



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

ACTION DATE: February 15, 2007

APPLICANT: Marc Leichter for Rhomboid, LLC
Post Office Box 6620
Beverly Hills, CA 90212

CASE NO.: 01-SPR-004 Amendment

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

REQUEST: A request to amend a previously approved Site Plan/Architectural Review permit which allowed the construction of a 19-unit condominium complex. The proposal includes revisions to the site plan, building elevation plans, and landscape plans.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA

RECOMMENDATION: Staff recommends approval of the revisions to the Site Plan/Architectural Review Case No. 01-SPR-004, subject to the attached, Draft Resolution and conditions.

ZONING DESIGNATION: RH-25-0A-FC (High Density Residential – 25 units per acre – Old Agoura Design and Freeway Corridor Overlays) Zone

GENERAL PLAN DESIGNATION: RH (High Density Residential)

BACKGROUND AND PROJECT DESCRIPTION

The applicant, Marc Leichter representing the Rhomboid Company is requesting the approval of various revisions to an approved Site Plan/Architectural Review application (Case No. 01-SPR-004). The Planning Commission approved the project in November of 2002 to allow the construction of a 19-unit residential condominium complex at 5241

Colodny Drive. The complex is one of the last multi-family residential projects on that street. The parcel is zoned High Density Residential (RH) and is within the Old Agoura Design Overlay (OA) and Freeway Corridor Overlay District (FC). This rectangular parcel is an in-fill development, adjacent to an existing residential condominium building to the north and a commercial condominium building to the south. The project includes four buildings connected by hanging walkways and recreational areas. The buildings are two-stories including the garage floor; vehicles take access from Colodny Drive.

Prior to the construction, the original applicant sold the property to Rhomboid, LLC, represented by Marc Leichter, who undertook the construction to its current state. The construction is nearly completed; however several components of the project do not comply with the plans as reviewed and approved by the Planning Commission.

STAFF ANALYSIS

The project was approved with the requirement that several amenities be provided to ensure a high quality design including strategically placed landscaping that inspired the name of the project "The Arbors". A number of changes were made by the applicant due requirements of other departments, such as the Los Angeles County Fire District and the City Building and Safety Department, or were made by the builder in the field without the approval by the Planning Department. When taken in totality, these changes deviate significantly from what the Planning Commission approved in 2002. The applicant now is requesting that the Planning Commission consider alternative design solutions that would meet the City's design expectations.

Planning Review:

The applicant has hired a different architect in an attempt to find a remedy to the lack of the previously approved features. The Planning Commission's original approval of the project was done with the understanding that the design would go above and beyond the minimum requirements established by the Zoning Ordinance, including the incorporation of the following design features:

- Arbors with landscaping connecting the second story walkways were intended to provide shade over the driveway and to create a garden like atmosphere throughout the project. The arbors were deleted due to the Fire Department requirements;
- The handrails along interior walkways were designed out of masonry to accommodate planters to supplement the arbors. These handrails are now wrought iron without planters;
- The staircase on the east elevation of the south building (facing the street) was to be built with a masonry structure to accommodate planters and hide the steps. The staircase is now open with wrought iron rails supported by a single metal pole.

- The use of stone veneer was strategically placed to reduce the mass of the building as seen from the street. The placement of stone is different from what was originally approved;
- The elevation of the building pad was such that it limited the amount of stairs throughout the project. The pad elevation was raised due to grading reasons;
- The last pathway connecting the north walkway to the south walkway was covered with an arbor constructed with heavy lumber and masonry columns. The existing arbor at that location is constructed with wood but without masonry;
- Landscape planters were provided along the north and south property line on the interior of the private patio area to improve the quality of the individual outdoor space. The landscape planters are now located on the exterior of the walls;
- A recreational area was also required by the Zoning Ordinance and was intended to provide amenities for children as well as for the adults. The spa has been eliminated and the children play equipment in the grass area has been eliminated as well; and
- A landscaped lawn area was incorporated in both recreational areas located above the garage between the buildings. The landscape areas have been reduced in size.

Gary Heathcote, the applicant's new architect has worked closely with staff in developing a proposal to compensate for these on-site deficiencies. Generally, improvements are proposed to enhance the streetscape by revising the staircase design with stone cladding, adding window awnings and significantly upgrading the landscaping; building elevations are enhanced through strategic use of paint colors; use of additional landscape materials to help soften the appearance from the outside; and improving the common recreation areas. Specific changes are illustrated in the architect's *Condominium Remodel Project* report which is included as Exhibit A. The following is a summary of the changes.

Colors:

The new architect proposes a color palette that addresses the current monochromatic look of the building. The exhibit shows where the architect recommends applying each tone. The colors are used to accentuate the architectural features and reduce the mass of the buildings. Essentially, the color treatment will accentuate window trims, corbels, columns, walkways sub-floor and will also be added to the front elevation of each unit to simulate a wainscot.

New Construction:

The new architect, in an effort to balance the quality of the building style with the necessary amenities such as handrails, stair cases, support columns, window trims and patio cover, proposes the following:

- The handrails will be capped with larger steel molding and additional wrought iron details will be added and painted the same color as existing.

- The stair case on the east elevation (street side) would be screened with a new wall clad with the same stone veneer as is on all facades of both buildings. The staircase handrail will also be treated similarly to the walkway handrails throughout. In addition, the staircase will be screened to hide the open treads. This feature will help integrate the stair case into the building architecture without adding excessive mass to the east elevation. The mail boxes will be relocated to face the façade instead of the street. Along with the stone-veneered wall, the metal pole supporting the walkway will be encased in a masonry square column and clad with the same stone veneer from top to bottom.
- To reduce the imposing appearance of the retaining wall at the northeast corner of the north building, the architect has proposed to build a 2 to 3-foot high landscape planter which would be designed to wrap around the building. This planter will create a stepping effect to visually shorten the tall wall as viewed from the street and will provide an additional area for landscaping.
- The cluster of windows on the first floor facing Colodny Drive will be enhanced with fabric awnings. The specifications of the color have not been provided but are expected to match the color shown on the exhibit.
- The white vinyl privacy fence on the perimeter of the project will be painted to match one of the brown colors and overlaid with a trellis to allow the plant material to grow from the landscape planter below to the top of the fence. This will help soften the appearance of the fence.
- The patio cover above the walkway connecting the north building to the south building will be rebuilt with heavier timber and painted using one of the proposed colors.

Landscaping/Irrigation:

The City Oak Tree/Landscape Consultant has provided an analysis of the changes between the original approval and the existing conditions. Below is a comparative table which itemizes the disparities.

Item #	Required	Existing Conditions
1	Interior planter boxes on rails	Changed to small, non-irrigated pots with annual color
2	Planting buffer on south property line	Omitted
3	Public space amenities	Deferred to homeowners by way of the CC&Rs
4	Trellis structures	Most omitted; downgraded materials
5	Trellis planting	Omitted
6	Planting buffer on north property line	Moved to outside of patio areas
7	Planting buffer in pool area	Omitted
8	Pots in pool area	Reduced to small pots; not irrigated
9	Oak tree at rear	Removed with permit approved by the Planning Director; fee mitigation, replacement req. remains
10	Oak tree at front	Heavily impacted; in fill soil; replacement required
11	Plant palette	Substantively modified

As a result of a requirement by the Los Angeles County Fire District and the Building and Safety Department's requirement for handicap access, a secondary emergency access had to be provided. In order to provide the required width for the path of travel, the applicant eliminated the landscape planter in the back of each unit along the north side of the property and relocated it on the outside of the privacy wall. These changes along with the change in grade have resulted in the perimeter landscape function to be for the sake of screening the perimeter fencing rather than for the original purpose of providing canopy coverage for the individual rear yard patios. The changes were approved administratively in order to comply with the public health and safety requirements.

With regard to the removal of arbors over the driveway, the Los Angeles County Fire Department requested that the structures not be built in order to protect life during a fire emergency. The applicant has also elected not to install masonry planters along the interior walkways as previously proposed. The new architect has stated that interior masonry planters can become maintenance problems and instead has proposed to use enhanced railings as a substitute.

Overall, existing conditions represent approximately one third of the original approval and the current landscape condition does not reflect the intended landscape project envisioned for the site.

To address the reduction in landscape area and given the limited areas to provide more landscaping, the new architect has proposed a concept to significantly enhance the street scape and soften the appearance of the perimeter fences through the use of trellises on the fences and planting materials. In addition, the northeast corner of the building facing the street will have a stepped planter to reduce the building mass at that corner. A condition of approval is included which requires the submittal of a complete landscape plan for approval by the Director of Planning and Community Development to adequately demonstrate the proposed landscape concept changes. Any required oak tree mitigation must also be incorporated into the plans.

Outdoor Activity Areas:

The applicant has deferred developing the outdoor activity area until such time the units are all sold as indicated in the recorded CC&Rs. In order for the Planning Department to allow occupancy of the unit, a bond will need to be collected to guarantee that the amenities are installed. The owner and/or representatives intend to select the type of outdoor improvements based on the preferences of the new owners of each unit.

Engineering Department:

The applicant is required, per the approved conditions for the project, to underground existing overhead utility lines along the property frontage. The applicant has the option to undertake the work or post a bond equal to the amount of the project cost. This is an administrative matter that will be dealt with by staff. Also when the project was approved, a requirement to slurry seal the street was incorporated in the conditions of approval. The condition is longer necessary since the work would be conducted after the 5-year moratorium to reseal any trenching performed in the street. Repairs will be

required to comply with City Standards and according to the latest edition of the *Greenbook Standards Specification for Public Works Construction*.

RECOMMENDATION

Staff recommends approval of Site Plan/Architectural Review Case No. 01-SPR-004 Amendment, subject to the findings in the attached Resolution and recommended Conditions of Approval, only if the applicant's proposed improvements are implemented.

ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Color Rendering of the Proposed Changes
- Exhibit B: Photographs of the Site
- 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
- Exhibit D: City Oak Tree/Landscape Consultant Memorandum
- Exhibit E: November 7, 2002 Planning Commission Meeting Minutes
- Exhibit F: Approved Resolution Nos. 716 and 717 and Conditions of Approval
- Exhibit G: Vicinity/Zoning Map

CASE PLANNER: Valerie Darbouze, 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 AMENDMENT

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

Section 1. An application was duly filed by Marc Leichter for Rhomboid, LLC with respect to the real property located at 5241 Colodny Drive, Assessor's Parcel Number 2055-006-026, requesting the approval of an amendment to the Site Plan/Architectural Review Case No. 01-SPR-004 to allow revisions to the site plan, building elevations and landscape plan to an already constructed residential condominium project. A public meeting was duly held on February 15, 2007, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

- A. The proposed revisions, as conditioned, are consistent with the objectives of this Zoning Ordinance and the purposes of the district in which the use is located. The project is a 19-unit residential condominium project located in the Residential High Density zone and the Old Agoura Design Overlay district, which provides general design standards for residential developments. The proposed revisions meet minimum development standards related to density, lot coverage, setbacks, height, on-site parking and circulation.
- B. The proposed revisions, as conditioned, are compatible with the surrounding properties. The residential density has not changed and the project with the proposed revisions will contribute to the enhancement of the existing high density projects on the same street. The proposed colors, the stone veneer and proposed architectural features will meet the intent of the original approval and will be in keeping with the neighborhood and meet the requirements of the Old Agoura Design Overlay District.
- C. The proposed revisions and the conditions under which the project will be implemented or maintained will not be detrimental to the public health, safety or welfare in that the proposed use will ensure adequate light, air and privacy, and open space to surrounding properties. The new design features will not impact future property owners as well as those of the commercial project to the south and the residential owners to the north as they are all contained on the property and will not impact parking and obstruct circulation to either building as all minimum setbacks are maintained. The design of the drainage system and the newly proposed irrigation system will continue to function as an integral part of the project.

- D. The proposed revisions, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance in that the project is consistent with the development standards of the Residential High Density and the Old Agoura Design Overlay District including front yard setback, lot coverage.
- E. The proposed revisions as conditioned, do not conflict with the character with the surrounding area and will create a desirable environment for current and future occupants by providing visible landscaping. The project will not modify accessibility to its lot and adjacent lots as originally approved by the Planning Commission. The proposed changes will not reduce separation between the building and offsite buildings so as to impacts privacy.
- F. The proposed revisions as conditioned, are consistent with the goals, objectives and policies of the General Plan in that the proposed changes will result in compliance with Goal No. 1, of the Community Design Element which calls for an efficient relationship between activities and land uses and preservation of a high quality residential neighborhood.

Section 4. The project is a request to incorporate new, exterior architectural features, compensate for a reduced landscaping coverage and revise amenities on the site and is exempt from the California Environmental Quality Act (CEQA), per Section 15301 and therefore, does not require adoption of an environmental impact report or negative declaration.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 01-SPR-004 Amendment, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 15th day of February 2007, by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Rishoff, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL (CASE NO. 01-SPR-004 Amendment)

STANDARD CONDITIONS

1. This decision for approval of the Site Plan/Architectural Review Amendment application, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the approved plans reviewed and approved by the Planning Commission on February 15, 2007.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. The applicant or property owner shall obtain a Building Permit from the Department of Building and Safety prior to the construction of the proposed exterior physical improvements.
7. All Conditions of Approval in Resolution Nos. 716 and 717, except as modified herein, are valid and shall remain valid for the life of the project. The Conditions of Approval in Resolution No. 716 are amended as follows:

“PUBLIC WORKS CONDITIONS

Street/Traffic

41. ~~Colodny Drive is a newly resurface 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.~~

PLANNING DEPARTMENT CONDITIONS

Oak Tree/Landscape Conditions

- ~~57. Unless otherwise approved or required below, the final landscape plans shall be essentially the same as the preliminary plans dated August 14, 2002.~~

The original oak tree/landscape conditions no. 58 through 69, 72, 73, 75, 77 and 78 shall remain valid for the life of the project in addition to the new conditions specified below:

- 78A. Submit a revised landscape plan, to be prepared by the project landscape architect that addresses the following:
1. Installation of two (2) fifteen gallon size oak trees per the original conditions approval.
 2. Replacement of the damaged Valley Oak tree with a forty-eight inch (48") box size Valley Oak Tree.
 3. Re-design of the front landscape to create a cohesive design that incorporates the required oak trees and a new raised planter on the northerly side of the front planting area.
 4. Upgraded plant sizes are to be incorporated into the front planting area.
 5. Specification of substantial pots with appropriate plant material designed to soften and enhance the pool area.

Conditions 70, 71, 74 and 76 are deleted as shown below:

- ~~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.~~
- ~~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 Oak Tree Consultant authorizes removal.~~
- ~~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.~~

Special Conditions

88. The applicant shall provide architectural construction plans reflecting and incorporating the changes as shown in the document entitled *Condominium*

Remodel Project which was presented to the Planning Commission on 2/15/07 and included as Exhibit A of the Planning Commission staff report dated 2/15/07. Said construction plans are subject to review and approval by the Planning Department and Building and Safety Department.

89. The applicant shall submit architectural construction plans and landscape plans within one (1) month of the date of the approval (February 15, 2007) and complete the work within three months of the issuance of building permits and obtain a certificate of occupancy for these improvements. A time extension may be granted by Director of Planning and Community Development for at his discretion.
90. Colors and materials shall be in accordance to the color exhibits in the Condominium Remodel Project report submitted and reviewed by the Planning Commission on February 15, 2007.
91. The applicant shall submit documentation to show the longevity of the method used to apply color to the vinyl fencing.
92. The awnings shall be maintained in good conditions in perpetuity. Replacement shall be subject to approval by the Director of Planning and Community Development.”

END