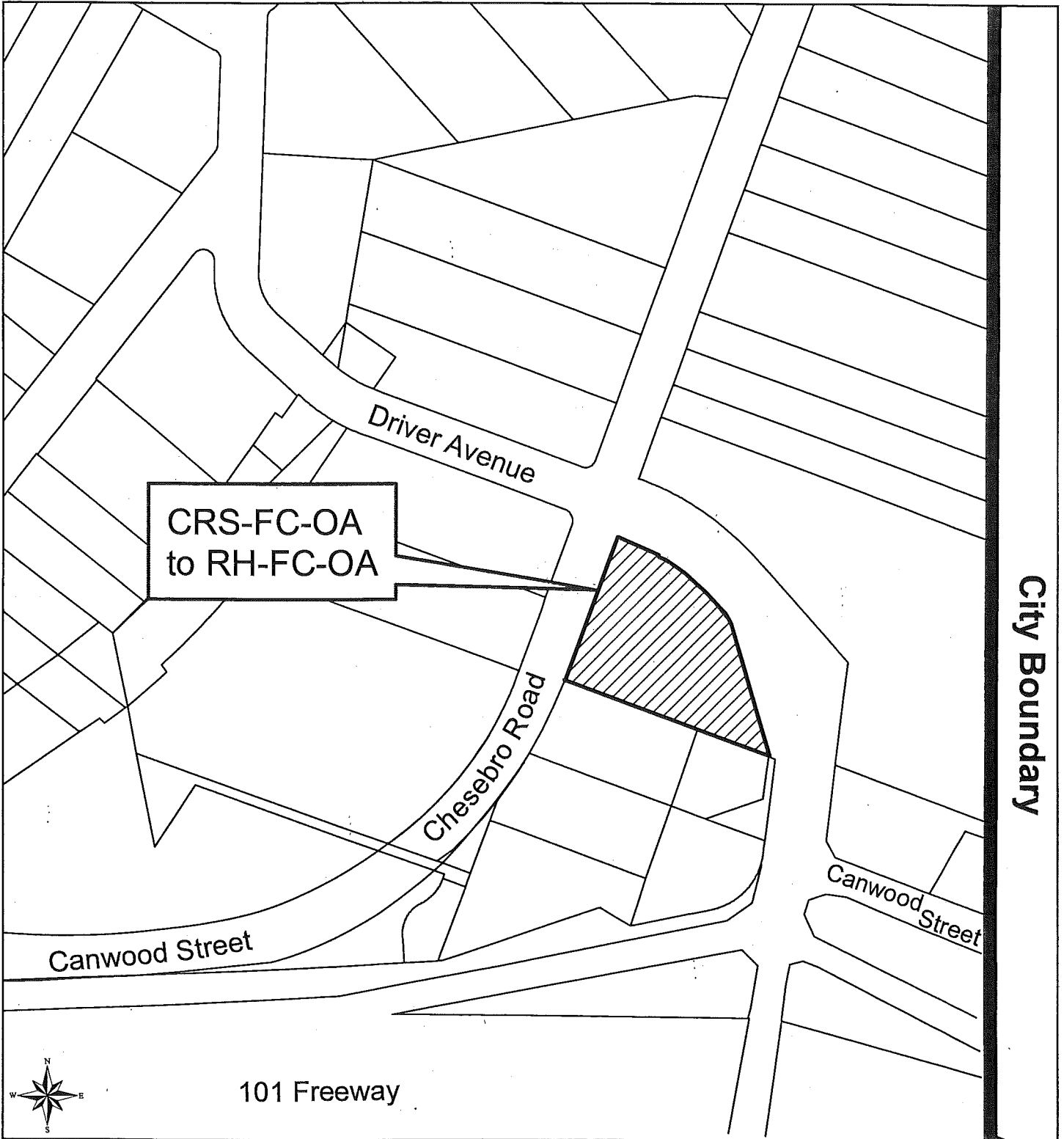
\_\_\_\_\_  
Kimberly M. Rodrigues, City Clerk

APPROVE AS TO FORM:

\_\_\_\_\_  
Candice Lee, City Attorney

Exhibit A

ZONE CHANGE  
CASE NO. 12-ZC-001



# EXHIBIT C



DRAFT RESOLUTION NO. 12-\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 12-SPR-002 FOR CONSTRUCTION OF A TOWNHOME COMPLEX LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a Site Plan/Architectural Review to construct an eighteen (18)-unit townhome complex, and requesting adoption of a Mitigated Negative Declaration. A public hearing to consider Case No. 12-SPR-002 and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was duly held on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Sections 9677.5 and 9677.7.G of the Agoura Hills Municipal Code, that:

- A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. Townhome uses are permitted in the High Density Residential (RH) zone, the Freeway Corridor Overlay zone, and Old Agoura Design Overlay zone. With the approval of the variances requested by the applicant, the proposed buildings will meet all minimum yard and open space requirements for the RH zone, thereby preserving light, air, privacy and open space for the surrounding properties. The project meets the height and lot coverage requirements as specified for the RH zone.
- B. The proposed use, as conditioned, and the manner in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. Access to the site would be taken from Chesebro Road. The placement of the buildings within the property will allow for on-site vehicular and pedestrian circulation, while preserving light, air, and privacy of the surrounding properties and, in turn, will protect the general welfare of

the neighboring community. The project will also comply with current building standards and regulations. In addition, the project will preserve most of the existing oak trees and will involve the planting of an additional twelve oak trees, as required by the Municipal Code. The project will provide additional housing in accordance with the City's housing policies, including Goal No. 2 of the City's Housing Element, and will serve as a transition between the multi-family housing to the west, commercial properties to the south, and the single-family housing to the north.

- C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and open space in the surrounding area. The design of the buildings and exterior materials, which include stone veneer, wood siding, corbels, and stucco, will be compatible with the rural theme of the Old Agoura Design Overlay District and will be compatible with the surrounding neighborhood.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project complies with the provisions of the High Density Residential zone, the Freeway Corridor Overlay zone, and the Old Agoura Design Overlay zone in regards to use, on-site parking, lot coverage, and building height.
- E. The proposed use, as conditioned, is consistent with the City's General Plan, as amended, in that the townhomes will contribute to the provision of a full range of housing types, locations, and densities to address the community's fair share of regional housing needs, and provide market support to economically sustain commercial land uses in Agoura Hills, as called for in General Plan Land Use Policy LU-2.1.
- F. The proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed townhome use is consistent with the multi-family apartment complex and senior assisted living facility uses on the same street, to the west of the proposed project site. The project and its proposed density are compatible with the residential and commercial uses within the surrounding neighborhood. The project also will serve as an appropriate transition between the multi-family housing to the west, commercial properties to the south, and the single-family housing to the north.
- G. The proposed development, as conditioned, is consistent with the design standards adopted by the City Council with the incorporation of earthtone colors, full roof elements, and natural buildings on each building.
- H. The design and location of the proposed development, as conditioned, and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed

developments in the vicinity thereof, and that it will not create traffic hazards or congestion. The project is anticipated to generate only 13 AM and 13 PM peak hour trips and to the study area intersections and the traffic volumes generated from this project will not degrade the level of service at the adjacent neighboring intersections.

- I. The design of the proposed development, as conditioned, is in keeping with the character of the surrounding commercial and residential neighborhoods, and is not detrimental to the harmonious, orderly, and attractive development contemplated by the Zoning Ordinance and General Plan of the City. As described above, the project will include exterior materials, such as stone veneer, wood siding, corbels, and stucco, which are compatible with the rural theme of the Old Agoura Design Overlay District and will be compatible with the surrounding neighborhood.
- J. The design of the proposed development, as conditioned, would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors. The project is accessible for its occupants and group open space areas and amenities will be provided. The buildings are also situated a sufficient distance from neighboring uses to provide for privacy, light, and air to its occupants.
- K. The proposed use, as conditioned, complies with all applicable requirements of the district in which it is located and all other applicable requirements in that all development standards of the RH zone, with the exception of group open space areas and retaining wall heights, will be met, and the project will comply with City Building Code requirements. With the approval of the variances applied for by the applicant, the proposed use complies with all applicable requirements of the RH zone.
- L. The overall development of the subject property, as conditioned, is designed to ensure the protection of the public health, safety, and general welfare. The project is accessible from the street for motorists, pedestrians, and emergency access. The buildings are located a sufficient distance from the property lines to allow for adequate light, air, and open space. The project provides additional housing in accordance with the City's Housing Element, which will encourage the local economy. In addition, the reduced number of dwelling units in the project allows for an appropriate townhome project to serve as a buffer between the multi-family development to the west and the single-family development to the north.

Section IV. The Planning Commission has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council approve Site Plan/Architectural Review Case No. 12-SPR-002, subject to the attached Conditions, with respect to the property described in Section I hereof.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of August, 2012, by the following vote to wit:

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

\_\_\_\_\_  
John O'Meara, Chairperson

ATTEST:

\_\_\_\_\_  
Mike Kamino, Secretary

CONDITIONS OF APPROVAL  
(CASE NO. 12-SPR-002)

STANDARD CONDITIONS

1. The approval of this permit shall not be effective for any purpose until the applicant has agreed in writing that he is aware of, and accepts, all Conditions of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the Site Plan submitted for Site Plan/Architectural Review Case No. 12-SPR-002.
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. Unless this approval is used within two (2) years from the date of City approval, Site/Plan Architectural Review Case No. 12-SPR-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
6. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved exhibits: Site Plan, Building Elevation Plans, Roof Plans, Grading Plans, and Landscape Plans.
7. 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.
8. 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.
9. All requirements of the Zoning Ordinance must be complied with unless set forth in this permit.
10. If required, the applicant shall provide road markers opposite the existing or proposed fire hydrants serving the property to the satisfaction of the City Engineer.

11. A minimum of nine guest parking spaces (including one handicap parking space), and two enclosed parking spaces for each unit, shall be provided on the subject property and handicap parking shall be provided within the complex. All guest parking spaces shall include wheel stops and the spaces shall be of standard size and pinstriped, in conformance with the City Parking Ordinance.
12. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
13. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
14. 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.
15. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
16. Unless otherwise specified in the Development Agreement for this project, prior to the issuance of a Building Permit, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$3.20/gross square foot for residential construction. Actual fees will be determined at the time of building permit issuance.
17. Unless otherwise specified in the Development Agreement for this project, the applicant shall pay to the City the applicable Fire District Developer Fee prior to the issuance of Building Permits. The current fee is \$0.9296/gross square foot for commercial construction. Actual fees will be determined at the time of building permit issuance.
18. Unless otherwise specified in the Development Agreement for this project, 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.
19. Prior to the issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The

applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.

### LANDSCAPING CONDITIONS

20. The landscape plans shall substantially conform to the Landscape Concept Plan prepared by Richard W. Campbell, ASLA, as approved the City Council.
21. 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
22. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
  - a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - b. All plans shall be legible and clearly drawn.
  - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
  - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
  - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
  - f. The project identification number shall be shown on each sheet.
  - g. The plans shall accurately and clearly depict the following existing and proposed features:
    - Landscape trees, shrubs, ground cover and any other landscaping materials
    - Property lines
    - Streets, street names, rights-of-way, easements, driveways, walkways, bicycle paths, and any other paved areas
    - Buildings and structures
    - Parking areas, including lighting, striping and wheel stops
    - General contour lines
    - Grading areas, including tops and toes of slopes
    - Utilities, including street lighting and fire hydrants
    - Natural features, including watercourses, rock outcroppings

- h. The Planting Plan shall indicate the botanical name and size of each plant.
- i. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
- j. Plant symbols shall depict the size of the plants at maturity.
- k. The landscape plans shall prominently display the following notes:
  - i. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
  - ii. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".
  - iii. 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.
- l. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
- m. 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.
- n. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
  - Design and static pressures
  - Point of connection
  - Backflow protection
  - Valves, piping, controllers, heads, quick couplers
  - Gallon requirements for each valve
- 23. 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.
- 24. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
- 25. The Landscape Plan shall be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department prior to the issuance of building permits.
- 26. Shade trees are generally required such that fifty percent (50%) of the parking lot, including driveways and aisles, shall be covered by tree canopies within fifteen (15) years after installation. The parking lot trellis features included within the proposed plans serve to meet the intent of this requirement.



27. A complete Landscape Documentation package shall be provided at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Ordinance.
28. The Landscape Plan shall not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society of the California Exotic Pest Plan Council.
29. The final plans shall not include any palm species.
30. All plant material shall be considered compatible with Sunset Zone 18.
31. Proposed light standard locations shall be depicted on the planting plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Consultant.
32. No other usage or storage shall be permitted within any required yard, including transformers and trash enclosures.
33. Any unsightly uses, including trash enclosure and transformers shall be screened with berms, decorative walls or landscaping.
34. 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.
35. The naturalistic landscape feature at the corner of Chesebro Road and Palo Comado Canyon road shall be further developed to create a more rugged, dramatic entry statement for Old Agoura. The applicant and his landscape architect shall continue to work with the Landscape Consultant to ensure this requirement is met, to the satisfaction of the Director of Planning and Community Development.
36. The Freeway Corridor Overlay and Old Agoura Design Overlay zones require locally native, low water use landscape plantings with a naturalistic appearance to preserve the rural character of the area. Native, drought resistant plants shall be utilized extensively on all graded slopes in accordance with the Old Agoura Design Overlay zone requirements. The applicant and his landscape architect shall continue to work with the City Landscape Consultant to ensure this requirement is met.
37. Landscape berming shall be provided at the corner of Chesebro Road and Palo Comado Canyon Road to the satisfaction of the City Landscape Consultant.
38. A rustic fence shall be incorporated along Palo Comado Canyon Road to provide a safety barrier above the slope, to the satisfaction of the Director of Planning and Community Development.

ENGINEERING / PUBLIC WORKS DEPARTMENT CONDITIONS:

39. Prior to issuance of grading, building, or encroachment permits, the applicant shall comply with the following conditions of approval:

*General*

- A. 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.
- B. For all work within the public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc. shall be reviewed and approved by the City Engineer. 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 website at [www.ci.agoura-hills.ca.us](http://www.ci.agoura-hills.ca.us).
- C. Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department. The current fee is \$1,516 per unit.
- D. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.
- E. 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.
- F. Grading Plan shall show locations of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Permit conditions of approval.
- G. 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.

- H. Submit a soils/geology report to the City project engineer for review and approval in accordance with Government Code Section 66434.5 as required by the City Engineer.
- I. Prior to issuance of permits from the Engineering Department, this project will require a permit from the Las Virgenes Municipal Water District.
- J. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact the City Engineering Department at (818) 597-7329 for approved City certification forms.
- K. The applicant shall provide a title report no older than thirty (30) days.

Public Improvements

- A. The applicant shall design full public improvements in accordance with City Code, specifications, and/or conditional of approval for the area. Such public improvements may include, but not be limited to, the following:

Improvement Item	STREET NO. 1 CHESEBRO ROAD	STREET NO. 2 PALO COMADO ROAD
<b>Curb &amp; Gutter</b>	<input type="checkbox"/> New; ___ ft from C/L <input checked="" type="checkbox"/> Replace Damaged <input type="checkbox"/> Remove existing & Relocate	<input type="checkbox"/> New; ___ ft from C/L <input type="checkbox"/> Replace Damaged <input type="checkbox"/> Remove existing & Relocate
<b>AC Pavement</b>	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen; ___-add'l ft. along frontage, incl. pavement transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen; ___-add'l ft. along frontage, incl. pavement transitions
<b>PCC Drive Approach</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input type="checkbox"/> New <input type="checkbox"/> Replacement
<b>Sidewalk</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement
<b>ADA Access Ramp</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input type="checkbox"/> New <input type="checkbox"/> Replacement
<b>Parkway</b>	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)

<b>Raised Median</b>	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation) <input type="checkbox"/> Hard Landscaping	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation) <input type="checkbox"/> Hard Landscaping
<b>Street Lights</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New <input type="checkbox"/> Relocation
<b>Sewer Service (See sec. 2C)</b>	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>All water appurtances are per LVMWD standards (see Section 2D)</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> Main <input type="checkbox"/> Catch Basin	<input type="checkbox"/> Main <input type="checkbox"/> Catch Basin
<b>Traffic Signal Facilities (See sec. 2G)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modification <input type="checkbox"/> Relocation	<input type="checkbox"/> New <input type="checkbox"/> Modification <input type="checkbox"/> Relocation
<b>Traffic Signing and Striping (See sec. 2G)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modification	<input type="checkbox"/> New <input type="checkbox"/> Modification
<b>Bus Stop and/or Turn-out (See Sec. 2G)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modification	<input type="checkbox"/> New <input type="checkbox"/> Modification
<b>Underground Overhead Utilities</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<b>Equestrian Trail Construct</b>	<input type="checkbox"/> Trail Only <input type="checkbox"/> Trail& Fence	<input type="checkbox"/> Trail Only <input type="checkbox"/> Trail& Fence
<b>Removal of</b>	_____	_____
<b>Other req'd improvements</b>	_____	<b>GUARD RAIL ALONG PALO COMADO ROAD TO PROVIDE VEHICULAR SAFETY AND FALL PROTECTION</b>

- B. The applicant shall provide a fully compliant ADA ramp with truncated domes at the southeast corner of the intersection. The applicant shall also use earth-tone pigment in all concrete work, including the curbs, gutters, driveways, and sidewalks.
- C. The following existing street being cut for new services or being finished with curb and gutter may require an asphalt concrete overlay: Chesebro Road in front of the property.
- D. This property is within the Las Virgenes Municipal Water District (LVMWD) service area. Applicant shall make arrangements with the LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.

Sewer

- A. 10-inch sewer line is available for connection by this project in Chesebro Road (Ref. Sewer Plan Drawing No. T-77).

Water

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

Drainage

- A. 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.

Stormwater Quality (NPDES)

- A. Prior to approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
  - 1. Sediments generated on the project site shall be retained using adequate Treatment Control BMPs;

2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
- B. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.
- C. The applicant is required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP handbook for Construction at: [www.cabmphandbooks.com](http://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 ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

40. Prior to issuance of certificate of occupancy, the applicant shall comply with the following conditions of approval:
  - A. All remaining fees/deposits required by the Engineering Department must be paid in full.
  - B. All requirements including construction of improvements required of the Engineering / Public Works Department noted herein for this project must be completed to the satisfaction of the City Engineer.
  - C. 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.
  - D. The applicant shall record a covenant for continued stormwater maintenance, using City-approved forms, with the County of Los Angeles. An electronic copy of this document is available on the City's website: [www.agoura-hills.ca.us](http://www.agoura-hills.ca.us).
  - E. Upon receiving the Title Report, if conflicts/issues arise regarding recorded documents over property, the applicant shall take all measures necessary, as directed by the City Engineer, to resolve said conflicts/issues. All conditions listed are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

#### CITY TRAFFIC ENGINEER CONDITIONS

41. Due to the proximity of the proposed north driveway serving the project to the intersection of Chesebro Road and Palo Comado Canyon Road, this driveway shall be restricted to right in – right out movements with appropriate on-street striping and signage that shall be subject to approval by the City Traffic Engineer and City Engineer. The south driveway serving the project can be a full access driveway.

#### BUILDING AND SAFETY DEPARTMENT CONDITIONS

42. All exterior materials used for eaves, sidings, porches, patios, carports, and other similar structures shall meet the Very High Fire Hazard Severity Zone requirements as outlined in Chapter 2 of Article VIII of the Agoura Hills Municipal Code. The applicant shall identify the types of materials being used.

43. As part of the building permitting review process and prior to permit issuance, two (2) full sets of construction plans, including Architectural, Electrical, Plumbing, Mechanical, Green Building, Title 24 Energy Calculations, Structural Plans, and calculations shall be submitted to the Building and Safety Department for plan review and approval.
44. All common areas, as well as one (1) unit of this project, are required to meet the accessibility requirements per Chapter 11A of the California Building Code (latest edition). The applicant shall show all accessibility information and provide the specifications necessary at the time of construction plan submittal to the Building and Safety Department for review.

#### FIRE DEPARTMENT CONDITIONS

45. The applicant shall comply with all conditions of the Los Angeles County Fire Department prior to issuance of a Building Permit.

#### SOLID WASTE MANAGEMENT CONDITIONS

46. 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.
47. 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.



48. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

#### PLANNING CONDITIONS

49. The final design of all proposed retaining wall systems located on the site shall be submitted to the Planning and Community Development Director for review and approval prior to the issuance of a grading permit. All walls shall be decoratively designed, as approved by the Director of Planning and Community Development. All fencing, including a required three-rail design fence, shall be subject to approval by the Director of Planning and Community Development.
50. A pre-construction conference shall be held prior to the issuance of a grading permit with all construction personnel involved with the grading operations. A procedure shall be established to handle any complaints received from the surrounding property owners or residents of the City during the grading and construction operations. Applicant shall deposit funds with the City necessary to cover costs of the City hiring an environmental mitigation monitor.
51. All mechanical equipment shall be screened from public view from the adjacent roadways and surrounding properties to the satisfaction of the Director of Planning and Community Development.
52. All exterior lighting fixtures shall be decorative in design, as approved for this project, and shall be architecturally compatible with the building design and shall be directed downward so as not to produce glare onto adjacent parcels or roadways. The light intensity of installed project light fixtures shall be subject to review and approval by the Community Development Director. The lighting shall be of a low intensity that is compatible with the natural environment.
53. All adopted mitigation measures identified in the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) shall apply to this permit. The applicant shall pay for all mitigation review and monitoring completed by outside consultants such as the City Arborist, City-approved biologist or other consultants needed to ensure compliance with the MMRP as determined by the Director of Planning and Community Development.
54. Enclosures required for solid waste and recyclable materials shall be constructed per the design requirements of Municipal Code Section 9606.5.

55. On-site decorative paving shall be provided at the driveway entrance serving the site and on the pedestrian pathways located between the buildings in within the parking areas. The color, materials and length of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.
56. Prior to the submittal of plans into plan check for a Grading Permit or Building Permit, the applicant shall comply with the project recommendations of the City Geotechnical Consultant and the City Geological Consultant.
57. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.
58. The applicant shall comply with all building material samples approved by the Planning Commission. Prior to painting of the buildings, the applicant shall provide color samples on the building wall for review and approval by the Planning and Community Development Director.
59. The applicant shall provide decorative paving of at least 20 feet in depth at both driveways. The materials and colors shall be subject to approval by the Director of Planning and Community Development.

#### SPECIAL CONDITIONS

60. In the event of a legal action instituted by a third party or other governmental entity or official challenging the certification of the Final Mitigated Negative Declaration, the granting of the project approvals and permits, or any term or provision thereof, or seeking to enjoin, invalidate or prohibit construction of the project, the applicant (or any successor in interest) shall indemnify the City of Agoura Hills, its officers, agents and employees and reimburse the City for all of its expenditures actually incurred and supported by receipts in the defense of such action including, but not limited to, the City's reasonable attorney's fees, so long as there is no settlement thereof without the applicant's consent, which shall not be unreasonably withheld. The City and the applicant shall cooperate in any such defense.

END

# **EXHIBIT D**

DRAFT RESOLUTION NO. 12-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE VARIANCE CASE NO. 12-VAR-001(A) FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018) TO ALLOW FOR THE CONSTRUCTION OF RETAINING WALLS IN EXCESS OF SIX FEET IN HEIGHT

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a Variance from Zoning Ordinance Section 9606.2(D) to construct retaining walls in excess of 6 feet in height for construction of a townhome complex. A public hearing to consider Case No. 12-VAR-001(A) was duly held on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9676.2.E of the Agoura Hills Municipal Code, that:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. In light of the shape of the subject property, the need to ensure emergency access within the proposed project, and the desire to screen the development from the adjacent roads, the finished grade of the parcel will be below Palo Comado Canyon Road and the buildings will be located in large part on the perimeter of the property. In order to accommodate this site plan, the applicant must construct retaining walls on the perimeter of the property in excess of six feet in height.
- B. The granting of the Variance, as conditioned, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The proposed retaining walls are required for slope stabilization, and will allow for a density of residential units that is less than the otherwise allowed for the RH-(25) zone. Also, no portion of the walls facing the exterior of the

property will exceed six feet above the adjacent grade. The proposed retaining walls allow for the development of the property in accordance with the Municipal Code, at a density that is below the allowable density, and in a manner that maximizes the preservation of oak trees. Thus, the variance will not grant special privileges inconsistent with the limitations upon other properties in the area.

- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The incorporation of retaining walls in excess of six feet into the grading plan is a practical solution that contributes to the minimization of the development footprint and impacts to environmental resources. Removal or reduction in the size of the walls will result in an expansion of cut and fill slopes, which would result in additional impacts to oak trees and an increase in required mitigation.
- D. The granting of the Variance, as conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The proposed retaining walls in excess of six feet have been designed and will be constructed in conformance with the City's Building Code standards. Conformance with the City standards will ensure the variance for retaining walls in excess of six feet are not a hazard to public health, safety and welfare. From an aesthetic perspective, retaining walls in excess of six feet will consist of a decorative material, and will be partially screened with landscaping so as to blend with the setting and maintain the aesthetic value of the site.
- E. The granting of the Variance, as conditioned, will be consistent with the character of the surrounding area. The retaining walls in excess of six feet will reduce the development footprint by alleviating the need for cut and fill slopes, and will help maintain the appropriate scale of the buildings for the area. The retaining walls also allow for a development footprint that maximizes the preservation of oak trees on-site. Additionally, the retaining walls will incorporate a decorative material to fit in with the surrounding area.

Section IV. The Planning Commission has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council approve Variance Case No. 12-VAR-001(A), subject to the attached Conditions, with respect to the property described in Section I hereof.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of August, 2012, by the following vote to wit:

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

\_\_\_\_\_  
John O'Meara, Chairperson

ATTEST:

\_\_\_\_\_  
Mike Kamino, Secretary

CONDITIONS OF APPROVAL  
(CASE NO. 12-VAR-001(A))

STANDARD CONDITIONS

1. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions 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 the complete conformation to the Grading Plan submitted for Site Plan/Architectural Review Case No. 12-SPR-001.
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. Unless this approval is used within two (2) years from the date of City approval, Variance No. 12-VAR-001(A) will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

SPECIAL CONDITIONS

6. The walls shall be of a decorative material and design as approved by the Director of Planning and Community Development.

END

# **EXHIBIT E**



DRAFT RESOLUTION NO. 12-\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE VARIANCE CASE NO. 12-VAR-001(B) TO PROVIDE GROUP OPEN SPACE AREAS OF LESS THAN 300 SQUARE FEET IN SIZE PER RESIDENTIAL UNIT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE (A.P.N. 2052-008-017 AND 2052-008-018)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of a Variance from Zoning Ordinance Section 9273.7 to provide group open space areas of less than 300 square feet in size per residential unit, for construction of a townhome complex. A public hearing to consider Case No. 12-VAR-001(B) was duly held on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9676.2.E of the Agoura Hills Municipal Code, that:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The property is triangular in shape, thereby reducing the amount of available developable area. Even though the project is being proposed at a density that is below the allowable density for that zone, the shape of the property requires a site plan with slightly less open space per dwelling unit in order to accommodate the desired 18 units. The strict application of the City's open space requirement would prevent the development of the allowable number of units on the property.
- B. The granting of the Variance, as conditioned, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The proposed number of residential units on the property is less than is otherwise allowed for the RH-(25) zone. The proposed amenities, which include

barbeque areas, and outdoor seating areas, are sufficient to serve the 18 residential units within the complex. Given that the reduced open space adequately serves the number of dwelling units in the project, this variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the area.

- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The requirement for 300 square feet of group open space area per residential unit within the site would result in an even further reduced residential density for the property. As is, the residential density of the project is already proposed to be twenty-four percent less than would otherwise be allowed in the RH-(25) zone. The proposed open space and amenities are sufficient to serve the proposed 18 dwelling units, whereas the strict enforcement of the Zoning Ordinance would prevent the development of these units, which would not comply with the objectives of the Zoning Ordinance.
- D. The granting of the Variance, as conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The group open space areas will be located on-site and most areas will be located below adjacent street level and screened. The open space areas will not contribute to noise or aesthetic impacts on neighboring properties, nor will the reduction in open space allowed by this Variance contribute to any such impacts.
- E. The granting of the Variance, as conditioned, will be consistent with the character of the surrounding area. The granting of the Variance allows only a minor reduction in the open space requirement for the planned development. The Project will include 4,562 square feet of recreational space, only a 15 percent reduction from the required amount of open space under the Zoning Ordinance. Given the property's location across the street from Old Agoura Park, this amount of open space on-site will suffice to provide recreational amenities for the residents of the development.

Section IV. The Planning Commission has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council approve Variance Case No. 12-VAR-001(B), subject to the attached Conditions, with respect to the property described in Section I hereof.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of August, 2012, by the following vote to wit:

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

\_\_\_\_\_  
John O'Meara, Chairperson

ATTEST:

\_\_\_\_\_  
Mike Kamino, Secretary

CONDITIONS OF APPROVAL  
(CASE NO. 12-VAR-001(B))

STANDARD CONDITIONS

1. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions 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 the complete conformation to the Site Plan submitted for Site Plan/Architectural Review Case No. 12-SPR-002.
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. Unless this approval is used within two (2) years from the date of City approval, Variance No. 12-VAR-001(B) will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

END

# **EXHIBIT F**

DRAFT RESOLUTION NO. 12-\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE AN OAK TREE PERMIT FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CHESEBRO ROAD AND PALO COMADO CANYON ROAD/DRIVER AVENUE, IDENTIFIED AS APN NOS. 2052-008-017 AND 2052-008-018 (CASE NO. 12-OTP-005)

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

Section I. An application was duly filed by Aitan Hillel, with respect to the real property located at the southeast corner of Chesebro Road and Palo Comado Canyon Road/Driver Avenue (A.P.N. 2052-008-017 and 2052-008-018), requesting approval of an Oak Tree Permit to remove four (4) oak trees and encroach within the protected zone of six (6) oak trees for the construction of an 18-unit townhome complex. A public hearing to consider Case No. 12-OTP-005 was duly held on August 2, 2012, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9657.5 of the Agoura Hills Municipal Code, that it is necessary to remove and encroach into the protected zone of certain oak trees because their continued existence would prevent the development of the subject property, as based on the following findings:

- A. The proposed construction and removal of four (4) oak trees, as conditioned, will be accomplished without endangering the health of the remaining six (6) trees on the subject vicinity.
- B. The removal of and encroachment into the protected zone of the oak trees will not result in soil erosion through the diversion or increased flow of surface waters in which cannot be satisfactorily mitigated. The approved grading plan for the construction of the project ensures for adequate slope stability and property drainage on-site and off-site as a result of construction and for the protection against soil erosion.
- C. The removal of and encroachment into the protected zone of the oak trees is necessary because their continued existence at the present locations prevents the planned improvements to such an extent that alternative development plans cannot achieve the same permitted density, on-site access, and group open space areas.

Section IV. The Planning Commission has reviewed the Mitigated Negative Declaration for the Project, and all comments received regarding the Mitigated Negative Declaration prior to and at the August 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

Section V. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council approve Oak Tree Permit Case No. 12-OTP-005, with respect to the property described in Section I hereof, and subject to the attached Conditions of Approval.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of August, 2012, by the following vote to wit:

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

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John O'Meara, Chairperson

ATTEST:

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Mike Kamino, Secretary

CONDITIONS OF APPROVAL  
(CASE NO. 12-OTP-005)

STANDARD CONDITIONS

1. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions 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 the complete conformation to the to the Site Plan and Grading Plan submitted for Site Plan/Architectural Review Case No. 12-SPR-005 and approved by the City Council.
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. This permit is valid for the term of Site Plan/Architectural Review Permit Case No. 12-SPR-002.

SPECIAL CONDITIONS

6. The Oak Tree Map shall indicate the proposed improvements.
7. All plan, including the Architectural Site Plan, Landscape Plan, and Grading Plan, shall indicate the tag number, trunk location, exact canopy spread and protected zone of all oak trees located within and immediately adjacent to the subject property as indicated on the Oak Tree Map.
8. The applicant is permitted to remove Oak Trees Number Hot-3, 8, 9, and 10 in order to complete the approved site development program.
9. To mitigate the removal of the four (4) listed above, the landscape plan shall include at least twenty-six inches (26") of trunk diameter of new oak trees within the landscape. The exact species, planting sizes and planting locations shall be subject to review and approval by the City Oak Tree Consultant. The applicant shall plant at least sixteen (16) oak trees within the site, to include the following twelve (12) trees:
  - a. Four (4) thirty-six-inch (36") box size trees.
  - b. Eight (8) twenty-four-inch (24") box size trees.



10. The applicant is permitted to encroach within the protected zones of Oak Trees Number Hot-1, 2, 4, 5, 6, and 7 in order to complete the approved site development program.
11. For any of the Oak Trees Number Hot-1, 2, 4, 5, 6 or 7 for which roots of a significant size or number are encountered during grading operations, the applicant shall mitigate the removal of the tree. For each tree requiring mitigation, the landscape plan shall include at least the equivalent number of inches of trunk diameter of new oak trees within the landscape. The exact species, planting sizes and planting locations shall be subject to review by the City Oak Tree Consultant and approval by the Director of Planning and Community Development. The applicant shall plant at least four (4) oak trees within the site, to include the following three (3) trees:
  - a. One (1) thirty-six-inch (36") box size tree.
  - b. Two (2) twenty-four-inch (24") box size trees.
12. Should the Director of Planning and Community Development and the City Oak Tree Consultant determine that the required number of oak trees cannot be planted on the subject site in practical fashion, equivalent alternative mitigation shall be established through the establishment of an equivalent in-lieu fee which the applicant shall pay to the City Oak Tree Mitigation Fund for the deficit. The amount of the in-lieu fee shall be based upon tree appraisal standards contained in the 9<sup>th</sup> Edition of the Guide for Plant Appraisal.
13. The planting locations, species and quality of all mitigation oak trees are subject to the approval of the City Oak Tree Consultant.
14. 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.
15. All excavation within the protected zone of Oak Trees Number Hot-1, 2, 4, 5, 6 and 7 shall be performed using only hand tools under the direct supervision of the applicant's oak tree consultant. Light construction equipment may be utilized with prior approval of the City Oak Tree Consultant.
16. The applicant shall provide forty-eight (48) hour notice prior to the start of any approved work within the protected zone of any oak tree.
17. No planting or irrigation is permitted within the protected zone of an existing oak tree without approval from the City of Agoura Hills Landscape and Oak Tree Consultant.
18. Prior to the start of any mobilization or construction activities on the site, Oak Trees shall be fenced at the edge of the protected zone in strict accordance with Article IX, Appendix A, Section V.C.1.1 of the City of Agoura Hills Oak Tree Preservation and Protection Guidelines. The City Oak Tree Consultant shall approve the fencing location subsequent to installation and prior to the start of any mobilization or work on the site.