



**CONDITIONAL USE PERMIT - CASE NO. 05-CUP-002,
OAK TREE PERMIT - CASE NO. 05-OTP-015
AND
VARIANCE REQUEST - CASE NO. 05-VAR-003**

**FOR THE PROPERTY LOCATED AT
28221 LAURA LA PLANTE DRIVE, AGOURA HILLS**

EXHIBIT C

JANUARY 4, 2007 MEETING STAFF REPORT



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: January 4, 2007

APPLICANT: Laura La Plante, LLC
18850 Ventura Boulevard, Suite 130
Tarzana, CA 91356

TO: Planning Commission

CASE NOS.: 05-CUP-002, 05-OTP-015 & 05-VAR-003

LOCATION: West of 28207 Laura La Plante Drive
(A.P.N. 2061-016-063 & 072)

REQUEST: Request for approval of a Conditional Use Permit to construct a 3,400 square-foot residence and a 580 square-foot, free-standing, three-car garage; a request for an Oak Tree Permit to remove 20 oak trees and encroach within the protected zone of 3 oak trees for the proposed construction; and a request for a Variance from Zoning Ordinance Sections 9605.8 and 9606.2.A. to build a patio in the front yard and reduce the required front yard setback from 25 to 19 feet; and to construct retaining walls in excess of 3.5 feet in height in the front yard area.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 05-CUP-002, Variance Request Case No. 05-VAR-003 and Oak Tree Permit Case No. 05-OTP-015, subject to conditions, based on the findings of the attached Draft Resolutions.

ZONING DESIGNATION: RS-(2)-20,000-IH (Residential Single-Family – Indian Hills Design Overlay District)

GENERAL PLAN DESIGNATION: RS – Residential Single-Family

PROJECT BACKGROUND AND DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit to construct a 3,400 square-foot, two-story, single-family residence with a 580 square-foot, free-standing garage, an 80 square-foot front patio cover and 1,000 square-foot rear deck. A Conditional Use Permit is required for proposed developments on lots exceeding a 10% average slope. In this instance, the average slope of the property is 42.7%. The applicant is also requesting approval of an Oak Tree Permit to remove 20 on-site oak trees and encroach into the protected zone of 3 on-site oak trees for the proposed construction.

The subject parcel is located on the north side of Laura La Plante Drive, immediately west of the existing single-family residence located at 28207 Laura La Plante Drive in the Residential Single-Family (RS) and the Indian Hills Design Overlay zones. The vacant lot is 16,175 square feet in size. The proposed single-family residence is a permitted use in the RS zone and will meet the rear and side yard standards, and is within the maximum permitted building height for hillside lots. The applicant is applying for a Variance to deviate from the minimum 25-foot front yard setback to provide 19-foot of setback between the front property line and the front elevation of the house due to the encroachment of a proposed patio cover. The Variance request also includes retaining walls with a height in excess of 3.5 feet in the front yard area. An analysis of the Variance Request is provided below for the Planning Commission's review. The following are the proposed development data pertaining to the project:

Development Standards	Existing	Proposed	Allowed/ Required
1. Lot Size	16,175 sq.ft.	Same	20,000 sq.ft. min.
2. Lot Width	99 ft.	Same	90 ft. min.
3. Lot Depth	198 ft.	Same	100 ft. min.
4. Building Size			Per Lot Coverage
a. House:	None	3,400 sq.ft.	
b. Garage:	None	580 sq.ft.	
c. Front patio:	None	80 sq.ft.	
d. Rear deck:	None	1,000 sq.ft.	
5. Building Height	None	35 ft. from finished grade	15 ft. above front property line 35 ft. max.
6. Lot Coverage			35% max.
a. House	None	17.5%	
b. Garage	None	3.8%	
c. Hardscape	None	28.1%	

7. Undisturbed Open Space %	100%	49%	92.5% min. (based on average slope of the lot)
8. Building Setbacks			
a. Front:	None	19 ft.	25 ft. min.
b. Rear:	None	50 ft	25 ft. min.
c. Sides:	None		
East		24 ft.	22 ft. min.
West		15 ft.	combined
8. Oak Trees			
Removal:	27	20 on-site	N/A
Encroached:	None	3 on-site	

STAFF ANALYSIS

A. Site Plan

To develop on two adjoining lots, the applicant applied for a lot merger to combine a 7,524.11 lot and an 8,650.95 square-foot lot. In doing so, the merger created a 16,175 square-foot parcel which resulted in a parcel size that would be closer to the minimum lot size established for the zone of 20,000 square feet. As a result, the applicant is able to provide side yard setbacks in excess of the minimum requirements of the RS zone. The eastern side yard setback is proposed to be 24 feet and the western side yard setback is proposed to be 15 feet (side yards of 10 feet and 12 feet are required). The larger east side yard is adjacent to a developed parcel with a residence that was built at 5 feet from the property line. In addition, the new residence is proposed to be built 7.5' below the street elevation as calculated from the ridge of the roof, whereas the existing residences are constructed above the street elevation. The proposed location of the new residence was dictated by a lack of flat surface area along Laura La Plante Drive where the access is typically taken. Creating vehicular and pedestrian access would have caused a greater import of soil and the need for tall skirting walls. The applicant chose instead to provide vehicular access from the lower rear property line from an existing private alley and provide pedestrian access from Laura La Plante Drive to the house.

As a result, the difference in height impacts privacy issues differently than if the structures had been leveled. It is estimated that the second story windows of the house to the east will be above the applicant's proposed roof line, and the neighboring first floor windows would be approximately in line with the second story windows looking to higher level of the new residence. The impact would not be related to the loss of privacy as much as it would be related to loss of the view onto an open space.

With regard to the proposed rear yard setback, the residence would be 50 feet at the closest point to the rear property line and the garage 25 feet from the furthest rear property line. For the most part, other above-ground structures such as decks and staircases would be built within the buildable area of the lot.

The front yard setback is where the encroachment will occur. The applicant is proposing a patio cover over the entry which is located 19 feet from the front property line. Patio covers as dictated by the Zoning Ordinance are not permitted in the front yard area. Consequently, a Variance is required. The request is to encroach into the front yard by an average of 6 feet from the required 25 feet. The footprint of the residence would not encroach the front yard however.

The second Variance request applies to retaining walls that are proposed to be constructed in the front yard. The Zoning Ordinance restricts the height of walls in a front yard to 3.5 feet whether these walls are used as garden walls above ground or as retaining walls below the average grade. Despite the fact that the walls are necessary to provide a transition from the street to the house they are located in the front yard and consequently must adhere to the height restriction of 3.5 feet as specified by Section 9606.2.A. The proposed walls are required to retain the hill and protect the structure below and provide stairs to access the entry. The walls would not be visible from Laura La Plante Drive but probably partially visible from a vantage point to the north as they would be screened by the residence. The walls will be partially, screened with landscaping.

The Planning Commission has discretion regarding the required undisturbed area required for development of a residence on a hillside lot, provided four criteria can be met. This hillside lot has an average slope of 42.7% and, as such, the development should be designed to retain 92.5% of the lot as undisturbed open space. Although the lot is larger than nearby lots, 2.5% maximum coverage would reduce the development pad and hardscape improvements to approximately about 404 square feet. As proposed, 51% of the lot would remain undisturbed, which is a typical ratio for the neighborhood. The lot coverage, which accounts for the structures erected above ground, remains however, lower than the 35% maximum allowable in the RS zone with 28% of the parcel. Since the lot subdivision predates the City zoning requirements, many in-fill lots in the Indian Hills area are subject to development standards that would hinder reasonable development.

A survey of the 39 closest residences revealed house sizes varying from 1,216 to 3,069 square feet. The average size of the residences is 2,032 square feet and with the approved projects, the average increased to 2,096 square feet. Lot sizes varied from 3,720 to 22,314 square feet. The average lot size was 8,089 square feet and with approved projects, it increased to 8,121 square feet. The most recent Planning Commission approvals are listed in the attached table. The floor area ratio between the size of the built living space and of the parcel is approximately 0.25 (0.27 including the approved projects). Overall, the floor area ratio requested by the applicant (0.21) appears to be within the limits of the existing residences in the immediate vicinity.

B. Architectural Design

In evaluating the compatibility of the design and the size of the structure with other Indian Hills properties, staff found that the proposed residence design has a more

contemporary design than other existing structures in the area but the two-story design, prevalent in the neighborhood, was selected to minimize the grading. The Architectural Review Panel (ARP) has recommended approval of the design. The applicant has chosen a smooth stucco coating and an off-white color both for the walls and trims. The aluminum clad windows will also be in a similar color. The hip roofs will be clad with a gray, slate-like light concrete tile. The applicant also proposes ornate, wrought handrail, gates and low rail at the base of the window. The same colors and materials will be used for the detached garage. The garage will serve as balcony with hand rail which will be leveled with ascending slope. All retaining walls will be stuccoed, capped and painted to match the residence. Pedestrian access is provided from Laura La Plante Drive and vehicular access from the rear alley.

C. Oak Tree Review

The applicant was required to submit an Oak Tree Report as 27 oak trees were identified on the lot. Four (4) of the trees are Coast Live Oak (*Quercus agrifolia*) and twenty-three (23) are Scrub Oak (*Quercus berberidifolia*). The current proposal would have significant negative impacts on twenty (20) of the oak trees. These trees would be considered removals under the Agoura Hills Oak Tree Preservation Guidelines Section 9657.5. Three trees would have less than twenty-five percent (25%) encroachment within the protected zone and four trees would have no encroachment. The proposed project would require the removal of seventy-four percent (74%) of the oak trees and sixty-nine percent (69%) of the canopy cover on the site based on most current grading plans. The constraints have to do with the topographic slope of the property and the unusual number of oak trees typically found on the parcel. The owner has attempted to design the structure around the trees but could not avoid the impacts based on the proposed development. The project is conditioned to provide a fee to mitigate the loss of the on-site resource in lieu of providing the replacement trees on site. The \$72,520 in-lieu fee would be applied to preserving and enhancing oak habitats elsewhere in the City. The City Oak Tree Consultant, Kay Greeley, has considered the impacts and provides recommendations about the removal and the encroachment and has submitted conditions. The suggested Conditions of Approval are attached to this report.

Hillside properties must be landscaped for slope stability purposes. Once the soil is exposed and new slopes are created, landscaping should be reintroduced. The slopes will need to be planted with a plant material acceptable to the City Landscape Consultant and the irrigation system reviewed in order to eliminate possible impacts to on-site and off-site structures. A conceptual Landscape Plan has been submitted which will have to be reviewed by the City Landscape Consultant and approved by the Director of Planning prior to Building Permit issuance. A Fuel Modification Plan will also have to be provided for coordination with the landscape palette proposal.

D. Engineering

The profile of the lot is such that no flat surface exists along the front property line where the road joins the property line. The steepest area of the lot is found within the first 30 feet as measured from the front property line with 60% slope and the lot descends

progressively from 40 to 20% slope at the rear property line where vehicular access is taken. Since the front property line is below the elevation of the road, a system of retaining walls is required. The applicant proposes a 2:1 fill slope supported by four retaining walls equally spaced between the property line and a flat pad where an entry to the residence is proposed. A walkway and stair case is provided for pedestrian access from the street at the southwest corner of the lot as well as around the perimeter of the structure. The applicant has estimated 400 cubic yards of cut and 900 cubic yards of fill. Such quantities require the review of a Grading Plan along with hydrology and geotechnical studies. The lot elevations are between 595-foot and 521-foot elevation (74 feet differential). The project proposes the above floor to be built at a finished elevation of 572 feet whereas the existing grade average elevation is 565 feet and 562 feet for the lower floor, whereas the existing grade average elevation is 555 feet. The garage is located 50 feet away from the residence, and 25 feet from the rear property line at a relative elevation of 526 feet. The walls of the house and garage are built as retaining walls. Retaining walls are also used for stair cases.

Most of Indian Hills' properties are connected to the public sewer system. The applicant has attempted to get in contact with the property owner of the condominium building below to obtain a sewer easement in order to be able to connect to a main line located on Lewis Road. Such a solution would avoid a sewer pumping system if the sewer line were to connect to the main on Laura La Plante Drive. Since this option is not available, the applicant will be conditioned to undertake the improvements on the Laura La Plante Drive side.

Other than a five-foot wide pedestrian access all around the residence, the Fire Department has not requested additional improvements on the site.

The City's Geotechnical Consultant has reviewed the geotechnical report prepared by Grover Hollingsworth and Associates for this project and recommends that the project be approved at this planning review stage. The applicant will be required to address grading plan corrections prior to grading permit issuance. The letter of approval, dated August 7, 2006 is attached to this report.

G. Environmental Review

The City Environmental Consultant has reviewed the proposed project and finds that the single-family residence is Categorically Exempt from the California Environmental Quality Act, in accordance with Section 15303 and is not subject to a Mitigated Negative Declaration or Environmental Impact Report.

E. Variance Request

The applicant is requesting a Variance from the Zoning Ordinance Section 9607.1 to allow a reduced front yard setback for the proposed project and retaining walls exceeding the maximum height in a front yard area per Section 9606.A.

In order for the Planning Commission to grant approval of the Variance, each of the following five (5) findings must be made pursuant to Section 9676.2.E. of the Zoning Ordinance:

1. Required Finding:

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 RS zone requires a 25-foot front yard setback from the structure to the back of the easement boundary. In a typical situation, parcels have sufficient space to provide setbacks which would accommodate a car length. In this case, the parcel descends steeply from the right-of-way boundary and requires the building footprint to be as close as possible to the base of the slope. This design minimizes import of soil to create a flat pad. The house will be completely below the street elevation preserving the line-of-sight to the eastbound traffic. The applicant proposes to locate the garage in the rear of the parcel where an alley exists to provide vehicular access to the lot. The Variance request is for encroachment of the patio cover into the front yard. Patio covers can encroach into other yard areas but are not allowed in the front yard. The applicant proposes to build the patio cover to add architectural interest to the south elevation and to provide protection to the entry from the element. The patio cover will not limit the use of the front yard area. The footprint of the living space, however, meets the required front yard setback and exceeds it by 1 and 2.5 feet. The topography of the lot requires use of relatively short walls in the front yard which are required for pedestrian safety. Although these walls exceed the height prescribed for a front yard (3.5 feet), they are necessary to provide access to the front door and all around the structure. These walls will not be visible from Laura La Plante Drive as they are below grade. The walls will be concealed by landscaping in order to blend into the natural hillside landscaping as viewed from a distant vantage point to the north. The highest wall proposed (6 feet high) does not exceed the maximum allowable retaining wall height that can be built in the buildable area of the lot.

2. Required Finding:

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The project would be built below the street level, thereby eliminating the impact of the encroachment on the right-of-way and on adjacent parcels. The Variance request would not constitute a special privilege over other properties where the footprint encroachment in the front yard area is commonly found. A very limited number of alternatives are available to property owners to protect life and property from failing slopes. Retaining walls are used to retain soil to provide for reasonable access to the residence.

3. Required Finding:

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. The footprint of the house does not encroach into the front yard area. The patio cover encompasses a surface area of 80 square feet and its length represents 1/3 of the length of the front elevation. The patio cover and front elevation of the house will be completely screened by the descending front yard and is necessary for access to the front entry. The proposed walls are located in the front yard and are required to be of a maximum height of 3.5 feet, whether the walls are above or below the average grade. Since the front yard, by definition, fronts Laura La Plante Drive and the front yard is the steepest area of the parcel, a system of retaining walls is required. The 6-foot height allows for a reduced number of walls. In addition, the proposed new manufactured slope cannot exceed 25 feet in height. By using four, 6-foot high retaining walls, the applicant is able to comply with the requirement and minimize the grading.

4. Required Finding:

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 encroachment of the patio cover is an aesthetic improvement of the structure and provides protection from the weather to the front door. Since the entire structure is below the street, no impact is expected on adjacent residences. The applicant is proposing a retaining wall system that will reinforce the northern side of the one-way street which is more susceptible to erosion. The retaining walls are intended to preserve the safety of pedestrians both owners and visitors.

5. Required Finding:

The granting of the Variance will be consistent with the character of the surrounding area. If placed closer to the center of the property, the patio structure would become more prominent to surrounding properties. The walls merely provide additional safety. The walls will not be visible to the neighboring structures as they are built below grade on the Laura La Plante Drive street side. From a northern vantage point, it is anticipated that most of the walls will not be seen as they are screened by the residence. Space has been provided to install landscaping which will provide an opportunity to grow vine for additional screening.

RECOMMENDATIONS

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 05-CUP-002 and Oak Tree Permit

Case No. 05-OTP-015 and Variance Request Case No. 05-VAR-003, subject to Conditions, based on the findings of the attached Draft Resolutions.

ATTACHMENTS

- ~~Draft Resolution for Conditional Use Permit and Oak Tree Permit~~
- ~~Conditions of Approval for Conditional Use Permit and Oak Tree Permit~~
- ~~Draft Resolution for Variance Request~~
- ~~Conditions of Approval for Variance Request~~
- Exhibit A: Applicant's Burden of Proof
- Exhibit B: Vicinity/Zoning Map
- Exhibit C: Square Footage Analysis Map and Table
- Exhibit D: City Oak Tree Consultant Memorandum
- Exhibit E: Geodynamics Letter of Recommendation
- Exhibit F: Environmental Determination
- Exhibit G: Reduced Copies of the Architectural and Grading Plans
- Exhibit H: Photographs of color and material board

CASE PLANNER: Valerie Darbouze, Associate Planner



**CONDITIONAL USE PERMIT - CASE NO. 05-CUP-002,
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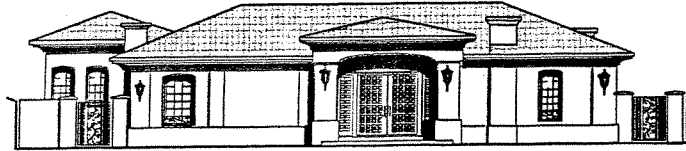
EXHIBIT A

APPLICANT'S BURDEN OF PROOF

The Oak Hill Crest

LAURA LA PLANTE, AGOURA HILLS

05-VAR-003



APN# 2061-016-063/072

PROJECT DESCRIPTION

The projected residence is approximately 3,400 SF and is specifically designed to preserve and accommodate the existing vegetation - particularly the oak trees, so abundant on this lot

The future residence is sitting on approximately 2,500 S.R of land not including the garage level. The entry is from Laura La Plate via a staircase that overcomes the drop of 15 feet from the street, Next to the stairway there is a parking pad, fully inserted in me property line, The set back of the house is dictated by the back side oak tees. The style of the house is a traditional with modern elements. The arched windows bring a classic feel to the style. The exterior has smooth stucco finish, The deck is concrete and so is the front entry court The front will include stamped concrete and hardscape/landscape features like stone "lawn" patches with rock arrangements and shallow planters for perennial color spots.

Due to the fact that the oak trees do not like too much water nor can handle anything built close to the root system, no hardscape has been planned for this part of the properly. The entire entertainment area for the family will be conducted on the deck, especially designed for that purpose. The house is surrounded by a five feet walk way and has access from all four comers by foot.

The house is on two main levels. The upper level is the bedroom level containing a master bedroom suite with walk in closet, fireplace, own foyer (for privacy) and large master bath with whirlpool and magnificent view from the balcony, Across the master bedroom suite are two bedrooms with its own mil baths. One features a balcony - the other- a fireplace, All ceilings of this level are 10 f. high.

A formal staircase takes the resident to the lower level, which consists of a large living room with high ceilings, a formal dining area, large kitchen with breakfast nook, pantry and laundry, wine cellar. The family room has a fire place and is adjacent to me living room separated by French doors. From the family room there is a third bedroom with its own bathroom, which may be used as a study or a media room. The ceilings of the kitchen, the family room are 12f, the study

-10 f high - me living room ceiling is vaulted and vanes from 14 f to 19 f. A large French door opens the view to a terrace, that features water fall grass pads and its own landscaping with plants. Hidden from the immediate view is a n outdoor Jacuzzi with a view of the mountains. The lower level of the deck features aquatic elements - water mirror with waterfall and built in spa. Adjacent to the lower deck is a pool bar .

The garage level consists of three-car garage, a driveway and a roof terrace.

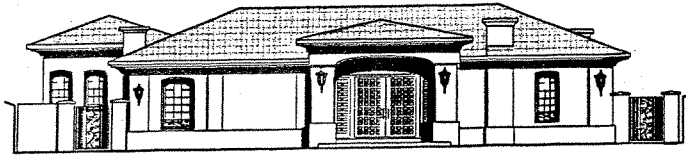
The residence is designed specifically to fit the local landscape, to preserve and accommodate as much as possible all existing vegetation, while providing the potential residents of Agoura Hills a comfortable and modern lifestyle.

Tsvetana Yvanova,

Project Designer

The Oak Hill Crest

05-VAR-003



APN# 2061-016-063/072

Description for Variance Applications

SET BACK VARIANCE

The residence is to be positioned on a slope, which is over 35%. In order to accommodate a comfortable modern residence, suitable for the next 80-100 years, it must be nine feet closer to the city property. On the S-E side of the property. The residence is designed to follow the natural slope and avoid the "cliff hanger effect".

OPEN SPACE COVERAGE VARIANCE

The residence is to be positioned on a slope, which is over 35%. The square footage of the residence is selected for the same reasons as the set back variance – to achieve a modern domicile for decades to come. The increased amount of the deck space is dictated by the steep slope, which does not allow the residents to have an outdoor life, so important for California. The decks will be constructed in such a manner as to protect and not intervene with the root system of any existing trees.

OAK TREE REMOVAL VARIANCE

As we have stated, the residence is designed to preserve as much as possible all existing vegetation. Upon the review and the recommendation of the arborist, some of the shrub oaks are old and in very bad condition, due to the lack of care. We will need to remove (move) two sets of shrub oak, to make space for the deck. We will make sure that we plant new ones wherever possible outside the property. We will make sure that not only the oak trees will be preserved – but some of the non protected species, currently residing on the South – West side of the property.

Sign: Tsvetana Yvanova
Designer/Owner

A handwritten signature in black ink, appearing to read 'Tsvetana Yvanova', written over a horizontal line.

05-VAR-003

VARIANCES
BURDEN OF PROOF FORM

In addition to the information required in the application, the applicant shall substantiate, in writing, the following required findings of fact to the satisfaction of the Director. Please provide detailed answers and use additional sheets of paper, as necessary.

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or 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;
2. That the granting of the Variance 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;
3. 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 the Zoning Ordinance;
4. That 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; and
5. That the granting of the Variance will be consistent with the character of the surrounding area.

A1) THE SQUARE FOOTAGE OF THE PROPOSED SINGLE FAMILY RESIDENCE IS SIMILAR TO NEIGHBOURING PROPERTIES THEREFORE THE ZONING ORDINANCE WOULD BE DISCRIMINARY TO PROPERTY OWNER. ALSO DEKS ARE NEEDED TO CREATE EXTERNK. A2) FOR THE REASON AS A1 ABOVE THIS COULD NEVER BE CONSIDERED A SPECIAL PRIVILEGE. LIVING SPACE

A3) STRICT INTERPRETATION OF THE ZONING ORDINANCE WOULD MAKE THIS PARCEL OF LAND UNBUILDABLE

A4) GRANTING THIS VARIANCE WILL NOT HAVE ANY IMPACT ON PUBLIC HEALTH, SAFETY, WELFARE AND IMPROVE THE VALUE OF ADJACENT PROPERTIES

A5) THE GRANTING OF THE SQUARE FOOTAGE WILL MAKE THE PROPERTY CONSISTANT WITH THE SURROUNDING AREA

05-VAR-003

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4. That 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; and
5. That the granting of the Variance will be consistent with the character of the surrounding area.

B-1 SET BACK - IN ORDER TO HAVE THE IMPROVEMENTS PARALLEL TO THE SIDE LOT LINES AND ENJOY A MORE CONGENIAL FITTING OF THE HOUSE ON THE PROPERTY IT IS DESIRABLE TO HAVE A 14 FT SET BACK ON THE SE CORNER WHICH IS ALMOST INVISIBLE DUE TO THE STEEP SLOPE AT THAT POINT.
B-2) THERE ARE MANY PROPERTIES IN THE VICINITY THAT HAVE LESS THAN 25' SETBACK AND THEREFORE THIS WOULD NOT BE A SPECIAL PRIVILEGE
B-3) STRICT INTERPRETATION OF THE ZONING ORDINANCE WOULD MAKE IT IMPOSSIBLE TO BUILD BETWEEN THE RETAINING WALLS TO THE SOUTH AND OAK TREES TO THE NORTH.
B4) THE SETBACK WILL NOT AFFECT THE PUBLIC HEALTH SAFETY OR WELFARE OR HAVE A NEGATIVE IMPACT ON AESTHETIC VALUES IN THE VICINITY.

B5) ALMOST ALL PROPERTIES ON LAURA LA PLANTE AND SMITH RD HAVE LESS THAN 25' SETBACK AND THEREFORE THIS PROPERTY WILL BE CONSISTENT WITH THE CHARACTER OF SURROUNDING AREA.

05-VAR-003

VARIANCES
BURDEN OF PROOF FORM

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3. 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 the Zoning Ordinance;
4. That 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; and
5. That the granting of the Variance will be consistent with the character of the surrounding area.

C-1) THE TREES SHOWN ON THE OAK TREE REPORT WOULD INDICATE THAT STRICT ADHERANCE WOULD MAKE THE PROPERTY UNBUILDABLE THE PLANS HAVE TAKEN INTO CONSIDERATION THE LOCATION OF TREES AND THEIR CONDITION. ONLY A FEW VERY OLD SHRUB OAKS NEED TO BE REMOVED AND APPLICANT WILL REPLACE SAME IN A BETTER LOCATION ON THE PROPERTY.

C-2) APPLICANT PRESUMES THAT BECAUSE THE AREA IS FULL OF SHRUB OAKS, OTHER PROPERTY OWNERS HAD TO REMOVE SOME SHRUB OAKS IN ORDER TO BUILD A SINGLE FAMILY RESIDENCE.

C-3) ANSWER OR STATEMENT IN C-1 APPLIES HERE TOO.

C-4) BECAUSE THE LANDSCAPING WILL BE IMPROVED AND NEW OAKS PLANTED THE AESTHETIC VALUE WILL ACTUALLY BE ENHANCED.

C-5) THE STATEMENT IN C-2 APPLIES HERE TOO!

SUPPLEMENTAL QUESTIONNAIRE FOR
HILLSIDE AREAS

05-CUP-002
05-VAR-003
05-OTP-015
05-LA-003

Provide a detailed response to each of the following questions:

1. That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazards, in that: THE

STREET IS BEING IMPROVED IN FRONT OF PROPERTY
ENHANCING THE SAFETY OF COMMUNITY RESIDENTS.
SLOPE IS DETERMINED TO BE IN VERY STABLE GEO-
LOGICAL CONDITION AND MOST EXISTING TREES WILL
REMAIN.

2. That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area, in that:

IT IS BUILDING A HOUSE THAT CONTOURS WITH
THE SLOPE AND AVOIDS THE NEED TO REMOVE
MAJOR TREES. IT IS BUILT IN THE OPEN AREA

3. That the proposed project can be provided with essential public services and is consistent with the objectives and policies of the General Plan; in that:

ALL PUBLIC SERVICES, ELECTRIC, WATER, SEWER
AND GAS ARE AVAILABLE.

3. That the proposed development will complement the community character and benefit current and future community residents; in that:

IT PROVIDES AN UPGRADE FROM EXISTING HOMES
THEREBY CONTRIBUTING TO PROPERTY VALUES IN
THE COMMUNITY.



**CONDITIONAL USE PERMIT - CASE NO. 05-CUP-002,
OAK TREE PERMIT - CASE NO. 05-OTP-015
AND
VARIANCE REQUEST - CASE NO. 05-VAR-003**

**FOR THE PROPERTY LOCATED AT
28221 LAURA LA PLANTE DRIVE, AGOURA HILLS**

EXHIBIT B

VICINITY/ZONING MAP

**Conditional Use Permit Case No. 05-CUP-002
Variance Request Case No. 05-VAR-003 and
Oak Tree Permit Case No. 05-OTP-015
(A.P.Ns. 2061-016-063 & 72)**

Vicinity/Zoning Map





**CONDITIONAL USE PERMIT - CASE NO. 05-CUP-002,
OAK TREE PERMIT - CASE NO. 05-OTP-015
AND
VARIANCE REQUEST - CASE NO. 05-VAR-003**

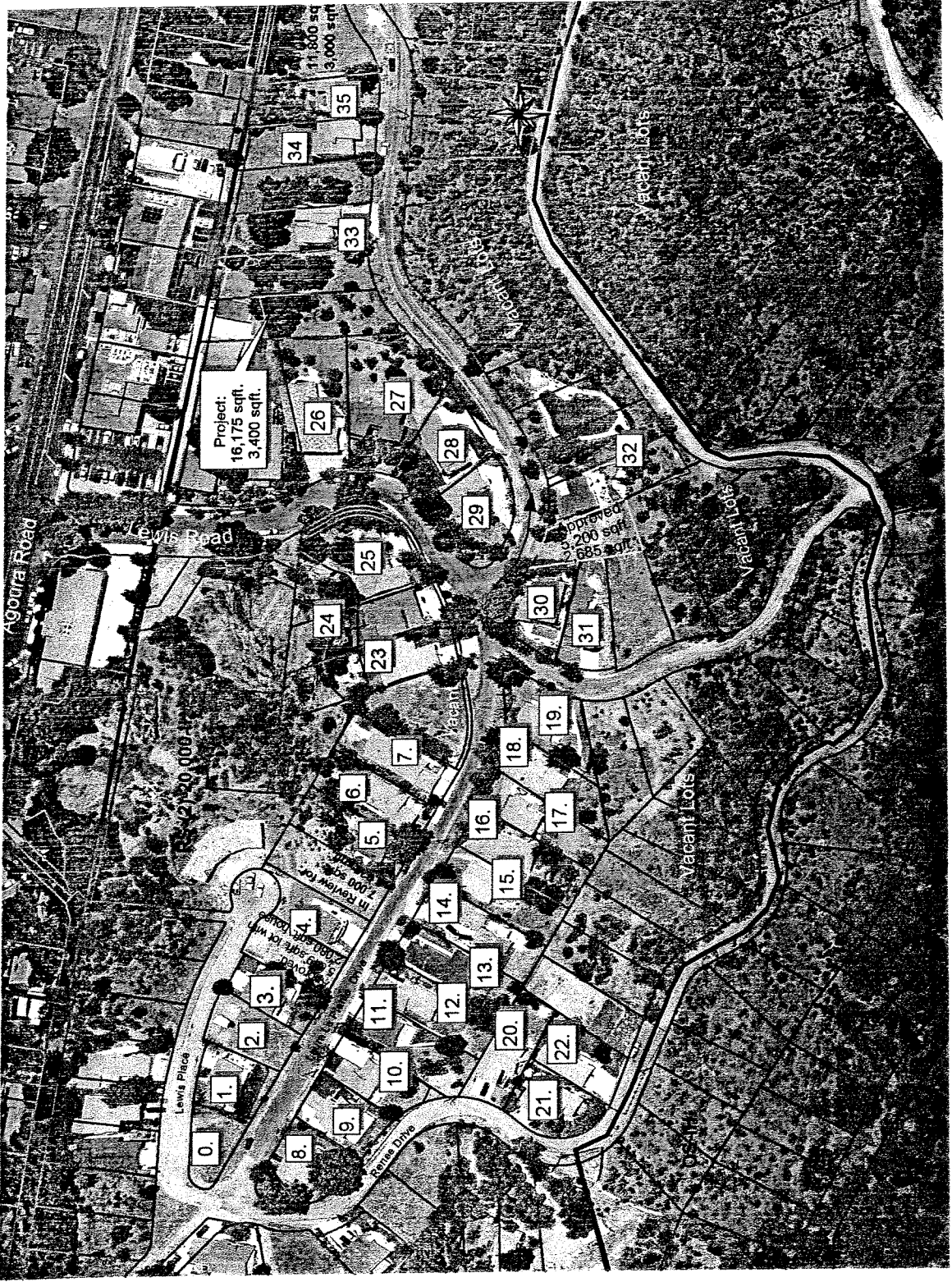
**FOR THE PROPERTY LOCATED AT
28221 LAURA LA PLANTE DRIVE, AGOURA HILLS**

EXHIBIT C

SQUARE FOOTAGE ANALYSIS MAP AND TABLE

**Conditional Use Permit Case No. 05-CUP-002
 Variance Request Case No. 05-VAR-003 and 05-OTP-015
 (A.P.Ns. 2061-016-063 & 72)**

Square Footage Analysis
 Page 1 of 2



Conditional Use Permit Case No. 05-CUP-002
 Oak Tree Permit Case No. 05-OTP-015
 Variance Case No. 05-VAR-003
 (206-022-063 & 072)
 Square Footage Analysis

LEGEND						
ID	APN	Street Name	Land Sqft.	Living Sqft.	Year Built	
Project Site: 206-016-063 & 072						
0	Built	Laura La Plante	16,175	3,400	n/a	
1	Built	Lewis	3,720	1,597	2004	
2	Built	Lewis	5,449	2,252	1989	
3	Built	Lewis	5,423	2,019	2002	
4	Built	Lewis	5,260	1,796	1990	
5	Built	Laura La Plante	5,793	1,804	1993	
6	Built	Laura La Plante	7,000	1,542	1978	
7	Built	Laura La Plante	7,000	1,216	1978	
8	Built	Laura La Plante	7,000	1,880	1978	
9	Built	Laura La Plante	7,820	1,740	1978	
10	Built	Laura La Plante	6,590	1,839	1978	
11	Built	Laura La Plante	6,880	1,777	1985	
12	Built	Laura La Plante	7,970	1,374	1979	
13	Built	Laura La Plante	7,500	1,216	1978	
14	Built	Laura La Plante	7,500	1,536	1980	
15	Built	Laura La Plante	7,500	1,786	1981	
16	Built	Laura La Plante	7,500	1,374	1978	
17	Built	Laura La Plante	7,500	1,418	1978	
18	Built	Laura La Plante	6,743	1,977	1979	
		Laura La Plante	6,900	1,418	1978	

Table Summary:
 With project/built: House Average: 2,032
 With project/built/approved: House Average: 2,096
 With project/built: Lot Average: 8,089
 With project/built/approved: Lot Average: 8,121

LEGEND						
ID	APN	Street Name	Land Sqft.	Living Sqft.	Year Built	
19	Built	Laura La Plante	7,684	1,374	1979	
20	Built	Renee	6,636	2,314	1982	
21	Built	Renee	6,216	2,274	1982	
22	Built	Renee	6,046	2,041	1982	
23	Built	Laura La Plante	7,500	2,475	1989	
24	Built	Laura La Plante	9,470	2,970	1979	
25	Built	Laura La Plante	14,900	1,789	1987	
26	Built	Lewis	10,341	2,498	1988	
27	Built	Lewis	15,303	1,835	1986	
28	Built	Lewis	8,110	2,447	1979	
29	Built	Lewis	7,802	2,236	1979	
30	Built	Laura La Plante	6,370	3,008	1980	
31	Built	Canyon Way	6,226	2,735	1988	
32	Built	Laura La Plante	22,314	3,369	1980/2006	
33	Built	Laura La Plante	8,298	2,372	1979	
34	Built	Laura La Plante	8,058	2,365	1979	
35	Built	Laura La Plante	7,700	2,137	1979	
On Map	Approved	Lewis	5,618	2,080	2005	
On Map	Approved	Laura La Plante	11,800	3,000	2005	
On Map	Approved	Laura La Plante	5,202	2,685	2006	
On Map	Approved	Canyon Way	6,824	2,968	In Plan Check	

FAR: 0.25
 FAR: 0.26



**CONDITIONAL USE PERMIT - CASE NO. 05-CUP-002,
OAK TREE PERMIT - CASE NO. 05-OTP-015
AND
VARIANCE REQUEST - CASE NO. 05-VAR-003**

**FOR THE PROPERTY LOCATED AT
28221 LAURA LA PLANTE DRIVE, AGOURA HILLS**

EXHIBIT D

**CITY LANDSCAPE/OAK TREE CONSULTANT
MEMORANDUM**

Memo

To: Valerie Darbouze, City of Agoura Hills
From: Kay Greeley, Landscape and Oak Tree Consultant
Date: 12/21/06
Re: 05-CUP-002/05-VAR-003/05-OTP-015 – Yvanova, Tvetsana

As requested, I developed recommended conditions of approval for the subject entitlement request. These conditions are based on the plans and documents submitted by the applicant as listed below:

- Grading Plan, as prepared by CC&R Incorporated submitted on October 11, 2006
- Oak Tree Addendum No. 3 prepared by Tree Life Concern, Inc. dated November 17, 2006.

Oak Trees

The Oak Tree Report addresses a total of twenty-seven (27) oak trees. Four (4) of the trees are Coast Live Oak (*Quercus agrifolia*) and twenty-three (23) are Scrub Oak (*Quercus berberidifolia*). The current proposal would have significant negative impacts on twenty (20) oak trees. These trees would be considered removals under the Agoura Hills Oak Tree Preservation Guidelines Section 9657.5. Three trees would have less than twenty-five percent (25%) encroachment within the protected zone and four trees would have no encroachment. The proposed project would require the removal of seventy-four percent (74%) of the oak trees and sixty-nine percent (69%) of the canopy cover on the site based on most current grading plans. Please refer to the attached oak tree impact analysis for further information.

As you know, the preferred mitigation measure for oak tree removals is replanting of nursery-grown oak trees on the same site. In this case, there is not sufficient space to plant any oak trees. In situations such as this, we have established alternative mitigation of an in-lieu fee payment to be placed into the City oak tree mitigation fund.

Therefore, I recommend the following conditions of approval for the project:

Oak Trees

- a. The applicant is permitted to remove Oak Trees Numbers 1, 8, and 10-27 as required to construct the project as approved. Mitigation for the removal of twenty (20) trees for a total of two hundred and twenty inches (220") of trunk diameter shall be in the form of an in-lieu fee paid into the City Oak Tree Mitigation Fund

due to the determination that there is not suitable planting space for onsite mitigation. The fee shall be equivalent to the appraised value of the trees calculated in accordance with the most current edition of the Guide for Landscape Plant Appraisal as published by the International Society of Arboriculture. This fee is estimated at \$72,520.00

2. Paving within the protected zone of the oak trees shall be limited to a pervious surface, to be reviewed and approved by the City Oak Tree Consultant.
3. The applicant is permitted to encroach upon Oak Trees #2 to construct the proposed garage wall footing, a concrete v-ditch and a concrete patio structure.
4. The applicant is permitted to prune Oak Tree #7 for building and fire clearance per the oak tree addendum dated November 17, 2006.
5. The applicant is permitted to encroach on the protected zone of Oak Tree #9 to construct the wood deck around the structure.
6. All other oak trees shall be preserved in place with no direct impacts.
7. Prior to the start of any work or mobilization at the site, each oak tree to be preserved 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 Oak Tree Consultant shall approve the fencing locations.
8. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start of any approved work within the protected zone of an oak tree.
9. 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.
10. 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.
11. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
12. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
13. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree at that time.

14. No pruning of live wood shall be permitted unless specifically authorized by the City Oak Tree Consultant. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
15. No herbicides shall be used within one hundred feet (100') of the dripline of any oak tree unless the program is first reviewed and endorsed by the City Oak Tree Consultant.
16. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

Landscaping

Since the project includes extensive grading on slopes, landscaping will be required for slope stabilization. Recommended conditions of approval are as follows:

17. Prior to the approval of grading 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
18. The Planting Plan shall indicate the botanical name and size of each plant.
19. Plant symbols shall depict the size of the plants at maturity.
20. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
21. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
22. 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.
23. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
- a. Design and static pressures
 - b. Point of connection
 - c. Backflow protection
 - d. Valves, piping, controllers, heads, quick couplers
 - e. Gallon requirements for each valve
24. 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.
25. 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
26. Native, drought resistant plants and jute mesh shall be provided on the graded slopes.
 27. The landscape plans shall utilize plant material consistent with the requirements for Zone 4 of the LA County Forestry and Fire Protection Fuel Modification Guidelines.
 28. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
 29. Proposed plant material may not be considered invasive in the Santa Monica Mountains, as it could negatively impact the adjacent natural area. Lists of exotic material can be obtained from the California Native Plant Society and/or the California Exotic Pest Plant Council.

Please advise if you have any questions at this time.