



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: November 18, 2010

TO: Planning Commission

APPLICANT: Keith Blinkinsoph
28419 Lewis Place
Agoura Hills, CA 91301

CASE NOS.: 10-CUP-004, 10-OTP-006, 10-VAR-003, and
TPM No. 71447

LOCATION: 28441 Lewis Place
(A.P.N. 2061-022-023, 024, & 025)

REQUEST: Request for approval of a Conditional Use Permit to construct a 3,593 square-foot, two-story residence and a 633 square-foot, attached two-car garage; an Oak Tree Permit to encroach in the protected zone of four (4) on-site Oak trees for the proposed construction; a Tentative Parcel Map to merge three (3) parcels into one (1) parcel and vacate a portion of Lewis Place; a request for a Variance from Zoning Ordinance Sections 9243.3.D and 9606.2.A. to provide a 16'-11" front yard setback instead of the minimum 25 feet and to construct retaining walls in excess of 3.5 feet in height in the front yard area.

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA, per Section 15303

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 10-CUP-004, Oak Tree Permit No. 10-OTP-006, Tentative Parcel Map No. 71447, and Variance 10-VAR-003, subject to conditions, based on the findings of the attached draft Resolutions.

ZONING DESIGNATION: RS-(2)-20,000-IH (Residential Single-Family – Indian Hills Design Overlay District)

GENERAL PLAN

DESIGNATION: RS – Residential Single Family

PROJECT BACKGROUND AND DESCRIPTION

The applicant, Keith Blinkinsoph, is requesting approval of a Conditional Use Permit (Case No. 10-CUP-004) to construct a 3,593 square-foot, two-story, single-family residence and a 633 square-foot, two-car garage on three vacant, hillside parcels located on the north side of Lewis Place at the intersection of Laura La Plante and Lewis Place, within the Residential Single-Family (RS) and the Indian Hills Design Overlay zones. The project would encroach within the protected zone of four (4) Oak trees; therefore, the applicant is requesting approval of an Oak Tree Permit. Residences are present on the adjacent properties to the east, south, and down the slope to the north, which front on Agoura Road. The adjacent property to the west is vacant.

The applicant is also requesting approval of a Tentative Parcel Map to merge all the three parcels into one, 23,108 square-foot parcel and to vacate a portion of Lewis Place. The size of the property exceeds the minimum 20,000 square foot size requirement of the zone.

New single-family homes are subject to review by the Planning Commission. Since the parcel has an average topographic slope that exceeds 10% (53.5%), the project is subject to the City Hillside Ordinance, and therefore, requires approval of a Conditional Use Permit application. The applicant is also requesting approval of a Variance (Case No. 10-VAR-003) to deviate from the minimum 25 feet front yard setback from the southern property line and to instead provide a 16.9 foot setback. A second Variance is also requested to construct a 5.5 foot high, retaining wall instead of the maximum allowed 3.5 feet in the front yard area.

The proposed single-family residence is a permitted use in the Single Family Residential RS zone. Listed below are the proposed development data pertaining to the project:

Development Standards	Proposed	Allowed/ Required
1. Lot Size	23,108 sq.ft.	20,000 sq.ft.
2. Building Size		
First Floor	1,426 sq.ft.	N/A
Second Floor	2,167	N/A
Garage	633 sq.ft.	N/A
Total	4,126 sq.ft.	N/A

Development Standards	Proposed	Allowed/ Required
3. Building Height	35 ft.	35 feet max.
4. Lot Coverage	18%	35% max.
5. Building Setbacks		
Front (South)	16.9 ft.	25 ft. min.
Rear (North)	100 ft.	25 ft. min.
Side (East)	26.3 ft.	10 ft. min. (22 ft. combined)
Side (West)	26.9 ft.	10 ft. min. (22 ft. combined)
6. No. of Oak Trees	15 retained	N/A
7. Average Topographic Slope	53.5%	N/A

STAFF ANALYSIS

Site Plan

The proposed residence is a two-story design that terraces from a single story elevation at the front (south) of the property to two stories in the rear of the residence, without exceeding the overall permitted height of 35 feet (15 feet above the front property line elevation) per the Hillside Ordinance. The proposed location of the house is intended to minimize the need for additional grading and retaining walls, and comply with the maximum height of the house in the rear of the lot. This hillside lot is prominently visible from the 101 Freeway, as are the adjacent homes east of the site. The project is subject to the RS zone and hillside development standards. This development standard allows for a better integration of the new residence on a steep slope and with neighboring developments. Garage access is to be taken from Lewis Place. A concrete deck is proposed at the rear (north) side of the residence, wrapping around the east and west sides.

The Zoning Ordinance requires a minimum front and rear yard of 25 feet within the RS-20,000 zone. A 100-foot rear yard setback is proposed on the rear (north) side of the property. The 20-foot wide alley right-of-way on the rear of the lot was vacated to the individual property owners in equal 10 foot parts. The center line of the easement is now

the new rear property line. A 16.9-foot front yard setback is proposed on the front (southeast) side of the property, and as a result, the applicant is requesting the approval of a Variance since the 25-foot yard setback requirement would not be met. The required combined minimum side yard setback of 22 feet is being met by the applicant proposing 26.9 feet for the left (west) side yard and 26.3 feet for the right (east) side yard.

If compared to the existing developed properties, the proposed reduced front yard setback would be generally consistent with adjacent development along the north side of Lewis Place. In addition, given the steep topographic constraints of lots in the Indian Hills area, recent residential projects have also been permitted by the City Planning Commission to provide reduced front yards to provide a design that would be consistent with the City's hillside design standards.

The second Variance request is to construct retaining walls 5.5 feet in height in the front yard. The Zoning Ordinance restricts the height of all walls or fences in a front yard area to 3.5 feet whether constructed above or below grade as a garden wall or a retaining wall. The Site Plan indicates that the retaining walls are required to retain slopes on the side of the driveway and support required access stair case located on the east side of the residence. Variance requests to provide six-foot tall retaining walls in conjunction with reduced front yard setbacks have increased for development in the Indian Hills area. Retaining walls in excess of 3.5 feet in height are a necessity in some instances to transition from the street elevation to the lower level of the house. In this instance, the walls, in the front yard, do not exceed the grade of the driveway and are not visible from the street. The applicant would provide a 3-foot high guard rail which would be visible from the street. The rails are permitted by the Zoning Ordinance and required by the Building and Safety Code for safety purposes for the transition between the new grade and adjacent lower grade. Other retaining walls which are not included in the Variance request are used to support the envelope of the structure. These walls would be above grade and visible from the freeway. The applicant proposes to use stone pilasters on the rear retaining wall to break up the elevation. Draft findings in favor of the request are provided in this report and in the draft Resolution for the Planning Commission's review.

The project's building coverage is 18%, which is under the 35% maximum allowable lot coverage in the RS zone. In addition to the lot coverage is the preservation of open space. The Hillside Development standards limit the expansion of the development into open space areas of a lot. The definition of the "development area" includes not only the footprint of the house but pathways, driveways, graded areas as well as developed private spaces. The maximum size of the "development area" is based on the average slope percentage, the steeper the lot, the smaller the size of the allowed developed area. Since the lot exceeds the Code's maximum limit of 35% (by 47%), the preferred percentage of the total size of the lot allowed for development is 2.5%. This percentage would allow for a developable footprint of 577 square feet, which would also include hardscape. In order to allow reasonable development of the site, the Planning Commission can exercise discretion regarding the size of the pad. The applicant has concentrated the useable outdoor areas in the rear of the house in the form of a deck and extending the finished floor of the lower level, which remains within the buildable area of the lot. Pedestrian

access around the perimeter of the house is provided at the request of the Fire Department.

A survey of 32 built and approved homes located in the vicinity of the applicant's lot show home sizes varying from 1,216 to 2,960 square feet. Lot sizes varied from 3,720 to 60,113 square feet. The average size of the neighboring built residences without counting the garage was 1,876 square feet. The average lot size was found to be 9,107 square feet. The floor-area ratios are 0.33 and 0.05 respectively. The sizes of the two homes recently approved by the Planning Commission that are on the same side of the street on Lewis Place is a 2,307 square foot, single-family hillside residence (Heathcote) on a 1.38 acre parcel, built in 2001; and a 2,547 square foot, two-story, single-family hillside residence (Blinkinsoph) on a 13,129 square foot parcel, built in 2008. The applicant is proposing a house size of 3,593 square feet on a 23,108 square foot lot, which results in a floor/ratio of 0.16. Although the proposal is 1,717 square feet above the neighborhood average, the parcel size is 14,000 square feet larger than the size of the average lot size, and will result in a lot coverage of 18%, which is below the maximum allowable lot coverage of 35% for the zone. In evaluating the compatibility of the design and the size of the residence with other Indian Hills properties, staff finds the proposed project design is similar with other two-story homes in the surrounding area, and will comply with the Neighborhood Compatibility Ordinance.

Architectural Design

Given the prominence of the residence as viewed from the freeway, a few iterations of the project design were presented to the Architectural Review Panel (ARP) for compliance with the City Architectural Design Guidelines and Standards. The ARP encouraged the applicant to minimize the impacts of the mass and by incorporating horizontal and vertical relief to the building. The Panel recommended changes that include adding stone pilasters to the retaining walls of the deck, revising the windows sizes, adding shutters throughout, revising the appearance of the rear elevation, eliminating the rear patio cover, adding ledge or sill detail, and revising the application of the stone veneer. These revisions have been incorporated in the plans.

Proposed exterior building materials include tan colored stucco, and off-white for the trims. The vinyl clad windows would have a beige finish as well. A stone veneer is proposed to be applied on the front and rear elevation. The roof will be clad with clay tiles. The applicant also proposes a driveway with brick pavers. Wrought iron railing above the retaining walls is also proposed. The house design also incorporates shutters throughout and bronze exterior light fixtures.

Oak Tree Review/Landscaping

The applicant was required to submit an Oak Tree Report and Oak Tree Permit application as 15 Oak trees were identified on the lot. There are nine (9) Oak trees in the rear of the property and six (6) in the west side of the property. The City Oak Tree Consultant has permitted encroachment in the protected zone of four (4) Oak Trees

located on the west side of the property for the duration of the construction for construction of a retaining wall and concrete deck.

Grading and construction of a CMU retaining wall and concrete deck would impact one (1) of the oak trees. The encroachment on Oak Tree Number 1 impacts fifteen percent (15%) of the protected zone, all of it outside the dripline. Grading would occur no closer than eight feet (8'), from the trunk of the tree. If the work is performed carefully it can be performed without incurring significant long term damage upon the subject oak tree.

Grading would encroach within the protected zones of three (3) of the oak trees. The encroachments on Oak Trees Number 2, 3, and 4 impact just below five percent (5%) of the protected zones of each of the three trees, with all encroachment outside the driplines. Grading would occur no closer than twelve feet (12'), thirteen feet (13), and fourteen feet (14'), respectively, from the trunks of the three trees. These encroachments should therefore be of minor impact to the subject trees. No encroachment is permitted to other nearby trees. Oak trees in the rear yard are protected and will provide screening of the house as viewed from the north. The City Oak Tree Consultant recommends approval of the proposed Oak Tree Permit, subject to conditions.

Since the topographic slope of the property exceeds 10%, the applicant is required to prepare a landscape plan for the City's review. The preliminary landscape plan was reviewed by the City Landscape Consultant, who recommends that the applicant submit final, detailed landscape and irrigation plans for review by the City Landscape Consultant and the Director of Planning and Community Development prior to building permit issuance. The final plans will be reviewed for slope stabilization, screening, and the incorporation of native plant species. The applicant is proposing to plant trees and shrubs on all sides of the property to increase privacy between neighbors.

Engineering

The Engineering Department has reviewed the proposed Grading Plan and is requiring the applicant to install a new driveway approach and remove an existing guardrail from the right-of-way. Final street plans and drainage plans will be subject to approval by the City Engineer prior to issuance of a building permit. The residence will be served by the public sewer system.

Proposed grading on this hillside lot will require retaining walls all around the envelope of the residence to support a pedestrian access as required by the Los Angeles County Fire District. According to the preliminary grading plan submitted by the applicant, grading of the property will include 336 cubic yards of cut, 390 cubic yards of fill, and 147 cubic yards of export.

The City's Geotechnical Consultant has reviewed the geotechnical report prepared by Stratum Geotechnical Consultants for this project and finds the report to be complete for this project and recommends that the project be approved from a planning review stage, subject to conditions to be applied during the City's Engineer's review of the final

Grading Plan. The letter of approval, dated August 19, 2010, is attached to this report for reference.

Tentative Parcel Map

The applicant has applied for a Tentative Parcel Map for the merger of the three parcels. The parcels previously vacated by the City of Agoura Hills included two parcels that were part of a 20 foot alley/sidewalk on the north side of this project. When the City vacated this 20-foot right-of-way, the parcels on the north side of the alley were allocated 10 feet and the parcels on the south side of the alley were allocated 10 feet. The two parcels at the west end of Laura La Plante Drive were previously part of the 40-foot public right-of-way. The City of Agoura Hills vacated this public right-of-way and 20 feet were allocated to the parcel owner on the south side and 20 feet were allocated to the parcel on the north side. The City Engineer has reviewed the Tentative Parcel Map, finding it compliant with the Subdivision Map Act, and recommends approval of the proposed merger, subject to conditions. The Final Parcel Map will require City Council approval.

Variance

The applicant is requesting a Variance from the Zoning Ordinance Section 9243.3.D and 9606.2.A to allow a reduced front yard setback of 16.9 feet at the southeast corner of the residence instead of at least 25 feet, and retaining walls of 5.5 feet in height, instead of the maximum allowable 3.5-foot height in a front yard area per Zoning Ordinance Section 9606.2.A. Six similar Variance requests were approved for new residential development in Indian Hills since 1998. The oldest one was a 1998 Variance (Pournaj) for a residence across the street for a side and front yard setback reduction. In 2001, a Variance (Carpenter) was granted for the residence at the southeast corner of Lewis Place and Laura La Plante Drive, for a front, rear and side yard setback reduction. In 2003, a Variance (Benton) was granted for a front yard setback reduction and wall height increase in the front yard on Laura La Plante Drive. In 2006, a Variance (Kersey) was granted for a side yard setback reduction on Lewis Place. In 2006, a Variance (Payan) was granted for a side yard setback and wall height increase in the front yard on Laura La Plante Drive. Lastly, in 2007, a Variance (Blinkinsoph) was granted for a front yard setback reduction and wall height increase in the front yard on Lewis Place. Non-conforming lot sizes and steep topography were considered in the approval of the six Variance applications.

In order for the Planning Commission to grant approval of the Variance, each of the following five (5) findings must be made pursuant to Section 9676.2.E. of the Zoning Ordinance. Staff's analysis for each required findings for the applicant's request, included retaining walls in excess of 3.5 feet in height, are listed below.

1. Required Finding:

The size, shape, topography, location or surroundings, the strict application of this article deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

Staff Analysis

The topographic slope of the property is approximately 54% with limited flat pad area. The RS zone requires a minimum 25-foot front yard setback from the structure to the front property line. In order to minimize grading and avoid building an extensive foundation system, the applicant proposes to stay as close as possible to the level grade along the street. The proposed structure will be positioned at an angle to Lewis Place. The front yard setback Variance is for a small southeast corner of the structure, where the garage and driveway are proposed, that is in the front yard (approximately 50 square feet) that encroaches into the front yard setback area. Other residences in the vicinity have reduced front yard setbacks. Existing residences (Pournaj, Carpenter and Blinkinsoph) in the immediate neighborhood that have been granted a Variance for reduced front yard setbacks, have been approved for front yard setbacks ranging from 16 feet to 20 feet (a reduction of 5 feet to 9 feet). The applicant is requesting a 16.9 foot front yard setback (a reduction of 8.1 feet), which would not be the shortest approved front yard setback of the existing homes built in the immediate neighborhood.

The topography of the lot requires use of retaining walls in the front yard for pedestrian and vehicular access. Although these walls would exceed the height prescribed for a front yard (3.5 feet), they are to be used to provide access to the garage and the stair case on the east side of the residence. These walls will be partially obscured by proposed landscaping in this area. The highest wall would not exceed the maximum allowable retaining wall height that can be built outside of the front yard setback area (6 feet). Additionally, the walls are designed to taper down to meet the rear yard elevation and will not be raised above the Lewis Place street elevation.

2. Required Finding:

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.

Staff Analysis

Neighboring structures on lots with steep topographic slopes have obtained Variances for their construction. Two types of Variances are typically granted, a reduced setback for the front, rear or side yards and retaining walls exceeding the height of 3.5 feet outside of the buildable area. The lots served by Laura La Plante

Drive, Renee Drive and Lewis Place are steep and either narrow or short. The higher the lot from the valley floor is placed, the least likely a sufficiently large flat and easily developable pad can be found. As a result, many projects have benefited from Variances for a reduction in setback but have still maintained a design suitable for hillside development. Concrete Masonry walls are proposed to provide on-site access from the public right-of-way. Walls of a lower height could not provide for an on-site, leveled driveway slope that would meet the Municipal Code requirement.

3. Required Finding:

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

Staff Analysis

The required front yard setback would require the footprint to be further into the lot creating a construction hardship for the placement of a driveway and access to the rear of the property. Access to the lot is limited to Lewis Place. In addition, an on-site driveway as well as a minimum of a 400 square-foot garage could not be provided in a practical location without providing retaining walls in the front yard in excess of 3.5 feet in height.

4. Required Finding:

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

Staff Analysis

Although the project would not provide for a required 25-foot deep front yard, the proposal complies with the City Hillside Ordinance which requires that the residence not exceed the 15 feet in height above the front property line elevation, thereby limiting view impacts to the residences across the street. The parts of the building that encroach into the front yard setback are non-habitable spaces (garage). The actual habitable area of the residence will exceed the required front yard setback. The front yard setback reduction is only one story. Windows have been placed so as to not impact the neighbors' privacy. Landscaping is also proposed between the house and the street where the setback reduction is sought, which helps modulate impact of reduced setbacks. Additionally, the applicant is providing retaining walls to be able to store vehicles in the driveway, access to the side yards, and maneuver in and out of the property safely without impacting the right-of-way. The City Geotechnical Consultant has approved the project from a geotechnical perspective for the planning review stage based on existing conditions of the land

and the proposed construction. The slopes are required to be landscaped to stabilize the soils and the drainage plan was analyzed so as to not impact neighboring properties. The project will be built to meet current Building Code standards.

5. Required Finding:

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

Staff Analysis

Two existing structure across the street to the south of the project site, on Lewis Place were granted variances for front yard setback reductions. Two homes directly to the east were approved by the County and have non-conforming front yard setbacks of less than the required 25 feet for the zone. Most recently developed home to the east of the project site was granted a variance for a front yard reduction to 17 feet for the front yard setback. The distance between the proposed structure and right-of-way would be no less than other properties in the neighborhood. The retaining wall system will be screened from public view with landscaping. The proposed two-story, terraced design is similar to other residences in the Indian Hills neighborhood.

Environmental Review

Staff has reviewed the proposed project and finds that the single-family residence on this in-fill is Categorically Exempt from the California Environmental Quality Act, in accordance with Section 15303 and is not subject to a negative declaration or environmental impact report.

RECOMMENDATIONS

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 10-CUP-004, Oak Tree Permit Case No. 10-OTP-006, Tentative Parcel Map No. 71447, and Variance Request Case No. 10-VAR-003, subject to Conditions, based on the findings of the attached Draft Resolutions.

ATTACHMENTS

- Draft Resolution for Conditional Use Permit and Oak Tree Permit and Conditions of Approval
- Draft Resolution for Variance Request and Conditions of Approval
- Draft Resolution for Tentative Parcel Map and Conditions of Approval
- Exhibit A: Vicinity Map
- Exhibit B: Square Footage Analysis Map
- Exhibit C: City Geotechnical Consultant Letter of Recommendation
- Exhibit D: Notice of Exemption
- Exhibit E: Reduced Copy of Project Plans
- Exhibit F: Photographs of Surroundings
- Exhibit G: Information Submitted by Neighboring Property Owner (Alan Abergel)

CASE PLANNER: Renee Madrigal, Associate Planner

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 10-CUP-004 AND OAK
TREE PERMIT CASE NO. 10-OTP-006

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

Section 1. An application was duly filed by Keith Blinkinsoph with respect to the real property located at 28441 Lewis Place, Assessor's Parcel Numbers 2061-022-023, 2061-022-024, and 2061-022-025, requesting approval of a Conditional Use Permit Case No. 10-CUP-004 to allow the development of a 3,593 square-foot, two-story, single-family residence with a 633 square-foot, attached two-car garage and the approval of an Oak Tree Permit Case No. 10-OTP-006 to encroach in the protected zone of four on-site Oak trees for the proposed project. A public hearing was duly held on November 18, 2010, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

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

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

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Residential Single-Family (RS) zone and the Indian Hills Design Overlay District, which provides general design standards for residential developments. All minimum development standards have been met with regard to lot coverage, side and rear yard building setbacks, and building height.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The project will contribute to the aesthetic value of the neighborhood. The proposed building style of architecture and building materials, which include stone, stucco, wrought iron handrails and roof tiles, are compatible with the neighborhood and meet the requirements of the Indian Hills Design Overlay District. This in-fill lot is compatible with the size of the developed residential lots in the Indian Hills area.

C. The proposed use and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare in that the design of the residence will ensure adequate light, air, privacy and open space to surrounding properties. The project exceeds the required side and rear yard setbacks. The project will be served by the public sewer system and the residence will be constructed per City Building Standards. Geological, geotechnical, drainage studies and landscape plans have been provided and approved by the City Consultants.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances. The project complies with the maximum height requirement, the lot coverage, rear and side yard setbacks, and on-site parking.

E. The proposed use, as conditioned, will maintain the diversity of the community by its terraced design and architectural details. The design is enhanced by stone veneer, shutters, wrought iron fencing and handrails and finished with earth tone colors. The proposed residence will not impact view-sheds of neighboring properties.

F. The proposed use, as conditioned, is consistent with the City's General Plan. The proposed residence is located and designed to incorporate the existing terrain into the site plan to the maximum extent possible to minimize grading and to preserve view sheds, as called for in Policy Section LU-31.3 of the General Plan.

G. As conditioned, encroachment into the four protected Oak trees is necessary for grading of the proposed retaining wall and deck. The house is appropriately located on the site and, as conditioned, the health of the on-site Oak trees can be retained without negative impact due to the proposed construction.

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 the adoption of a negative declaration or an environmental impact report.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 10-CUP-004, and Oak Tree Permit No. 10-OTP-006, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 18th day of November, 2010, by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

CONDITIONS OF APPROVAL (Case No. 10-CUP-004)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the Planning Commission: Site Plan, Building Elevation Plans, Floor Plan, Roof Plan, Grading Plan, and Landscape Plans.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. No occupancy shall be granted for any new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If overhead utilities of 66 KV or greater exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.

10. A minimum of two (2) enclosed parking spaces shall be provided on the subject property, in conformance with the City Parking Ordinance. A minimum interior clear space of 20 feet by 20 feet must be maintained within the garage.
11. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
12. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
13. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
14. Unless Conditional Use Permit Case No. 10-CUP-004 is used within two (2) years from the date of City approval, this permit will expire. A written request for a one-year extension may be considered prior to the expiration date.
15. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$2.97 per square foot.
16. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
17. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$ 0.9296 per square foot of new floor area.
18. Prior to the issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.
19. The 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.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

20. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. The residence shall comply with this requirement.
21. All new or replacement windows shall be tempered on at least one side of the dual pane, or a 20 minute rated, or glass block per Section 704A.3.2.2 of the 2007 California Building Code.
22. All exterior materials used for eaves, sidings, porch, patio, carport and other similar structures need to meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC).
23. As part of the permitting process and prior to building permit issuance, two (2) complete sets of construction plans, including Structural, Floor Plan, Title 24 including Cool Roofing, Mechanical, Electrical, Plumbing, Energy Plans, Septic Tank plans shall be submitted to Building and Safety Department for plan review and approval.
24. The project shall comply with Agoura Hills Municipal Code Section 1805.3.2 for hillside setback requirements.

ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

General

25. Prior to permitting, 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.
26. For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at www.ci.agoura-hills.ca.us.
27. Prior to permitting, the applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department in the amount of \$2,440.00.

28. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. 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.
29. 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.
30. The grading Plan shall show location(s) of all Oak trees, if any, within the vicinity of the site. The applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval, if any.
31. The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
32. Prior to permitting, the applicant shall 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.
33. Prior to issuance of permits from the Engineering Department, this project will require the applicant to obtain a permit from Las Virgenes Municipal Water District and Los Angeles County Department of Public Works.
34. 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 for approved City certification forms.

Public Improvements

35. Public improvements shall be designed in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. Such public improvements may require, but not be limited to, the applicant to install a new driveway approach, a sewer lateral and "WYE", and removing the existing guardrail.
36. The section of Lewis Place fronting the project site being cut for new services or being finished with curb and gutter, shall require an asphalt concrete overlay.

37. This property is within the Las Virgenes Municipal Water District (LVMWD) service area. The applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.

Sewer

38. The project shall be connected to the public sewer system. An 8-inch sewer line is available for connection by this project in Lewis Place. (Ref. Sewer Plan Dwg # C02-120-01.)
39. A "WYE" is not available for connection to the sewer main. The applicant shall obtain a saddle installation permit from the Los Angeles County Department of Public Works – Sewer Division.

Water

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

Drainage/Hydrology

41. 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.

Stormwater Quality (NPDES)

42. 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;

3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 4. 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.
43. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) shall be submitted to and approved by the Engineering Department. The SUSMP 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.
44. All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Storm water BMP Handbook for Construction at: www.cabmphandbooks.com and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

Said plan shall, among other things, ensure 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;
3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
4. 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.

45. Prior to issuance of Certificate of Occupancy, all remaining fees/deposits required by the Engineering Department must be paid in full.
46. Prior to issuance of Certificate of Occupancy, all requirements including construction of improvements covered in Condition No. 35 must be completed to the satisfaction of the City Engineer.
47. Prior to issuance of Certificate of Occupancy, 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. 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.
48. Prior to issuance of Certificate of Occupancy, the applicant shall record a covenant for continued storm water 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.
49. Prior to issuance of Certificate of Occupancy, all monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.
50. Upon receiving the Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as directed by the 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.

GEOTECHNICAL CONDITIONS

51. The applicant shall comply with all of GeoDynamics, Inc.'s (The City's of Agoura Hills' Geotechnical Consultant) Conditions of Approval letter dated August 19, 2010.

OAK TREE AND LANDSCAPING CONDITIONS

Oak Tree

52. The applicant is permitted to encroach within the protected zone, outside of the dripline of Oak Tree Number 1 to complete the approved grading and to install the retaining wall and concrete deck as shown on the approved grading plan.
53. The applicant is permitted to encroach within the protected zones, outside of the driplines of Oak Trees Number 2, 3, 4 to complete the approved grading as shown on the approved grading plan.
54. Oak Trees Number 5 through 15 shall be preserved in place with no direct impacts.
55. The location of the oak tree protective fencing on final grading plans shall be adjusted to agree with the oak tree fencing shown on the plans labeled 'Oak Tree Location Map' dated July 28, 2010.
56. Prior to the start of any work or mobilization at the site, the applicant shall install temporary protective chain link fencing as shown on the plans labeled 'Oak Tree Location Map' dated July 28, 2010 in accordance with the Oak Tree Preservation and Protection Guidelines. Prior to the start of any work on the site, the City Oak Tree Consultant shall be contacted to inspect and approve the fencing installation.
57. No pruning of live wood shall be permitted unless specifically authorized by the City Oak Tree Consultant. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with ANSI A300 Standards – Part 1 Pruning.
58. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start of any approved work within the protected zone of an oak tree.
59. No grading, scarifying or other soil disturbance shall be permitted within the portion of the protected zone of any oak tree not directly impacted by the project construction.
60. No vehicles, equipment, materials, spoil or other items shall be used or placed within the protected zone of any oak tree at any time, except as specifically required to complete the approved work. All approved excavation performed within the protected zone of any oak tree shall be performed with hand tools under the direct observation of the applicant's oak tree consultant.
61. Prior to occupancy, each oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.

62. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree Consultant and the Director.
63. 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.
64. 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.
65. 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

66. Prior to the approval of grading permits, the applicant shall submit three (3) sets of landscape plans, meeting the following requirements for review by the City Landscape Consultant and approved by the Director of Planning and Community Development.
 - a. A California-licensed landscape architect shall prepare, stamp and sign the plans. The plans shall generally conform to the Preliminary Landscape Plan prepared by Lesley Dievendorf dated June 29, 2010.
 - b. All plans shall be legible and clearly drawn.
 - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-four inches (24") by thirty-six inches (36") in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
 - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
 - f. The project identification number shall be shown on each sheet.

- g. The plans shall accurately and clearly depict the following existing and proposed features:
- Landscape trees, shrubs, ground cover and any other landscaping materials
 - Property lines
 - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
 - Buildings and structures
 - Parking areas, including lighting, striping and wheel stops
 - General contour lines
 - Grading areas, including tops and toes of slopes
 - Utilities, including street lighting and fire hydrants
 - Natural features, including watercourses, rock outcroppings
67. The Planting Plan shall indicate the botanical name and size of each plant.
68. Plant symbols shall depict the size of the plants at maturity.
69. The landscape plans shall prominently display the following notes:
- a. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - b. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees".
 - c. Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plans.
70. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
71. 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.

72. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
 - a. Design and static pressures
 - b. Point of connection
 - c. Backflow protection
 - d. Valves, piping, controllers, heads, quick couplers
 - e. Gallon requirements for each valve
73. 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.
74. 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
75. Proposed plant material may not be considered invasive in the Santa Monica Mountains, as it could negatively impact the adjacent natural area. Lists of exotic material can be obtained from the California Native Plant Society and/or the California Exotic Pest Plant Council.
76. The final plant palette shall reflect a naturalistic and native theme.
77. All plant material must be considered compatible with Sunset Zone 18.
78. Drought resistant plants shall be utilized for slope stabilization on graded portions of the site.
79. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.

80. The landscape plan must be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.
81. The approved landscaping and irrigation shall be installed per the approved plans prior to occupancy of the residence.

FIRE DEPARTMENT CONDITIONS

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

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

83. 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.
84. 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.
85. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

SPECIAL CONDITIONS

86. All proposed retaining walls shall consist of split-faced block or other decorative materials, subject to review and approval by the Director of Planning and Community Development.
87. The interior width of the garage shall not be less than 20 feet near the garage door.
88. The driveway material shall consist of brick pavers subject to the review and approval of the Director of Planning and Community Development.

END

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING VARIANCE NO. 10-VAR-003

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

Section 1. An application was duly filed by Keith Blinkinsoph with respect to the real property located at 28441 Lewis Place, Assessor's Parcel Numbers 2061-022-023, 2061-022-024, and 2061-022-025, requesting the approval of a Variance from Zoning Ordinance Section 9243.3.D to allow a reduced front yard setback from 25 feet to 16'-11" and from Section 9606.2.A to increase maximum allowable wall height in the front yard from 3.5 feet to 5.5 feet. The request for the Variance was filed in conjunction with an application for a Conditional Use Permit Review (Case No. 10-CUP-004) for the development of a 3,593 square-foot, two-story, single-family residence with a 633 square-foot, attached two-car on a 23,108 square-foot lot. A public hearing was duly held on November 18, 2010, at 6:30 p.m. in the Council Chambers at City Hall, 30001 Ladyface Court, Agoura Hills, California; and that notice of time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance regarding the variance requests described in Section I, that:

1. The size, shape, topography, location or surroundings, the strict application of this article deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

The topographic slope of the property is approximately 54% with limited flat pad area. The RS zone requires a minimum 25-foot front yard setback from the structure to the front property line. In order to minimize grading and avoid building an extensive foundation system, the applicant proposes to stay as close as possible to the level grade along the street. The proposed structure will be positioned at an angle to Lewis Place. The front yard setback Variance is for a small southeast corner of the structure, where the garage and driveway are proposed, that is in the front yard (approximately 50 square feet) that encroaches into the front yard setback area. Other residences in the vicinity have reduced front yard setbacks. Existing residences (Pournaj, Carpenter and Blinkinsoph) in the immediate neighborhood that have been granted a Variance for reduced front yard setbacks, have been approved for front yard setbacks ranging from 16 feet to 20 feet (a reduction of 5 feet to 9 feet). The applicant is requesting a 16.9 foot front yard setback (a reduction

of 8.1 feet), which would not be the shortest approved front yard setback of the existing homes built in the immediate neighborhood.

The topography of the lot requires use of retaining walls in the front yard for pedestrian and vehicular access. Although these walls would exceed the height prescribed for a front yard (3.5 feet), they are to be used to provide access to the garage and the stair case on the east side of the residence. These walls will be partially obscured by proposed landscaping in this area. The highest wall would not exceed the maximum allowable retaining wall height that can be built outside of the front yard setback area (6 feet). Additionally, the walls are designed to taper down to meet the rear yard elevation and will not be raised above the Lewis Place street elevation.

2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.

Neighboring structures on lots with steep topographic slopes have obtained Variances for their construction. Two types of Variances are typically granted, a reduced setback for the front, rear or side yards and retaining walls exceeding the height of 3.5 feet outside of the buildable area. The lots served by Laura La Plante Drive, Renee Drive and Lewis Place are steep and either narrow or short. The higher the lot from the valley floor is placed, the least likely a sufficiently large flat and easily developable pad can be found. As a result, many projects have benefited from Variances for a reduction in setback but have still maintained a design suitable for hillside development. Concrete masonry walls are proposed to provide on-site access from the public right-of-way. Walls of a lower height could not provide for an on-site, leveled driveway slope that would meet the Municipal Code requirement.

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

The required front yard setback would require the footprint to be further into the lot creating a construction hardship for the placement of a driveway and access to the rear of the property. Access to the lot is limited to Lewis Place. In addition, a on-site driveway as well as a minimum of a 400 square-foot garage could not be provided in a practical location without providing retaining walls in the front yard in excess of 3.5 feet in height.

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

Although the project would not provide for a required 25-foot deep front yard, the proposal complies with the City Hillside Ordinance which requires that the residence not exceed the 15 feet in height above the front property line elevation, thereby limiting view impacts to the residences across the street. The parts of the building that encroach into the front yard setback are non-habitable spaces (garage). The actual habitable area of the residence will exceed the required front yard setback. The front yard setback reduction is only one story. Windows have been placed so as to not impact the neighbors' privacy. Landscaping is also proposed between the house and the street where the setback reduction is sought, which helps modulate impact of reduced setbacks. Additionally, the applicant is providing retaining walls to be able to store vehicles in the driveway, access to the side yards, and maneuver in and out of the property safely without impacting the right-of-way. The City Geotechnical Consultant has approved the project from a geotechnical perspective for the planning review stage based on existing conditions of the land and the proposed construction. The slopes are required to be landscaped to stabilize the soils and the drainage plan was analyzed so as to not impact neighboring properties. The project will be built to meet current Building Code standards.

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

Two existing structure across the street to the south of the project site, on Lewis Place were granted variances for front yard setback reductions. Two homes directly to the east were approved by the County and have non-conforming front yard setbacks of less than the required 25 feet for the zone. Most recently developed home to the east of the project site was granted a variance for a front yard reduction to 17 feet for the front yard setback. The distance between the proposed structure and right-of-way would be no less than other properties in the neighborhood. The retaining wall system will be screened from public view with landscaping. The proposed two-story, terraced design is similar to other residences in the Indian Hills neighborhood.

Section 4. Based on the aforementioned findings in Section 3 the Planning Commission hereby approves Variance Case No. 10-VAR-003. This variance is valid only in conjunction with Conditional Use Permit Review Case No. 10-CUP-004.

Draft Resolution No.

Page 4

PASSED, APPROVED, and ADOPTED on this 18th day of November, 2010, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

CONDITIONS OF APPROVAL (Case No. 10-VAR-003)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan, Floor Plans, Elevation Plans, Roof Plan, and Grading Plans.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless the approval is used within two (2) years from the date of City approval, Case No. 10-VAR-003 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. 10-VAR-003 is valid only in conjunction with Conditional Use Permit Case No. 10-CUP-004 and the approved Conditions of approval therein.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING TENTATIVE PARCEL MAP NO. 71447

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

Section 1. An application was duly filed by Keith Blinkinsoph with respect to the real property located at 28441 Lewis Place (Assessor's Parcel No. 2061-022-023, 2061-022-024, and 2061-022-025), requesting approval of a Tentative Parcel Map to merge three (3) parcels into one (1) parcel and vacated a portion of Lewis Place. A Public Hearing was duly held on November 18, 2010, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

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

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

A. The proposed Tentative Parcel Map, as conditioned, is consistent with the City's General Plan designation of RS (Residential Single Family) in that the proposed Parcel Map will provide for development of a new single-family residence.

B. The lot merger provides the best use of the land by merging three non-conforming parcels and creating a conforming parcel suitable for development.

C. The design of the Tentative Parcel Map and proposed improvements are not likely to cause substantial environmental damage or serious public health problems. Street improvements and on-site property improvements will be required upon development of the vacant parcel and the property is not within an environmentally sensitive resource area, a state designated scenic highway area, a hazardous waste site, or a historical resource area.

D. The design of the Tentative Parcel Map or type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed development. The public does not require access to the property. Access to the site would be provided via Lewis Place.

Section 4. The project is exempt from the California Environmental Quality Act, as defined in 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 Tentative Tract Map No. 71447, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 18th day of November, 2010, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

CONDITIONS OF APPROVAL (Tentative Tract Map No. 71447)

STANDARD CONDITIONS

1. Prior to final map recordation and certificate of occupancy, the applicant shall prepare all documents necessary to vacate the portion of the public roadway easement (West end of Lewis Place & Laura la PLante Drive) as outlined on Tentative Parcel Map No. 74447.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Tentative Tract Map 71447.
3. This action shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development.
4. The decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of this letter, subject to filing the appropriate forms and related fees.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth on the approved Tentative Tract Map. Further, the Conditions of Approval for Case No. 10-CUP-004 are conditions of this approval.
8. Unless the Final Tract Map is recorded, Tentative Tract Map No. 71447 shall expire within two (2) years from the date of Planning Commission approval. A written request for a one-year extension may be considered prior to the expiration date.
9. Prior to recordation of the Final Tract Map, the applicant shall provide Conditions, Covenants and Restrictions (CC&Rs) to the Planning Department for review and approval by the City Attorney. These CC&R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project. In addition, these

CC&Rs shall prohibit in any common area of the project any boats, trailers, jet skis, motor homes, all-terrain vehicles, commercial vehicles, and satellite dishes which are visible from the street.

10. Prior to final map recordation, the applicant shall provide a preliminary title report not older than 30 days.
11. Prior to permitting, the applicant shall record Parcel Map No. 71447 pursuant to the Subdivision Map Act and in accordance with City Code, and provide a duplicate photo Mylar of the recorded map to the City Engineer.

End



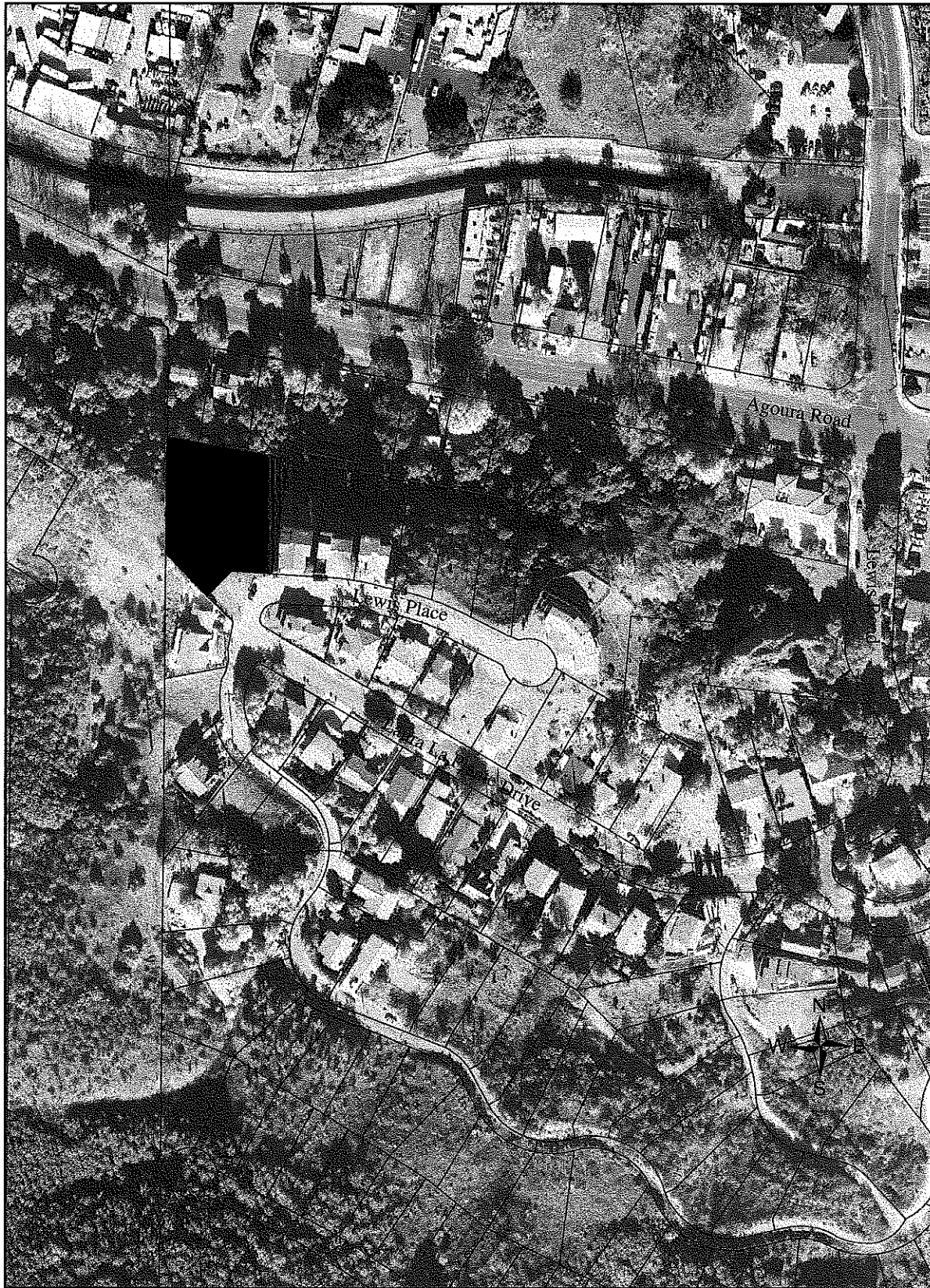
**CONDITIONAL USE PERMIT CASE NO. 10-CUP-004,
OAK TREE PERMIT NO. 10-OTP-006,
TENTATIVE PARCEL MAP NO. 71447,
AND VARIANCE REQUEST CASE NO. 10-VAR-003**

**FOR THE PROPERTY LOCATED AT
28441 LEWIS PLACE, AGOURA HILLS**

EXHIBIT A

VICINITY MAP

CONDITIONAL USE PERMIT CASE NO. 10-CUP-004,
10-OTP-003, 10-VAR-003, & TPM NO. 71447
[A.P.N. 2061-022-(023, 024, & 025)]





**CONDITIONAL USE PERMIT CASE NO. 10-CUP-004,
OAK TREE PERMIT NO. 10-OTP-006,
TENTATIVE PARCEL MAP NO. 71447,
AND VARIANCE REQUEST CASE NO. 10-VAR-003**

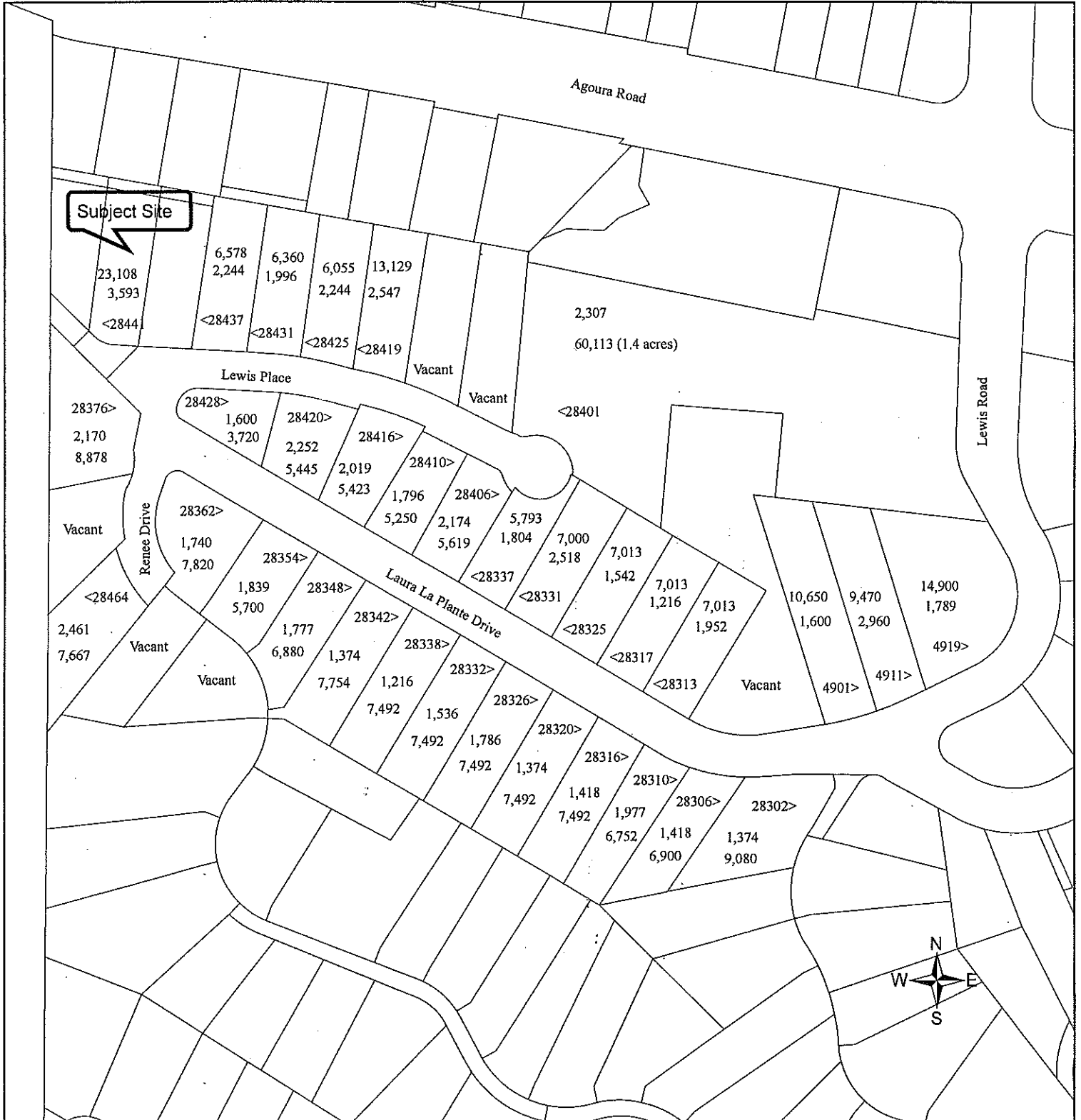
**FOR THE PROPERTY LOCATED AT
28441 LEWIS PLACE, AGOURA HILLS**

EXHIBIT B

SQUARE FOOTAGE ANALYSIS MAP

CONDITIONAL USE PERMIT CASE NO. 10-CUP-004,
 10-OTP-006, 10-VAR-003, and TPM No. 71447
 (A.P.N. 2061-022-023, 024, & 025)

**Square Footage
 Analysis Map**





**CONDITIONAL USE PERMIT CASE NO. 10-CUP-004,
OAK TREE PERMIT NO. 10-OTP-006,
TENTATIVE PARCEL MAP NO. 71447,
AND VARIANCE REQUEST CASE NO. 10-VAR-003**

**FOR THE PROPERTY LOCATED AT
28441 LEWIS PLACE, AGOURA HILLS**

EXHIBIT C

**CITY GEOTECHNICAL CONSULTANT
LETTER OF RECOMMENDATION**

Date: August 19, 2010
GDI #: 10.00103.0175

CITY OF AGOURA HILLS - GEOTECHNICAL REVIEW SHEET

To: Renee Madrigal

Project Location: Lots 21, 22, &23, Tract 8793, Lewis Road, Agoura Hills, California.

Planning Case #: 10-CUP-004/10-OTP-006 (Keith Blinkinsoph)

Building & Safety #: None

Geotechnical Report: Stratum Geotechnical Consultants (2010), "Supplemental Geotechnical Letter for a Proposed Single-Family Home on Three Adjoining Parcels at Lewis Place, Agoura Hills, California 91301, Lots 21, 22, and 23 of Tract 8793 (APN's 2061-022-023 to 2061-022-025), Project Number 03089a, dated August 16, 2010 (attached).

Stratum Geotechnical Consultants (2010), "Supplemental Geotechnical Letter for a Proposed Single-Family Home on Three Adjoining Parcels at Lewis Place, Agoura Hills, California 91301, Lots 21, 22, and 23 of Tract 8793 (APN's 2061-022-023 to 2061-022-025), Project Number 03089a, dated July 9, 2010.

Stratum Geotechnical Consultants (2010), "Geotechnical Update Letter for a Proposed Single-Family Home on Three Adjoining Parcels at Lewis Place, Agoura Hills, California 91301, Lots 21, 22, and 23 of Tract 8793 (APN's 2061-022-023 to 2061-022-025), Project Number 03089a, dated April 14, 2010.

Stratum Geotechnical Consultants (2003), "Geotechnical Investigation For A Proposed Single-Family Home on Three Adjoining Parcels at Lewis Place, Agoura Hills, California 91301, Lots 21, 22, and 23 of Tract 8793 (APN's 2061-022-023 to 2061-022-025), Project Number 03089a, dated December 18, 2003.

Previous Reviews: June 18, 2010.

FINDINGS

Planning/Feasibility Issues

- Acceptable as Presented
 Response Required

Geotechnical Report

- Acceptable as Presented
 Response Required

REMARKS

Stratum Geotechnical Consultants (SGC; consultant) provided a supplemental geotechnical letter that includes a response to the geotechnical review comments by the City of Agoura Hills regarding the proposed development on Lots 21, 22, and 23 of Tract 8793, Lewis Road, City of Agoura Hills, California. The proposed development includes the construction of a two-story single-family residence with attached garage and a deck. Deep foundations into underlying bedrock are proposed for the support of the house and associated retaining walls.

The City of Agoura Hills – Planning Department reviewed the referenced report from a geotechnical perspective for compliance with applicable codes, guidelines, and standards of practice. GeoDynamics, Inc. (GDI) performed the geotechnical review on behalf of the City. Based upon a review, the response