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DATE: AUGUST 7, 2008

TO: PLANNING COMMISSIONERS

FROM: PLANNING STAFF

SUBJECT: CONTINUANCE REQUEST OF CONDITIONAL USE PERMIT CASE NO. 07-CUP-008, OAK TREE PERMIT CASE NO. 07-OTP-005 & VARIANCE CASE 07-VAR-002

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

On June 5, 2008, the Planning Commission held a public hearing for Joseph Luithly's request for a Conditional Use Permit to convert a single-family residence into an office building and add 916 square feet of building area. The applicant also requested a Variance to reduce the landscaping from 20 feet to 10 feet in width along the front property line and reduce the combined side yard building setback to 20 feet instead of the required minimum of 70 feet. The project scope also required an Oak Tree Permit due to the proposed encroachment into the protected zone of two oak trees for the construction of the project.

After reviewing the project and taking public testimony, the Planning Commission requested that the applicant revise the architectural design of the front building elevation to bring the style in keeping with most recently approved commercial construction in the city. The applicant requested and was granted a continuance to the July 17, 2008 and subsequently to the August 7, 2008 Planning Commission meeting to allow more time for his architect to revise his project. Included in this report is an analysis of the applicant's revisions to the project and copies of the plans for the Commission's review.

## **II. STAFF ANALYSIS**

Based on the comments received by the Planning Commission, the applicant opted to revise the design of the front (north) elevation, including changing the roof material entirely and modifying its design where the addition is proposed. The size of the new gable was reduced exposing more of the hip roof. The proposed second story window was redesigned to be in proportion with the new gable. The fascia boards were substituted with exposed 4"x8" rafter tails. The wood siding and wood trims at the corners of the buildings would be removed and the walls would be finished with stucco. A new material, a ledge stone veneer is proposed for the base of the front elevation, around the bay window and on the wall where the previous entry way was located. The bay window was redesigned with a supporting base connected to the ground. The shutters were substituted with stucco finished trims. The architect also proposes porch

columns with 8x8 wooden posts and 36-inch high stone veneered bases. A new design and location of two of the windows on the north elevation are also proposed and the clearstory windows would remain as they are.

The City Oak Tree/Landscape Consultant and the Engineering Department have reviewed the revisions and have not modified their draft conditions since the last meeting.

Based upon review of this project by staff, no significant environmental impacts have been identified for construction of the project. The project consists of the conversion of a residential structure to a commercial structure as well as a minor expansion of the floor area. The project has been determined to be Categorically Exempt from the California Environmental Quality Act per Section 15303.

### **III. RECOMMENDATION**

Based on the applicant's request, staff recommends approval of Conditional Use Permit Case No. 07-CUP-008, Oak Tree Permit Case No. 07-OTP-005 and Variance Case No. 07-VAR-002, subject to the findings and Conditions of Approval in the attached Resolutions.

#### **Attachments**

- Draft Resolution of Approval and Conditions of Approval
- Exhibit A: Reduced Copies of the Revised Architectural Plans
- Exhibit B: June 5, 2008 Meeting Minutes
- Exhibit C: June 5, 2008 Staff Report
- Exhibit D: Vicinity/Zoning Map
- Exhibit E: Color and Materials 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. 07-CUP-008 AND  
AND OAK TREE PERMIT CASE NO. 07-OTP-005

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

Section I. An application was duly filed by Joseph Luithly, with respect to the real property located at 28818 Agoura Road (Assessor's Parcel No. 2061-029-002), requesting approval of a Conditional Use Permit to convert a single-family residence into an office building and add 916 square feet of floor area; and an Oak Tree Permit to encroach into the protected zone of 2 oak trees for the proposed development. A public hearing was duly held on June 5, 2008 and August 7, 2008, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section 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 9673.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. The zoning designation allows for development of a professional office building use and the proposal meets the development standards for the BP-OR zone relative to building and landscape coverage, floor area ratio for hillside lots, parking, height, front and rear yard setbacks.

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 building will be upgraded to comply with the most recent Building Code requirements. Building occupants are restricted to operating indoor only and are subject to the Zoning Ordinance standards with respect to noise, light, and operation. The access will be taken from Agoura Road and sufficient on-site parking is provided for the use and is conditioned to maximize safety in the right-of-way. The property will be served by a public sewer system.

C. The proposed use, as conditioned, will not conflict with the character and design of the buildings in the surrounding area and is compatible with the surrounding properties. The design of the proposed development would provide a desirable environment of its occupants, as well as for its neighboring properties. The property is converted to a

commercial property, the architectural style, with the addition, resembles that of a residence which is consistent with neighboring structures on the south side of Agoura Road to the east. The proposed commercial office use is consistent with the neighboring office use. The project is compatible with the City's low intensity development style. The addition is successfully incorporated into the existing structure with respect to architectural design and efficiency of the floor plan.

D. As conditioned, the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof and will not create traffic hazards or congestion. Access to the site would be via an existing driveway that remains appropriate for the use, emergency services delivery and office use traffic. The minimal increase in vehicle trips will not impact the nearby residential development. The development will provide an opportunity for additional on-site landscaping and drainage control.

E. The proposed use, as conditioned, and the condition in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. This office use is permitted in the BP-OR zone which allows only indoor uses. The use does not require the use of hazardous materials. The manufactured pads and slopes were designed to control erosion and drainage.

F. The distance from other similar and like uses is sufficient to maintain the diversity of the community, because the proposed office use is adjacent to residential and different types of commercial uses. The site is zoned for office commercial office primarily. The design and size of the project is an appropriate proposal in this low-density neighborhood. The improvements will make this property an asset in the commercial community as viewed from distant vistas.

G. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan and the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by the Zoning Ordinance and General Plan. The proposed office building is a permitted use as prescribed in the General Plan Land Use Element. The project provides employment, maintains a professional identity, and is incorporated into its surrounding now that it is being upgraded to a conforming commercial use as prescribed by the development standards established by the Zoning Ordinance. The project protects the hillside behind the building in its natural state which allows the development to transition to an open space zone in the rear of the parcel.

Section IV. The encroachment into the protected zone of two oak trees is necessary for the repaving of the driveway. The work will be conducted per the City Oak Tree Preservation Guidelines. A new oak tree will be planted on site and the conditions around the existing oak tree will be improved.

Section V. The project would result in the conversion of an existing structure and the use clearly falls within the exemptions contained in Section 15300 of the list of permitted exemptions in CEQA Guidelines, Class 3. This exemption consists of a conversion of existing small structures from one use to another where only minor modifications are made and where the numbers of structures described in this section are the maximum allowable square footage (10,000 square feet) on any legal parcel.

Section VI. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 07-CUP-008 and Oak Tree Permit Case No. 07-OTP-005, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 7<sup>th</sup> day of August, 2008 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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John O'Meara, Chairperson

ATTEST:

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Doug Hooper, Secretary

**CONDITIONS OF APPROVAL  
CASE NOS. 07-CUP-008 & 07-OTP-005**

**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. 06-SPR-009 and 06-OTP-021 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

## Conditions of Approval

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- building valuation. Actual fees will be determined at the time of building permit issuance.
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. The current fee is \$0.47 per square-foot of new floor area.
  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 Analyst 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.

### Construction Requirements

18. Prior to the starting construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and fence material shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material as approved by the Director of Planning and Community Development. Temporary construction fencing and gates shall be maintained in good order at all times.
19. All proposed retaining walls shall consist of materials subject to review and approval by the Director of Planning and Community Development.

## Conditions of Approval

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20. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
21. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 5:00 a.m., or any Sunday or holiday.
22. 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.
23. A detailed Lighting and Photometric Plan shall be submitted for review and approval by the Director of Planning and Community Development, prior to issuance of a Building Permit.
24. A copy of all communications between the City and the applicant pertaining to the approved plans shall be kept on-site at all times.
25. 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.
26. Intermittent inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Departments.

### Solid Waste Management Requirements

27. 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.
28. 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.

29. 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

##### Oak Trees

30. The applicant is permitted to encroach within the protected zone of Oak Tree Number CW 1 and the off-site oak tree to the south of Oak Tree Number CW 1, in order to re-grade and re-pave the existing driveway in accordance with the approved plans.
31. The applicant is permitted to raise the canopies of Oak Tree Number CW 1 and the off-site oak tree to the south of Oak Tree Number CW 1 over the driveway, in order to achieve a minimum safe clearance for vehicle passage. All work shall be performed by a qualified arborist utilizing current International Society of Arboriculture standards.
32. Oak Tree Number CW 2 and the off-site oak tree to the northeast of Oak Tree Number CW 1 shall be preserved in place with no direct impacts.
33. The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree, to include demolition, grading, pruning and/or landscaping.
34. 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.
35. Pruning of additional live branches is not authorized unless specifically approved by the City Oak Tree Consultant.
36. All approved excavation performed within the protected zone of any oak tree shall be performed with hand tools under the direct supervision of the applicant's oak tree consultant.

## Conditions of Approval

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37. No irrigation or planting shall be installed within the drip line of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
38. At the completion of construction, the applicant shall place three inches (3") of approved mulch throughout the dripline of each oak tree, as feasible within the subject site area.
39. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the City. The certification shall describe all work performed and whether such work was performed in accordance with the above permit conditions.
40. 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.

### Landscaping/Irrigation

41. Landscape plans shall be submitted for review and approval by the City Planning and Community Development Department prior to issuance of a Grading Permit.
42. 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
43. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
  - a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - b. All plans shall be legible and clearly drawn.
  - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
  - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
  - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
  - f. The project identification number shall be shown on each sheet.
  - g. The plans shall accurately and clearly depict the following existing and proposed features:
    - 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. In general, woody shrubs shall be at least 5 gallon container size.
- 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.
44. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
45. A minimum of twenty percent (20%) of the total lot shall be landscaped.
46. A minimum of fifteen percent (15%) of the parking lot, including driveways and aisles, shall be landscaped, distributed evenly throughout the parking lot. A calculation of the landscaped area proposed must be provided.

47. Shade trees shall be provided to create fifty percent (50%) canopy coverage over the parking lot, including driveways and aisles, within fifteen (15) years after installation. Light standard locations shall be designed to minimize conflict with these trees. A final exhibit demonstrating coverage provided shall be submitted at the time of initial plan check.
48. The landscape plan shall include one (1) twenty-four inch (24") box size oak trees. The species and planting location shall be subject to review and approval of the City Landscape Consultant.
49. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
50. Poor landscape practices such as topping, hedging and "lollipoping" shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City Landscape consultant.
51. The final plans shall not include any palm species.
52. Proposed light standard locations shall be depicted on the planting plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Architect Consultant.
53. The landscape plan shall prominently display the following notes:
  - All plant material shall conform to the most recent ANSI Z60.1-American Standard for Nursery Stock.
  - Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plan.
54. All plant material must be considered compatible with the Sunset 18 zone.
55. Any new perimeter walls shall be decorative with a height and design subject to the review and approval by the City Landscape Consultant and the Director of the Planning Department.

### **ENGINEERING CONDITIONS**

#### **56. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)**

##### **A. General**

- A.1 For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer.

Conditions of Approval

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All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at [www.ci.agoura-hills.ca.us](http://www.ci.agoura-hills.ca.us).

- A.2 Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department. TIF fee shall be based on the approved rate for a commercial use, and not a residential.
- A.3 All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. 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.
- A.4 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.
- A.5 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.
- A.6 The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
- A.7 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.
- A.8 Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies:

- Las Virgenes Municipal Water District

- A.9 Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact Engineering Department @ 818.597.7322 for approved City certification forms.

A.10 Other Conditions: Provide a preliminary title report not older than 30 days.

**B. Public Improvements**

- B.1 Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. All public improvements shall be designed and constructed to the satisfaction of the City Engineer. Previous infrastructure plans will continue to be plan checked from the point of the previous check.

Improvement Item	AGOURA ROAD
AC Pavement	Replace all damaged during construction. Widen Agoura Road at driveway entrance to provide 20' turning radius and concrete curb
All water appurtenances are per LVMWD standards (See Section 2D)	Yes, per intended commercial use
Storm Drain (See Section 2E)	Catch Basin, replace old existing with new curb alignment and appropriate local depression

- B.2 The following existing streets being cut for new services or being finished with inverted curb may require an asphalt concrete overlay:  
Agoura Road
- B.3 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.
- B.4 Other conditions: All retaining walls shall be built on private property and are prohibited from being constructed in the public Right-of-way (R.O.W.).

**C. Sewer**

- C.1 An 8-inch sewer line is available for connection by this project in Agoura Road.
- C.2 Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.

D. Water

- D.1 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

- E.1 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.

F. Stormwater (NPDES)

- F.1 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;
3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
4. 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.

- F.2 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.

- F.3 SWPPP Plan – All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: [www.cabmphandbooks.com](http://www.cabmphandbooks.com) and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

Said plan shall, among other things, ensure 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;
3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
4. 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.

- F.4 Other Conditions: A Best Management Practice (B.M.P.) Covenant and Deed Restriction shall be prepared and recorded with the Los Angeles County Recorder's office by the applicant prior to issuance of a Certificate of Occupancy.

57. PRIOR TO CERTIFICATE OF OCCUPANCY

- 57.1 All remaining fees/ deposits required by the Engineering Department must be paid in full.



- 57.2 All requirements including construction of improvements covered in Section 2 must be completed to the satisfaction of the City Engineer.
- 57.3 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.*
- 57.4 The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: [www.agoura-hills.ca.us](http://www.agoura-hills.ca.us).
- 57.5 All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.

#### **BUILDING AND SAFETY**

- 58. 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.
- 59. 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, (½ 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.
- 60. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Sec.6402.1.
- 61. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
- 62. Projects shall demonstrate the use of Class-A roofing material.

63. Preliminary and final site plan and construction plan shall show location of A/C condensing units or other HVAC equipment located on or around structure.
64. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

**SPECIAL CONDITIONS**

65. On-site decorative paving shall be provided in the driveway entrance serving the site. The color, materials and length of the decorative paving shall be subject to review and approval by the Director of Planning and Community Development.
66. All transformers, other equipment and refuse containers shall be screened from view. A plan showing this shall be reviewed and approved by the Director of Planning and Community Development.
67. All parking stalls shall be pinstriped. A minimum of fourteen (14) parking spaces shall be provided for the project.
68. Prior to issuance of a Building Permit, the applicant shall submit a Photometric Plan with lighting fixtures specifications to the Planning Department for review and approval by the Director of Planning.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING VARIANCE CASE NO. 07-VAR-002

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

Section I. An application was duly filed by Joseph Luithly, with respect to the real property located at 28818 Agoura Road (Assessor's Parcel No. 2061-029-002) requesting a Variance from the Zoning Ordinance Sections 9373.7 and 9373.5 to allow a reduced side yard setback for a second story addition, and a reduced front yard landscape planter. A public hearing was duly held on June 5, 2008 and August 7, 2008, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section 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 9673.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The footprint of this structure would not be affected by the expansion thus the side yard setbacks would remain as they exist today. The applicant is constrained in meeting side yard setback requirements because of a non-conforming lot width of 100 feet instead of the 200 feet minimum required by the BP-OR zone. The Building Code requires that handicap accessibility be provided inside and outside the building which, with the existing floor plan layout, requires expansion of the floor area. The narrower planter is a result of grading constraints for the construction of the parking lot. The applicant is able to mitigate the lack of landscaping on his parcel by providing and maintaining landscaping in the right-of-way immediately adjacent to the planter, thus providing the same visual effect as viewed from the roadway.

B. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity. The existing building was constructed prior to the adoption of the City Zoning Ordinance and is considered non-conforming based on the size of the existing yard areas. The addition will not expand beyond the existing footprint and complies with the requirements associated with an increase in floor area including parking and handicap accessibility. With respect to the reduction in size of the landscape planter along the front of the property, the project is constrained to provide the parking in the front yard thereby limiting the designated space for

a planter. However, the right-of-way design is such that it provides additional space for landscaping between the paving and the property line in addition to the grasscrete on the lower parking level.

C. 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 the Zoning Ordinance. In order to have the site conform to the current City development standards, the applicant is required to provide improvements to the building and the lot including parking and landscaping. The addition would be attached to the building in the most efficient manner relative to the building envelope and floor plan. The slope of the lot makes it such that the parking must be separated by landscaped slopes, which require the use of more land. The result is a narrower planter along the front of the property. The mitigation of the request lies in the ability of the applicant to plant an area between the street paved lanes and the on-site planter for additional screening.

D. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The width of the proposed planter was found adequate to contain the apportioned on-site drainage and will contribute to the natural water filtration. It also reduces the height of the lower parking pad and of the manufactured slopes. Headlights impacts will be reduced to almost none by the landscaping proposed along the property line and the development across the street as viewed from distant parcels. The expansion and remodel of the structure will be constructed to City Building Code standards and will not impact views or privacy of adjoining neighbors.

E. The granting of the Variance will be consistent with the character of the surrounding area. Although the property is converted to a commercial property, the architectural style, with the addition, resembles that of a residence which is consistent with neighboring structures on the south side of Agoura Road to the east. The site will be developed according to the existing grade to minimize the cut and fill quantities of soil. The terraced parking lot will be adequately screened from Agoura Road.

Section IV. The project would result in the conversion of an existing structure and the use clearly falls within the exemptions contained in Section 15300 of the list of permitted exemptions in CEQA Guidelines, Class 3. This exemption consists of a conversion of existing small structures from one use to another where only minor modifications are made and where the numbers of structures described in this section are the maximum allowable square footage (10,000 square feet) on any legal parcel.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Variance Case No. 07-VAR-002, subject to the attached conditions, with respect to the property described in Section I hereof.

Draft Resolution No. \_\_\_\_

Page 3 of 3

PASSED, APPROVED, and ADOPTED this 7<sup>th</sup> day of August, 2008 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

John O'Meara, Chairperson

ATTEST:

---

Doug Hooper, Secretary

## CONDITIONS OF APPROVAL (Case No. 07-VAR-002)

### STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits (Site Plan; Elevation Plans; Floor Plans, Roof Plan, and Grading Plan) approved on June 5, 2008.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless the approval is used within two (2) years from the date of City approval, Case No. 07-VAR-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. 07-VAR-002 is valid only in conjunction with Conditional Use Permit Case No. 07-CUP-008 and Oak Tree Permit Case No. 07-OTP-005 and the approved Conditions of approval therein.

END



**OFFICE CONVERSION  
FOR THE PROPERTY LOCATED  
AT 28818 AGOURA ROAD,  
AGOURA HILLS**

**CONDITIONAL USE PERMIT CASE NO. 07-CUP-008  
OAK TREE PERMIT CASE NO. 07-OTP-005  
VARIANCE REQUEST CASE NO. 07-VAR-002**

Revised

**Reduced Architectural Plans**

(August 7, 2008 Meeting)





REVISION	DATE



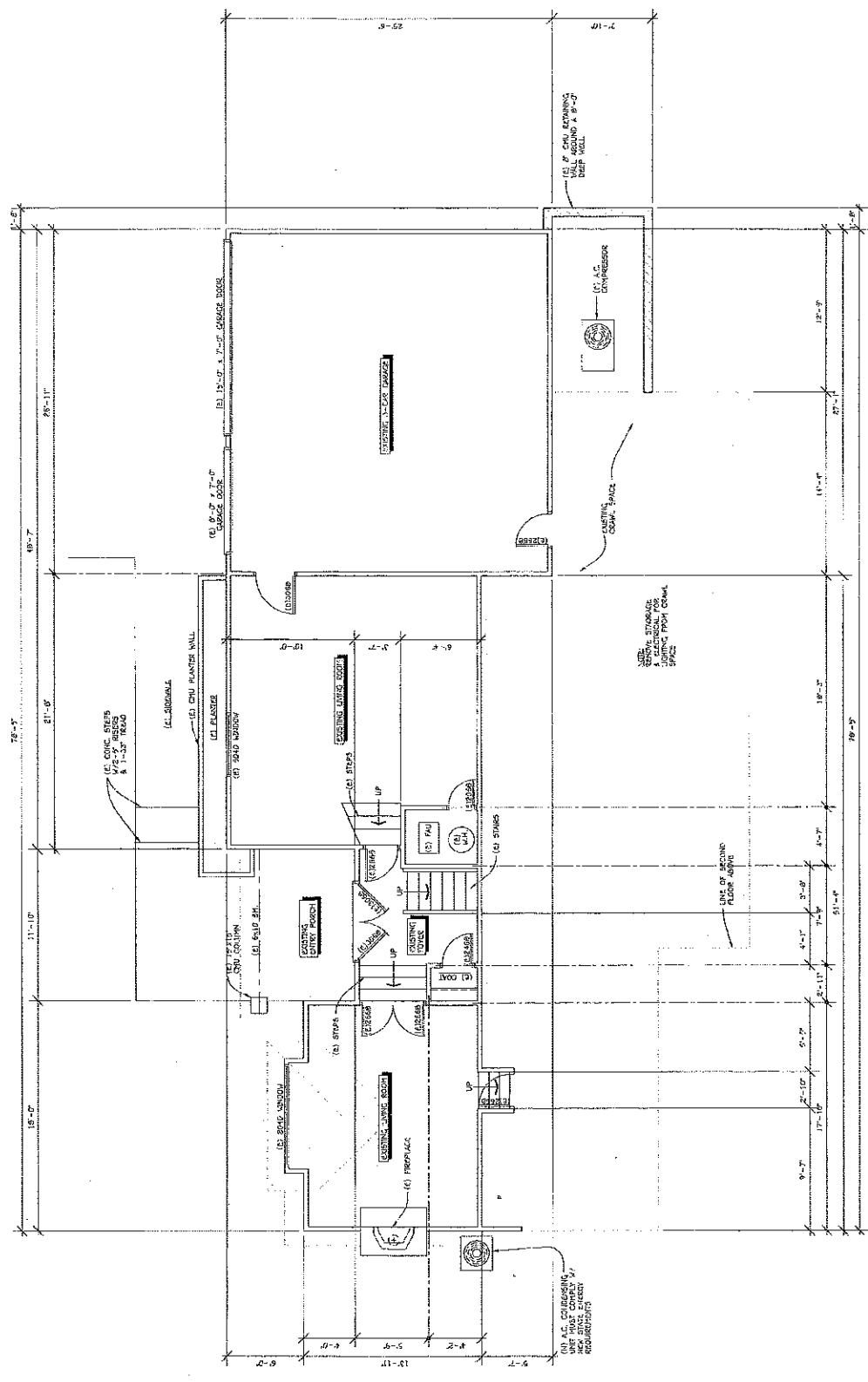
Capital  
 PLANNING & DESIGN SERVICES  
 4377 SPRINGFIELD STREET, SIMI VALLEY, CALIFORNIA 93065  
 (818) 882-4112 (805) 527-1662

OFFICE CONVERSION & ADDITION PLANS  
 FOR  
 JOB NO. 100-100  
 DRAWN BY  
 DATE

SCALE 1/2" = 1'-0"  
 SHEET A-2  
 OF SHEETS

REMARKS

1	616 S.F.
2	1,094 S.F.
3	1,094 S.F.
4	1,094 S.F.
5	1,094 S.F.
6	1,094 S.F.
7	1,094 S.F.
8	1,094 S.F.
9	1,094 S.F.
10	1,094 S.F.



EXISTING FIRST FLOOR PLAN  
 SCALE 1/2" = 1'-0"

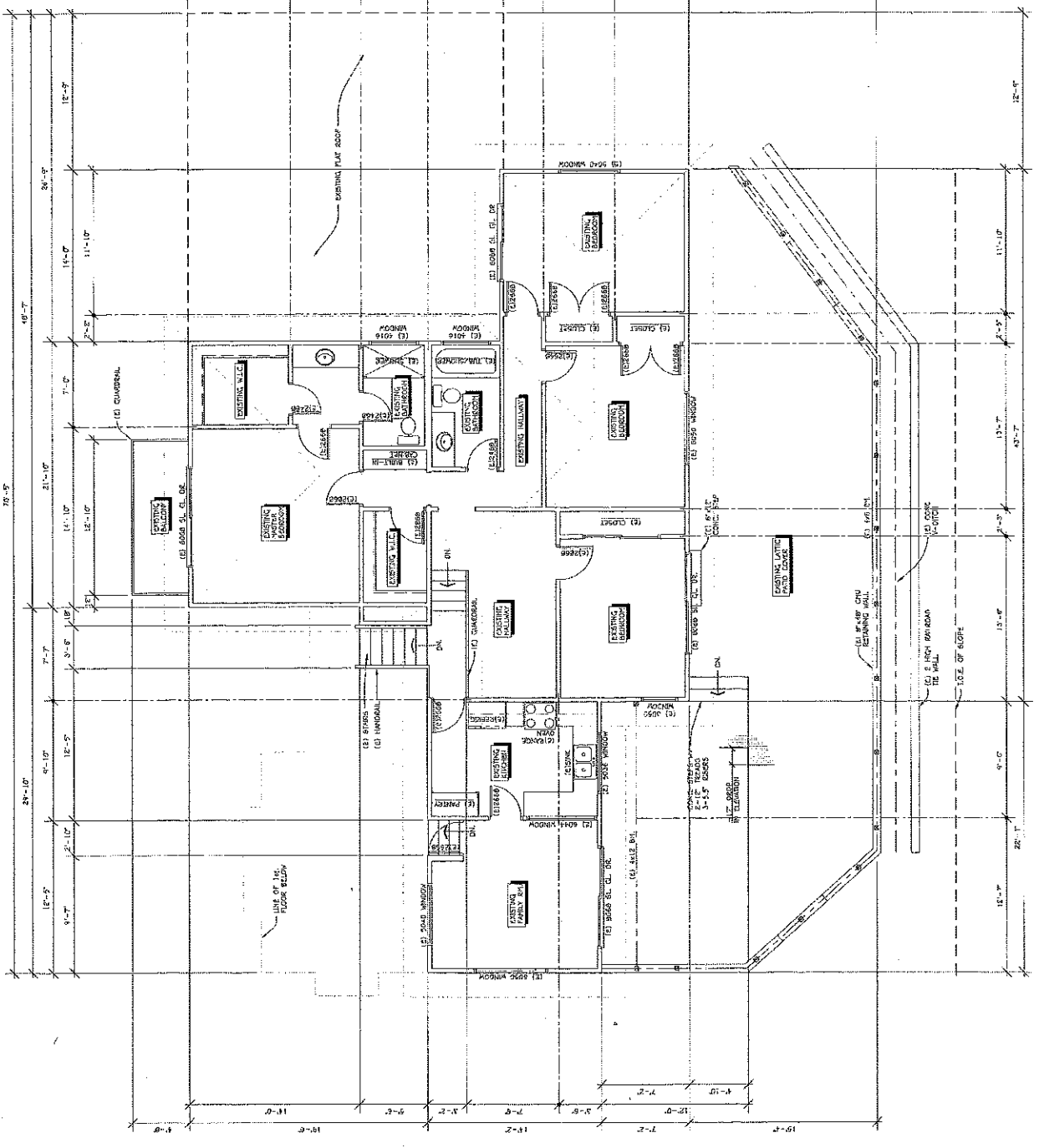


JOE LUTHLY  
 ARCHITECT  
 22818 AGUERA ROAD, AGUERA, CA (909) 565-2321  
 4377 SPRINGFIELD STREET, SUITE 201, VALLEJO, CALIFORNIA 94592  
 (925) 827-1627

**Capital**  
 PLANNING & DESIGN SERVICES  
 OFFICE CONVERSION & ADDITION PLANS

DRAWN BY: JLP  
 DATE: 11/25/10  
 SCALE: 1/2" = 1'-0"  
 JOB NO.: 05533  
 SHEET: A-3  
 OF SHEETS

- FINISHES:**
- 1. 9" x 9" SQUARE TILE
  - 2. 12" x 12" SQUARE TILE
  - 3. 18" x 18" SQUARE TILE
  - 4. POLISHED CONCRETE
  - 5. 1/2" x 1/2" x 1/4" SQUARE TILE
  - 6. 1/2" x 1/2" x 1/4" SQUARE TILE
  - 7. 1/2" x 1/2" x 1/4" SQUARE TILE
  - 8. 1/2" x 1/2" x 1/4" SQUARE TILE
  - 9. 1/2" x 1/2" x 1/4" SQUARE TILE
  - 10. 1/2" x 1/2" x 1/4" SQUARE TILE



**EXISTING SECOND FLOOR PLAN**  
 SCALE: 1/2" = 1'-0"

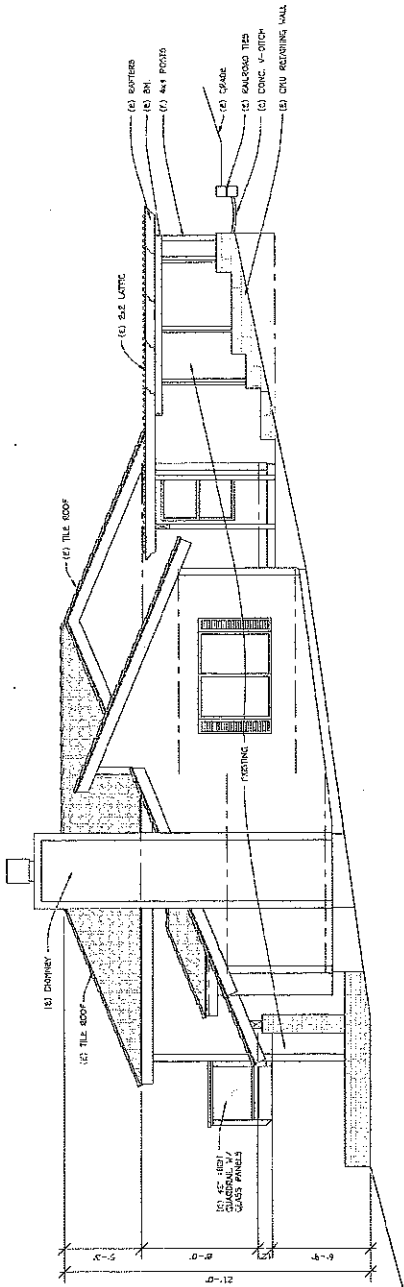


CAPITAL DESIGN SERVICES  
 ARCHITECTS  
 4377 SPRINGFIELD STREET, SUITE 100, SAN JOSE, CALIFORNIA 95138  
 (415) 882-4112  
 (905) 527-1882

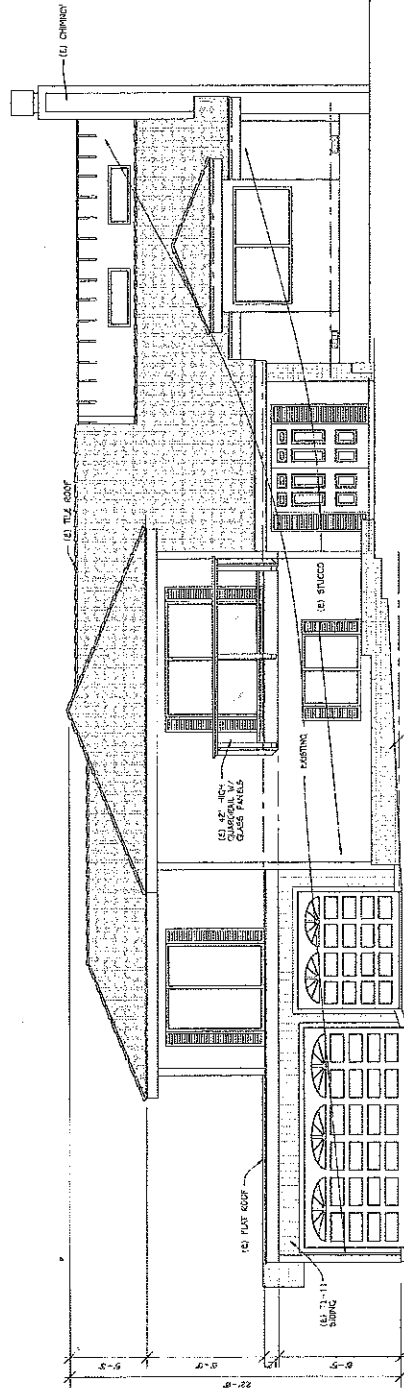
JOB LUTHELY  
 28019 AGOURA ROAD, AGOURA, CA (2007) 565-0331  
 OFFICE CONVERSION & ADDITION PLANS

DRAWN BY: H.P.F.  
 DATE: \_\_\_\_\_  
 SCALE: 1/8" = 1'-0"  
 JOB NO.: 0813  
 SHEET: A-4  
 OF SHEETS: 4

NOTE:  
 SEE SHEET A-19 FOR NEW ELEVATIONS



EXISTING WEST ELEVATION  
 SCALE: 1/8" = 1'-0"



EXISTING NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"

REVISION	DATE



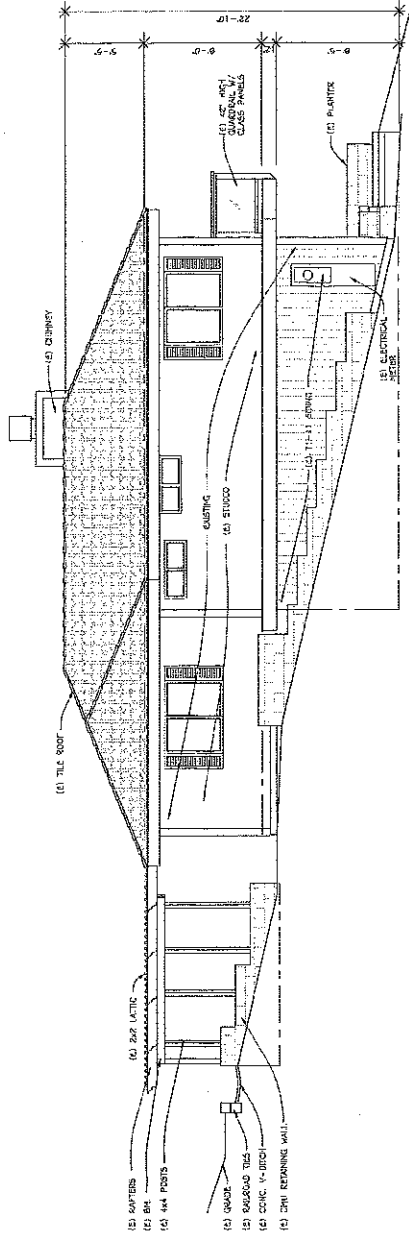
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 4377 SPRINGFIELD STREET, SUITE 100, TAMPA, FLORIDA 33606  
 (813) 862-4112 (954) 527-1682

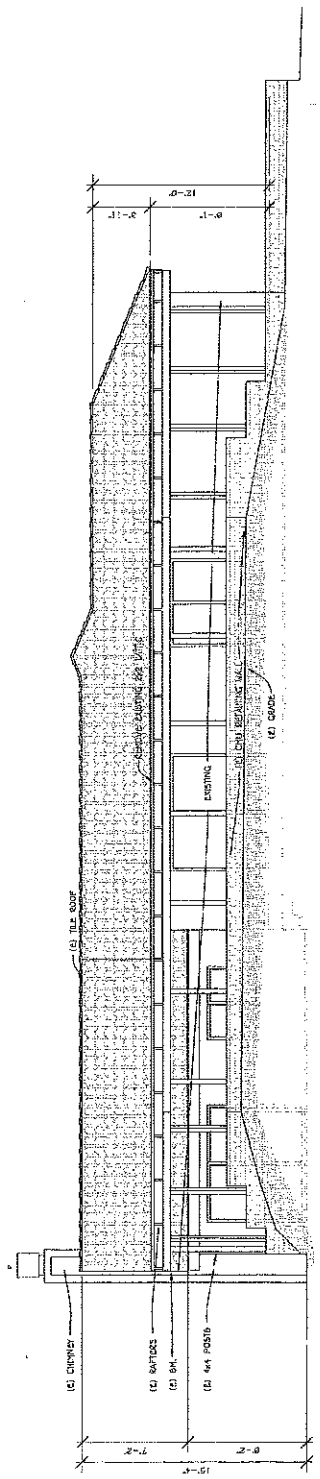
**OFFICE CONVERSION & ADDITION PLANS**  
 FOR: **JOB LUTHELY**  
 20618 AQUEDA ROAD, AQUEDA, FLORIDA 34601-3331

DRAWN BY: [ ]  
 DATE: [ ]  
 SCALE: 1/8" = 1'-0"  
 JOB NO.: [ ]

SHEET **A-5**  
 OF SHEETS



**EXISTING EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"



**EXISTING SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

NOTE:  
 SEE SHEET A-9 FOR NEW ELEVATIONS



**Capital**  
 PLANNING & DESIGN SERVICES  
 427 SPRINGFIELD STREET, SUITE 100, WALLEY, CALIFORNIA 95663  
 (916) 882-4112 (916) 882-4112

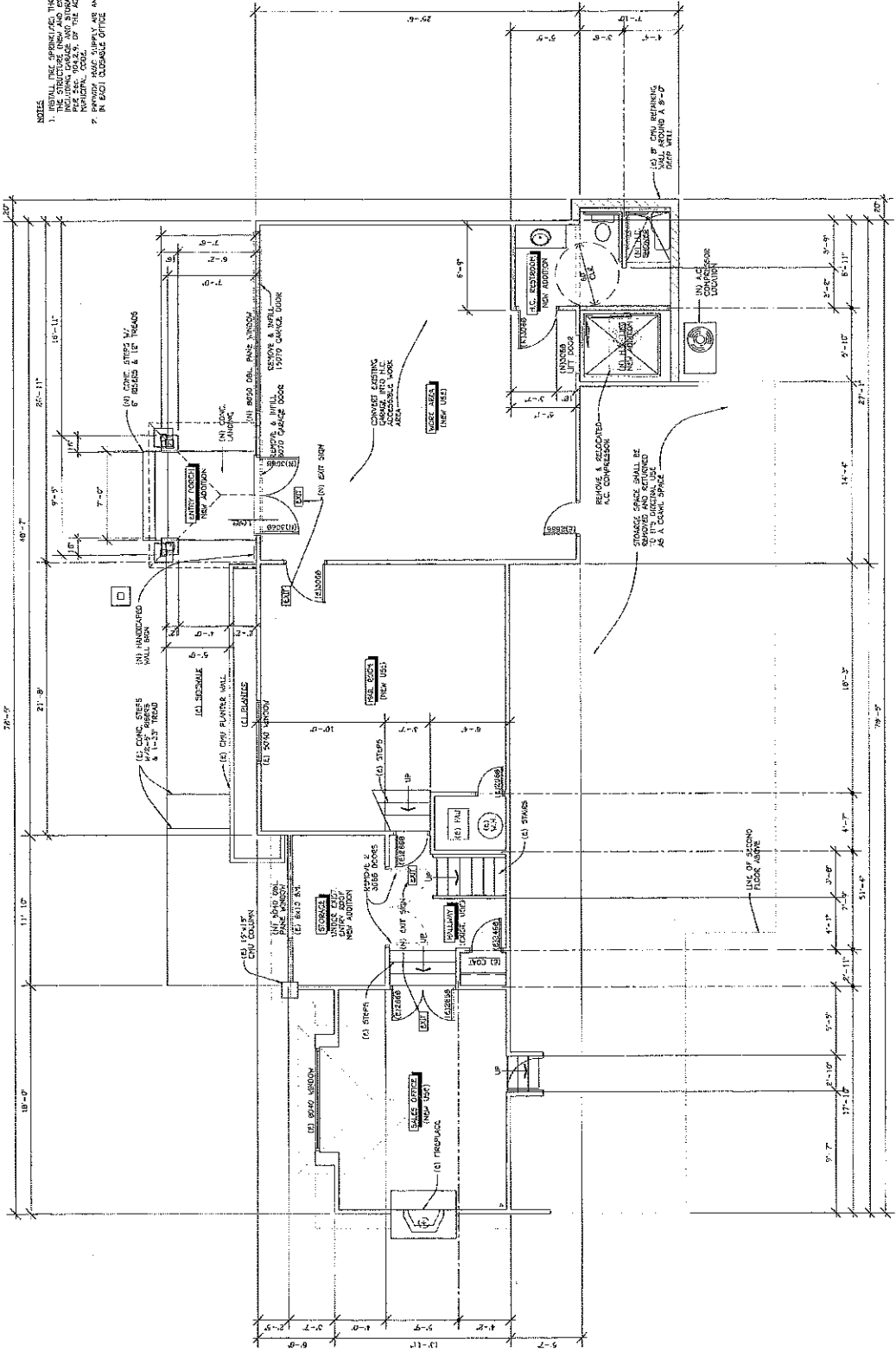
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 JOB: LUTHERY  
 28818 AGOURA ROAD, AGOURA, CA (909) 566-3331

DRAWN BY: [ ]  
 DATE: [ ]  
 SCALE: 1/8" = 1'-0"  
 JOB NO.: 05-233  
 SHEET: A-6  
 OF SHEETS

- QUANTITY AREA**
- EXISTING FIRST FLOOR
  - EXISTING SECOND FLOOR
  - NEW SECOND FLOOR
  - NEW FIRST FLOOR ADDITION
  - NEW COVERED PATIO ADDITION
  - EXISTING COVERED PATIO
  - EXISTING ENTRY PORCH
  - EXISTING DECK
  - NEW FIRST FLOOR ADDITION
  - NEW SECOND FLOOR ADDITION
  - NEW COVERED PATIO ADDITION

**NOTES**

1. ALL NEW WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL EXISTING WORK SHALL BE MAINTAINED UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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**NEW FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



# NEW SECOND FLOOR PLAN

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

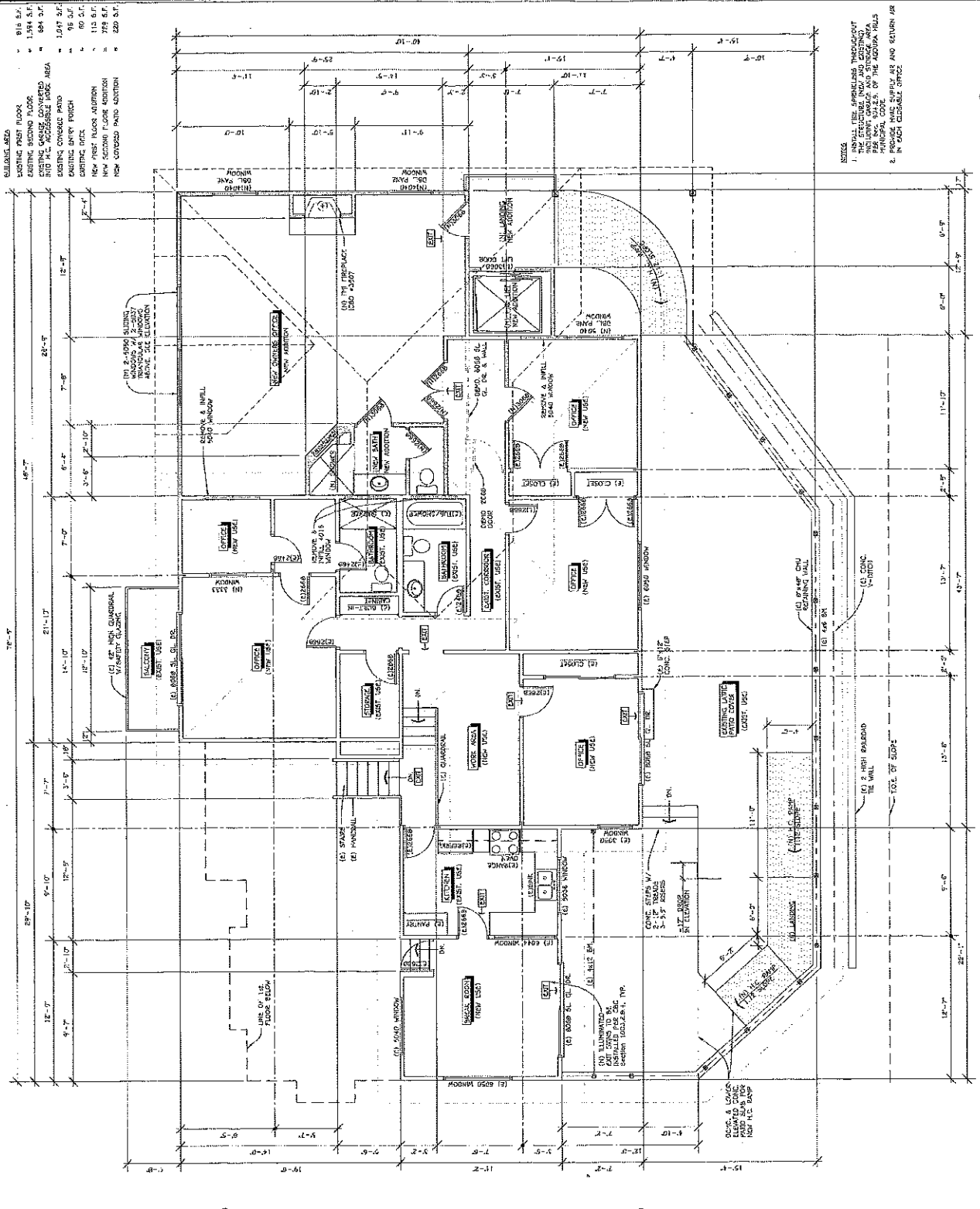
SHEET A-7

OF 5 SHEETS

OFFICE CONVERSION & ADDITION PLANS  
JOB: LUTHERLY  
29010 ACQUA ROAD, ACQUA, CA (907) 566-3351  
PLANNING & DESIGN SERVICES  
4377 SPRINGFIELD STREET, SAN VALLEY, CALIFORNIA 93083  
(918) 882-4112  
CAPITAL TESTS



DATE: 11/11/11  
SCALE: 1/8" = 1'-0"  
JOB NO.: 11111  
SHEET: A-7  
OF 5 SHEETS



- NOTES:**
1. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
  2. SEE SHEET A-6 FOR FINISHES AND MATERIALS.
  3. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
  4. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
  5. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
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  15. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
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  17. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
  18. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
  19. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
  20. ALL ROOMS SHALL BE FINISHED PER THE 2001 CALIF. B.C.C.
- LEGEND:**
- |            |      |      |      |
|------------|------|------|------|
| ROOMS      | 1-10 | 1-10 | 1-10 |
| TOILETS    | 1-10 | 1-10 | 1-10 |
| STAIRS     | 1-10 | 1-10 | 1-10 |
| ELEVATORS  | 1-10 | 1-10 | 1-10 |
| MECHANICAL | 1-10 | 1-10 | 1-10 |
| ELECTRICAL | 1-10 | 1-10 | 1-10 |
| PLUMBING   | 1-10 | 1-10 | 1-10 |
| PAINT      | 1-10 | 1-10 | 1-10 |
| GLASS      | 1-10 | 1-10 | 1-10 |
| WOOD       | 1-10 | 1-10 | 1-10 |
| CONCRETE   | 1-10 | 1-10 | 1-10 |
| CEILING    | 1-10 | 1-10 | 1-10 |
| FLOORING   | 1-10 | 1-10 | 1-10 |
| MECHANICAL | 1-10 | 1-10 | 1-10 |
| ELECTRICAL | 1-10 | 1-10 | 1-10 |
| PLUMBING   | 1-10 | 1-10 | 1-10 |
| PAINT      | 1-10 | 1-10 | 1-10 |
| GLASS      | 1-10 | 1-10 | 1-10 |
| WOOD       | 1-10 | 1-10 | 1-10 |
| CONCRETE   | 1-10 | 1-10 | 1-10 |
| CEILING    | 1-10 | 1-10 | 1-10 |
| FLOORING   | 1-10 | 1-10 | 1-10 |

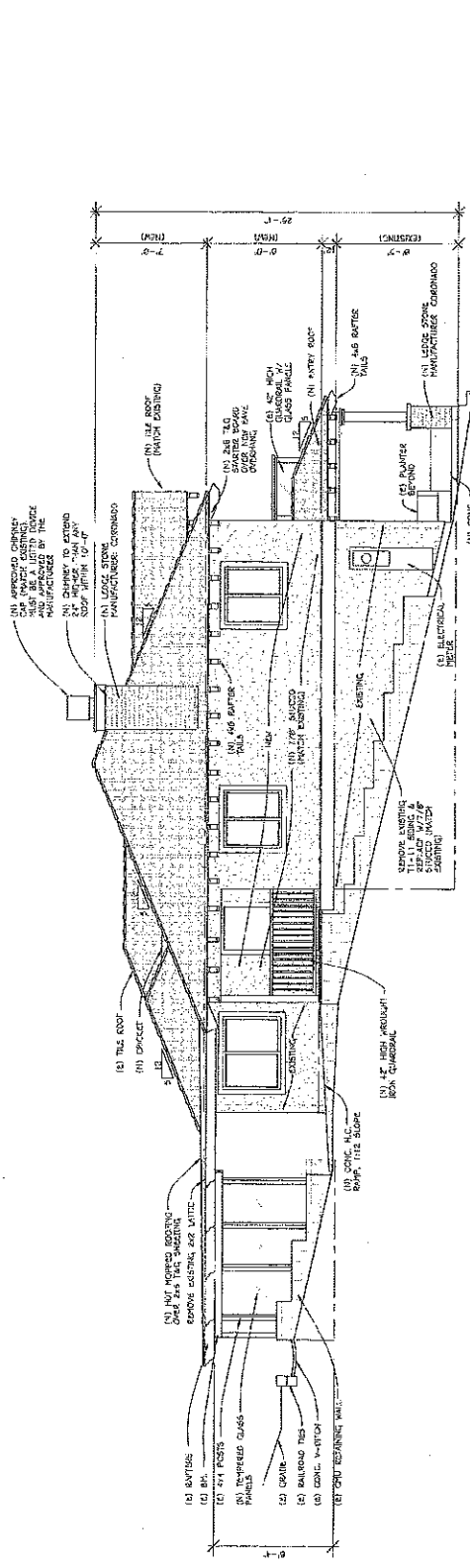




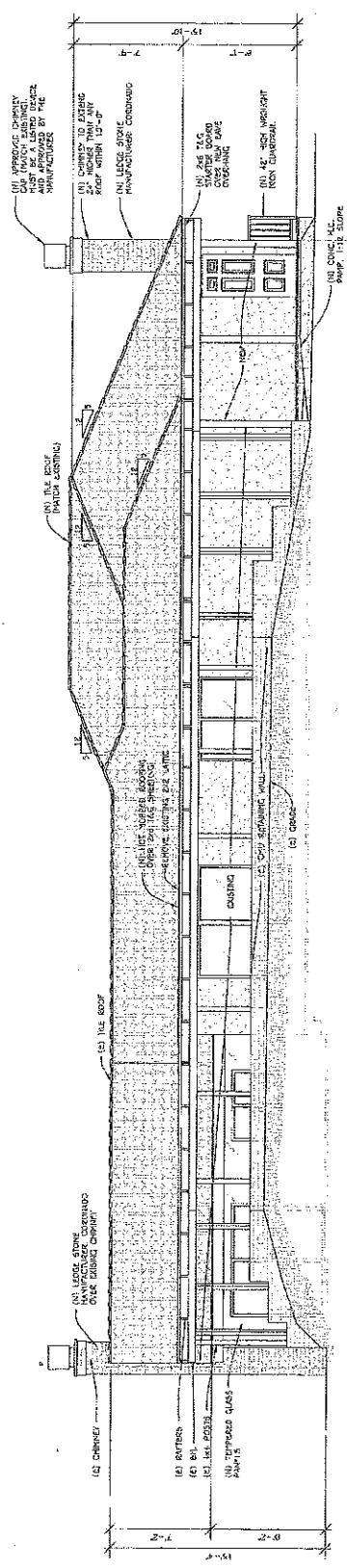
**Capital**  
**PLANNING & DESIGN SERVICES**  
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 (916) 882-4172 (909) 927-1682  
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**OFFICE CONVERSION & ADDITION PLANS**  
**JOB LUTHELY**  
 28518 AGOURA ROAD, AGOURA, CA (800) 566-3331

FOR: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SCALE: 1/2"=1'-0"  
 JOB NO.: 0513  
 SHEET: 6-A  
 OF SHEETS:



**NEW EAST ELEVATION**  
 SCALE: 1/2"=1'-0"



**NEW SOUTH ELEVATION**  
 SCALE: 1/2"=1'-0"





NEW ROOF PLAN  
SCALE 1/8" = 1'-0"

SHEET  
A-10  
OF SHEETS

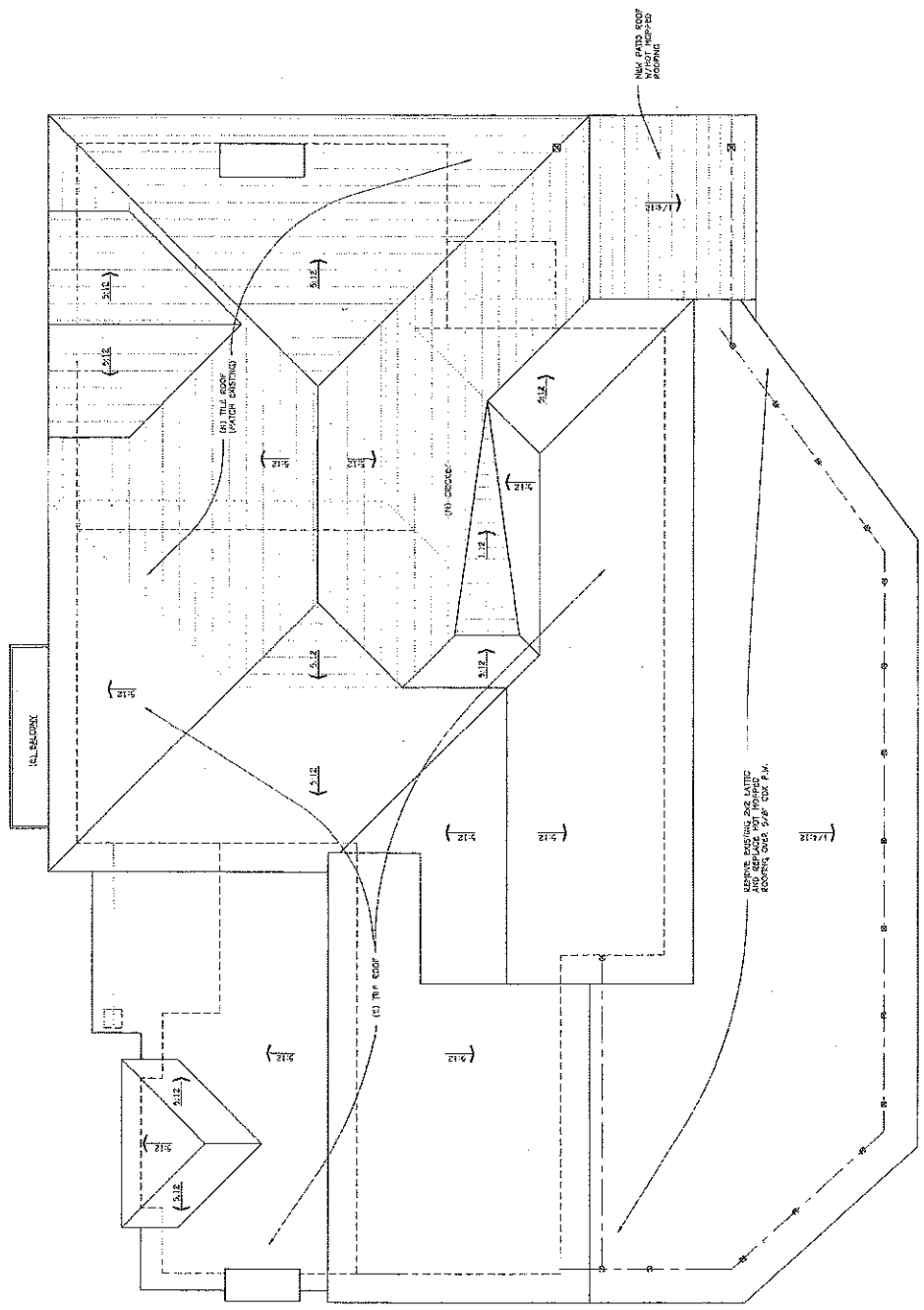
DATE  
JOB NO.  
JOB NO.

OFFICE CONVERSION & ADDITION PLANS  
JOB LUTTHLY  
28818 AQUINA ROAD, ACQUINA, CA (907) 566-3333

Capital  
PLANNING & DESIGN SERVICES  
4377 SPRINGFIELD STREET, SIMI VALLEY, CALIFORNIA 93063  
(818) 802-4112 (909) 527-1682



NO.	DATE	BY	REVISION





**OFFICE CONVERSION  
FOR THE PROPERTY LOCATED  
AT 28818 AGOURA ROAD,  
AGOURA HILLS**

**CONDITIONAL USE PERMIT CASE NO. 07-CUP-008  
OAK TREE PERMIT CASE NO. 07-OTP-005  
VARIANCE REQUEST CASE NO. 07-VAR-002**

*June 5 Meeting Approved Minutes*

(August 7, 2008 Meeting)



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

---

**MINUTES OF THE REGULAR SCHEDULED MEETING OF  
THE PLANNING COMMISSION  
June 5, 2008**

**CALL TO ORDER:**

Vice Chair Zacuto called the meeting to order at 6:34 p.m.

**FLAG SALUTE**

Commissioner Rishoff

**ROLL CALL:**

Chair John O'Meara, Vice Chair Curtis Zacuto, Commissioners Illece Buckley Weber, Cyrena Nouzille, and Steve Rishoff. Chair O'Meara and Commissioner Buckley Weber were absent.

Vice Chair Zacuto stated that staff had received notification of Chair O'Meara's absence and Commissioner Buckley Weber's absence prior to the meeting and that they had requested the Commission excuse their absences. There were no objections to excusing the absence.

Also present were Assistant Community Development Director Doug Hooper, Senior Planner Allison Cook, Associate Planner Valerie Darbouze, Assistant Planner Renee Madrigal, Senior Engineer Jay Patel, Assistant Engineer Kelly Fisher, Oak Tree and Landscape Consultant Ann Burroughs, Housing Consultant Jim Draughon, and Recording Secretary Sheila Keckhut.

1. **APPROVAL OF MINUTES:**

May 15, 2008 Planning Commission Meeting

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve the Minutes of the May 15, 2008 Planning Commission Meeting. Motion carried 2-0-1. Vice Chair Zacuto abstained. Chair O'Meara and Commissioner Buckley Weber were absent.

**COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:**

None

**CONTINUED PUBLIC HEARING**

2.     **REQUEST:**                     Request for approval of a Conditional Use Permit to build a 6,964 square-foot, two-story single-family residence with an 897 square-foot, attached garage and a 190 square-foot patio cover; and a request for approval of an Oak Tree Permit to encroach into the protected zone of three (3) Oak trees for the proposed construction.
- APPLICANT:**                 Ron Waters  
  28025 Balkins Drive  
  Agoura Hills, Ca 91301
- CASE NOS.:**                 03-CUP-002 & 03-OTP-002
- LOCATION:**                 28031 Balkins Drive  
  (A.P.N. 2055-023-065)
- ENVIRONMENTAL  
          DETERMINATION:**         Categorically exempt from CEQA per Section 15303 (New Construction of a Single-Family Residence).
- RECOMMENDATION:**       Staff recommended the continued public hearing for Conditional Use Permit Case No. 03-CUP-002, and Oak Tree Permit Case No. 03-OTP-002 be continued to the July 17, 2008 Planning Commission meeting.
- ACTION:**                    On a motion by Commissioner Rishoff, seconded by Vice Chair Zacuto, the Planning Commission moved to continue Conditional Use Permit No. 03-CUP-002 and Oak Tree Permit Case No. 03-OTP-002 to the July 17, 2008 Planning Commission meeting. Motioned carried 2-0-1. Commissioner Nouzille abstained. Chair O'Meara and Commissioner Buckley Weber were absent.

**NEW PUBLIC HEARINGS**

3.     **REQUEST:**                     Request for the Planning Commission to review a Zoning Ordinance Amendment to update the City's Inclusionary Housing Ordinance, review the environmental document prepared pursuant to the California Environmental Quality Act, and recommend approval of both items to the City Council.
- APPLICANT:**                     City of Agoura Hills  
  30001 Ladyface Court  
  Agoura Hills, CA 91301
- CASE NO:**                       08-ZOA-002
- LOCATION:**                     Citywide
- ENVIRONMENTAL  
ANALYSIS:**                     Negative Declaration
- RECOMMENDATION:**             Staff recommended the Planning Commission recommend that the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-002 and that the City Council adopt the Initial Study/Negative Declaration prepared for the project pursuant to the California Environmental Quality Act.
- PUBLIC COMMENTS:**             Vice Chair Zacuto opened and closed the Public Hearing. No public comments were given.
- ACTION:**                       On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to adopt the Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-002, and that the City Council adopt the Initial Study/Negative Declaration prepared for the project pursuant to the California Environmental Quality Act. Motion carried 3-0. Chair O'Meara and Commissioner Buckley Weber were absent.

4. REQUEST: Request for approval of a Conditional Use Permit to construct a 4,133 square foot, two-story, single-family residence with a 1,157 square foot attached garage, and a spa; and a request for approval of an Oak Tree Permit to remove one (1) Oak tree and to encroach within the protected zone of five (5) on-site Oak trees for the proposed construction.

APPLICANT: Gary Bardovi for Nevin Bardai  
3611 Motor Avenue, Suite 108  
Los Angeles, CA 90034

CASE NOS.: 07-CUP-011 and 07-OTP-020

LOCATION: 28340 Balkins Drive  
(A.P.N. 2055-021-044)

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020, subject to conditions, based on the findings of the draft Resolution.

PUBLIC COMMENTS: Vice Chair Zacuto opened the Public Hearing

The following persons spoke in favor of the project.

Nevin Bardai, Applicant

Gary Bardovi, Architect representing the applicant.

Erick Mason, Civil Engineer representing applicant.

The following persons spoke in opposition of the project.

Walt Chandler, resident

Laurie Turner, resident

The following persons spoke in opposition of the project.

Brant Turner, resident

Jon Levin, resident

Robyn Britton, Old Agoura HOA

Andrea Lux, resident

Dr. Michael Papanicolaou, resident

Pam Chandler, resident

RECESS: Vice Chair Zacuto called for a recess at 8:28 p.m.

RECONVENE: Vice Chair Zacuto reconvened the meeting at 8:46 p.m.

REBUTTAL: Erick Mason Civil Engineer, Bob Bombardier Landscape Architect, Nevin Bardai applicant, and John Oblinger L. Newman Design Group, all representing the applicant gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Vice Chair Zacuto closed the Public Hearing and reopened the Public Hearing for the purpose of a continuance.

ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to continue Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020 to the August 7, 2008 Planning Commission meeting. Motioned carried 3-0. Chair O'Meara and Commissioner Buckley Weber were absent.

5. REQUEST: A request for a Conditional Use Permit to convert a single-family residence into an office building and add 916 square feet of building area; a request for a Variance from Zoning Ordinance Sections 9373.7 and 9373.5 to reduce the landscaping from 20 to 10 feet in width along the front property line and to maintain a reduced, combined side yard setback of 20 feet instead of a minimum of 70 feet; and a

request for an Oak Tree Permit to encroach into the protected zone of two oak trees for the construction of the project.

APPLICANT: Joseph Luithly  
28818 Agoura Road  
Agoura Hills, CA 91301

CASE NOS.: 07-CUP-008, 07-OTP-005, & 07-VAR-002

LOCATION: 28818 Agoura Road  
(A.P.N. 2061-029-002)

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommended approval of Conditional Use Permit, Case No. 07-CUP-008, and Oak tree Permit Case No. 07-OTP-005, and Variance Case No. 07-VAR-002, subject to conditions, based on the findings of the draft Resolutions.

PUBLIC COMMENTS: Vice Chair Zacuto opened the Public Hearing

The following persons spoke in favor of the project.

Joe Luithly, Applicant

Dan Holms, Civil Engineer representing the applicant.

Philip Miller, Landscape Architect representing the applicant.

The following person spoke in opposition of the project.

Ragu Nathan, resident

REBUTTAL: Joe Luithly, applicant gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Vice Chair Zacuto closed the Public Hearing.

Vice Chair Zacuto opened and closed the Public Hearing.



**ACTION:** On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to continue Conditional Use Permit, Case No. 07-CUP-008, and Oak tree Permit Case No. 07-OTP-005, and Variance Case No. 07-VAR-002 to the July 17, 2008 Planning Commission meeting. Motioned carried 3-0. Chair O'Meara and Commissioner Buckley Weber were absent.

6. **REQUEST:** Request for the Planning Commission to receive public comments on the Agoura Village Specific Plan Revised and Recirculated Draft Environmental Impact Report.

**APPLICANT:** City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

**CASE NOS.:** 06-GPA-001, 06-ZOA-001, 06-ZC-001, 06-SPA-001;  
Agoura Village Specific Plan Revised and Recirculated  
Draft Environmental Impact Report

**LOCATION:** The approximately 135-acre site is located in the southern portion of the City of Agoura Hills. The project area includes property on both the north and south sides of Agoura Road, generally between Kanan Road and Cornell Road, but extending several hundred feet on either side. Roadside Drive and U.S. Highway 101 border much of the project to the north. Open space areas border the area along the south.

**RECOMMENDATION:** Staff recommended the Planning Commission conduct a public hearing to receive public comments on the Agoura Village Specific Plan Revised and Recirculated Draft Environmental Impact Report.

**PUBLIC COMMENTS:** Vice Chair Zacuto opened the Public Hearing

The following person spoke in opposition of the project.

Serena Friedman, M.D., resident

Vice Chair Zacuto closed the Public Hearing

**ACTION:** No motioned was required by the Planning Commission.

**ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA**  
*(Planning Commission and Staff)*

None

**ADJOURNMENT**

At 10:15 p.m., on a motion by Commissioner Nouzille, seconded by Commissioner Rishoff, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday June 19, 2008, at 6:30 p.m.