



**SITE PLAN/ARCHITECTURAL REVIEW
CASE NO. 01-SPR-004 AMENDMENT**

**FOR THE PROPERTY LOCATED AT
5241 COLODNY DRIVE,
AGOURA HILLS**

EXHIBIT C

**NOVEMBER 7, 2002 STAFF REPORT
FOR
SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 01-SPR-004,
OAK TREE PERMIT CASE NO. 02-OTP-002
AND
TRACT MAP 53543**



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: November 7, 2002

APPLICANT: Mike Minder/ Samson Investment Company
4505 Las Virgenes Road
Calabasas, Ca 91302

CASE NO.: 01-SPR-004, 02-OTP-002, and T.T. 53543

LOCATION: 5241 Colodny Dr. (A.P.N. 2055-006-026)

REQUEST: Request for approval of a Site Plan/Architectural Review to develop four separate buildings for a total of nineteen condominiums; request for approval of an Oak Tree Permit to allow encroachment into the protected zone of two Oak Trees during the construction period; and a request for approval of Tentative Tract Map No. 53543 for subdivision of land for condominium purposes.

ENVIRONMENTAL ANALYSIS: Categorically Exempt from CEQA-Section 15332, Class 32: In-Fill Development

RECOMMENDATION: Staff recommends approval of Site Plan Architectural Review Case No. 01-SPR-004, 02-OTP-002, and T.T. 53543, subject to the conditions, based on the findings of the attached draft resolutions.

ZONING DESIGNATION: RH-25-OA-FC (High Density Residential- 25 units per acre- Old Agoura Design Overlay- Freeway Corridor Overlay) Zone.

GENERAL PLAN DESIGNATION: RH (High Density Residential)

I. PROJECT DESCRIPTION

The applicant requests approval of a Site Plan/Architectural Review to develop nineteen (19) townhomes on a vacant lot at 5241 Colodny Drive. The project site is approximately 0.88 acres in size and is located on the west side of Colodny Drive between Canwood Street and Driver Avenue. The proposed project site is situated between an existing townhome development and a commercial office building, with additional town home developments across the street. The lot is a relatively flat rectangular shaped parcel that is located in the High Density Residential (RH), Old Agoura Overlay District (OA), and Freeway Corridor Overlay District (FC) Zone.

A total of four (4) buildings are proposed, with two of the building having footprints of 3,800 square feet and two other buildings having footprints of 5,700 sq. ft. and 4,750 sq. ft. each. All four of the buildings would have two differing unit sizes. One model is 2,490 sq. ft., while the other model unit is slightly larger at 2,575 sq. ft. Each unit has two floors stacked vertically above the partitioned garages/basements. Additionally, each unit has three bedrooms and below each unit is a 400 square foot, two-car garage with a 323 sq. ft. basement/ stairwell room. All of the units have their own interior stairwell and entry into each individual unit is from the garage. The proposed townhouse project is a permitted use in the RH-25-OA-FC Zone and would meet the required development standards, relative to building coverage, height, parking, and density.

The following is a summary of the proposed development relative to the City Code requirements:

Pertinent Data

	<u>Proposed</u>	<u>Required/ Allowed</u>
A. Lot Size	0.88 acres (38,332 sq. ft.)	0.4 acre min. (17,500 sq. ft.)
B. Lot Width	149 ft.	100 ft.
C. Lot Depth	257.50 ft.	100 ft.
D. Bldg. Height	35 feet (2-stories)	35 feet max. or 2-stores, which ever is less.
E. Building Size (per unit)		
1. First Story	855 sq. ft. (11 units) 940.5 sq. ft. (8 units)	N/A

2.	Second Story	912 sq. ft.	N/A
3.	Garage	400 sq. ft.	N/A
4.	Storage/Stairwell	323 sq. ft.	N/A
	Total	2,490 sq. ft. (11 units) 2,575.5 sq. ft. (8 units)	N/A N/A
F. Setbacks			
1.	Front (east)	15 feet 6 feet (projection into front yard)	15 ft. min.
2.	Rear (west)	11.5 feet	10 ft. min.
3.	Right Side (north)	10 feet	7 ft. min.
4.	Left Side (south)	10 feet	7 ft. min.
G.	Lot Coverage	19,003 sq. ft. (49.52%)	19,183. sq. ft. (50%)
H.	No. of Oak Trees	2	N/A
I.	Group Developed Outdoor Open Space	5,700 sq. ft	300 square feet Per unit. (5,700 total)
J.	Parking	2 covered per Unit (19 units), plus .50 Uncovered per Unit (9 spaces) Total:47 spaces	2 covered per Unit, plus .50 Uncovered per Unit (9 spaces) Total:47spaces
K.	Landscaping	34%	15%

II. STAFF ANALYSIS

A. Background

The site was used as a construction yard for a landscape contractor. The site has since been cleared and remains vacant. On August 11, 1999, upon receiving a recommendation from

the Planning Commission, the City Council approved General Plan Amendment Case No. 99-GPA-001 to amend the General Plan Land Use designation for the lot from Commercial-Retail/Service (CG) to High Density Residential (RH). Along with the General Plan Amendment, a Zone Change (Case No.99-ZC-001), was approved to amend the zoning designation of the site from Commercial Retail Service – Freeway Corridor Overlay District – Old Agoura Overlay District (CRS-FC-OA) zone to High Density Residential- 25 units per acre while still remaining in the Old Agoura Overlay and Freeway Corridor Overlay zones. These zoning and General Plan designation amendments allows for the development of a multi-family residential project on this site. The City Council justified the General Plan and Zone Change amendments by finding that the pattern of existing development along Colodny Drive was exclusively comprised of condominium and apartment complexes. Also, the site lacked direct visibility and access to a commercial street. Therefore, the City Council determined that it would be appropriate to designate this lot for residential development.

B. Site Plan and Parking

The buildings are divided by a driveway located in the center of the lot, which provides access to the basement level garages. The front doors of each unit are accessed by a raised walkway that projects over the garages and driveway. The required community recreation areas are located above the garages, between the buildings, and are accessed via a raised walkway. The children's recreation area is located over to the community room and pool area by two bridges located towards the rear of the lot. The required height limit for the RH zone is two stories (floors) or 35-feet, which ever is less. In this case, the garages/basement area is not considered a floor according to the Zoning Ordinance Section No. 9120.6, since it is used as an unfinished flood resistant enclosure, usable solely for the parking of vehicle, building access or storage. The majority of the developments along Colodny Drive are 25 feet in height (one-story living area above the garage level), where as the adjacent townhome project to the north (5249-5263 Colodny Dr.) is 29 feet high and provides one and one-half stories above the garage level. Only one of the multiple-family developments along Colodny Drive has a similar design and scale as the proposed development. That particular apartment complex is located 5250 Colodny Drive and is 35 feet in height, and includes an underground parking level with the first and second floors above the garage area, and a deck with a raised walkway.

The development will comply with the required development standards and parking spaces that are prescribed for this zone. Each of the proposed buildings meet the required setbacks for the zone. The front yard setback as proposed will be 15 feet from the front property line (17 feet from the street curb). However, the outside open stairwell encroaches into the front setback area by 6 feet. Section 9605.7 of the Zoning Ordinance allows open stairways to encroach into the required setbacks by 4 feet. To meet this requirement and avoid the need for consideration of a Variance request, staff recommends that the stairwell be redesigned so that no portion of it is located closer than 11 feet to the front property line. This can be accomplished by providing a 4-foot wide stairwell, which would be compliant with the City's Building Code. The side yard setbacks will provide the minimum setback of 10 feet and the rear yard setback will provide an 11.5 feet. The project has a lot coverage of 49.5%,

which does not exceed the maximum 50% lot coverage for this zone. Also the buildings are spaced relatively closely together, leaving only a 20 foot separation between the structures.

The City's Zoning Ordinance requires condominiums or townhouses to provide two (2) covered spaces plus 0.50 uncovered spaces for guest parking. A two-car garage is provided for each unit and the applicant is providing nine (9) uncovered parking spaces for guest parking of which one (1) of the spaces must be a handicap parking space. A handicap lift will provide access to the first floor from the basement/garage area as is required by the ADA. Three (3) parking spaces are proposed on the south side of the driveway, and 6 spaces are proposed on the north side of the driveway, between the two buildings. The City's Zoning Ordinance also requires that driveways be 20 feet wide when the driveway services two (2) or more dwellings. The proposed site plan meets these requirements for parking and driveway width.

C. Density

The maximum density in the RH-25 zone is 25 units per acre. Based on the project lot being 0.88-acres in size, a maximum of 22 units could be considered. However, the applicant is proposing to develop 19 units, which is equivalent to 21.5 units per acre.

The only townhome development approved by the Planning Commission on Colodny Drive (5276 Colodny Drive) was a four unit townhome development. There was only one other project, an apartment complex, located in the neighborhood on Colodny Drive (5302 Colodny Drive) that was approved by the Planning Commission. The previously approved townhome project had a maximum density allowance of 25 units per acre. With a lot size being 0.25-acres, the applicant of this project could have developed up to 6 units but chose to instead provide greater light, air and open space within the buildings by only developing 4 units. In developing 4 units, the density of the project was 16 units per acre, which is significantly below the allowed density of 25 units per acre.

The other developments fronting along Colodny Drive, between Canwood Drive and Driver Avenue, consist primarily of multi-family residential complexes. Most of these condominium developments were approved by the County of Los Angeles prior to the City's incorporation and, on average, were granted greater density allowances than what the City Zoning Ordinance currently allows. An example of this is seen by examining the densities of the existing condominium projects approved by Los Angeles County:

- 5275 Colodny Drive (0.78 acres): Permitted 21 units and Agoura Hills City Code allows a density of 19 units.
- 5291 Colodny Drive (1.02 acres): Permitted 27 units and Agoura Hills City Code allows a density of 25 units.
- 5321 Colodny Drive (0.33 acres): Permitted 14 units and Agoura Hills City Code allows a density of 8 units.
- 5320 Colodny Drive (0.81 acres): Permitted 18 units and Agoura Hills City Code allows a density of 15 units.

- 28142 Driver Avenue (0.81 acres): Permitted 18 units and Agoura Hills City Code allows a density of 20 units.
- 5249-5263 Colodny Drive (1.86 acres): Permitted 46 units and Agoura Hills City Code allows a density of 46 units.

The Planning Commission is being asked to determine if the proposed density of this proposed townhome project is appropriate for the site.

D. Architectural Review

The property is located within two overlay districts, the Old Agoura Design Overlay and the Freeway Corridor Overlay. The intent of the Old Agoura Design Overlay is to preserve the semi-rural character of the community by promoting the natural environment through the use of natural materials and earth tone colors in the building design. The Freeway Corridor's design guidelines are intended to promote the City's image as viewed from the freeway. Therefore, it is important to ensure that the goals of The Old Agoura and Freeway Corridor Overlay Zone are reflected in the design of this condominium development.

The building elevation from the front will visually resemble two and a half stories. The majority of the garage elevation is below finished grade. The exposed portions of the garages facing Colodny Drive, will be covered in stone veneer .

The proposed condominiums' exterior building materials consist of a taupe colored stucco building walls, gray stucco balconies, window trim and second-story dormer elements, brown colored awnings, and dark brown railing along the exterior stairwell and second-story raised walkways. Salmon and dark gray colored doors and mauve colored concrete tile roofs are also proposed. Multi-colored river stone wainscot extending the length of the front elevation and extending down to the first floor basement area, around the driveway entry. A total of four chimneys are proposed along the west and eastern elevations and are also clad in a river rock veneer. A stairwell along the front (east elevation) will be stuccoed in a taupe color. A full roof is proposed with a building height of 35 feet which meets the 35-foot height requirement for this zone. Skylights, which are rectangular in shape, are inlayed into center portion of the roof element above the interior stairwells.

The Architectural Review Panel (ARP) reviewed the proposed 19 unit condominium development and made recommendations they felt would enhance the overall character of the project for increased compatibility with the Old Agoura Overlay Zone. The ARP recommended that a 20-foot wide enhanced entryway paving strip be added at the driveway entrance, the pool area and children's play area. In response, the applicant has proposed the use of mauve colored stamp concrete matching the color of the concrete roof tile. The ARP also recommended that the building design incorporate stone to take on a more rural design characteristic in keeping with the surrounding area. The applicant has proposed that the chimneys, front elevation basement area and first-story and second story tower elements be clad in a river rock stone veneer. The ARP had recommended that a stained wood corbel treatment be added to the front and rear elevation balconies (east and west elevations). The

applicant has provided a wood colored stain corbel underneath the balconies and under all second-story dormers.

Overall the ARP agreed with the changes and was in favor of the building design. However, they also recommended additional changes to improve the overall design of the building in order to provide a rural motif in keeping with the Old Agoura Overlay District. The applicant chose not to incorporate these changes. The following are ARP's recommendations: 1) Replace the use of stucco material with a wood siding material to give the building a warmer appearance and provide a country rural motif to the design of the building, 2) Replace the solid pane windows with multi-pane windows, and 3) The skylights should be reduced in overall size and interior walls around the skylights be expanded providing additional refraction of light into the stairwell, while at the same reduce the visual appearance of the sky lites within the roof element.

E. Soils and Geology

The existing site's natural grade varies from a 915-foot elevation at the front portion of the lot to a 925-foot elevation at the rear of the parcel. The overall project within the basement and garage area will have a finished floor elevation of 910.75 feet above sea level. Thus, excavation from 5 to 10 feet below existing grade levels will be required to achieve the proposed pad elevations.

The City Geotechnical Consultant has reviewed the geotechnical report prepared by RJR Engineering Group, Inc. for this project and recommends that the project be approved from a geotechnical perspective at this stage. The applicant would be required to obtain final clearance from the City's Geotechnical Consultant prior to issuance of a Grading Permit or Building Permit.

F. Tentative Tract Map

The subject property is currently a single-owned vacant parcel. The applicant is proposing to record a tract map for condominium purposes with an easement to be dedicated for fire lane and sewer line access. Tentative Tract Map No. 53545 has been reviewed by the City Engineer and has been found acceptable. His conditions of approval are included in the draft resolution regarding the recording of the final map. The purposed subdivision meets the density requirements specified in the Zoning Ordinance and General Plan Land Use Element.

G. Landscape and Oak Trees

The applicant has submitted a preliminary landscaping plan that has been reviewed by the City Landscape/Oak Tree consultant. The landscape plan has been preliminarily approved. The final landscape plans will need to be reviewed by the City Consultant and approved by the Planning and Community Development Director prior to the issuance of the Building Permits. Additionally, the applicant's landscape consultant has agreed to work with the City's Landscape consultant to enhance the children's play area to include additional

equipment and landscaping better suited for children. This has been included as a condition of approval.

There are two oak trees on the property. One is located in the north-west corner of the lot, and the other located within the front south-east corner. Both will be preserved. The tree in the north-west corner of the lot will be encroached upon during construction, but will need to be pruned to allow for construction of the foundation walls. The other oak tree will also be temporarily impacted by grading encroachment within the protected zone. Staff recommends the applicant be required to provide two additional oak trees along the front of the lot in order to mitigate any long term impacts to the existing oak trees. The City's Landscape Consultant has reviewed and approved the submitted oak tree report and has provided conditions of approval to protect the tree during construction.

H. Group Useable Developed Outdoor Open Space

Section 9273.7 of the City's Zoning Ordinance requires that developments in the RH Zone provide 300 square feet of group usable, outdoor recreational open space per dwelling unit. A total of 5,700 square feet of group useable open spaces is required for this project (19 dwelling units x 300 sq. ft. = 5,700 sq. ft.). The project meets this requirement by providing 3,540 square foot community pool and spa area, 675 square foot community room and 2,095 square feet of children's play area, which totals 6,310 square feet. As previously mentioned this open space area is located above the basement/garage floor level. The tenants may access these community recreation areas by way of a raised common walkway. The applicant has broken up the linear massing of the buildings by providing the community recreation areas on either side of the lot in the middle of the two sets of buildings. The applicant is providing a lawn area within the children's play area. A condition has been added to allow the City's Landscape consultant to work with the applicant's landscape consultant to provide additional amenities such as seating areas and other children's activity equipment. In addition, each unit has a private patio of approximately 266 square feet. Private patios are not required by code, but they do provide each unit with private open space. Technically, however, only the pool, community room and children's play areas qualifies as usable group open space.

I. Inclusionary Housing

Section No. 9133.2, states that residential developments with more than 10 units must set aside 15 percent of all units as affordable units which are available to low and middle income households. Three (3) units would need to be set aside as affordable housing units for this development. However, the Zoning Ordinance gives the Planning Commission the discretion over whether to allow the requirement to also be satisfied by providing low to middle income units off-site or by allowing an in-lieu fee to be paid by the applicant. If the provision of providing affordable housing units on-site is determined by the Planning Commission to be economically infeasible, the Zoning Ordinance states that the preference is to provide the low-income units off-site, rather than allowing the developer

to pay an in-lieu fee. The applicant must provide justification as to why three units could not be provided on-site. The applicant has indicated verbally that he would like to pay the in-lieu fee and has not yet provided any written justification for why the units can not be provided on-site.

J. Parkland Dedication and Fees (Quimby Fees)

As is required for all residential subdivisions in the City, the applicant is required to dedicate land to the City, pay a fee to the City in lieu thereof, or a combination of both, for park and recreation purposes. Since no land is being offered by the applicant for dedication, the applicant will be required to pay the fee required by Municipal Code Section 10800. This fee is based in part on the assessed value of the property, the number of approved units and size of the lots.

K. Environmental

Staff has determined the project to be Categorical Exempt from the California Environment Quality Act in accordance with the adopted City of Agoura Hills CEQA Guidelines [Section 204 (ff) and Section 15332 of the State CEQA Guidelines] and that the preparation of a Negative Declaration or Environmental Impact Report is not required. The project is consistent with the provisions contained within Class 32: In-Fill Development Projects and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan polices as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as a habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project has been deemed by City staff to be consistent and complies with applicable General Plan designations, and all applicable General Plan policies including applicable zoning designations and regulations. The development will not result in any impacts to natural or cultural resources. The project area is relatively small (under one acre), is situated in a developed sub-urban area and will not result in damage to or destruction of riparian resources or rare, endangered, or special interest species. The project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can and will be served by all required utilities and public services. Therefore, this project is Categorical Exempt form CEQA.

III. FINDINGS

The Zoning Ordinance states that in order for the Planning Commission to approve this project, the Planning Commission must be able to make the specific findings for approval. The project as proposed, meets the minimum development requirements for the RH Zone, Old Agoura, and Freeway Corridor Overlays. The Commission may use its discretionary authority to require more than minimal Code requirements. If the Planning Commission finds that the project as conditioned is appropriate for the site, location, topography, etc., the appropriate findings for approval of the Site Plan/Architectural Review, Oak Tree Permit, and Tentative Tract Map have been prepared for Planning Commission consideration. These are included in the attached Draft Resolutions.

IV. RECOMMENDATION

Based on the foregoing review and analysis, it is recommended that the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 01-SPR-004, Oak Tree Permit 02-OTP-002, and Tentative Tract Map No. 53543, subject to the Conditions listed in the attached Draft Resolutions.

VI. ATTACHMENTS

- Draft Resolutions of Approval
- Draft Conditions of Approval
- Architectural Review Panel Letters
- Old Agoura Homeowner's Association Initial Letter
- Categorical Exemption
- Letter from Bing Yen and Associates
- Oak Tree and Landscape Conditions from Kay Greeley
- Reduced photocopies of plans
- Vicinity Map

Case Planner: Erika Bernath, Associate Planner

DRAFT RESOLUTION NO. ____
A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING
SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 01-SPR-004 AND OAK TREE PERMIT
CASE NO. 02-OTP-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 Mike Minder/Samson Investment Company with respect to the property located at 5241 Colodny Drive (Assessor's Parcel Number 2055-006-026), requesting approval of Site Plan/Architectural Review Case No. 01-SPR-004, to allow the development of four (4) separate buildings for a total of nineteen (19) condominiums. The applicant is also requesting approval of an Oak Tree Permit (Case No. 02-OTP-002) to encroach upon the protected zone of two Oak Trees during construction period. A public hearing was duly held on November 7, 2002, at 6:30 p.m. in the Council Chambers at City Hall, 30001 Ladyface Court, Agoura Hills, California; and that notice of time, date and place and purpose of the aforesaid was duly given.

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

Section III. Pursuant to Section 9677.5 of the Agoura Hills Zoning Ordinance, the Planning Commission finds 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. Townhome uses are permitted in the High Density Residential, Freeway Corridor Overlay, and Old Agoura Overlay Zones. The proposed buildings will meet all the minimum yard requirements for the RH (High Density Residential) Zone, thereby preserving light, air, privacy and open space for surrounding properties. Also, the project meets the height and lot coverage requirements as specified in the City Zoning Ordinance.

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. Access to the site would be taken off of Colodny Drive. The placement of the four buildings, two being adjacent to the street and the other two located in the north-west and south-west portions of the property, will preserve the light, air and privacy of the surrounding properties and, in turn, will protect the general welfare of the neighboring community. The project will comply with the current building standards and regulations.

C. The proposed use, as conditioned, will not conflict with the character and design of the buildings and open space in the surrounding area. The building design and materials, which include stone veneer and wood corbels, will be compatible with the rural theme of the Old Agoura Overlay District and will upgrade the appearance of the surrounding neighborhood.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. The project complies with the provisions of the High Density Residential District-Freeway Corridor Overlay District-Old Agoura Overlay District zone in regards to use, parking, lot coverage, building height, setbacks and proposed building materials.

E. The proposed use, as conditioned, is consistent with Policy No. 2.1 of the General Plan Community Design Element in the City's General Plan. The design and proposed use of natural materials and colors is consistent with the Old Agoura Overlay Zone through the use of stone and wood corbels.

F. The proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed townhouse development use is consistent with existing townhouse development uses on the street. The project, as conditioned, is compatible with the City's semi-rural character. The proposed buildings meet the height and lot coverage requirements of the zoning code.

Section IV. The Planning Commission finds the proposed townhouse development to be an in fill development that is exempt from the requirements of the California Environmental Quality Act, per Section 15332 (Class 32).

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 01-SPR-004 and Oak Tree Permit Case No. 02-OTP-002 subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 7th day of October, 2002 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

William D. Koehler, Chairperson

ATTEST:

Mike Kamino, Secretary

CONDITIONS OF APPROVAL (CASE NO. 01-SPR-004 AND 02-OTP-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 this letter, 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 labeled exhibits reviewed and approved by the Planning Commission on November 7, 2002: Site Plan; Elevations; Floor Plan; Roof Plan; Grading Plan; and Landscape 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 failed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific Zoning of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan. Further, all Conditions of approval of Tentative Tract Map No. 53543 are conditions of this approval.
8. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If over-head utilities 66 KV or larger exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.
10. Prior to the issuance of Building Permits or Grading Permits, the applicant shall pay the Arterial System Fee at the rate in effect at time of Building Permit issuance.
11. The applicant shall provide any necessary dedication and full street improvements as required by the City Engineer.

Draft Conditions of Approval

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12. If required, the applicant shall provide road markers opposite the existing or proposed fire hydrants serving the property to the satisfaction of the City Engineer.
13. Nine (9) guest parking spaces shall be provided on the subject property per the approved site plan. All parking spaces shall be pinstriped, in conformance with the City Parking Ordinance.
14. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
15. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
16. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
17. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 01-SPR-004 and 02-OTP-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
18. The applicant shall provide a paved all-weather access from the parking area to the street, as required by the City Engineer.
19. Prior to the issuance of Grading Permits or Building Permits, the applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$0.34/gross square footage for commercial/industrial construction. Actual fees will be determined at the time of building permit issuance.
20. 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 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.
21. All proposed trash storage areas must comply with the requirements of Zoning Ordinance Section 9606.5.
22. No Roof-top equipment shall be permitted. All ground mounted equipment shall be screened and landscaped to comply with the requirements the Zoning Ordinance.

23. The applicant shall pay to the City the applicable Fire District Developer Fee prior to issuance of Building Permits. Actual fees will be determined at the time of building permit issuance.

PUBLIC WORKS' CONDITIONS:

General

24. All improvement plans, including, but not limited to, grading and drainage, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.
25. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.
26. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.
27. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.
28. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.
29. All block walls and retaining walls shall be limited to six feet in height.
30. Prior to issuance of a grading permit, the applicant shall have a condominium tract map prepared, accepted by the City and recorded at the Los Angeles County Recorders Office.

Grading

31. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.

32. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.
33. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
34. All off-site work shall require written permission from the affected property owner prior to beginning said work.
35. No additional loads shall be placed on the adjacent existing walls unless the applicant's engineer provides structural calculations certifying the structural integrity of the walls.

Drainage

36. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.
37. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner. The applicant shall obtain a Los Angeles County Flood Control District permit prior to any work within the Chesebro Canyon Creek channel.
38. Prior to the issuance of a grading permit, the applicant shall submit a Standard Urban Storm Water Mitigation Plan (SUSWMP) for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles that shall be subject to approval by the City Engineer. This will require treatment of the first 0.75 inches of surface runoff during a rainstorm.
39. The SUSWMP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in storm water discharges from the construction site during the construction period and after construction as required.

Streets/Traffic

40. The applicant shall pay the Arterial Street System Development Fee specified in the City of Agoura Hills Municipal Code. The estimated fee of \$46,360 is based on 19 residential units. Actual fees will be determined at the time of building permit issuance.
41. Colodny Drive is a newly resurfaced street. Any utility cuts into Colodny Drive will require trench repair and slurry seal over the street in accordance with the City Engineer direction. The slurry seal shall be a Type II and will include the full width of Colodny Street along the entire project frontage.
42. The applicant shall design and construct a commercial driveway in accordance with City standards. The driveway width shall be a minimum of 25 feet and have radius returns. The applicant shall construct handicap ramps and sidewalks along the project frontage to accommodate pedestrian use.

Utilities

43. A water line lateral exists to this property. The applicant shall provide evidence that all water line connection fees have been paid to Las Virgenes Municipal Water District (LVMWD) prior to issuance of a building permit.
44. A sewer line lateral exists to this property. The applicant shall provide evidence that all sewer connection fees have been paid to LVMWD prior to issuance of a building permit.
45. All utility connections that require trenching within the public right-of-way will necessitate the applicant to obtain an encroachment permit prior to start of work.

GEOTECHNICAL CONDITIONS

46. The name, address, and phone number of the Consultant and a list of all the applicable geotechnical reports shall be included on the building/grading plans.
47. All manufactured slopes shall have a gradient of 2(h):1(v), or flatter.
48. The following note must appear on the grading and foundation plans: *"Tests shall be performed prior to pouring footings and slabs to determine the expansion index of the supporting soils. Foundation and slab plans should be revised as necessary"*.
49. A notation should be included on the grading and foundation plans that states, *"Excavations shall be made in compliance with CAL/OSHA Regulations"*.
50. Foundation plans and foundation details should clearly depict the embedment material and minimum depth of embedment for the foundations.
51. The following note should appear on the foundation plans: *"All foundation excavations must be observed and approved by the Project Engineering Geologist and/or Project Geotechnical Engineer prior to placement of reinforcing steel"*.

52. A comprehensive site drainage plan incorporating the Project Geotechnical Consultant's recommendations should be included in the plans. Please depict all area drains and outlets, subdrainage systems, and surface non-erosive drainage devices on the plan.
53. Foundation setback distances from descending slopes should comply with the City of Agoura Hills requirements. Please clearly depict the required minimum foundation setback distances on the foundation plans, as applicable.
54. Following completion of grading, an as-graded geotechnical report documenting grading and fill placement should be prepared by the Consultant and submitted to the City for review. The report should include the results of all density and in grading expansion index tests, and a map indicating the limits of grading, locations of all density tests, removal area locations and bottom elevations, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and detailed mapping of geologic conditions exposed during grading.
55. The horizontal and vertical limits of the proposed overexcavation areas should be depicted on the grading plans.
56. The final set of grading, drainage, shoring, and foundation plans for the proposed residence should be reviewed, approved, and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer. All of the Geotechnical Consultant's recommendations should be incorporated into the plans. The plans should be submitted to the City for review by the Building Official.

SPECIAL CONDITIONS

Landscaping Conditions and Oak Tree

57. Unless otherwise approved or required below, the final landscape plans shall be essentially the same as the preliminary plans dated August 14, 2002.
58. 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.
59. Plant symbols shall depict the size of the plants at maturity.
60. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
61. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
62. 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.

63. 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. Gallonage requirements for each valve
64. 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.
65. 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
66. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in
67. Design of the children's play area shall be further enhanced to create a functional, pleasant and interesting environment for children and their caretakers. Amenities may include trellises, a fountain, seating, and play equipment. The City Landscape Consultant and the Director shall approve the final design.
68. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
69. 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.
70. The applicant is permitted to encroach within the protected zone of Oak Tree Numbers 1 and 2, as shown on the approved Grading Plan.

71. The final Grading Plan shall be reviewed and approved by the City Oak Tree Consultant prior to issuance of any grading permits.
72. To mitigate potential adverse impacts to the subject oak trees, the landscape plans shall include two (2) fifteen (15) gallon size oak trees within the front planting area.
73. Prior to the start of any work within the protected zone of any oak tree, the applicant shall provide at least forty-eight (48) hours notice to the City Oak Tree Consultant and to the applicant's oak tree consultant.
74. To the extent feasible, the oak trees shall be fenced in accordance with the Oak Tree Preservation and Protection Guidelines. The fencing shall be installed prior to the start of any site work and the City Oak Tree Consultant shall approve the fencing installation. The fencing shall remain in place until the City Oak Tree Consultant authorizes removal.
75. All work within the protected zone of the oak trees shall be completed with hand tools only, under the direct supervision of the applicant's oak tree consultant.
76. The oak tree in the northwest corner may be pruned as needed to accommodate the approved structure. The pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning shall be performed in strict accordance with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
77. All oak trees shall be mulched within their dripline with three inches (3") of organic mulch, acceptable to the City Oak Tree Consultant.
78. Following completion of construction, the applicant's oak tree consultant shall submit a final certification, describing all impacts to the oak trees and whether work was performed in accordance with the above conditions.

Lighting Conditions

79. The applicant shall provide exterior lighting fixture details and a photometric plan for review and approval by the Director of Planning and Community Development, prior to submittal of the plans into plan check. All exterior lighting fixtures shall not exceed sixteen feet in height, including the base. All exterior lighting fixtures shall be decorative in design and shall be architecturally compatible with the building design and shall be directed downward so as not to produce glare onto adjacent parcels or roadways. The light source shall not exceed 250 watts and the photometric plan shall show compliance in the light sources not exceeding one (1) foot-candle of illumination at the property lines. No roof-mounted lighting is permitted.

Architectural Conditions

80. All screen walls, garden walls, and retaining walls shall consist of split-face block material with a decorative block cap, subject to approval by the Director of Planning and Community Development.
81. All retaining, screen and garden walls shall not exceed a maximum height of six feet.
82. On-site decorative paving shall be provided at the driveway entrance serving the site and in the center portion of the driveway as shown on the approved site plan. The interlocking pavers shall be earthtone in color, subject to approval by the Director of Planning and Community Development.
83. The applicant shall comply with the recommendations of the City Geotechnical Consultant and the City Geological Consultant prior to submittal of plans for plan check with the Building and Safety Department.
84. 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.
85. Applicant shall submit a copy of the Conditions, Covenants, and Restrictions (CC&R's) for the Homeowner's Association for review and approval by the Director of Planning and Community Development. The CC&R's shall contain among other things, the provisions for the maintenance of the common landscaped areas and the building's exteriors.
86. The applicant shall redesign the stairwell which is projecting more than 4 feet into front yard setback. No portion of the stairwell structure shall be closer than 11 feet to the front property line, subject to approval by the Director of Planning and Community Development.
87. In accordance with Municipal Code Section 9133.2, at least 15 percent of all units shall be made available to low and middle income households. Payment of in-lieu fees or the provision of providing the low and middle income units off-site shall be subject to approval by the Planning Commission.

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