



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: August 4, 2005

TO: Planning Commission

APPLICANTS: Riopharm USA, Inc.
17150 Newhope St., #1005
Fountain Valley, CA 92708

CASE NOS.: 03-CUP-010; 98-CUP-007; 04-VAR-004; and 98-OTP-011

LOCATION: South side of Agoura Road, east of Calle Montecillo and west of Liberty Canyon Road (A.P.N. 2061-014-(007-015)(018-020)(023-042); and 2061-015-008)

REQUESTS: A request for approval of Conditional Use Permits to allow development on two recorded residential tracts for 27 detached, single-family residences (14 units in one tract and 13 units in another tract); request for approval of a Variance to allow one residence to be located 26 feet from the Agoura Road right-of-way, rather than at least 32 feet away; request for an Oak Tree Permit to remove 32 Oak trees and encroach within the protected zone of 19 oak trees; and a request for adoption of a Mitigated Negative Declaration.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends that the Planning Commission conduct a public hearing and adopt a motion to continue this item to September 15, 2005.

ZONING DESIGNATIONS: RM-CD-FC (Medium Density Residential – Cluster Development Overlay – Freeway Corridor Overlay); and RS-CD-FC (Single-Family Residential – Cluster Development Overlay – Freeway Corridor Overlay)

GENERAL PLAN DESIGNATION: RM (Medium Density Residential) and RS (Single-Family Residential)

Planning Commission

Case Nos. 03-CUP-010; 98-CUP-007; 04-VAR-004 and 98-OTP-011

August 4, 2005

Page 2

I. BACKGROUND AND PROJECT DESCRIPTION

The applicant is proposing to construct detached single-family residences on two adjacent recorded residential tracts. The vacant, hillside property is located on the south side of Agoura Road, east of Calle Montecillo and west of Liberty Canyon Road. The most westerly tract (referred to as Agoura I) is approximately 3 acres in size and is located adjacent to and east of existing single family homes located at Via Amistosa.

Both tracts have recorded Vested Tract Maps that have established a density of 14 units for each tract, as well as the lot locations, lots sizes and lot dimensions within the tracts. The Tract Maps are not subject to discretionary review by the Planning Commission for the purpose of this project proposal. Rather, development entitlement for both tracts have expired and the Planning Commission is being asked to review the proposed development of detached, single-family homes in both tracts. The Planning Commission has discretionary authority on the building footprint, setbacks from property lines, building height, the building architectural design, landscaping, signs, parking, and other design related matters.

This Agoura I residential subdivision was approved by the City in 1990 for the proposed subdivision of 14 attached townhome units. Entitlement to develop the 14 townhomes was approved in 1989 (Case No. 88-SPR-011). The Tract Map (No. 48901) was subsequently recorded and is still valid but the entitlement for development expired.

The applicant has filed a new Conditional Use Permit application (Case No. 03-CUP-010) to construct 14 detached, single-family residential units instead of 14 attached townhome duplexes within the tract. The approved townhome units ranged in size from 2,804 square feet to 3,067 square feet. The proposed sizes of the single-family homes within the tract range from 3,389 square feet to 4,124 square feet, including the attached garages. All units are proposed to be two-stories in height, similar to the 5 five existing homes to the west which abut the tracts and that range in size from 2,550 square feet to 3,312 square feet, including the attached garages. The tract has an average topographic slope that is greater than 10%, which requires the Planning Commission's consideration of a Conditional Use Permit application for the proposed construction.

The second tract (Agoura II) is 10.58 acres in size and is located adjacent to and east and north of the Agoura I tract. The Agoura II subdivision was approved in 1993 for the development of 14 single-family homes. The City Council also approved a Zone Change and General Plan Amendment request for the subdivision, changing the land use designation of the property from Medium High Residential Density - Cluster Development (RMH-CD) to Single-Family Residential - Cluster Development (RS-CD). The land use designation of the southern portion of the property was also changed from Residential Rural (RR) to Open Space (OS). The Tract Map (No. 48312) was

recorded but development entitlement expired. The applicant has since filed a new Conditional Planning Commission Case Nos. 03-CUP-010; 98-CUP-007; 04-VAR-004 and 98-OTP-011 August 4, 2005
Page 3

Use Permit application (Case No. 98-CUP-007) to construct 13 detached and redesigned single-family residential units within the tract.

The applicant is also requesting approval of a Variance Case No. 04-VAR-004 to located one residential unit in the Agoura II tract 26 feet from the Agoura Road right-of-way, instead of at least 32 feet. The Planning Commission is also being asked to approve an Oak Tree Permit to remove 32 Oak trees and encroach within the protected zone of 19 other Oak trees for the proposed construction. Since the two tracts are adjacent, are owned by the same entity and would likely be built at the same time if approved by the City, the applicant has requested that the Planning Commission consider their two development proposals together.

Both tracts are located at the base of the hillside, adjacent to and west of public open space land owned by the Santa Monica Mountains Conservancy. The topography of both tracts is rather steep and both slope downhill to the northeast, toward Agoura Road. Although the Tract Maps have been recorded, the proposed 14 unit and 13 unit densities remain consistent with the current Zoning Ordinance and General Plan allowances. Five existing single-family residences that are located to the west within the Camino Real Country Estates tract abut the two tracts proposed for development.

Since the properties are located within Cluster Development Overlay zones, the Planning Commission has discretion on the applicable development standards relative to building height, lot coverage, and placement of the buildings from property lines.

II. STAFF ANALYSIS

Site Plan (Agoura I Tract)

The underlying zoning designation of the Agoura I tract is RM (Medium Density Residential). The 14 attached duplex townhome units previously approved for the tract were consistent with the RM zone, which typically includes multi-family housing units. The applicant is now requesting to change the development within the existing lot configurations to detached, single-family homes that are intended to be more compatible with the existing single-family homes immediately to the west.

The 14 residences proposed within the Agoura I tract are dispersed primarily along the perimeter of the property. Four lots are situated on the east and west sides of the property, as well as on the south (rear) portion of the site. Two residential lots are located near the center of the property. The parcels range in size from 3,900 square feet to 6,500 square feet. Nine of the 14 lots are less than 4,800 square feet in size.

The proposed finished floor of the homes would vary from an 844-foot elevation for Lot 12, at the northwest corner of the tract, to an 875-foot finished floor elevation for Lot 8, which is located near the southwest corner of the site. The portions of Agoura Road that are adjacent to the tract range from an 830-foot elevation to an 840-foot elevation. Thus, the finished pads of the homes would be placed 2 feet to 45 feet above Agoura Road. The homes on Lots 1 and 12, which are located closest to Agoura Road, would be located 53 feet and 42 feet respectively from the Agoura Road right-of-way, and 80 feet and 71 feet from the edge of street pavement.

Lots 9 through 12 are in closest proximity to the existing residences to the west. Lot 9 has a proposed finished floor elevation of 851 feet, which is 10 feet lower than the existing home located directly west. The finished floor elevation of Lot 10 is 848 feet, which is 2 feet higher than Lot 11 and the existing home located directly west. Lot 12 includes a proposed finished floor elevation of 846 feet, which is 2 feet higher than the existing home located directly west. The two-story homes proposed on Lots 9 through 12 would be situated 41 feet to 61 feet from the existing two-story homes to the west. The home proposed for Lot 12 would be located 42 feet from the Agoura Road right-of-way. The neighboring, existing residence to the west is situated 27 feet from the Agoura Road right-of-way.

The RM (Medium Density Residential) zone requires 7-foot minimum side yards, and 15-foot minimum front and rear yards. Overall, the tract, as viewed in its entirety, meets the setback requirements of the zone. In this instance the yard requirements for each of the homes are at the discretion of the Planning Commission since the property is within the Cluster Development Overlay zone, which allowed for the creation of clustered, smaller lots in return for more common, open space/recreation areas within the tract. The applicant is proposing side yards ranging from 5 feet to 15 feet. Most of the attached garages are situated approximately 3 feet from the private street. Many of the homes have garage entries that are perpendicular to the street, which allows for parking within the driveway. Proposed rear yards are 15 feet to 16 feet in depth. The Planning Commission has discretion in determining the appropriate placement of the buildings and whether to require more variation in placement of the buildings within each lot.

Proposed building sizes that include attached garages range from 3,389 square feet for Lots 1-4 and Lots 9-12, 3526 square feet for Lots 6, 7, 8, 13 and 14, and 4,124 square feet for Lot 5. The proposed lot coverage for each parcel is within 60% allowed for the RM zone. The total proposed lot coverage of the entire tract is 23%.

The tract is to be served by private streets that are accessed by a single driveway entry at Agoura Road, near the northwest corner of the property. The development would meet the Parking Ordinance requirement for the provision of two-car garages for each home. Parking would be prohibited on the private streets to allow for fire truck access. However, 14 parking spaces that are dispersed on the sides of each private street are intended to meet the extra parking demands of the

Planning Commission

Case Nos. 03-CUP-010; 98-CUP-007; 04-VAR-004 and 98-OTP-011

August 4, 2005

Page 5

residents. Eight (8) of the 14 guest parking spaces are located in front of the tract, 27 feet to 30 feet from the Agoura Road right-of-way. There is also sufficient space on all but three of the on-site driveways for residents to park a vehicle. Staff is recommending that security gates be prohibited at the tract driveway entrance.

A yard area of 32 feet to 44 feet in width is situated between the homes and the Agoura Road-right-of-way, and would be maintained by the Homeowners Association. This front yard area would include a meandering 6-foot high retaining wall, a 2:1 cut slope, existing and new landscaping and landscaped berms, and a meandering sidewalk within the public right-of-way.

The center portion of the tract, as well as areas near the southwest corner of the tract, are intended for common recreational space for the residents. This common area is approximately 0.5 acres in size. The landscape plans call for a picnic area, pedestrian paths and an arbor in these areas. The Planning Commission has the discretion to require additional or alternative recreational amenities for the tract. Staff recommends that play equipment for young children be provided in this common area since there are no parks in the near vicinity of the tract.

Story poles have been erected on the Agoura I tract site that depict the finished building heights of on Lots 1, 4, 9 and 12.

Site Plan (Agoura II Tract)

The 14 residential lots shown on the recorded map for the easterly tract (Agoura II) was within the density allowed under the underlying zoning designation. The Single-Family and Medium-High Density land use designations of the property allowed for a maximum density of 22 units. The overall slope of the property is 35%, which would have allowed 4 homes on the site. However, the Zoning Ordinance allowed for the exclusion of slopes greater than 35% that are designated as open space from the density calculations. The exclusion of the open space areas located south of the residential lots, further up the hillside, resulted in a maximum density allowance of 16 units. The applicant proposed and received approval for 14 units as part of the subdivision. The applicant is requesting approval of a new Conditional Use Permit to construct 13 homes within the tract, which is one fewer than they are entitled to develop. This decrease in density is proposed to avoid oak tree impacts and to improve access and maintenance to an underlying drainage system.

In order to encourage the dedication of the steeper areas of a lot, the Cluster Development Overlay allows single-family dwelling units on lots smaller than permitted by the underlying zone. This allows the clustering of the dwelling units on the lower and more buildable portions of the property. The lots for this tract range in size from 7,050 square feet to 18,445 square feet. The applicant is proposing three different models or floor plans for the subdivision. The size of the units are 4,061 square feet, 4,249 square feet and 4,865 square feet, including the attached two-car garages

proposed for each unit. All 13 homes are proposed to be two stories in height. The previous Conditional Use Permit approved for the tract included 9 two-story and 5 single-story units. The size of the previously approved units ranged from 3,224 square feet to 3,718 square feet, including attached garages. The Conditional Use Permit was approved for the construction of the 14 homes, but has since expired.

The development standards for the tract are at the discretion of the Planning Commission. Building coverage for each lot is less than the 35% maximum building coverage allowed for lots 10,000 square feet or larger, and 50% for lots less than 10,000 square feet. The setbacks vary from lot to lot but range from 20 feet to 22 feet for the front yard setbacks, 15-foot to 33-foot rear yard setbacks, and 7-foot to 35-foot side yards setbacks. Each garage is setback a minimum distance of 20 feet from the front property line, allowing for on-site parking of vehicles within the driveways. Parking of vehicles on both sides of the private street would also be allowed.

The elevation of the building pads increase 63 feet in height from an 832-foot elevation for Lot 1, adjacent to Agoura Road, to an 895-foot elevation for Lot 6 at the southwest corner of the site. In front of the tract Agoura Road is situated at an 825-foot elevation. The variation in building pad heights creates a need for retaining walls between the homes and in the rear yard areas. No retaining wall will exceed 6 feet in height. Since this entire development is designed under a cluster development concept and not all structures meet the conventional Single-Family Residential (RS) setback requirements, staff recommends that all additions be limited to the rear yard area and a maximum 10% additional lot coverage be allowed to accommodate the additions.

The building pads of Lots 1-5 will be situated an average of 18 feet below the easterly lots of the Agoura I tract, which directly abuts to the west. The proposed homes will not extend beyond the topographic elevation of the existing and adjoining residential subdivision to west.

The Engineering Department is not requiring sidewalks on the private street, although a meandering sidewalk along Agoura Road is proposed in front of both tracts. No common area or recreational space was required when the subdivision was approved by the City. The rear yard areas are of sufficient size to accommodate recreational amenities for the individual parcels. The area south of Lots 6-10 is zoned as Open Space and the applicant and staff is recommending that this area be donated to a public agency for maintenance and that a conservation easement be placed on this open space area to preclude future development.

The Zoning Ordinance requires residential subdivisions to include units set-aside as affordable housing. Where the provision of affordable units on-site is determined to be economically infeasible, the Planning Commission can consider requiring payment of an in-lieu fee. In this instance, the applicant prefers to pay the in-lieu fee instead of providing affordable housing on-site. Since both tracts were approved and recorded prior to adoption of the in-lieu fee Ordinance and the

Planning Commission

Case Nos. 03-CUP-010; 98-CUP-007; 04-VAR-004 and 98-OTP-011

August 4, 2005

Page 7

applicant is allowed to be exempt from seeking the Planning Commission's approval for payment of the in-lieu fee. The property is not within the City's Redevelopment District.

Architectural Design

One of the intended purposes of the City Architectural Design Guidelines and Standards is to preserve the surrounding semi-rural character of the community. The Freeway Corridor standards are intended to promote the City's image as viewed from the freeway and to recognize the importance of the land use, architectural design, and appearance of development with the freeway corridor.

The applicant has attempted to meet these standards through designing the buildings with consideration of the existing topography on varying pad elevations that are intended to minimize grading. The applicant produced several design iterations and changes to the Architectural Review Panel for consideration. The Panel expressed the concern of the design as viewed from the freeway, but also to ensure compatibility with the natural features of the site and the existing residential tract to the west. The site is most visible to west-bound motorists traveling on the 101 Freeway and on Agoura Road. The applicant addressed the concerns of the Panel by designing the two-story homes within both tracts with variations in the building elevations and articulation on all sides of the buildings, including covered porches, bay windows, balconies, extended roof overhands and variation in exterior building materials. The Planning Commission may wish to consider either requiring more articulation for the north building elevations on Lots 1 and 12 of the Agoura I tract, which would be most visible from Agoura Road. The Planning Commission may also consider requiring more of a step-design or a single-story design for these two homes to minimize their prominence as viewed from Agoura Road.

The building materials proposed for the Agoura I tract include three variations of stucco, siding and roof materials, including off-white and tan colored stucco; taupe, off-white and tan wood trim and siding colors; a variation in stone veneer materials and colors; and three variations in multi-colored flat concrete tile roof materials. With the possible exception of the off-white colored stucco color, all materials are intended to be earthtone and subdued. Similar building designs and materials are proposed for the Agoura II tract, but would also include green and gray siding and trim colors; marble and stone veneer; and a combination of flat concrete and s-tile roofs of gray, brown and terracotta colors.

The private street entrances will include brick pavers and all retaining walls are to be of a split-face block material. The on-site driveways within each lot will be stained in a tan color. The Architectural Review Panel found the project to comply with the City Architectural Design Guidelines and to be compatible with the natural environment and with the existing homes to the west.

Variance

The Cluster Development (CD) Overlay zone gives the Planning Commission the discretion to determine setbacks between buildings and property lines within the two tracts. However, the Cluster Development Overlay zone does include specific building setback requirements from arterial streets, including Agoura Road. Buildings within the CD Overlay zone are required to be located at least 32 feet from an arterial street's ultimate right-of-way. The projects meet this requirement with the exception of Lot 1 in the easterly, Agoura II tract. The house proposed for this lot is proposed to be located 26 feet from the Agoura Road right-of-way, which requires approval of a Variance application.

Given the unique circumstances of the project and its site conditions staff supports the Variance request. In order for the Planning Commission to grant the Variance, the Zoning Ordinance requires that the following five (5) findings be made. Staff has analyzed the applicant's requests per the required findings and recommends that the Variance be approved. The following are the required findings and staff's analysis as they apply to this case:

1. Required Finding

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.

Staff Analysis

In order to meet the required 32-foot side yard setback for Lot 1, the site plan would need to be reconfigured to either place the building 6 feet further south, or 1-foot from the south property line, or reconfigure the building. The proposed 7-foot south side yard setback should not be reduced in order to maintain the 20-foot distance between the house and the proposed neighboring residence to the south. The width of the building is 44 feet, including the garage. A 6-foot reduction in the width of the house would significantly minimize the habitable floor area of the first floor of the residence.

2. Required Finding

The granting of the Variance 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.

Staff Analysis

The proposed 26-foot side yard setback between the house and the north property line is the largest side yard within the 13-lot tract. Although the north property line serves as the edge of the Agoura road right-of-way, the residence would be located 54 feet from the edge of Agoura Road pavement, which is a greater distance than most homes on Via Amistosa to the west which abut Agoura Road.

3. Required Finding

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 this the Zoning Ordinance.

Staff Analysis

One of the purposes of the residential land use district is to protect and enhance the natural and important features of the community. The parcel has at least two large Oak trees (44" minimum diameter) in the front yard area of the lot that are to be preserved. Enforcement of the 32-foot minimum side yard requirement would likely result in further encroachment within the protected zone of the Oak trees which could otherwise be avoided.

Staff finds that the applicant meets the objectives of the Zoning Ordinance regarding the placement of the structure on the lot. One of the purposes of the residential land use district is to ensure adequate light, air, privacy and open space for each dwelling. The maintenance of existing Oak trees on the lot, in addition to new on-site landscape within the side yard area and within more than a 25-foot wide along the Agoura Road right-of-way, allows for adequate separation between the building and the Agoura Road edge of pavement to ensure privacy and protect the views along Agoura Road.

4. Required Finding

The granting of the Variance 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.

Staff Analysis

Although the building will be placed approximately 7 feet above Agoura Road, it will be screened with landscaping and the south side elevation of the residence will be articulated with windows and roof elements on both stories, as well as a chimney. The building will be

constructed per City Building Code standards and the grading and retaining wall construction will be monitored to ensure existing conditions are negatively compromised.

The requested Variance applies to 50 linear feet along the side of the building on Lot 1 of the tract and not to the entire street frontage. The residence will be screened by landscape mounding as well as by an Oak tree located between the proposed residence and the north property line.

5. Required Finding

The granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis

The minimum street side yard requirement for property in the Single-Family Residential (RS) zone is 15 feet. Also, the minimum rear yard requirement for homes that abut a street in the RS zone is 25 feet. The side yard request for Lot 1 exceeds both of these standards by providing 26-feet from the Agoura Road right-of-way and 54 feet from the edge of Agoura Road pavement.

City Engineer / Public Works Department / Traffic

The City Engineer reviewed the project plans for required improvements within the public right-of-way and the on-site grading. Based on his review, the City Engineer recommends that the applicant provide for half-street improvements along the south side of Agoura Road, adjacent to the tracts. The street improvements are to be constructed to transition with the existing improvements to the west and accommodate a 12-foot traffic lane, an 8-foot bike lane, and curb and gutter. It is recommended that the remaining portion of the public right-of-way consist of landscaping, irrigation and a 5-foot wide meandering sidewalk in front of both tracts. The City Engineer recommends that the tracts' Homeowners Associations be required to maintain the landscaping and irrigation within the Agoura Road right-of-way in perpetuity. Existing above-ground utilities within the southerly half of the Agoura Road right-of-way will be required to be placed underground within the project limits.

The applicant's desire to forego development on one of the parcels within the Agoura II tract resulted in their proposal to increase the width of Lots 10-13. This change, which is supported by the Planning staff since it allows for greater separation between the buildings, will require approval of a Lot Line Adjustment. The City Engineer recommends that the applicant be conditioned to submit a Lot Line Adjustment application for his approval and record the adjustment prior to issuance of occupancy of any home within the tract.

Planning Commission

Case Nos. 03-CUP-010; 98-CUP-007; 04-VAR-004 and 98-OTP-011

August 4, 2005

Page 11

Since both Tract Maps have been approved and recorded for subdivision purposes, a traffic report was not required for the proposed developments. The applicant will be required, however, to pay the Traffic Improvement Fee of \$2,440 per unit.

Oak Trees and Landscaping

The recorded Tract Map for the Agoura II tract entitles the applicant to develop 14 single-family homes on the property. When plotting the building pads and required retaining walls within the tract, the applicant realized that it would create potentially significant impacts to the existing Oak trees. In fact, development of both tracts for building construction and required road improvements, as initially designed, would be required the removal of 46 Oak trees and impacting 44% of the oak canopy coverage of the 134 on-site Oak trees.

In order to avoid such impacts, the applicant has offered to forego the development of Lot 14 which is located at the northeast corner of the Agoura II tract, adjacent to Agoura Road, and to redesign the retaining wall system for Lots 6-10. This would result in the preservation of 14 oak trees that would otherwise have been impacted by the previously entitled development. A total of 32 Oak trees are now planned for removal. The number of Oak trees that would be encroached upon for development of both tracts is 19, which has not changed with the exclusion of development on one of the lots. The current plan results in impacts to 35% of the Oak canopy, which is a significant 20% reduction. It is recommended that the front and north side yards of Lot 1 be maintained by the Homeowners Association through an easement to preclude against private building, landscape or hardscape encroachment near the Agoura Road right-of-way. This would also ensure that the Oak trees on the lot be preserved and maintained by the Homeowners Association.

The proposed removal and encroachment of the Oak trees requires the Planning Commission's approval of an Oak Tree Permit. An independent Oak Tree Report was prepared for the project and evaluated by the City Oak Tree Consultant. The City Oak Tree Consultant notes that additional reductions in encroachment may be feasible during the building plan check stage and recommends approval of the Oak Tree Permit, subject to conditions. It is recommended that at least 4 replacement Oak trees be planted to mitigate the loss of each tree removed. It is also recommended that the replacement trees planted for each tree removed shall include at least one (1) 36-inch box size Oak tree and at least two (2) 24-inch box size Oak trees, and that the total diameter of mitigation trees planted shall be at least equal to the that of the trees removed. The estimated requirement is 693 inches. It is recommended that the final mitigation program be approved by the City Oak Tree Consultant and that if all of the required Oak trees cannot be planted within the subject site, the applicant shall develop an alternative mitigation program that is consistent with the Oak Tree Ordinance, to be approved by the Director of Planning and Community Development. The Director may consider the applicant's payment of Oak tree mitigation fees to the City's Oak Tree Habitat Fund in lieu of planting a portion of the mitigation trees on-site.

Planning Commission

The applicant has submitted preliminary landscape plans for both tracts that have been reviewed and preliminarily approved by the City Landscape Consultant. It is recommended that the final landscape design comply with the landscape standards of the Freeway Corridor Overlay district with a planting scheme that is designed to preserve and enhance the scenic quality of the freeway corridor. Naturalistic and native landscaping, particularly native oaks, would be emphasized throughout the development. The landscape palette is intended to enhance the entry areas adjacent to Agoura Road and to screen the homes as viewed from the streets. Recommended conditions regarding landscaping are included in the draft Resolution.

Geological and Geotechnical Review

The City Geotechnical Consultant has reviewed the geotechnical and geological reports prepared for the project and recommends approval at this stage. A combination of cut and fill will be required for construction. Most of the soil redistribution on the site is required to achieve a proper finish floor elevation for the project in relation to the street.

When implemented, the grading concept will result in the gradual descent of the land towards Agoura Road. A series of retaining walls are planned along the perimeters of both tracts. Consideration will be taken by staff regarding the new wall construction adjacent to the residential properties to the west. However, detailed calculations have been submitted by the applicant's geologist demonstrating that the proposed construction and retaining wall systems can adequately interact with the existing residential construction to the west. The City Geotechnical Consultant found these calculations to be acceptable.

The applicant will be required to design and construct storm drain facilities on the site and provide a Local Storm Water Pollution Prevention Plan. The City Engineer will also require that the applicant provide a hydraulic analysis to ensure that all structures are protected from 100-year frequency storm flows and that the flows remain in their historical drainage pattern so as not to impact neighboring properties.

In summary, impacts resulting from grading, landform modifications, drainage changes, and related effects can be avoided or minimized by the incorporation of mitigation measures into the project.

Environmental Review/ Mitigated Negative Declaration

An Initial Study was prepared 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.

The primary issues of concern for the subject site included land use compatibility, geotechnical planning and geologic hazards, water resources, air quality, transportation and circulation, biological resources, hazards and risk of upset, noise, utilities and service systems, and aesthetics and visual resources. To adequately address these potentially significant concerns, technical reports prepared by qualified professionals and field surveys were completed as part of this analysis. Mitigation measures were developed based on the degree of perceived significance related to the foregoing issues. A summary of the more notable environmental planning topics is provided in the Initial Study section of the Mitigated Negative Declaration (MND).

The City Environmental Analyst found that the project would not result in any significant effects on the environment that could not be mitigated to less than significant levels. As required by CEQA, the Draft MND is currently under circulation for a 30-day review period. The applicant has accepted the proposed mitigation measures that reduce the residual impacts associated with all environmental concerns to less than significant levels. For these reasons, staff supports the preparation of a Mitigated Negative Declaration for CEQA processing. The Planning Commission is also required by CEQA to also adopt a "reporting and monitoring program" to ensure compliance during project implementation. The mitigation monitoring and reporting program is included in the MND.

Since the public circulation and review period for the MND is still open, it is recommended that the Planning Commission receive public testimony regarding the MND during the public hearing. Staff will return with a final version of the MND, which will include responses to the oral and written comments on the MND, after the close of the review period.

III. SUMMARY/RECOMMENDATION

The Planning Commission will not be asked to make a decision on these cases until the Mitigated Negative Declaration comment period closes and all written and oral responses to the MND comments are prepared. Therefore it is recommended that the Planning Commission conduct a
Planning Commission

public hearing at the August 4, 2005 meeting and then continue the cases to the September 15, 2005 Commission meeting. The continuance would also allow staff to return on September 15, 2005 with responses to comments and questions from the Planning Commission and speakers about the cases as well as the MND. The continuance would also allow for the opportunity for any additional information that is requested by the Planning Commission to be brought back by staff or the applicant for the September 15 meeting. For reference purposes, staff has prepared a set of draft conditions of approval which are subject to modification by the Planning Commission. Staff will return with draft resolutions for the September 15, 2005 meeting.

IV. ATTACHMENTS

- Draft Conditions of Approval
- Letters from City Geotechnical Consultant
- Vicinity Map
- Reduced Photocopies of the Plans

Case Planner: Doug Hooper, Assistant Director of Community Development