



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Conditional Use Permit Case Nos. 03-CUP-010 and 98-CUP-007; Variance Case No. 04-VAR-004; and Oak Tree Permit Case No. 98-OTP-011

DATE: September 15, 2005

I. BACKGROUND AND DISCUSSION

On August 4, 2005, the Planning Commission held a public hearing to consider Riopharm USA, Inc.'s request for Conditional Use Permits, an Oak Tree Permit and a Variance to allow development on two recorded residential tracts for 27 detached, single-family residences (Case Nos. 03-CUP-010; 98-CUP-007; 98-OTP-011; and 04-VAR-004). The two vacant tracts are located on the south side of Agoura Road, east of Calle Montecillo and west of Liberty Canyon Road. The Planning Commission continued the hearing to September 15, 2005 and directed staff to return with additional information and answers to questions raised by the Planning Commission. Issues raised by the Planning Commission include land use compatibility, traffic and road improvements, drainage, soil stability, and Oak tree impacts. Staff's analysis is included in the following summary.

Land Use

The most westerly tract (referred to as Agoura I) is approximately three (3) acres in size and includes 14 residential lots. The approved density for the tract is 4.66 units per acre, on recorded lot sizes that range from 3,900 square feet to 6,500 square feet.

The easterly tract (referred to as Agoura II) is 10.58 acres in size and includes 13 residential lots, although 14 residential lots were recorded for the tract. The proposed 13 residential units equates to a density of 1.22 units per acre on lot sizes that range from 37,050 square feet to 18,445 square feet. The 27 residential units within the Agoura I and Agoura II tracts combine for a density of 1.98 units per acre.

A comparative density analysis was done for three residential neighborhoods. The Agoura Hills Country Estates, which abuts the two tracts to the west, includes 70 single-family homes within 25.15 acres. The density within the tract is 2.98 units per acre. The average lot size is 15,656 square feet.

The Liberty Canyon tract, located east of Liberty Canyon Road, includes 126 single-family residential units within approximately 46.25 acres. The density within the tract is 2.72 units per acre

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and the average lot size is 15,651 square feet. The Liberty Canyon tract and the Agoura Hills Country Estates tract both lack common open space areas and instead include larger lot sizes.

The Western Pacific tract is the latest single-family residential cluster development approved by the City. The tract is located on the south side of Thousand Oaks Boulevard, west of Reyes Adobe Road. A total of 19 single-family residential units were approved on 6.4 acres of land. This equates to a density of 2.96 units per acre. The average lot size within the tract is 6,800 square feet.

The Agoura I subdivision included entitlement to develop 14 attached townhome units that ranged in size from 2,804 square feet to 3,067 square feet. The entitlement expired and the applicant is proposing detached single-family units that would range in size from 3,389 square feet to 4,124 square feet, including attached garages. All units are proposed to be two stories in height, similar to the 5 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 attached garages. The total proposed building lot coverage of the entire tract is 23%, which is within the 60% maximum lot coverage allowed for the RM (Medium Density Residential) zone.

The Agoura II subdivision included entitlement to develop 14 detached, single-family residential units that ranged in size from 3,224 square feet to 3,718 square feet, including attached garages. Five (5) of the approved 14 units were single-story in height. The development entitlement expired and the applicant is now proposing 13 detached, single-family units that are two-stories in height. The three models proposed within the tract are 4,061 square feet, 4,249 square feet and 4,865 square feet in size, including attached two-car garages. Building coverage for each lot within the tract is less than the 35% maximum building lot coverage allowed for lots 10,000 square feet or larger, and 50% for lots less than 10,000 square feet in size.

The Planning Commission asked for clarification on whether there are residential tracts within the city that include front yard building setback distances that are similar to the three-foot distance proposed within the Agoura I tract. Staff was unable to find a similar circumstance within the city for detached single-family residential development. However, short front yard setbacks are not uncommon within multi-family developments that typically include two to four attached units within a single-structure, as is found within the Oak View Gardens tract located on Robles Lane. The Agoura I tract was initially approved as a multi-family development that included attached duplexes.

Engineering/Public Works

The Vested Tract Maps for both subdivisions do not show the proposed underground channel improvements. However, the Tract Maps were conditioned to provide for the improvements and they have been bonded. The drainage from the proposed development will be collected on-site and dispersed through the new drainage system without anticipated impacts occurring downstream. The City Engineer has inspected an existing culvert located on the south side of Agoura Road, east of the

project site. The culvert appears to be well maintained. Sheet flow runoff from Santa Monica Planning Commission
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Mountains Conservancy open space property onto a low spot on Agoura Road is evident further east of the existing culvert. During such occurrences the Los Angeles County Public Works Department posts signs on Agoura Road to warn motorists of the condition. The City has not aware of reported accidents from the runoff on this portion of Agoura Road.

As requested by the Planning Commission the City Engineer reviewed the geotechnical reports prepared for the project, as well as the review comments given by the City Geotechnical Consultant. The reports reference an area of past landslide occurrence near the southeast corner of the Agoura II tract (easterly tract). The soil in this area will be removed and replaced. Grading will include terracing the slope and stabilizing it with piles and retaining walls. These grading and construction recommendations were included in the geotechnical reports and accepted by the City Geotechnical Consultant. All construction activity will be monitored by the City Building Inspectors.

The proposed development is not expected to create significant cumulative traffic impacts in the area. The 63,000 square foot office business park on the northeast corner of Agoura Road and Chesebro Road is currently under construction and the level of service at neighboring intersections is anticipated to be at level C or better when completed with no significant changes to the volume to capacity ratios. 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.

Staff does not foresee traffic conflicts on Agoura Road during construction. It is anticipated that the office business park development on the northeast corner of Agoura Road and Chesebro Road will be significantly complete before development of the residential subdivisions begin. If the construction of the office business park is delayed, the haul routes for the residential development can be monitored through the Public Works Department's issuance of an encroachment permit.

Oak Trees and Landscaping

Since the public hearing held on August 4th, the City Oak Tree Consultant re-measured the Oak trees on the site to obtain current trunk and canopy diameters. During the inspection, 5 additional Oak trees were located. These trees likely grew to protected size since the preparation of the original Oak tree report that was prepared by the applicant's Oak Tree Consultant. No bird nesting was found within the project area.

The City Oak Tree Consultant added the current canopy measurements and the new trees to the project grading plans and created a color plot map to identify proposed tree removal, encroachments, and those trees to be preserved. Red colored trees depict trees that are to be removed. Orange colors depict the Oak trees that would be encroached upon and the green color depicts the trees that are proposed to be preserved. Copies of the plot map and an Oak tree impact analysis have been distributed to the Planning Commission for review. The following size distribution analysis

illustrates the range of Oak tree sizes on the site as well as the proportionate number of Oak trees proposed for removal.

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OAK TREE DISTRIBUTION

Size	Number of Trees		Number of Removals	
	Qty.	%	Qty.	%
2" to 10"	61	44%	10	30%
11" to 20"	31	22%	7	21%
21" to 30"	23	17%	7	21%
31" to 40"	13	9%	4	12%
41" to 50"	8	6%	4	12%
51" to 60"	1	1%	1	3%
<u>61" to 70"</u>	<u>2</u>	<u>1%</u>	<u>0</u>	<u>0%</u>
Total	139		33	

The Planning Commission has inquired as to whether the project could include more the planting of more native landscape species. To address this concern, the City Landscape Consultant has included a condition of approval to the draft Resolutions that requires the applicant to revise the landscape plans to substitute native and naturalistic plant materials for the more ornamental plant material currently shown in the proposed plans.

Environmental Review

The City Environmental Analyst found that the projects would not result in any significant effects on the environment that could not be mitigated to less than significant levels. The Draft Mitigated Negative Declaration was circulated for a 30-day review period. Written responses to public comments regarding the Draft MND, has been prepared by the City Environmental Analyst for review. The applicant has accepted the proposed mitigation measures that reduce the residual impacts associated with all environmental concerns to less than significant levels.

II. RECOMMENDATION

If the Planning Commission desires to approve the projects, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Nos. 03-CUP-010 and 98-CUP-010, Oak Tree Permit Case No. 98-OTP-011, and Variance Case No. 04-VAR-004, subject to conditions, based on the findings included in the attached Draft Resolutions.

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III. ATTACHMENTS

- Draft Resolution and Conditions of Approval for Case Nos. 03-CUP-010 and 98-OTP-011 (Agoura I Tract)
- Draft Resolution and Conditions of Approval for Case Nos. 98-CUP-007 and 98-OTP-011 (Agoura II Tract)
- Draft Resolution and Conditions of Approval for Case No. 04-VAR-004 (Agoura II Tract)
- Comments and Responses to the Draft Mitigated Negative Declaration
- August 4, 2005 Planning Commission Meeting Minutes
- August 4, 2005 Planning Commission Staff Report