



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: March 20, 2008

TO: Planning Commission

APPLICANT: Sean Ben-Menahem
5000 N. Parkway Calabasas, Suite 106
Calabasas, CA 91302

CASE NOS.: 03-CUP-016 & 03-OTP-017

LOCATION: 6149 Palo Comado Drive
(A.P.N. 2055-023-073)

REQUEST: Request for approval of a Conditional Use Permit to construct a 4,880 square foot, two-story, single-family residence, a 463 square foot attached two-car garage, a 100 square-foot patio cover and a 125 square-foot balcony/deck; and a request for an Oak Tree Permit to remove 1 oak tree and encroach in the protected zone of 9 oak trees for the proposed construction.

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA per Section 15303 (New Construction of a Single-Family Residence)

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017 subject to conditions, based on the findings of the attached Draft Resolution.

ZONING DESIGNATION: RV-OA – (Residential Very Low Density - Old Agoura Design Overlay District)

GENERAL PLAN DESIGNATION: RV – Residential Very Low Density

I. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Ken Stockton for Sean Ben Menahem, is proposing to construct a 4,880 square-foot, two-story, single-family residence with a 463 square-foot, two-car garage, a 100 square-foot patio cover and a 125 square-foot balcony/deck. The 1.13-acre vacant lot is located on the west side of Palo Comado Drive, one lot south of Fairview Place at 6149 Palo Comado Drive. The applicant is also requesting approval of an Oak Tree Permit to remove 1 oak tree and encroach in the protected zone of 9 others for the construction. The lot is zoned RV-OA (Residential Very Low Density-Old Agoura Design Overlay) zone and is adjacent to developed lots to the rear and east and a vacant residentially zoned lot to the north.

New single-family homes are subject to review by the Planning Commission. Since the average topographic slope of the property exceeds 10%, it is considered a hillside lot and, therefore, development proposals must be reviewed with a Conditional Use Permit application. The proposed single-family residence is a permitted use in the RV zone. The maximum allowable building lot coverage in the RV zone is 25%. The total proposed lot coverage of the residence (footprint and garage) is 6% of the lot size. When adding the square footage of the pool and miscellaneous hardscape features that are anticipated by the applicant, the proposed lot coverage increases to approximately 25%. As designed, the project meets the development requirements relative to lot coverage, minimum yard setbacks and building height. The following is a summary of the proposed development relative to the Zoning Ordinance requirements.

Pertinent Data for the Proposal

	Existing	Proposed	Required
A. Lot Size	49,281 sq.ft. (1.13 acres)	49,281 sq.ft. (1.13 acres)	43,560 sq.ft. (1 acre)
Width	190 ft.	N/A	N/A
Depth	210 ft.	N/A	N/A
B. Building Setbacks from Property Lines			
1. <u>Residence Setbacks</u>			
Front (Driveway Easement)	N/A	33 feet	25 feet min.
Rear (West Side)	N/A	75 feet	25 feet min.
Side (North Side)	N/A	90 feet	12 feet min.
Side (South Side)	N/A	33 feet	12 feet min.
2. <u>Future Pool</u>			
Front (East)	N/A	N/A	N/A
Rear (West)	N/A	50 ft.	5 ft.
Side (North)	N/A	130 ft.	5 ft.
Side (South)	N/A	35 ft.	5 ft.

	Existing	Proposed	Required
C. Building Sizes			
Residence			
1 st Floor	N/A	2,690 sq.ft.	N/A
2 nd Floor	<u>N/A</u>	<u>2,190 sq.ft.</u>	<u>N/A</u>
Total:	N/A	4,880 sqft.	N/A
Garage	N/A	463 sq.ft.	N/A
Balcony	N/A	125 sq.ft.	N/A
Patio Cover	<u>N/A</u>	<u>100 sq.ft.</u>	<u>N/A</u>
Total:	N/A	5,568 sqft.	N/A
D. Building Height			
	N/A	33 ft.	35 ft. max.
E. Lot Coverage			
Bldg. Footprint	N/A	6%	25%
Bldg. Footprint+ Hardscape*	N/A	25%	25%
F. Undisturbed Open Space**			
	N/A	52%	77.5%
F. Oak Trees Considered for Review			
	11 on-site	same	N/A
	11 off-site	10	N/A

* Hardscape includes future pool and driveway

** The difference between lot coverage and undisturbed open space is unused but disturbed areas.

II. STAFF ANALYSIS

A. Site Plan

The proposed residence is to be built in the center of the parcel. The closest structure is located 77 feet from the south property line on the adjacent southerly lot. Another structure is located 110 feet from the northeast corner of the parcel, across the access driveway. The proposed residence will exceed the minimum required front yard setback by 8 feet (33 feet proposed versus 25 feet required), the rear yard setback by 50 feet (75 feet proposed versus 25 feet required) and the side yard setback on the south side yard setback requirements by 8 feet (33 feet proposed versus 12 feet required) and on the north side by 78 feet (90 feet proposed versus 12 feet required). A future pool is also being considered by the applicant. The all inclusive anticipated development, as shown on the Site Plan would meet the maximum allowable lot coverage for the zone.

The lots on the east side of the access easement generally are steeper and overlook the lots along the west side. The Grading Plan indicates that a proposed flat pad that is to be cut into the hillside and a 2:1 manufactured slope would be created using the support of retaining walls. The pad would be 14 feet above the access driveway. A two-retaining

wall system, each 6 feet in height, is proposed in the rear yard with stair case leading from the house pad to the top of the hill. Two additional retaining walls, 6 to 2.5 feet high, would also be required as part of the construction of the house and the 140-foot long on-site driveway. The design of the driveway was a result of the Fire District requirement to have a turn-around area on-site, the maximum allowable 17% slope of the driveway and the desire to minimize encroachment on oak trees in the vicinity of the project.

The house was designed with one and two-story elements. The garage is a 15-foot high single-story element located in the front of the house. The finished floor elevation of the garage is 6 feet lower than the finished floor elevation of the living areas. The garage is used strictly for the storage of two vehicles and is therefore not counted as a story but it is included when calculating the maximum height of the structure. The roof peak does not exceed 33 feet. The average height is 27 feet. A 6-foot high retaining wall along the northern property line would partially screen the northern elevation as seen from the lots at the corner of the access driveway.

The Hillside Ordinance open space standards are at the discretion of the Planning Commission. The square footage of the open space that should remain undisturbed is a function of the steepness of the lot. In this case, the lot has an average slope of 27.6%, and the Hillside Ordinance calls for 77% of the lot to remain undeveloped in order to effectively preserve the natural topography and biological resources. The project is preserving 52% of the open space. The findings in favor of the proposal are based on the fact that the lot was lawfully created prior to the adoption of the requirement, the change in ownership is not a result of the parcel no longer being considered part of a larger parcel, that the septic system will not be installed on a parcel less than one acre and that a Conditional Use Permit can permit the use and specify the minimum percent of required open space on the parcel. Staff believes that the findings can be made and that with conditions the on-site resources, specifically the oak trees, would be protected. The on-site oak trees are located at the perimeter of the parcel. The project will require the use of retaining walls that partially encroach in the protected zone of the trees and in some cases under the canopy for the purpose of protecting life and property and providing access. The City Oak Tree Consultant has worked very closely with the applicant in order to reduce the amount of encroachment into 9 trees and is able to recommend approval of the Oak Tree Permit.

The applicant is unable to provide an area that would be suitable for horses with the proposed design. The topography combined with the number oak trees all around the parcel preclude the applicant from further grading the hillside for either a pad or access to the pad. Although the General Plan specifies the needs for maintaining sufficient space on a parcel to accommodate horse keeping, some of the remaining undeveloped lots, such as the subject property, seem to have more challenges in complying with this policy. The Planning Commission has discretion to evaluate whether the proposed development precludes such an area or whether it is not feasible to accommodate horses or other farm animals based on the minimum setback requirements and impacts to the natural resource.

In an effort to evaluate the compatibility of the proposed size of the home with the neighboring structures approved and built, a survey of 87 developed lots in the neighborhood was conducted. The results revealed an average size for the living areas of all 87 homes to be 3,241 square feet. The average lot size was found to be 49,675 square feet (1.14 acres). Most recent approvals of single-family residences in the Old Agoura area include a 5,623 square-foot house on a 43,996 square-foot lot on Fairview Drive, east of the project and a 5,694 square-foot house on a 45,227 square-foot lot on Colodny Drive. The total proposed size of the home will be 5,536 square feet (plus a 751 square-foot garage) on a 40,281 square-foot lot minus the driveway. Although, the proposed floor area ratio is higher than the neighborhood average, the proposed lot coverage meet the maximum lot coverage established for the zone.

B. Architectural Review:

The entry of the two-story residence is enclosed with a privacy wall clad with a veneer stone. This 200 square-foot courtyard, open to the sky, links the elevation of the driveway, the garage and the living areas and provides access between the garage and the house. The applicant proposes a Mediterranean style of architecture including Mediterranean tiles, smooth plaster finish, exposed rafter tails, a balcony for the master bedroom facing the hillside and a round tower element. The Architectural Review Panel (ARP) found the proposed design of the residence to be true to the selected architectural style and one that could be added to the eclectic inventory found in the Old Agoura neighborhood. The applicant incorporated the few comments that the ARP's provided staff with. Multiple roof lines reflect the various living areas of the house. The entry to the garage originally faced east but grading changes required that the garage be relocated and reoriented to face north. The residence will not be visible from Fairview Drive where most of the circulation occurs. A letter from the Old Agoura Homeowners Association regarding the project is attached.

C. Oak Tree/Landscape Review:

Based on the scope of the work, the City Oak Tree/Landscape Consultant would be in support of removing Oak Tree Number 22 (8" diameter) if necessary to allow for widening and paving of Palo Comado Drive. This tree is located on the property located to the east of the applicant's property at 6149 Palo Comado Drive. It would be the applicant's responsibility to obtain permission for their removal from the adjacent property owner. Furthermore, the applicant would be permitted to encroach within the protected zone of Oak Tree Numbers 1, 2, 10, 12, 13, 14, 15, 19, and 21 to complete the approved grading program and to install the paving and retaining walls shown on the approved grading plan. The applicant would also be permitted to prune Oak Tree Numbers 1, 2, 10, 12, 13, 14, 15, 19, and 21 as needed for vertical clearance over the Palo Comado Drive, the driveway and in areas where grading is otherwise approved. Oak Tree Numbers 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 18, and 20 shall be preserved in place with no direct impacts.

The applicant has worked with the Fuel Modification Department of the Los Angeles County Fire District to incorporate an adequate landscaping and not further impact on

and off-site oak trees. The applicant has also reduced the rear slope to a 2:1 gradient for his proposed landscape improvements.

D. Engineering/Public Works Review:

The Grading Plan has been reviewed by the Engineering Department. The rectangular lot also includes a 365-foot long private driveway providing access from the project north boundary to Fairview Drive which is owned by the applicant. The topography of the lot slopes ascends from east to west. The applicant's civil engineer proposes 2,479 cubic yards of cut and 1,162 cubic yards of fill with 867 cubic yard of export. The grading is necessary to cut a tri-level pad above the access road. The main floor is proposed to be at an elevation of 132 feet and the garage and gym at an elevation of 125 feet whereas the lowest and highest elevation points of the parcel are 110 and 173 feet.

With regard to street improvements, the Engineering Department will require that the applicant improve Palo Comado Drive along the entire property frontage to Fairview Place to provide for a minimum of 20-foot paved width, and 3-foot inverted shoulder or asphalt curb to ensure that the runoff is maintained within the roadway.

A septic system will serve the proposed residence and will be located on the south and east sides of the lot and will not conflict with the proposed structures. Staff has received a conceptual approval from the Los Angeles County Health Services Department of the proposed system.

E. Environmental Review:

Based upon review of this project by the City Environmental Analyst, no significant environmental impacts have been identified for construction of the project. The project has been determined to be Categorically Exempt from the California Environmental Quality Act per Section 15303. This exemption includes, but is not limited to, the construction of a single-family residence. A copy of the notice of exemption regarding the project is attached.

In conclusion, staff finds that the proposed project meets the development standards established by the Residential Single-Family Density zone and the Old Agoura Design Overlay zone and the project is designed and sited to be compatible with the neighborhood. Geotechnical and geological studies were completed to analyze the feasibility and impacts of the project. The proposed house size and articulation is in proportion with the lot size and the proposed style adds to the variety of architectural styles found in Old Agoura. The use of natural materials of that particular style is in keeping with the semi-rural character of the neighborhood.

III. RECOMMENDATION

Based on the above analysis, staff recommends that the Planning Commission adopt the attached Draft Resolution approving Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, subject to the conditions.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Letter from the Old Agoura Homeowners Association
- Exhibit B: Vicinity/Zoning Map
- Exhibit C: Square Footage Analysis Map
- Exhibit D: Reduced Copies of the Proposed Project Architectural Plans
- Exhibit E: City's Oak Tree/Landscape and Geological/Geotechnical Consultant
Comments
- Exhibit F: Environmental Categorical Exemption
- Exhibit G: Photographs of the Property and Color and Material Board

Case Planner: Valerie Darbouze, Associate Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 03-CUP-016
AND OAK TREE PERMIT CASE NO. 03-OTP-017

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

Section 1. An application was duly filed by Sean Ben-Menahem with respect to the real property located at 6149 Palo Comado Drive, Assessor's Parcel Number 2055-023-073, requesting the approval of a Conditional Use Permit Case No. 03-CUP-016 to allow the development of a 4,880 square foot, two-story, single-family residence, a 463 square foot attached two-car garage and 100 square-foot patio cover and 125 square-foot balcony/deck; and requesting approval of Oak Tree Permit Case No. 03-OTP-017 to remove one (1) oak tree and encroach in the protected zone of nine (9) oak trees for the proposed construction. A Public Hearing was duly held on March 20, 2008, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Residential Very Low Density zone and the Old Agoura Design Overlay zone, which provide general design standards for residential developments. All minimum development standards have been met for the proposed two-story residence with regard to setbacks, lot coverage, height, architectural guidelines and hillside development standards regarding height.
- B. The proposed use, as conditioned, is compatible with the surrounding properties. The project will contribute to the aesthetic value of the neighborhood as a whole. The proposed building style of architecture and building materials, which include Spanish tiles, exposed rafter tails, smooth stucco, a lattice patio cover and decorative balconies with wrought iron railing, courtyard entry and an overall earth tone scheme color are compatible with the neighborhood and meet the requirements of the Old Agoura Design Overlay District.
- C. The proposed use, as conditioned, and the conditions under which the project will be operated or maintained, will not be detrimental to the public health, safety or welfare. No element of the architecture or the use is detrimental to the health, safety or welfare of the public as single-family residences are allowed in that particular zone and the private septic system and drainage meet the conditions of both the Los Angeles County Health

Department and the City Geological/Geotechnical Consultant. Access to the property will be taken from Palo Comado Drive, and the two-story house will be placed in a location on the lot that will not impact the privacy or view sheds of adjoining neighbors.

- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance with regard to building placement, design, lot coverage, and height, and hillside development in that the project meets or exceeds the prescribed development's standards for the zones.
- E. The proposed use as conditioned, will maintain the diversity of the community by offering a style of architecture common to Mediterranean regions and simplicity of materials and limited amount of colors. The placement of the residence will not impact view-sheds of neighboring residents. The parcel is isolated from the main roads where the development is the most visible.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed location of the house will preserve the oak trees at the exception of one oak tree which is currently located in the access easement. Proportionality of the house in relation to the size of the lot meets the intent of the Old Agoura Implementation Measures outlined in the Community Design Element.

Section 4. The project is a request for one, single-family residence and is exempt from the California Environmental Quality Act (CEQA), per Section 15303 and does not require adoption of an environmental impact report or negative declaration.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 20th day of March, 2008 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

John O'Meara, Chairperson

Doug Hooper, Secretary

Conditions of Approval Case Nos. 03-CUP-016 & 03-OTP-017

PLANNING CONDITIONS

Entitlement Requirements

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. 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 these Permits 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; Elevation Plans; Floor Plans, Roof Plan, Landscape 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 filed 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 the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 03-CUP-016 and 03-OTP-017 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.

Conditions of Approval

Page 2 of 12

11. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
12. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
13. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. At this time, the required school impact fee is \$2.24 per square foot.
14. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$ 0.9223 per square foot of new floor area.
15. 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 the City's Environmental Planner is notified and a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.
16. The approved grading plan and construction plans, resolution, conditions of approval, the mitigated negative declaration and the mitigation monitoring and reporting program and a color and material board shall be on site at all time during the construction of the project.
17. 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.
18. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
19. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 7:00 a.m. or any Sunday or holiday.
20. The applicant and delegated contractors shall participate with City staff in a pre-construction meeting prior to issuance of a grading permit. Any change in the construction team shall be reported to the Building and Safety Department in a timely manner.
21. A copy of all communications between the City and the applicant shall be kept on-site at all times.

22. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
23. Intermittent inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Department.

Solid Waste Management Requirements

24. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
25. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
26. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

Landscape/Oak Tree Requirements

The Oak Tree Report addresses a total of twenty-two (22) oak trees. Eleven (11) of the oak trees are located within the subject site and the remaining eleven (11) oak trees are

Conditions of Approval

Page 4 of 12

located off-site within the immediate vicinity. As shown on the attached table, one (1) of the subject trees would be removed and nine (9) of the trees would be encroached upon to accomplish grading, driveway and road improvements. The remaining twelve (12) trees will remain in place with no direct impacts anticipated.

27. The applicant is permitted to remove Oak Tree Number 22 if necessary to allow for widening and paving of Palo Comado Drive. This tree is located on the property located to the east of the applicant's property at 6149 Palo Comado Drive. It is the applicant's responsibility to obtain permission for their removal from the adjacent property owner. The City of Agoura Hills shall have no liability or responsibility in that regard.
28. The applicant is permitted to encroach within the protected zone of Oak Tree Numbers 1, 2, 10, 12, 13, 14, 15, 19, and 21 to complete the approved grading program and to install the paving and retaining walls shown on the approved grading plan.
29. The applicant is also permitted to prune Oak Tree Numbers 1, 2, 10, 12, 13, 14, 15, 19, and 21 as needed for vertical clearance over the Palo Comado Drive, the driveway and in areas where grading is otherwise approved. The quantity of pruning on each tree shall be approved by the City Oak Tree and Landscape Consultant.
30. Oak Tree Numbers 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 18, and 20 shall be preserved in place with no direct impacts.
31. To mitigate the removal of Oak Tree Number 22, the applicant shall plant at least four (4) new Coast Live Oak (*Quercus agrifolia*) within the property. Said trees shall include a minimum of one (1) thirty-six inch (36") box-size tree, two (2) twenty-four inch (24") box-size trees and one (1) fifteen (15) gallon container-size tree. The planting locations shall be subject to review and approval by the City Oak Tree and Landscape Consultant.
32. The design of all retaining walls shall utilize a foundation, construction and drainage detail that minimizes the permitted encroachment into the protected zone of all oak trees, subject to final review and approval by the City Oak Tree and Landscape Consultant.
33. Prior to the start of any work or mobilization on the site, each oak tree to be preserved shall be fenced at the edge of the protected zone or otherwise approved work limits in accordance with Article IX, Appendix A, Section V.C.1.1. The City Oak Tree Consultant shall approve the fencing locations and installation prior to the start of work or mobilization on the site.
34. No grading, scarifying or other soil disturbance shall be permitted within any portion of the protected zone of any oak tree except as specifically permitted above.

35. No vehicles, equipment, materials, spoil or other items shall be used or placed within the protected zone of any oak tree at any time except as specifically required to accomplish the approved encroachments.
36. All work performed within the protected zone of any oak tree shall be monitored by the project oak tree consultant. Forty-eight (48) hours notice shall be provided to the City Oak Tree Consultant prior to the start of any such work. Contact the City Oak Tree Consultant at (818) 597-7350.
37. All excavation within the protected zone of any oak tree shall be performed using only hand tools under the direct supervision of the applicant's oak tree consultant or the City Oak Tree Consultant. Light construction equipment may be utilized with prior approval of the City Oak Tree Consultant.
38. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
39. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree and Landscape Consultant.
40. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree at that time.
41. All authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
42. No herbicides shall be used within one hundred feet (100') of the dripline of any oak tree unless the program is first reviewed and endorsed by the City Oak Tree Consultant.
43. The applicant shall also comply with all recommendations contained in the Oak Tree Report and addenda as prepared by Tree Life Concern, Inc.
44. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

Landscaping/Irrigation

45. The final landscape plan shall generally conform to the approved preliminary landscape plan, as prepared by Susan E. McEowen, Landscape Architect.

Conditions of Approval

Page 6 of 12

46. Landscape and Irrigation plans shall be submitted for review and approval by the City Planning and Community Development Department prior to issuance of a Grading Permit.
47. 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
48. The applicant shall submit three (3) sets of landscape plans meeting the following requirements:
 - a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
 - b. All plans shall be legible and clearly drawn.
 - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
 - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
 - f. The project identification number shall be shown on each sheet.
 - g. The plans shall accurately and clearly depict the following existing and proposed features:
 - Landscape trees, shrubs, ground cover and any other landscaping materials
 - Property lines
 - Streets, street names, 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.
 - i. Plant symbols shall depict the size of the plants at maturity.
 - j. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.

- k. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
 - l. 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.
 - m. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
 - Design and static pressures
 - Point of connection
 - Backflow protection
 - Valves, piping, controllers, heads, quick couplers
 - Gallon requirements for each valve
 - n. 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.
49. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
50. The landscape plan may not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society or the California Exotic Pest Plant Council.

ENGINEERING CONDITIONS

51. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)

A. General

- i. All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
- ii. Applicant shall pay a Transportation Impact Fees (TIF) to the Building and Safety Department in the amount of \$2,440 prior to the issuance of the Certificate of Occupancy.
- iii. All existing street and property monuments within or abutting this project site shall be preserved. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.

- iv. Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
- v. Grading Plan shall show location(s) of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
- vi. Submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer. The report shall be reviewed and approved by the City Geotechnical/Geological Consultant.
- vii. Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies:
 - Los Angeles County Health Department
 - Las Virgenes Municipal Water District
- viii. 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.
- ix. Provide a preliminary title report not older than 30 days.
- x. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code.
- xi. Any/all work affecting existing easements (ie: LVMWD, SCE, etc.) shall require written documentation confirming the respective utility purveyor's approval. This requirement shall be completed prior to constructing any work that affects said easements.

B. Public Improvements

- i. Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area.

- ii. The applicant shall improve Palo Comado Drive along the entire property frontage to Fairview Place to provide for a minimum of 20-foot paved width, and 3-foot inverted shoulder or asphalt curb, as recommended by a State-licensed Civil Engineer to ensure runoff is maintained within the roadway. The roadway sections shall be 4" asphalt concrete minimum on top of 6" crushed aggregate base, unless otherwise recommended by the geotechnical and/or civil engineer. Improvements shall be reviewed and approved by the Fire Department, and then the City Engineer.
- iii. This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.
- iv. Other conditions: All off-site work shall require written permission from the affected property owner(s) prior to beginning of said work.

C. Sewer

- i. No sewer line is available for direct connection. A septic tank is proposed which requires approval from the Los Angeles County Public Health Department.

D. Water

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

E. Drainage/Hydrology

- i. A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study. Applicant's engineer shall design proposed main lines.

F. Stormwater (NPDES)

- i. 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:

1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 4. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 5. 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.
- ii. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Urban Stormwater Mitigation Plan (USMP) shall be submitted to and approved by the Engineering Department. The USMP 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.

52. PRIOR TO CERTIFICATE OF OCCUPANCY

- i. All remaining fees/ deposits required by the Engineering Department must be paid in full.
- ii. All requirements including construction of improvements covered in Section 2 must be completed to the satisfaction of the City Engineer.
- iii. The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. Please note that no final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless **MYLAR**, Record (As-built) Drawings, satisfactory to the City, are submitted.

- iv. 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.
- v. Other Conditions: Upon receiving Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as directed by City Engineer, to resolve said conflicts/issues. All items listed are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

BUILDING AND SAFETY

53. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. Plans for the required system shall be approved by the Fire Department prior to the issuance of Building Permits for the residence. Fire Sprinklers are required per Sec. 904.2.9 of the Agoura Hills Building Code.
54. The City Building Code requires that a minimum setback of structure to toe of slope per Agoura Hills Building Code, Sec. 1806.5.3 shall be demonstrated. Minimum setback from a descending slope is $H/2$, ($1/2$ the vertical height of the slope, including portions not on property), or provide the equivalent protection determined by the soils engineer. This deviation will need to be verified by City soils engineer and approved by Building Official.
55. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Sec.6402.1.
56. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
57. The proposed roofing shall demonstrate the protective characteristics of a Class-A roofing material or better.
58. All HVAC equipment shall be shown on mechanical plans as well as on site and grading plans.
59. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

SPECIAL CONDITIONS

60. All proposed retaining walls and garden walls shall consist of split-faced block or other decorative materials subject to review and approval by the Director of Planning and Community Development.
61. All future fencing, exterior lighting and accessory structures shall be reviewed and approved by the Director of Planning and Community Development and the Building and Safety Department prior to construction.

62. A minimum of two (2) enclosed parking spaces shall be provided on the subject property, in conformance with the City Parking Ordinance. A minimum interior clear space of 20 feet by 20 feet must be maintained within the garage.
63. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.

END



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT A

Letter from the Old Agoura Homeowners Association

DATE: July 26, 2007
RE: Review of Proposed Project; revised
FROM: Planning and Zoning Committee,
Old Agoura Homeowners Association
TO: Mike Kamino, Director
Department of Planning & Community Development
City of Agoura Hills
SUBJECT: 03-CUP-016 (Iamburg)

Description

The plans submitted show a two storey, single family residence of 4,688 square feet, with an attached garage of 520 square feet on Polo Comado (sic) Drive, off Balkins Ave.

Comment

There were two previous letters of opinion from this committee recommending changes to the design of the house. After the first letter, it would appear that the principal change to the plan is the elimination of the semicircular driveway and some related adjustments to the house's entrance. The size of the house remains unchanged.

In further review, the committee expressed considerable concern about the relation of the building to the site. Except for some flatter area at its base, the lot consists almost entirely of a curved, convex slope like a section of a bowl. The current design has the house situated on a cut into the lower part of the hillside, from which the house rises as a solid visual block, and requires extensive grading and use of retaining walls. The current design is essentially a standard, suburban flat lot design rather awkwardly superimposed upon irregular natural terrain. It would be our preference to see some sort of stepped design that responds more sensitively to the land itself.

Stylistically, the house appears to be a fairly generic Spanish/Mediterranean that seems largely indifferent to its surroundings. It is of course the choice of the owner, but the strong orientation towards indoor space (save for a small balcony) seems like a failure to capitalize on a striking setting characterized by numerous mature oaks. There are a couple of buildings of questionable design in the vicinity – the mock Tudor on the same street and the "Country French" at the corner of Colodny and Fairview – but the existence of these does not persuade us that we should recommend the design with any enthusiasm.

The land does present certain limitations for horse-keeping, but there has been no attempt to try to find even a nominal area that might be set aside for this, although a raised pad has been created for a swimming pool. This concerns us as this property is in the most rural and least suburban part of Old Agoura. We worry that construction of the project as is will void any potential future horse-keeping.

All in all, the conception of this house doesn't touch on any western (whether modern or historical) traditions of rural architecture and will merely add one more "Mediterranean" to the growing inventory of such buildings.

Should you have questions about these comments please contact Robert Evren, Chair, Planning and Zoning Committee, Old Agoura Homeowners Association: 865-9003, robtevren@aol.com.

We hope this is of help to you.

CC: Valerie Darbouze, Associate Planner



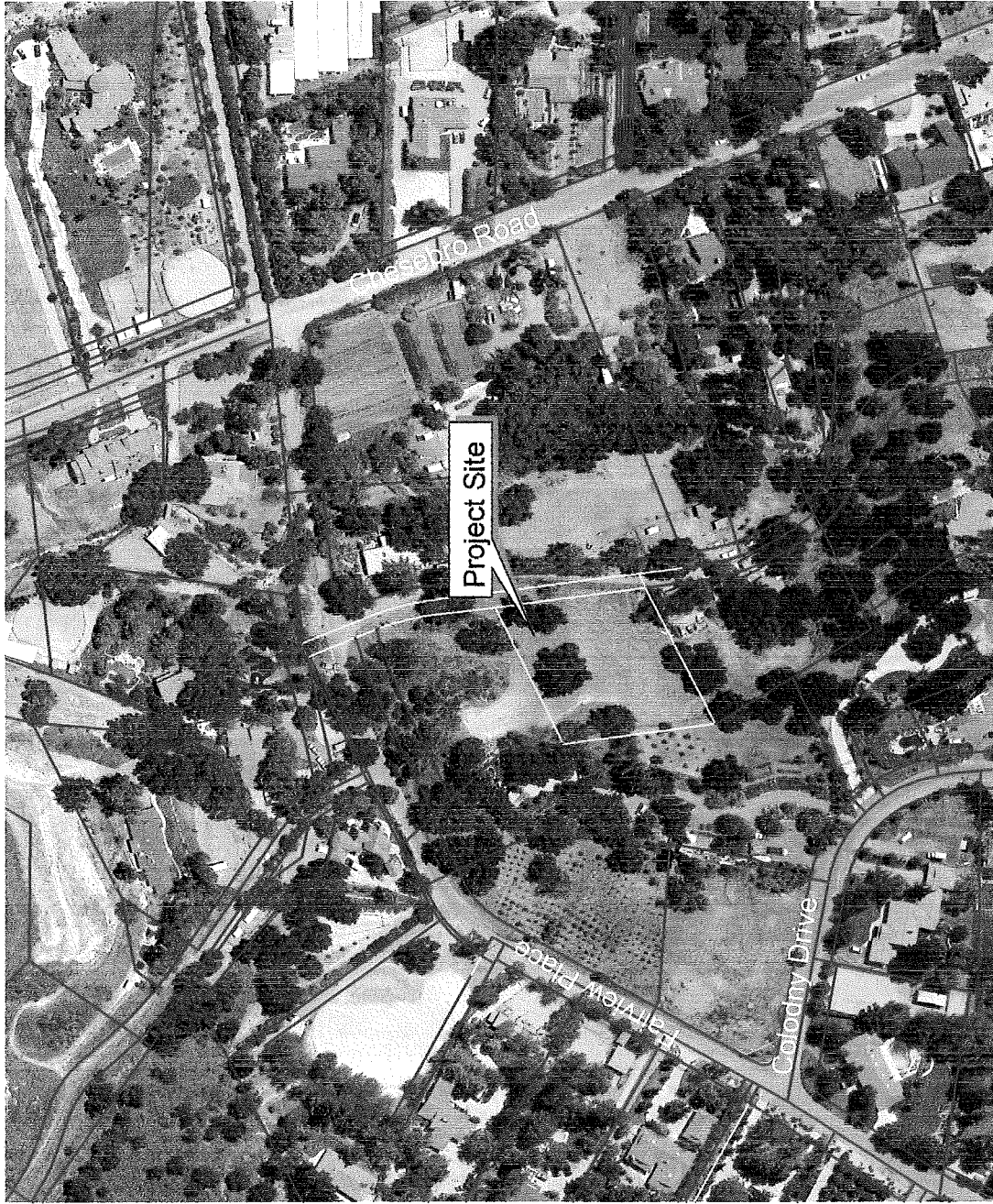
**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT B

Vicinity/Zoning Map

Conditional Use Permit Case No. 03-CUP-016 Oak Tree Permit Case No. 03-OTP-017



Vicinity/Zoning
Map

