



DATE: OCTOBER 2, 2008

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: CONDITIONAL USE PERMIT CASE NO. 06-CUP-005 AND 06-OTP-008 AMENDMENT (AGOURA TNT LLC/TERRY GRAY)

I. BACKGROUND AND DISCUSSION

On September 4, 2008, the Planning Commission held a public hearing for Terry Gray's Conditional Use Permit and Oak Tree Permit Amendment request (Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008) to change his approved grading plan and landscape plan for construction of a new residence at 6160 Fairview place.

After reviewing the proposed changes and taking testimony, the Planning Commission continued the public hearing to October 2, 2008, and recommended that the applicant prepare a grading plan showing how the equestrian area at the rear of the residence can be accessed and utilized, or showing an alternative location for a future horse keeping area. Also, the Planning Commission requested that the turf area on the sides of the driveway be replaced with appropriate native plants, and the decomposed granite under the canopy of Oak tree #19 be removed.

The project staff report and meeting minutes from the September 4, 2008 Planning Commission meeting are attached for reference.

II. STAFF ANALYSIS

In an effort to address the recommendations of the Planning Commission, the applicant has submitted an updated "Overall Site Plan," an updated "As-Built Composite Survey," and a new "Section Through Equestrian Stalls" plan.

A new designated area has been identified on the plans for a future horse keeping area. The applicant has selected a 434 square foot area on the front, northwest corner of the property as the new location for a future barn that includes two 12' x 12' horse stalls, a feed/tack room and a wash pad. Also, the future 2,489 square foot corral area is proposed adjacent to the barn and street, with a future barn access road leading to the horse stalls. The future barn area and future access road to the stalls have now been added to "as-built development" and

removed from open space. If the applicant wishes to construct an equestrian area on the site, separate plans would be required to be submitted at a later date and reviewed and approved by the Director of Planning and Community Development. The applicant has revised his plans to show a feasible area for a future equestrian use. The Planning Commission's role is to evaluate the feasibility of this proposed future equestrian area.

The applicant has revised the project to convert the 1,012 square foot area along the sides of the driveway that is presently landscaped with turf, to a natural condition. Also, the decomposed granite has been removed in the 597 square foot area beneath the Oak tree, at the front of the house, and replaced with mulch. The project has been revised to include these changes so that the described areas would be more favorable for an open space designation as recommended by the Planning Commission. With these changes, the total open space area now proposed is 64%, which is 1.5% more than the minimum 62.5% amount of open space area required by the Hillside Ordinance for lots with a slope of 25%.

The applicant has informed staff that he is open to suggestions from the Commission on how draft Condition #3, regarding the planting of trees in front of the house, might be revised to meet the concerns raised by the Commission and provide specific container sizes as requested by one of the Commissioners.

Staff supports the proposed Site Plan changes that have been made to the landscaping and to the location of the equestrian area. Staff also requests the Planning Commission determine if the changes to the Grading Plan meet the intent of the Hillside Ordinance.

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: Reduced Photocopies of "Overall Site Plan" and "As-Built Composite Survey"
- Exhibit C: September 4, 2008 Staff Report
- Exhibit D: September 4, 2008 Meeting Minutes
- 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 and October 2, 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. ____

Page 3

PASSED, APPROVED, and ADOPTED this 2nd day of October 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 October 2, 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.
4. The applicant shall submit an As-Built landscape plan for review and approval prior to occupancy.

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

September 16, 2008

VIA ELECTRONIC MAIL AND U.S. 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) (continued to October 2, 2008)

Dear Ms. Madrigal:

This letter is 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. This letter supplements our letter dated August 19, 2008, which you have already received.

As you know, the amendment was initially presented to the Planning Commission at its September 4, 2008, hearing. The Commissioners were generally supportive of the changes to the project, but had several concerns, especially regarding the proposal's effect on total open space and the provision of access to a future horse barn. Several of these concerns were addressed by staff, but others required a response by the applicant. In order to address the various concerns, the applicant agreed to continue the matter to the Commission's October 2, 2008, meeting, and it was continued.

On September 12, 2008, in an effort to meet the concerns of the various Commissioners, the applicant submitted supplemental materials to the City. These include: (1) a revised Overall Site Plan; (2) a revised As-Built Composite Survey; and (3) a new Section Through Equestrian

Stalls. These drawings show the same revisions to retaining walls, decorative walls and pilasters that were depicted in the original plans accompanying the amendment, but they also reflect several changes to the landscaping and to the location of future horse keeping facilities provided on the original plans.

The Overall Site Plan, in particular, contains calculations showing the various components of the total open space on the property, and depicts these components using colors. The figures and calculations differ somewhat from those in the original plans reviewed by the Commission at the September 4 hearing.

Concerns Raised by Commission.

The primary concerns raised by members of the Commission related to the effect on the proposal on the total open space provided on-site. As discussed in more detail in our letter of August 19, City staff has 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 requires that 27,497.25 square feet remain in open space.

The original plans for the project, which were approved in 2007, provided for 62.9% of the lot to be open space – just exceeding the minimum requirement. Meanwhile, the plans initially submitted in connection with the amendment, which were considered by the Commission at its September 4 meeting, provided for 28,909 square feet, or 66%, of the lot to be open space. This would have exceeded the minimum requirement by about 3.5%.

At the September 4 hearing, the Commission raised several concerns about open space and other issues. These included:

1. **Access to Barn Area.** Commissioners O'Meara and Rishoff said that they were concerned that an area on the Overall Site Plan designated for potential future use as a horse barn (depicted in dark blue on the original plan), might not be accessible by a vehicle for feed delivery, or for a veterinarian to reach an ailing horse – even though the location of the future horse barn was already approved as part of the 2007 CUP. Commissioner Rishoff suggested that the applicant present the Commission with an engineered plan showing an access road or trail reaching this future barn area, or alternatively, a plan showing a new location for a future barn area on the north end of the property and closer to the street, where the approved plans now depict a future equestrian corral. Commissioner Buckley-Weber also was concerned that any access path to the future barn could, if the barn were ever constructed, result in a net reduction in open space, and might thereby reduce the total open space on site below the 62.5% threshold. Therefore, she, too, favored showing this access path on the plans. Commissioner Nouzille raised a similar concern.

2. Designation of Turf Area At Driveway as Open Space. Commissioners Nouzille, O'Meara and Buckley-Weber said they were uncomfortable with a 1,012 square foot area along either side of the driveway (designated in orange with hatching on the Overall Site Plan) being designated "open space," because it is presently landscaped with turf. These Commissioners said they would be more inclined to favor an open space designation if this area were revegetated with native plantings, i.e., restored to a natural condition similar to much of the remainder of the site.

3. Designation of Decomposed Granite Area Under Oak Tree as Open Space. Commissioner O'Meara said he believed that the 597 square foot area surrounding the oak tree at the front of the house (designated in green with hatching on the Overall Site Plan) should not be designated "open space" because it is covered with decomposed granite for purely aesthetic reasons. He said he would favor an open space designation for this area if the decomposed granite were removed.

4. Treatment of Turf Area At Rear of House. Several commissioners said that they did not believe that the 875 square foot turf area at the rear of the house, which is a roughly triangular in shape (and designated in tan with hatching on the Overall Site Plan), would qualify as open space.

5. Condition Requiring Trees at Front. Condition Number 3, proposed by staff, provides that "To mitigate the overall mass as viewed from the street, the applicant shall plant trees in front of the house." Commissioner Nouzille opined that this condition could impinge access to the future horse keeping areas, including the barn, because the location of the trees is not specified in the condition. Commissioner Buckley-Weber, meanwhile, said that the site needs trees, and that accordingly the size of the tree containers should be specified.

At the close of the hearing, and at the urging of the Commission, the Applicant requested that the application be continued to the October 2 meeting so that the applicant could (1) address the request to remove turf from the area adjoining the driveway; (2) address request to remove decomposed granite from under the canopy of the oak tree; and (3) prepare a new plan or overlay on an existing plan showing horse keeping facilities that could be feasibly used.

Changes Made to the Project.

1. Relocation of Barn Stalls.

In response to the concerns raised by various Commissioners, the applicant has evaluated the potential for placing a future vehicular access along the north side of the house and reaching the future barn, which is depicted in dark blue on the original Overall Site Plan. (It should be noted that this future barn site was approved in connection with the original approval of the CUP 2007, notwithstanding the absence of such vehicular access. In the amendment now being

considered, there has been no change to the project that would affect the feasibility of access to the future barn site.)

There is some doubt that access to the approved future barn is feasible for two reasons. First, an oak tree is sufficiently close to the house that its drip line is only a few feet from the house, and touches an area designated for ornamental landscaping. The applicant believes that there is a substantial likelihood that any barn access road might compromise this oak tree. Second, since such an access road would be traverse the site from front to rear, it would be relatively long. Yet, two Commissioners indicated at the hearing that it might be appropriate to subtract any future barn access road from the calculation of total open space. The applicant has concluded that the subtraction of this open space would probably cause the project to fall below the minimum 62.5% threshold.

Thus, rather than propose an access road leading to the approved barn at the rear, the applicant has chosen instead to follow the recommendation of Commissioner Rishoff to revise the plan to relocate the future barn stalls closer to the front of the property, directly adjacent to a future equestrian corral. (As depicted on the Overall Site Plan, the future corral is 2,489 square feet in size and is in approximately the same location as the future corral depicted in both the earlier plans submitted in support of the amendment, and in the approved plans from the 2007 CUP. However, the corral is now somewhat further north and almost touches the road.) Accordingly, the revised Overall Site Plan shows a future barn access road leading to the future barn stalls. It is important to emphasize as well that both the future horse stalls and the future barn access road are treated as "as-built development" and are accordingly excluded from the calculation of open space.

Because the constraints of the site in the area around the future corral (and specifically the existence of two oak trees nearby), the future barn area as now proposed is somewhat smaller than the future barn as originally proposed and approved as part of the project in 2007. Also, because the access road has been added to as-built development and removed from open space, the amount of open space in the new proposal is somewhat less than in the original proposal. With these two changes, however, the total open space under the new proposal is still 28,240 square feet – 743 square feet more than the required 27,497 square feet.

2. Restoration of Turf Area at Driveway to Natural Vegetation.

In response to comments by Commissioners Nouzille and Buckley-Weber, the applicant has revised the project to convert the turf area at the driveway (depicted as orange hatched on the Overall Site Plan) to natural vegetation. This area accordingly will now resemble the adjoining undisturbed area (depicted in green on the Overall Site Plan) and will be indistinguishable from the other restored open space on the site (depicted in orange). In this regard, it is worth bearing in mind that Doug Hooper, Assistant Director of Planning and Community Development,

advised the Commission at the September 4 hearing that it had discretion to treat private yards as open space under the code. Mr. Hooper also noted that yard areas like the area adjoining the driveway are often viewed and enjoyed by the public generally and do not serve an obviously private function. Accordingly, such areas are especially appropriate for an open-space designation.

3. Replacement of Decomposed Granite Under Oak Tree With Mulch.

In light of comments by Commissioner O'Meara, the applicant has revised the project to convert the area under the oak tree at the front of the house from "decomposed granite" to mulch. Because this area has never been disturbed, but rather was merely covered with decomposed granite (and will now be covered with mulch), it is properly treated as "undisturbed" open space under the revised plan.

Treatment of Turf Area at Rear of House.

During the September 4 hearing, several Commissioners discussed the triangular-shaped turf area at the rear of the house, which resulted from the relocation of the rear retaining wall away from the house, and objected to this area being designated as open space. However, as noted near the close of the hearing by Commissioner O'Meara and confirmed by staff, this area was not proposed to be open space under the amendment as originally presented to the Commission on September 4. Rather, this area was designated as "ornamental landscaping." In the new plans, no change is proposed with regard to this area; it is still not proposed to be designated as open space.

Proposed Revision of Condition Requiring Trees.

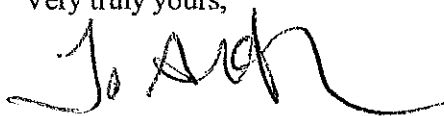
The applicant is open to suggestions from staff or the Commission as to how Condition 3 might be revised to meet the concerns raised by Commissioners Nouzille and Buckley-Weber. First, with regard to the concern that trees might interfere with the future horse keeping facilities on the north side of the site, we note that the condition already provides only for trees "in front of the house." Given that the new proposal relocates the barn stalls to the north side of the site, away from the house and close to the street, this existing language may be sufficient to avoid any conflict with the horse keeping facilities. However, for the sake of clarity, the condition could be revised to provide for trees to be "in front of the house and not conflicting with the Future Barn Access Road."

With respect to the request by Commissioner Buckley-Weber to provide for specific container sizes, we are open to such a revision or, in the alternative, to a clause providing that trees shall be "of a size to be determined by the Planning Director or by such person as the Director may designate."

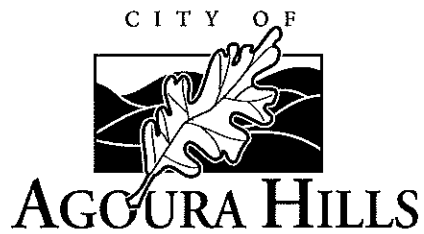
Ms. Madrigal
September 16, 2008
Page 6

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John A. Henning, Jr.", with a long, sweeping horizontal flourish extending to the right.

John A. Henning, Jr.



**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

**REDUCED PHOTOCOPIES OF "OVERALL SITE PLAN,"
"AS-BUILT COMPOSITE SURVEY," AND SECTION
THROUGH EQUESTRIAN STALLS**



OVERALL SITE PLAN
 8160 PARKWAY PLACE
 AGOURA HILLS, CA 91301

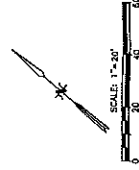
CITY OF AGOURA HILLS DIV. NO. _____
 SHEET: 1 OF 1

CITY OF AGOURA HILLS APPROVAL

PREPARED BY:
 LA CHAN YEE & ASSOCIATES
 15015 BAYVIEW BLVD., SUITE 100
 BAYVIEW, CA 94026
 (415) 744-5588

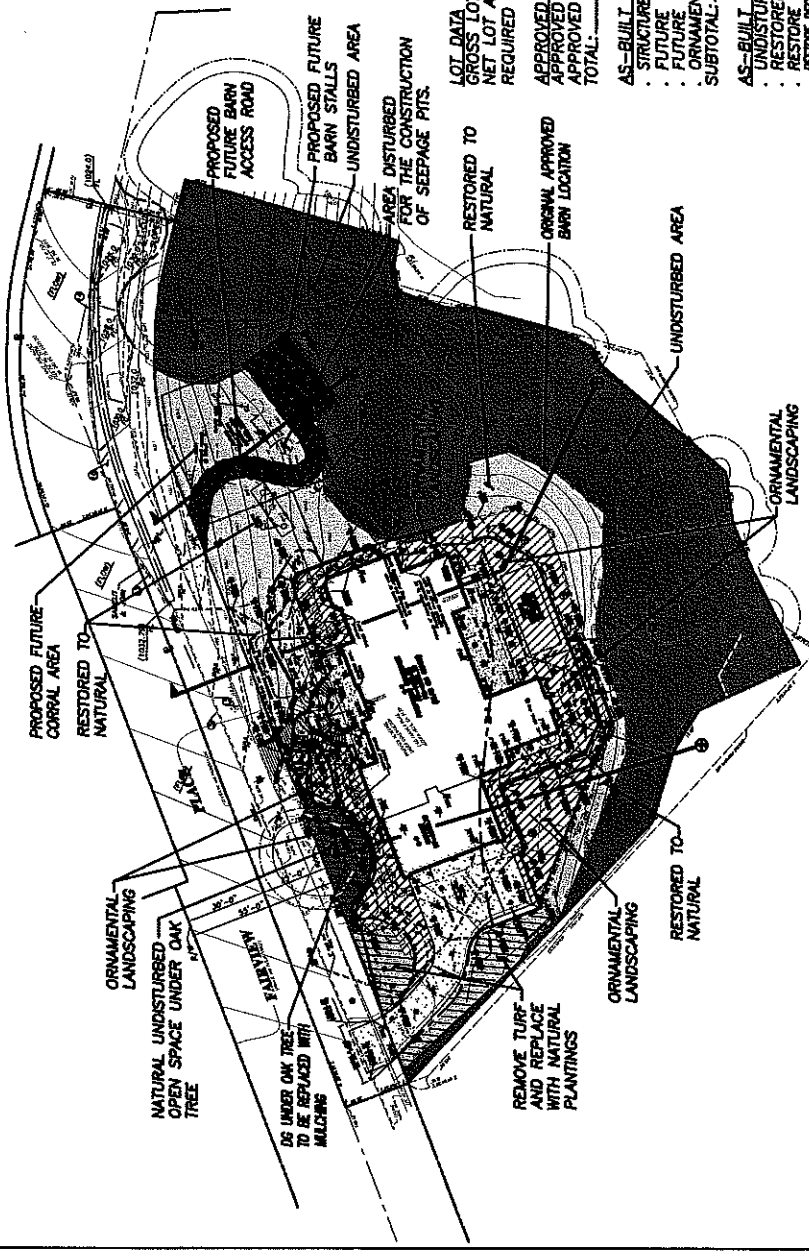
REV	SYMBOL	DESCRIPTION OF CHANGE	DATE	DATE	DATE

PROJECT ENGINEER: _____
 PROJECT NO.: _____



- ORIGINAL APPROVED STABLE, WALLS, ETC.
- AS-BUILT STABLE, WALLS, ETC.
- UNDISTURBED OPEN SPACE
- RESTORED OPEN SPACE
- FUTURE STALLS & ACCESS TO STALLS
- ORNAMENTAL LANDSCAPING
- UNDISTURBED OPEN SPACE WITH MULCH (INCLUDES ETC.)
- RESTORED OPEN SPACE (INCLUDES TURF)

LOT DATA	SO.FT.	% OF NET
GROSS LOT AREA: _____	55,702	21%
NET LOT AREA: _____	43,996	1%
REQUIRED OPEN SPACE: (4,3996 @ X 62.5%) _____	27,497	2%
APPROVED DEVELOPMENT	SO.FT.	% OF NET
APPROVED DEVELOPMENT AREA: _____	16,276	46%
APPROVED OPEN SPACE: _____	27,720	19%
TOTAL: _____	43,996	22%
AS-BUILT DEVELOPMENT	SO.FT.	% OF NET
STRUCTURES (RES. RIMF. POOL, WALLS, STAIRS, HARDSHORE, ETC.): _____	9,149	12%
FUTURE BARN STALLS (REL. OCATED): _____	434	36%
FUTURE BARN ACCESS ROAD: _____	87%	46%
ORNAMENTAL LANDSCAPING: _____	5,298	19%
SUBTOTAL: _____	15,756	64%
AS-BUILT OPEN SPACE	SO.FT.	% OF NET
UNDISTURBED AREA: _____	20,202	100%
RESTORED TO NATURAL: _____	6,439	
RESTORE TURF AREA AT DRIVEWAY TO NATURAL: _____	1,012	
RESTORE DECOMPOSED GRANITE AT ON TREE WITH MULCHING INTERNAL: _____	587	
SUBTOTAL: _____	28240	
TOTAL: _____	43,996	



LOT DATA

GROSS LOT AREA: _____

NET LOT AREA: _____

REQUIRED OPEN SPACE: (4,3996 @ X 62.5%) _____

APPROVED DEVELOPMENT

APPROVED DEVELOPMENT AREA: _____

APPROVED OPEN SPACE: _____

TOTAL: _____

AS-BUILT DEVELOPMENT

STRUCTURES (RES. RIMF. POOL, WALLS, STAIRS, HARDSHORE, ETC.): _____

FUTURE BARN STALLS (REL. OCATED): _____

FUTURE BARN ACCESS ROAD: _____

ORNAMENTAL LANDSCAPING: _____

SUBTOTAL: _____

AS-BUILT OPEN SPACE

UNDISTURBED AREA: _____

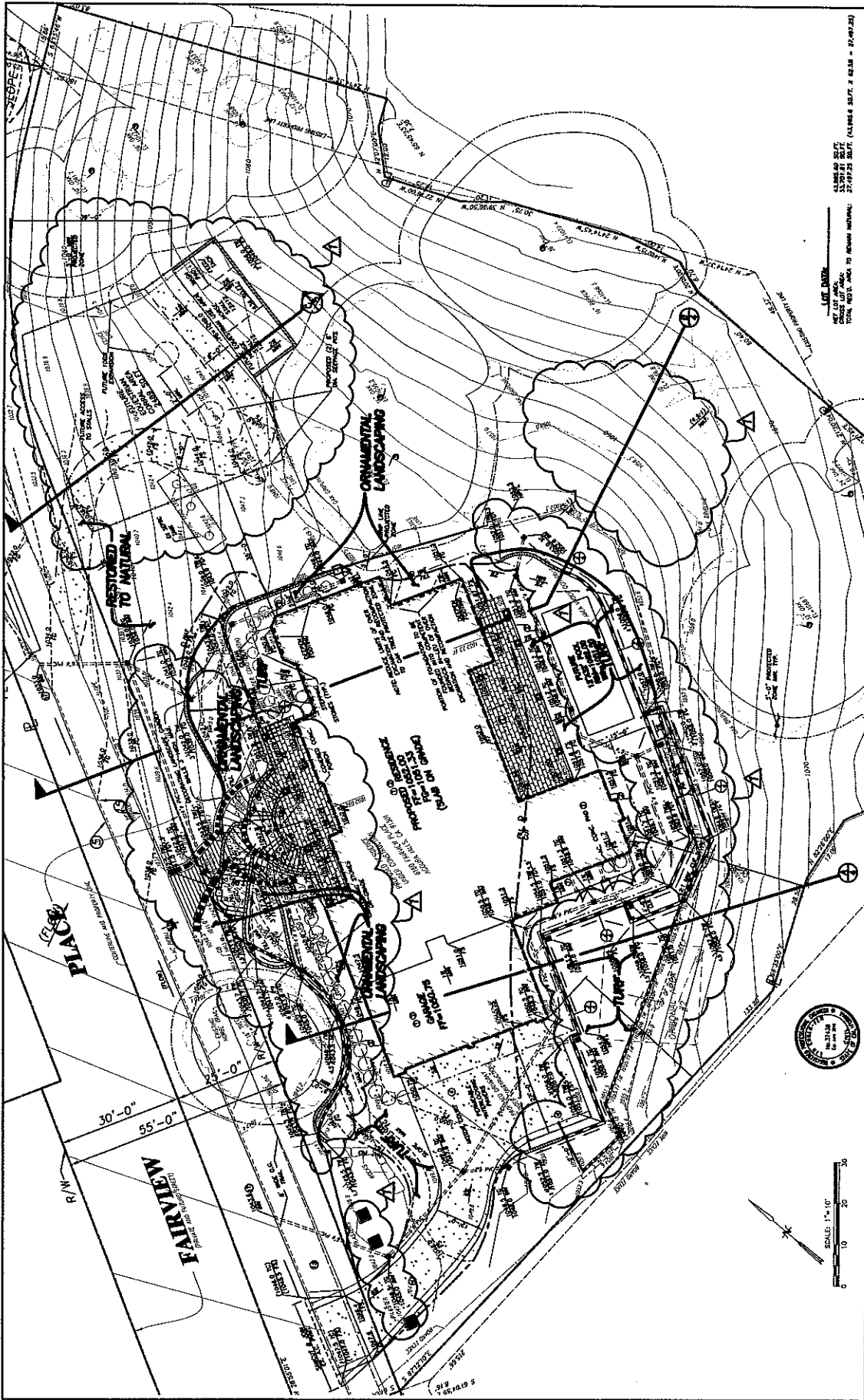
RESTORED TO NATURAL: _____

RESTORE TURF AREA AT DRIVEWAY TO NATURAL: _____

RESTORE DECOMPOSED GRANITE AT ON TREE WITH MULCHING INTERNAL: _____

SUBTOTAL: _____

TOTAL: _____



DATE: 11/16/06
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 TOTAL ACRES TO BE SURVEYED: 25.4923 ACRES (LESSER SURV. 7.8228 = 25.4923)

AS-BUILT COMPOSITE SURVEY
6160 FAIRVIEW PLACE
AGOURA HILLS, CA 91301

PROJECT NO. _____
 SHEET _____ OF _____
 CITY OF AGOURA HILLS DIVISION

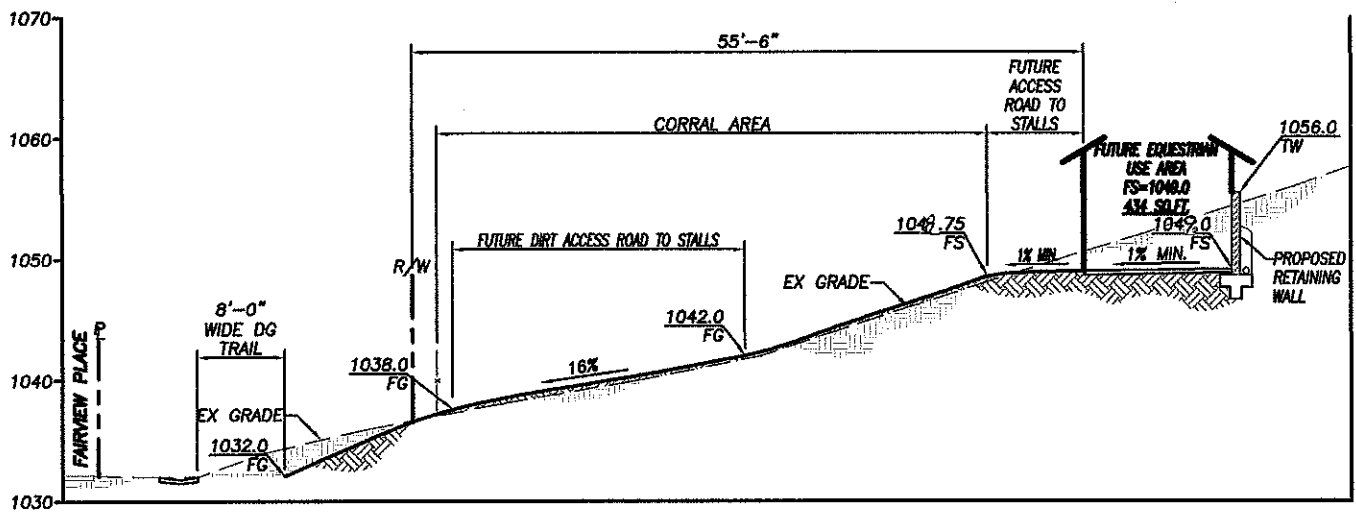
PREPARED BY:
 IN CHARGE: [Name]
 [Address]
 [Phone]

REV.	DATE	DESCRIPTION OF CHANGE

CITY OF AGOURA HILLS DIVISION
 PROJECT NO. _____
 SHEET _____ OF _____
 DATE: _____
 SCALE: 1" = 10'
 NORTH ARROW

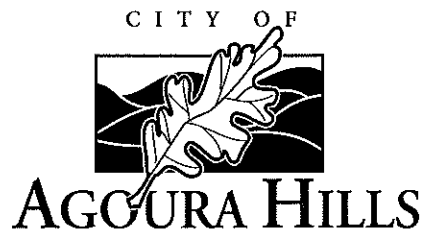
LIN CHUAN YEH & ASSOC.
851 RANCHO ROAD
THOUSAND OAKS, CA. 91361
(805) 794-3559

JOB NO. 054.06
CLIENT: FAIRVIEW
DESIGNED BY: EM
DRAWN BY: JA
DATE: 09-11-08



SECTION THROUGH EQUESTRIAN STALLS

NTS



**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 C

SEPTEMBER 4, 2008 STAFF REPORT



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.

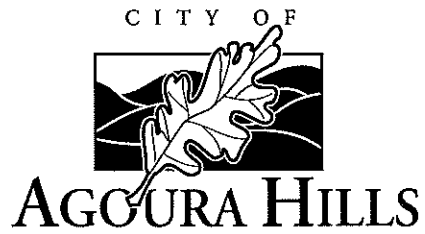
III. RECOMMENDATION

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



**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 D

SEPTEMBER 4, 2008 MEETING MINUTES



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION - AMENDED
September 4, 2008**

CALL TO ORDER: Chair O'Meara called the meeting to order at 6:30 p.m.

FLAG SALUTE Commissioner Buckley Weber

ROLL CALL: Chair John O'Meara, Vice Chair Curtis Zacuto, Commissioners Illece Buckley Weber, Cyrena Nouzille, and Steve Rishoff.

Also, present were Assistant Community Development Director Doug Hooper, Assistant Planner Renee Madrigal, Assistant Engineer Kelly Fisher, Landscape and Oak Tree Consultant Ann Burroughs, and Recording Secretary Sheila Keckhut.

1. **APPROVAL OF MINUTES:** August 21, 2008 Planning Commission Meeting

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve the Minutes of the August 21, 2008 Planning Commission Meeting. Motion carried 3-0-2. Vice Chair Zacuto and Commissioner Buckley Weber abstained.

COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:

Ron Waters, Resident

NEW PUBLIC HEARINGS

2. **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 plane plan.

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

CASE NO.: 06-CUP-005 and 06-OTP-008 (Amendment)

LOCATION: 6160 Fairview Place
(A.P.N. 2055-023-096)

ENVIRONMENTAL
DETERMINATION: Exempt from CEQA per Section 15303

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

PUBLIC COMMENTS: Chair O'Meara opened the Public Hearing

The following persons spoke on this agenda item.

John Henning, Attorney, representing applicant

Erick Mason, Civil Engineer representing applicant

Ron Waters, resident

Robyn Britton, Old Agoura HOA

The following persons turned in speaker cards but did not speak

Terry Gary, Applicant

Greg Lampert, Agoura TNT LLC, representing applicant

Chair O'Meara closed the public hearing.

RECESS: Chair O'Meara called for a recess at 8:15 p.m.

RECONVENE: Chair O'Meara reconvened the meeting at 8:29 p.m.

Chair O'Meara reopened the public hearing and John Henning, and Erick Mason, representing the applicant, spoke.

ACTION:

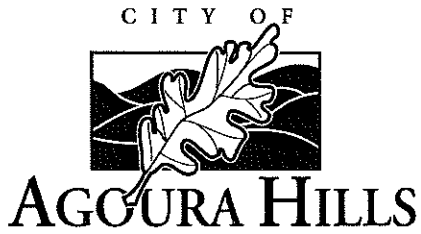
On a motion by Vice Chair Zacuto, seconded by Commissioner Buckley Weber, the Planning Commission moved to continue conditional Use Permit No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008 to the October 2, 2008 Planning Commission meeting. Motioned carried 5-0.

ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

(Planning Commission and Staff)

ADJOURNMENT

At 8:57 p.m., on a motion by Vice Chair Zacuto, seconded by Commissioner Buckley Weber, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday September 18, 2008, at 6:30 p.m. Motioned carried 5-0.



**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 E

**RESOLUTION NO. 898 AND
CONDITIONS OF APPROVAL**

RESOLUTION NO. 898

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING 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 2055-023-096), requesting the approval of a Conditional Use Permit Case No. 06-CUP-005 to construct a 5,623 square foot, two-story, single-family residence with a 956 square foot attached four-car garage and a swimming pool. The applicant is also requesting approval of an Oak Tree Permit Case No. 06-OTP-008 to perform corrective pruning and encroach upon the protected zone of two (2) Oak trees for the proposed construction. Public hearings were duly held on November 16, 2006 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 at the aforesaid Public Hearing.

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

A. The proposed use, as conditioned, is 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 property designation allows for development of a single-family residence and the proposal meets the development standards for the zone relative to lot coverage, building height, and building setbacks from the property lines.

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. The residence and accessory structures are located in the lower, flatter portions of the site to minimize grading and to reduce visual impacts as viewed from the private road. The proposed building style of architecture and building materials and colors of the two-story residence are compatible with the neighborhood and meet the City's Architectural Design Guidelines and standards of the Old Agoura Design Overlay District. The project was reviewed by the City's Architectural Review Panel and was found to be in compliance with the City's Architectural Design Standards and Guidelines.

C. The proposed use and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, or welfare in that the design of the residence will ensure adequate light, air, privacy and open space to surrounding properties. The proposed two-story structure is situated at the base of the on-site hillside slope, which will preserve views and privacy of the surrounding properties. The project complies with the maximum allowable building height limitations of hillside properties. 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. A private septic system will serve the 1.01 acre parcel and has been tentatively approved by the Los Angeles County Health Department.

D. The proposed use, 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 residence meets all required setbacks, height limitation, and lot coverage requirements for the zone and incorporates natural building materials in the project design. The incorporation of permeable or semi-permeable driveway and hardscape materials will reduce runoff and maintain the rural atmosphere of the Old Agoura neighborhood.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community in that the project will meet the minimum yard setback requirements for the RV zone. The residence will be placed an appropriate distance from the street serving the property to preserve public views. The RV zone allows for the development of single-family residences.

F. The proposed use, 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.

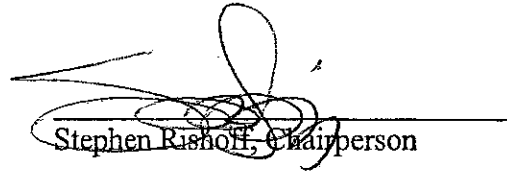
G. As conditioned, encroachment into two Oak trees and corrective pruning is necessary for construction of the project, but will not significantly impact the health of the trees, nor will the proposed construction impact the health of the remaining Oak trees on the property.

Section 4. The 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. 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.

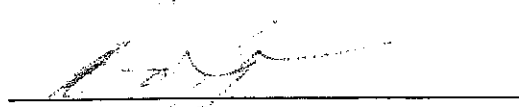
PASSED, APPROVED, and ADOPTED this day of February 15, 2007, by the following vote to wit:

AYES: Buckley Weber, O'Meara, & Ramuno
NOES: Rishoff
ABSTAIN: None
ABSENT: Zacuto



Stephen Rishoff, Chairperson

ATTEST:



Doug Hooper, Secretary

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

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 Approval of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the Planning Commission: Site Plan, Building Elevation Plans, Floor Plans, Roof Plans, Grading Plans and Landscape Plans.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If overhead utilities of 66 KV or greater exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.
10. 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.

11. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
12. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
13. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
14. Unless Conditional Use Permit Case No. 06-CUP-005 and Oak Tree Permit Case No. 06-OTP-008 are used within two (2) years from the date of City approval, these permits will expire. A written request for a one-year extension may be considered prior to the expiration date.
15. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$2.63 per square foot.
16. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
17. 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.
18. Prior to the 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.
19. 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.
20. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.

ENGINEERING/PUBLIC WORKS DEPARTMENT 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. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Engineering Department prior to issuance of the final Certificate of Occupancy.
25. A title report is required to be submitted with the project plans. The plans shall show all proposed and existing easements.
26. Submit cost estimates of public improvements to City Engineer for approval prior to issuance of a grading permit.
27. The developer/owner shall pay all applicable fees and deposits prior to issuances of the grading permit, building permit, and certificate of occupancy.
28. A Transportation Impact Fee (TIF) in the amount of \$2,440 is due prior to issuance of Certificate of Occupancy.

Grading

29. 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.
30. Detailed grading/drainage plan stamped and signed by a California Registered Civil Engineer. The grading/drainage plan shall be prepared using existing benchmark datum and clearly show existing and proposed contour lines. The plan

shall also show: existing oak trees, pad and finish floor elevations, all retaining and/or block walls, which shall be limited to 6 feet in height, and street improvement limits/cross sections. The grading/drainage plan shall show existing grades, other off-site improvements for a minimum of 100' outside of the property boundaries, all existing and proposed utilities, and all utility connections from the street to the site, all existing and proposed easements, and all property lines.

31. 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.
32. 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. Building pad certifications must be completed by the applicant's project Civil Engineer. Grade certifications must be completed by the applicant's Civil Engineer and Geotechnical Engineer and/or Geologist. All certifications must be signed and stamped by State licensed professionals.
33. 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

34. 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).
35. The SWPPP shall be prepared in compliance with the Development Construction Model Program for Stormwater Management within the County of Los Angeles, and shall be subject to approval by the City Engineer. The SWPPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in stormwater discharges from the construction site during the construction period, and after construction as required.
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.

Traffic

38. The applicant shall improve Fairview Place along property frontage to provide for a minimum of 26-foot paved width, 8-foot equestrian trail per the Old Agoura standards, and asphalt curb or a 3-foot wide inverted shoulder, as recommended by a State-licensed Civil Engineer to ensure runoff is maintained within the roadway. The roadway section shall be 4" asphalt concrete minimum on top of crushed aggregate base, as recommended by the geotechnical and/or civil engineer, subject to the review and approval of the City Engineer.

Utilities

39. The applicant shall obtain plan approval for septic system purposes by the L.A. County Department of Health prior to issuance of grading permit.
40. The applicant shall submit evidence to the Building Official that all sewer and water fees have been to Las Virgenes Municipal Water District (LVMWD) and Los Angeles County prior to issuance of a building permit.

GEOTECHNICAL CONDITIONS

41. The applicant shall comply with all of GeoDynamics, Inc.'s (The City's of Agoura Hills' Geotechnical Consultant) Conditions of Approval letter dated July 31, 2006.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Trees

42. The applicant is permitted to encroach within the protected zone of Tree Number 12, outside of the dripline, for construction access only.
43. The applicant is permitted to encroach within the protected zone of Tree Number 19 to construct the required equestrian trail along Fairview Place. The applicant is also permitted to prune the tree for clearance over the new equestrian trail to provide a vertical clearance of fourteen feet (14'). Additionally, it is recommended that three co-dominant branches be reduced by one-third (1/3) to encourage the tree to adopt a more vertical form.
44. All 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.

45. All other oak trees shall be preserved in place with no direct impacts.
46. It is recommended that the applicant implement remedial actions as recommended in the Addendum to the Oak Tree Report as prepared by Peter Bogue Designs. Mr. Bogue's recommendations should be implemented as follows:
 - a. Tree Number 1 through 6, 9, and 19 - Prune existing stubs to just outside the branch collar in accordance with "The Pruning Standards of the Western Chapter of the International Society of Arboriculture".
 - b. Tree Numbers 7 and 12 each present large trunk cavities. A professional tree care firm should be retained to determine the extent of decay associated with the cavities, the remaining structural integrity, and the risks, if any, associated with preserving these trees in a developed residential environment.
 - c. Tree Number 7 also presents crossing branches and some branch damage. One of each set of the crossing branches should be removed as well as any severely damaged limbs in danger of breaking. The professional tree care firm should assess the branching structure and damage and recommend mitigation measures.
 - d. A prior cut condition exists uphill of Tree Numbers 7, 8, 10 through 15, and 18. No action should be taken, as filling the depressions now could cause more harm than benefit.
 - e. Tree Number 10 presents a water trap at the branching point. The report recommends that a professional tree care firm drill a channel from the low point of the water trap at an incline to the surface of the trunk. This is an outdated process and this recommendation shall be eliminated.
 - f. Tree Number 10 shows indication of infestation or disease at a height not clearly visible from the ground. The professional tree care firm should assess the cause and propose mitigation measures.
 - g. Tree Number 11 presents minor branch cavities. The professional tree care firm should assess the need for removal of cabling of individual branches.
 - h. Tree Number 12 has a piece of wire cable embedded in the trunk. The professional tree care firm should assess the possibility of removing the cable without causing significant damage.
 - i. Tree Numbers 16 and 17 have numerous large galls on the trunks of major limbs. The professional tree care firm should inspect the galls to determine their cause and recommend treatment accordingly.

- j. Tree Number 17 is infected with mistletoe which shall be removed by the professional tree care firm experienced with removal of this parasite.
47. 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.
48. 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.
49. 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.
50. 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.
51. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
52. 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.
53. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree at that time.
54. 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.
55. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.
56. The overall site plan has a note next to Oak Tree #12 that must be revised to read: "The over-excavation and recompaction work must be kept outside of the protected zone of Oak Tree #12."

57. The horse area was drawn for illustrative purposes. The applicant is not planning to construct it at this time. The retaining walls and grading would need to be separately submitted for review and approval by the Oak Tree Consultant if the property owner wished to construct the horse area.

Landscaping

58. The applicant is not planning to construct the wrought iron fence along the property line. It should be deleted from the plans, as new fencing would require an Oak Tree Permit.
59. Prior to the approval of grading permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
- a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
 - b. All plans shall be legible and clearly drawn.
 - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-four inches (24") by thirty-six inches (36") in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
 - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
 - f. The project identification number shall be shown on each sheet.
 - g. The plans shall accurately and clearly depict the following existing and proposed features:
 - Landscape trees, shrubs, ground cover and any other landscaping materials
 - Property lines
 - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
 - Buildings and structures
 - Parking areas, including lighting, striping and wheel stops
 - General contour lines

- Grading areas, including tops and toes of slopes
 - Utilities, including street lighting and fire hydrants
 - Natural features, including watercourses, rock outcroppings
60. The Planting Plan shall indicate the botanical name and size of each plant.
61. Plant symbols shall depict the size of the plants at maturity.
62. The landscape plans shall prominently display the following notes:
- a. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - b. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".
 - c. Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plans.
63. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
64. The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings with a minimum of waste and over spray on adjoining areas.
65. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
- h. Design and static pressures
 - i. Point of connection
 - j. Backflow protection
 - k. Valves, piping, controllers, heads, quick couplers
 - l. Gallon requirements for each valve
66. Three (3) copies of details and specifications shall be provided, addressing but not limited to, planting, soil preparation, tree staking, guying, installation details, and post installation maintenance.
67. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:

- Site Plan
 - Elevations
 - Grading Plan
 - Conditions Of Approval
68. The Old Agoura Overlay District requires the use of locally native, drought-resistant landscape plantings. The final planting scheme must have a naturalistic appearance to preserve the rural character of the Old Agoura area.
69. Proposed plant material may not be considered invasive in the Santa Monica Mountains, as it could negatively impact the adjacent natural area. Lists of exotic material can be obtained from the California Native Plant Society and/or the California Exotic Pest Plant Council.
70. Native, drought resistant plants shall be utilized on the graded slope in accordance with the Old Agoura Design Overlay District requirements.
71. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
72. The plans shall also be prepared in accordance with the Fuel Modification Guidelines of the Los Angeles County Fire Department.

FIRE DEPARTMENT CONDITIONS

73. The applicant shall comply with all conditions of the Los Angeles County Fire Department prior to the issuance of a building permit.

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

74. 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.

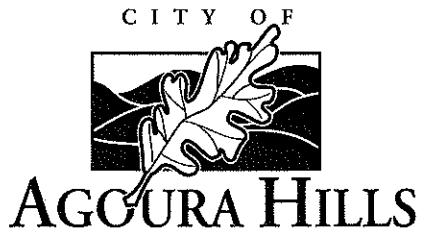
75. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, 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.
76. 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

77. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.
78. Detailed plans shall be submitted for all walls and fences on the property and shall be subject to review and approval by the Director of Planning and Community Development.
79. The driveway and hardscape surfaces shall consist of permeable or semi-permeable materials approved by the Director of Planning and Community Development.
80. Prior to the issuance of a grading permit the applicant shall obtain approval of a landscaping fuel modification plan from the Los Angeles County Fire District. A copy of the Fire District's approved plan shall be submitted to the City Planning Department.
81. Prior to the starting construction, the site shall be temporarily fenced and screened on all sides for the duration of the construction project. The height of the fence shall be six (6) feet and fence material shall be overlaid on the exterior with a dark, opaque vinyl screen, or other equivalent fencing and screening material as approved by the Director of Planning and Community Development. Temporary construction fencing and gates shall be maintained in good order at all times.
82. Any new building or structure shown on the approved Site Plan shall be subject to approval of a Conditional Use Permit from the Planning Commission.

83. The proposed undeveloped area located north of the residence and outside the protected zone of Oak trees shall be designated on the site plan as an alternate future equestrian area, subject to review and approval by the Director of Planning and Community Development.

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 F

COPIES OF APPROVED PLANS

RESIDENCE FOR : AGOURA TMT LLC

AGOURA HILLS, CALIFORNIA 91001

SCALE: 1/8" = 1'-0"

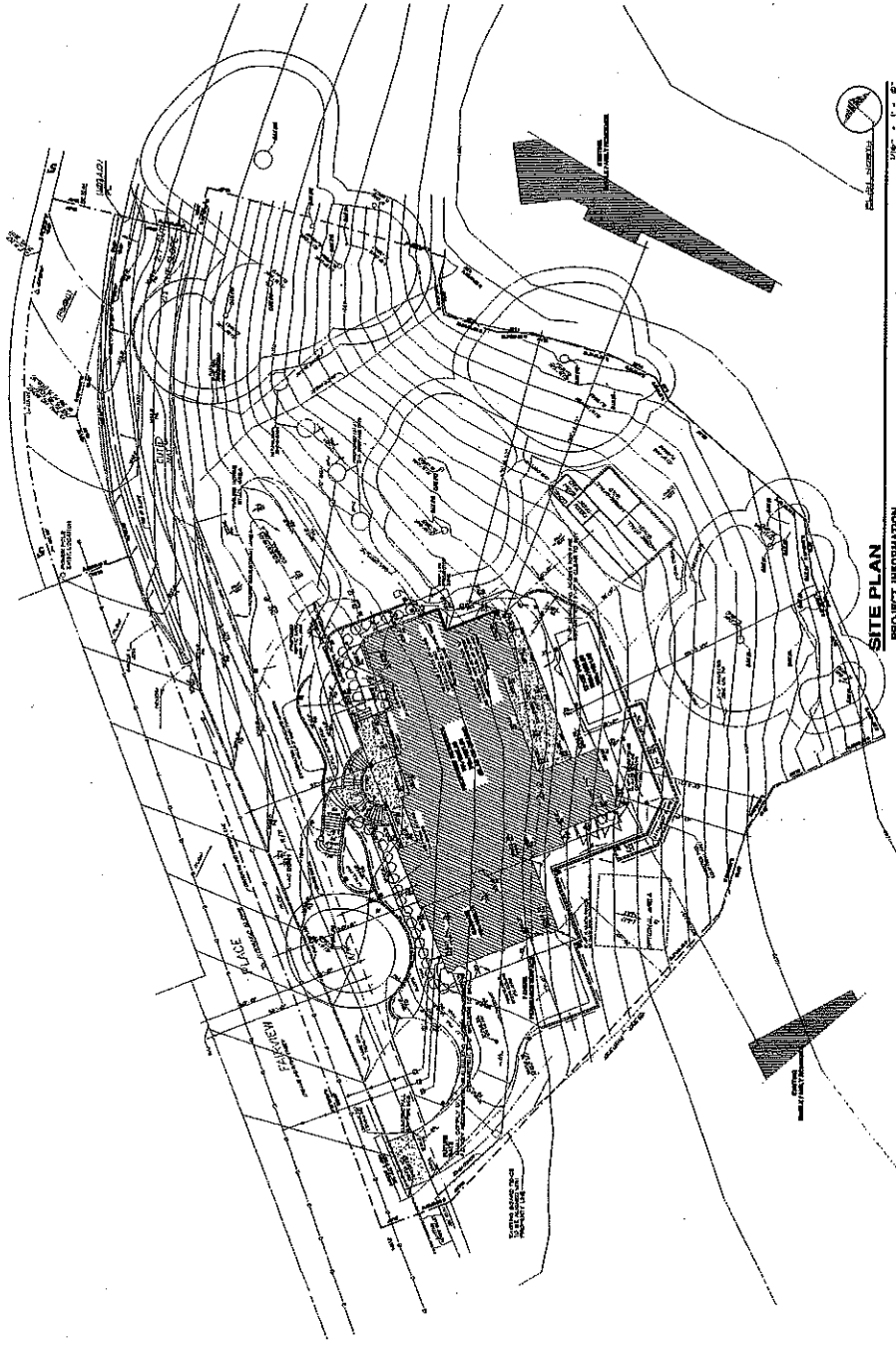
DATE: 01/15/08

PROJECT: RESIDENCE FOR AGOURA TMT LLC

ARCHITECT: SCHNEIDER ARCHITECTS

DESIGNER: JOE KAPLAN

DATE: 01/15/08



SITE PLAN

PROJECT INFORMATION

PROJECT NO. 08-001

DATE: 01/15/08

PROJECT: RESIDENCE FOR AGOURA TMT LLC

ARCHITECT: SCHNEIDER ARCHITECTS

DESIGNER: JOE KAPLAN

DATE: 01/15/08

SCALE: 1/8" = 1'-0"

PROJECT LOCATION: AGOURA HILLS, CALIFORNIA 91001

OWNER: AGOURA TMT LLC

PROJECT NO. 08-001

DATE: 01/15/08

PROJECT: RESIDENCE FOR AGOURA TMT LLC

ARCHITECT: SCHNEIDER ARCHITECTS

DESIGNER: JOE KAPLAN

DATE: 01/15/08

SCALE: 1/8" = 1'-0"

PROJECT LOCATION: AGOURA HILLS, CALIFORNIA 91001

OWNER: AGOURA TMT LLC

PROJECT NO. 08-001

DATE: 01/15/08

PROJECT: RESIDENCE FOR AGOURA TMT LLC

ARCHITECT: SCHNEIDER ARCHITECTS

DESIGNER: JOE KAPLAN

DATE: 01/15/08

SCALE: 1/8" = 1'-0"

PROJECT LOCATION: AGOURA HILLS, CALIFORNIA 91001

OWNER: AGOURA TMT LLC

PROJECT NO. 08-001

DATE: 01/15/08

PROJECT: RESIDENCE FOR AGOURA TMT LLC

ARCHITECT: SCHNEIDER ARCHITECTS

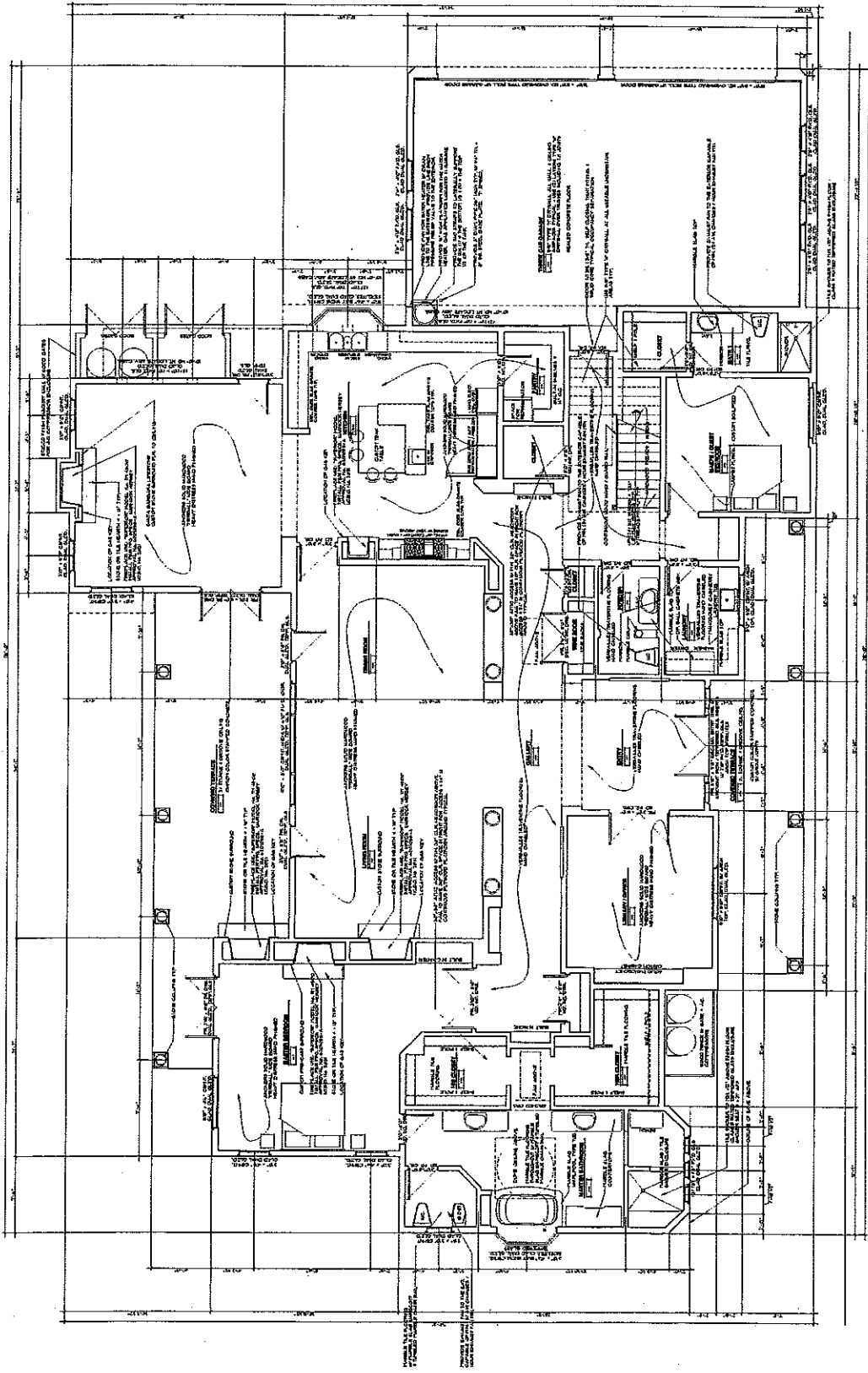
DESIGNER: JOE KAPLAN

DATE: 01/15/08

SCALE: 1/8" = 1'-0"

PROJECT LOCATION: AGOURA HILLS, CALIFORNIA 91001

OWNER: AGOURA TMT LLC



FIRST FLOOR PLAN

PROJECT INFORMATION

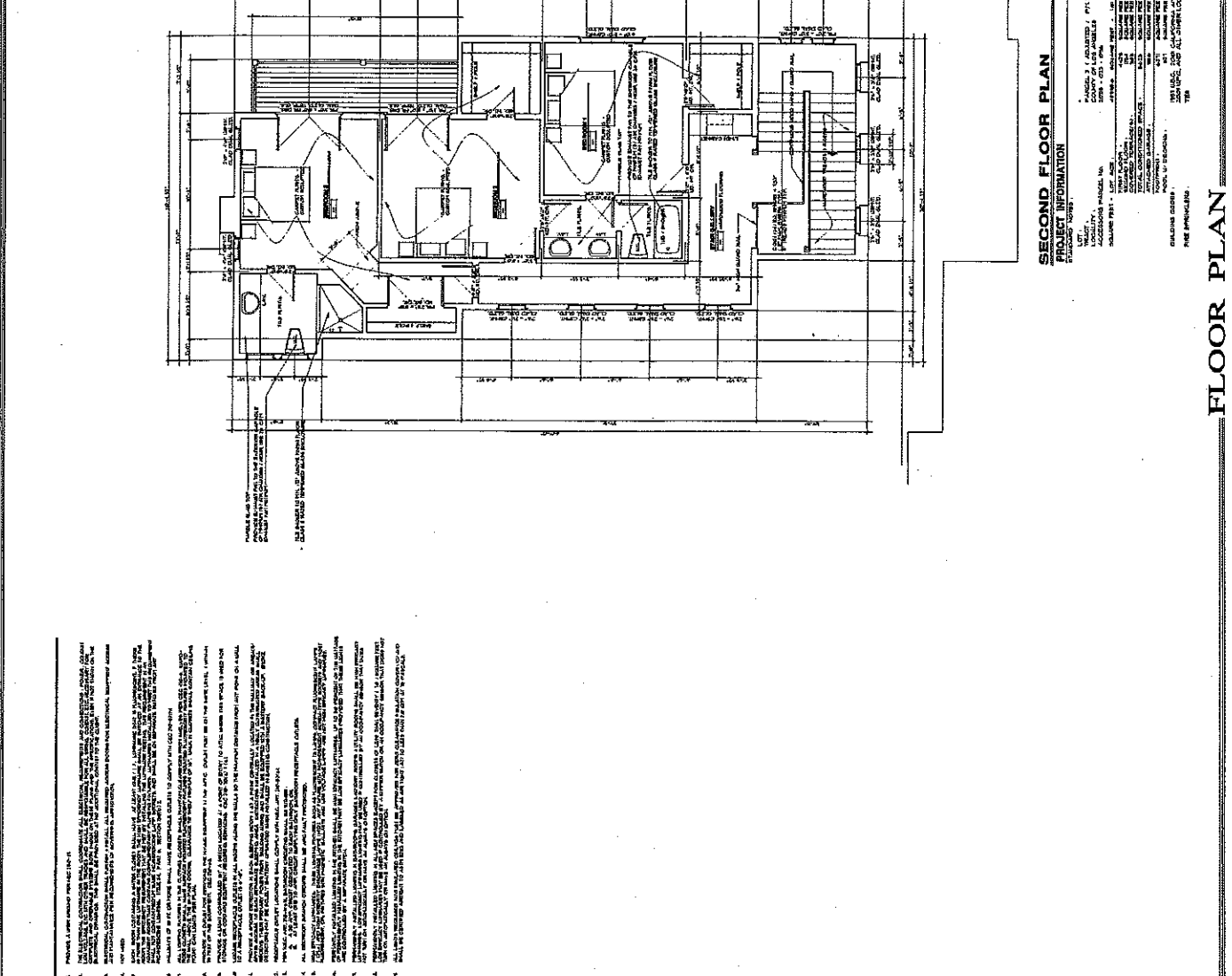
OWNER	AGOURA TNT LLC
ARCHITECT	SCHWARTZBAER ARCHITECTS
DATE	10/10/10
SCALE	AS SHOWN
TITLE	FIRST FLOOR PLAN
PROJECT NO.	100.100.100
SHEET NO.	A4
TOTAL SHEETS	37
DATE	10/10/10
DESIGNED BY	J. SCHWARTZBAER
DRAWN BY	M. SCHWARTZBAER
CHECKED BY	J. SCHWARTZBAER
DATE	10/10/10
PROJECT NO.	100.100.100
SHEET NO.	A4
TOTAL SHEETS	37
DATE	10/10/10

PREPARED BY: J. SCHWARTZBAER
 DATE: 10/10/10
 PROJECT NO.: 100.100.100
 SHEET NO.: A4

FLOOR PLAN

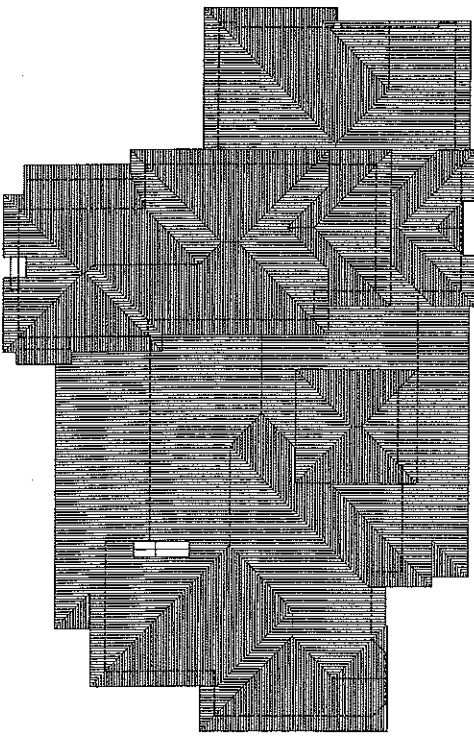
NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. FINISHES AND MATERIALS TO BE DETERMINED BY THE ARCHITECT.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 7. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 9. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 11. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 12. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 13. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 15. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE ARCHITECT'S INTENT.

NOTES:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 2. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
 3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
 4. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
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ELECTRICAL NOTES:
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 30. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

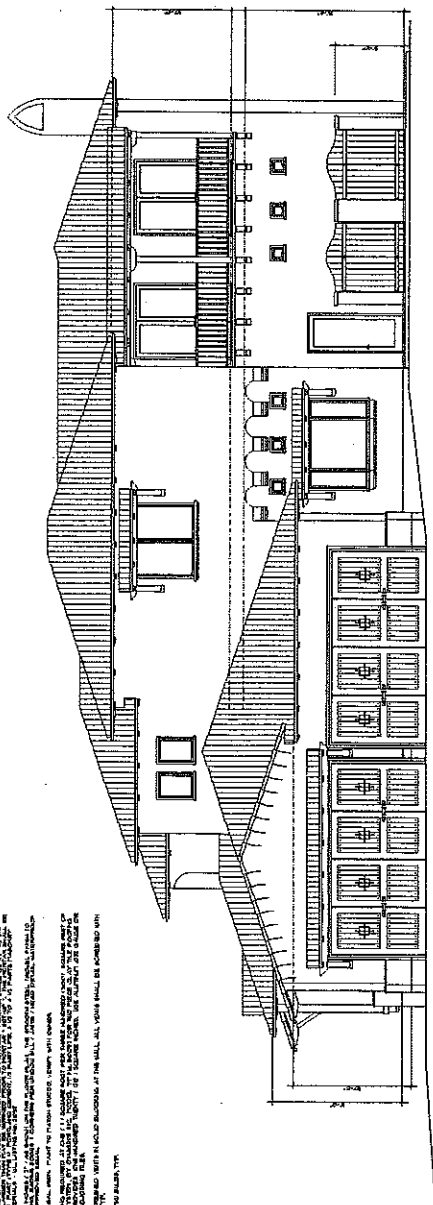
SECOND FLOOR PLAN
PROJECT INFORMATION
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 SHEET NO.: 2 OF 27
 DATE: 11/25/10
 DRAWN BY: SCHNEIDER ARCHITECTS
 CHECKED BY: SCHNEIDER ARCHITECTS
 APPROVED BY: SCHNEIDER ARCHITECTS
 PROJECT NAME: RESIDENCE FOR: AGOURA TNT LLC
 PROJECT ADDRESS: 8150 FAIRVIEW PLACE, AGOURA HILLS, CA 91301
 PROJECT OWNER: AGOURA TNT LLC
 PROJECT MANAGER: [Name]
 PROJECT ARCHITECT: [Name]
 PROJECT ELECTRICAL ENGINEER: [Name]
 PROJECT MECHANICAL ENGINEER: [Name]
 PROJECT PLUMBING ENGINEER: [Name]
 PROJECT STRUCTURAL ENGINEER: [Name]
 PROJECT LANDSCAPE ARCHITECT: [Name]
 PROJECT INTERIOR DESIGNER: [Name]
 PROJECT FURNITURE DESIGNER: [Name]
 PROJECT LIGHTING DESIGNER: [Name]
 PROJECT AUDIO VISUAL DESIGNER: [Name]
 PROJECT SECURITY DESIGNER: [Name]



ROOF PLAN

1/8" = 1' - 0"

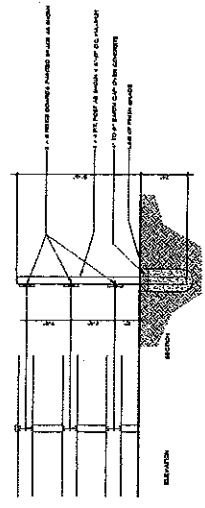
NOTES:
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 2. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
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RIGHT ELEVATION
SOUTH ELEVATION
EXTERIOR ELEVATIONS

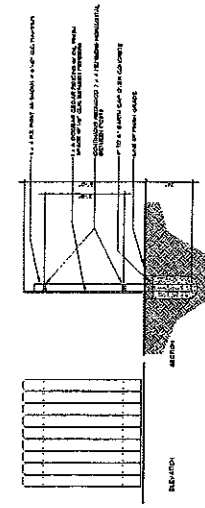
1/4" = 1' - 0"

EXTERIOR ELEVATIONS



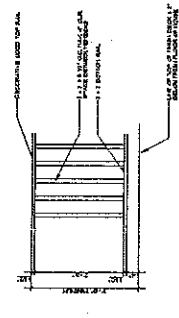
WOOD FENCE TYPICAL PROPERTY LINE FENCING

1/2" = 1'-0"



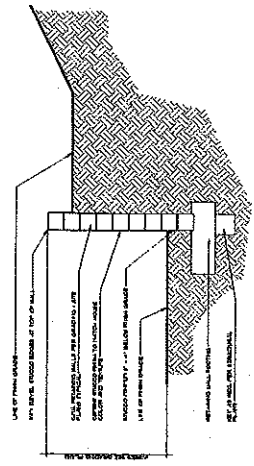
WOOD FENCE TYPICAL EQUIPMENT SCREENING FENCING

1/2" = 1'-0"



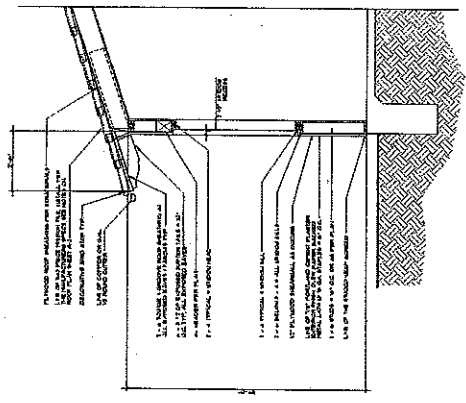
CORNER DETAIL EXTERIOR

3/4" = 1'-0"



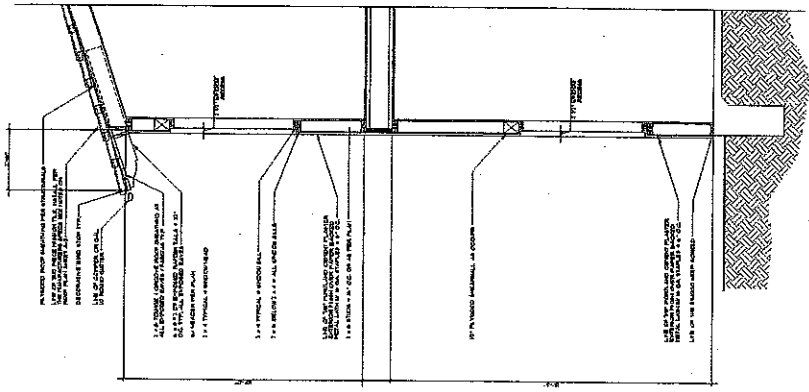
TYPICAL RETAINED WALL FINISH TWO STORY

1/2" = 1'-0"



TYPICAL WALL SECTIONS TWO STORY

1/2" = 1'-0"

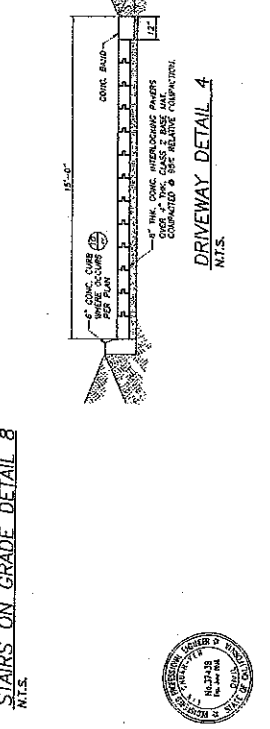
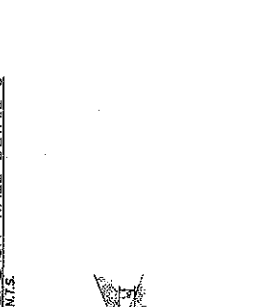
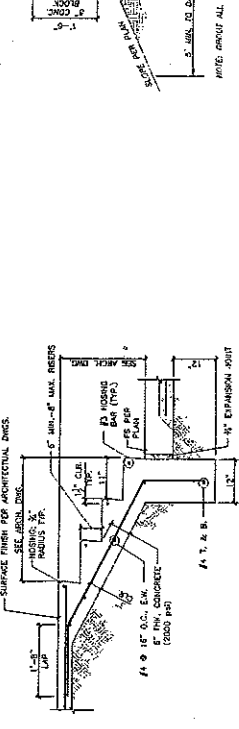
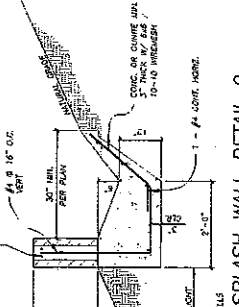
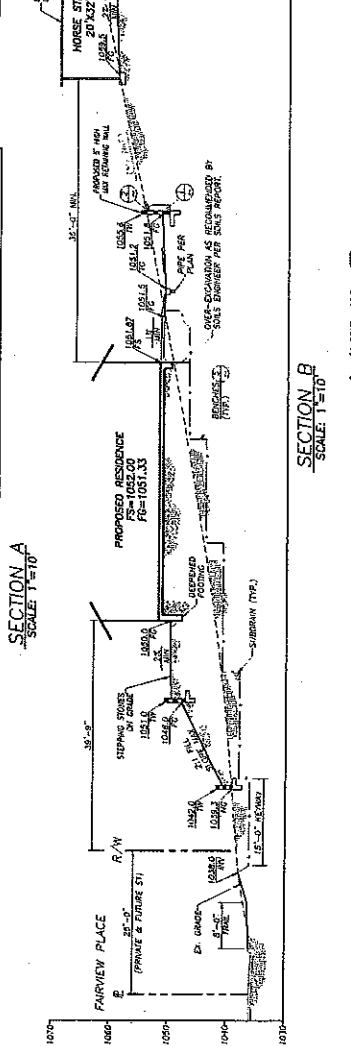
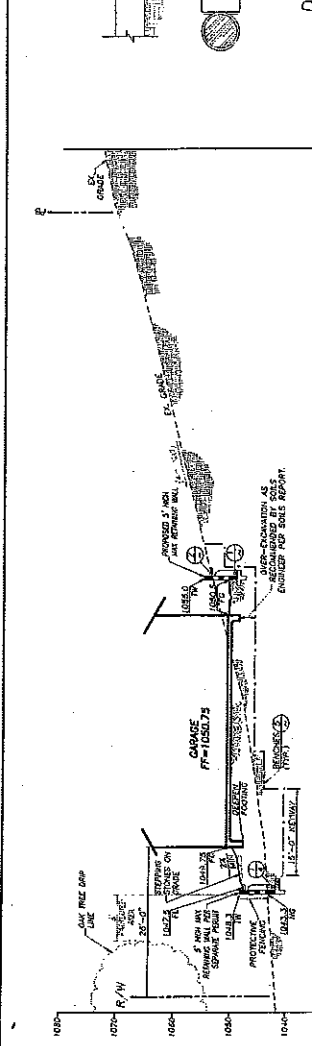
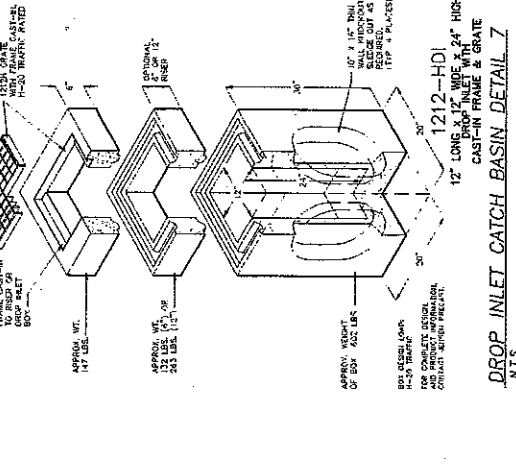
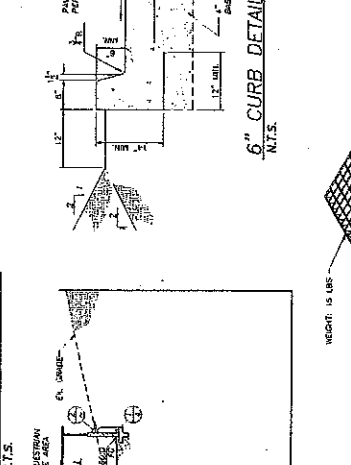
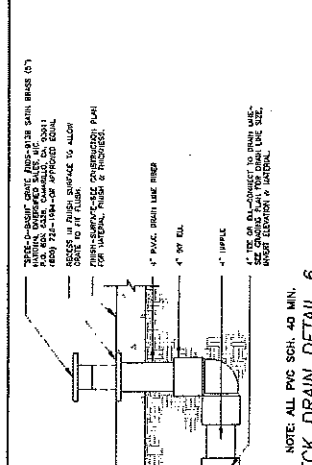
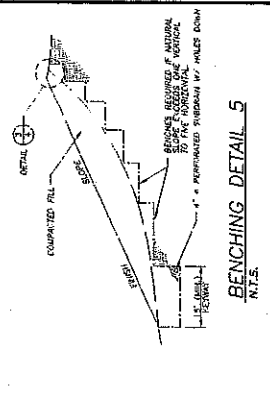
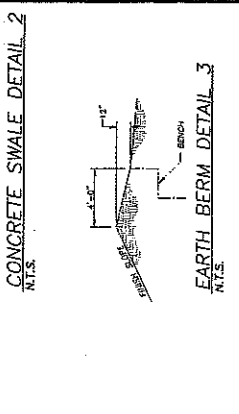
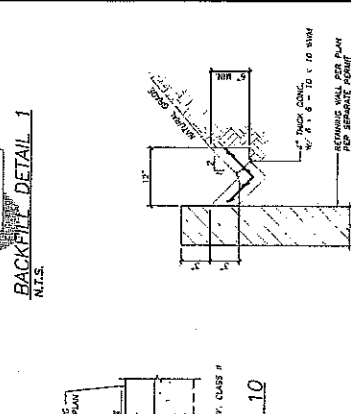
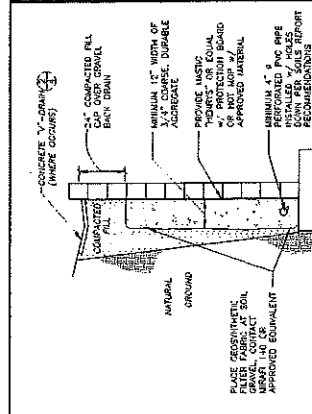


TYPICAL WALL SECTIONS TWO STORY

1/2" = 1'-0"

ARCHITECTURAL DETAILS

ARCHITECTURAL DETAILS



SECTIONS & DETAILS
 6160 FAIRVIEW PLACE
 AGOURA HILLS, CA 91301

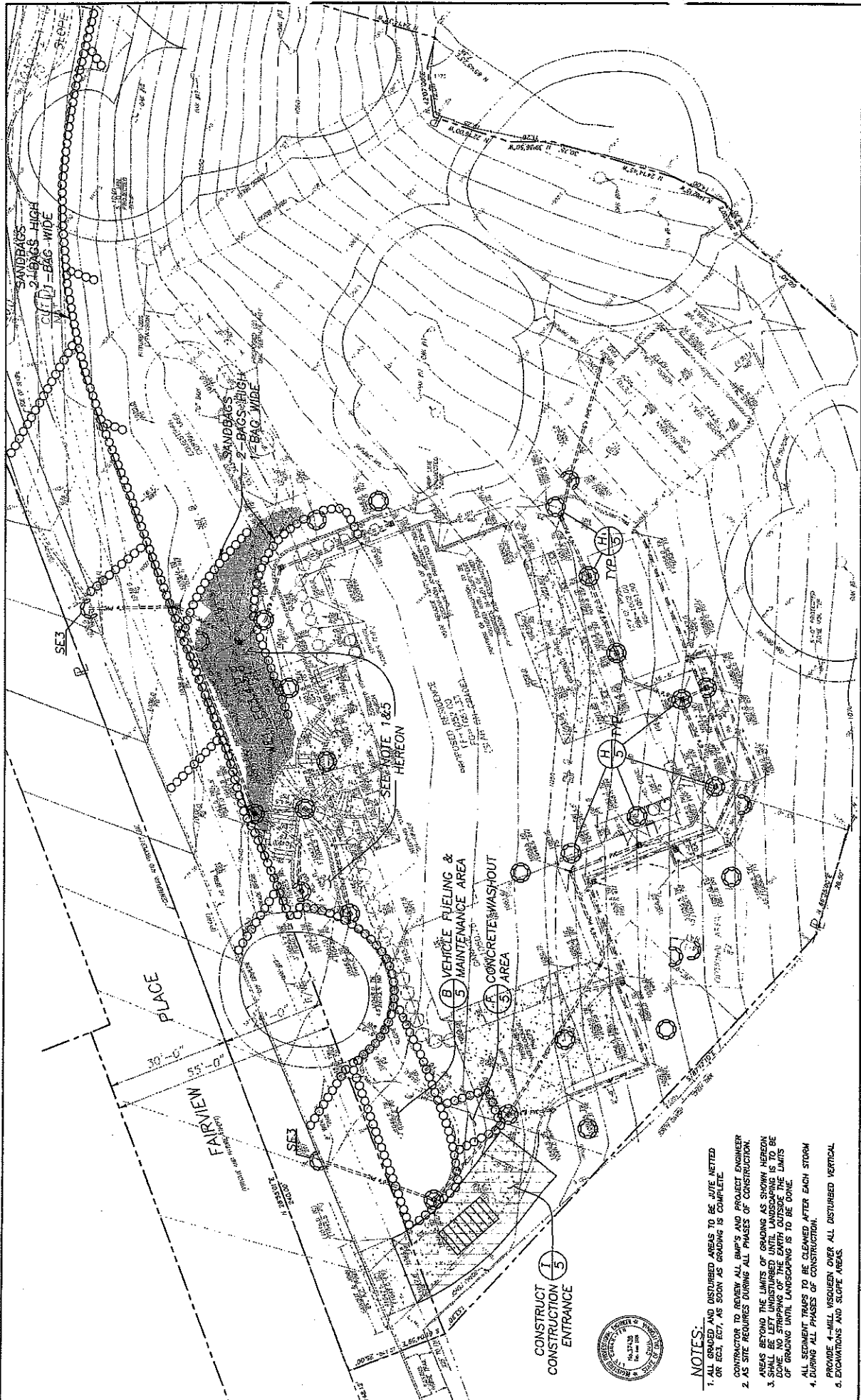
PROJECT NO. _____
SHEET 4 OF 7

REV	STAMP	DESCRIPTION OF CHANGE	DATE	DATE	DATE

PREPARED BY: [Signature]
CHECKED BY: [Signature]
DATE: [Date]




CITY OF AGOURA HILLS DIVISION OF PUBLIC WORKS



- NOTES:**
1. ALL GRADED AND DISTURBED AREAS TO BE JUTE NETTED OR EC3, EC7, AS SOON AS GRADING IS COMPLETE.
 2. CONTRACTOR TO REVIEW ALL BMP'S AND PROJECT ENGINEER AS SITE REQUIRES DURING ALL PHASES OF CONSTRUCTION.
 3. AREAS BEYOND THE LIMITS OF GRADING AS SHOWN HEREON SHALL BE LEFT UNDISTURBED UNTIL LANDSCAPING IS TO BE DONE. ANY AREAS BEYOND THE LIMITS OF GRADING UNTIL LANDSCAPING IS TO BE DONE.
 4. ALL SEDIMENT TRAPS TO BE CLEARED AFTER EACH STORM DURING ALL PHASES OF CONSTRUCTION.
 5. PROVIDE 4" MESH VELOCITY OVER ALL DISTURBED VERTICAL EXCAVATIONS AND SLOPE AREAS.



EROSION CONTROL PLAN 6160 FAIRVIEW PLACE AGOURA HILLS, CA 91301 PROJECT NO. _____ SHEET 8 OF 7.			
CITY OF AGOURA HILLS APPROVAL  AGOURA HILLS			
PREPARED BY: LIT CHAIKIN, INC. & ASSOCIATES 10000 WILSON AVENUE, SUITE 200 THOUSAND OAKS, CA 91320 (805) 794-3888 PROJECT ENGINEER: _____ STAMP: _____ DATE: _____			
REV	SYMBOL	DESCRIPTION OF CHANGE	DATE

