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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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ACTION DATE: January 17, 2008

TO: Planning Commission

APPLICANT: Colodny, LP/Montage/Chuck Francoeur  
6345 Balboa Blvd., Suite 155  
Encino, CA 91316

CASE NO.: TTM 69073

LOCATION: 5310 Colodny Drive  
(A.P.N. 2055-007-053)

REQUEST: Request for approval of a Tentative Tract Map to subdivide a previously approved four (4)-unit apartment complex into a four (4)-unit condominium complex.

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Tentative Tract Map No. 69073, subject to conditions, based on the findings of the attached draft Resolution.

ZONING DESIGNATION: RH-25-OA-FC (High Density Residential-25 units per acre-Old Agoura Design Overlay-Freeway Corridor Overlay) zones.

GENERAL PLAN DESIGNATION: RH (High Density Residential)

## **I. BACKGROUND AND PROJECT DESCRIPTION**

On April 3, 2003, the Planning Commission unanimously approved a Site Plan/Architectural Review application for the development of a four (4)-unit apartment complex to be located on a vacant lot at 5310 Colodny Drive, on the east side of Colodny Drive between Canwood Street and Driver Avenue (Case No. 01-SPR-008). The site is 0.31 acres (13,724 square feet) in size and is in the High Density Residential (RH), Old Agoura Design Overlay District (OA), and Freeway Corridor Overlay District (FC) zones. The project consists of one 4,315 square-foot duplex (including the garages) located at the western portion of the property and another duplex of 3,892 square feet in size located at the eastern portion of the property.

The Site Plan/Architectural Review was valid for a two-year period (expiring on April 3, 2005) and the Director of Planning and Community Development issued an additional one-year extension, which expired on April 3, 2006. Building permits were not obtained by the applicant and the project entitlement expired. The applicant re-applied for a new Site Plan/Architectural Review (Case No. 06-SPR-003) for the same project and was approved on a 3-0 vote (Commissioners O'Meara and Zacuto were absent) by the Planning Commission on May 18, 2006 for a two-year period, by which time the applicant is required to complete foundation inspections. Project plans are currently in plan check with the Building and Safety Department. However, the applicant is now requesting approval of a Tentative Tract Map to subdivide the previously approved apartment buildings into four separate condominium units and a common open space lot. The applicant has provided his attached letter explaining his request.

The proposed condominium project is a permitted use in the RH-25-OA-FC zone. The subject project is situated between existing apartment and townhouse developments with additional apartment and townhouse developments directly across the street.

## **II. STAFF ANALYSIS**

The project was originally approved by the Planning Commission as a four unit residential apartment complex on a single lot. The project has not yet been constructed and the applicant is now requesting to change the apartment units to condominiums. The Zoning Ordinance allows the Planning Commission to consider the request with a required Tract Map. In this instance, the applicant is requesting a subdivision of the property into four (4) air space condominiums lots plus one (1) group usable developed outdoor open space lot, for a total of five (5) lots. The four (4) condominium units would be consistent with the unit sizes of the approved apartments with sizes of 1,815 square feet, 1,700 square feet, and two units at 1,710 square feet, and a 1,680 square foot common open space. No other changes to the previously approved project are being proposed. All conditions of approval of the previously approved Site Plan/Architectural Reviews would remain valid. A copy of the previous staff reports and adopted Resolutions and Conditions of Approval are attached for reference.

The maximum density in the RH-25 zone is 25 units per acre. In this instance, the property owner would be allowed a maximum density of seven (7) dwelling units on the property, but the applicant has proposed to retain the four (4) unit project (two in each building), that would be sold for private ownership. In order to sell the condominiums individually, the parcel must be divided into four (4) condominium parcels and one (1) common open space area.

The City Zoning Ordinance requires condominiums or townhouses to provide three hundred (300) square feet of group usable outdoor developed open space per dwelling unit (1,200 square feet total required for the project). Approximately 600 square feet of flat, grass area in the center portion of the project is provided and 1,080 square feet of grass area towards the rear portion of the lot for a total of 1,680 square feet. The maintenance of the common area will be provided by all of the individual property owners through a required homeowners association.

The City Zoning Ordinance requires condominiums or townhouses to provide two (2) covered spaces plus 0.50 uncovered spaces. A two-car garage is provided for each unit and the applicant is providing two (2) uncovered parking spaces, which one (1) of the spaces must be a handicap parking space according to ADA requirements. The proposed parking plan remains consistent with the previously approved project.

In addition to the development standards required by the RH zone, condominium conversions are subject to Special Residential Use Standards pursuant to Section 9281 of the City Zoning Code, which includes development standards for utilities. Each condominium unit is required to have a separate gas service and a separate electrical service with separate meters and disconnects. The telephone company must have the right to construct and maintain communication facilities as may be required (including access) to maintain communication serve within the project. Water meters would also be provided separately for each unit.

Grading permits were issued on March 7, 2006. However, prior to beginning building construction, the applicant is now requesting approval of a Tentative Tract Map for condominium purposes. The proposed Tentative Tract Map has been reviewed by the City Engineer and has been found to be compliant with the State Subdivision Map Act. Draft conditions of approval for the Tentative Tract Map are included in the draft Resolution. The Final Tract Map will be subject to City Council approval prior to recordation.

The City Traffic Engineer reviewed the proposed site plan with respect to the driveway and on-site circulation and has found it acceptable. The City Engineer has reviewed the trip generation data prepared by the Institute of Transportation Engineers indicating that the four units are expected to generate approximately two vehicle trips per hour. This amount of traffic is not expected to create any significant traffic-related impacts on Colodny Drive or neighboring roadways. Required traffic impact fees have been paid by the applicant.

Staff recommends that Conditions, Covenants and Restrictions (CC&Rs) be prepared for this project and provided to the City Planning and Community Development Department for review and approval by the City Attorney prior to recordation of the Final Tract Map. These CC&Rs shall ensure, among other things, common ingress and egress, and joint maintenance of all common access parking areas, utilities and drives as applicable to the project.

The City's Building Official has reviewed the project and has stated that he does not foresee any significant impacts of the proposal that would require changes to the building plans for the proposed conversion.

The City Oak Tree Consultant has reviewed the materials submitted with respect to the Tentative Tract Map request and recommends that the previously approved conditions of approval with respect to oak trees and landscaping remain as approved on the original entitlement.

The City Environmental Analyst has reviewed the request for the Tentative Tract Map and finds it to be consistent with the provisions contained within Section 15303(b). The project would not result in any significant environmental impacts. The project site is not within: 1) an environmentally sensitive resource area; 2) a state designated scenic highway area; 3) a hazardous waste site; or 4) an historical resource area. Therefore, no further review under CEQA is required.

The proposal is compliant with the development standards of the Zone and the City General Plan. Also, the conversion of the apartments to condominiums will be compatible with the neighborhood, which includes a mix of condominium and apartment units. In addition, the conversion will not impact the City's Housing Element requirements in that the density of the project will remain the same. Furthermore, the proposal will not impact the City's affordable housing stock because the apartment units were not subject to the City's affordable housing requirements because the project consisted of fewer than ten units.

### **III. RECOMMENDATION**

Based on the foregoing review and analysis, it is recommended that the Planning Commission adopt a motion to approve Tentative Tract Map No. 69073, subject to conditions, based on the findings of the attached draft Resolution.

### **IV. ATTACHMENTS**

- Draft Resolution and Conditions of Approval for Tentative TractMap No. 69073
- Exhibit A: Letter From Applicant
- Exhibit B: Approved Resolution No. 738 and Conditions of Approval
- Exhibit C: Approved Resolution No. 870 and Conditions of Approval
- Exhibit D: April 3, 2003 Staff Report

- Exhibit E: May 18, 2006 Staff Report
- Exhibit F: Environmental Analysis Report
- Exhibit G: Reduced Copies of Plans
- Exhibit H: Vicinity Map

Case Planner: Renee Madrigal, Assistant Planner

DRAFT RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING TENTATIVE TRACT MAP NO. 69073

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

Section I. An application was duly filed by Chuck Francoeur/Montage Development, Inc., with respect to the real property located at 5310 Colodny Drive (Assessor's Parcel No. 2055-007-053), requesting approval of a Tentative Tract Map to subdivide a previously approved four (4)-unit apartment complex into a four (4)-unit condominium complex. A Public Hearing was duly held on January 17, 2008, 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.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearing.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance and Subdivision Ordinance, that:

A. The proposed Tentative Tract Map, as conditioned, is consistent with the City's General Plan designation of RH (Residential – High Density) in that the proposed Tract Map will provide for multi-family residential uses that meets the housing needs of the Agoura Hills residents, as called for in the Land Use and Housing Elements of the General Plan.

B. The site is physically suitable for the type of development proposed in that the lot is vacant and relatively flat and all proposed development will not exceed the required lot area per dwelling unit specified in the Zoning Ordinance for the RH zone.

C. The design of the Tentative Tract Map and proposed improvements are not likely to cause substantial environmental damage or serious public health problems. Street improvements and on-site property improvements will be required upon development of the vacant parcel and the property is not within an environmentally sensitive resource area, a state designated scenic highway area, a hazardous waste site, or a historical resource area.

D. The design of the Tentative Tract Map or type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed development. The public does not require access to the property. Access to the site would be provided via Colodny Drive.

Section IV. The project is exempt from the California Environmental Quality Act, as defined in Section 15303, and does not require adoption of an environmental impact report or negative declaration.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Tentative Tract Map No. 69073, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 17<sup>th</sup> day of January, 2008, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chairperson

ATTEST:

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

## **CONDITIONS OF APPROVAL (Tentative Tract Map No. 69073)**

### **STANDARD CONDITIONS**

1. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Tentative Tract Map 69073.
2. This action shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development.
3. The decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of this letter, subject to filing the appropriate forms and related fees.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth on the approved Tentative Tract Map. Further, the Conditions of Approval for Case Nos. 01-SPR-008 and 06-SPR-003 are conditions of this approval.
7. The applicant must comply with all requirements of the City Subdivision Ordinance.
8. Unless the Final Tract Map is recorded, Tentative Tract Map No. 69073 shall expire within two (2) years from the date of Planning Commission approval. A written request for a one-year extension may be considered prior to the expiration date.
9. Tentative Tract Map No. 69073 shall only be valid with Site Plan Architectural Review Case No. 01-SPR-008 and 06-SPR-003. The applicant shall comply with all requirements of Resolution Nos. 738 and 870.



## ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

### General

10. The Final Map, unless otherwise authorized in writing by the City Engineer, shall be based on a field survey, and be prepared in accordance with Article X, of the City's Municipal Code and the State Subdivision Map Act. The map shall be submitted to the City, along with all necessary supporting documents including title reports (not older than 30 days), subdivision guarantees and applicable fees, for review and acceptance by the City Engineer's office.
11. Pursuant to Article X, Subdivisions, of the City's Municipal Code, all existing and proposed easements shall be shown on the Final Map. All proposed easements for water, sewer, and storm drains shall be a minimum of fifteen feet wide. Access easements, if applicable, shall be of adequate width, as approved by the City Engineer.
12. Right-of-way and easement dedications and all project improvements shall conform to the City's General Plan and the Department of Public Works specifications.
13. Pursuant to the Subdivision Map Act and in accordance with the City Code, a duplicate photo mylar of the recorded map shall be provided to the City Engineer.
14. The project will require a subdivision map to be processed, and this development plan shall only proceed to the Planning Commission concurrently with the required subdivision map.
15. For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to curb and gutter, parkway, street, water, sewer, storm drain, lighting, utilities, 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's website at [www.ci.agoura-hills.ca.us](http://www.ci.agoura-hills.ca.us).
16. The applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.
17. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. If during construction of on-site or off-site 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.

18. 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 information is included on the plans.
19. 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.
20. 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 Engineering Department at 818 597-7322 for approved City certification forms.

#### Public Improvements

21. Should Colodny Drive be cut for new services or finished with curb and gutter it may require an asphalt concrete overlay.

#### Sewer

22. A ten inch sewer line is available for connection by this project in the existing dirt road, west of the concrete channel, along the easterly property line (Reference Sewer Dwelling No. P.C. #9651). The final plans must be reviewed and approved by the City, LVMWD and L.A. County Public Works.
23. The applicant shall furnish saddle and coordinate with the Los Angeles County Public Works for the installation of the saddle on existing sewer line.

#### Water

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

#### Drainage/Hydrology

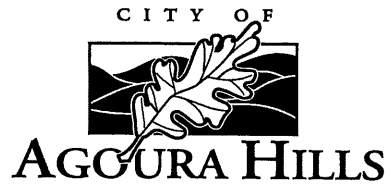
25. Proposed site/portion of site falls within SFHA (Special Flood Hazard Area) as indicated on the FIRM (Flood Insurance Rate Maps) and is subject to flooding in a 100 year frequency storm. This site plan will be subject to the provisions of the National Flood Insurance program and comply with the City's Flood Damage Prevention Ordinance No. 2409.

Stormwater Quality (NPDES)

26. Prior to the approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
  - a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  - b. 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;
  - c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  - d. 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.
27. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) shall be submitted to and approved by the Engineering Department. The SUSMP shall be prepared per the Los Angeles County Standard Urban 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.
28. The applicant shall record a covenant for continued stormwater maintenance, using City-approved forms, with the Los Angeles County. An electronic copy of this document is available on the City's website: [www.agoura-hills.ca.us](http://www.agoura-hills.ca.us).
29. All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.

**SPECIAL CONDITIONS**

30. Prior to recordation of the Final Tract Map, the applicant shall provide Conditions, Covenants and Restrictions (CC&Rs) to the Planning Department for review and approval by the City Attorney. These CC&R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.



**TENTATIVE TRACT MAP NO. 69073**

**FOR THE PROPERTY LOCATED AT  
5310 COLODNY DRIVE, AGOURA HILLS**

**EXHIBIT A**

**LETTER FROM APPLICANT**



montage

December 18, 2007

Rene Madrigal  
City of Agoura Hills  
Planning Department  
30001 Ladyface Court  
Agoura Hills, CA 91301

RE: 5310 Colodny, Tentative Tract 69073

Dear Renee,

Per our conversation, this letter is to address our request that the City of Agoura Hills, Planning Commission consider approval of the above referenced Tentative Tract in lieu of the existing CUP approval for apartment units.

Essentially our market analysis has found that the quality of design emphasized by the City, coupled with the relative low density of the project is more in line with a for sale project. This determination has been made irrespective of the state of the current macro housing market. Additionally, the site planning is quite similar to that of our previously developed project located at 5276 Colodny. This previously built site (consisting of 4 town home style condominiums) has afforded our homeowners with a comfortable small neighborhood feel, which is ideal for young families, and their young children. Hence our desire is to create another small neighborhood for young families to make their first home purchase in the City of Agoura Hills.

Finally, rental housing typically is of a much higher density, and its' occupants are typically more transitory, thereby requiring a different level of services to meet their housing needs. Based upon our review of the neighborhood, access to public transportation, related community services, the approved site plan, and the market, it is our belief that a for sale development would be more compatible with existing pattern of development, and most certainly would be acceptable to the surrounding homeowners.

Sincerely,

Chuck Francoeur  
Montage Development, Inc.  
Colodny, LP

*Montage. Neighborhood Builders.*

Montage Development | 6345 Balboa Blvd. | Suite 155, Building III | Encino, California 91316  
phone 818.758.2202 | fax 818.758.2210 | web [www.montagedev.com](http://www.montagedev.com)



**TENTATIVE TRACT MAP NO. 69073**

**FOR THE PROPERTY LOCATED AT  
5310 COLODNY DRIVE, AGOURA HILLS**

**EXHIBIT B**

**APPROVED RESOLUTION NO 738 AND  
CONDITIONS OF APPROVAL**

DRAFT RESOLUTION NO. 738  
A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 01-SPR-008

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

Section I. An application was duly filed by Ken Stockton with respect to the property located at 5310 Colodny Drive (Assessor's Parcel Number 2055-007-053), requesting approval of Site Plan/Architectural Review Case No. 01-SPR-008, to allow the development of two (2) buildings consisting of four (4) apartment units with attached two-car garages for each unit on a 0.31-acre site. A public hearing was duly held on April 3, 2003, at 6:30 p.m. in the Council Chambers at City Hall, 30001 Layface Court, Agoura Hills, California; and that notice of time, date and place and purpose of the aforesaid was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearing.

Section III. Pursuant to Section 9677.5 of the Agoura Hills Zoning Ordinance, the Planning Commission finds 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. Apartment uses are permitted in the High Density Residential, Freeway Corridor Overlay, and Old Agoura Overlay Zones. The proposed buildings will meet all the minimum yard requirements for the RH (High Density Residential) Zone, thereby preserving light, air, privacy and open space for surrounding properties. Also, the project meets the height and lot coverage requirements as specified in the City Zoning Ordinance.

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 off of Colodny Drive. The placement of the two buildings, one towards the west and the other in the eastern portion of the property, will preserve the light, air and privacy of the surrounding properties, in turn protecting the general welfare of the neighboring community. The project will comply with the current building standards and regulations.

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 building design and materials, as conditioned, will be compatible with the rural theme of the Old Agoura Overlay District and will upgrade 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 District-Freeway Corridor Overlay District-Old Agoura Overlay District zone in regards to use, parking, lot coverage, building height, group open space and setbacks.

E. The proposed use, as conditioned, is consistent with Policy No. 2.1 of the General Plan Community Design Element in the City's General Plan. The design and proposed use of natural materials and colors is consistent with the Old Agoura Overlay Zone.

F. The proposed use, as conditioned, preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed apartment development use is consistent with existing apartment development uses on the street. The project density of 12 units per acre is below the maximum allowable density of 25 units per acre and is also below the prevailing density in the area.

Section IV. The Planning Commission finds the proposed apartment development to be categorically exempt from the requirements of the California Environmental Quality Act, per Class 3 (b).

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 01-SPR-008, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 3rd day of April, 2003 by the following vote to wit:

AYES: Koehler, Ramuno, Walker, Schwarz, Shackelford  
NOES: None  
ABSTAIN: None  
ABSENT: None



William D. Koehler, Chairperson

ATTEST:



Mike Kamino, Secretary

## CONDITIONS OF APPROVAL (CASE NO. 01-SPR-008)

### STANDARD 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 this letter, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan; Elevations; Landscape Plan; Roof Plan; and Grading Plan.
4. All exterior materials used in this project shall be in conformance with the materials 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 to be 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 of the subject property must be complied with unless set forth in the 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 Director of Planning and Community Development.
9. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If over-head utilities 66 KV or larger exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.
10. The applicant shall provide any necessary dedication and full street improvements as required by the City Engineer.

11. 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.
12. Two (2) guest parking spaces shall be provided on the subject property per the approved site plan. All parking spaces shall be pinstriped, in conformance with the City Parking Ordinance.
13. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
14. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
15. 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.
16. Unless this permit is used within two (2) years from the date of City approval, Case No. 01-SPR-008 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
17. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
18. Prior to the issuance of Grading Permits or Building Permits, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current rate is \$2.08 per square foot of building area.
19. Prior to 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.
20. Trash containers shall be provided by and stored by each individual apartment unit.
21. No Roof-top equipment shall be permitted. All ground mounted equipment shall be screened and landscaped to comply with the requirements the Zoning Ordinance.
22. The applicant shall pay to the City the applicable Fire District Developer Fee prior to issuance of Building Permits. The current rate is \$ 0.19 per square foot of building area.

## PUBLIC WORKS' CONDITIONS:

### General

23. All improvement plans, including, but not limited to, grading and drainage, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.
24. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.
25. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.
26. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.
27. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.
28. All block walls and retaining walls shall be limited to six feet in height.

### Grading

29. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.
30. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.

31. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
32. All off-site work shall require written permission from the affected property owner prior to beginning said work.
33. No additional loads shall be placed on the adjacent existing walls unless the applicant's engineer provides structural calculations certifying the structural integrity of the walls.

#### Drainage

34. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.
35. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner. The applicant shall obtain a Los Angeles County Flood Control District permit prior to any work within the Chesebro Canyon Creek channel.
36. Prior to the issuance of a grading permit, the applicant shall submit a Local Storm Water Pollution Prevention Plan (SWPPP) that shall be subject to approval by the City Engineer. The applicant shall incorporate the Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles. This will require treatment of the first 0.75 inches of surface runoff during a rainstorm.
37. The SWPPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in storm water discharges from the construction site during the construction period and after construction as required.

#### Streets/Traffic

38. The applicant shall pay the Arterial Street System Development Fee specified in the City of Agoura Hills Municipal Code. The estimated fee of \$9,760 is based on a 4 residential units multiplied by a rate of \$2,440/unit. Actual fees will be determined at the time of building permit issuance.
39. Colodny Drive is a newly resurfaced street. Any utility cuts into Colodny Drive will require trench repair and slurry seal over the street in accordance with the City Engineer direction. The slurry seal shall be a Type II and will include the full width

of Colodny Street along the entire project frontage. The grading plan shall show a "T" top trench detail and limits of the slurry.

#### Utilities

40. Water facilities shall be designed and constructed by the applicant in accordance with the standards of Las Virgenes Municipal Water District (LVMWD). Prior to issuance of a building permit, the applicant shall provide documentation from LVMWD that all improvement requirements have been met.
41. Sewer facility plans shall be designed and constructed by the applicant. The applicant shall provide evidence that all connection fees have been paid prior to issuance of a building permit.

#### GEOTECHNICAL CONDITIONS

42. The project shall comply with all of Bing Yen and Associates (The City of Agoura Hills' Geotechnical Consultant) Conditions of Approval letter dated October 28, 2002.

#### LANDSCAPING AND OAK TREE CONDITIONS

##### Oak Trees

43. Prior to the start of any construction activities on the site, the applicant shall install protective fencing outside of the protective zone of the oak tree located near the northeast corner of the site. The City Oak Tree Consultant shall approve the fencing installation.
44. No construction materials, equipment, debris, spoil, etc. shall be placed within the protected zone of the oak tree at any time.
45. The protective fence shall remain in place until removal is approved in writing by the City Oak Tree consultant.
46. No irrigation or planting shall be placed within the protected zone of the oak tree unless specifically authorized by the City Oak Tree Consultant.

##### Landscaping

47. 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, as applicable:
    - Landscape trees, shrubs, ground cover and any other landscaping materials
    - Property lines
    - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
    - Buildings and structures
    - Parking areas, including lighting, striping and wheel stops
    - General contour lines
    - Grading areas, including tops and toes of slopes
    - Utilities, including street lighting and fire hydrants
    - Natural features, including watercourses, rock outcroppings
  - h. The Planting Plan shall indicate the botanical name and size of each plant.
48. Plant symbols shall depict the size of the plants at maturity.
49. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
50. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
51. 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.

52. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
- a. Design and static pressures
  - b. Point of connection
  - c. Backflow protection
  - d. Valves, piping, controllers, heads, quick couplers
  - e. Gallon requirements for each valve
53. 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.
54. 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
55. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
56. The site shall provide a minimum of three hundred (300) square feet of group usable outdoor developed open space per dwelling unit.
57. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot.
58. Shade trees shall be provided to the extent feasible to increase canopy coverage over the parking lot to fifty percent (50%), including driveways and aisles, within fifteen (15) years after installation.
59. No plant materials considered invasive to riparian habitats or within the Santa Monica Mountains shall be used.
60. The landscape design shall be naturalistic in style, emphasizing native oak trees per the design standards for the Freeway Corridor Overlay District.
61. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.



62. 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.

#### Lighting Conditions

63. The applicant shall provide exterior lighting fixture details and a photometric plan for review and approval by the Director of Planning and Community Development, prior to submittal of the plans into plan check. All exterior lighting fixtures shall not exceed sixteen feet in height, including the base. All exterior lighting fixtures shall be decorative in design 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 source shall not exceed 250 watts and the photometric plan shall show compliance in the light sources not exceeding one (1) foot-candle of illumination at the property lines. No roof-mounted lighting is permitted.

#### SPECIAL CONDITIONS

64. All screen walls, garden walls, and retaining walls shall consist of split-face block or other decorative block material with a decorative block cap, subject to approval by the Director of Planning and Community Development.
65. On-site decorative paving shall be provided at the driveway entrance serving the site as shown on the approved site plan.
66. The applicant shall comply with the recommendations of the City Geotechnical Consultant and the City Geological Consultant prior to submittal of plans for plan check with the Building and Safety Department.
67. 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.
68. A signed and recorded covenant acceptable to the City Attorney shall be provided on both properties to secure a minimum twenty-six (26) foot wide driveway access to the subject property. The covenants shall be recorded and copies provided to the City before the issuance of any building or grading permits.
69. Detailed plans of the group useable open space area shall be submitted to the City for review and approval by the Director of Planning and Community Development. The plans shall maintain a minimum area of 1,200 square feet.

END



**TENTATIVE TRACT MAP NO. 69073**

**FOR THE PROPERTY LOCATED AT**  
**5310 COLODNY DRIVE, AGOURA HILLS**

**EXHIBIT C**

**APPROVED RESOLUTION NO 870 AND**  
**CONDITIONS OF APPROVAL**

RESOLUTION NO. 870

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING AN AMENDMENT  
TO SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 06-SPR-003  
FOR THE PURPOSE OF GRANTING A TWO-YEAR TIME EXTENSION

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

Section 1. An application was duly filed by Colodny, LP/Montage/Chuck Francoeur with respect to real property located at 5310 Colodny Drive (A.P.N. 2055-007-053), requesting approval of a Site Plan/Architectural Review for a two-year entitlement to start construction of two (2) buildings consisting of four (4) apartment units ranging in size from 1,415 square feet to 1,246 square feet permit, with attached 400 square foot, two-car garages for each unit. A Public Hearing was duly held on May 18, 2006 at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. The Planning Commission finds that the request for a Site Plan/Architectural Review time extension is acceptable given that there are no changes that are proposed to the project and that there are no changes to the site, to the surrounding area and to the regulations that affect the site. The Planning Commission, pursuant to the Agoura Hills Zoning Ordinance, finds that the findings contained in Planning Commission Resolution No. 738 approved on April 3, 2003, are still valid and state as follows:

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. Apartment uses are permitted in the High Density Residential, Freeway Corridor Overlay, and Old Agoura Overlay zones. The proposed building will meet all the minimum requirements for the RH (High Density Residential) zone, thereby preserving light, air, privacy and open space for surrounding properties. Also, the project meets the height and lot coverage requirements as specified in the City Zoning Ordinance.

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 off of Colodny Drive. The placement of the two buildings, one toward the west and the other in the eastern portion of the property, will preserve the light, air and privacy of the surrounding properties, in turn protecting the general welfare of the neighboring community. The project will comply with the current building standards and regulations.

C. The proposed use, as conditioned, will not conflict with the character and design of the building and open space in the surrounding area. The building design and materials, as conditioned, will be compatible with the rural theme of the Old Agoura Overlay District and will upgrade the surrounding neighborhood.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of this Zoning Ordinance. The project complies with the provisions of the High Density Residential District-Freeway Corridor Overlay District-Old Agoura Overlay District zone in regards to use, parking, lot coverage, building height, group open space and setbacks.

E. The proposed use, as conditioned, is consistent with Policy No. 2.1 of the General Plan Community Design Element in the City's General Plan. The design and proposed use of natural materials and colors is consistent with the Old Agoura Overlay zone.

F. The proposed use, as conditioned, preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed apartment development use is consistent with the existing development uses on the street. The project density of 12 units per acre is below the maximum allowable density of 25 units per acre and is also below the prevailing density in the area.

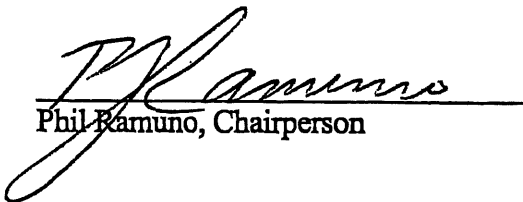
G. There are no changes to the project approval on April 3, 2003, and there are no changes to the surrounding area, nor changes to the regulations that affect the site.

Section 4. The Planning Commission finds the proposed apartment development to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15303.

Section 5. Based upon the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 06-SPR-003, with respect to property described in Section 1 hereof, subject to the attached Conditions of Approval.

PASSED, APPROVED and ADOPTED this 18<sup>th</sup> day of May, 2006, by the following vote to wit:

AYES: Buckley Weber, Ramuno & Rishoff  
NOES: None  
ABSENT: O'Meara & Zacuto  
ABSTAIN: None

  
Phil Ramuno, Chairperson

ATTEST:

  
Doug Hooper, Secretary

**CONDITIONS OF APPROVAL  
(CASE NO. 06-SPR-003)**

**STANDARD 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 appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing at the applicant is aware of and accepts all conditions of this permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved plans as approved by the Planning Commission on April 3, 2003.
4. It is hereby declared to be the intent that if any provision of this permit is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a condition of this action that is any condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. The Site Plan/Architectural Review shall be valid for two (2) year and shall expire on May 18, 2008.
7. The applicant shall obtain a building permit and commence construction before May 18, 2008, or the entitlement will become void.
8. All Conditions of Approval in Resolution No. 738, except as modified herein, are valid and shall remain valid for the life of the project.

END



**TENTATIVE TRACT MAP NO. 69073**

**FOR THE PROPERTY LOCATED AT  
5310 COLODNY DRIVE, AGOURA HILLS**

**EXHIBIT D**

**APRIL 3, 2003 STAFF REPORT**



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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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**ACTION DATE:** April 3, 2003

**APPLICANT:** Ken Stockton  
26500 W. Agoura Road #844  
Calabasas, CA 91302

**CASE NO.:** 01-SPR-008

**LOCATION:** 5310 Colodny Dr. (A.P.N. 2055-007-053)

**REQUEST:** Request for approval of a Site Plan/Architectural Review to develop two separate buildings for a total of four (4) apartments. The units will range in size from 1,415 square feet to 1,146 square feet. All four units will have an attached 400 square foot, two-car garage.

**ENVIRONMENTAL ANALYSIS:** Categorically Exempt from CEQA-Class 3(b)

**RECOMMENDATION:** Staff recommends approval of Site-Plan Architectural Review Case No. 01-SPR-008, subject to conditions.

**ZONING DESIGNATION:** RH-25-OA-FC (High Density Residential- 25 units per acre- Old Agoura Design Overlay- Freeway Corridor Overlay ) Zone.

**GENERAL PLAN DESIGNATION:** RH (High Density Residential)

**I. BACKGROUND AND PROJECT DESCRIPTION**

This application was originally scheduled to be heard at the March 6, 2003 Planning Commission meeting but due to requested changes to the site plan by the applicant, the item was continued so staff could adequately analyze the proposed changes. The applicant requests review and approval to develop four (4) apartments on a vacant lot at 5310 Colodny Drive. The project site is approximately 0.31 acres, or 13,724 square feet in size. Two (2) buildings with footprints of approximately 1,875 square feet and 1,576 square feet are

proposed on the site. Each building would be two-stories and have two (2) apartment units, each with a 400 square foot attached two-car garage. One unit includes three (3) bedrooms and two-and-a-half bathrooms. The other units each include three (3) two bedrooms and two bathrooms. The proposed four (4) units will provide their own individual trash cans, thus no on-site trash enclosure is required. According to the Zoning Ordinance Section 9677.2, any proposed residential construction of two (2) units or more shall be subject to the approval by the Planning Commission.

The proposed project is located on the east side of Colodny Drive between Canwood Street and Driver Avenue. Chesebro Canyon Wash is located to the east of the property. The proposed project is situated between two existing multi-residential developments with additional multi-residential developments directly across the street. The lot is a relatively flat, rectangular-shaped parcel that is located in the High Density Residential (RH), Old Agoura Overlay District (OA), and Freeway Corridor Overlay District (FC) Zone. The proposed apartment project is a permitted use in the RH-25-OA-FC Zone and would meet the required development standards, relative to building coverage, height, and parking. The RH Zone allows for 25 units per acre.

The following is a summary of the proposed development relative to the City Code requirements:

Pertinent Data

	<u>Proposed</u>	<u>Required/ Allowed</u>
A. Lot Size	0.31 acres (existing non-conforming) (13,724 sq. ft.)	0.4 acre min. (17,500 sq. ft.)
B. Lot Width	60.50 ft. (existing non-conforming)	100 ft.
C. Lot Depth	222.64 ft.	100 ft.
D. Bldg. Height	25 feet	35 feet max.
E. Building Size		
Building #1 (2- total units)		
1. First Story	1,875 sq. ft.	N/A
2. Second Story	1,640 sq. ft.	N/A
3. Garage	800 sq. ft.	N/A



	Total	4,315 sq. ft.	N/A
	Building #2 (2- total units)		
	1. First Story	1,576 sq. ft.	N/A
	2. Second Story	1,516 sq. ft.	N/A
	3. Garage	800 sq. ft.	N/A
	Total	3,892 sq. ft.	N/A
F.	Setbacks		
	1. Front (west)	20 feet	15 ft. min.
	2. Rear (east)	58 feet	10 ft. min.
	3. Right Side (south)	7.5 feet	7 ft. min.
	4. Left Side (north)	7 feet	7 ft. min.
G.	Lot Coverage (footprint of both buildings)		
		3,451 sq. ft. (25%)	6,862 sq. ft. (50%)
H.	No. of Oak Trees	0	N/A
I.	Group Developed Outdoor open space	1,680 sq. ft	300 square feet per unit. (1,200 total)
J.	Parking	2 covered per unit, plus .50 uncovered per unit	2 covered per unit, plus .50 uncovered per unit
K.	Landscaping	25%	15%

## II. STAFF ANALYSIS

### A. Site Plan and Parking

The site plan shows that one building is proposed at the western portion of the property and another building is proposed at the eastern portion (opposite end) of the property. This design places the two (2) buildings opposite of each other, which will break up the linear massing that one large building would present given the narrow shape of the lot. Although private patios are not required by the Code, the applicant is also providing both units in building two (2) at the east end of the lot with individual 270 square foot private patios. Each of the buildings will comply with the required development standards and parking spaces that are prescribed for this zone.

Despite the relatively small, non-conforming size of the lot each of the proposed buildings meet the required setbacks for the zone. The front yard setback, as proposed, will be 20 feet from the street property line. The side yard setbacks will provide the minimum setback of 7 feet and the rear yard setback will provide a 58-foot setback. The project will also have a lot coverage of 25% which is significantly below the maximum 50% lot coverage allowed for this zone as well as the lot coverage of existing developments on this street.

The City's Zoning Ordinance requires that apartments with two (2) or more bedroom apartments provide two (2) covered spaces plus 0.50 uncovered spaces. A two-car garage is provided for each unit and the applicant is providing two (2) uncovered parking spaces, of which one (1) of the spaces must be a handicap parking space according to ADA requirements. This, in turn, will allow for only one conventional parking space to serve as guest parking for the complex. Currently, as proposed, there is more group outdoor usable area provided than required by code which could possibly provide an additional guest parking stall, but at this time no additional spaces are required, nor proposed at this time. The City's Zoning Ordinance also requires that driveways be 20 feet wide when the driveway services two (2) or more dwellings, and that a minimum 26 feet backup area is provided for parking spaces.

The applicant is proposing to share a driveway with the property to the south to ensure that the project maintains the minimum width requirement of 20 feet for a two-way residential driveway serving two (2) or more units. This shared driveway will also provide the garages in building number one with 26 feet of back up area required by City Code. This will also help the property to the south due to its non-conforming 12-foot wide driveway. Staff recommends that the property owner sign and record a covenant acceptable to the City Attorney prior to the issuance of building and grading plans to insure the driveway access for the project maintains a minimum 20 feet for driveway access and a minimum of 26 feet for back out area. The proposed site plan meets these requirements for parking and driveway width.

## B. Architectural Review

The property is located within two overlay districts: Old Agoura and the Freeway Corridor. The intent of the Old Agoura Overlay is to preserve the semi-rural character of the community. The Old Agoura Overlay accomplishes this goal by establishing design standards that promote the natural environment and the utilization of natural materials, earth tone color palettes, and the utilization of native, drought-tolerant plant materials. The Freeway Corridor's design guidelines are intended to promote the City's image as viewed from the freeway. Therefore, it is important to ensure that the goals of The Old Agoura and Freeway Corridor Overlay Zone are reflected in the design of this apartment development. Unlike some of the existing apartment and townhome developments that surround the site, the proposed project will provide two-car garages for each unit and has a more single-family character look to it which will be more compatible with the Old Agoura Design Overlay.

The proposed apartments' exterior building materials consist of a light cream colored stucco with light brown colored stucco accents, dark brown colored door and window trim and shutters, and a gray colored composite roof. Multi-pane windows are proposed throughout with a used brick veneer placed on all four sides of the buildings. Multi-panel, roll up garage doors are proposed along with white colored eave trim. A full roof is proposed with a building height of 25 feet which is well under the 35-foot height requirement for the zone.

On November 28, 2001, the Architectural Review Panel (ARP) reviewed the proposed apartment development and made recommendations that they felt would enhance the overall character of the project for increased compatibility with the Old Agoura Overlay Zone. The ARP recommended that a 20-foot wide enhanced entry paving strip be added at the driveway entrance. In response, the applicant has proposed a 21-foot wide stamped concrete driveway entrance feature. The ARP had recommended that brick veneer be added to all four sides of the buildings. The applicant has used the brick veneer on all sides of the buildings. The ARP also recommended that the building entryways be enhanced. The applicant has provided archway features around the front entryways. The ARP also recommended use of full roofs and that all four sides provide articulation. The applicant has proposed full roofs and has articulated the buildings on all four sides. The ARP had also mentioned providing access to the units through the two-car garages as a general circulation suggestion for consideration even though it is not an architectural requirement. As part of the applicant's revisions, access to the unit is now provided in each garage.

The applicant also owns the apartment complex to the south of the project site and is proposing future exterior changes to the existing complex. Although the applicant has provided exterior elevation plans for this future change, these are not a part of this application and is for information only. These are exterior changes that can be approved administratively by the Planning Department and will not require Planning Commission action.

The applicant has addressed and responded to most of the concerns that the ARP had raised. Material and color sample boards will be available for review at the hearing. The Old

Agoura Homeowner's Association has reviewed the plans. Please see their letter dated November 27, 2002 attached to this report.

### C. Density

The maximum density in the RH-25 Zone is 25 units per acre. Based on the size of the lot (13,724 square feet), a maximum density of seven (7) dwellings would be allowed. The applicant is proposing four (4) units which is equivalent to 12 units per acre.

The Planning Commission recently approved a townhome development three lots to the south on a 10,890 square foot parcel with four (4) units (equivalent to 15 units per acre). Between this parcel and the proposed project's parcel are two parcels with existing apartment developments on them. One has ten units on a 12,740 square foot lot (equivalent to 34 units per acre) and the other (which is adjacent to the proposed project directly to the south) apartment complex has nine units on a 13,460 square foot parcel (equivalent to 29 units per acre). The parcel adjacent to the project to the north has 18 units and is a 27,040 square foot parcel (equivalent to 29 units per acre). Directly across the street from the proposed project site are three (3) apartment complexes also. Of these three (3) complexes, only one is 43,560 square feet (one acre) in size. This one-acre parcel has 26 units on it. The other two complexes are located on parcels that are slightly under one-acre and both have 24 unit complexes on them. Most of these developments were approved by the County of Los Angeles prior to the City's incorporation and, on average, were granted greater density allowances than what the City's Zoning Ordinance currently allows. The proposed density of this apartment development project is therefore much lower than the density of the surrounding developments.

### D. Group Useable Developed Outdoor Open Space

According to the City's Zoning Code Section 9273.7 developments in the Residential High Density (RH) District are required to provide three hundred (300) square feet of usable outdoor developed open space per unit. Based upon the four (4) proposed units, this development is required to provide 1,200 square feet of group open space. As shown on the site plan, the applicant is proposing approximately 600 square feet of flat, grass area in the center portion of the project, and 1,080 square feet of grass area towards the rear portion of the lot for a total of 1,680 square feet. These two areas will each have park benches and a barbeques. Staff recommends that detailed plans of the group open space areas be provided for review and approval by the Director of Planning and Community Development and has provided this as a Condition of Approval for Commission review. The separate open space areas will provide convenient access for the residents of each of the two buildings. Maintenance of this open space area and all other landscaping areas will be the responsibility of the property owner rather than the tenants.

### E. Soils and Geology

The existing site's natural grade varies from 926 feet above sea level at the front (west) portion to a 904-foot elevation at the rear (east) of the parcel. The lot is relatively flat with a

slope that drops 13 feet at the rear (east) portion, east of building number two. The proposed building in the front (west) portion of the parcel will have a finished floor elevation of 927 feet above sea level, and the proposed building to the rear (east) portion of the lot will have a finished floor elevation of 920 feet above sea level. Minor cutting and re-compaction will be required to achieve the proposed pad elevations along with re-compaction of the slope in the rear (east) portion. The amount of cut will be 236 cubic yards and the fill will be 236 cubic yards. Because this property sits slightly lower than the property to the north, two (2) retaining walls will be required along the north property line, not to exceed six (6) feet in height per City Code. Also a retaining wall approximately 27 feet long is proposed along the south property line between building number two and the property line.

The City Geotechnical Consultant has reviewed the geotechnical report prepared by West Coast Geotechnical for this project and recommends that the project be approved from a geotechnical perspective at the planning stage. The applicant would be required to obtain final clearance from the City's Geotechnical Consultant prior to issuance of a Grading Permit or Building Permit.

#### F. Landscaping and Oak Trees

One of the goals of the Old Agoura Overlay is to preserve the unique character of Old Agoura by maintaining the rural character of the area. Landscaping is a way to achieve this and the landscape plan should include native plant materials. Therefore, the City's Landscape Consultant will work with the applicant's landscape architect to include additional native plants to the plant palette prior to the issuance of the Building Permits. This has been included as a landscape condition of approval. The current landscape plan submitted is preliminary and will be adjusted (if needed) to comply with all City landscaping requirements.

There is one Oak tree located on the adjacent property to the north, along the northeastern corner of the lot, and will not be impacted during construction. The City's Landscape Consultant has reviewed and approved the submitted Oak tree report and has agreed with the modifications to the grading plans to stay a safe distance away during grading which will help preserve the tree.

#### G. Environmental

The project has been determined to be Categorically Exempt from the California Environment Quality Act in accordance with the 1999 State CEQA Guidelines [Section 15303 (List of Categorical Exemptions), Section 15303: New Construction or Conversion of Small Structures]. The Project is consistent with the provisions contained within Section 15303: New Construction or Conversion of Small Structures, which reads as follows:

- (b) A duplex or similar multifamily residential structure totaling no more than four dwelling units. In urbanized areas, the exemption applies to apartments, duplexes and similar small structures designed for not more than six dwelling units.

The project is consistent with applicable general plan designations, and all applicable general plan policies including applicable zoning designations and regulations. The development will not result in any impacts to natural or cultural resources. The project area is small (under one acre), is situated in a developed urban corridor, will not result in damage to or destruction of riparian resources or rare, endangered, or special interest species. The project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can and will be served by all required utilities and public services therefore, this project is Categorical Exempt from CEQA.

### **III. FINDINGS**

The Zoning Ordinance states that in order for the Planning Commission to approve this project, the Planning Commission must be able to make the specific findings for approval. The project as proposed, meets the minimum development requirements for the RH Zone, Old Agoura, and Freeway Corridor Overlays. The Commission may use its discretionary authority to require more than minimal Code requirements. If the Planning Commission finds that the project as conditioned is appropriate for the site, location, topography, etc., the appropriate findings for approval of the Site Plan/Architectural Review have been prepared for Planning Commission consideration. These are included in the attached Site Plan/Architectural Review Draft Resolution.

### **IV. RECOMMENDATION**

Based on the foregoing review and analysis, it is recommended that the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 01-SPR-008, subject to the Conditions listed in the attached Draft Resolution.

CASE PLANNER: Roger Harada, Assistant Planner

### **VI. ATTACHMENTS**

- Draft Resolutions of Approval
- Draft Conditions of Approval
- Letter from Bing Yen and Associates
- Letter from Old Agoura Homeowner's Association
- Oak Tree Conditions from Kay Greeley
- Reduced photocopies of plans
- Vicinity Map



**SITE PLAN/ARCHITECTURAL REVIEW  
CASE NO. 06-SPR-003**

**FOR THE PROPERTY LOCATED AT  
5310 COLODNY DRIVE, AGOURA HILLS**

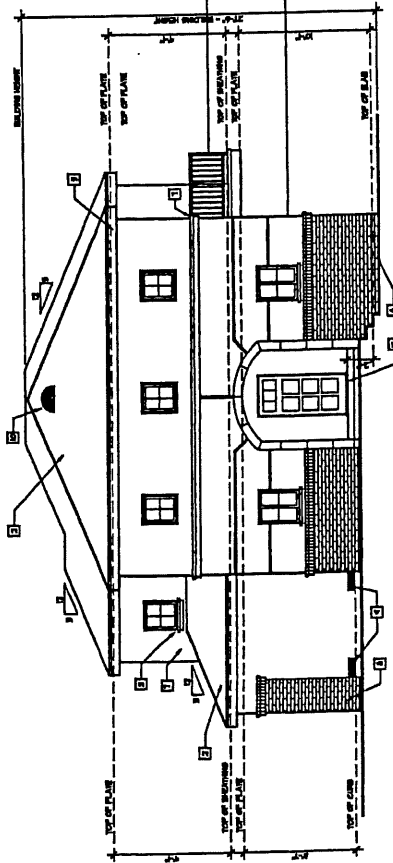
**EXHIBIT E**

**REDUCED PHOTOCOPIES OF PROJECT PLANS**

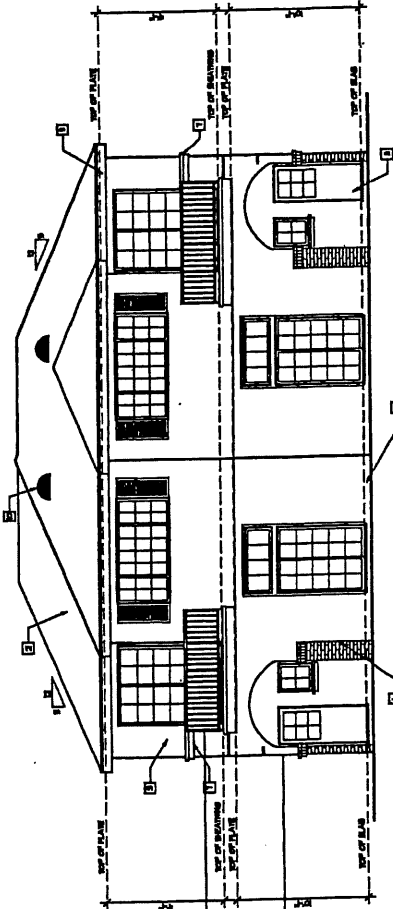




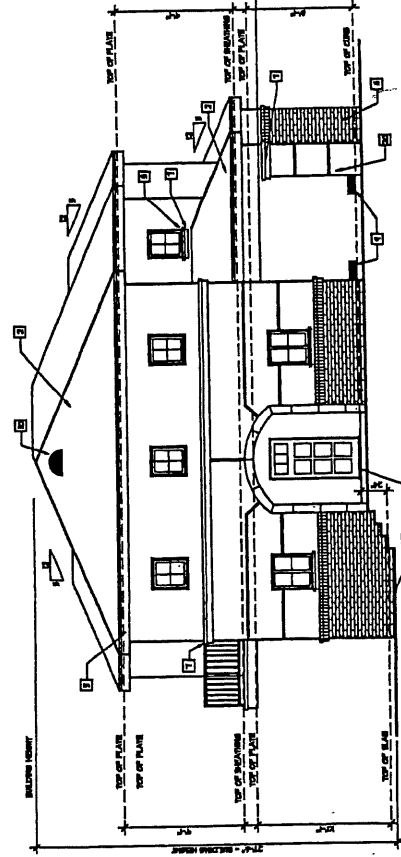




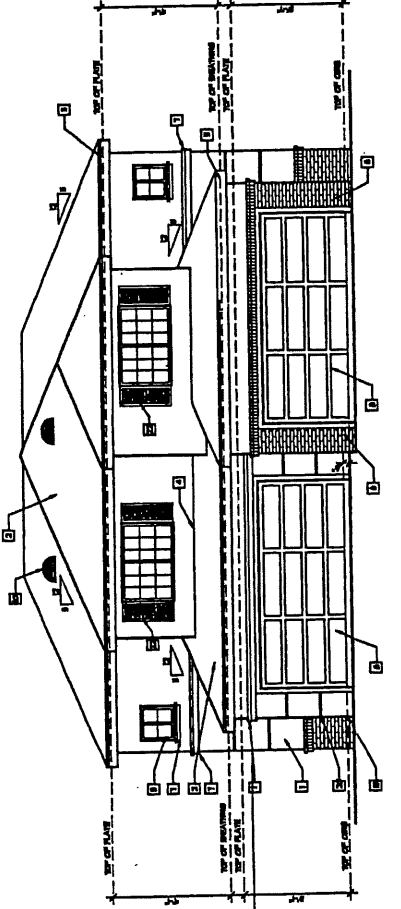
RIGHT SIDE ELEVATION - BUILDING #2



REAR ELEVATION - BUILDING #2



LEFT SIDE ELEVATION - BUILDING #2

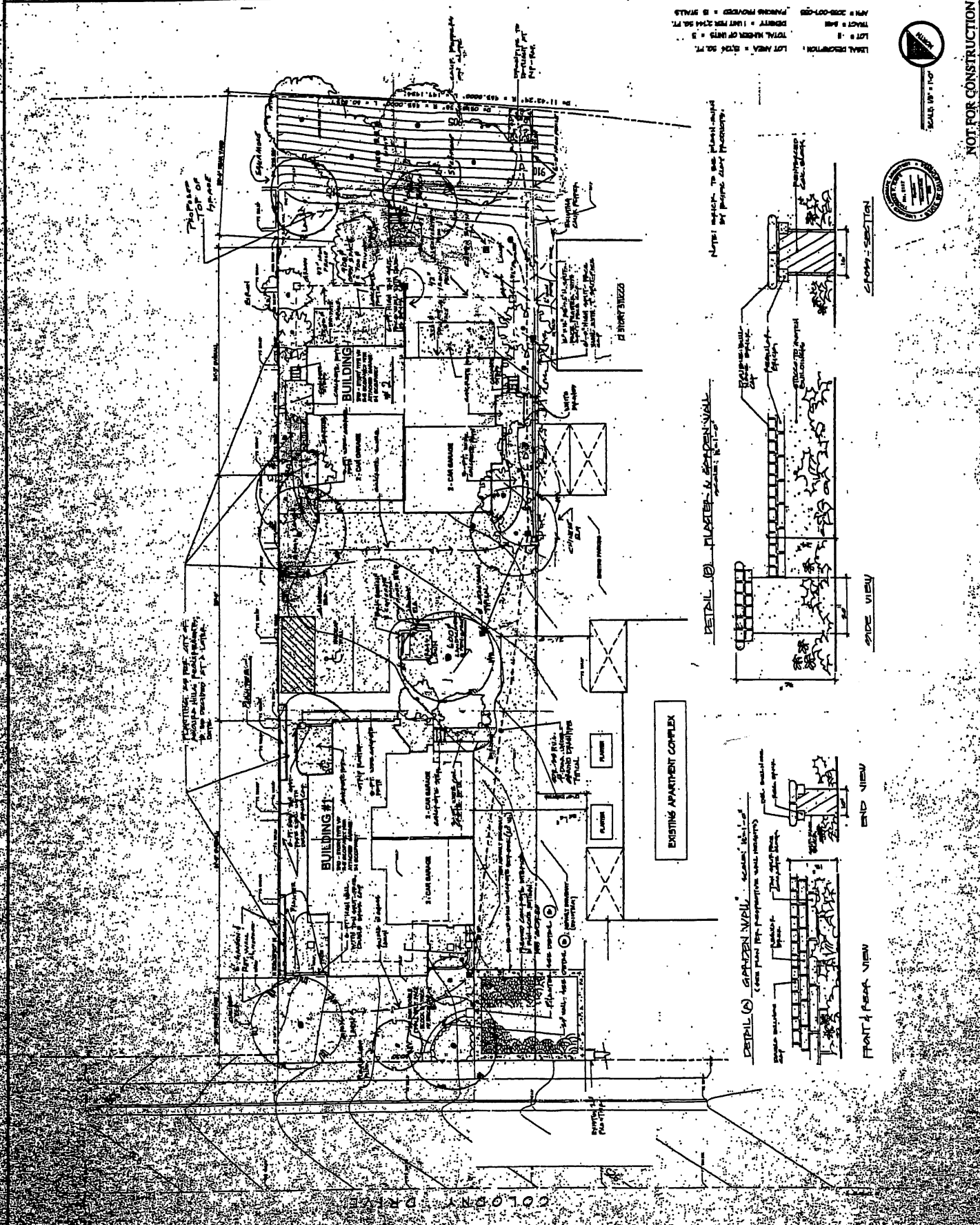


FRONT ELEVATION - BUILDING #2

EXTERIOR ELEVATION FINISHES & NOTES

- 1. EXTERIOR BRICKS OVER APPROVED WEIR, LATH AND PLASTER
- 2. CONCRETE BRICKS, BROWN, CLAY, 3" OVER LAYERS OF 2" BELT
- 3. ALUMINUM FINISH DOORS - TYPICAL
- 4. WEIR, LATH AND CONCRETE BRICKS 8" BODY TO WALL CORNER
- 5. 2" x 4" MOULD FINISH BRICKS WITH BRICK, TYPICAL
- 6. 1" x 4" MOULD FINISH BRICKS WITH BRICK, CORNER CAP
- 7. POINT INCLUDING WITH EXTERIOR PLASTER OVER
- 8. OVERHEAD GARAGE DOOR WITH DECORATIVE PANELS
- 9. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 10. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 11. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 12. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 13. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 14. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 15. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 16. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 17. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 18. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 19. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR
- 20. 1/2" x 1/2" ALL EXTERIOR BRICKS - WEIR

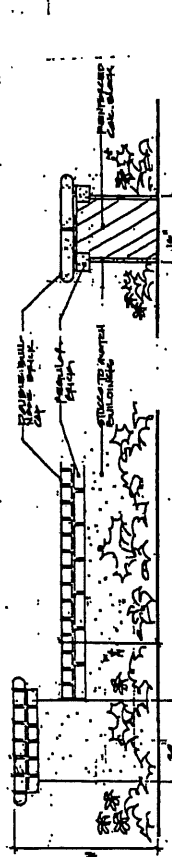
NO.	DATE	DESCRIPTION
1	11/15/00	PRELIMINARY SITE PLAN



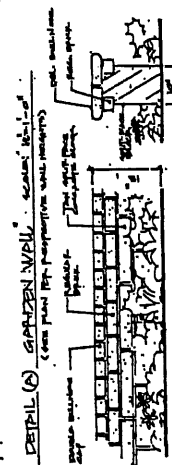
LOCAL DESCRIPTION: LOT AREA = 210K SQ. FT.  
 TRACT # 88  
 DENSITY = 1 UNIT PER 214 SQ. FT.  
 APN = 208-07-02  
 PARKING PROVIDED = 15 SPACES



SCALE: 1/8" = 1'-0"



SIDE VIEW



FRONT & REAR VIEW

DETAIL (B) PLASTER & STONE WALL

DETAIL (A) GARDEN WALL - (See front elevation view numbers)

Notes refer to the general notes on sheet 1 of this set of drawings.

EXISTING APARTMENT COMPLEX

EXISTING APARTMENT COMPLEX

BUILDING #1

BUILDING #2

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

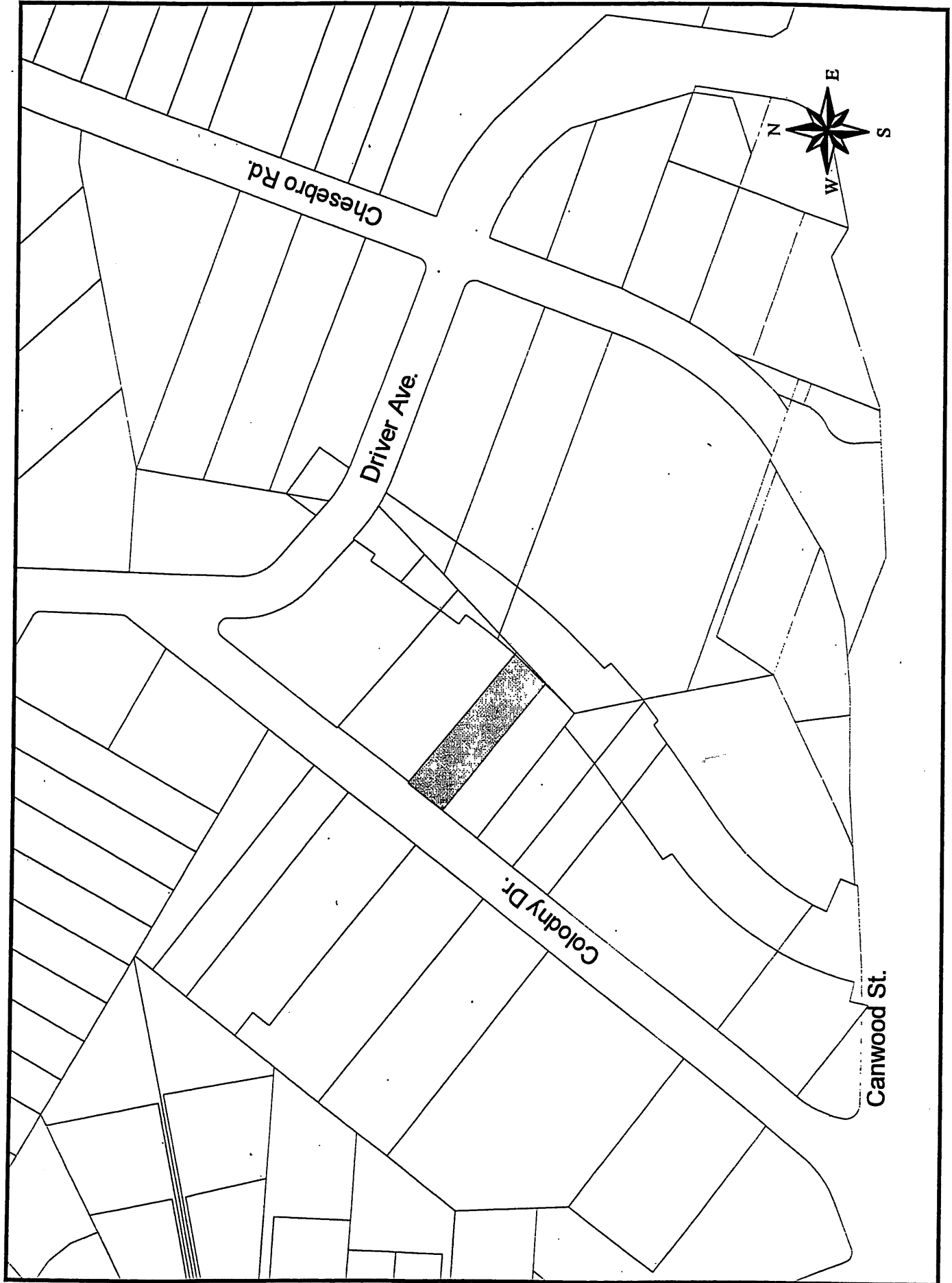
3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

3-CAR GARAGE

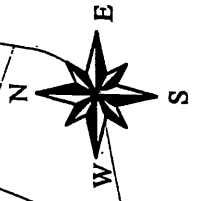


Chesebro Rd.

Driver Ave.

Colony Dr.

Canwood St.





**TENTATIVE TRACT MAP NO. 69073**

**FOR THE PROPERTY LOCATED AT  
5310 COLODNY DRIVE, AGOURA HILLS**

**EXHIBIT E**

**MAY 18, 2006 STAFF REPORT**



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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**ACTION DATE:** May 18, 2006

**TO:** Planning Commission

**APPLICANT:** Colodny, LP/Montage/Chuck Francoeur  
6345 Balboa Blvd., Suite 155  
Encino, CA 91316

**CASE NO.:** 06-SPR-003

**LOCATION:** 5310 Colodny Drive  
(A.P.N. 2055-007-053)

**REQUEST:** Request for approval of a two-year time extension for a previously approved Site Plan/Architectural Review, which allowed for the construction of two (2) buildings consisting of four (4) apartment units ranging in size from 1,415 square feet to 1,246 square feet with attached 400 square foot, two-car garages for each unit.

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA per Section 15303.

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 06-SPR-003, subject to conditions, based on the findings of the attached draft Resolution.

**ZONING DESIGNATION:** RH-25-OA-FC (High Density Residential-25 units per acre-Old Agoura Design Overlay-Freeway Corridor Overlay) Zones.

**GENERAL PLAN DESIGNATION:** RH (High Density Residential)

## I. BACKGROUND AND PROJECT DESCRIPTION

On April 3, 2003, the Planning Commission unanimously approved Site Plan/Architectural Review Case No. 01-SPR-008 allowing the development of four (4) apartments to be located on a vacant lot at 5310 Colodny Drive, on the east side of Colodny Drive between Canwood Street and Driver Avenue. The project consisted of one 4,315 square-foot (including the garages) duplex located at the western portion of the property and another duplex of 3,892 square feet in size located at the eastern portion of the property.

Pursuant to the provisions in the Zoning Ordinance and the project conditions of approval, the Site Plan/Architectural Review was valid for an initial two (2) year period (to April 3, 2005). As allowed by the Zoning Ordinance and the conditions of approval, the applicant requested and received a one (1) year administrative extension of the Site Plan/Architectural Review to April 3, 2006. The applicant has re-applied for a new Site Plan/Architectural Review, although this request is essentially for a two-year extension of the previously approved Site Plan/Architectural Review. The Zoning Ordinance allows the Planning Commission to consider this extension request/new Site Plan/Architectural Review application in a public hearing. If granted, the applicant would be required to complete foundation inspections prior to May 18, 2008, in order to retain their entitlement.

## II. STAFF ANALYSIS

To date, the project has not changed from its original approval by the Planning Commission. All conditions of approval would remain valid. A copy of the original staff report and adopted Resolution and conditions of approval are attached for reference. Grading permits were issued on March 7, 2006 and it is feasible that the applicant can obtain building permits and begin construction within the next 12 months.

The City Oak Tree Consultant has reviewed the original conditions of approval and has found the project to be in keeping with the original scope of approved work. The City Oak Tree Consultant feels that no additional conditions are needed from the initial approval and supports the request for the time extension. The City Engineer has also reviewed the request and the previously approved conditions of approval and supports the time extension without any new conditions of approval.

The City Environmental Analyst has reviewed the request to extend the Site Plan/Architectural Review and finds it to be consistent with the provisions contained within Section 15303. Therefore, no further review under CEQA is required.

Based on the foregoing review and analysis, staff believes that the Site Plan/Architectural Review request is acceptable as there are no changes that are proposed to the project to date, and that there are no changes to the site, to the surrounding area, nor the regulations that affect the site. Therefore, Staff finds the previous findings of approval made for the Site Plan/Architectural Review are still valid.

### III. RECOMMENDATION

Staff recommends that the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 06-SPR-003, granting a new, two (2)-year entitlement that would expire on May 18, 2008, subject to conditions, based on the findings of the attached draft Resolution.

### IV. ATTACHMENTS

- Exhibit A: Draft Resolution and Conditions of Approval
- Exhibit B: Approved Resolution No. 738 and Conditions of Approval
- Exhibit C: April 3, 2003 Planning Commission Meeting Minutes
- Exhibit D: April 3, 2003 Staff Report
- Exhibit E: Reduced Photocopies of Project Plans

Case Planner: Renee Madrigal, Assistant Planner





**TENTATIVE TRACT MAP NO. 69073**

**FOR THE PROPERTY LOCATED AT  
5310 COLODNY DRIVE, AGOURA HILLS**

**EXHIBIT F**

**ENVIRONMENTAL ANALYSIS REPORT**

## Notice of Exemption

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, Ca 95814

From: City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

County Clerk  
County of Los Angeles  
Los Angeles County Clerk  
12400 E. Imperial Hwy.  
Norwalk, CA 90659

**Project Title:** Montage Condominium Project (TTM 69073)

**Project Location-Specific:** 5310 Colodny Drive (APN 2055-007-053)

**Project Location-City:** City of Agoura Hills

**Project Location-County:** Los Angeles

**Description of Nature, Purpose, and Beneficiaries of Project:** The project consists of the subdivision of a previously approved, but not yet constructed, four unit residential apartment project. The lot would be subdivided into four lots total for the four condominiums, plus one common area lot, for a grand total of five lots. The site currently consists of one lot with four apartment buildings entitled.

**Name of Public Agency Approving Project:** City of Agoura Hills

**Name of Person or Agency Carrying Out Project:** Ken Stockton for Montage

**Exempt Status:** (Check One)

- Ministerial (14 Cal Code of Regs. Sec. 15268);
- Declared Emergency (14 Cal Code of Regs. Sec. 15269(a))
- Emergency Project (14 Cal Code of Regs. Sec. 15269(b),(c), (d) and (e)). State subsection letter
- Statutory Exemption (14 Cal. Code of Regs. Sections 15260 et seq.) State Statutory Number
- Categorical Exemption (14 Cal Code of Regs. Sections 15300 et seq.) State of California CEQA Guidelines Section 15303, Class 3. New Construction or Conversion of Small Structures
- No possibility of physical impact. (14 Cal Code of Regs. Section 15061 (b)(3))

**Reasons why project is exempt:** The project was originally approved in April 2003 (Case # 01-SPR-008) by the City as a four unit residential apartment complex on a single lot. The project has not yet been constructed. The applicant now wishes to construct condominiums, as opposed to apartments. As such, the applicant is requested a subdivision of the lot into four air space condo lots plus one common open space lot. No other changes to the previously approved project are being proposed. The previous project was exempted under Section 15303(b). The project would not result in any significant environmental impacts. The project site is not within: 1) an environmentally sensitive resource area; 2) a state designated scenic highway area; 3) a hazardous waste site; or 4) an historical resource area.

**Lead Agency Contact Person:** Allison Cook, Senior Planner, City of Agoura Hills

**Area Code/Telephone/Extension:** (818) 597-7310

Signature: Allison Cook

Date: 1-8-08

Title: Senior Planner