



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: March 20, 2008

APPLICANTS: Mike and Darin Millett
5446 Fairview Place
Agoura Hills, CA 91301

CASE NOS.: 06-SPR-011; 06-OTP-031; and 08-VAR-001

LOCATION: 5446 Fairview Place
(A.P.N 2055-014-018)

REQUEST: Request approval of a Site Plan/Architectural Review to construct a 1,399 square foot single-story addition with a 500 square foot patio cover to an existing 916 square foot, single-story residence, and to convert an 806 square foot detached accessory structure to a garage; a request for an Oak Tree Permit to remove one oak tree and encroach within the protected zone of one oak tree for the proposed construction; and a request for a Variance from the Zoning Ordinance Section 9233.2.B to construct the room addition 7.75 feet from the south side property line, instead of at least 12 feet from the side property line.

ENVIRONMENTAL ANALYSIS: Categorically exempt from CEQA per Section 15303.

RECOMMENDATION: Staff recommends approval of Site Plan/ Architectural Review Case No. 06-SPR-011, Oak Tree Permit Case No. 06-OTP-031, and Variance Case No. 08-VAR-001, subject to conditions, based on the findings of the attached Draft Resolutions.

ZONING DESIGNATION: RL-20,000-OA (Residential Low Density - 20,000 square foot minimum lot size- Old Agoura Design Overlay).

GENERAL PLAN DESIGNATION: RL (Residential Low Density)

I. PROJECT BACKGROUND AND DESCRIPTION

The applicants, Mike and Darin Millett, are proposing to construct a 1,399 square foot single-story addition with a 500 square foot patio cover to an existing 916 square foot single-story residence, and convert an existing 806 square foot detached accessory structure into a garage. The property is located at 5446 Fairview Place, in the RL-20,000-OA (Residential Low Density-20,000 square foot minimum lot size-Old Agoura Design Overlay) zone. Their proposal also includes a request for an Oak Tree Permit to remove one oak tree and encroach into the protected zone of another oak tree for the proposed construction, and a request for a Variance to construct the room addition 7.75 feet from the south side property line, rather than the minimum sideyard requirement of 12 feet.

II. STAFF ANALYSIS

The Zoning Ordinance requires the submittal of a Site Plan/Architectural Review application for single-family residential additions that exceeds 200 square feet within the Residential Low Density (RL) zone. The Zoning Ordinance allows for the Director of Planning and Community Development to review additions equal to or less than the square footage necessary to make such residence a total of 3,000 square feet, or equal to or less than 30% of the original gross floor area of such residence, or additions, whichever is greater. In this instance, the proposal would increase the size of the residence from 918 square feet to 2,315 square feet, equating to an increase of 153%.

Although the Site Plan/Architectural Review application can be reviewed administratively, the request for a Variance requires Planning Commission action. Thus, the Planning Commission is requested to also take action on the Site Plan/Architectural Review and Oak Tree Permit application as well. In the RL zone, the maximum allowable site coverage is 35%. The proposal would increase the building lot coverage from 5% to 10%. The new lot coverage includes the main building with the addition, proposed patio cover and the existing accessory structure. The detached single-story, accessory structure, located west of the residence is currently occupied as a non-permitted second dwelling unit. The applicants are proposing to convert the structure to a garage that would serve the primary residence, as was originally approved for the lot. Staff recommends the plans for the required garage be subject to review and approval by the Director of Planning and Community Development.

The proposed addition will be situated in the rear, easterly portion, of the existing residence. The addition will be 500 feet from the north side property line and 106.2 feet from the rear (east) property line. The interior of the existing residence will be remodeled to accommodate the addition, which includes a new master bedroom, master bathroom and walk in closet, a new kitchen, great room, media room, and patio alcove. A new patio cover of 500 square feet in size is proposed to be attached to the rear of the addition. The proposed height of the addition is 12 feet, measured at the midpoint of the roof and 16.1 feet in overall height, which is less than the 30 foot maximum height limit of the Residential Low Density Zone. The remodeled residence is to include tan colored,

smooth texture stucco. The proposed roof is composite charcoal colored asphalt shingles with a wood shake style. The window trims shall be taupe colored. Exposed wood trim is proposed with a transparent stain. The remodel and addition to the residence will require extensive demolition work, however the applicants have clarified that it is not their intent to demolish the entire existing home. The Old Agoura Homeowners Association has reviewed the applicants' proposal and their comment letter is attached.

The parcel is currently served by a septic system located in the rear (east) end of the property. The applicants intend to connect to the public sewer system, which is available to serve the lot. The property is relatively flat, although the topography declines 30 feet between the residence and the rear property line. The City Geotechnical Consultant has reviewed the geotechnical report prepared for this project and finds it to be acceptable at this planning feasibility/stage, subject to compliance with conditions required at the building permit plan check stage. Since grading quantities for the proposal are anticipated to be less than 50 cubic yards, a grading permit would not be required for the project.

Staff does, however, anticipate the need to remove one oak tree for the proposed construction. This oak tree, which has a 10-inch trunk diameter, is located at the northeast corner of the proposed addition. The applicants desire to preserve the tree, however, the City Oak Tree Consultant determined the construction impacts would be too great to expect the tree's survival. In accordance with the City Oak Tree Ordinance for mitigation on developed residential parcels, the City Oak Tree Consultant recommends the applicants be required to replace the tree with one, 36-inch box size oak tree on the lot. The Oak Tree Consultant finds this mitigation to be appropriate, especially when considering the existing oak tree was planted on the property approximately 20 years ago, after the home was built.

Included with their Oak Tree Permit application is a request from the applicants to encroach into the protected zone of one, 12-inch diameter oak tree located between the residence and detached garage. The encroachment is anticipated for a temporary period for equipment access to the residence during construction. Recommendations for the Oak Tree Permit application are included in the attached draft conditions of approval.

The RL zone requires structures to be located at least 12 feet from the side property lines. The residence, which was constructed in 1942, prior to City incorporation, has an existing south side yard setback of 9 feet, at the southeast corner of the structure, and is therefore considered legal nonconforming. The proposed addition is proposed with a minimum south side yard setback distance of 7.75 feet. Therefore, the applicants are requesting approval of Variance application.

Staff supports the Variance request due to the special circumstances applicable to the property. The Zoning Ordinance allows for non-conforming side yards to be extended with single-story room additions provided the existing setback distance is maintained. Thus, the applicants could place the addition 9 feet from the side property line without the need for the Variance. However, the existing footprint of the residence is not parallel

to the side property line and straight extension of the south building wall decreases the side yard setback. Staff finds the placement of the wall extension to be logical for the rooms they serve. Also, the 1.25-foot decrease in the existing side yard setback will not block views of the neighboring residence to the south, which is located approximately 10 feet from the south property line, nor will it interfere with their privacy beyond existing conditions. Staff finds the existing low-profile and single-story character of the residence will be maintained.

Based upon the review of this project by the City Environmental Analyst, no significant environmental impacts have been identified for the project. The project includes additions of less than 2,500 square feet to an existing residence, which has been determined to be Categorically Exempt from the California Environmental Quality Act, per Section 15303.

III. RECOMMENDATION

Based on the above analysis, staff recommends approval of Site Plan/Architectural Review Case Number 06-SPR-011, Oak Tree Permit Case Number 06-OTP-031 and Variance Case Number 08-VAR-001, subject to the attached Conditions.

IV. ATTACHMENTS

- Draft Site Plan/Architectural Review and Oak Tree Permit Resolution and Conditions of Approval
- Draft Variance Resolution and Conditions of Approval
- Letter from Old Agoura HOA
- Reduced photocopies of the Project Plans
- Vicinity Map

Case Planner: Yi Xing (Brittney) Tang, Planning Technician

**Draft Site Plan/Architectural Review
and Oak Tree Permit Resolution and
Conditions of Approval**

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
APPROVING SITE PLAN/ARCHITECTURAL REVIEW
CASE NO. 06-SPR-011 AND OAK TREE PERMIT CASE NO. 06-OTP-031

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

Section I. An application was duly filed by Mike and Darin Millett with respect to the property located at 5446 Fairview Place (Assessor's Parcel Number: 2055-014-018), requesting approval of Site Plan/Architectural Review Case No. 06-SPR-011 to construct a 1,399 square foot single-story addition with a 500 square foot patio cover to an existing 916 square foot, single-story residence, and to convert an 806 square foot detached accessory structure to a garage; and a request for approval of Oak Tree Permit Case Number 06-OTP-031 to remove one oak tree and to encroach within the protected zone of another oak tree for the proposed construction. A public hearing was duly held on March 20, 2008, at 6:30 p.m. in the Council Chambers at City Hall, 30001 Ladyface 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:

- 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. The proposal is for a room addition of 1,399 square feet to an existing, single-story, single-family residence, which is a permitted use in the Residential Low Density District Zone. Minimum development standards have been met or are exceeded with regard to building height, lot coverage and required front and rear yard areas.
- 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. The location of the proposed single-story addition will ensure adequate light, air and privacy, and open space to surrounding properties. All building plans will comply with the City Building Code.
- C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and open space in the surrounding area in that the exterior building materials include tan colored stucco with a composite, charcoal colored asphalt shingles, taupe colored window trim, and natural wood stain that will match the existing residence and will be compatible with the neighboring homes.

- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, with the exception of the required south side yard. The construction will meet the development standards for the RL zone by complying with and/or exceeding the limits of the building lot coverage, building height, and front and rear yard setbacks.
- E. The proposed use, as conditioned, is consistent with the City's General Plan. The proposed addition serves an understandable and efficient relationship between its purpose and the land use which it serves, and is compatible with the surrounding community in regard to its design, height, colors and materials, as called for in the Community Design Element of the General Plan and is compatible with the Old Agoura neighborhood.
- F. The proposed use, as conditioned, preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed addition will consist of materials and colors that are consistent with the architecture of the surrounding area. The proposed single-story addition is a logical expansion to the existing single-family residence and will be constructed in accordance with the development standards of the Residential Low Density District zone, with the exception of the required south side yard.
- G. The removal of one oak tree and the encroachment within the protected zone of another oak tree is necessary for the proposed construction and will be mitigated with the replacement of one on-site oak tree and compliance with the attached conditions.

Section IV. The proposed project is a request for a room addition of 1,399 square feet to an existing single-family residence is categorically exempt from the requirements of the California Environmental Quality Act, per Section 15303.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case Number 06-SPR-011, and Oak Tree Case Permit No. 06-OTP-031, subject to the attached conditions, with respect to the property described in Section I hereof.

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

AYES:
NOES:
ABSTAIN:
ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(CASE NUMBERS 06-SPR-011 AND 06-OTP-031)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the Planning Commission within fifteen (15) days from the date of action, subject to filing appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicants agree in writing that they are aware of and accept 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 conformance with the approved Site Plan, Floor Plan, Building Elevation Plans, Roof Plan, and Demolition Plan.
4. Except as modified herein, all exterior materials and colors of the additions shall match the materials and colors proposed and approved with this permit.
5. It is hereby declared to be the intent that if any provision of this permit is declared invalid, the permit shall be void and the privileges granted herein shall lapse.
6. It is further declared and made a condition of this action that if any condition herein is violated, and if the applicants have been given written notice to cease such violation but have failed to comply for a period of thirty (30) days, the permit shall be void and the privileges granted herein shall lapse.
7. The applicants shall obtain all required construction and occupancy permits from the Department of Building and Safety.
8. Unless this permit is used within two (2) years from the date of approval Case No. 06-SPR-010 and Oak Tree Permit Case No. 06-OTP-031 shall expire. A written request for a one (1) year extension may be considered prior to the expiration date.
9. The applicants shall comply the school impact fee requirements of the Las Virgenes Unified School District, prior to the issuance of a building permit. The current fee is \$2.63 per square foot.
10. Prior to the issuance of a building permit the applicants 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.
11. The applicants shall pay the City the applicable General Plan Update Recovery Fee prior to the issuance of a building permit. The current fee is \$1.41 per \$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.

12. No construction work shall be performed between the hours of 7:00 p.m. to 7:00 a.m., or on any Sunday or holiday.

BUILDING AND SAFETY CONDITIONS

13. Prior to occupancy the applicants must have a functioning sewer or approved septic system to serve the residence.
14. The applicant shall comply with the demolition plan submitted with this application. Final demolition plans submitted to the Building and Safety Department shall be subject to review and approval by the Director of Planning and Community Development and Building Official.
15. The residence shall be protected by a residential fire sprinkler system, as determined by the City Building and Safety Department.

ENGINEERING/ PUBLIC WORKS DEPARTMENT CONDITIONS

16. 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 applicants 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.
17. Either the applicants' Engineer or Architect shall show and verify the amount of estimated cut and fill and import and export quantities. A grading permit is required if there is over 50 cubic yards of cut or fill, including over import, export or the cut or fill is 2 feet or more. These quantities include an over excavation and recompaction quantities if recommended by the project Soils Engineer or as determined by the Building Official.
18. Grading Plan, if required, shall show detailed on-site utility information, 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.
19. Grading Plan, if required, shall show location(s) of all oak trees within the vicinity of the site. Applicants shall adhere to all requirements pertaining to oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
20. The applicants shall 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.

21. Prior to issuance of permits from the Engineering Department, this project will require a permit from the Los Angeles County Health Department and Las Virgenes Municipal Water District.
22. Provide a preliminary title report not older than 30 days.
23. Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. Such public improvements may include, but not be limited to, replacing damaged curb and gutter.
24. All water appurtenances are per LVMWD standards.
25. This property is within the LVMWD service area. Applicants shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.
26. No sewer line is available for direct connection. The applicants' engineer shall show the location of the septic system and receive the Los Angeles County Public Health Department's review and/or approval if the applicant desires to retain the use of the septic system serving the residence.
27. Should the applicants decide to attach to the sewer line for the residence, they shall provide plans and prove the feasibility of the connection to the sewer main. The proposed sewer line shall be drawn and built to the satisfaction of the City Engineer, and all connection fees paid prior to receiving occupancy.
28. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.
29. 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. No stormwater amount and peak greater shall be greater than pre-project condition. The hydrology report must show how additional runoff will be handled (infiltration, percolation, etc.).
30. 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.
31. Prior to the issuance of occupancy all remaining fees/deposits required by the Engineering Department must be paid in full.
32. Prior to the issuance of occupancy all requirements including construction of improvements must be completed to the satisfaction of the City Engineer.
33. Prior to the issuance of occupancy the Applicants' 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.*

GEOTECHNICAL CONDITIONS

34. Prior to the issuance of a building permit all geological and geotechnical recommendations of the City Geotechnical Consultant shall be met, including the following:
- A. Plan-Check comments should be addressed in Building and Safety Plan Check, and a separate geotechnical submittal is not required for plan-check comments.
 - B. The applicants' consultant should review development plans when they become available. Additional geotechnical recommendations should be provided as necessary to address all geotechnical aspects of the development plans. The proposed grading plan should be utilized as a base map for the updated geotechnical map.
 - C. All foundations should comply with the setback requirements of the City of Agoura Hills. A request for a deviation from the City's code requirements may be evaluated from a geotechnical standpoint based on a cross section through the foundations and slopes and supporting analyses and documentation. The

section should depict the existing and proposed grade, type of subsurface materials and geologic structures, foundation location relative to the slope face, and any supporting documentation, analyses (e.g.: slope stability analyses), and discussion of the purpose for reducing the setback requirements.

- D. The name, address, and phone number of the consultant and a list of all applicable geotechnical reports shall be included on the building/grading plans.
- E. The grading plan should include the limits and depths of over excavation of the building pad and flatwork areas as recommended by the consultant.
- F. The following note must appear on the grading and foundation plans: *“Tests shall be performed prior to pouring footings and slabs to determine the expansion index of the supporting soils, and foundation and slab plans should be reviewed by the Geotechnical Consultant and revised, if necessary accordingly.”*
- G. The following note must appear on the grading and foundation plans: *“All cut-slopes should be mapped during grading. Stabilization measures should be applied where future cuts expose adversely oriented joint surfaces or intersections of joint surfaces.”*
- H. The following note must appear on the grading and foundation plans: *“Excavations shall be made in compliance with CAL/OSHA Regulations.”*
- I. The following note must appear on the foundation plans: *“All foundation excavations must be observed and approved, in writing, by the Project Geotechnical Consultant prior to placement of reinforcing steel.”*
- J. Foundation plans and foundation details shall clearly depict the embedment material and minimum depth of embedment for the foundations.
- K. Drainage plans depicting all surface and subsurface non-erosive drainage devices, flow lines, and catch basins shall be included on the building plans.
- L. Final grading, drainage, and foundation plans shall be reviewed, signed, and wet stamped by the consultant.
- M. Provide a note on the grading and foundation plans that states: *“An as-built report shall be submitted to the City for review. This report prepared by the geotechnical consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map.”*

OAK TREE PERMIT CONDITIONS

35. Prior to final inspection, the applicants shall comply with the following conditions of the Oak Tree Permit:
- A. The applicants shall provide a minimum of forty-eight (48) hours notice to the start of approved work within the protected zone of an oak tree.
 - B. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicants shall contact the City's Oak Tree Consultant to perform a final inspection. The applicants shall proceed with any remedial measures the City's Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree at that time.
 - C. Prior to the start of any work or mobilization at the site, both Oak Tree #2 and #3, shall be fenced at the edge of the protected zone or at the approved work limits, in accordance with Article IX, Appendix A, Section V.C.1.1. The City's Oak Tree Consultant shall approve the fencing locations.
 - D. The applicants are permitted to remove Oak Tree #1 to construct the proposed project.
 - E. The applicants are permitted to encroach on Oak Tree #2 to construct the residence as shown on the approved plans. The applicants are to use the driveway at the south side of the property for construction access and/or materials storage and not the access-way at the north side of the property. This encroachment is limited to construction access only.
 - F. All other oak trees, besides Oak Tree #1, shall be preserved in place with no direct impacts.
 - G. The site plans, and grading plan if required, must be amended to show the tag number, exact trunk location, dripline and protected zone of each oak tree. This information must be consistent with the Oak Tree Report.
 - H. To mitigate the loss of Oak Tree #1, the applicants shall plant at least one (1) thirty-six inch box-size replacement oak tree.
 - I. The planting location, species and quality of all mitigation oak trees are subject to the approval of the City's Oak Tree Consultant.
 - J. The mitigation oak tree shall be maintained in perpetuity. Should the mitigation oak tree decline or die, it shall be replaced in accordance with the provisions of the Oak Tree Preservation and Protection Guidelines.

- K. No grading, scarifying or other soil disturbance shall be permitted within the portion of the protected zone of any oak tree not directly impacted by the project construction.
- L. 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 complete the approved work.
- M. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
- N. No irrigation or planting shall be installed within the dripline of any existing or new oak tree unless specifically approved by the City's Oak Tree Consultant and the Director.
- O. Any fertilization of the tree should be based on actual soil tests from the site. Fertilization is generally not necessary unless serious deficiencies are evident in the leaves.
- P. Besides Oak Tree #1, no pruning of live wood shall be permitted unless specifically authorized by the City's Oak Tree Consultant. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicants' oak tree consultant. Pruning operations shall be consistent with the Pruning Standards of the Western Chapter of the International Society of Arboriculture.
- Q. No herbicides shall be used within one hundred (100) feet of the dripline of any oak tree unless the program is first reviewed and endorsed by the City's Oak Tree Consultant.
- R. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within five (5) 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.
- S. Other than dead wooding, no pruning may be performed on the subject Trees unless specifically approved by the City's Oak Tree Consultant.

FIRE DEPARTMENT CONDITIONS

- 36. The applicant shall comply with all conditions of the Los Angeles County Fire District prior to the issuance of a building permit.

SPECIAL CONDITIONS

37. Prior to issuance of a building permit for the addition, the applicants shall also obtain a building permit to convert the detached accessory structure, currently used as a second dwelling, to a garage, which will serve the primary dwelling unit. The garage have 20 (feet) by 20 (feet) interior clear space. No portion of the garage structure shall be used for habitable purposes.

END

**Draft Variance Resolution and
Conditions of Approval**

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
APPROVING VARIANCE CASE NO. 08-VAR-001

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

Section I. An application was duly filed by Mike and Darin Millett with respect to the property located at 5446 Fairview Place (Assessor's Parcel Number: 2055-014-018), requesting approval of a Variance from the Zoning Ordinance Section 9233.2.B (Case No. 08-VAR-001), to construct a room addition 7.75 feet from the south side property line instead of at least 12 feet from the property line. A public hearing was duly held on March 20, 2008, at 6:30 p.m. in the Council Chambers at City Hall, 30001 Ladyface 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 9676.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds:

- A. That because of special circumstances applicable to the subject property, including the existing residence's location, and surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The existing residence is setback a nonconforming distance of nine (9) feet from the south property line. Although the proposed room addition can also be setback nine (9) feet from the south property line, as allowed per the Zoning Ordinance without a Variance, the existing wall of the south building elevation is not parallel to the south property line. Thus, a continuous extension of the wall will be situated a shorter distance to the south property line.
- B. That the granting of the variance, as conditioned, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. A single-story room addition in the RL zone can be located within the existing sideyard setback area, even though the existing residence may have a sideyard setback distance of less than the minimum requirement of twelve (12) feet. This proposal calls for a logical extension of the existing residence that would result in a reduced sideyard setback distance of 1.25 feet from the existing condition, with no impact to the adjacent property to the south.
- C. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of this article. By requiring the room additions to meet the minimum required

setback distance from the south property line would result in practical difficulty in angling the building wall to be parallel to the property line, rather than applying a continuous extension of the existing south elevation of the residence, which results in an impractical design of the room additions.

- D. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity. The addition will be built in accordance to the requirements of the Building and Safety requirements and its single-story height will preserve adequate light, air, and privacy to the adjoining residences.
- E. That the granting of the variance will be consistent with the character of the surrounding area. The proposed addition will match the existing residences of the neighborhood in regard to its design colors and materials as called for in the Community Design Element of the General Plan.

Section IV. The proposed project is a request for a room addition of 1,399 square feet to an existing single-family residence is categorically exempt from the requirements of the California Environmental Quality Act, per Section 15303.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Variance Case Number 08-VAR-001, subject to the attached conditions, with respect to the property described in Section I hereof.

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

AYES:
NOES:
ABSTAIN:
ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

**CONDITIONS OF APPROVAL
(CASE NO. 08-VAR-001)**

STANDARD CONDITIONS

1. This decision for approval of the Variance application, 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 required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept 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 the complete conformation to the approved Site Plan, Building Elevation Plans, Floor Plans, Roof Plan and Demolition Plan approved by the Planning Commission on March 20, 2008.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
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. Unless this approval is used within two (2) years from the date of City approval, Variance No. 08-VAR-001 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

END