



DATE: FEBRUARY 15, 2007

TO: PLANNING COMMISSIONERS

FROM: PLANNING STAFF

SUBJECT: CONDITIONAL USE PERMIT CASE NO. 05-CUP-012,
VARIANCE REQUEST CASE NO. 05-VAR-003 AND OAK
TREE PERMIT CASE NO. 05-OTP-015 (CONTINUED FROM
THE JANUARY 4, 2007)

APPLICANT: LAURA LA PLANTE, LLC

PROJECT DESCRIPTION AND BACKGROUND

On January 4, 2007, the Planning Commission reviewed a Conditional Use Permit (Case No. 05-CUP-002) to construct a 3,400 square-foot residence and a 580 square-foot, free-standing, three-car garage on a vacant property located at 28221 Laura La Plante Drive. The applicant also requested approval of a Variance to allow the construction of a patio cover in the front yard and the construction of retaining walls in excess of 3.5 feet in the front yard (05-VAR-003). In addition, the applicant requested an Oak Tree Permit to remove up to 20 oak trees and encroach in the protected zone of up to 3 oak trees (Case No. 05-OTP-015).

The Planning Commission continued the public hearing and requested the applicant revise the project to address the following issues:

1. The considerable impacts to the on-site oak tree resource caused by the proposed residence (footprint of the primary structure, the staircases, the deck and the garage);
2. The encroachment of the proposed patio cover in the front yard;
3. The impact of the house as viewed from the 101 Freeway; and
4. The view preservation of adjacent properties.

To address the Planning Commission's comments, the applicant proposes the following design changes:

- Moving the residence to the west by an average of 4 feet, resulting in a eastern side yard of 27.9 feet and a western side yard of 11.2 feet;

- Reducing the size of the proposed residence by 25 square feet and moving the front patio cover closer to the facade;
- Reducing the size of the rear deck by approximately 16%; and
- Revising the location and orientation of the exterior staircases;

STAFF ANALYSIS

Site Plan and Design:

The Planning Commission identified the rear deck, access between the detached garage and the house and the access around the footprint of the residence as contributing to the proposed oak tree impacts. The applicant considers the rear deck a necessary design feature of the project. Her reason for wanting to keep the deck is to provide direct access to a useable rear yard since the finished pad elevation of the lower floor of the house is considerably higher than the average grade of the rear yard. The applicant proposes to move the entire house and the attached deck further to the south (closer to the street) and west in order to alleviate some of the impacts to the trees caused by the deck in addition to reducing the surface area of the deck by approximately 16%.

This new design results in the encroachment of the house in the front yard area by 2 feet for a 23-foot setback from the front property line. The minimum front yard established by the Zoning Ordinance in the RS-20,000 zone is 25 feet. This change resulted in changing the scope of the Variance request. Since the Planning Commission, at the last public hearing on January 4, 2007, considered only the location of a patio cover in the front yard, a new Variance was requested. The Variance was publicly noticed to incorporate the proposed revisions to the project.

In regard to the patio cover encroachment, the setback is maintained at 19 feet. In order to maintain the setback since the footprint of the house was moved forward, the applicant has reduced the area of the patio cover. The projection beyond the front elevation would be reduced to 2 feet and the entry way was recessed reducing the square footage of the house by 25 square feet.

In moving the house the way it is proposed, the applicant's intentions were to further preserve the view of the property to the east by providing greater separation between buildings thereby opening up the view as seen from the neighbor's bedroom window. The eastern side yard was increased from 24 to 27.9 feet and the western side yard was reduced to 13.7 from 15 feet, which allows for more than 30 feet of separation between the proposed house and the house near the eastern property line and 50 feet to the house near the western property line. The side yards dimensions have changed but are still within the minimum requirements established for the zone.

The design changes have not impacted the remaining development standards (i.e. lot coverage and height) and the grading plan, with the exception of the change in the front yard setback.

In addition to the findings for the Variance, the Planning Commission must decide whether the proposed changes address the last concern raised at the January 4th, 2007 meeting regarding the prominence of the structure as viewed from the freeway. Based on

the revised plans, it is staff's opinion that the preserved oak trees in the rear of the parcel will grow to screen the support of the deck thereby reducing the visibility of the structure from the freeway. Other contributing factors to reducing the impacts include splitting up the exterior staircases which will shorten the support posts. This approach in conjunction with muted color tones will help integrating the house into the hillside. In addition, the roof line remains below the street which meets the recommended design described in the City Architectural Design Guidelines and Hillside Development standards.

Under the Conditional Use Permit process however, the Planning Commission has discretion to evaluate the qualitative aspects of the project based and whether the revisions address the concerns raised at the January 4th, 2007 meeting including minimizing the prominence of the development as viewed from the freeway. An alternative may be to consider a change of colors for greater compatibility.

Oak Tree:

The applicant revised the site plan to reduce direct construction impacts to the oak trees. The City Oak Tree Consultant requested that the Los Angeles County Fire District be consulted to determine if more removal would be required based on a preliminary plan. Since the information was not provided by the applicant, staff contacted the Fire District to obtain an initial opinion as to additional direct impacts that would occur in association with the fuel modification requirement. The Fire District stated that any scrub oaks within 20 feet of a structure may need to be removed. A final determination cannot be made until the applicant prepares and submits landscape plans for detailed review, which can be processed by staff prior to Grading Permit issuance.

The City Oak Tree Consultant has analyzed the new proposal and confirms that 1 out of 20 trees proposed for removal can be saved, one additional tree will be encroached upon for a total 4, and 4 trees will need to be pruned. The in-lieu fee required as mitigation to the loss of the oak tree resource remains but the amount has considerably been reduced. The results of the City Oak Tree Consultant are summarized in a table attached to this report.

Based on the proposed redesign, the Engineering Department does not require additional off-site improvements and no additional environmental review is required at this time.

VARIANCE REQUEST

The applicant is requesting a Variance from the Zoning Ordinance Section 9243.3.D, 9605.8 and 9606.2.A 9607.1 to allow a reduced front yard setback for the residence footprint and the encroachment of a patio cover and retaining walls in excess of 3.5 foot high in a front yard area.

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. Staff's analysis of each finding is given below.

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 right-of-way. The Variance request is for the encroachment of the residence's footprint and patio cover into the front yard. In a typical situation, parcels located in the Indian Hills residential neighborhood are able to provide enough space between the right-of-way and the front elevation to accommodate the length of a car. In this case, the parcel descends steeply from the street and no vehicular access is possible other than a staircase thereby eliminating the opportunity for the required setback. A garage will be provided however, somewhere else on the property. In consideration for the existing oak trees in the rear of the property and to minimize the cut and fill of soil quantities, the applicant proposes to move the footprint closer to the base of the steeper portion of the parcel. The house will be completely below the street elevation preserving the line-of-sight to the eastbound traffic. Shorter front yards have been approved in the Indian Hills residential neighborhood because of the steep terrain. The same request is submitted for the patio cover. 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 or further impede access to the house. The patio cover is merely an extension of the roof overhang with support columns built close to the front walls. The useable area is created by a recessed entry way.

The topography of the lot requires use of 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 steep topography requires a greater infrastructure than commonly found in other residential areas in the City. The encroachment of both the footprint and the patio cover is justifiable in that the massing of the structure is not increased. 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 applicant meets the maximum height required for the upper floor of a residence when built on a descending slope whether above or below the street elevation.

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 Grading Plan has taken into consideration the retention of the slope, the drainage and staying out of the City's right-of-way. 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.

The Los Angeles County development requirement under which some of the neighboring structures have been approved and the City's development standards have resulted in a variety of building design, height, lot coverage and setbacks in the neighborhood. The steep terrain north and south of Laura La Plante Drive has dictated a variety of design in relation to the right-of-way as well.

The walls merely provide additional pedestrian 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. Enough space has been provided between the walls to install landscaping which will provide an opportunity to grow vine for additional screening. The applicant, by moving the footprint, does not elevate the pad of the upper level thereby preserving privacy to adjacent residences.

RECOMMENDATION

If it is the Planning Commission's desire to approve the project, a Draft Resolution with Conditions of Approval is attached to this report.

Attachments

- Draft Resolution and Conditions of Approval for the Conditional Use Permit and Variance
- Exhibit A: New Reduced Exhibits
- Exhibit B: City Oak Tree/Landscape Consultant Oak Tree Impact Analysis
- Exhibit C: January 4, 2007 Meeting Staff Report
- Exhibit D: January 4, 2007 Meeting Minutes
- Exhibit E: Full Size Previously Proposed Project Plans
 - Full Size Newly Proposed Project Plans
 - Applicant's Reduced, Revised Oak Tree Impact Analysis

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 05-CUP-002 AND
OAK TREE PERMIT CASE NO. 05-OTP-015

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

Section 1. An application was duly filed by Laura La Plante, LLC with respect to the real property located on the 28221 Laura La Plante Drive, Assessor's Parcel Numbers 2061-016-063 and 072, requesting the approval of a Conditional Use Permit Case No. 05-CUP-002 to allow the development of a 3,375 square-foot, two-story single-family residence and a 580 square-foot, attached three-car garage and the approval of an Oak Tree Permit Case No. 05-OTP-015 to remove 19 oak trees and to encroach in the protected zone of 4 other oak trees. A public hearing was duly held on January 4, and 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 use as conditioned, is consistent with the objectives of this article and the purposes of the district in which the use is located. The proposed project is located within the Residential Single-Family (RS) zone and the Indian Hills Design Overlay District, which provides general design standards for residential developments. All minimum development standards have been met with regard to lot coverage, rear yard building setbacks, height and architectural guidelines.
- B. The proposed use as conditioned, is compatible with the surrounding properties. The project will contribute to the aesthetic value of the neighborhood as a whole. The proposed building style of architecture and building materials, which include stucco and concrete tiles, are compatible with the neighborhood and meet the requirements of the Indian Hills Design Overlay District. This in-fill lot is compatible with the average size of the developed residential lots in the Indian Hills area.
- C. The proposed use and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare. The distance provided between the on and off-site structures would be between 28 and 90 feet. The project will be served by the public sewer system and the improvements will be built per the Building Code requirements. Geological,

geotechnical, drainage studies and landscape plans have been provided and approved by the City Consultants.

- D. The proposed use as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances. The project complies with the rear and side yard setback distances, the maximum height requirement, the lot coverage and on-site parking and access.
- E. The proposed use as conditioned, will maintain the diversity of the community by its terraced design and architectural details. The design is enhanced by wrought iron fencing and hand rail and finished with earth tone colors. The hardscape includes concrete and wood surfaces. The proposed house on the lot will not impact view-sheds of these properties.
- F. The proposed use as conditioned, is consistent with the goals, objectives and policies of the General Plan Community Design Element. The single-family residence will serve an understandable and efficient relationship between its purpose and the properties within the RS zone.
- G. The in-fill development is detached from any valuable open space resource. The lot has an unusually large cluster of 27 oak trees and despite the removal of the on-site resource, the proposed mitigation measures satisfy the Oak Tree Preservation Ordinance and the City's Oak Tree/Landscape Consultant's requirements.

Section 4. The project is a request for one, single-family residence and is exempt from the California Environmental Quality Act (CEQA), per Section 15303 and does not require adoption of an environmental impact report or negative declaration.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 05-CUP-002 and Oak Tree Permit Case No. 05-OTP-015, 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 Nos. 05-CUP-002 & 05-OTP-015)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, and Grading Plan.
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. Unless this permit is used within two (2) years from the date of City approval, Case No. 05-CUP-002 and 05-OTP-015 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
8. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
9. The applicant shall install a dual water system if recommended by the Las Virgenes Municipal Water District.
10. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
11. All utilities existing and proposed shall be placed underground. If over-head utilities 66KV 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.

12. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
13. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
14. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. Plans for the required system shall be approved by the Fire Department prior to the issuance of Building Permits for the residence.
15. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
16. 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 of Planning and Community Development.
17. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. At this time, the required school impact fee is \$2.63 per square foot.
18. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$ 0.7876 per square foot of new floor area.
19. The applicant shall pay the General Plan Update Recovery fee of \$0.00141 per \$1 of building valuation (\$1.41/\$1000).
20. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.

ENGINEERING CONDITIONS

General:

21. All improvement plans, including, but not limited to, street, grading/drainage, sewer, storm drain, and striping/signage plans, 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.

22. 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.
23. A soils report shall be prepared and submitted in accordance with the Agoura Hills Guidelines for geotechnical/geological reports.
24. The applicant shall obtain and pay all costs of acquiring any off-site real property and/or easements required in connection with this project prior to issuance of a grading permit.
25. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Engineering Division prior to issuance of the final Certificate of occupancy.
26. All block walls and retaining walls shall be limited to six feet in height.
27. A title report is required to be submitted with the project plans. The plans shall show all proposed and existing easements.
28. Prior to issuance of grading permit, applicant shall submit cost estimates of public improvements to the City Engineer for approval, signed and stamped by State Licensed Civil Engineer.
29. The developer/owner shall pay all applicable fees and deposits prior to issuances of the grading permit, building permit, and certificate of occupancy.

Grading:

30. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code, as modified. Cut and fill slopes shall be limited to 25 feet in height.
31. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show proposed utilities, existing and proposed easements, stormwater facilities. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports.
32. 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. Prior to approval of foundation by Building & Safety Department, applicant shall submit a grading report as outlined in Section 3304.20 of the City's Municipal Code. Report information shall include, but is not limited to, building pad and grade certifications. All certifications must be signed and stamped by State-licensed professionals.
34. For any grading operations conducted between October 1 and April 15 of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.

Drainage:

35. Prior to issuance of a grading permit, the applicant shall submit a drainage study 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 the Los Angeles County Department of Public Works (LACDPW).
36. Prior to issuance of a grading permit, the applicant shall prepare a Standard Urban Stormwater Mitigation Plan (SUSMP), as outlined in the Development Planning Model Program for Stormwater Management within the County of Los Angeles, subject to approval by the City Engineer. The plan will demonstrate treatment of the first ¼" of rainfall, as required by the Model Program.
37. A Best Management Practice (BMP) Covenant and Deed Restriction shall be prepared and recorded with the Los Angeles County Recorder's Office by the applicant prior to issuance of a Certificate of Occupancy.
38. Drainage improvements on private property shall be continually maintained, repaired and replaced by the property owner(s).

Traffic and Roadway:

39. The applicant shall provide for identified street improvements along the project frontage of Laura La Plante Drive. Street improvements shall include pavement, curb, gutter, slope and landscaping. The street improvement plan shall be prepared by a State Registered Civil Engineer and shall be reviewed and approved by the City Engineer.
40. Based upon the Site Plan and the City of Agoura Hills Municipal Code, the project's Traffic Impact Fee (TIF) will be approximately \$2,440.

Utilities:

41. Water facilities shall be designed and constructed by the applicant in accordance with the standards of Las Virgenes Municipal Water District (LVMWD).

42. Sewer forced main shall be designed and constructed by the applicant in accordance with the standards of Las Virgenes Municipal Water District (LVMWD).
43. The applicant shall provide evidence that all sewer and water connection fees have been paid prior to issuance of a building permit.
44. The applicant shall submit evidence from the Los Angeles County Fire Department for approval of location and spacing of fire hydrants prior to issuance of a building permit.

GEOTECHNICAL CONDITONS

45. Prior to the issuance of a Grading Permit, the applicant shall comply with all of GeoDynamics, Inc. (the City of Agoura Hills' Geotechnical Consultant) Conditions of Approval provided in a letter dated August 7, 2006.

LANDSCAPE/OAK TREE CONDITIONS

Oak Trees:

46. The applicant is permitted to remove Oak Trees Numbers 7 through 24 and 27 as required to construct the project as approved. Mitigation for the removal of nineteen (19) 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 to the City Oak Tree Mitigation Fund due to the determination that there is not suitable planting space for an on-site mitigation. The fee shall be equivalent to the appraised value of the trees calculated in accordance with the most current edition of the Guide of Landscape Plant Appraisal as published by the International Society of Arboriculture. This fee is established at \$30,700.00.
47. If the County of Los Angeles Fire Department determines that some of the Scrub Oak trees within twenty feet (20') of the structure may be retained, the required fee will be reduced in accordance with the appraisal for tree(s) permitted to remain.
48. The applicant is permitted to encroach upon Oak Tree Numbers 1,2,25 and 26 to construct the proposed garage wall footing, a concrete v-ditch and a concrete patio structure.
49. The applicant is permitted to prune Oak Tree Numbers 1 through 6, 25, and 26 for building and fire clearance.
50. 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.
51. 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.

52. 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.
53. 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.
54. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
55. 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.
56. Within ten (10) calendar days of the completion of the work and prior to the 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.
57. 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.
58. 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.
59. The project oak tree consultant shall submit certification letter 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:

60. 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 third inches (30") by forty-two (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
 - Street, street names, right-of-ways, easements, driveways, walkways, bicycle paths and an other paved areas
 - Buildings and Structures
 - Parking areas, including lighting, striping and wheel stops
 - General contour lines
 - Grading areas, including tops and toes of slope
 - Utilities, including street lighting and fire hydrants
 - Natural features, including watercourses, rock outcroppings.
61. The Planting Plan shall indicate the botanical name and size of each plant.
 62. Plant symbols shall depict the size of the plants at maturity.
 63. Plant containers sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
 64. The irrigation Plan shall be provided separate fro but utilizing the same format as the Planting Plan.
 65. The irrigation design shall provide adequate coverage and sufficient water for the continued healthy grow of all proposed plantings with a minimum of waste and over spay on adjoining areas.
 66. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size demand, radius and location of the following, as appropriate:
 - i. Design and static pressures
 - ii. Point of connection
 - iii. Back flow protection
 - iv. Valves, piping, controllers, heads, quick couplers
 - v. Gallon requirements for each valve
 67. Three (3) copies of details and specification shall be provided, addressing but not limited to, planting, soil preparation maintenance.
 68. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:

- vi. Site Plan
 - vii. Elevations
 - viii. Grading Plan
 - ix. Conditions of Approval
69. Native, drought resistant plants, and jute mesh shall be provided on the graded slopes.
70. The landscape plans shall utilize plant material consistent with the requirements for Zone 4 of the Los Angeles County Forestry and Fire Protection Fuel Modification Guidelines.
71. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.

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 Pet Plant Council

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

72. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
73. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.

74. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

SPECIAL CONDITIONS

75. All proposed retaining walls and garden walls shall not exceed 6 feet in height and shall consist of split-faced block or other decorative materials subject to review and approval by the Director of Planning and Community Development.
76. The paving of the driveway shall consist of stamped and colored concrete or pavers subject to the review and approval of the Director of Planning and Community Development.
77. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
78. Construction activity shall occur only within the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday per Section 4100 of the Municipal Code. No construction shall occur on Sundays or Holidays.
79. No temporary living is permitted on the property unless approved by a Temporary Use Permit. A Temporary Use Permit may be issued upon issuance of Building Permits.
80. A minimum of two (2) enclosed parking spaces shall be provided on the subject property, in conformance with the City Parking Ordinance. A minimum interior clear space of 20 feet by 20 feet must be maintained within the garage.
81. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
82. The applicant shall provide a minimum setback of 25 feet between the structure used to house vehicles and the rear of the property line.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING VARIANCE NO. 05-VAR-003

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

Section I. An application was duly filed by Laura La Plante, LLC with respect to the real property located on the 28221 Laura La Plante Drive, Assessor's Parcel Numbers 2061-016-063 and 072, requesting the approval of a Variance from Zoning Ordinance Sections 9243.3.D, 9605.8 and 9606.2.A. to locate the residence and patio cover 23 feet and 19 feet respectively from the front property line; and to construct retaining walls in excess of 3.5 feet in height in the front yard area. The request for the Variance was filed in conjunction with an application for a Conditional Use Permit (Case No. 05-CUP-002) for the development of a 3,375 square-foot, two-story single-family residence, a 580 square-foot, attached garage on a 16,175 square-foot lot. A public hearing was duly held on January 4 and February 15, 2007, 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 hearings.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance regarding the variance requests described in Section I, that:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

The RS zone requires a 25-foot front yard setback from the structure to the right-of-way. The Variance request is for the encroachment of the residence's footprint and patio cover into the front yard. In a typical situation, parcels located in the Indian Hills residential neighborhood are able to provide enough space between the right-of-way and the front elevation to accommodate the length of a car. In this case, the parcel descends steeply from the street and no vehicular access is possible thereby eliminating the opportunity for the required setback. A garage will be provided however, somewhere else on the property. In consideration for the existing oak trees in the rear of the property and to minimize the cut and fill of soil quantities, the applicant proposes to move the footprint as close as possible to the base of the steeper portion of the parcel. The house will be completely below the street elevation preserving the line-of-sight to the eastbound traffic. Shorter front yards have been approved in the Indian Hills residential neighborhood because of the steep terrain. The same request is submitted for the patio cover. 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 patio cover is merely an extension of the roof overhang with columns built close to the front walls. The useable area is created by a recessed entry way.

The topography of the lot requires use of 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.

- B. 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.

- C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

The steep topography requires a greater infrastructure than commonly found in other residential areas in the City. The encroachment of both the footprint and the patio cover is justifiable in that the massing of the structure is not increased. 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 applicant meets the maximum height required for the upper floor of a residence when built on a descending slope whether above or below the street elevation.

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.

- D. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

The 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 Grading Plan has taken into consideration the retention of the slope, the drainage and staying out of the City's right-of-way. The retaining walls are intended to preserve the safety of pedestrians both owners and visitors.

- E. The granting of the Variance will be consistent with the character of the surrounding area.

The Los Angeles County development requirement under which some of the neighboring structures have been approved and the City's development standards have resulted in a variety of building design, height, lot coverage and setbacks in the neighborhood. The steep terrain north and south of Laura La Plante Drive has dictated a variety of design in relation to the right-of-way as well.

The walls merely provide additional pedestrian 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. Enough space has been provided between the walls to install landscaping which will provide an opportunity to grow vine for additional screening. The applicant, by moving the footprint, does not elevate the pad of the upper level thereby preserving privacy to adjacent residences.

Section IV. Based on the aforementioned findings in Section III the Planning Commission hereby approves Variance Case No. 05-VAR-003.

PASSED, APPROVED, and ADOPTED on 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. 05-VAR-003)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits (Site Plan; Elevation Plans; Floor Plans, Roof Plan, and Grading Plan) approved on February 15^h, 2007.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless the approval is used within two (2) years from the date of City approval, Case No. 05-VAR-003 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. 05-VAR-003 is valid only in conjunction with Conditional Use Permit Case No. 05-CUP-002 and Oak Tree Permit Case No. 05-OTP-015 and the approved Conditions of approval therein.

END