



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: September 4, 2008

APPLICANT: Agoura TNT LLC/Terry Gray
5936 Fairview Place
Agoura Hills, CA 91301

TO: Planning Commission

CASE NOS.: 06-CUP-005 and 06-OTP-008 (Amendment)

LOCATION: 6160 Fairview Place
(A.P.N. 2055-023-109)

REQUEST: Request for approval of a Conditional Use Permit and Oak Tree Permit Amendment for changes to the approved grading plan and associated changes to the landscape plan.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve the Amendments to Conditional Use Permit Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008, subject to conditions, based on the findings of the attached draft Resolution.

ZONING DESIGNATION: RV-OA (Very Low Density Residential – Old Agoura Design Overlay)

GENERAL PLAN DESIGNATION: RV – (Very Low Density Residential)

I. PROJECT BACKGROUND AND DESCRIPTION

The applicant has completed construction of a two-story, single-family residence in the RV (Very Low Density Residential) zone of Old Agoura. The 5,623 square-foot residence

with a 956 square-foot attached garage was constructed on a 1.01-acre parcel located at 6160 Fairview Place, pursuant to approval of Conditional Use Permit Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008. During construction, the site was inspected by City staff for the purposes of verifying compliance with the plans approved by the Planning Commission. It was observed that the project deviated from the approved plans. Specifically, the following items were constructed in deviation of the approved plans:

1. The stacked retaining walls originally approved behind the house at the toe of the south/southeast slope were eliminated. The two wall system was replaced with a single retaining wall design, positioned further back from the house and decreased in length. The relocated rear retaining wall meets the maximum 6 feet height requirements of the zone. As a result of the rear retaining wall being relocated, has created an approximate 875 square feet of new, flat triangular-shaped yard area between the house and retained slope.
2. The original design of the entry stairway located at the front of the house which paralleled the street has been located further back from the house approximately 6 feet and realigned to lead directly to the street.
3. The front retaining wall around the existing Oak tree in the front yard has been moved closer toward the house and lengthening of the wall by approximately 20 feet to accommodate the revised stairway design. The retaining wall provides less encroachment into the protected zone of the Oak tree and meets the maximum 6 foot height requirement. Additional landscaping is proposed to be planted in front of the retaining wall that will soften the view of the retaining wall.
4. The three planter walls (3 feet high) have been eliminated from the front of the site, resulting in a reduction in the amount of grading and export of soil.
5. The two pilasters originally approved on the sides of the driveway have been moved to parallel the street and a third pilaster has been constructed to allow for a walking gate.

In addition, the amount of undisturbed open space area on the side has been reduced below the required 62.5%.

The applicant has opted to seek the Planning Commission's approval of an amendment to his Conditional Use Permit and Oak Tree Permit to retain the changes made to the project, in conformance with the "Overall Site Plan" and the "As-Built Composite Survey", which are attached. These plans show the revisions to retaining walls, decorative walls, stairway, and pilasters that were made after the approval of the original plans by the Planning Commission. The revised Site Plan contains calculations showing the various components of the total open space on the property, and depicts these components using colors. In addition, a series of photos depicting the as-built condition of the residence are attached.

II. STAFF ANALYSIS

The original Conditional Use Permit was approved, in part, upon the proposed amount of undisturbed open space area on the lot. The Hillside Ordinance, Section 9652.13.B, requires a minimum of 62.5% of the lot to remain in open space for lots with a slope of 25%. The approved plans provided for 63% of the lot to remain in open space. A portion of the 63% approved open space area was planted for tree nursery purposes at the time. This area has since been cleared and has become part of the new "disturbed" open space area.

The area where the septic system was installed on the northwest side yard and an access road to the location, was originally calculated as disturbed area. This entire area has been restored to a natural condition and has been recalculated by the applicant's civil engineer as restored open space (approximately 1,000 square feet). Similarly, the area on the southeast side of the house where the property sloped downward toward the house, was originally calculated as open space. The relocated retaining wall has caused this area to be converted from hillside slope to a flat surface area of grass, and has been recalculated as disturbed/ornamental landscaping area (approximate 875 square feet).

Although the project does not meet the minimum amount of area to remain in undisturbed open space, the applicant has worked to restore a substantial amount of the open space that was disturbed by past grading and during construction to a natural condition, as reflected in the "Overall Site Plan". The four open space categories depicted on the "Overall Site Plan" includes undisturbed open space (46%), restored open space (16%), turf area at driveway (2%), and decomposed granite at Oak tree (1%), for a total of 65% proposed on-site open space area. They include the entire restored portion of the site; a small amount of turf near the driveway at the front of the lot, which adjoins a restored open space area; and an area around the oak tree in the front of the house, where decomposed granite has been laid on otherwise undisturbed open space. The proposed open space areas do not include ornamental landscaping, and do not include any of the turf area except the small area at the driveway.

The Planning Commission is being asked to determine if the current condition of the site, as proposed, meets the intent of the Hillside Ordinance relative to open space. The Hillside Ordinance addresses various types of open areas that may qualify as open space and has the discretion to determine which types of open space on each particular parcel qualifies as open space:

Open Space. Open space shall comprise not less than the area determined by application of the table in subsection 9652.13.B. Subject to the approval of the commission, such open space may include one (1) or more of the following:

- a. Undisturbed natural areas;
- b. Open space for passive recreation;
- c. Private yards, provided that all construction rights will be dedicated;
- d. Parks and open recreational areas;

- e. Riding, hiking and bicycle trails;
- f. Landscaped areas adjacent to streets and highways;
- g. Greenbelts;
- h. Areas graded for rounding of slopes to contour appearance; and
- i. Such other areas as the commission deems appropriate.

The City Oak Tree/Landscape Consultant has reviewed the As-Built Plan and recommends that vines and low shrubs be planted in front of the retaining wall surrounding Oak Tree #19 to mitigate the appearance of the wall. In addition, tree placement in front of the house is recommended to soften the overall mass as viewed from the street. The proposed changes to the retaining wall surrounding Oak Tree #19 in front of the house will not significantly impact the health of the Oak tree.

The architecture design and the overall layout of the house remain the same as originally proposed. The Old Agoura Homeowners Association has provided comments. The letter is attached to this report for the Commission's review.

Staff supports the proposed Site Plan changes that have been made to the entry area of the front yard. Staff also requests the Planning Commission determine if the changes to the Grading Plan meet the intent of the Hillside Ordinance. Staff encourages the Planning Commission to visit the site prior to the Planning Commission meeting.

III. RECOMMENDATION

If the Planning Commission desires to approve the Amendments to Conditional Use Permit Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008, a draft Resolution and Conditions of Approval have been prepared for adoption.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: John A. Henning, Jr., Attorney at Law, letter
- Exhibit B: Old Agoura Homeowners letter
- Exhibit C: Letter from Neighbors
- Exhibit D: Reduced Photocopies of "Overall Site Plan" and "As-Built Composite Survey"
- Exhibit E: Resolution No. 898 and Conditions of Approval
- Exhibit F: Copies of Approved Plans

Case Planner: Renee Madrigal, Assistant Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING AMENDED CONDITIONAL USE PERMIT CASE NO. 06-CUP-005
AND OAK TREE PERMIT CASE NO. 06-OTP-008

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

Section 1. An application was duly filed by Agoura TNT LLC/Terry Gray with respect to the real property located at 6160 Fairview Place (Assessor's Parcel Number 2055-023-109), requesting the approval of a Conditional Use Permit Amendment and Oak Tree Permit for changes to the approved grading plan and associated changes to the landscape plan. A public hearing was duly held on September 4, 2008, 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 at the aforesaid Public Hearing.

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

A. The proposed grading modifications, as conditioned, are consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the Very Low Density Residential–Old Agoura Design District (RV-OA) zones in which the use is located. The proposed exterior modifications conform to the design standards for the Old Agoura Design Overlay District through the design of a building exterior which embraces an eclectic, rural style that preserves the equestrian nature of the area.

B. The proposed use, as conditioned, is compatible with the surrounding properties in that the proposed design, materials, and colors of the residence are compatible with the neighboring structures and the topography of the property. Natural materials and colors are utilized as called for in the City's Architectural Design Guidelines and as emphasized in the Old Agoura Design Overlay District. The proposed replacement of the rear stacked retaining wall with a single wall design and the removal of the three planter walls that have reduced the amount of grading and make the front yard conform better to the natural contours of the land, is consistent with the Hillside Ordinance, which discourages terraced grading methods.

C. The proposed grading modifications and the conditions under which they will be constructed will not be detrimental to the public health, safety, or welfare in that the proposed modifications will be required to comply with the City Building Code Standards. Geotechnical and geological reports have been prepared for the proposed construction on the property, which include mitigation measures to minimize potential risks of geotechnical and geological hazards.

D. The proposed grading modifications, 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 Very Low Density zone and Old Agoura Design Overlay District. The proposed modifications meet all required setbacks, height limitations, and lot coverage requirements of the zone and incorporates natural building materials in the project design.

E. The natural building materials and architectural articulation are sufficient to maintain the diversity of the community in that the project has incorporated exterior materials such as stone that are complementary to the natural and man-made environment of the Old Agoura Design Overlay District.

F. The proposed grading modifications, as conditioned, is consistent with the goals, objectives and policies of the General Plan in that the project is designed to incorporate the existing terrain into the site plan to the maximum extent possible to minimize grading and to preserve viewsheds, as called for in the Land Use Element of the General Plan.

G. As conditioned, encroachment into two Oak trees and corrective pruning is necessary for construction of the project, but will not significantly impact the health of the trees, nor will the proposed construction impact the health of the remaining Oak trees on the property.

Section 4. The Planning Commission finds the proposed modifications to the single-family residence to be exempt from the California Environmental Quality Act (CEQA), per Section 15303.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves amended Conditional Use Permit Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

Resolution No. ____

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PASSED, APPROVED, and ADOPTED this 4th day of September 2008, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(Case Nos. 06-CUP-005 and 06-OTP-008 Amendment)

All conditions of Planning Commission Resolution No. 898 shall apply with the addition of the following conditions:

1. The applicant shall comply with the revised grading plan and as-built composite survey approved by the Planning Commission on September 4, 2008.
2. To mitigate the appearance of the retaining wall surrounding Oak Tree #19 at the front of the house, the applicant shall plant vines and low shrubs in front of the retaining wall.
3. To mitigate the overall mass as viewed from the street, the applicant shall plant trees in front of the house.

END



**CONDITIONAL USE PERMIT CASE NO. 06-CUP-005
AND OAK TREE PERMIT NO. 06-OTP-008 AMENDMENT**

**FOR THE PROPERTY LOCATED AT
6160 FAIRVIEW PLACE, AGOURA HILLS**

EXHIBIT A

**LETTER FROM JOHN A. HENNING, JR.,
ATTORNEY AT LAW**

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

August 19, 2008

**VIA ELECTRONIC MAIL AND
OVERNIGHT MAIL**

Renee Madrigal, Assistant Planner
Planning and Community Development
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Re: Conditional Use Permit Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-
OTP-008 (Amendment) (6160 Fairview Place)

Dear Ms. Madrigal:

This letter supersedes the letter on this case dated August 18, 2008.

This letter is to provide you with supplemental materials in support of the application filed by Terry Gray on July 16, 2008, to amend the approved Conditional Use Permit and Oak Tree Permit (hereinafter the "CUP") for his property at 6160 Fairview Place.

The primary materials are two exhibits submitted concurrently herewith: (1) an Overall Site Plan; and (2) an As-Built Composite Survey. These drawings show various revisions to retaining walls, decorative walls and pilasters that were made after the approval of the original case by the Planning Commission in February 2007. In addition, the Overall Site Plan contains calculations showing the various components of the total open space on the property, and depicts these components using colors.

In addition, a series of photos depicting the as-built condition of the house are attached.

Project Background.

The CUP for Mr. Gray's 5,764 square foot single-family residence was granted by the Planning Commission on February 15, 2007. The proposed house was two stories tall with an attached garage.

The original CUP approval included numerous retaining walls at the rear, sides and front of the house; and decorative planter walls, a stairway, and two pilasters at the front of the house. Portions of the retaining walls in particular were within the minimum yards, and were accordingly subject to the City's 6-foot height limit on retaining walls. (See A.H.M.C. sec. 9606.2(D).) All of the approved walls met this requirement.

In its review of the original CUP, City staff determined that due to the slope of the lot, the City's Hillside Ordinance required that at least 62.5% of the lot remain in open space. (See Agoura Hills Municipal Code sec. 9652.13(B) ("For properties zoned residential or open space, a minimum percentage of a parcel of land shall remain in open space.")) Thus, for this 43,995 square foot lot, the City required that 27,497.25 square feet remain in open space. The original plans provided for 62.9% of the lot to be open space, just exceeding the minimum requirement.

After the Commission approved the CUP, Mr. Gray constructed the house. During construction, Mr. Gray made several adjustments to the plan, as follows:

1. Rear Retaining Wall. At the rear of the house, where the property slopes upward from the building pad, he replaced a double-stacked retaining wall system with a shorter, single wall positioned further back from the house. (See Photos 1A, 1B, 1C.)
2. Stairway. At the front of the house, he moved a stairway out from the house about 6 feet and realigned it to step directly down to the curb, replacing the original design which had paralleled the curb. (See Photo 2.)
3. Front Retaining Wall. In the area around an existing oak tree at the front of the house, he moved a curving retaining wall slightly inward toward the house (ranging between a few inches and 2 feet) and extended its length by about 20 feet in order to accommodate the revised stairway design. (See Photo 3.)
4. Planter Walls. Also at the front of the house, he removed three decorative planter walls on either side of the

stairway (which had linked to the original stairway design) and left these areas vegetated in a natural slope. (See Photos 4A, 4B.)

5. Pilasters. He moved the two pilasters originally approved on either side of the driveway to parallel the curb, and added a third pilaster to allow for a walking gate. (See Photo 5.)

Mr. Gray made all of these adjustments in consultation with his civil engineer, Erick Mason. The construction of the relocated retaining walls and stairway was also supervised by the City's building inspectors.

In Spring 2008, City staff advised Mr. Gray that it would not continue inspections of the retaining walls, or issue a Certificate of Occupancy for the house, until the building was either brought into compliance with the approved plans, or an amendment to the CUP was obtained for the project as built.

After several meetings and communications with City staff, on July 16, 2008, Mr. Gray filed the within application for an amendment to the CUP.

Rationale for Proposed Amendment.

Mr. Gray seeks an amendment of the CUP to allow development in conformance with the Overall Site Plan and the As-Built Composite Survey, both of which have been submitted by Mr. Gray's civil engineer, Erick Gray.

The five requested changes are warranted for the following reasons:

1. Rear Retaining Wall. The relocated rear retaining wall is no taller than the original approved design (maximum 6 feet), is substantially shorter in length, and replaces a double-stacked, or "stair-step" wall system. This is consistent with the City's Hillside Ordinance, which discourages "stair-step" grading. (See A.H.M.C. sec. 9652.5(1). The revised wall is also further from the street and thus less visible than the original design.

2. Stairway. The redesigned stairway is an improvement aesthetically. The stairs lead directly down to the curb, rather than parallel to it, avoiding a "wall effect" as viewed from the street.

3. Front Retaining Wall. The front retaining wall was moved inward slightly (between a few inches and 2 feet) to protect the oak tree it surrounds from encroachment into the “protected zone”, which ranges five feet outward from the drip line (outermost branches) of the tree. Such encroachment is prohibited by the CUP and the City’s Oak Tree Ordinance. (See A.H.M.C. secs. 9657-9657.5 and Appendix A (Oak Tree Preservation Guidelines.) The wall was also lengthened to accommodate the revised stairway and to account for the elimination of the planter walls in this area. (See item 4, below.) As with the original approved wall, the revised wall is no taller than 6 feet, meeting the requirements of the City’s code. (See A.H.M.C. sec. 9606.2(D).)

4. Planter Walls. The three decorative planter walls removed from the front yard reduce the amount of grading needed in the front yard and make the front yard conform better to the natural contours of the land. This is consistent with the City’s zoning ordinance. (See A.H.M.C. sec. 9553.1(C)(8) (for purposes of site plan review, “To the greatest extent possible, the architectural design and location of the building shall discourage grading on a hillside”); sec. 9652.5 “The intention and policy of the city is to: 1. Encourage minimal grading which relates to the natural contours of the land as opposed to padding or staircase grading.”)

5. Pilasters. The relocation of two pilasters, and the construction of a third to allow for a walking gate, are consistent with good design and sufficiently minor that they would not require a discretionary approval if proposed separately.

Effect on Open Space.

The original CUP was granted based in part upon calculations performed by Mr. Gray’s civil engineer, showing that 62.9% of the site would remain in “open space.” (See A.H.M.C. sec. 9652.13(B) (requiring minimum of 62.5% open space for lots with slope of 25%).) Much of this “open space” area consisted of “undisturbed” open space; A substantial additional amount consisted of “restored” open space, i.e., open space that was disturbed during construction but which would be restored to a natural condition.

Pursuant to the approved landscape plans for the original project, and under the direction of the City’s landscape and oak tree consultant, Kay Greeley, in the “restored” area, Mr. Gray has

planted coyote brush, a native plant, and installed temporary irrigation, with the goal of making this area similar in appearance to the undisturbed portion of the site. (See Photos 6A, 6B, 6C.)

The project changes proposed now in the application for an amended CUP do not affect the construction footprint, and they thus do not substantially affect the open space calculations. However, in recent discussions, City staff has noted that the relocation of the rear retaining wall has caused a triangular-shaped area of the parcel immediately adjacent to the house to be converted from sloped, "restored" open space into a flat area of grass, i.e., turf. Staff has questioned whether this new turf area would still qualify as "open space" for purposes of the Hillside Ordinance, and, noted that if it did not, its removal from the open-space category could reduce the total open space below the required 62.5% of the site. In addition, City staff has raised the question whether, for purposes of the proposed amendment, the substantial amount of the site that is defined as "restored" open space qualifies for the open space designation.

The City's code does not contain a comprehensive definition of the phrase "open space." (See A.H.M.C. sec. 9120.15.) However, by defining two related terms it does acknowledge that there are at least two types of open space: "Developed open space" (which is defined as "open space substantially free of structures but possibly containing improvements which are part of a development plan or are appropriate for the residents of any residential development") and "Natural open space" (which is defined as "any parcel of land or water which is essentially unimproved and devoted to an open space use). (Id.)

In addition, the City's Hillside Ordinance recognizes that there are various types of areas that are "open" and thus may qualify as open space, and it grants the Planning Commission discretion to deem any or all of these, or any other areas it deems appropriate, to be open space:

1. *Open space.* Open space shall comprise not less than the area determined by application of the table in subsection 9652.13.B. Subject to the approval of the commission, such open space may include one (1) or more of the following:
 - a. Undisturbed natural areas;
 - b. Open space for passive recreation;
 - c. Private yards, provided that all construction rights will be dedicated;
 - d. Parks and open recreational areas;
 - e. Riding, hiking and bicycle trails;
 - f. Landscaped areas adjacent to streets and highways;
 - g. Greenbelts;
 - h. Areas graded for rounding of slopes to contour appearance; and
 - i. Such other areas as the commission deems appropriate.

(A.H.M.C. sec. 9652.19(A)(1).)

In recent discussions concerning this application, City staff has taken the position that the preferred type of open space is "undisturbed" open space. However, staff has acknowledged that "restored" open space and some unenclosed "turf" (i.e., grass) areas adjoining restored areas might also qualify as open space for purposes of the minimum requirements of the Hillside Ordinance. On the other hand, staff has maintained that non-native bushes and flowers, enclosed grass yards and pool areas would normally be deemed "ornamental landscaping" and would not generally qualify for the "open space" designation.

Without engaging in an analysis of exactly what is allowed by the Hillside Ordinance, it is apparent that the Planning Commission has the discretion to define "open space" as it sees fit for purposes of a particular project. The Commission's authority arises primarily from section 9652.19(A)(1) (cited above), which includes the discretion to define as open space "such other areas as the Commission deems appropriate". Clearly, under this section, the Commission has the authority to deem "restored" open space, turf, and even ornamental landscaping as "appropriate" for the open space designation.

In addition, regardless of how open space is defined, the Commission also has the inherent authority to relieve the applicant entirely from the minimum open-space requirement set forth in the Hillside Ordinance. (See A.H.M.C. sec. 9652.10 ("Development standards, lot size, height and setbacks may be modified by the planning commission in order to achieve the purposes of this chapter."); sec. 9652.13 (noting that design and development standards, including minimum open space, apply "except as modified by the planning commission in a manner consistent with the purposes of this section"))

As reflected in the Overall Site Plan, the project as amended includes several categories of space that could qualify as "open space." These include:

- (1) undisturbed area (46%);
- (2) restored to natural (16%);
- (3) turf area at driveway (2%)
- (4) decomposed granite at oak tree (1%)

These four categories, taken together, add up to 65% of the site, and are thus sufficient to satisfy the minimum 62.5% open space required by the City. They include the entire "restored" portion of the site; a small amount of turf near the driveway at the front of the site, which adjoins a restored open space area and is visible from the street (thereby benefiting the public in a manner consistent with an open space designation); and an area around the oak tree in the front of the house, where decomposed granite has been laid on otherwise undisturbed open space.

Ms. Madrigal
August 19, 2008
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On the other hand, areas at the front of the house planted with non-native bushes and flowers, grass yards at the rear and side of the property, and the pool area, are designated on the site plan as "ornamental landscaping" and are not included in the proposed open space area. Although the Commission has the discretion to designate some or all of these areas as open space, it is not necessary for the Commission to exercise that discretion here.

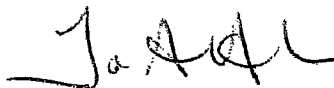
Mr. Gray therefore asks that in its approval of the modified CUP, the Commission expressly either (1) deem the four preceding areas as "open space" pursuant to section 9652.19(A)(1); and/or (2) to the extent any of the areas deemed open space are not sufficient to meet the 62.5% minimum open space requirement, modify the minimum requirement to correspond with the amount of area deemed to be open space.

Geologic Issues.

Pursuant to the City's request, Mr. Gray's geotechnical expert, Grover-Hollingsworth and Associates, Inc., has reviewed the As-Built Composite Survey and determined that the reconfiguration and elimination of retaining walls and the relocation of the stairway do not affect the geotechnical approval rendered in connection with the original CUP, and has submitted a letter to the City to that effect. In addition, we expect that the City's geotechnical expert, GeoDynamics, Inc., will promptly review the foregoing letter and submit a letter directly to the City finding the revisions to be acceptable.

Thank you for the opportunity to present this project to you.

Very truly yours,



John A. Henning, Jr.

Enclosures

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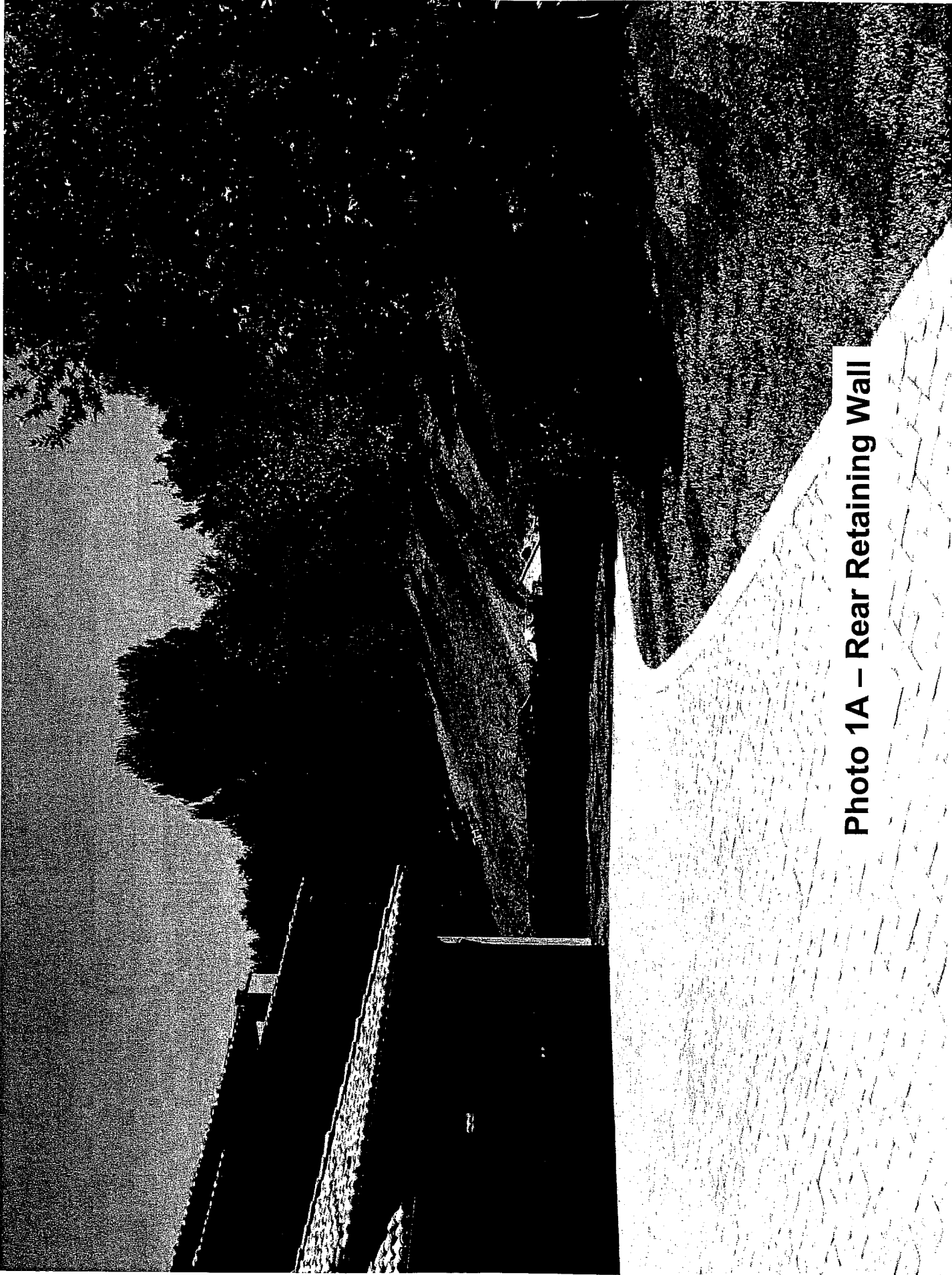


Photo 1A – Rear Retaining Wall

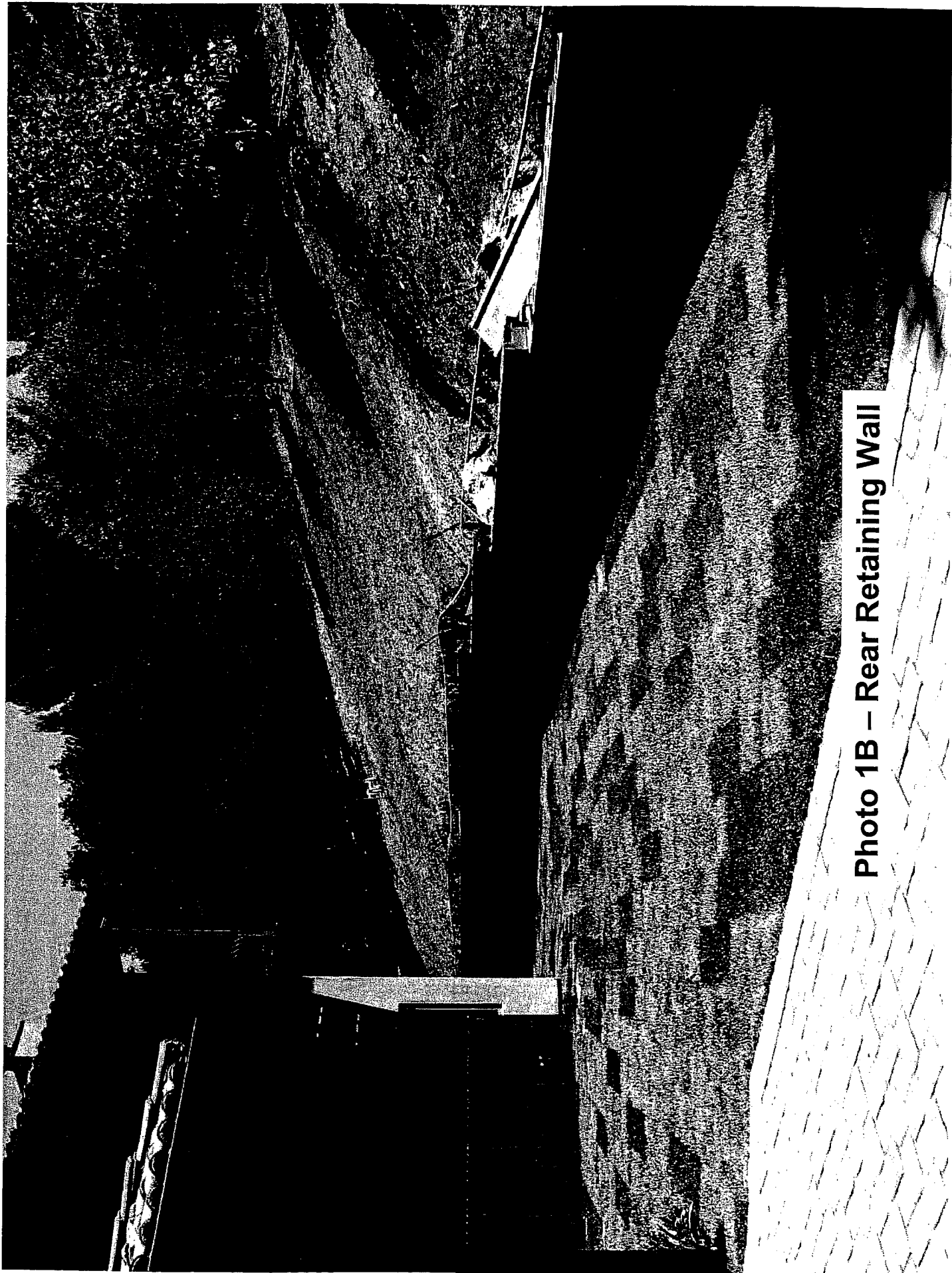


Photo 1B – Rear Retaining Wall

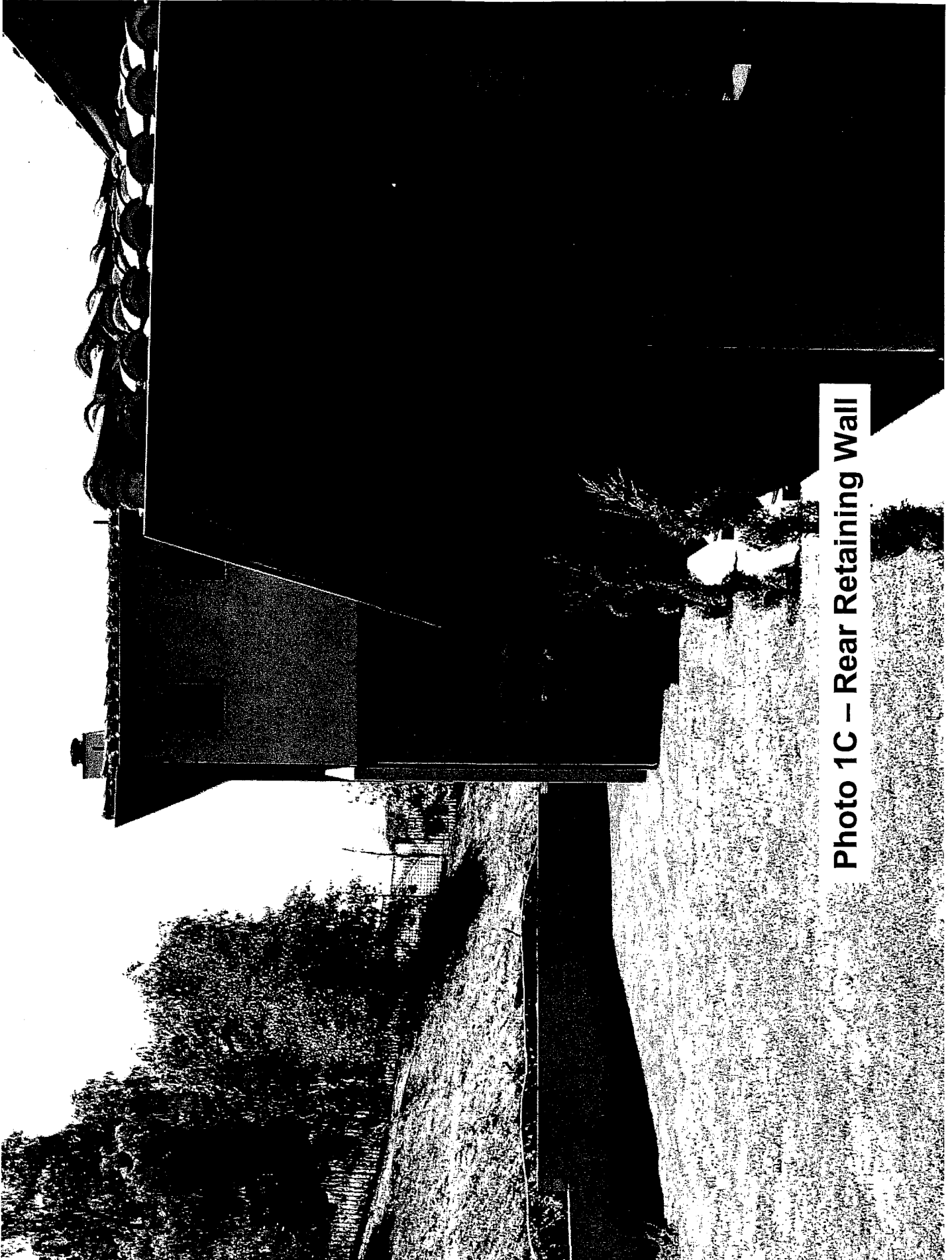


Photo 1C – Rear Retaining Wall

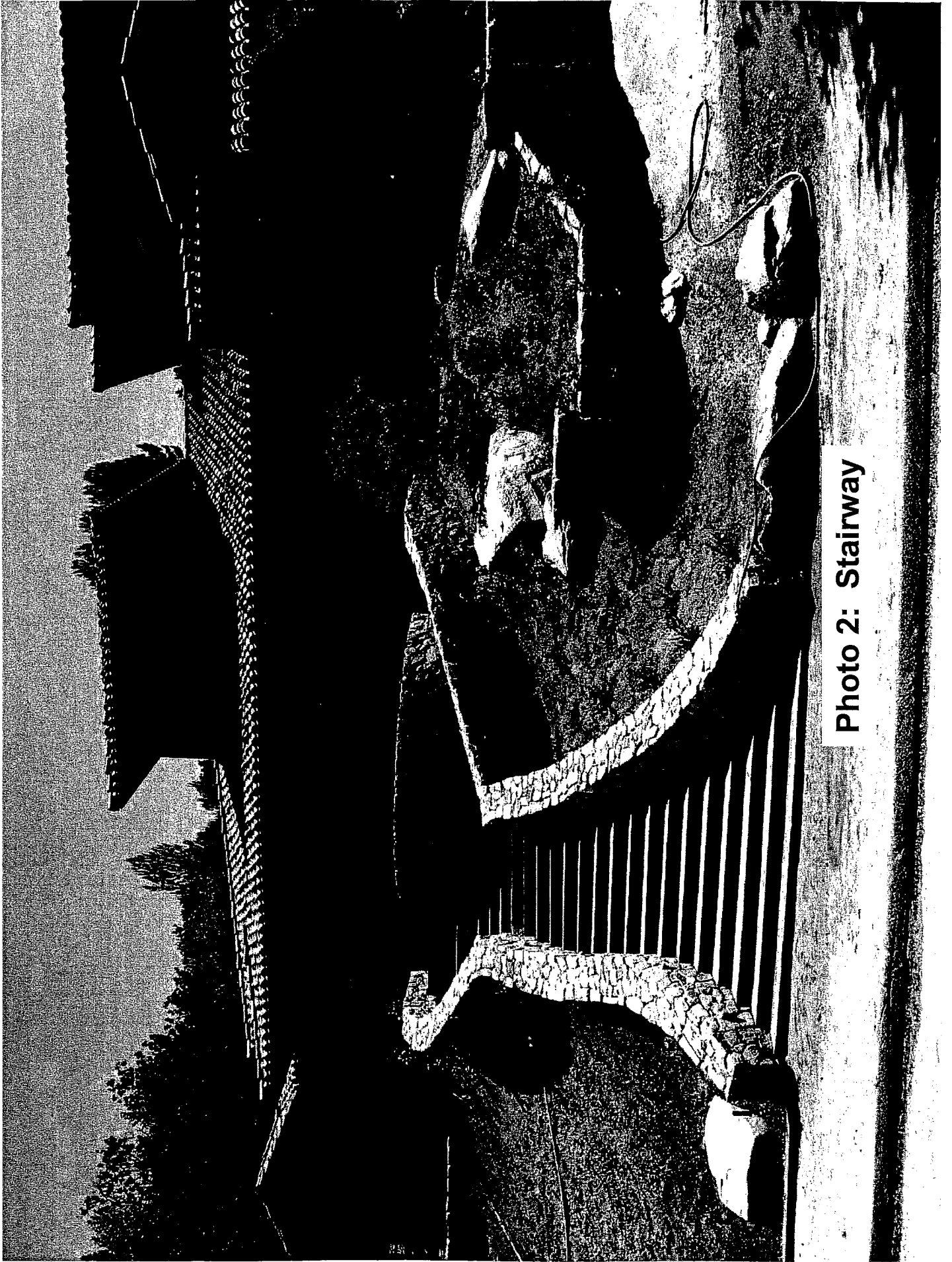


Photo 2: Stairway

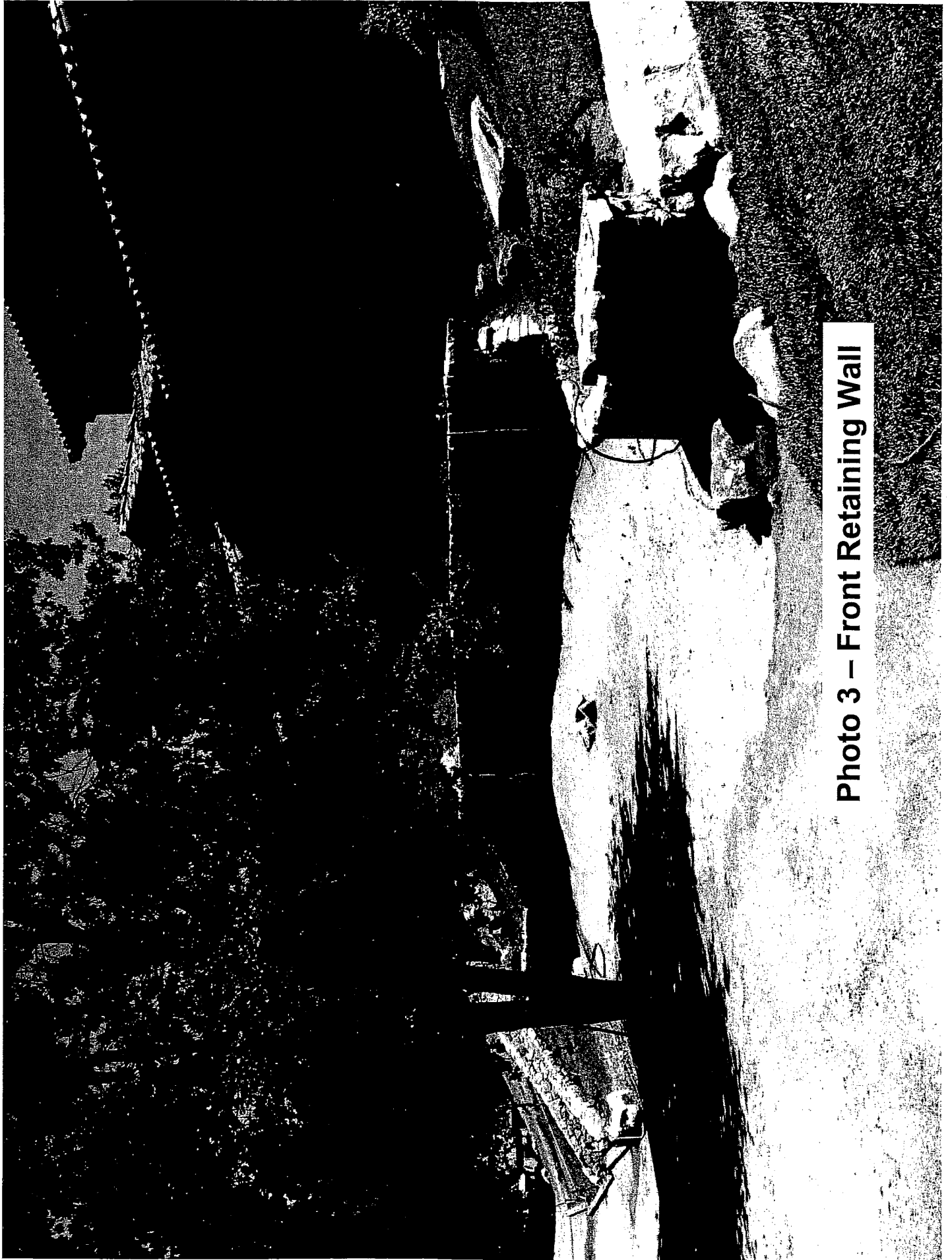


Photo 3 – Front Retaining Wall

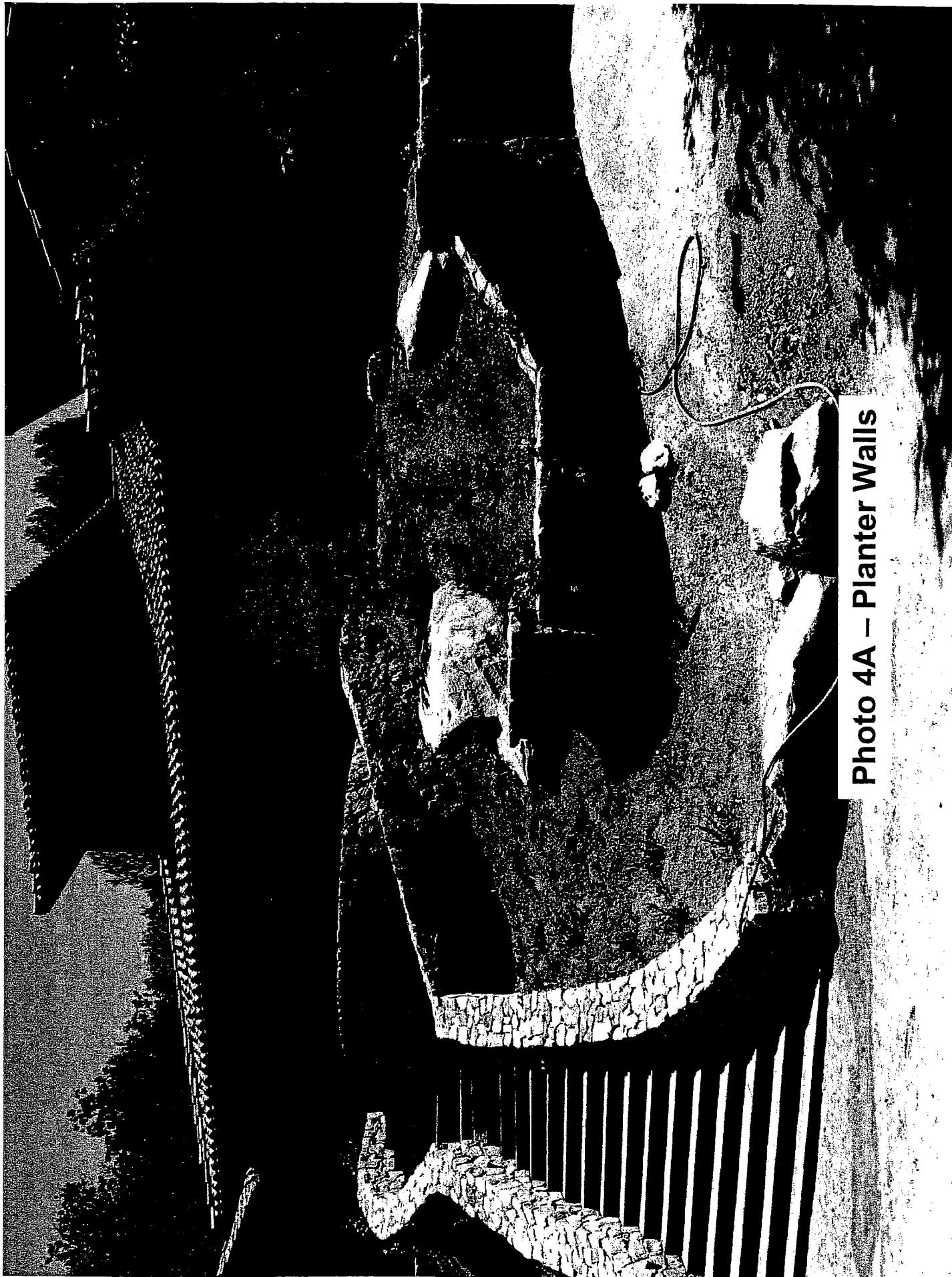


Photo 4A – Planter Walls

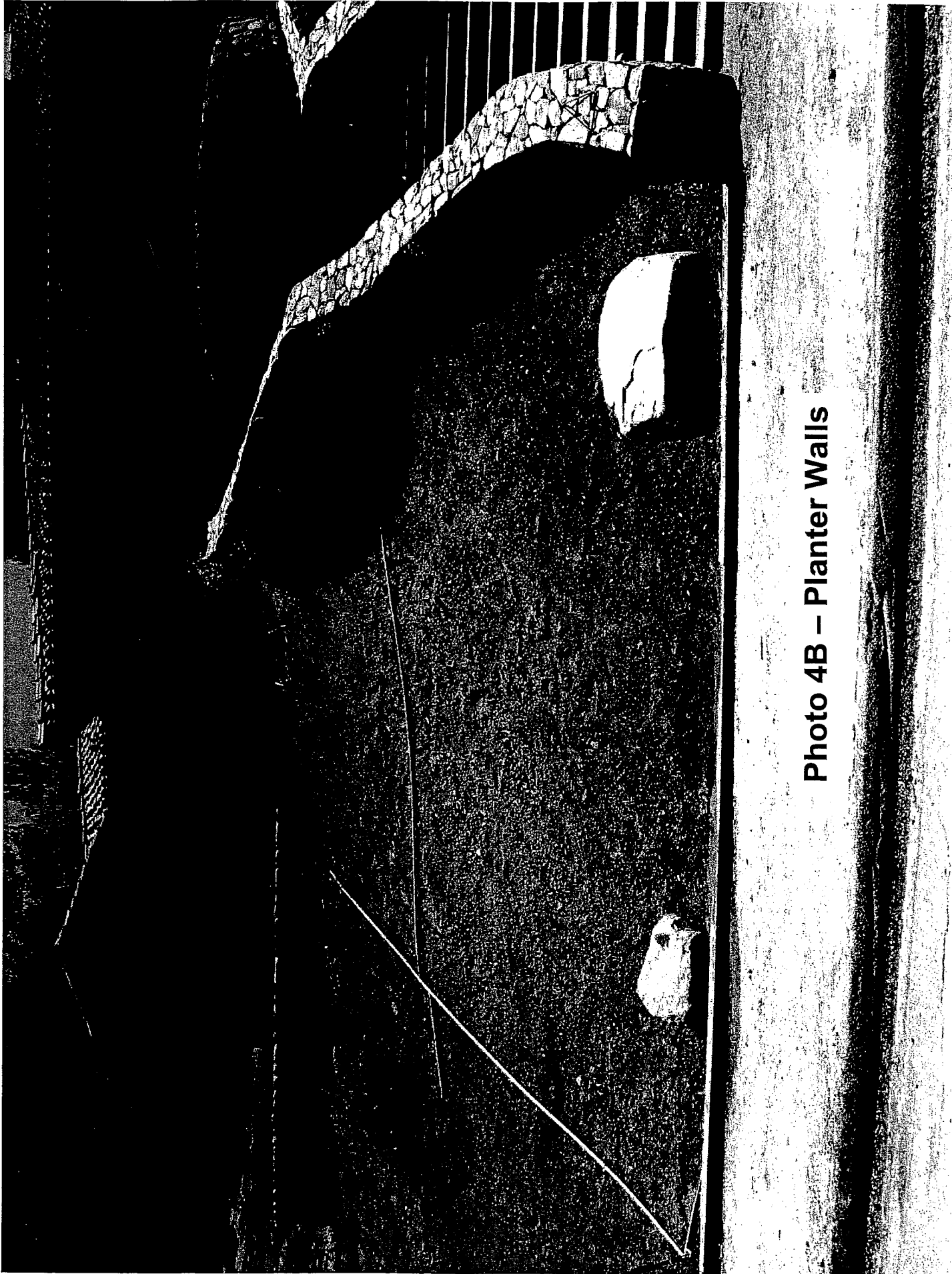


Photo 4B – Planter Walls

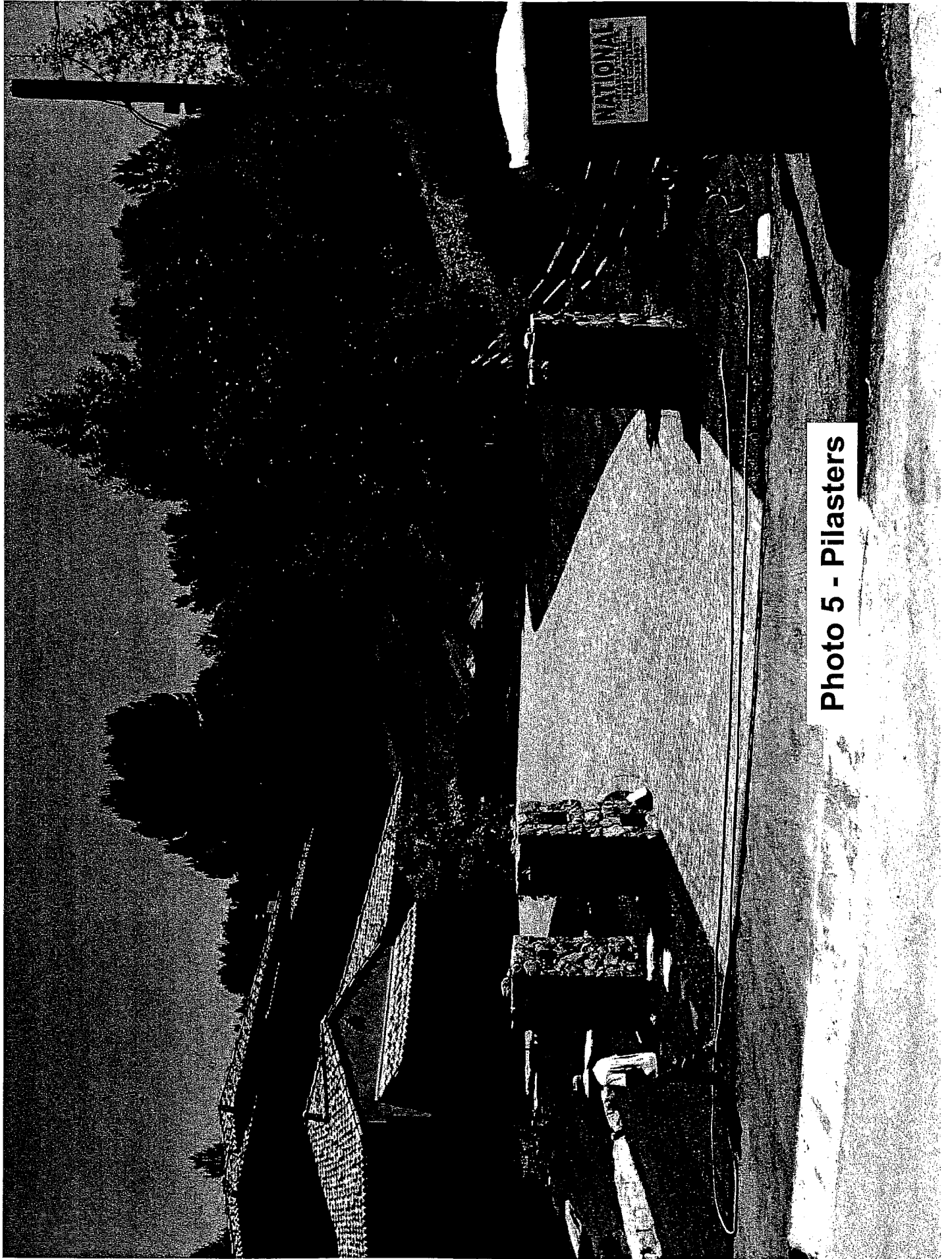


Photo 5 - Pilasters

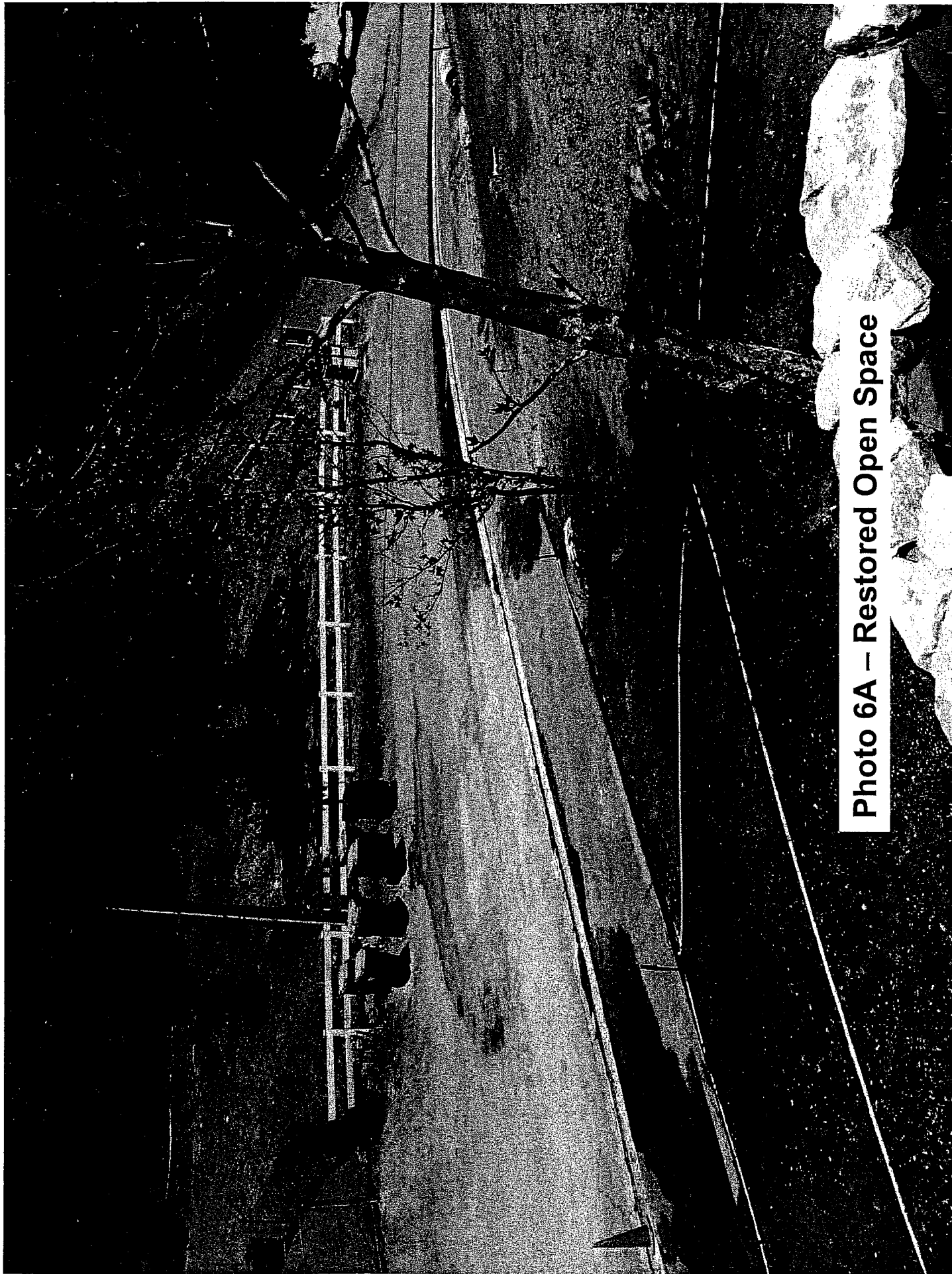


Photo 6A – Restored Open Space

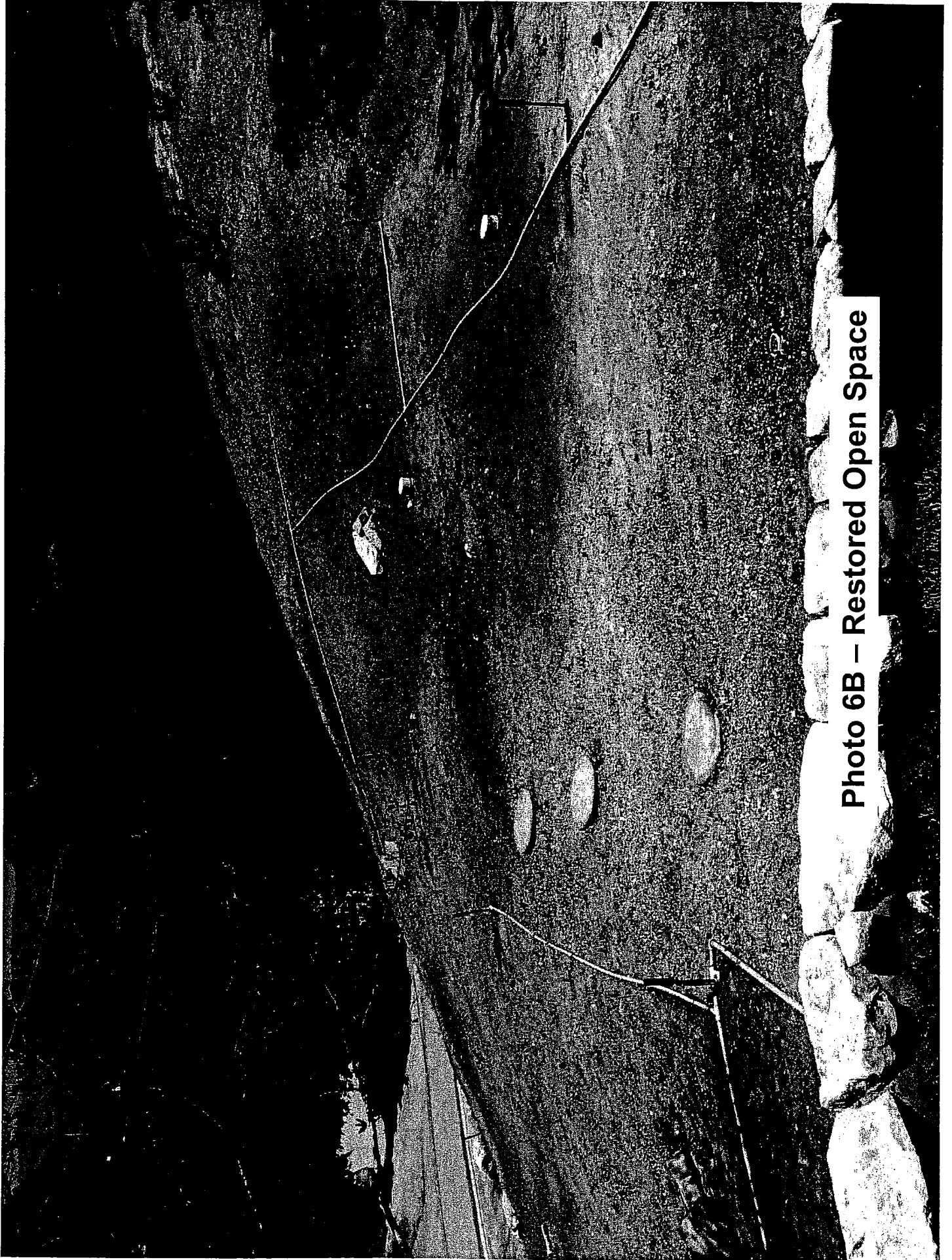


Photo 6B – Restored Open Space

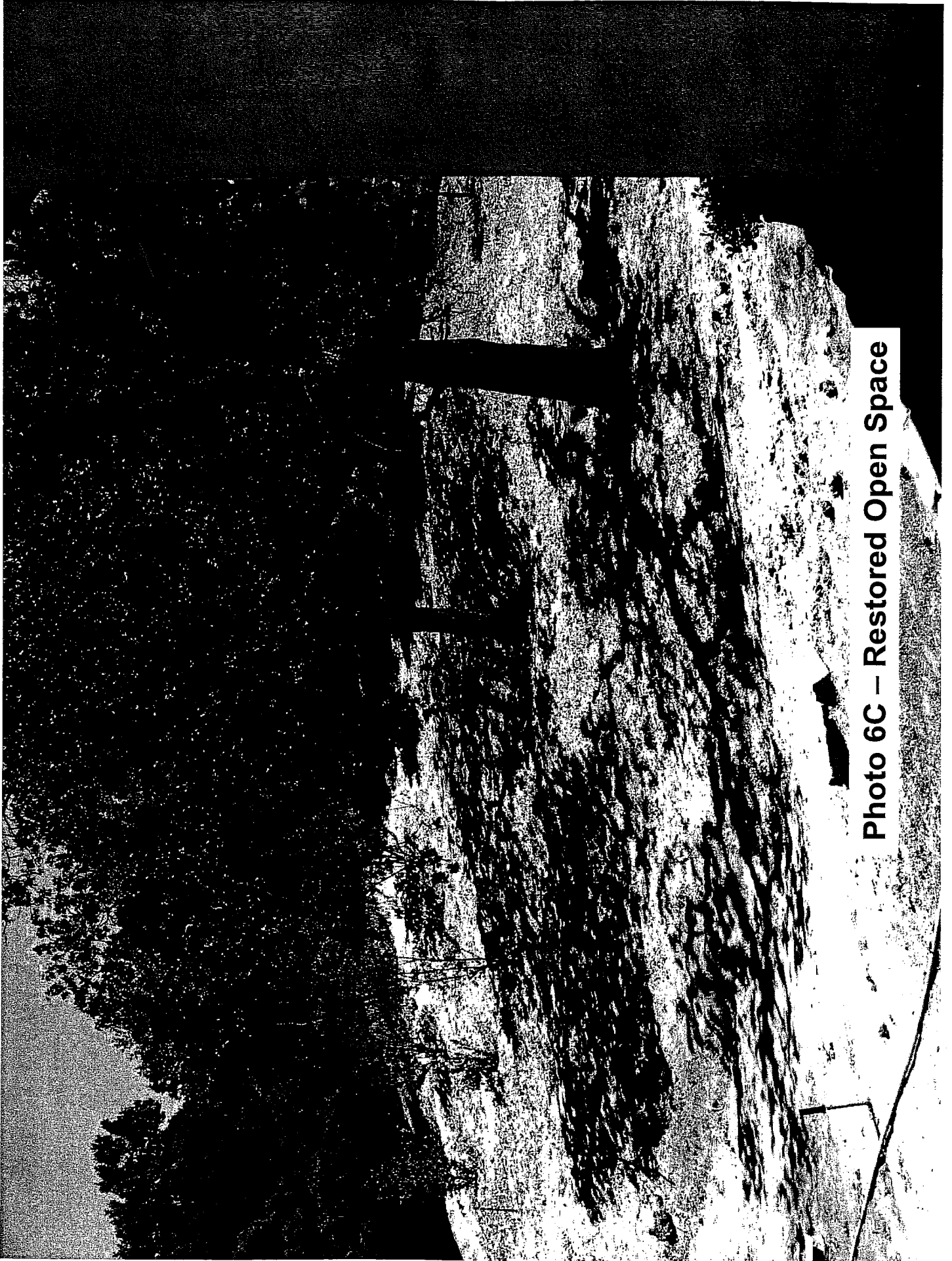


Photo 6C – Restored Open Space



**CONDITIONAL USE PERMIT CASE NO. 06-CUP-005
AND OAK TREE PERMIT NO. 06-OTP-008 AMENDMENT**

**FOR THE PROPERTY LOCATED AT
6160 FAIRVIEW PLACE, AGOURA HILLS**

EXHIBIT B

**LETTER FROM OLD AGOURA
HOMEOWNERS ASSOCIATION**

DATE: August 4, 2008

RE: As Built Walls, Stairs & Pilaster

FROM: Planning and Zoning Committee,
Old Agoura Homeowners Association

TO: Mike Kamino, Director
Department of Planning & Community Development
City of Agoura Hills

SUBJECT: 6160 Fairview Place (Terry Gray)

We were requested to make an on-site visit to 6160 Fairview Place to see the changes to an exterior staircase, rear wall and entrance pilaster, and we have the following comments:

The slight repositioning of the front staircase opens up the front of the property and creates a more visually welcoming entrance. Rather than being presented with a wall, anyone passing by is greeted with a wide open staircase. The change has also moved the lower part of the staircase away from the large oak to its west.

The rear of the house now has a single six foot retaining wall that sits further away from the southwest corner of the house, while preserving more of the hill. Aesthetically, this is far more desirable than two stacked six foot walls.

Finally, the additional pilaster at the driveway entrance seems a reasonable design decision to allow for a pedestrian entrance at the gate.

Should Mr. Gray be required to go to Planning Commission with these inspector-approved as-builts, we would attend to speak in favor.

Should you have questions about these comments please contact the Planning and Zoning Committee, Old Agoura Homeowners Association: pz@oldagoura.org

CC: Rene Madrigal, Assistant Planner