



DATE: JANUARY 15, 2009

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: CONDITIONAL USE PERMIT CASE NO. 03-CUP-016 & OAK TREE
PERMIT CASE NO. 03-OTP-017

I. PROJECT BACKGROUND AND DISCUSSION

The Planning Commission conducted a public hearing on March 20, 2008, for Sean Ben-Menahem's Conditional Use Permit and Oak Tree Permit applications (Case Nos. 03-CUP-016 and 03-OTP-012) to construct a two-story, single-family residence at 6149 Palo Comado Drive. The case was continued and subsequent public hearings for the proposal were held on August 7, 2008 and December 18, 2008.

The last proposal considered by the Planning Commission included a 3,994 square-foot single-family residence with a 475 square-foot attached garage and a 39 square-foot balcony. The proposed design was a California Spanish style house, two stories in height, with a single-story garage. The grading of this hillside lot included creating a split-level pad for the house with retaining walls and two manufactured 2:1 slopes in the front and the back of the property with retaining walls around the pad. The project also required an Oak Tree Permit to encroach in the protected zone of nine (9) oak trees and to remove one (1) other oak tree.

The public hearing was continued to January 15, 2009, and the Commission requested the applicant submit a more detailed exhibit of the proposed drainage improvements for the intersection of the Fairview Street and Palo Comado Drive. The applicant has provided staff with a revised Grading Plan. The Engineering Department reviewed the grading plan which includes an inverted shoulder along the interior side of Palo Comado Road, which would cross the road and continue east on Fairview Drive into the creek. The applicant is also required to extend a concrete inverted shoulder across the intersection. The concrete material will be mixed with an earth-tone pigment and some exposed aggregate for a rustic appearance. As a result of the revisions, the Engineering Department has modified the draft conditions of approval.

The Planning Commission also requested that the horse-keeping area along the front of the property be enlarged. The applicant has extended the retaining wall to provide an area 50 feet in length in 20 feet in depth (1,000 square feet) as shown on the Grading Plan.

In addition, the Planning Commission recommended the front yard include native landscape materials, in lieu of turf. The applicant has shown this revision on a revised colored rendering. The draft conditions of approval also include a requirement for native landscaping in the front yard planter.

As a result of the discussions held during the previous public hearing, the applicant will not be required to pave Palo Comado Drive south of the proposed driveway. Therefore Oak Tree #22 will be preserved. The City Oak Tree/Landscape Consultant will not be requiring mitigation for that tree. The Oak Tree Conditions have been revised and are attached to the draft Resolution.

II. RECOMMENDATION

If it is the Planning Commission's decision to approve Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, staff recommends the Planning Commission adopt the attached draft Resolution, subject to the revised Conditions of Approval.

Attachments

- Draft Resolution of Approval and Revised Conditions of Approval
- Exhibit A: Revised Rendering
- Exhibit B: Reduced Copy of Architectural and Revised Grading Plans
- Exhibit C: December 18, 2008 Meeting Draft Minutes
- Exhibit D: December 18, 2008 Meeting Staff Report

Case Planner: Valerie Darbouze, Associate Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 03-CUP-016
AND OAK TREE PERMIT CASE NO. 03-OTP-017

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

Section 1. An application was duly filed by Sean Ben-Menahem with respect to the real property located at 6149 Palo Comado Drive, Assessor's Parcel Number 2055-023-073, requesting the approval of a Conditional Use Permit Case No. 03-CUP-016 to allow the development of a 3,994 square-foot, two-story, single-family residence with a 475 square foot attached two-car garage; and requesting approval of Oak Tree Permit Case No. 03-OTP-017 to remove one (1) oak tree and encroach in the protected zone of nine (9) oak trees for the proposed construction. Public hearings were duly held on March 20, 2008, August 7, 2008, December 18, 2008 and January 15, 2009 at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date and place and purpose of the aforesaid was duly given.

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

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

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Residential Very Low Density zone and the Old Agoura Design Overlay zone, which provide general design standards for residential developments. All minimum development standards have been met for the proposed two-story residence with regard to setbacks, lot coverage, height, architectural guidelines and hillside development standards regarding height.
- B. The proposed use, as conditioned, is compatible with the surrounding properties. The project will contribute to the aesthetic value of the neighborhood as a whole. The proposed building style of architecture and building materials, which include Spanish tiles, rafter tails, smooth stucco, a balcony with wrought iron railing, courtyard entry and an overall earth tone scheme color are compatible with the neighborhood and meet the requirements of the Old Agoura Design Overlay District.
- C. The proposed use, as conditioned, and the conditions under which the project will be operated or maintained, will not be detrimental to the public health, safety or welfare. No element of the architecture or the use is detrimental to the health, safety or welfare of the public as single-family residences are allowed in that particular zone and the private septic system and drainage meet the conditions of both the Los Angeles County Health Department and the City Geological/Geotechnical Consultant. Access to the property will be taken from Palo Comado Drive, and the two-story house will be placed in a location on the lot that will not impact the privacy or view sheds of adjoining neighbors.

- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance with regard to building placement, design, lot coverage, and height, and hillside development in that the project meets or exceeds the prescribed development's standards for the zones.
- E. The proposed use as conditioned, will maintain the diversity of the community's rustic structures in that the residence was designed as a split level and the combination of materials and the color palette give the house its own identity. The placement of the residence will not impact view-sheds of neighboring residents as it is setback from the front property line 52 feet and surrounded by hillside on the other three sides of the property. The parcel is isolated from the main roads where the development is the most visible.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed location of the house will preserve the oak trees. Proportionality of the house in relation to the size of the lot meets the intent of the Old Agoura Implementation Measures outlined in the Community Design Element.

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. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 15th day of January, 2009 by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairperson

ATTEST:

Doug Hooper, Secretary

Conditions of Approval Case Nos. 03-CUP-016 & 03-OTP-017

PLANNING CONDITIONS

Entitlement

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 these Permits with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformance to the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, Landscape Plan and Grading Plan.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has filed 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 building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 03-CUP-016 and 03-OTP-017 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. 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.

Conditions of Approval

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11. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
12. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
13. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. At this time, the required school impact fee is \$2.24 per square foot.
14. 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 \$ 0.9223 per square foot of new floor area.
15. Prior to issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until the City's Environmental Planner is notified and 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.
16. The approved grading plan and construction plans, resolution, conditions of approval, the mitigated negative declaration and the mitigation monitoring and reporting program and a color and material board shall be on site at all time during the construction of the project.
17. 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.
18. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
19. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 7:00 a.m. or any Sunday or holiday.
20. The applicant and delegated contractors shall participate with City staff in a pre-construction meeting prior to issuance of a grading permit. Any change in the construction team shall be reported to the Building and Safety Department in a timely manner.
21. A copy of all communications between the City and the applicant shall be kept on-site at all times.

22. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
23. Intermittent inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Department.

Solid Waste Management

24. 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.
25. 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.
26. 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.

Oak Tree

27. The applicant is permitted to encroach within the protected zone of Oak Tree Numbers 1, 2, 10, 12, 13, 14, 15, 19, 21, and 22 to complete the approved grading program and to install the paving and retaining walls shown on the approved grading plan.
28. The applicant is also permitted to prune Oak Tree Numbers 1, 2, 10, 12, 13, 14, 19, 20 and 21 as needed for vertical clearance over the Palo Comado Drive, the driveway and in areas where grading is otherwise approved. The quantity of pruning on each tree shall be approved by the City Oak Tree and Landscape Consultant.
29. Oak Tree Numbers 3, 4, 5, 6, 7, 8, 9, 11, 15, 16, 17, and 18 shall be preserved in place with no direct impacts.
30. The final design of all retaining walls shall utilize a foundation, construction and drainage detail that minimizes the permitted encroachment into the protected zone of all oak trees, subject to final review and approval by the City Oak Tree and Landscape Consultant.
31. The current drainage design includes a riprap structure on the easterly side of Oak Tree Number 19 that outlets directly above the trunk of Oak Tree Number 20. The final drainage design shall eliminate this riprap outlet and shall incorporate the flow into the adjacent infiltration system. An alternative solution may be developed, subject to the approval of the City Engineer and the City Oak Tree Consultant.
32. Prior to the start of any work or mobilization on the site, each oak tree to be preserved shall be fenced at the edge of the protected zone or otherwise 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 and installation prior to the start of work or mobilization on the site.
33. No grading, scarifying or other soil disturbance shall be permitted within any portion of the protected zone of any oak tree except as specifically permitted above.
34. 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 accomplish the approved encroachments.
35. All work performed within the protected zone of any oak tree shall be monitored by the project oak tree consultant. Forty-eight (48) hours notice shall be provided to the City Oak Tree Consultant prior to the start of any such work. Contact the City Oak Tree Consultant at (818) 597-7350.

36. All excavation within the protected zone of any oak tree shall be performed using only hand tools under the direct supervision of the applicant's oak tree consultant or the City Oak Tree Consultant. Light construction equipment may be utilized with prior approval of the City Oak Tree Consultant.
37. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
38. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree and Landscape Consultant.
39. 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.
40. 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.
41. 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.
42. The applicant shall also comply with all recommendations contained in the Oak Tree Report and addenda as prepared by Tree Life Concern, Inc.
43. 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.

Landscaping/Irrigation

44. The final landscape plan shall generally conform to the approved preliminary landscape plan, as prepared by Susan E. McEowen, Landscape Architect.
45. Landscape and Irrigation plans shall be submitted for review and approval by the City Planning and Community Development Department prior to issuance of a Grading Permit.
46. 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
47. Prior to the issuance of a Grading Permit, the applicant shall submit three (3) sets of landscape plans meeting the following requirements and subject to review by the City Landscape Consultant, and approval by the Director of Planning and Community Development:
- a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
 - b. All plans shall be legible and clearly drawn.
 - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
 - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
 - f. The project identification number shall be shown on each sheet.
 - g. The plans shall accurately and clearly depict the following existing and proposed features:
 - Landscape trees, shrubs, ground cover and any other landscaping materials
 - Property lines
 - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
 - Buildings and structures
 - Parking areas, including lighting, striping and wheel stops
 - General contour lines
 - Grading areas, including tops and toes of slopes
 - Utilities, including street lighting and fire hydrants
 - Natural features, including watercourses, rock outcroppings
 - h. The Planting Plan shall indicate the botanical name and size of each plant.
 - i. Plant symbols shall depict the size of the plants at maturity.
 - j. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.

- k. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
 - l. 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.
 - m. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
 - Design and static pressures
 - Point of connection
 - Backflow protection
 - Valves, piping, controllers, heads, quick couplers
 - Gallon requirements for each valve
 - n. 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.
48. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
49. The landscape plan may not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society or the California Exotic Pest Plant Council.
50. The applicant shall substitute turf proposed to be planted in the front yard and specifically on sloped areas with native, drought tolerant material in keeping with the area. No plants shall be used that are considered toxic to equine animals.

ENGINEERING CONDITIONS

51. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)

A. General

- i. All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
- ii. Applicant shall pay a Transportation Impact Fees (TIF) to the Building and Safety Department in the amount of \$2,440 prior to the issuance of the Certificate of Occupancy.

- iii. All existing street and property monuments within or abutting this project site shall be preserved. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.
- iv. Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
- v. Grading Plan shall show location(s) of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
- vi. Submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer. The report shall be reviewed and approved by the City Geotechnical/Geological Consultant.
- vii. Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies:
 - Los Angeles County Health Department
 - Las Virgenes Municipal Water District
- viii. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact the Engineering Department at 818.597.7322 for approved City certification forms.
- ix. Provide a preliminary title report not older than 30 days.
- x. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code.
- xi. Any/all work affecting existing easements (i.e.: LVMWD, SCE, etc.) shall require written documentation confirming the respective utility purveyor's approval. This requirement shall be completed prior to constructing any work that affects said easements.

B. Public Improvements

- i. Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area.
- ii. The applicant shall improve Palo Comado Drive along property frontage beginning at southern portion of driveway to Fairview Place to provide for a minimum of 20-foot paved width, 4-foot inverted shoulder, and 6-foot cross-cutter, as recommended by a State-licensed Civil Engineer to ensure runoff is maintained within the roadway. The applicant shall improve the northern portion of Fairview Place within property boundaries to provide 3-foot inverted shoulder. The roadway sections shall be 4" asphalt concrete minimum on top of 6" crushed aggregate base, unless otherwise recommended by the geotechnical and/or civil engineer. Any concrete inverted shoulder and/or cross-gutter located within roadway shall be colored in an earth-tone shade. Improvements shall be reviewed and approved by the Fire Department, and then the City Engineer. Prior to the issuance of a grading permit, the applicant shall provide written documentation to the City Engineer confirming the approval from any owner in which offsite road and/or drainage improvements are to be constructed.
- iii. This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.
- iv. Other conditions: All off-site work shall require written permission from the affected property owner(s) prior to beginning of said work.

C. Sewer

- i. No sewer line is available for direct connection. A septic tank is proposed which requires approval from the Los Angeles County Public Health Department.

D. Water

- i. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.

E. Drainage/Hydrology

- i. A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los

Angeles County Hydrology Manual is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study. Applicant's engineer shall design proposed main lines.

F. Stormwater (NPDES)

- i. Prior to the approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
 1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 4. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 5. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
- ii. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Urban Stormwater Mitigation Plan (USMP) shall be submitted to and approved by the Engineering Department. The USMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

52. PRIOR TO CERTIFICATE OF OCCUPANCY

- i. All remaining fees/ deposits required by the Engineering Department must be paid in full.
- ii. All requirements including construction of improvements covered in Section 2 must be completed to the satisfaction of the City Engineer.
- iii. The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. Please note that no final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless **MYLAR**, Record (As-built) Drawings, satisfactory to the City, are submitted.
- iv. The applicant shall record a covenant for continued stormwater maintenance, using City-approved forms, with the Los Angeles County. An electronic copy of this document is available on the City's website: www.agoura-hills.ca.us.
- v. Other Conditions: Upon receiving Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as directed by City Engineer, to resolve said conflicts/issues. All items listed are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

BUILDING AND SAFETY

53. 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. Fire Sprinklers are required per Sec. 904.2.9 of the Agoura Hills Building Code.
54. The City Building Code requires that a minimum setback of structure to toe of slope per Agoura Hills Building Code, Sec. 1806.5.3 shall be demonstrated. Minimum setback from a descending slope is H/2, (1/2 the vertical height of the slope, including portions not on property), or provide the equivalent protection determined by the soils engineer. This deviation will need to be verified by City soils engineer and approved by Building Official.

55. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Sec.6402.1.
56. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
57. The proposed roofing shall demonstrate the protective characteristics of a Class-A roofing material or better.
58. All HVAC equipment shall be shown on mechanical plans as well as on site and grading plans.
59. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

SPECIAL CONDITIONS

60. All proposed retaining walls and garden walls shall consist of split-faced block or other decorative materials subject to review and approval by the Director of Planning and Community Development.
61. All future fencing, exterior lighting and accessory structures shall be reviewed and approved by the Director of Planning and Community Development and the Building and Safety Department prior to construction.
62. 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.
63. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.

END



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT A

Revised Rendering

(January 15, 2009 Meeting)





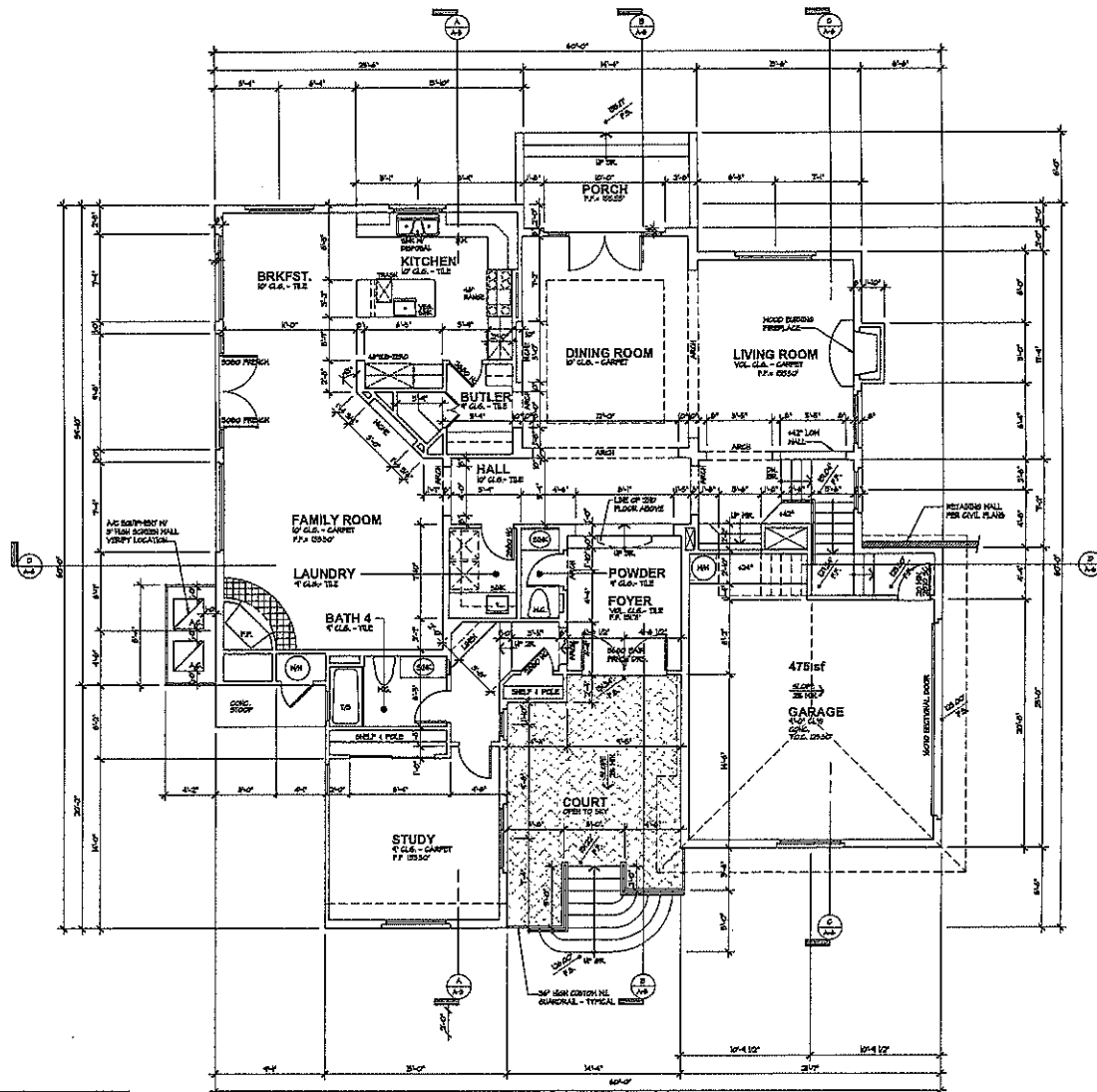
**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT B

**Reduced Copy
of
Architectural and Revised Grading Plans**

(January 15, 2009 Meeting)



TOTAL BEDROOM FLOOR AREA-TOTALS:	
FIRST FLOOR (SQ. FOOT)	= 3236 SQ. FT.
SECOND FLOOR (SQ. FOOT)	= 1739 SQ. FT.
3-CAR GARAGE (SQ. FOOT)	= 478 SQ. FT.
TOTAL (SQ. FOOT) FLOOR AREA	= 5453 SQ. FT.
TOTAL (SQ. FOOT) GARAGE AREA	= 478 SQ. FT.
TOTAL (SQ. FOOT) PATIOS	= 39 SQ. FT.
TOTAL (SQ. FOOT) STAIRWAYS	= 4346 SQ. FT.

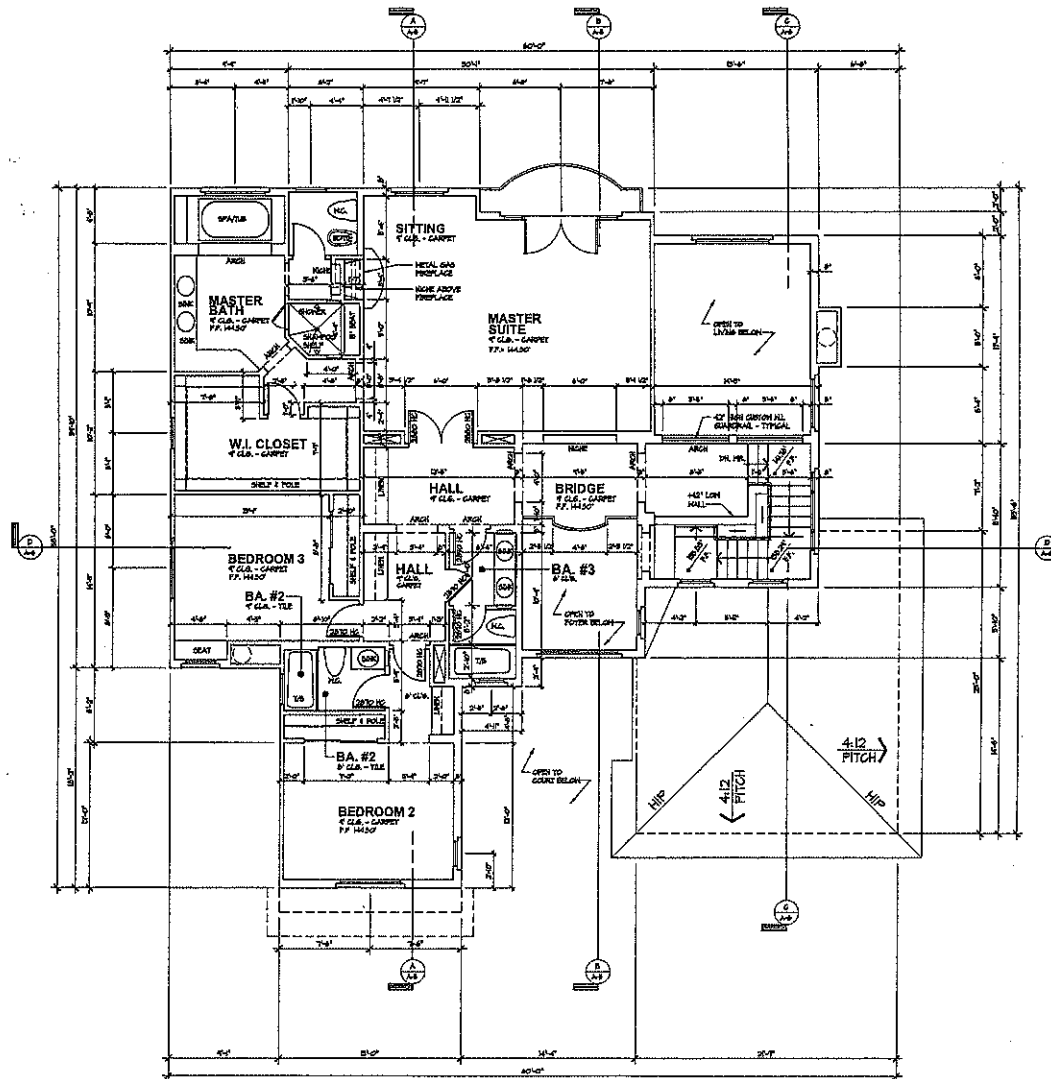
FIRST FLOOR PLAN

2336 SQ. FT.
 FIRST FLOOR TOTAL AREA:
 FIRST FLOOR (SQ. FOOT) = 3236 SQ. FT.
 3-CAR GARAGE (SQ. FOOT) = 478 SQ. FT.
 TOTAL (SQ. FOOT) FLOOR AREA = 5453 SQ. FT.
 TOTAL (SQ. FOOT) PATIOS = 39 SQ. FT.
 TOTAL (SQ. FOOT) STAIRWAYS & W. FLOOR = 5414 SQ. FT.



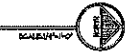
NOT FOR CONSTRUCTION

<p>PROJECT NAME: BEN-MENACHEM CUSTOM RESIDENCE</p>	
<p>PROJECT NO.:</p> <p>DATE: 06/01/03</p> <p>PLANNER: 10/22/03</p> <p>DESIGNER: KEN STOCKTON</p> <p>REVISION:</p>	
<p>ARCHITECT: KEN STOCKTON</p> <p>2300 N. JENSEN AVE., SUITE 100 SAN ANTONIO, TEX. 78240-1404</p>	
<p>SHEET NO.:</p> <p>A-2</p>	



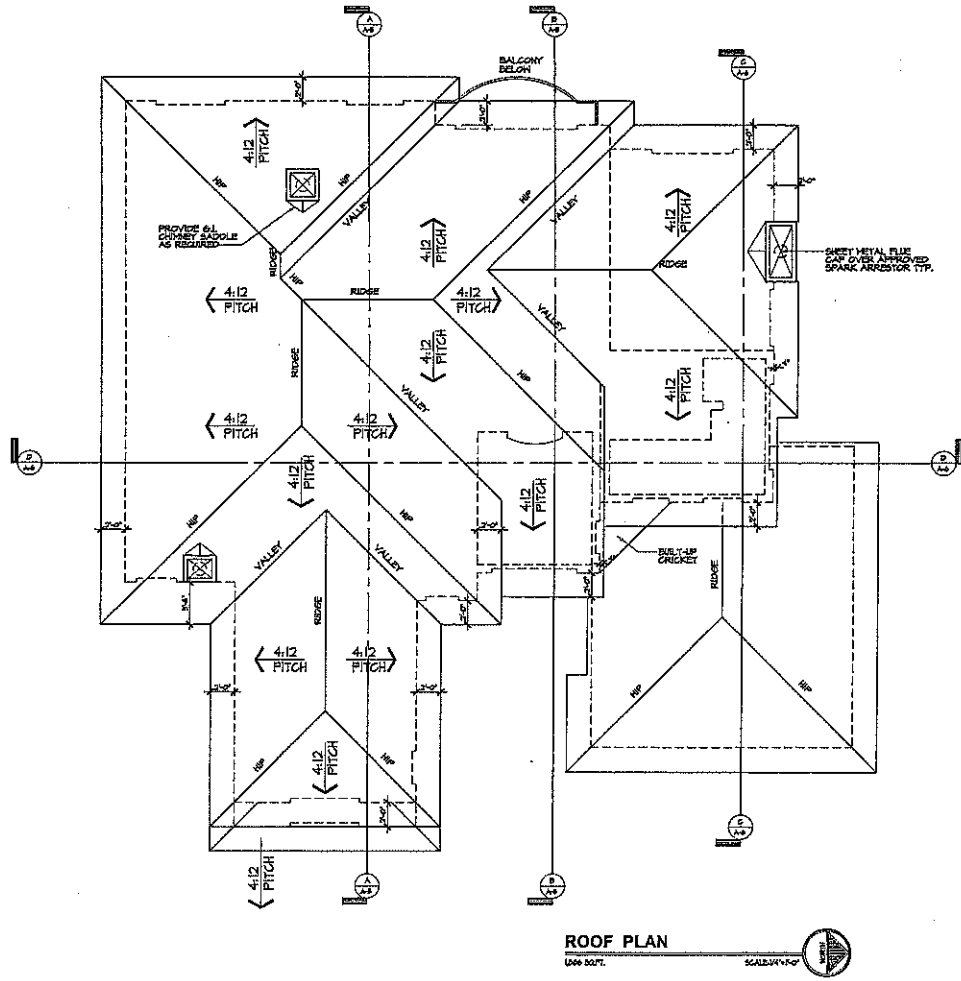
SECOND FLOOR PLAN

679 SQ. FT.
 SECOND FLOOR TABULATION
 SECOND FLOOR (30' OCC) = 179 SQ. FT.
 2nd FLR. BALCONY/DECKS = 54 SQ. FT.
 TOTAL 2ND OCC + SECOND FLOOR = 179 SQ. FT.
 TOTAL GROSS SLIP AREA + 2nd FLR. = 181 SQ. FT.



NOT FOR CONSTRUCTION

	DEVELOPER BEN-MENAVHEM CUSTOM RESIDENCE 088
PROJECT NAME BEN-MENAVHEM CUSTOM RESIDENCE 088	
SECOND FLOOR PLAN DRAWN: GABR DATE: 06/11/08 PLAN NO: 10/22/08 CHECKED: M/22/08 PROJECT:	REVISIONS 10/22/08
ARCHITECT KEN STOCKTON ARCHITECT 200014 BARRON AVENUE, SUITE 100 SAN ANTONIO, TEXAS 78248 (512) 381-1111 FAX: (512) 381-1111	
SHEET NO. A-3	



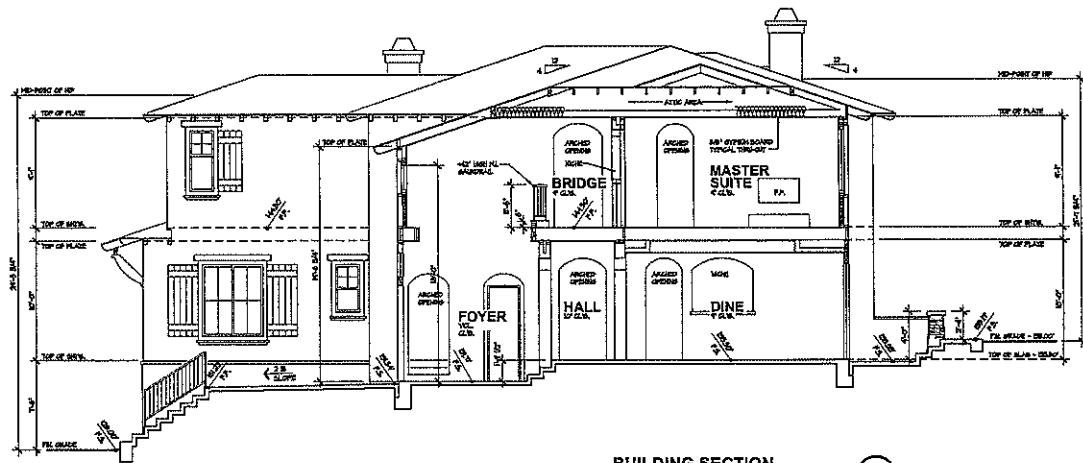
ROOF PLAN
(SEE SOFT.)



NOT FOR CONSTRUCTION

PROJECT NAME		BEN-MENACHEM CUSTOM RESIDENCE	
PROJECT NO.		10000	
DRAWN BY		K.S.	
CHECKED BY		K.S.	
DATE		07/23/09	
SCALE		AS SHOWN	
SHEET NO.		A-4	

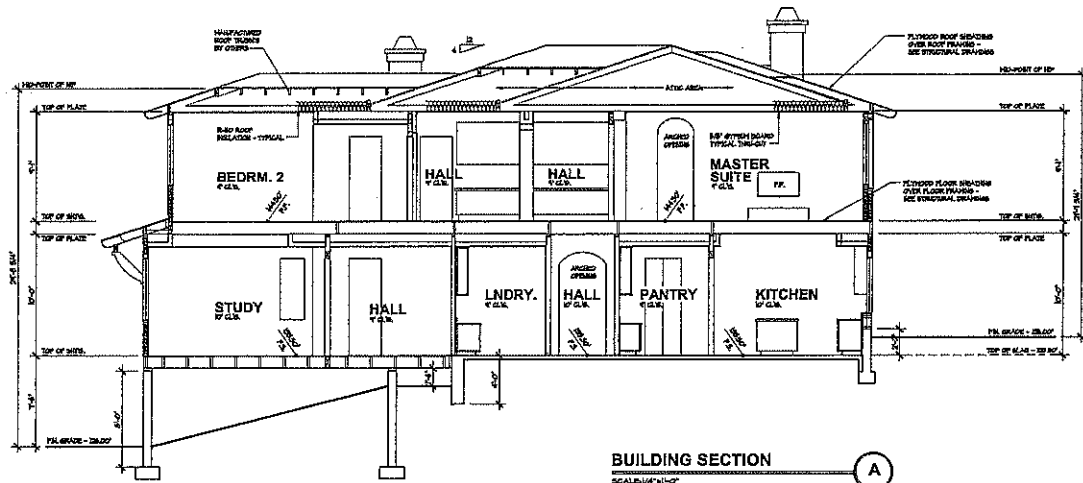
KEN STOCKTON
 ARCHITECT
 2800 N. GARDEN ST., SUITE 100, ANAHEIM, CA 92805
 (714) 938-0000 FAX (714) 938-0001



BUILDING SECTION

B

SCALE: 1/4" = 1'-0"



BUILDING SECTION

A

SCALE: 1/4" = 1'-0"

DEVELOPER

PROJECT NAME
BEN-MENACHEM
CUSTOM RESIDENCE

BUILDING SECTIONS

DRINK. BOWL	REVISIONS
DATE	10/22/20
PLANNER	
REVIT	

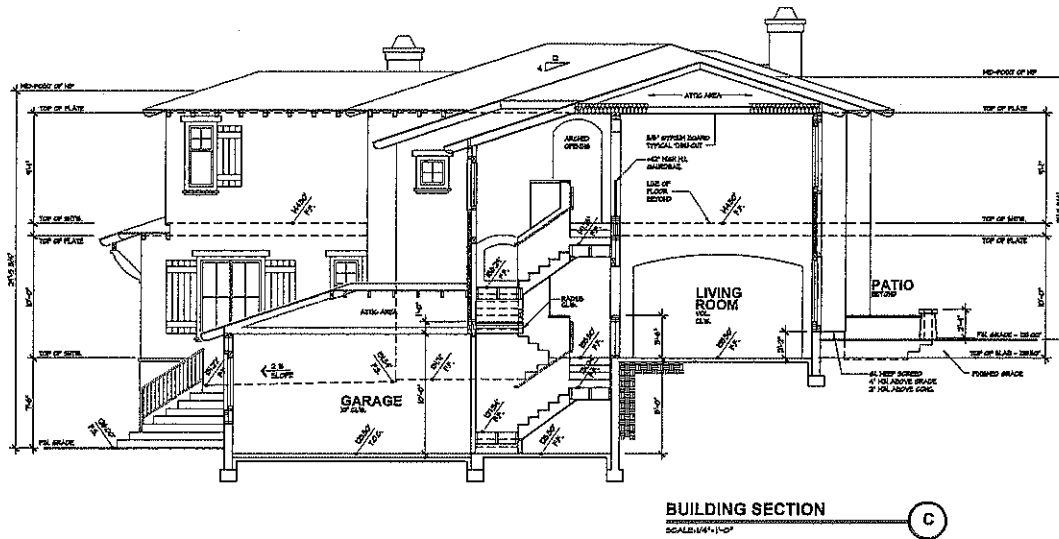
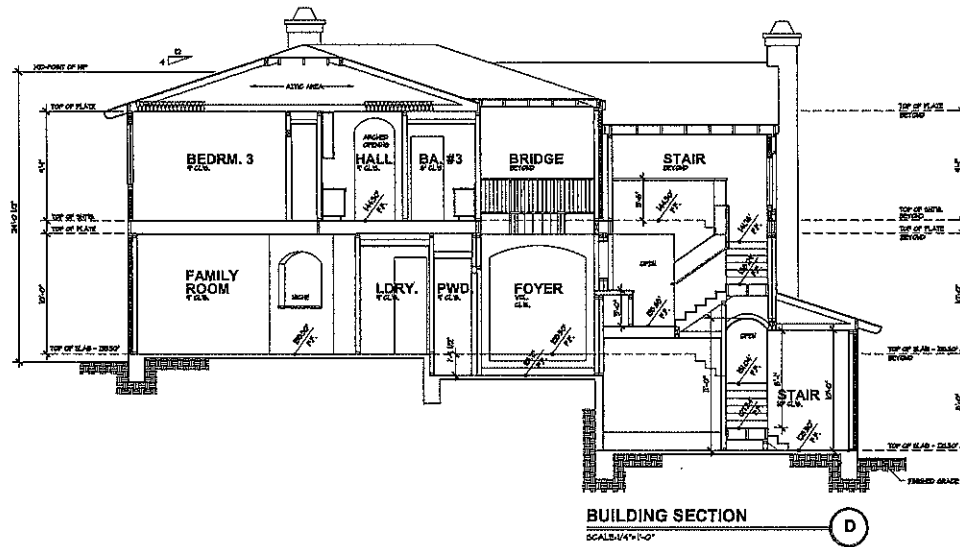
KEN STOCKTON
REGISTERED ARCHITECT
2000 N. AVENUE, SUITE 100, WILSON, N.C. 27157
(919) 286-1400 FAX: (919) 286-1404



SHEET NO.

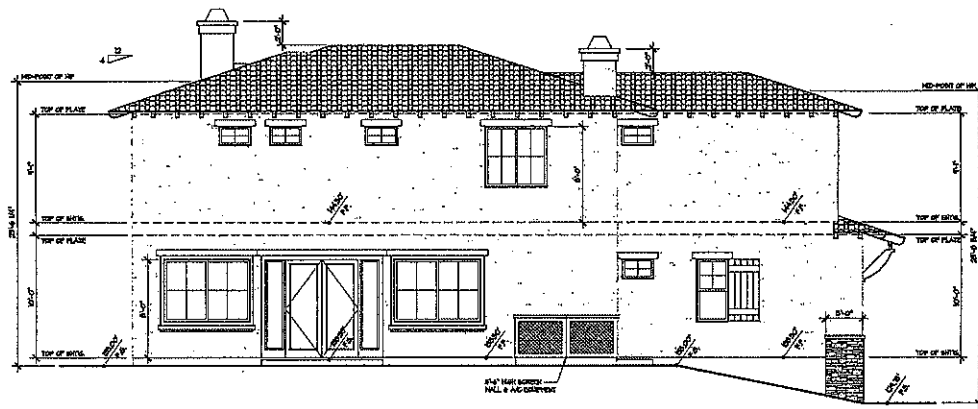
A-5

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION

<p>PROJECT NAME</p> <p style="text-align: center;">BEN-MENACHEM CUSTOM RESIDENCE</p>	<p>BUILDING SECTIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">DRAWN</td> <td style="font-size: 8px;">SCALE</td> <td style="font-size: 8px;">REVISIONS</td> </tr> <tr> <td style="font-size: 8px;">DATE</td> <td style="font-size: 8px;">QUOTED</td> <td style="font-size: 8px;">DESIGNER</td> </tr> <tr> <td style="font-size: 8px;">BY</td> <td style="font-size: 8px;">SCALE</td> <td style="font-size: 8px;">DATE</td> </tr> </table>	DRAWN	SCALE	REVISIONS	DATE	QUOTED	DESIGNER	BY	SCALE	DATE
DRAWN	SCALE	REVISIONS								
DATE	QUOTED	DESIGNER								
BY	SCALE	DATE								
<p>ARCHITECT</p> <p>KEN STOCKTON</p> <p style="font-size: 8px;">3000 N. HAZARD ROAD, STE. 100, PALMDALE, CA 93550 TEL: 805/251-1000 FAX: 805/251-1001</p>	<p>SHEET NO.</p> <p style="font-size: 24px; font-weight: bold;">A-6</p>									



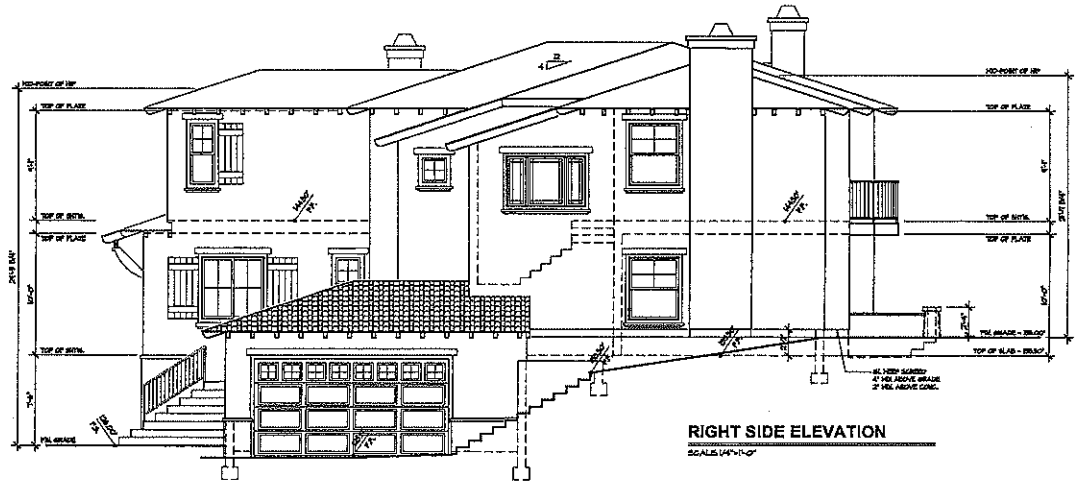
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

	DEVELOPER BEN-MENACHEM CUSTOM RESIDENCE
PROJECT NAME FIRST FLOOR PLAN	DRAWN: B.M.L. DATE: 06/10/09 SCALE: 1/4" = 1'-0" PROJECT:
ARCHITECT KEN STOCKTON	2000 N. AVENUE 100, SUITE 100 BENTON, ARIZONA 85710 (602) 251-1000
SHEET NO. A-7	

NOT FOR CONSTRUCTION



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"



NOT FOR CONSTRUCTION

	DEVELOPER BEN-MENACHEM CUSTOM RESIDENCE #111
PROJECT NAME FIRST FLOOR PLAN	DRAWN: GSK REVISIONS: DATE: 06/16/09 10/22/09 DRAWING: REVISION: (REVISION)
ARCHITECT KEN STOCKTON ARCHITECT 2800 N. AVENUE 101, SUITE 100 BOSTON, MA 02111	SHEET NO. A-8

BENCHMARK:
 FD. BM. # 9982 AT THE N.W. CORNER
 OF THE INTERSECTION OF FAIRVIEW PL.
 AND CHESEBRO RD.
 ASSUMED EL. = 100.00'

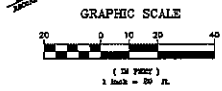
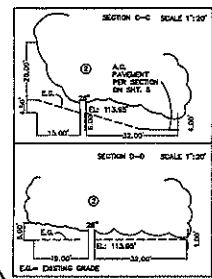
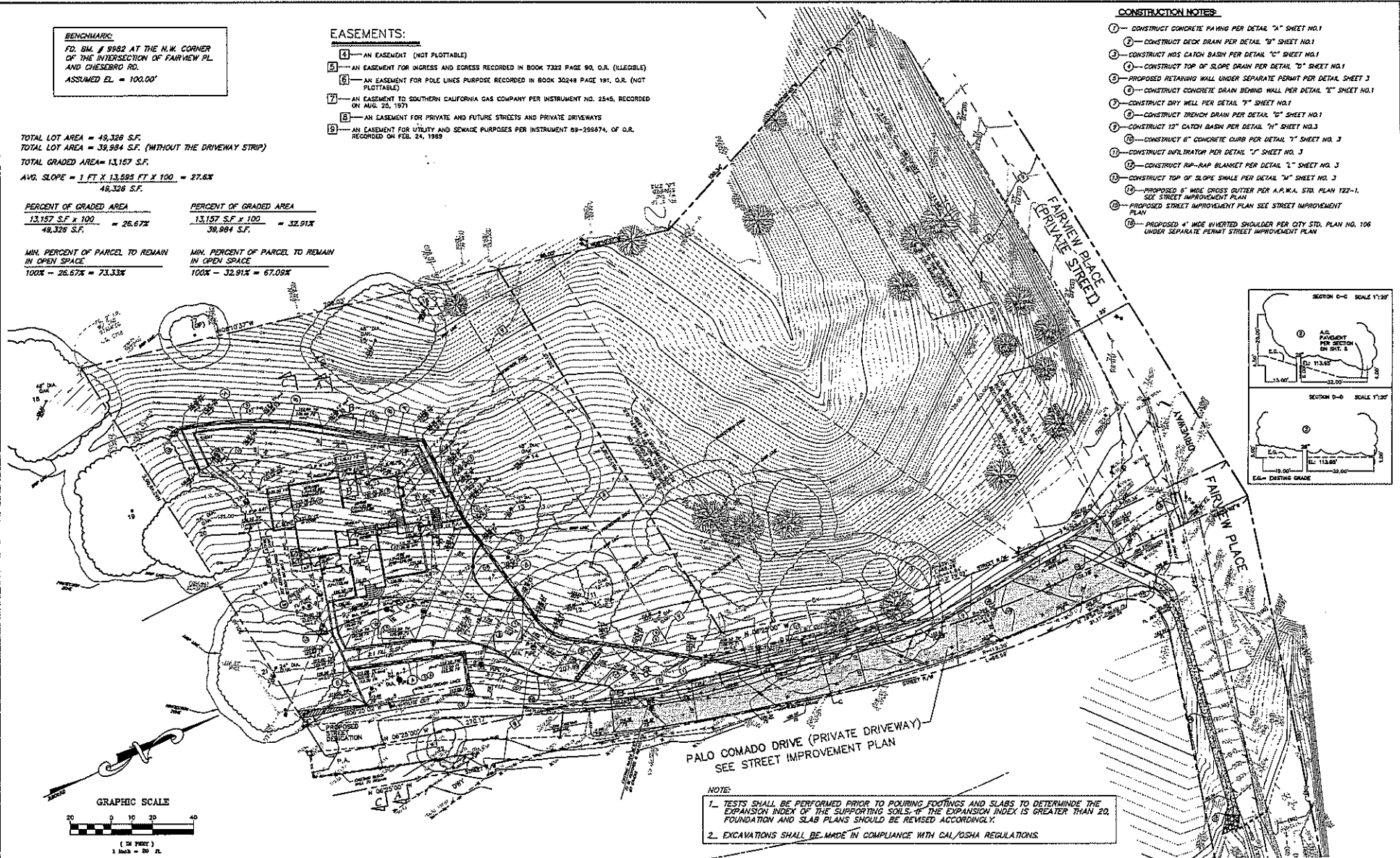
- EASEMENTS:**
- ④ - AN EASEMENT (NOT PLOTTABLE)
 - ⑤ - AN EASEMENT FOR INGRESS AND EGRESS RECORDED IN BOOK 1323 PAGE 90, O.R. (ILLEGIBLE)
 - ⑥ - AN EASEMENT FOR POLE LINES PURPOSE RECORDED IN BOOK 30249 PAGE 191, O.R. (NOT PLOTTABLE)
 - ⑦ - AN EASEMENT TO SOUTHERN CALIFORNIA GAS COMPANY PER INSTRUMENT NO. 2545, RECORDED ON AUG. 25, 1971
 - ⑧ - AN EASEMENT FOR PRIVATE AND FUTURE STREETS AND PRIVATE DRIVEWAYS
 - ⑨ - AN EASEMENT FOR UTILITY AND SEWAGE PURPOSES PER INSTRUMENT 89-299474, OF O.R. RECORDED ON FEB. 24, 1989

TOTAL LOT AREA = 49,326 S.F.
 TOTAL LOT AREA = 39,994 S.F. (WITHOUT THE DRIVEWAY STRIP)
 TOTAL GRADED AREA = 13,167 S.F.
 AVG. SLOPE = 1 FT X 13,595 FT X 100 = 27.6%
 48,326 S.F.

PERCENT OF GRADED AREA	PERCENT OF GRADED AREA
13,167 S.F. x 100 = 26.67%	13,167 S.F. x 100 = 32.91%
48,326 S.F.	39,994 S.F.

MIN. PERCENT OF PARCEL TO REMAIN IN OPEN SPACE	MIN. PERCENT OF PARCEL TO REMAIN IN OPEN SPACE
100% - 26.67% = 73.33%	100% - 32.91% = 67.09%

- CONSTRUCTION NOTES:**
- ① - CONSTRUCT CONCRETE PAVING PER DETAIL "A" SHEET NO.1
 - ② - CONSTRUCT BENCH DRAIN PER DETAIL "D" SHEET NO.1
 - ③ - CONSTRUCT NOS CATCH BASIN PER DETAIL "C" SHEET NO.1
 - ④ - CONSTRUCT TOP OF SLOPE DRAIN PER DETAIL "D" SHEET NO.1
 - ⑤ - PROPOSED RETAINING WALL UNDER SEPARATE PERMIT PER DETAIL SHEET 3
 - ⑥ - CONSTRUCT CONCRETE DRAIN BENCH WALL PER DETAIL "C" SHEET NO.1
 - ⑦ - CONSTRUCT DRY WELL PER DETAIL "D" SHEET NO.1
 - ⑧ - CONSTRUCT TRENCH DRAIN PER DETAIL "D" SHEET NO.1
 - ⑨ - CONSTRUCT 12" CATCH BASIN PER DETAIL "D" SHEET NO.3
 - ⑩ - CONSTRUCT 6" CONCRETE CURB PER DETAIL "I" SHEET NO. 3
 - ⑪ - CONSTRUCT INFILTRATOR PER DETAIL "J" SHEET NO. 3
 - ⑫ - CONSTRUCT RAP-RAP BLANKET PER DETAIL "L" SHEET NO. 3
 - ⑬ - CONSTRUCT TOP OF SLOPE SHOALS PER DETAIL "M" SHEET NO. 3
 - ⑭ - PROPOSED 6" WIDE CROSS CUTTER PER A.P.W.A. STD. PLAN 122-1. SEE STREET IMPROVEMENT PLAN
 - ⑮ - PROPOSED STREET IMPROVEMENT PLAN SEE STREET IMPROVEMENT PLAN
 - ⑯ - PROPOSED 4" WIDE INVERTED SHOULDER PER CITY STD. PLAN NO. 106 UNDER SEPARATE PERMIT STREET IMPROVEMENT PLAN



NOTE:

1. TESTS SHALL BE PERFORMED PRIOR TO POURING FOOTINGS AND SLABS TO DETERMINE THE EXPANSION INDEX OF THE SUPPORTING SOILS. IF THE EXPANSION INDEX IS GREATER THAN 20, FOUNDATION AND SLAB PLANS SHOULD BE REVISED ACCORDINGLY.
2. EXCAVATIONS SHALL BE MADE IN COMPLIANCE WITH CAL/OSHA REGULATIONS.

PREPARED BY: CALCIVIC ENGINEERING GROUP <small>ENGINEERING ENGINEERS & LAND SURVEYORS 2517 FAIRVIEW WAY, AGOURA HILLS, CALIFORNIA 91001 TELEPHONE 714-288-7300/714-288-4444</small>				CITY OF AGOURA HILLS APPROVAL			
PROJECT ENGINEER: _____ DATE: _____				RAMIRO ADEVA CITY ENGINEER DATE: _____ RCE NO. 55665 EXP. DATE: _____			
REVIEWED BY: _____ DATE: _____				CITY OF AGOURA HILLS PROJECT NO. _____ SHEET <u>2</u> OF <u>6</u>			



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT C

December 18, 2008 Meeting Draft Minutes

(January 15, 2009 Meeting)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
December 18, 2008**

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

FLAG SALUTE: Commissioner Rishoff

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, Associate Planner Valerie Darbouze, Assistant Engineer Kelly Fisher, and Recording Secretary Sheila Keckhut.

1. **APPROVAL OF MINUTES:** December 4, 2008 Planning Commission Meeting

On a motion by Vice Chair Zacuto, seconded by Commissioner Buckley Weber, the Planning Commission moved to approve the Amended Minutes of the December 4, 2008 Planning Commission Meeting. Motion carried 4-0-1. Commissioner Rishoff abstained.

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

The following persons spoke on items not listed on the agenda.

Giuseppe Bellisario – Owner of Grissini Ristorante

CONTINUED PUBLIC HEARING

2. REQUEST: Request for approval of a Conditional Use Permit to construct a 3,994 square-foot, two-story, single-family residence, with a 475 square foot attached two-car garage, and a 39 square-foot balcony; and a request for an Oak Tree Permit to remove 1 oak tree and encroach in the protected zone of 9 oak trees for the proposed construction.
- APPLICANT: Sean Ben-Menahem
5000 N. Parkway Calabasas, Suite 106
Calabasas, CA 91302
- CASE NOS.: 03-CUP-016 & 03-OTP-017
- LOCATION: 6149 Palo Comado Drive
(A.P.N. 2055-023-073)
- ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15303.
- RECOMMENDATION: If it was the Planning Commission's decision to approve Conditional Use Permit No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, staff recommended adoption of the Resolution.
- PUBLIC COMMENTS: Chair O'Meara opened the Public Hearing
- The following persons spoke on this agenda item.
- Ken Stockton – Landscape Architect, representing the applicant.
- Ivan Chiu, Calcivic Engineering, representing the applicant.
- George Shakiban, Enco Structural Consultants, Inc., representing the applicant.
- Mike Kaye, Resident
- Kevin Austin, Resident
- REBUTTAL: Ivan Chiu, Calcivic representing the applicant gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Chair O'Meara closed the public hearing.

RECESS: Chair O'Meara called for a recess at 8:28 p.m.

RECONVENE: Chair O'Meara reconvened the meeting at 8:45 p.m.

Chair O'Meara reopened and closed the public hearing twice and the applicant, Sean Ben-Menahem, spoke.

ACTION: On a motion by Commissioner Rishoff, seconded by Vice Chair Zacuto, the Planning Commission moved to continue Conditional Use Permit No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017 to the January 15, 2009 Planning Commission meeting. Motion carried 5-0.

DISCUSSION ITEM

3. Monitoring Report for Conditional Use Permit Case No. 06-CUP-012 - Senor Carlos Grill and Tequila Lounge.

PUBLIC COMMENTS: Chair O'Meara allowed for public comments

The following persons spoke on this agenda item.

Carlos Orozco, applicant

Barry Bartholomay, resident

Cynthia Bartholomay, resident

RECESS: Chair O'Meara called for a recess at 10:42 p.m.

RECONVENE: Chair O'Meara reconvened the meeting at 10:48 p.m.

ACTION: On a motion by Commissioner Rishoff, seconded by Vice Chair Zacuto, the Planning Commission moved to continue the discussion of Conditional Use Permit Case No. 06-CUP-012 to the February 19, 2009 Planning Commission meeting. Motion carried 5-0.

4. City Committee Appointment Selections for 2009.

The Planning Commission appointed Commissioner Rishoff to serve on the Art in Public Places Committee, Vice Chair Zacuto and Commissioner Nouzille to serve on the General Plan Advisory Committee, and Chair O'Meara and Commissioner Buckley Weber to serve on the Agoura Village Policy Committee for the 2009 calendar year.

ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

Chair O'Meara wished Assistant Community Development Director Doug Hooper, a happy birthday.

Staff - None

ADJOURNMENT

At 11:12 p.m., on a motion by Vice Chair Zacuto, seconded by Commissioner Rishoff, the Planning Commission moved to cancel the next Regular Meeting of the Planning Commission scheduled for January 1, 2009 and adjourned to 6:30 p.m., Thursday, January 15, for a Regular Meeting of the Planning Commission. Motion carried 5-0.



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT D

December 18, 2008 Meeting Staff Report

(January 15, 2009 Meeting)



DATE: DECEMBER 18, 2008

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: CONDITIONAL USE PERMIT CASE NO. 03-CUP-016 & OAK TREE
PERMIT CASE NO. 03-OTP-017

I. PROJECT DESCRIPTION AND BACKGROUND

The Planning Commission conducted a public hearing on March 20, 2008, for Sean Ben-Menahem's Conditional Use Permit and Oak Tree Permit applications (Case Nos. 03-CUP-016 and 03-OTP-017) to construct a 4,880 square-foot, two-story, single-family residence, a 463 square foot attached two-car garage, a 100 square-foot patio cover and a 125 square-foot balcony/deck. The applicant also requested to remove one (1) oak tree and to encroach in the protected zone of nine (9) oak trees for the proposed construction. The vacant parcel is located at 6149 Palo Comado Drive in the Residential Very Low Density zone in Old Agoura.

After deliberation, the Planning Commission requested staff to return with a Resolution of Denial for the Planning Commission to adopt. Prior to the Planning Commission taking action, the applicant requested, and was granted a continuance of the public hearing to allow him to address the recommended changes including: 1) a reduction of the grading quantities, thereby reducing the amount of construction truck trips and impacts to the community; 2) a reduction in the size of the house, thereby reducing the mass of the house as viewed from the access driveway and the street; 3) a change in the architectural style of the house; 4) a closer review of the potential drainage impacts to the residence to the east of the access driveway; and 5) the requirement for a horse keeping area somewhere on the parcel.

The Planning Commission conducted a second hearing on August 7, 2008 to review the applicant's changes which proposed a smaller house size (4,515 square feet with a 428 square-foot attached garage). A California Bungalow style of architecture was selected which incorporated covered patios, balconies and decks, used wood siding, and gabled roofs. The grading quantities were reduced by moving the retaining walls at the bottom of the slope in the rear of the parcel and eliminating the manufactured slope; some retaining walls were eliminated but the drainage was not changed. The applicant had not included a horse keeping area in the design of the project which the Commissioners discussed and recommended that it be located near the southeast corner of the parcel. A request for an Oak Tree Permit to encroach in the protected zone of nine (9) oak trees remained. In the end, four of the five Commissioners shared the same concerns and submitted to the applicant that the design changes did not adequately address the issues raised at the previous meeting (i.e. the grading quantities, the size of the house, the style of the house, and drainage impacts to the neighboring properties down below).

II. STAFF ANALYSIS

To address the issues raised by the Planning Commission, the applicant now proposes to build a 3,994 square-foot single family residence with a 475 square-foot attached garage and a 39 square-foot balcony. The California Spanish style house design remains two stories in height with a single-story garage. The grading boundaries remain the same however; the residence was located further west from the front property line. The request for an Oak Tree Permit to encroach in the protected zone of nine (9) oak trees remains. One oak tree was originally proposed to be removed but may be retained with the latest design.

Based on this new proposal, the project still meets all minimum yard setbacks from all property lines and maximum allowable height requirements of the zone. Pertinent data is described below and findings made for the original proposal remain the same and are included in the attached draft resolution.

Pertinent Data for the Proposal:

	Original Proposal	First Revision	Second Revision (Current)	Required/ Allowed
A. Lot Size	49,281 sq.ft. (1.13 acres)	N/A	N/A	43,560 sq.ft. (1 acre)
Excluding Driveway	39,984 sq.ft.	N/A	N/A	N/A
Width	190 ft.	N/A	N/A	N/A
Depth	210 ft.	N/A	N/A	N/A
B. Building Setbacks				
<u>1. Residence Setbacks</u>				
Front	33 feet	33 feet	52 feet	25 feet min.
Rear (West Side)	75 feet	72 feet	78 feet	25 feet min.
Side (North Side)	90 feet	92 feet	93 feet	12 feet min.
Side (South Side)	33 feet	33 feet	38 feet	12 feet min.
C. Building Sizes				
Residence				
1 st Floor	2,690 sq.ft.	2,638 sq.ft.	2,216 sq.ft.	N/A
2 nd Floor	<u>2,190 sq.ft.</u>	<u>1,877 sq.ft.</u>	<u>1,778 sq.ft.</u>	<u>N/A</u>
Subtotal:	4,880 sq.ft.	4,515 sq.ft.	3,994 sq.ft.	N/A
Garage	<u>463 sq.ft.</u>	<u>428 sq.ft.</u>	<u>475 sq.ft.</u>	N/A
Total:	5,343 sq.ft.	4,943 sq.ft.	4,469 sq.ft.	N/A
Covered Patio	100 sq.ft.	217 sq.ft.	N/A	N/A
Balcony/Roof Deck	125 sq.ft.	332 sq.ft.	39 sq.ft.	N/A
D. Building Height	33 ft.	33 ft.	29.5 ft.	35 ft. max.

	Original Proposal	First Revision	Second Revision (Current)	Required/ Allowed
E. Lot Coverage				
Bldg. Footprint	6%	6.6%	6.4%	25% max.
Bldg. Footprint + Hardscape	25%	23.3%	23.3%	25% max.
F. Undisturbed Open Space Coverage				
	58%	68%	68%	77.5% min.
G. Number of Oak Trees				
	11 on-site	11	11	N/A
	11 off-site	10	10	N/A

The overall layout of the house is more compact with a new location of the garage; the garage was moved westerly from the front property line to where the gym used to be. The footprint is now setback from the front property line an additional 19 feet. The entry of the garage still faces east but the ceiling line is lower. The garage floor area must be at least 20 feet by 20 feet (400 square-feet) as required by the Zoning Ordinance; the excess square footage is used for a stair case. The footprint of the house has smaller dimensions (60x60 feet instead of 60x80 feet). Patio covers have been eliminated leaving one smaller balcony on the rear elevation. The total square footage of the residence including the garage, decreased 9.6% from 4,943 square feet to 4,469 square feet. The total lot coverage is lower than the last proposal. Overall, the surface of the graded area has not changed therefore the undisturbed open space area is the same as the last design (68%). In addition to making revisions to the house, the applicant is including an area for horse keeping along the front property line as shown on the Site and Grading Plans. The equestrian area is approximately 288 square feet, carved out of the sloping front yard below the driveway and away from the oak trees. No corral area is specified on the plans.

Architecture

The applicant chose to go back to his preferred choice of materials, which included smooth-stuccoed walls but incorporated wood shutters on some of the windows and wood trims on the top and bottom of other windows. The rafter tails and Spanish tile were reintroduced as well. All the gables have been eliminated and replaced with hip roofs. The roof pitch has been reduced, reducing the overall height of the residence to 29.5 feet. Other elements that were changed include the pattern of the stone veneer with an irregularly-shaped piece of sand color stone randomly arranged and applied to the front elevation rather than the previous brick-like stone pattern. The patio covers and the roof deck have been eliminated and one balcony remains on the rear elevation, which is partially covered by the hip roof. The entry is nudged between the walls of the garage and studio with a short roof above the front door built seven steps above the driveway elevation. The colors include tan and brown for the walls, shutters and trims and black for the wrought iron railing. The windows mullions would have an almond color finish.

Oak Tree/Landscaping

The applicant's Civil Engineer realigned two retaining walls along the north side of the property in order to stay away from Oak Tree No. 14, but the City Oak Tree/Landscape Consultant feels that the oak tree impact analysis remains the same and the mitigation measures remain as outlined in the conditions of approval.

Engineering/Public Works

The last shown grading quantities were 920 cubic yards of cut, 991 cubic yards of fill and 71 cubic yards of imported soil; the Grading Plan submitted for this redesign shows the same earth work quantities. The stacked retaining walls remain under, or equal to, 6 feet in height. The retaining wall proposed along Oak Tree #14 was changed from a curved wall to a straight wall. The lower wall was shortened by 13 feet and a staircase added further to the rear of the back yard. Walls were added in the front yard, two extending perpendicular to the front property line (from the edge of the driveway to the house to create a planter) and one located around the horse keeping area, adding approximately 82 linear feet of wall.

The Engineering Department reviewed the drainage patterns and quantities associated with the revised grading plan, and is satisfied that the conditions of approval address this issue. Street improvements will remain the same. The location of the septic system along the south side of the house has not changed.

Environmental

Based upon review of this project by staff, no significant environmental impacts have been identified for construction of the project. The project consists of the construction of one-single-family residence. The project has been determined to be Categorically Exempt from the California Environmental Quality Act per Section 15303. This exemption includes, but is not limited to, the construction of a single-family residence.

III. RECOMMENDATION

If it is the Planning Commission's decision to approve Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, staff recommends the Planning Commission adopt the attached draft resolution, subject to the revised Conditions of Approval.

Attachments

- Draft Resolution of Approval and Conditions of Approval
- Exhibit A: Letter from the Old Agoura Homeowners Association
- Exhibit B: Reduced Copies of the Revised Architectural and Grading Plans
- Exhibit C: August 7, 2008 Meeting Minutes
- Exhibit D: August 7, 2008 Meeting Staff Report
- Exhibit E: Vicinity/Zoning Map
- Exhibit F: Color and Materials Board and Renderings

Case Planner: Valerie Darbouze, Associate Planner



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT A

Letter from the Old Agoura Homeowners Association

(December 18, 2008 Meeting)

DATE: December 10, 2008
RE: Review of Proposed Project
FROM: Planning and Zoning Committee,
Old Agoura Homeowners Association
TO: Mike Kamino, Director
Department of Planning & Community Development
City of Agoura Hills
SUBJECT: 03-CUP-016 & 03-OTP-17 (Ben-Menahem)

Description

Request for a Conditional Use Permit to construct a 3,994 square feet, two story, single-family residence, with a 475 square foot attached two-car garage, and a 39 square foot balcony/deck (a total of 4,508 square feet); and a request for an Oak Tree Permit to remove one (1) oak tree and encroach in the protected zone of nine (9) oak trees for the construction.

Comment

In previous letters, the committee had expressed concerns about the size of the house and its relation to the building site, the lack of horse-keeping facilities, the extensive use of retaining walls and the issue of drainage.

The lot consists almost entirely of a steep, curved, convex slope with an average slope of 27.6%. The house is situated on a cut into the lower part of the hillside, requiring extensive grading and the use of retaining walls.

The applicant has returned with plans that show a more compact project, smaller by over a 1,000 square feet, with the house set further away from the road, the garage moved to the side of the house, and stepped-back details to try and lessen the effect of the house looming over the small, private road and neighboring single story homes.

The new design now references the Spanish mission style and many exterior details have been added. The color palette is subtle, appropriate as the house would be seen from park ridgelines, Chesebro Road and private lanes.

The lot is steep and problematic and certainly presents limitations for horse-keeping; such an area should probably have been the first thing sited. A nominal 12x24 foot area appears to have been set aside at the street. There is also the addition of retaining walls there and along the cut and fill slope which were not present on the previous plan.

The main concern expressed by the neighbors has again been drainage, both across Palo Comado onto the down slope property and at Fairview into the creek.

Should you have questions, please contact Robyn Britton, Zoning and Planning Committee, Old Agoura Homeowners Association. Thank you for the opportunity to comment.

cc: Valerie Darbouze, Associate Planner



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT B

Reduced Copies of the Revised Architectural and Grading Plans

(December 18, 2008 Meeting)

BENCHMARKS:
 70. 1/4" 1/4" 1/4" AT THE N.W. CORNER
 OF THE SECTION OF PARTNER PL.
 AND CHEROKEE RD.
 ASSUMED EL. = 100.00'

TOTAL LOT AREA = 49,329 S.F.
 TOTAL LOT AREA = 33,894 S.F. (WITHOUT THE DRIVEWAY STRIP)
 TOTAL GRADED AREA = 13,197 S.F.
 AVG. SLOPE = 1 FT X 13.599 FT X 100 = 27.6%

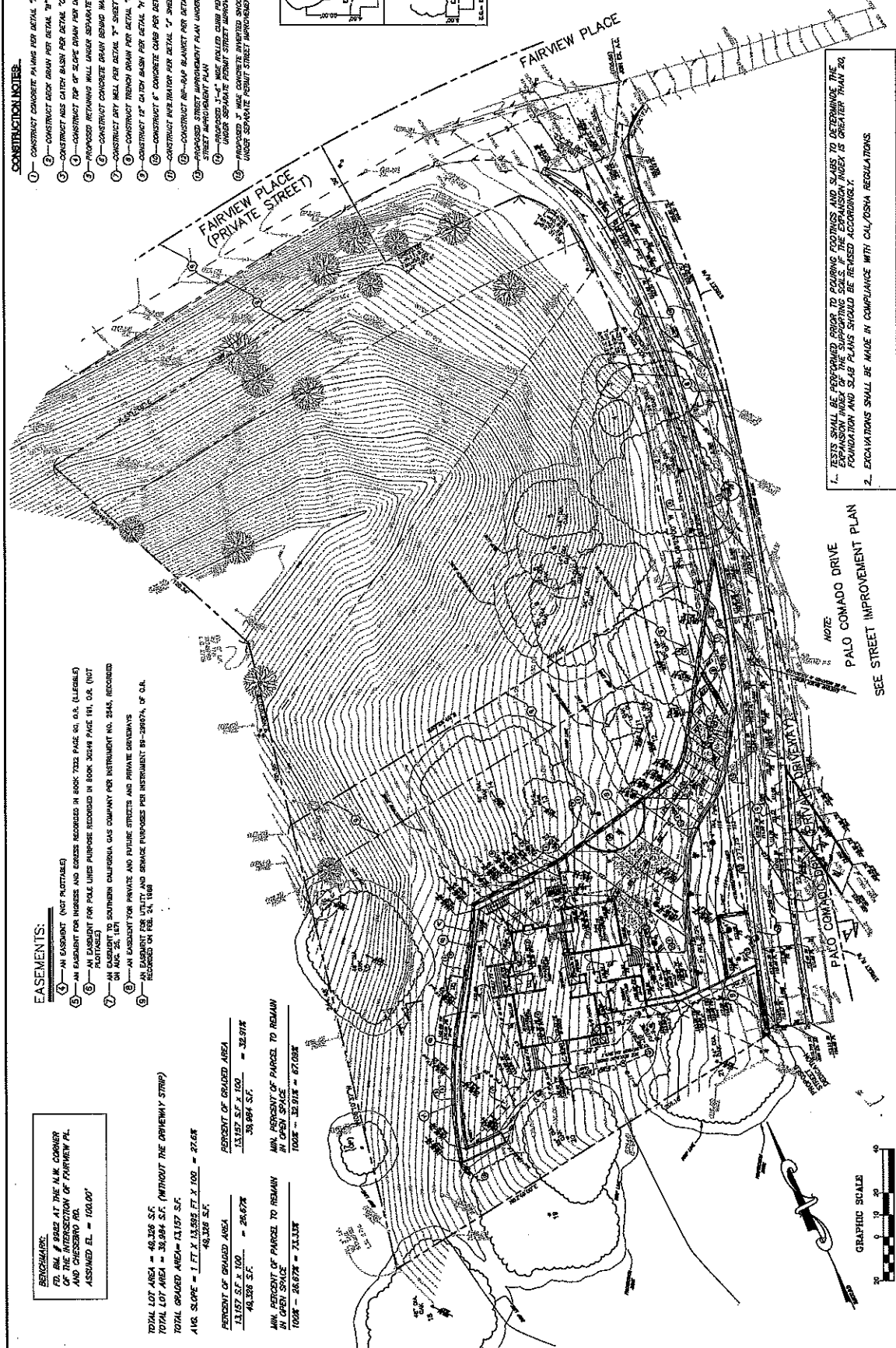
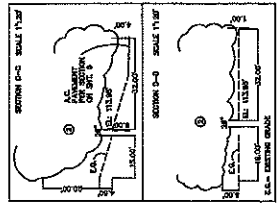
PERCENT OF GRADED AREA	MIN. PERCENT OF PARCEL TO REMAIN
13,197 S.F. X 100 = 26.67%	100% - 33.91% = 66.09%
49,329 S.F.	100% - 33.91% = 66.09%

EASEMENTS:

- 1 - AN EASEMENT (NOT PLATTABLE)
- 2 - AN EASEMENT FOR INTEREST AND CROSSING RECORDED IN BOOK 7323 PAGE 60, O.R. (LEGIBLE)
- 3 - AN EASEMENT FOR FUEL LINES PURPOSE RECORDED IN BOOK 30248 PAGE 81, O.R. (NOT PLATTABLE)
- 4 - AN EASEMENT TO SOUTHERN CALIFORNIA GAS COMPANY FOR INSTRUMENT NO. 2145, RECORDED IN BOOK 25,147 PAGE 11, O.R.
- 5 - AN EASEMENT FOR PRIVATE AND PUBLIC STREETS AND PRIVATE DRIVEWAYS RECORDED IN BOOK 11,188

CONSTRUCTION NOTES:

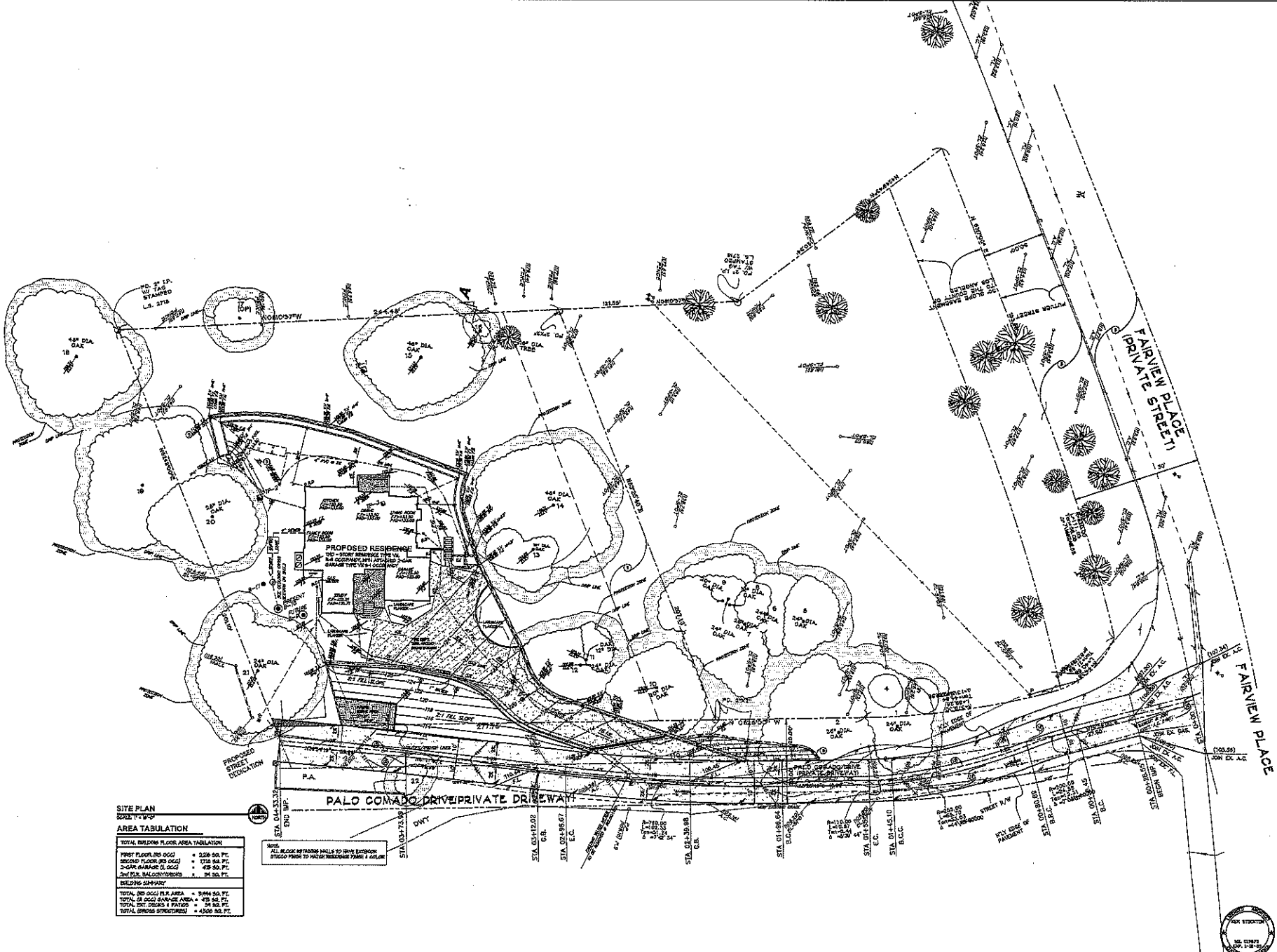
- 1 - CONSTRUCT CONCRETE PAVING PER DETAIL "A" SHEET NO. 1
- 2 - CONSTRUCT BACK DRAIN PER DETAIL "B" SHEET NO. 1
- 3 - CONSTRUCT ASH CATCH BASIN PER DETAIL "C" SHEET NO. 1
- 4 - CONSTRUCT TOP OF SLOPE DRAIN PER DETAIL "D" SHEET NO. 1
- 5 - PROPOSED RETAINING WALL UNDER SEPARATE PERMIT FOR DETAIL SHEET J
- 6 - CONSTRUCT CONCRETE DRAIN BODIES PER DETAIL "E" SHEET NO. 1
- 7 - CONSTRUCT 8" M.C.P. PER DETAIL "F" SHEET NO. 1
- 8 - CONSTRUCT TRENCH DRAIN PER DETAIL "G" SHEET NO. 1
- 9 - CONSTRUCT 12" CATCH BASIN PER DETAIL "H" SHEET NO. 1
- 10 - CONSTRUCT 6" CONCRETE CURB PER DETAIL "I" SHEET NO. 1
- 11 - CONSTRUCT IMPROVEMENT PER DETAIL "J" SHEET NO. 1
- 12 - CONSTRUCT 8" RAMP BLANKET PER DETAIL "K" SHEET NO. 1
- 13 - PROPOSED STREET IMPROVEMENT PLAN UNDER SEPARATE PERMIT, SEE STREET IMPROVEMENT PLAN
- 14 - PROPOSED 3" M.C.P. UNDER SEPARATE PERMIT STREET IMPROVEMENT PLAN
- 15 - PROPOSED 3" M.C.P. CONCRETE INVERTED SHOULDER PER CITY STD. PLAN NO. 106 UNDER SEPARATE PERMIT STREET IMPROVEMENT PLAN



NOTE:
 1. TESTS SHALL BE PERFORMED PRIOR TO POURING FOOTINGS AND SLABS TO DETERMINE THE EXPANSION INDEX OF THE SUPPORTING SOILS. IF THE EXPANSION INDEX IS GREATER THAN 20, FOUNDATION AND SLAB PLANS SHOULD BE REVISED ACCORDINGLY.
 2. EXCAVATIONS SHALL BE MADE IN COMPLIANCE WITH CALIFORNIA REGULATIONS.

SEE STREET IMPROVEMENT PLAN

CITY OF AGOURA HILLS APPROVAL		PROJECT NO. _____	SHEET 2 OF 6
AGOURA HILLS		DATE: _____	EFFECTIVE DATE: _____
CITY ENGINEER		DATE: _____	REVIEWED BY: _____
PREPARED BY: ENGINEERING GROUP		DATE: _____	
CHECKED BY: _____		DATE: _____	
DESIGNED BY: _____		DATE: _____	
DRAWN BY: _____		DATE: _____	
REV	SYMBOL	DESCRIPTION OF CHANGE	DATE



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

AREA TABULATION

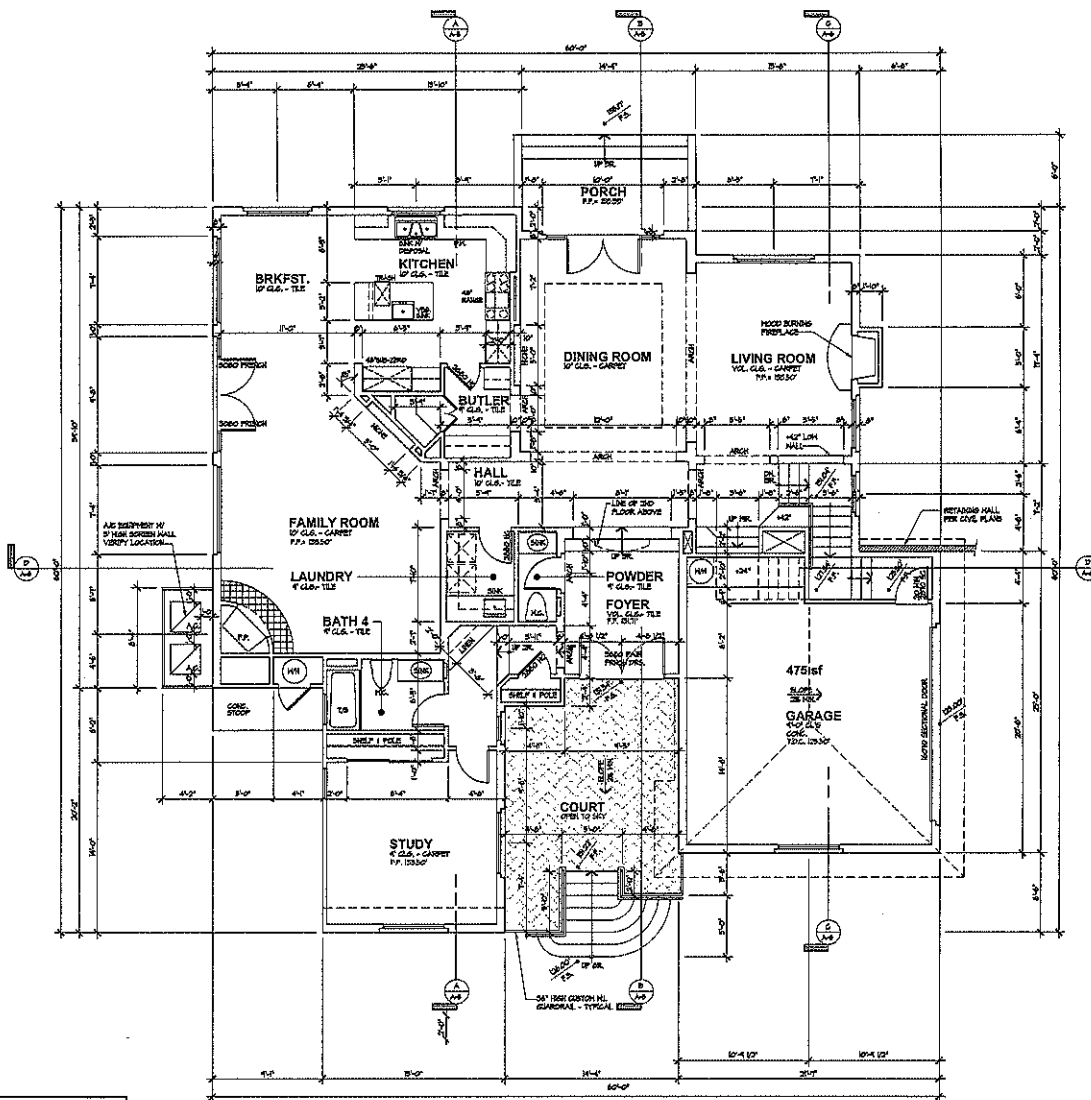
TOTAL BRUSH FLOOR AREA TABULATION	
FIRST FLOOR BRUSH	= 2,236 SQ. FT.
SECOND FLOOR BRUSH	= 1,718 SQ. FT.
3-CAR GARAGE BRUSH	= 478 SQ. FT.
LANDSCAPE BRUSH	= 91 SQ. FT.
BUILDING FOOTPRINT	
TOTAL BRUSH FLOOR AREA	= 5,523 SQ. FT.
TOTAL BRUSH GARAGE AREA	= 478 SQ. FT.
TOTAL BRUSH AREA	= 6,001 SQ. FT.
TOTAL BRUSH STRUCTURE	= 4,500 SQ. FT.

NOTE: ALL BLOCK RETAINING WALLS TO HAVE EXTERIOR STRECO FINISH TO MATCH NEIGHBORING WALLS & COLOR.



NOT FOR CONSTRUCTION

ARCHITECTURAL SITE PLAN	
DATE: 07/20/09	REVISIONS: 11/01/09
PLAN NO.: 11/01/09	PROJECT NO. 11/01/09
DEVELOPER: BEN-MENACHEM CUSTOM RESIDENCE PROJECT NAME: BEN-MENACHEM CUSTOM RESIDENCE ARCHITECT: KEN STOCKTON ARCHITECT 2800 N. AVENUE 104, P.O. BOX 104, CALAVERAS, CA 95002 (509) 540-3441 FAX: (509) 540-3442	
SHEET NO. A-1	



TOTAL BUILDING FLOOR AREA TABULATION	
FIRST FLOOR (RS 000)	= 228 50. FT.
SECOND FLOOR (RS 000)	= 178 50. FT.
3-CAR GARAGE (S 000)	= 475 50. FT.
TOTAL (RS 000) FIN. AREA = 883 50. FT.	
TOTAL (RS 000) FIN. AREA	= 894 50. FT.
TOTAL (RS 000) GARAGE AREA	= 475 50. FT.
TOTAL (RS 000) FIN. AREA	= 319 50. FT.
TOTAL (GROSS STRUCTURE)	= 4303 50. FT.

FIRST FLOOR PLAN

32M 50FT.

FIRST FLOOR TABULATION

FIRST FLOOR (RS 000)	= 228 50. FT.
3-CAR GARAGE (S 000)	= 475 50. FT.
TOTAL (RS 000) & FIRST FLOOR	= 704 50. FT.
TOTAL (GROSS BUILD) & FIRST FLOOR	= 2149 50. FT.
TOTAL (GROSS STRUCTURE) & 1st FLOOR	= 2241 50. FT.

NOT FOR CONSTRUCTION

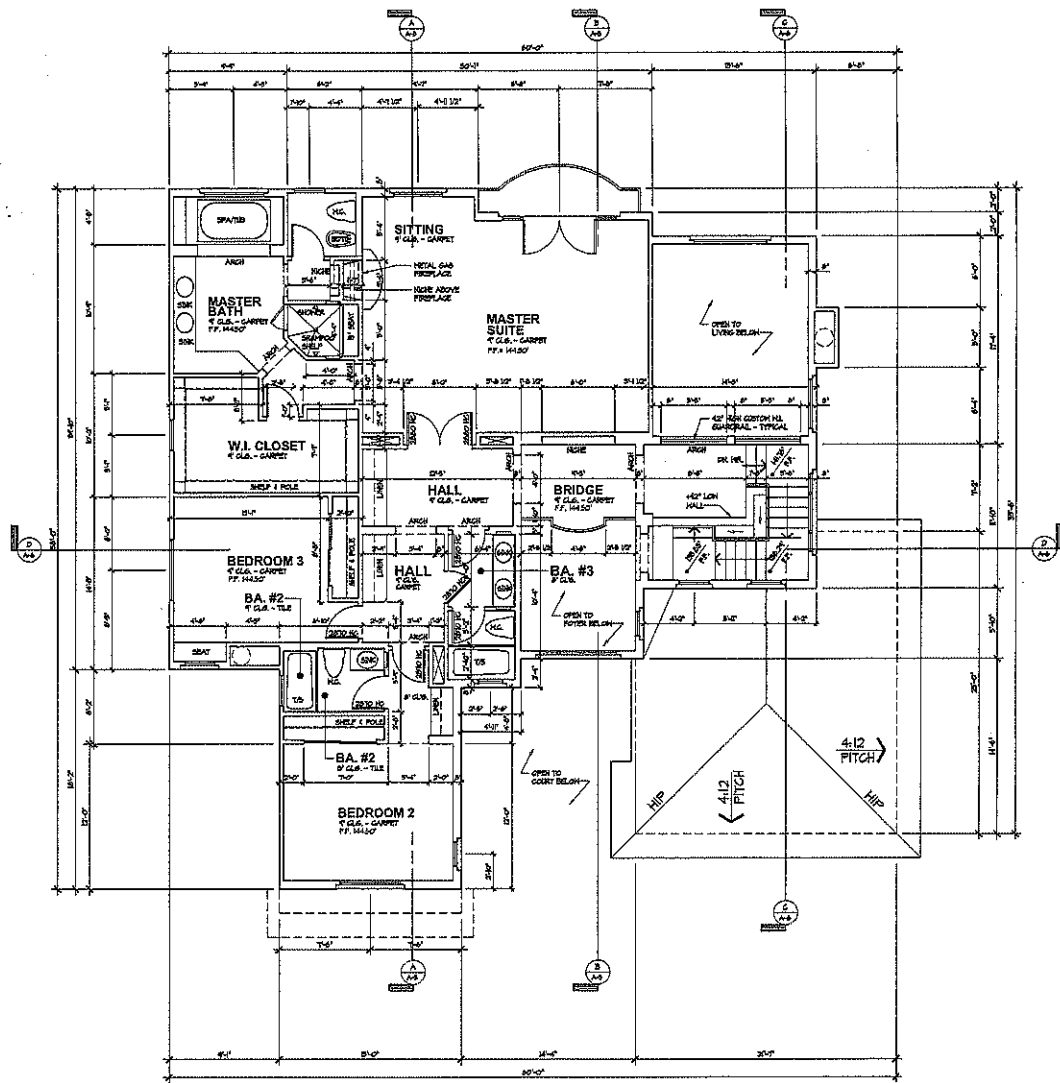


KEN STOCKTON
ARCHITECT
28000 VIA ARROYO PASADENA, CALIFORNIA, CA 91103
(818) 798-1448 FAX: (818) 798-8404

FIRST FLOOR PLAN
REVISED: 10/22/09
DATE: 09/11/09
PLAN: CFC
PROJECT: BENCHMARK CUSTOM RESIDENCE

BENCHMARK
PROJECT NAME
BENCHMARK
CUSTOM RESIDENCE

SHEET NO.
A-2



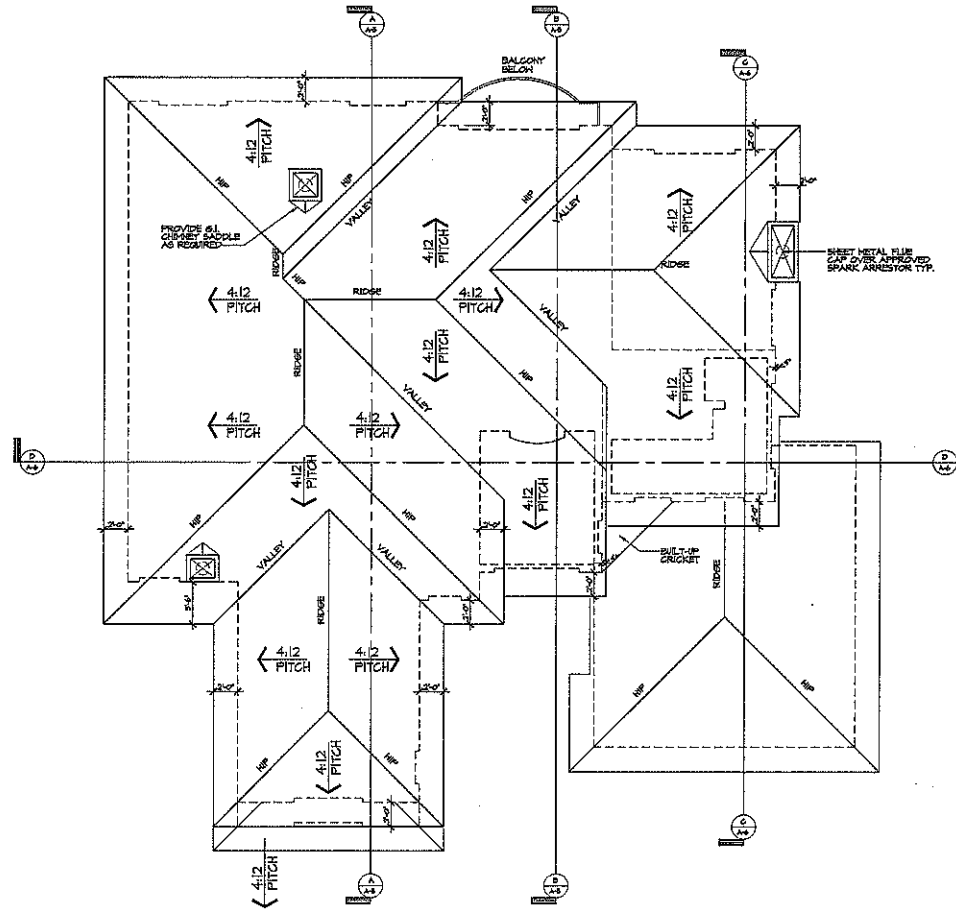
SECOND FLOOR PLAN

0120 00 FT.
 SECOND FLOOR VARIATION
 SECOND FLOOR BLD AREA = 1278 SQ. FT.
 2nd FLR BALCONY/DECKS = 34 SQ. FT.
 TOTAL BLD AREA @ SECOND FLOOR = 1312 SQ. FT.
 TOTAL (BLDG BLD AREA) @ 2nd FLR = 1247 SQ. FT.



NOT FOR CONSTRUCTION

<p>BEN-MENACHEM CUSTOM RESIDENCE</p>						
<p>PROJECT NAME BEN-MENACHEM CUSTOM RESIDENCE</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">DRAWN: GSK</td> <td style="font-size: 8px;">REVISIONS:</td> </tr> <tr> <td style="font-size: 8px;">DATE: 08/11/09</td> <td style="font-size: 8px;">10/22/09</td> </tr> <tr> <td style="font-size: 8px;">SCALE: 1/8\"</td> <td style="font-size: 8px;">1/8\"</td> </tr> </table>	DRAWN: GSK	REVISIONS:	DATE: 08/11/09	10/22/09	SCALE: 1/8\"	1/8\"
DRAWN: GSK	REVISIONS:					
DATE: 08/11/09	10/22/09					
SCALE: 1/8\"	1/8\"					
<p>KEN STOCKTON ARCHITECT 2800 N. AVENUE ROAD, SUITE 200, CALIFORNIA, CA 92022 (949) 441-1110 FAX: (949) 441-1624</p>						
<p>SHEET NO. A-3</p>						

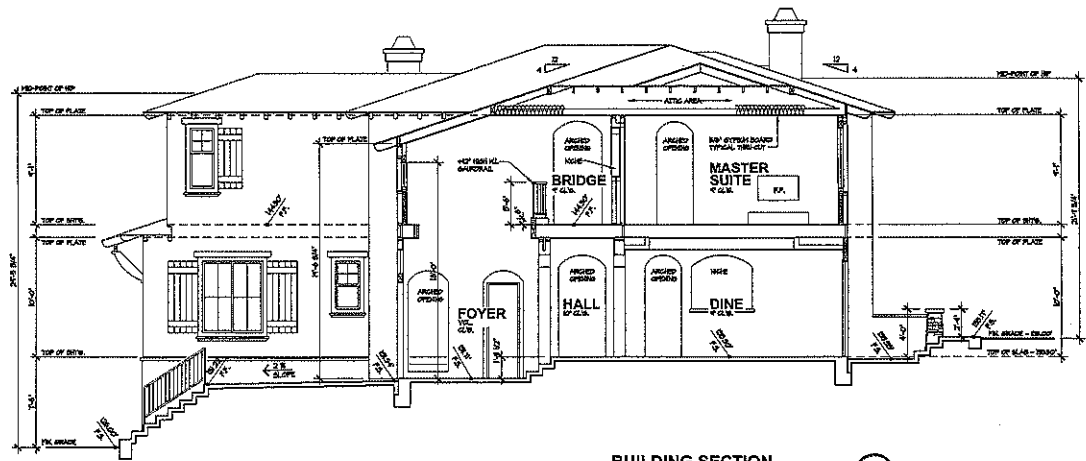


ROOF PLAN
 1/8"=1'-0"
 SCALE: 1/8"=1'-0"



NOT FOR CONSTRUCTION

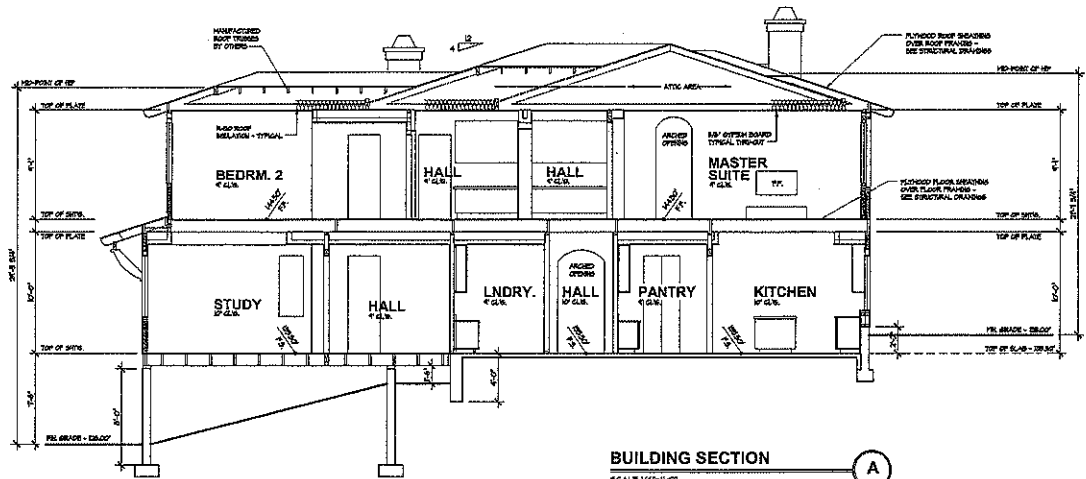
PROJECT NAME: BEN-MENACHEM CUSTOM RESIDENCE		DEVELOPER: 	
DRAWN: GAB DATE: 06/11/08 PLAN C/F:		REVISIONS: 1/07/2008	
KEN STOCKTON ARCHITECT 280014 JORDAN ROAD, SUITE 100, CALABAS, CA 91302 (818) 898-4400 FAX: (818) 898-4401		SHEET NO. OF: A-4	



BUILDING SECTION

SCALE: 1/4" = 1'-0"

B



BUILDING SECTION

SCALE: 1/4" = 1'-0"

A

DEVELOPER:

**BEN-MENACHEM
CUSTOM RESIDENCE**

PROJECT NAME:

BUILDING SECTIONS

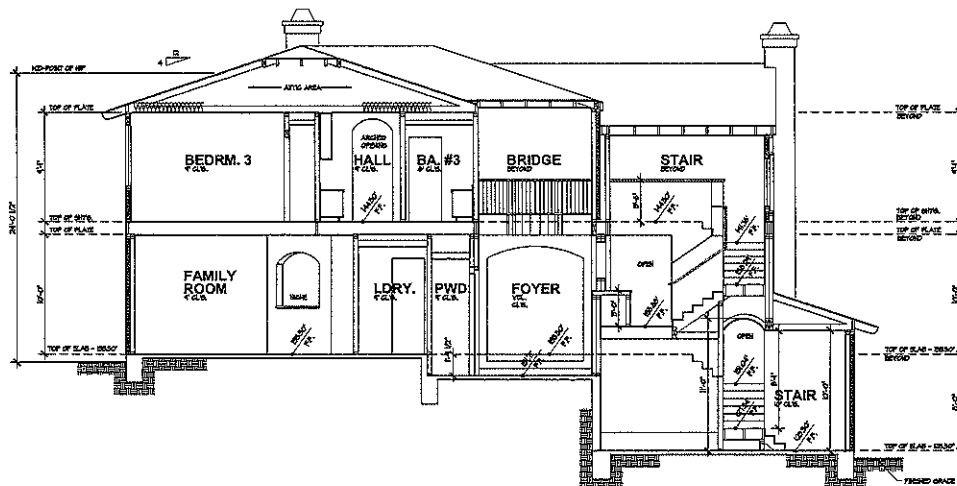
DRAWN:	DATE:
REVISIONS:	CONVISED:
DATE:	FLAT DATE:
	PERMIT:

**KEN STOCKTON
ARCHITECT**
2800 N. AQUINA ROAD, SUITE 100, COLLEEN, CA 95022
(916) 884-1818 FAX: (916) 884-1804

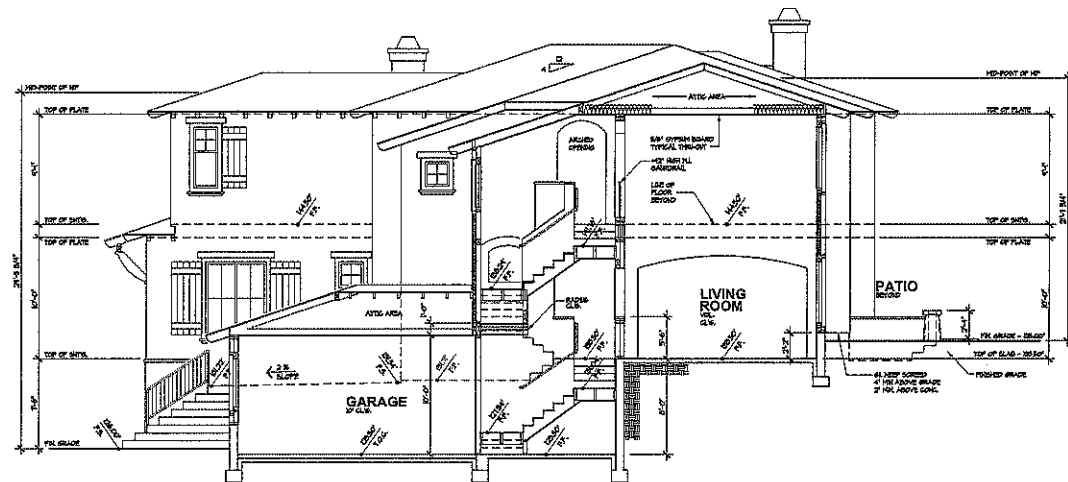
SHEET NO.
A-5



NOT FOR CONSTRUCTION



BUILDING SECTION
SCALE: 1/4" = 1'-0"
D

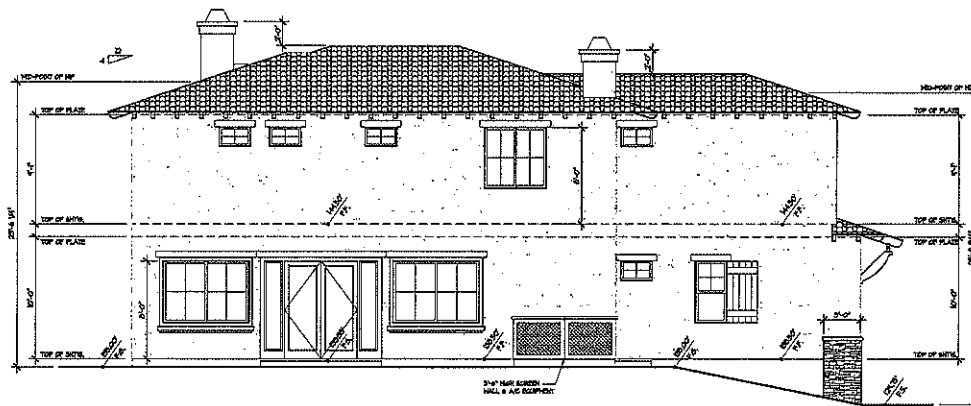


BUILDING SECTION
SCALE: 1/4" = 1'-0"
C

DEVELOPER	
BEN-MENACHEM CUSTOM RESIDENCE	
PROJECT NAME	
BUILDING SECTIONS	REVISIONS
DRAWN: GAB	12/22/08
DATE: 08/11/08	12/22/08
PLAN C/C	
PROJECT	
KEN STOCKTON ARCHITECT 2800 K. ABBOTT ROAD, STE 200, CALIFORNIA, CA 92022 (951) 694-1400 FAX: (951) 694-1401	
SHEET NO.	
A-6	



NOT FOR CONSTRUCTION



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



PROJECT NAME

**BEN-MENACHEM
CUSTOM RESIDENCE**

FIRST FLOOR PLAN

DATE	BY	REVISIONS
07/27/09	CS/TL/OS	
	FL/GR/	
	PER/ET	

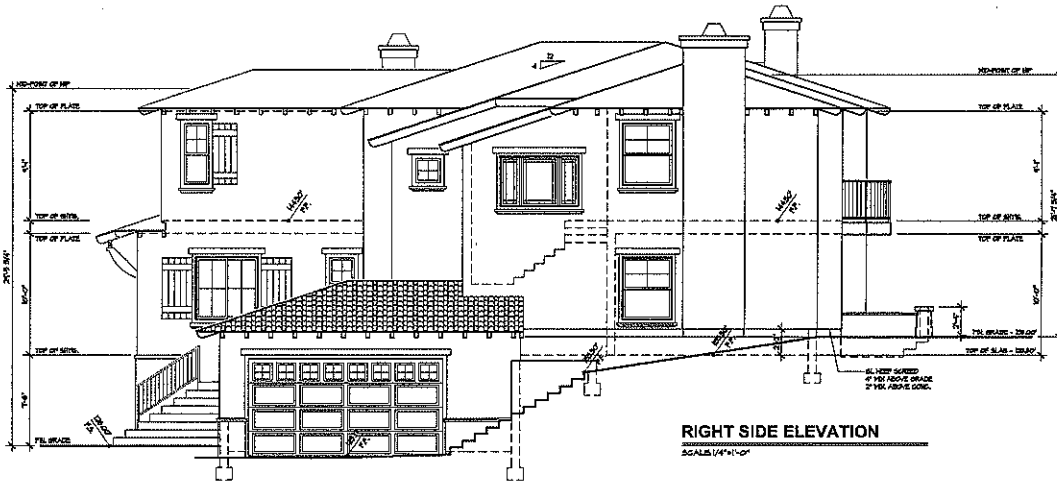
KEN STOCKTON
ARCHITECT

2800 N. ADELINA ROAD, STE. 244, CALADANA, CA. 95003
(916) 534-1445 FAX: (916) 534-9044

SHEET NO.

A-7

NOT FOR CONSTRUCTION



RIGHT SIDE ELEVATION

SCALE 1/4" = 1'-0"



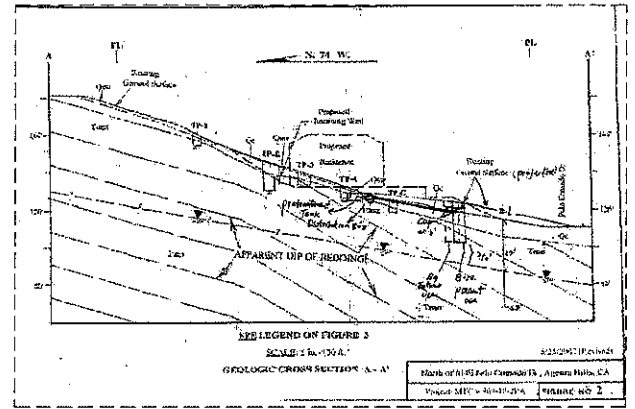
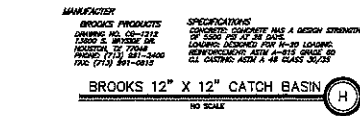
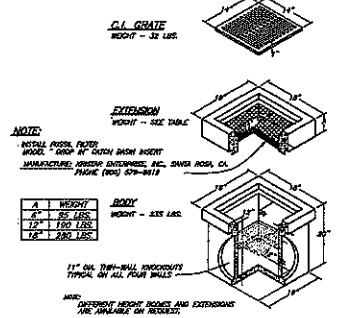
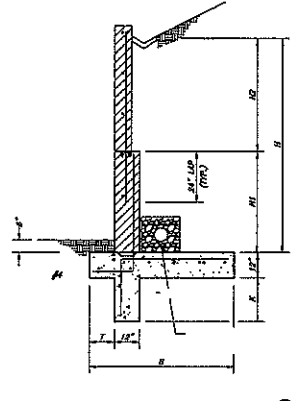
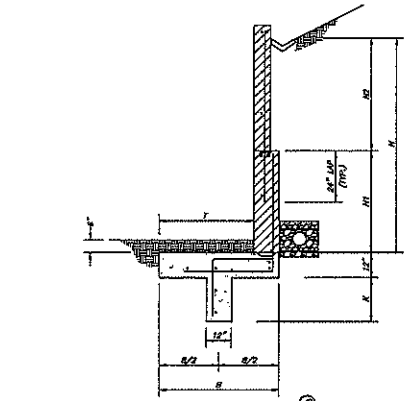
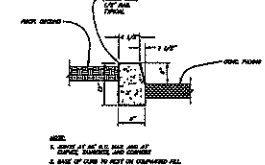
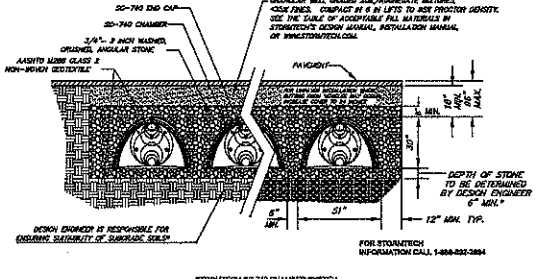
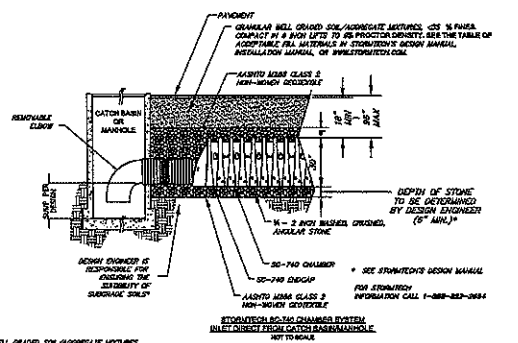
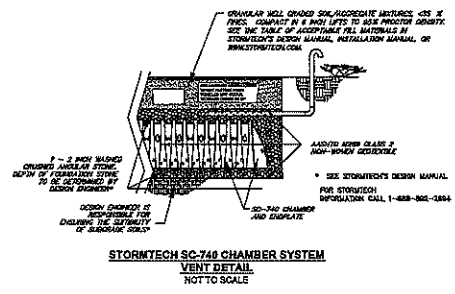
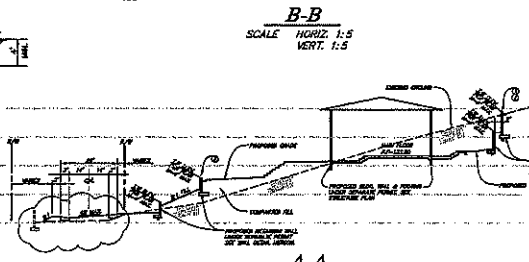
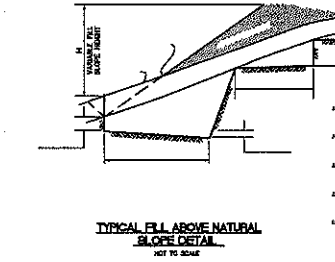
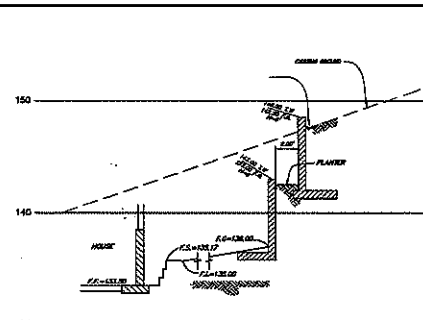
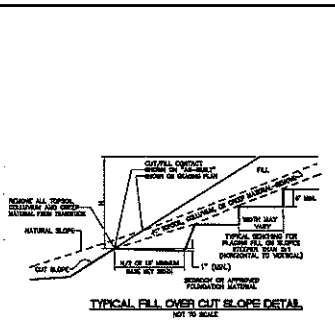
REAR ELEVATION

SCALE 1/4" = 1'-0"

DEVELOPER	
BEN-MENACHEM CUSTOM RESIDENCE	
PROJECT NAME	
FIRST FLOOR PLAN	
DATE	REVISES
06/11/09	10/23/09
DRAWN BY	DATE
PLAN CRE.	PERMIT
KEN STOCKTON ARCHITECT 2820 N. ALDWIN ROAD, SUITE 104, LA JOLLA, CA 92037 (619) 444-1140 FAX: (619) 444-4000	
CREAT. NO.	A-8



NOT FOR CONSTRUCTION



RETAINING WALL SCHEDULE - TYPE # WALL (A)

H	H1	H2	B	T	K	1\"/>
3'-0"	3'-0"	3'-0"	3'-4"	0'-0"		14 @ 16"
4'-0"	4'-0"	3'-4"	3'-10"	1'-0"		14 @ 16"
5'-0"	5'-0"	3'-4"	4'-0"	1'-0"		14 @ 16"

RETAINING WALL SCHEDULE - TYPE # WALL (A)

H	H1	H2	B	T	K	1\"/>
3'-0"	3'-0"	3'-0"	3'-4"	0'-0"		14 @ 16"
4'-0"	4'-0"	3'-4"	3'-10"	1'-0"		14 @ 16"
5'-0"	5'-0"	3'-4"	4'-0"	1'-0"		14 @ 16"

REV	SYMBOL	DESCRIPTION OF CHANGE	DATE

PREPARED BY:
CALCIVIC ENGINEERING GROUP
CONCRETE, METALS & WOOD DIVISION
10000 THE MEADOWS DRIVE
DUBLIN, CA 94568

CITY OF AGOURA HILLS APPROVAL

AMARJO ADEVA
CITY ENGINEER

DATE: _____ TIME: _____ EXP. DATE: _____



GRADING PLAN

PROJECT NO. _____ SHEET 3 OF 8

CITY OF AGOURA HILLS ENGR. NO. _____



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT C

August 7, 2008 Meeting Minutes

(December 18, 2008 Meeting)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
August 21, 2008**

CALL TO ORDER:

Chair O'Meara called the meeting to order at 6:32 p.m.

FLAG SALUTE

Commissioner Nouzille

ROLL CALL:

Chair John O'Meara, Vice Chair Curtis Zacuto, Commissioners Ilce Buckley Weber, Cyrena Nouzille, and Steve Rishoff.

Chair O'Meara stated that staff had received notification of Vice Chair Zacuto's absence and Commissioner Buckley Weber's absence prior to the meeting and that they had requested the Commission excuse their absences. There were no objections to excusing the absences.

Also, present were Director of Planning & Community Development Mike Kamino, Assistant Community Development Director Doug Hooper, Consultant Joyce Parker-Bozylinski, and Recording Secretary Sheila Keckhut.

1. **APPROVAL OF MINUTES:**

August 7, 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 7, 2008 Planning Commission Meeting. Motion carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

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

Ron Waters, Resident

CONTINUED PUBLIC HEARINGS

2. **REQUEST:** Request for approval of a Conditional Use Permit to construct a 4,515 square foot, two-story, single-family residence, a 428 square foot attached two-car garage, 217 square feet of patio covers and 332 square feet of balconies/decks; and a request for an Oak Tree Permit to remove 1 oak tree and encroach in the protected zone of 9 oak trees for the proposed construction.
- APPLICANT:** Sean Ben-Menahem
 5000 N. Parkway Calabasas, Suite 106
 Calabasas, CA 91302
- CASE NOS.:** 03-CUP-016 & 03-OTP-017
- LOCATION:** 6149 Palo Comado Drive
 (A.P.N. 2055-023-073)
- ENVIRONMENTAL
 DETERMINATION:** Categorically Exempt from CEQA per Section 15303.
- RECOMMENDATION:** Staff recommended the Planning Commission continue the hearing to October 16, 2008 for redesign. Alternatively, the Planning Commission could have adopted the attached draft Resolution, denying the applicant's Conditional Use Permit No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017 applications.
- ACTION:** On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to continue Conditional Use Permit No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017 to the October 16, 2008 Planning Commission meeting. Motioned carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.

DISCUSSION

3. **REQUEST:** Planning Commission Study Session on the proposed Residential Neighborhood Compatibility Ordinances, Neighborhood Compatibility Design Guidelines, and Old Agoura Design Guidelines.

- APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 93101
- RECOMMENDATION: Staff recommended that the Planning Commission hold a study session and provide direction to staff.
- PUBLIC COMMENTS: Chair O'Meara opened the Public Hearing
- The following persons spoke on this agenda item.
- Ron Waters, Resident
- Danielle Waters, Resident
- Jess Thomas, President of Old Agoura HOA
- Nevin Bardai, Resident
- Nicki Laine, Resident
- Kirk Allegro, Resident
- Yvette Ellingwood, Resident
- Brant Turner, Resident
- Steve Casey, Resident
- Daniel Farkash, Resident
- Chair O'Meara closed the public hearing.
- RECESS: Chair O'Meara called for a recess at 8:28 p.m.
- RECONVENE: Chair O'Meara reconvened the meeting at 8:43 p.m.
- ACTION: The Planning Commission provided staff with direction for preparation of the Residential Neighborhood Compatibility Ordinance and Old Agoura Design Guidelines, which will be considered in a new public hearing.

ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

(Planning Commission and Staff)

ADJOURNMENT

At 10:13 p.m., on a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday September 4, 2008, at 6:30 p.m. Motioned carried 3-0. Vice Chair Zacuto and Commissioner Buckley Weber were absent.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
August 7, 2008**

CALL TO ORDER:

Chair O'Meara called the meeting to order at 6:34 p.m.

FLAG SALUTE

Commissioner Rishoff

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, Associate Planner Valerie Darbouze, Assistant Planner Renee Madrigal, Assistant Engineer Kelly Fisher, Oak Tree and Landscape Consultant Kay Greeley, and Recording Secretary Sheila Keckhut.

1. **APPROVAL OF MINUTES:**

July 17, 2008 Planning Commission Meeting

On a motion by Commissioner Rishoff, seconded by Vice Chair Zacuto, the Planning Commission moved to approve the Minutes of the July 17, 2008 Planning Commission Meeting. Motion carried 4-0-1. Commissioner Nouzille abstained.

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

None

CONTINUED PUBLIC HEARINGS

2. **REQUEST:**

Request for approval of a Conditional Use Permit to construct a 4,515 square foot, two-story, single-family residence, a 428 square foot attached two-car garage, 217 square feet of patio covers and 332 square feet of balconies/decks; and a request for an Oak Tree Permit to

remove 1 oak tree and encroach in the protected zone of 9 oak trees for the proposed construction.

APPLICANT: Sean Ben-Menahem
5000 N. Parkway Calabasas, Suite 106
Calabasas, CA 91302

CASE NOS.: 03-CUP-016 & 03-OTP-017

LOCATION: 6149 Palo Comado Drive
(A.P.N. 2055-023-073)

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15303.

RECOMMENDATION: If it was the Planning Commission's decision to approve Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, staff recommended the Planning Commission adopt the draft resolution, subject to the revised Conditions of Approval.

PUBLIC COMMENTS: Chair O'Meara opened the public hearing.

The following persons spoke in favor of the project.

Ken Stockton, Architect for the applicant

George Shakiban, Construction Engineer representing applicant

Jeff Aviezer, resident

The following persons spoke neither for nor against the project

Mike Kaye, resident

Robyn Britton, representing Old Agoura HOA

REBUTTAL: George Shakiban, Construction Engineer representing applicant, gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Chair O'Meara closed the public hearing.

Chair O'Meara reopened the public hearing and Sean Ben-Menahem, applicant spoke. Chair O'Meara closed the public hearing.

ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Buckley Weber, the Planning Commission moved to direct staff to prepare a draft Resolution of denial for Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017 for the Planning Commission's consideration at the August 21, 2008 Planning Commission meeting. Motion carried 3-2. Chair O'Meara and Vice Chair Zacuto opposed.

3. **REQUEST:** Request for approval of a Conditional Use Permit to construct a 3,547 square foot, two-story, single-family residence with a 981 square foot attached garage; and a request for approval of an Oak Tree Permit to remove one (1) Oak tree and to encroach within the protected zone of four (4) on-site Oak trees for the proposed construction.

APPLICANT: Gary Bardovi for Nevin Bardai
3611 Motor Avenue, Suite 108
Los Angeles, CA 90034

CASE NOS.: 07-CUP-011 and 07-OTP-020

LOCATION: 28340 Balkins Drive
(A.P.N. 2055-021-044)

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15303

RECOMMENDATION: If the Planning Commission desired to approve Conditional Use Permit Case No., 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020, a draft Resolution and conditions were prepared for adoption.

Chair O'Meara and Commissioner Buckley Weber stated they did watch the June 5, 2008 Planning Commission meeting that they would participate in the public hearing.

PUBLIC COMMENTS: Chair O'Meara opened the public hearing.

The following persons spoke in favor of the project.

Chuck Cohen, Attorney-representing the applicant.

Gary Bardovi, Architect representing the applicant.

Erick Mason, Civil Engineer representing the applicant.

RECESS:

Chair O'Meara called for a recess at 8:29 p.m.

RECONVENE:

Chair O'Meara reconvened the meeting at 8:50 p.m.

The following person spoke in favor of the project.

Bob Bombardier, Landscape Architect representing the applicant.

The following person spoke neither for nor against the project.

John Levin, resident

Laurie Turner, resident

Bob Hartman, resident

Robyn Britton, representing Old Agoura HOA

Ronald Cagnon, resident

REBUTTAL:

Chuck Cohen attorney representing applicant, gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Chair O'Meara closed the public hearing.

ACTION:

On a motion by Vice Chair Zacuto, seconded by Commissioner Buckley Weber, the Planning Commission moved to adopt the Resolution, approving Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020, subject to conditions. Motion carried 3-2. Commissioner Buckley Weber and Commissioner Nouzille opposed.

4. REQUEST: A request for a Conditional Use Permit to convert a single-family residence into an office building and add 916 square feet of building area; a request for a Variance from Zoning Ordinance Sections 9373.7 and 9373.5 to reduce the landscaping from 20 to 10 feet in width along the front property line and to maintain a reduced, combined side yard setback of 20 feet instead of a minimum of 70 feet; and a request for an Oak Tree Permit to encroach into the protected zone of two oak trees for the construction of the project.

APPLICANT: Joseph Luithly
28818 Agoura Road
Agoura Hills, CA 91301

CASE NOS.: 07-CUP-008, 07-OTP-005, & 07-VAR-002

LOCATION: 28818 Agoura Road
(A.P.N. 2061-029-002)

ENVIRONMENTAL
DETERMINATION: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommended approval of Conditional Use Permit, Case No. 07-CUP-008, and Oak tree Permit Case No. 07-OTP-005, and Variance Case No. 07-VAR-002, subject to conditions, based on the findings of the draft Resolutions.

Chair O'Meara and Commissioner Buckley Weber stated they did watch the June 5, 2008 Planning Commission meeting that they would participate in the public hearing.

PUBLIC COMMENTS: Chair O'Meara opened the public hearing.

The following persons spoke in favor of the project

Joseph Luithly, applicant

Chair O'Meara closed the public hearing.

ACTION: On by Vice Chair Zacuto, and seconded by Commissioner Buckley Weber the Planning Commission moved to adopt the Resolution, approving Case Nos. 07-CUP-008, 07-OTP-005, and 07-VAR-002 subject to conditions. Motion carried 5-0.

DISCUSSION

5. REQUEST: Request for approval to modify the existing sign program at the Agoura Design Center to include a monument sign.
- APPLICANT: Signature Signs Inc. for Adler Realty Investments, Inc.
 801 Mitchell Road, Suite 102
 Newbury Park, CA 91320
- CASE NO.: 08-SP-024
- LOCATION: 28501, 28505-28509 Canwood Street
 (A.P.N. 2048-012-017, 018, and 2055-003-064)
- ENVIRONMENTAL
 DETERMINATION: Categorically Exempt from CEQA per Section 15311 (a)
- RECOMMENDATION: Staff recommended approval of Sign Permit Case No. 08-SP-024, subject to conditions, based on the findings of the draft Resolution.
- PUBLIC COMMENTS: Chair O'Meara opened the public hearing.
- The following persons spoke in favor of the project.
- Jami Leaf with Signature Signs, representing the applicant.
- Chair O'Meara closed the public hearing.
- ACTION: On a motion by Vice Chair Zacuto, and seconded by Commissioner Rishoff, the Planning Commission moved to adopt the Resolution, approving Sign Permit No. 08-SP-024 subject to conditions. Motion carried 4-1. Commissioner Buckley Weber opposed.

ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

(Planning Commission and Staff)

Vice Chair Zacuto and Commissioner Buckley Weber announced they will not be attending the August 21, 2008 Planning Commission meeting.

ADJOURNMENT

At 11:08 p.m., on a motion by Commissioner Buckley Weber, seconded by Vice Chair Zacuto, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday August 21, 2008, at 6:30 p.m.



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT D

August 7, 2008 Meeting Staff Report

(December 18, 2008 Meeting)



DATE: AUGUST 7, 2008

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: CONDITIONAL USE PERMIT CASE NO. 03-CUP-016 & OAK TREE
PERMIT CASE NO. 03-OTP-017

I. PROJECT DESCRIPTION AND BACKGROUND

On March 20, 2008, the Planning Commission conducted a public hearing for Sean Ben-Menaheem's Conditional Use Permit and Oak Tree Permit applications (Case Nos. 03-CUP-016 and 03-OTP-017) to construct a 4,880 square-foot, two-story, single-family residence, a 463 square foot attached two-car garage, a 100 square-foot patio cover and a 125 square-foot balcony/deck. The applicant also requested to remove 1 oak tree and to encroach in the protected zone of 9 oak trees for the proposed construction. The parcel is located at 6149 Palo Comado Drive in the Residential Very Low density zone in Old Agoura.

After reviewing the project and taking public testimony, the Planning Commission requested that the applicant 1) reduce the grading quantities thereby reducing the amount of truck trips and impacts to the community; 2) reduce the size of the house thereby reducing the mass of the house as viewed from the access driveway; 3) revisit the architectural style of the house; and 4) review potential drainage impacts to the residence to the east of the access driveway. The Planning Commission granted a continuation to August 7, 2008 in order for the applicant to address these issues. Included in this report is an analysis of the applicant's revisions to the project and copies of the plans for the Commission's review.

II. STAFF ANALYSIS

In response to the Planning Commission's concerns, the applicant revised his project by changing the style of architecture of the residence and by eliminating the grading on the hillside and moving the retaining walls at the bottom of the slope and away from the oak trees. The applicant is now requesting to construct a 4,515 square-foot, single-family residence with a 428 square-foot attached garage with 217 square feet of covered patios and 332 square feet of balconies and decks. The request for an Oak Tree Permit to encroach in the protected zone of nine oak trees for the proposed construction has been reduced to 4 oak trees.

The pad layout and orientation of the building will remain the same. The project still meets all minimum yard setbacks from all property lines and maximum allowable height requirements of the zone. The 20-foot-a-part retaining walls originally proposed in the rear yard designed to retain the manufactured slope were relocated at the base of the slope preserving more of the natural topography. Pertinent data are described below and findings made for the original proposal remain the same and are included in the attached draft resolution.

Pertinent Data for the Proposal:

	Existing	Original Proposal	Revised Proposal	Required/ Allowed
A. Lot Size	49,281 sq.ft. (1.13 acres)	49,281 sq.ft. (1.13 acres)	N/A	43,560 sq.ft. (1 acre)
Width	190 ft.	N/A	N/A	N/A
Depth	210 ft.	N/A	N/A	N/A
B. Building Setbacks				
<u>1. Residence Setbacks</u>				
Front	N/A	33 feet	33 feet	25 feet min.
Rear (West Side)	N/A	75 feet	72 feet	25 feet min.
Side (North Side)	N/A	90 feet	92 feet	12 feet min.
Side (South Side)	N/A	33 feet	33 feet	12 feet min.
C. Building Sizes				
Residence				
1 st Floor	N/A	2,690 sq.ft.	2,638 sq.ft.	N/A
2 nd Floor	N/A	<u>2,190 sq.ft.</u>	<u>1,877 sq.ft.</u>	<u>N/A</u>
Subtotal:	N/A	4,880 sqft.	4,515 sqft.	N/A
Garage	N/A	463 sq.ft.	428 sq.ft.	N/A
Total:	N/A	<u>5,343 sq.ft.</u>	<u>4,943 sq.ft.</u>	N/A
Covered Patio	N/A	100 sq.ft.	217 sq.ft.	N/A
Balcony/Roof Deck	N/A	125 sq.ft.	332 sq.ft.	N/A
D. Building Height	N/A	33 ft.	33 ft.	35 ft. max.
E. Lot Coverage				
Bldg. Footprint	N/A	6%	6.6%	25% max.
Bldg. Footprint + Hardscape	N/A	25%	23.3%	25% max.
F. Undisturbed Open Space Coverage				
	N/A	58%	68%	77.5% min.
G. No. of Oak Trees				
	11 on-site	11	11	N/A
	11 off-site	10	10	N/A

The footprint of the house (first floor and garage) has decreased slightly and the covered patios square footage has increased slightly. The total square footage including the garage, decreased from 5,343 square feet to 4,943 square feet (7.48%). The total lot coverage is slightly higher than the original proposal. The proposed layout of the house on the lot was largely dictated by the driveway leading to the house and the Los Angeles County Fire District's requirements with respect to the necessity to have a turn-around on site and that requirement hasn't changed. As presented, the undisturbed open space area would be increased by 20% over the original proposal, providing a larger buffer between the existing oak trees and the development.

Architecture

The architecture has changed from a Mediterranean style to a more rustic style. The overall layout of the house remains similar to the original proposal. The more visible changes include different exterior materials such as imitation wood horizontal planks and fishscale shingles for siding, fascia boards instead of rafter tails, a simplified roof line and material and window style and trims. The proposed roof material is a concrete shake instead of the previously proposed Spanish tile with a 4:12 pitch instead of 5:12 pitch. Additional patio covers and balconies are proposed. The supporting columns of the patio covers are designed with a post and stone clad base. In order to reduce the mass of the structure, interior changes were made as well and include removing a second floor bedroom and bathroom and relocating the laundry room from the second to the first floor. The staircase is now integrated into the floor space and no longer designed as a separate architectural feature, visible from the outside. The colors were changed to a brown family of colors including the stone veneer and roof tile.

Oak Tree/Landscaping

The new Grading Plan shows a reduction in earthwork which eliminates the impacts to one on-site oak tree. The retaining walls were designed to be further away from Oak Tree No. 15 located in the rear yard. The encroachment to Oak Tree Nos. 13, 14, 19, and 21 was reduced with the revisions. Furthermore, the septic tank is shown at the exact edge of the protected zone of Oak Tree No. 20; the City Oak Tree Consultant considers this encroachment as the installation of the tank would likely require excavation in its protected zone unless it can be relocated further away from the tree. Overall, the direct impact was reduced on the order of 25% as compared to the prior plan. Based on the revised Grading Plan, the City Oak Tree Consultant has made recommendations with respect to protecting the trees in closest proximity to the construction areas.

Engineering/Public Works

Whereas the applicant's Civil Engineer original proposal required 2,479 cubic yards of cut and 1,162 cubic yards of fill with 867 cubic yard of export, the revised grading plan shows grading quantities to be nearly balanced. These new grading quantities are 920 cubic yards of cut, 991 cubic yards of fill and 71 cubic yards of imported soil. Bringing the retaining walls closer together and raising the main floor pad by one foot in height are the two contributing factors to eliminating most of the export soil.

The Engineering Department reviewed the drainage patterns and quantities associated with the revised grading plan and are satisfied that the conditions of approval address this issue.

Street improvements will remain the same. The location of the septic system has not changed.

Environmental

Based upon review of this project by staff, no significant environmental impacts have been identified for construction of the project. The project consists of the construction of one-single-family residence. The project has been determined to be Categorically Exempt from the California Environmental Quality Act per Section 15303. This exemption includes, but is not limited to, the construction of a single-family residence.

III. RECOMMENDATION

If it is the Planning Commission's decision to approve Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, staff recommends the Planning Commission adopt the attached draft resolution, subject to the revised Conditions of Approval.

Attachments

- Draft Resolution of Approval and Conditions of Approval
- Exhibit A: Reduced Copies of the Revised Architectural and Grading Plans
- Exhibit B: March 20, 2008 Meeting Minutes
- Exhibit C: March 20, 2008 Meeting Staff Report
- Exhibit D: Vicinity/Zoning Map
- Exhibit E: Color and Materials Board

Case Planner: Valerie Darbouze, Associate Planner



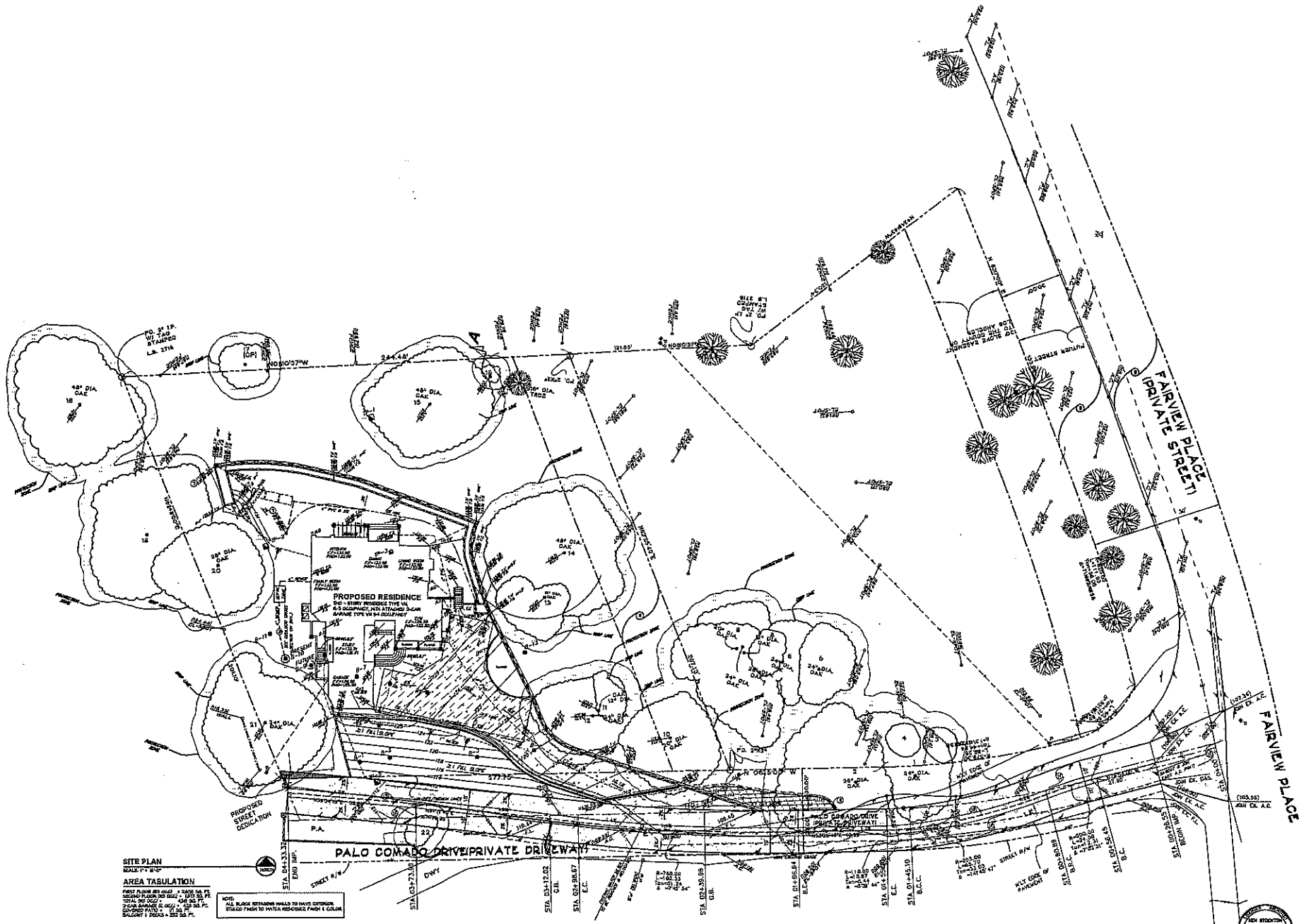
**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-016,
OAK TREE PERMIT - CASE NO. 03-OTP-017**

**FOR THE PROPERTY LOCATED AT
6149 PALO COMADO DRIVE, AGOURA HILLS**

EXHIBIT A

**Reduced Copies of Architectural
And
Grading Plans**

(August 7, 2008 Meeting)



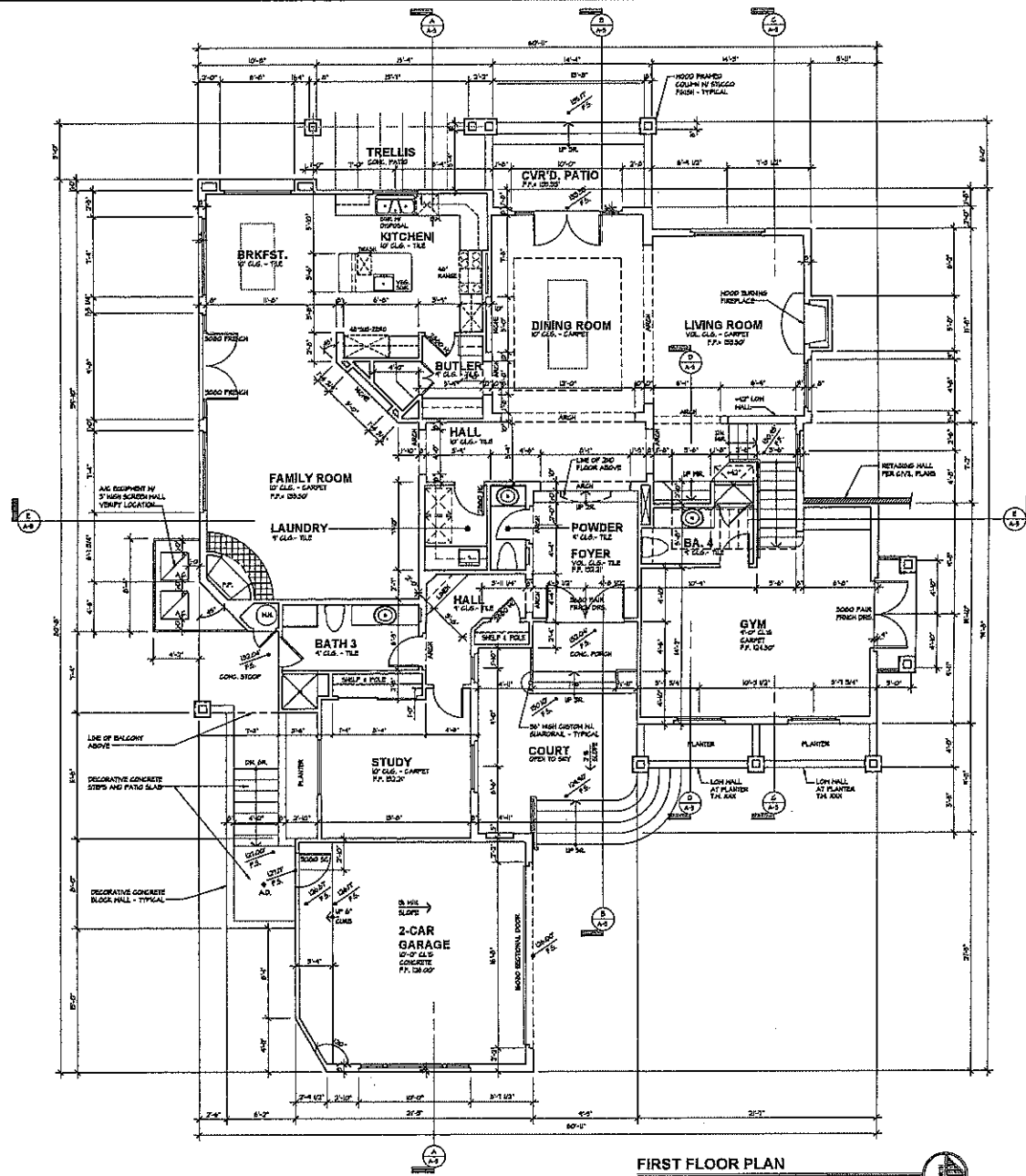
SITE PLAN
 SCALE: 1/4" = 1'-0"

AREA TABULATION
 FINISH FLOOR AREA: 17,840 SQ. FT.
 GARAGE FLOOR AREA: 1,000 SQ. FT.
 TOTAL FINISHED FLOOR AREA: 18,840 SQ. FT.
 TOTAL LOT AREA: 100,000 SQ. FT.
 COVERAGE: 18.84%
 BALANCE: 81.16%

NOTES
 ALL BLAZE RETAINING WALLS TO HAVE EXTERIOR STUCCO FINISH TO WHITE REDUCED FROM 1" COLOR.

DEVELOPER	
PROJECT NAME BEN-YENAHEN CUSTOM RESIDENCE	
ARCHITECTURAL SITE PLAN	REVISIONS
DATE: 04/18/2023	DATE: 07/27/2023
DRAWN BY: JACOB	SCALE: 1/4" = 1'-0"
CHECKED BY: JACOB	DATE: 07/27/2023
DESIGNED BY: JACOB	DATE: 07/27/2023
ARCHITECT KEN STOCKTON ARCHITECT 3900 N. ANTONI MANS PARK #44, TAMMAMBA, LA 70057 504.885.5555 FAX: 504.885.5555	
SHEET NO. A-1	

NOT FOR CONSTRUCTION



FIRST FLOOR PLAN

3486 SQ. FT.

SCALE: 1/4" = 1'-0"

FIRST FLOOR TABULATED:

FIRST FLOOR (NO. 000) = 3486 SQ. FT.
 2-CAR GARAGE (L. 000) = 432 SQ. FT.
 COVERED PATIO = 71 SQ. FT.

TOTAL (NO. 000) + FIRST FLOOR = 3486 SQ. FT.
 TOTAL (AREAS KEPT) + FIRST FLOOR = 5046 SQ. FT.



NOT FOR CONSTRUCTION

DATE: 07/20/05

BEN-MENACHEM
 CUSTOM RESIDENCE

FIRST FLOOR PLAN

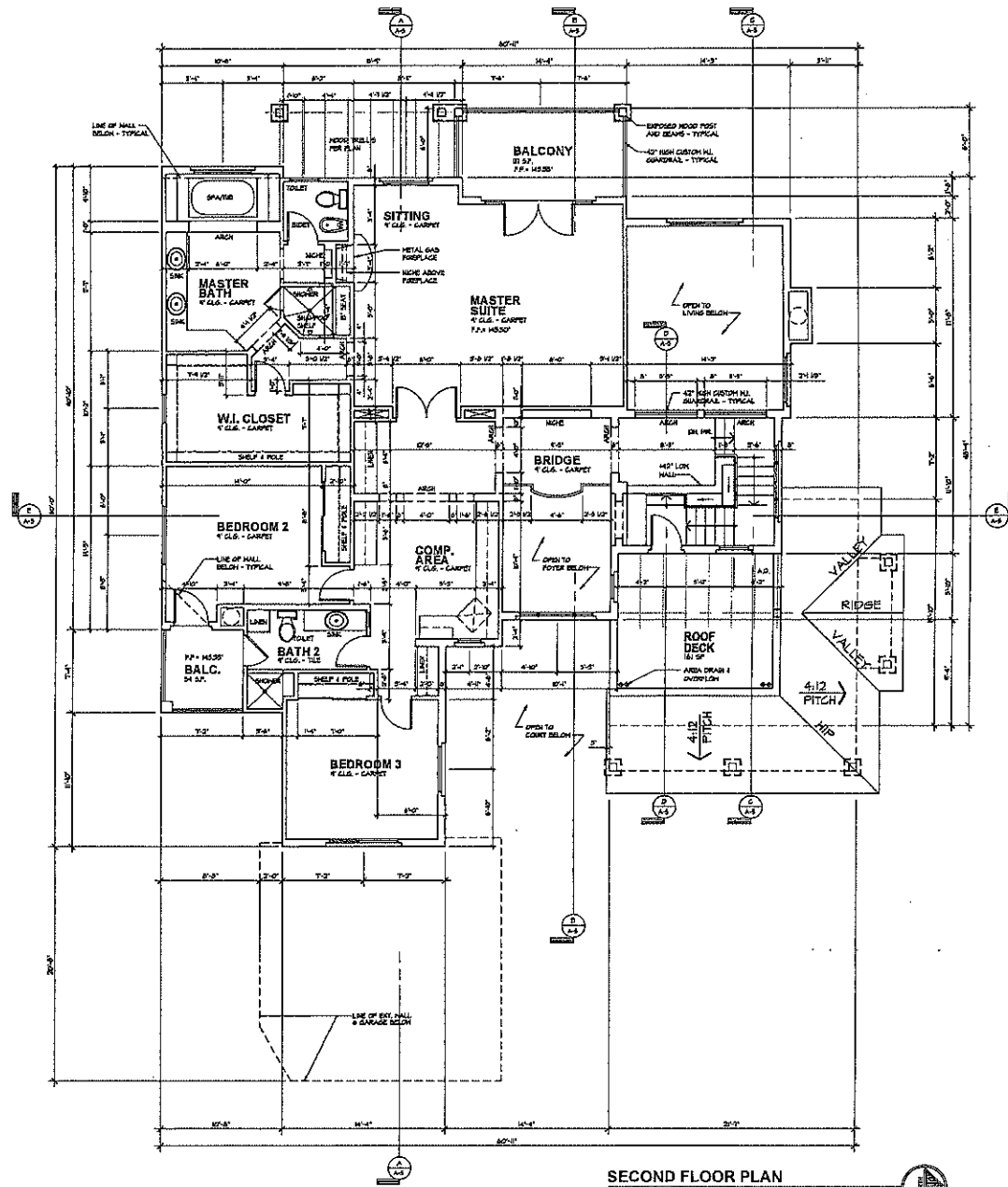
DATE: 07/20/05
 DRAWN BY: [Name]
 CHECKED BY: [Name]

KEN STOCKTON
 ARCHITECT

2800 N. AVENUE ROAD, SUITE 100, CALIFORNIA, CA 92503
 (951) 940-1445 FAX: (951) 940-1404

SHEET NO.

A-2



SECOND FLOOR PLAN

1071 SQ. FT.

SECOND FLOOR TABLETS

SECOND FLOOR (B3 OCC)	= 1071 SQ. FT.
BALCONY/DECKS	= 352 SQ. FT.
TOTAL (B3 OCC & SECOND FLOOR)	= 1071 SQ. FT.

NOT FOR CONSTRUCTION

PROJECT NAME: **BEN-MENACHEM CUSTOM RESIDENCE**
 ARCHITECT: **KEN STOCKTON ARCHITECT**
 3800 N. ARDEN ROAD, STE 104, CAROLINA, CA 95026
 (916) 486-8800 FAX: (916) 486-8801

SECOND FLOOR PLAN	NO CHANGES
FLOOR PLAN	NOTIFIED
BASE	CONTINUED
DATE	11/20/15
BY	KS
PROJECT	

SHEET NO. **A-3**