

# **Attachment 1**

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RESOLUTION NO. 19-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AMENDMENT CASE NO. AMND-1521-2018 TO CONDITIONAL USE PERMIT CASE NO. CUP-01080-215 TO MODIFY THE ARCHITECTURAL ELEMENTS OF A SINGLE-FAMILY RESIDENCE LOCATED AT 28254 LAURA LA PLANTE DRIVE; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section I. An application was duly filed by Pouya Payan with respect to the real property located at 28254 Laura La Plante Drive (Assessor's Parcel No. 2061-017-007), requesting approval of an amendment to an approved Conditional Use Permit, Case No. CUP-01080-2015, to modify the architectural elements of a new 2,549 square-foot residence and a 577 square-foot, attached garage ("the Project").

Section II. The Project is a request to make modifications to an approved single-family residence which is exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section Nos. 15301(a) and 15303(e) for interior or exterior alternations involving such things as interior partitions, plumbing, and electrical conveyances and accessory (apurtenant) structures including garages, carports, patios, swimming pools, and fences), which address minor revisions to an approved development. The modifications are not expected to cause any environmental impacts. No exception to these categorical exemptions applies as set forth in Section 15300.2 of the CEQA Guidelines including but not limited to subsection (c) which relates to unusual circumstances.

Section III. The Planning Commission of the City of Agoura Hills considered the applications at a public hearing held on February 21, 2019 at 6:30 p.m. in the City Hall 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.

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

Section V. Conditional Use Permit.

Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds for the Conditional Use Permit, pursuant to Section 9673.2.E. of the Agoura Hills Zoning Ordinance, that:

A. The Project 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, and will comply with each of the applicable provisions of the Zoning Ordinance. The design modifications to the residence are permitted in the Residential Single-Family District zone and the Indian Hills Design Overlay District, which allows for the development of single-family residences and related site improvements. The Project remains consistent with the Hillside Development standards despite the lowering of the first floor finished elevation. The residence and the retaining walls do not unreasonably impact views of the hillsides and a primary ridgeline. The rear yard elevation does not impact storm water pollution, erosion, and other drainage impacts as the infrastructure remains the same.

B. The Project is compatible with the surrounding properties. The modifications do not affect the contemporary architecture of the structure but rather further contribute to protecting the privacy of the neighbors to the east and to the west of the project site. The stucco is applied throughout including an area of the front elevation where metal was originally proposed and the glass railing substituted with metal cable railing to reduce the potential for light reflection in keeping with the City's Architectural Design Standards and Guidelines. The landscape planter in the front yard provides sufficient planting area for screening of the retaining walls supporting the staircase as viewed from the street. On the whole, the Planning Commission finds that the Project is compatible with the general aesthetic character of the neighborhood.

C. The Project, and the conditions under which the project will be operated or maintained, will not be detrimental to the public health, safety or welfare, in that the proposed use will ensure adequate light, air, open space to surrounding properties and privacy by removing, reducing the size and/or obscuring windows throughout. The east side yard and taller rear yard retaining walls would ensure privacy from off-site views, and the latter wall's height has been demonstrated to be safe and able to support the hillside behind. The separation between on- and off-site structures remains the same as originally approved. The approved geological, geotechnical and drainage studies, as well as landscape plans, remain valid for this amendment. Despite the revisions to the landscape planter in the front yard, the vehicular access to the property from Laura La Plante Drive remains as originally approved and the traffic line-of-sight protected. Public utility services are provided to the residence.

D. The existing use complies with each of the applicable provisions of the Zoning Ordinance, except for the portions of the project requiring variances. The Conditional Use Permit was issued to allow one single-family home on the lot and the design changes do not significantly affect the permitted use or the approved site layout. An amendment to the Project's previously approved Variances for the retaining wall height is approved concurrently with this application.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The Project does not affect the diversity of the neighborhood and, the design changes do not significantly affect the architectural style of the residence and the architectural detailing of each elevation. The new two-story residence continues

to fit in the eclectic neighborhood developed with one or two-stories residences with various styles of architecture. The lowered back yard will increase privacy for the occupants and the occupants of the adjacent residences.

F. The Project is consistent with the City's General Plan. The project complies with Goal LU-7 and Policies LU-7.1 and 7.2, in that it allows for a design that contribute to the diversity in the City; LU-9 and Policy LU-9.1 in that it maintains the identity, scale and character of the approved design with a smaller footprint and tucked-under garage and meeting most of the development standards of the zone. The project is consistent with Goal LU-31 and Policies LU-31.3 and LU-31.5, which dictate that houses are designed to reflect the hillside topography and natural landscapes and appropriate landscape transition with the adjacent undeveloped properties while maintaining fire protection. Lowering the rear yard is consistent with the goal to preserve views of the hillside beyond while maintaining space on-site for native landscaping. The planting will provide for a naturalistic landscape transition to the natural open space on the adjacent hillsides and comply with the Los Angeles County Fire Department Fuel Modification requirements.

Section VI. Hillside Development Review.

Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9652.15. A of the Agoura Hills Zoning Ordinance, that:

A. The Project, is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood mud flow, erosion hazards or other hazards. The City Building Official, Structural and Geotechnical Consultants have reviewed the changes, and have concluded that the Project, as conditioned, will not threaten life and property.

B. The Project is compatible with the natural, biotic, cultural, scenic and open space resources of the area. The project is not located in a significant biotic area, preserved open space area, or known cultural resource area. The project does not protrude above protected ridges and complies with the minimum rear yard and front yard setbacks to minimize view shed impacts. The taller walls do not unreasonably block views because the building pad is lowered. The proposed landscaping would be planted in a naturalistic fashion, and would incorporate natives in the rear yard, with the goal to preserve the natural habitat in the Santa Monica Mountains near the Significant Ecological Area off-site.

C. The Project will not prevent the delivery of essential public services and is consistent with the objectives and policies of the general plan. All utility services will brought to the parcel without interference to the existing infrastructure, and the project will connect to the sewer system. The project will be consist with General Plan Goal LU-1 and Policy LU-1.2 that provide for well planned development, efficient use of the infrastructure and primarily infill of existing developed areas in that the site is an infill lot and public services are available to easily serve the site.

D. The Project helps the residence complement the community character and benefit current and future community residents. The approved architectural style maintains the house's integrity with the modifications. Section 9652.13. A and B permit a home to be built on a non-conforming lot, as long as the lot is a legal lot created prior to the adoption of this Municipal Code section, connected to the public sewer system, and reviewed by way of a Conditional Use Permit, which this Project has demonstrated and the site improvements that ensued as a result to the topographic characteristics.

Section VII. Based on the aforementioned findings, the Planning Commission hereby approves Amendment Case No. AMND-01521-2018 to Conditional Use Permit Case No. CUP-01080-2015, subject to the attached conditions, with respect to the property described in Section I hereof.

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

PASSED, APPROVED, and ADOPTED this 21<sup>st</sup> day of February, 2019, by the following vote to wit:

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

\_\_\_\_\_  
John Asuncion, Chairperson

ATTEST

\_\_\_\_\_  
Doug Hooper, Secretary

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**(Case No. AMEND-01521-2018 to CUP-01080-2015)**

**PLANNING DEPARTMENT CONDITIONS**

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. 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 accept, all conditions of this permit with the Planning Department.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits: Site Plan, Building Elevation Plans, Floor Plan, Roof Plan, and Grading Plans presented at and/or modified at the February 21, 2019 meeting.
4. All exterior materials used in this project shall be in conformance with the material samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a condition of this action that if any condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in this permit or on the approved Site Plan.
8. No occupancy shall be granted for any new building until all conditions of approval have been complied with as determined by the Planning Director.
9. All structures shall conform to the requirements of the Department of Building and Safety of the City of Agoura Hills.
10. The applicant shall comply with the requirements of the Los Angeles County Fire Department Fire Prevention and Fuel Modification Divisions.
11. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. AMND-01521-2018 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

12. The Applicant, and property owner(s), and their successors in interest, shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees (collectively "Indemnitees") from and against any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this approval by the City or the exercise of the rights granted by this approval. This indemnification obligation shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the Indemnitees in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit. The City shall promptly notify Applicant and property owners of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. In the event such a legal action is filed, the City shall estimate its expenses for litigation. Applicant or property owners shall deposit such amount with the City or enter into an agreement with the City to pay such expenses as they become due. Applicant and property owners shall reimburse the City, and each of the Indemnitees for any and all legal expenses and costs incurred by it in enforcing the indemnity herein provided. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.

#### BUILDING AND SAFETY DEPARTMENT CONDITIONS

13. All conditions of approval attached to Resolution No. 16-1151 continue to apply except Condition No. 23 is revised as follows:

"23. The applicant shall note on the final plans that all new windows will be tempered on at least one side of the dual pane, or a 20 minute rated window or glass blocks per Section 704A.3.2.2 of the 2016 California Building Code."

#### ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

14. All conditions of approval attached to Resolution No. 16-1151 continue to apply.

#### GEOTECHNICAL CONDITIONS

15. Resolution No. 16-1151 Condition No. 57 is revised as follows:

"The applicant shall comply with all the items in the City Geotechnical Consultant's conditions of approval memorandum dated May 7, 2015 and the recommendations submitted by Applied Earth Science in Addendum No. 1 dated October 17, 2018 as approved by the City Geotechnical Consultant in a memorandum dated October 29, 2018 and Addendum No. 2 dated January 15, 2019 as approved by the City Building Official."



**LANDSCAPE AND IRRIGATION CONDITIONS**

16. All conditions of approval attached to Resolution No. 16-1151 continue to apply with one additional condition as follows:
  1. The applicant shall revise the landscape plans to reflect the approved changes to the walls and planters and plantings for the extended planter area, as acceptable to the Los Angeles County Fire Department Fuel Modification Unit. for final review and approval by the Planning Director.

**SOLID WASTE MANAGEMENT CONDITIONS**

17. All conditions of approval attached to Resolution No. 16-1151 continue to apply.

**SPECIAL CONDITION**

18. The conditions of approval attached to Resolution No. 16-1151 continues to apply.

**END**

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