



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: August 17, 2006

TO: Planning Commission

APPLICANT: Don Roser
5766 Wish Avenue
Encino, CA 91316

CASE NOS.: 03-CUP-020 and 03-OTP-019

LOCATION: 28537 Fountain Place
(A.P.N. 2055-019-025)

REQUEST: Request for approval of a Conditional Use Permit to construct a 4,736 square-foot, two-story, single-family residence, a 750 square-foot attached two-car garage and workshop, 2,400 square feet of covered porches, a 117 square foot deck, a 1,500 square-foot storage building, a 350 square-foot greenhouse, and a swimming pool; a request for an Oak Tree Permit to encroach within the protected zone of one (1) Oak trees and removal of one (1) Oak tree for the proposed construction; and a request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring Report.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends approval of Conditional Use Permit Case No. 03-CUP-020 and Oak Tree Permit Case No. 03-OTP-019, subject to conditions, based on the findings of the attached Draft Resolutions. Staff also recommends adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program.

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

GENERAL PLAN DESIGNATION: RL (Low Density Residential)

I. BACKGROUND AND PROJECT DESCRIPTION

The applicant, Don Roser, is requesting approval of a Conditional Use Permit (Case No. 03-CUP-020) to build a 4,736 square-foot, single-family residence in the RL-20,000 (Low Density Residential-20,000 square feet minimum lot size) zone of Old Agoura. The proposed residence is two stories in height with an attached 750 square-foot two-car garage and workshop. The house has been designed to include a 2,400 square feet covered porches and 117 square foot deck. The applicant is also proposing to construct a 1,500 square foot detached storage building, a 350 square-foot detached greenhouse, and a swimming pool.

The proposed residence is to be located in the center portion of a 5.25 acre parcel that is located at 28537 Fountain Place, north of Easterly Drive and west of Foothill Drive. The site is bordered by public open space to the north and a private open space lot to the west. To the east is a single-family home. To the south is Fountain Place, beyond which is a vacant parcel. Agoura High School is located southwest of the applicant's lot.

Access to the parcel would be provided by a paved, 20-foot wide driveway from Fountain Place to the building pad elevation proposed at 987.0 feet, which is twenty-seven (27) feet above the average street elevation of Fountain Place. The proposed driveway materials consist of concrete that is light grey in color.

The parcel has an average topographic slope of 26.8% and rises 140 feet in a northwesterly direction from the southeast corner of the lot to the northwest corner of the lot. The Zoning Ordinance requires the Planning Commission's consideration and approval of a Conditional Use Permit for any development on lots that exceed a 10% average topographic slope. The Zoning Code requires that at least 77.5 percent of the parcel remain undisturbed. The proposed development (house, garage, storage building, paved driveway and turnaround area, pool and paved area surrounding it, porches and decks) encompasses approximately 17,340 square feet, or 7.5% of the site. Therefore, the remaining undisturbed land would be 92.6% of the site, which is consistent with the Hillside Ordinance requirements.

The proposed single-family residence is a permitted use in the RL Zone and will meet the required development standards relative to lot coverage, building placement, and height. Listed below are the proposed development data pertaining to the project:

Pertinent Data

	<u>Proposed</u>	<u>Required/ Allowed</u>
A. Lot Size	228,690 sq. ft.	20,000 sq. ft. min.
B. Bldg. Height	30.6 feet	30 feet max.

Pertinent Data

	<u>Proposed</u>	<u>Required/ Allowed</u>
C. Building Size		
1. First Floor	2,225 sq. ft.	N/A
2. Second Floor	2,511 sq. ft.	N/A
3. <u>Garage</u>	<u>750 sq. ft.</u>	<u>N/A</u>
Total	5,486 sq. ft.	N/A
D. Setbacks		
1. Front (south)	214 feet	25 ft. min.
2. Rear (north)	374 feet	25 ft. min.
3. Side (east)	122 feet	12 ft. min.
4. Side (west)	162 feet	12 ft. min.
E. Lot Coverage		
1. Residence & Garage	2,225 sq. ft.	
2. Swimming Pool & Spa	565 sq. ft.	
3. Storage Building	1,500 sq. ft.	
4. Green House	350 sq. ft.	
5. Covered Patios	2,400 sq. ft.	
5. Driveway & Paved areas	<u>10,300 sq. ft.</u>	
Total	17,340 sq. ft. (7.58%)	35% max.
F. No. of Oak Trees	16	17 (existing)
G. Average Topographic Slope	36%	N/A

II. STAFF ANALYSIS

Site Plan Review

The 5.25 acre site is currently vacant. On a prior occasion, grading occurred on the site, within the proposed building pad area. The site slopes east-southeast with gradient variations ranging from 2:1 to 3:1 or flatter. Overall, the site currently has an average slope of 26.8%. Steeper slopes are found on the northern and western sides of the property. From the building pad area, the site slopes gently down gradient easterly toward an earthen blue line stream, identified in the City General Plan as an “intermittent stream”. The stream currently flows along the eastern border of the site, and is partially within the project site. This stream enters a culvert under Fountain Place, and daylight again on the south side of Fountain Place, and then flows southerly and westerly

eventually emptying into Medea Creak. Medea Creek then flows southerly through the City to the Santa Monica Mountains.

The proposed single-family residence and the accessory structures are permitted uses in the RL (Residential Low Density) zone, subject to a Conditional Use Permit approval and to the required development standards of that zone as well as the Hillside Ordinance. In the RL zone, the Zoning Code requires structures to be at a minimum of 25 feet from the front and rear property lines. The residence is proposed to be situated 214 feet from the front property line and 374 feet from the rear property line, and 162 feet from the west and 122 feet from the east property lines, exceeding the minimum requirements.

A storage building is proposed to be placed 86 feet from the side (west) property line and 380 feet from the rear (north) property line and would have a height of 13 ½ feet. The second accessory structure (green house) is proposed to be placed 100 feet from the side (east) property line and 426 feet from the rear property line. The Zoning Ordinance allows detached accessory structures to be a maximum height of 14 feet and must maintain a minimum of 10 feet from the rear property line and 5 feet from the side property line. They cannot occupy more than 25% of the rear yard plus 40% of the buildable area in combination with any other accessory buildings on the site. Both structures exceed the minimum requirements. A future barn is tentatively identified at the southwestern portion of the site, near Fountain Place; however the current project does not include construction of a barn or other equestrian facility.

The Zoning Ordinance also establishes maximum building lot coverage percentages. One is dictated by the underlying zone which is RL and allows a maximum of 35% lot coverage and the other by the Hillside Ordinance development standards. The total proposed building coverage for this project is 7.6% of the parcel, which includes 2,225 square feet of building footprint, 1,850 square feet of accessory structures, 2,400 square feet of covered patios, 565 square feet of swimming pool and approximately 10,300 square feet dedicated to the driveway and hardscape for a total of 17,340 square feet. And as such, the lot coverage of the RL zone is met.

A white split-rail fence of 3 to 6 feet in height would be placed along the edge of the front yard, along the rear of the building pad (north side of building pad) and along Fountain Place. A series of retaining walls would be constructed along the side and rear portions of the building pad, as it is set into the hillside. The applicant is also proposing a five-foot high chain link fence along the western site perimeter, however, staff recommends that the applicant submit an alternate fence plan for the Director of Planning and Community Development's review and approval. A septic tank and septic pits serving the residence would be constructed north of the building pad area, approximately 125 feet from the rear covered patio of the residence.

Architectural Design Review

The two-story house is rustic in style, with stucco siding and concrete tile roofs simulating slate. The building materials are naturalistic and of muted tones (gray and

beige). Window trim would consist of rough sawn wood, and cultured stone would be used for the chimneys and accent façade treatments. Aside from overhanging eaves and a hip roof, a distinct design feature of the home is the substantially sized perimeter porches with wood railing, posts and knee bracing. The home has been designed to be consistent with the design standards of the Old Agoura Overlay zone, which encourage a more rustic and natural design character.

The height of the home with attached garage would reach 30.6 feet, not meeting the maximum building height requirement. Staff recommends the applicant decrease the height of the residence by one-half inch to stay within the maximum height requirement of 30 feet allowed by the Zoning Ordinance. The storage building would have a height of 13 ½ feet. The Architectural Review Panel has reviewed the project and recommends approval of the architecture as presented. The Old Agoura Homeowners Association has twice reviewed the project design. Copies of their letters are attached for the Commission's review.

In an effort to evaluate the compatibility of the proposed size of the home with other Old Agoura properties, a survey of 30 neighboring developed lots was conducted. The results revealed an average lot size of 38,676 square feet and an average dwelling unit size of 2,811 square feet (excluding the garages), resulting in an average floor/area ratio of 0.07. The applicant is proposing a house size of 4,736 square feet on a 228,690 square-foot (5.25 acre) lot, which results in a floor/area ratio of 0.02. The proposal is 1,925 square feet more than the neighborhood average. Nonetheless, the applicant's proposal will result in a lot coverage of 7.6% which is below the maximum allowable lot coverage of 35% for the zone.

Engineering/Public Works Department Review

The Engineering Department has reviewed the proposed Grading Plan and is requiring the applicant to improve the public right-of-way along Fountain Place, which would require an encroachment permit from the City. These improvements include replacing the current 36-inch diameter storm drain culvert that runs under Fountain Place in a southerly direction from the project site, with a 45 inch diameter reinforced concrete pipe; dedicating an additional twelve feet of public road right-of-way for Fountain Place; and providing a 13-foot paved travel lane and a three-foot inverted drainage shoulder along the north side of Fountain Place within the onsite streambed. The storm drain pipe improvements would require installation of ½ ton of ungrouted rip rap around both sides of the pipe openings (inlet and outlet) on the north and south sides of Fountain Place, as well as a 15 x 15 square foot ungrouted rip rap pad at both the inlet and outlet sides to prevent erosion and undercutting and as a energy dissipater. Horse trail improvements are not required for this project.

The site grading is expected to consist of excavation and backfill for the structures and related new utilities, and a cut and fill operation to establish the grade for the building pad and site drainage. To create the building pad, and on-site driveway, the north, east and west slopes would be cut to create a 2(h):1(v) slope, with a series of retaining walls. The southern slope would be filled at a 2(h):1(v) ratio. The proposed 2:1 cut slope on the

east side of the driveway and building pad, which extends up to 60 feet in length, will be visible from Foothill Drive and Fountain Place. The total anticipated cut for the site is 8,000 cubic yards, and the amount of fill is 8,000 cubic yards.

Drainage on the site currently sheet flows southerly and easterly into the existing blue line stream channel. Upon project completion, it would continue to drain in the direction via a system of swales, ditches, storm drain lines, as well as sheet flow. Two 10'x10' areas of grouted rip rap aprons to serve as energy dissipators are proposed along the easterly slope of the site, approaching the blue line stream.

The site will be served with a private septic system located north of the rear yard, which has been conceptually approved by the Los Angeles County Department of Health Services.

The City Geotechnical Consultant has reviewed the geotechnical report prepared by Advanced Geotechnical Services, Inc, for this project and recommends the project be approved from a geotechnical perspective at the planning review stage. Issues addressed in the report include the stability of both graded and natural slopes, and the stability of the proposed septic system, for assurance that ground water would not impact the system. The applicant also demonstrated that there were no known active faults that could potentially jeopardize the project. Geotechnical conditions of approval are included in the City Geotechnical Consultant's review letter to ensure that recommendations contained within the report are incorporated into the grading plan and are adhered to during construction.

Landscaping and Oak Tree Review

An Oak Tree Report was prepared for the project. The City's Oak Tree Consultant has reviewed the report and finds that the project area contains 17 oak trees, one of which is located on an adjacent property to the east. Two of the trees are located along Fountain Place. One of the trees which is 11 to 13 inches in diameter and in good health, would be removed to complete the required road improvements. A second Oak tree would be encroached upon, but may be preserved if all work is performed carefully.

Eleven (11) Oak trees on the site are located along the edge of the riparian area. The foot of the proposed slope to create the driveway comes within five feet (5') of the trunks of these trees, well within the protected zone. In order to create the slope as proposed, these trees would be removed. The City Landscape Consultant recommends that the applicant either redesign the grading program to avoid this encroachment or that a small retaining wall be built at the edge of the protected zone above the trees in order to protect them. The final grading design shall be subject to the review and approval of the City Oak Tree Consultant.

Three (3) of the subject trees are located off the northeast corner of the proposed pad. The proposed septic tank and associated lines are shown in the vicinity of the trees. The final location of these items can be designed to avoid direct impacts to these trees.

The last tree is located off-property to the east of the subject site, on the opposite side of the drainage. It appears that this tree can be preserved in place with no direct impacts.

A preliminary landscape plan was required to ensure slope stability on the hillside lot. Proposed landscaping would consist of both ornamental non-native plants, as well as native plants. For the most part, the non-native ornamental plants would be installed close to the residence and pool area, and along Fountain Place. The western slope of the site approaching coastal sage scrub and other natural plant communities would be planted with native toyon and carmel creeper, as well as the non-native rockrose and Japanese honeysuckle. Japanese honeysuckle is also an invasive species. The City Landscape Consultant is in support of the concept plan, subject to compliance with recommended conditions of approval included in the draft Resolution.

Environmental Review/Mitigated Negative Declaration

An Initial Study was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) to analyze the potential environmental consequences of the proposed project. The purposes of an Initial Study are:

- A. To provide the Lead Agency (City of Agoura Hills) with the necessary information to decide whether to prepare an Environmental Impact Report (EIR) or a Mitigated Negative Declaration;
- B. To enable the Lead Agency to modify a project, mitigating adverse impacts thus avoiding the need to prepare an EIR;
- C. To provide sufficient technical analysis of the environmental effects of a project to permit a judgment based on the record as a whole, that the environmental effects of a project have been adequately mitigated.

In the case of the proposed project, the City Environmental Analyst found that it would not result in any significant effects on the environment that cannot be mitigated to less than significant levels, and therefore prepared a Draft Mitigated Negative Declaration (MND) for review and adoption by the Planning Commission.

The primary issues of concern for the subject site included land use compatibility, biological resources, air quality, geology and soils, hydrology and water quality, aesthetics, and noise. To adequately address these potentially significant concerns, technical reports prepared by qualified professionals and field surveys were completed as part of this analysis. Mitigation measures were developed based on the degree of perceived significance related to the foregoing issues.

The Draft MND circulated for public review from April 20, 2006 to May 19, 2006. The City Environmental Analyst prepared written responses within the final document to the comments received. If the Planning Commission is to approve the project, it must also find

the Final Mitigated Negative Declaration to be compliant with the California Environmental Quality Act and adopt the Final MND and Mitigation Monitoring Program. The applicant has accepted the proposed mitigation measures that staff has determined to be necessary to reduce the potential environmental impacts associated with the project to less than significant levels.

III. RECOMMENDATIONS

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-020 and Oak Tree Permit Case No. 03-OTP-019, subject to Conditions, based on the findings of the attached Draft Resolutions. It is also recommended that the Planning Commission adopt the Final Mitigated Negative Declaration and Mitigation Monitoring Program.

IV. ATTACHMENTS

- Draft Resolution for Conditional Use Permit and Oak Tree Permit
- Conditions of Approval for Conditional Use Permit and Oak Tree Permit
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Building area and lot square footage analysis map
- Exhibit C: Reduced copies of plans
- Exhibit D: Letter from Old Agoura Homeowners Association
- Exhibit E: Bing Yen and Associates Letter of Recommendation
- Exhibit F: Mitigated Monitoring Program
- Exhibit G: Photographs of surroundings

Case Planner: Renee Madrigal, Assistant Planner