

TO: Planning Commission

FROM: Kelvin Parker, Community Development Director

DATE: November 18, 2024

SUBJECT: **Vesting Tentative Tract Map (VTTM) 2022-70793**
Residential Planned Development (RPD) 2022-70851
Protected Tree Permit (PTP) 2022-70874
Underground Utility Waiver (U UW) 2024-70002
California Environmental Quality Act (CEQA) 2023-70006

APPLICANT: Jeb Adams, 1651 Lynn Road LLC

LOCATION: 1651 West Lynn Road
Assessor's Parcel Numbers (APNs):
660-0-030-165 and 660-0-030-175

REQUEST:

Adopt a California Environmental Quality Act (CEQA) Mitigated Negative Declaration (MND) and allow the subdivision of two residential lots totaling 4.61-acres into 19 residential lots to accommodate the construction of 18 single-family residences, an internal private access road, walls, hardscape, landscape, a bio-retention basin, grading, removal of oak trees, encroachment into the protected zone of oak trees, and a waiver from the requirement to underground associated utility lines. The majority of the proposed development would be located on the privately owned APN 660-0-030-165 (4.30 acres); however, the Applicant is requesting the right of use over the City's 0.31 acre right of way parcel (APN 660-0-030-175). If granted, the developer agrees not to develop in this 0.31 acre area and further agrees to maintain the landscaping of said parcel, fronting West Lynn Road (See Attachment #s 1, 2, and 3).

The project site had a General Plan land use designation of Low Density Residential (2 to 4.5 dwelling units per acre) and is zoned Rural Exclusive (R-E) when the project was submitted and found complete for processing, therefore the density range is applicable to the subject request.

The request includes the following applications:

1. **Vesting Tentative Tract Map (VTTM) 2022-70793:** Subdivide two residential lots totaling 4.61-acres into 19 residential lots to

accommodate the construction of 18 residences and 1 bio-retention basin lot.

2. **Residential Planned Development (RPD) 2022-70851**: Allow construction of 18 single-family residences, including an internal private access road, new walls, hardscape, landscape, bio-retention basin, and grading.
3. **Protected Tree Permit (PTP) 2022-70874**: Allow removal of 23 coast live oak (*Quercus agrifolia*) trees and encroachment into the protected zone of 82 coast live oak trees.
4. **Underground Utility Waiver (U UW) 2024-70002**: Waive the requirement to underground existing overhead utilities, located along the west property line, to construct 18 single-family residences.
5. **California Environmental Quality Act (CEQA) 2023-70006 (State Clearinghouse Number 2024081373)**: Approve the Mitigated Negative Declaration (MND) and mitigation monitoring plan in accordance with the California Environmental Quality Act (CEQA) for the subject project.

The applicant is requesting three (3) Modifications to the Objective Design Standards (ODS) of the Thousand Oaks Municipal Code (TOMC) as follows:

Modifications

1. Modification to the ODS of the TOMC, to allow a cul-de-sac for the main private internal access road for the project as otherwise restricted by TOMC Section 9-4.2205(a)(3);
2. Modification to the ODS of the TOMC, to allow vehicular and pedestrian gated access to the project site as otherwise restricted by TOMC Section 9-4.2205(a)(4), and
3. Modification to the ODS of the TOMC, to allow for one residential flag lot as otherwise restricted by TOMC Section 9-4.2205(a)(6).

RECOMMENDATION:

That the Planning Commission adopt the attached Resolution (Attachment # 4) based on the findings and subject to the conditions contained therein and thereby:

1. Approving the MND (CEQA 2023-70006) and Mitigation Monitoring and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA); and

2. Approving VTTM 2022-70793, RPD 2022-70851, PTP 2022-70874, and UUV 2024-70002, inclusive of the requested ODS Modifications.

The above recommendations are made in association with the Project Plans, dated July 19, 2024 (Attachment #5), and Oak Tree Report, dated September 14, 2023 and Oak Tree Report Addendum dated July 19, 2024 (Attachments #6 and #7).

PLANNING COMMISSION REVIEW:

The request involves the subdivision of a two legal lot into 19 lots of record to accommodate construction of 18 single-family residences, a bioretention basin, and associated development. TOMC Section 9-3.202 of the TOMC empowers the Planning Commission, acting as the Advisory Agency, to approve, conditionally approve, or disapprove a proposed subdivision.

Additionally, TOMC Sections 9-4.4206(a)(1) of the TOMC requires the Planning Commission to review any request for the removal of four or more oak trees that are greater than 2-inches in diameter or any one tree greater than 24-inches in diameter when measured at a point four-and-one-half feet above the tree's natural grade. In this case, 23 protected trees are proposed for removal, therefore Planning Commission review is required. In addition, there will be encroachment into the protected zone of 82 protected oak trees.

Staff has included suggested findings and draft conditions of approval, including the Mitigated Negative Declaration's Mitigation Measures, that ensure compliance with these findings. The recommended findings and suggested conditions of approval are incorporated in the attached resolution (Attachment #4).

The TOMC empowers the Planning Commission, acting as the Advisory Agency, to approve, conditionally approve, or disapprove a proposed Project.

BACKGROUND:

PROJECT OVERVIEW:

The proposal involves the subdivision of two 4.61-acre lots into 19 residential lots to accommodate the construction of 18 single-family residences and 1 bio-retention basin lot, including the construction of a private road, removal of 23 oak trees, encroachment and pruning into the protected zone of 82 oak trees, new walls, hardscape, landscape, grading and request to waive the requirement to underground existing overhead utilities to construct 18 single-family residence (Project Plan Set - Attachment #5). The project site is located at the northwest

corner of West Lynn Road and Blair Court. Figure 1 below illustrates the proposed site configuration.

Figure 1: Proposed Site Plan



The subject property supports 126 protected coast live oak trees, primarily located within the northern and southern boundaries of the site. While the project has been designed to minimize impacts on sensitive resources including protected trees and natural sloping terrain, 23 of the 126 protected oak trees located within the development area would be impacted with 82 protected oak trees being encroached upon and pruned for structural and brush clearance. The southern portion of the site (APN 660-0-030-175) totals 0.3-acres and supports mature landscaping and oak trees, which shall be maintained by HOA as required by the project conditions of approval. The northern portion of the site characterized by steep slopes and supports protected oak trees is designated as a restricted-use area to preserve the natural slope environment in compliance with the goals and policies of the general plan.

The proposal also includes a request to waive the requirement to underground overhead utility lines, which is further discussed in the Underground Utility Waiver portion of the report.

Application Process

On November 22, 2019, a Pre-Application (PAR) 2019-70992 was submitted. Staff met with the applicant and provided development requirements and other feedback on City standards, codes, guidelines, and policies.

On August 17, 2022, the applicant began submitting the subject formal applications, which are listed in the “Recommendation” section of this report.

On November 1, 2023, the application was deemed complete for processing.

On March 21, 2024, the Notice of Application was mailed to surrounding property owners and sign was posted at the subject property.

Between September 3 and October 3, 2024, the Initial Study / Mitigated Negative Declaration (IS/MND) was circulated for public review.

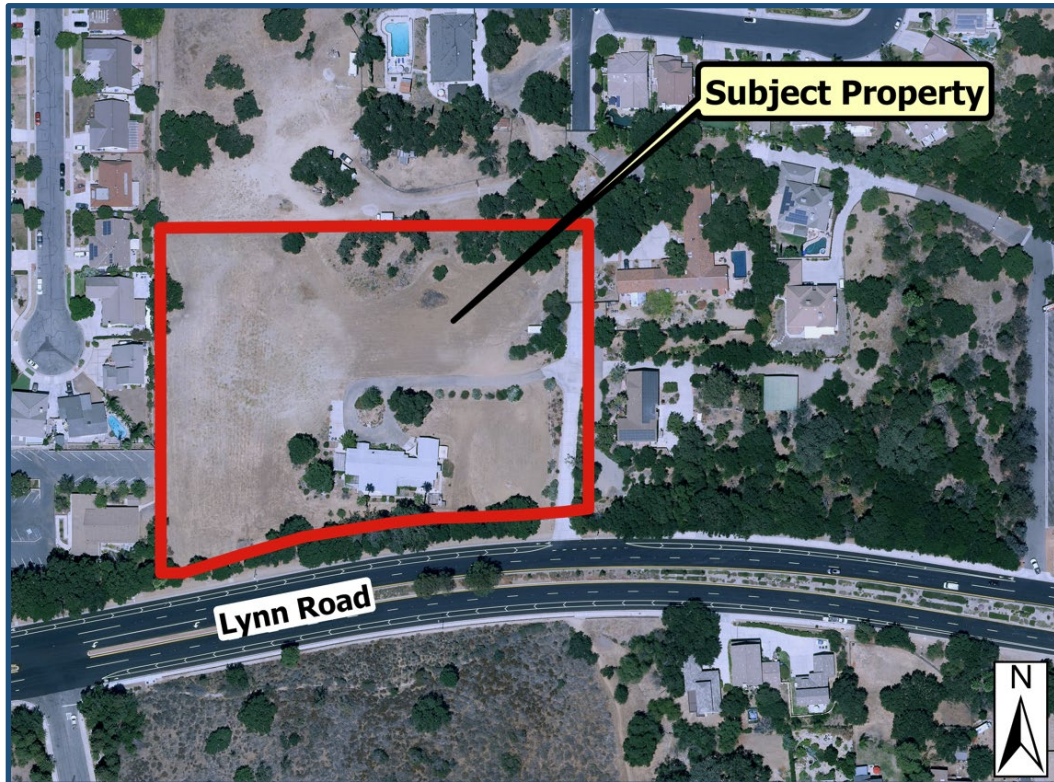
On November 4, 2024, the Notice of Hearing was mailed and posted at the property site.

Project Setting and Surrounding Land Uses

The subject property consists of two residential lots totaling 4.61 acres in size¹. The subject property is characterized by gently sloping terrain with a highpoint/knoll near the central rear portion of the site and that descends in all directions. The site currently contains a single-family residence and associated improvements. The site is surrounded primarily by single-family residential neighborhoods to the north, east and west, with an open space lot to the south, across West Lynn Road (see Figure 2).

¹ The proposed 18 single family residences will be developed within the 4.3-acre lot APN 660-0-030-165, and the southern 0.3-acre lot APN 660-0-030-175 supports mature landscaping and oak trees.

Figure 2: Existing Conditions



Surrounding land use designations include Neighborhood Low 2 to the north and east, Neighborhood Low-Medium to the west, and Existing Parks, Golf Courses, Open Space to the south, beyond West Lynn Road. Open space is located approximately 130 feet to the south of the subject site. An existing trailhead located along West Lynn Road, approximately 105 feet to the southeast of the project site and provides access to "Rosewood Trail" which extends to the south and connecting to a larger open space area located beyond the existing residential neighborhood.

The site has varying topography, which includes some portions of the site containing slope the is greater than 25% natural terrain. The proposed development area, however, was thoughtfully designed to take advantage of the existing graded pad created to accommodate development of existing single-family residences and associated improvements, thereby avoiding impacts to areas of 25% natural terrain.

EVALUATION:

Consistency with General Plan Land Use and Zoning Designations

When the owner's application was deemed complete by the City, the 2045 General Plan had not yet been adopted. California Government Code Section 65589.5 states that when an applicant has submitted a "housing development project" (which includes a project with residential units only), the zoning ordinance and general plan to be used is the one in effect at the time the project application is deemed complete. Therefore, pursuant to California Government Code Sections 65589.5, the owner's application is evaluated under the former General Plan requirements.

The project site has a Low Density Residential (2 to 4.5 dwelling units per acre) designation in the Land Use Element of the General Plan and is zoned Rural-Exclusive (R-E – maximum 1 dwelling unit per acre). The Rural-Exclusive (R-E) zone designation allows a maximum 1 dwelling unit per acre, meaning that a maximum of 5 residential units is allowed under the R-E zone. The proposed project involves the construction of 18 residences on the subject property at a density of 3.9 dwelling units per acre, thus exceeding the maximum density allowed under the R-E zone. However, per California State Law (Government Code Section 65589.5), as the General Plan Land Use Designation allows for a greater density than the zoning designation, the higher density level applies¹.

The project is consistent with the Thousand Oaks General Plan goals and policies because it is a single-family residential development that supports residential uses consistent with densities anticipated by the "Low Density Residential (2 to 4.5 dwelling units per acre)" land use designation. The proposed density (3.9 dwelling units per acre) does not exceed the land use density range specified for the property (2 to 4.5 dwellings per acre). The project overall site totals 4.61 acres, based on the lot size the maximum density for this project is 21 dwelling units (4.61 acres x 4.5 dwelling units per acre = 20.7 or 21 units rounded up). Further, the project is consistent with the RPD standards and for the property is also consistent with General Plan goals, policies, and objectives.

The proposed project involves the establishment of single-family residential development located within a residentially designated area and the single-family residences, including accessory uses are allowed. A proposed residential development is allowed in this zone, subject to review and approval of an RPD

¹ Pursuant to Government Code Section 65589.5(j)(4): For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.

permit. The project site is suited to accommodate the proposed density because the project is consistent with the RPD zone designation standards while maintaining a density that does not exceed the Land Use density range specified for the property (2 to 4.5 dwelling units per acre). Therefore, the proposed project facilitates and accommodates the density allowed by the General Plan at the time the application was deemed complete for processing.

Residential Planned Development (RPD 2022-70851)

Objective Design Standards

On March 29, 2022, the City Council adopted the Objective Design Standards (ODS) for Residential Development, which went into effect on May 1, 2022. Per TOMC Section 9-4.2202 "Applicability," the ODS apply to projects deemed "complete" after the effective date of the article. This project was formally submitted on August 17, 2022, and deemed complete on November 1, 2023, after the effective date.

Projects that are subject to the ODS must select a Building Type and Frontage Type which then informs the architectural and operational characteristics of the project. This project fits with the Front Yard House Dwelling Building types.

The project requires ODS Modifications, which requires making the following Findings:

1. The Modification, while not consistent with a specific provision of this Code, is justified by its intent or by design hardship and allows reasonable and conforming use that is consistent with the General Plan goals and policies and underlying zoning district.
2. The Modification would result in development consistent with the scale and character of existing and allowable development in the vicinity under the same zoning.
3. The Modification would result in development that is not detrimental to or that would not adversely impact adjacent properties.

Modifications

With the proposal as it has been submitted three (3) Modifications to the ODS of the TOMC are requested.

1. Modification to the ODS of the TOMC, to allow a cul-de-sac for the main private internal access road for the project as otherwise restricted by TOMC Section 9-4.2205(a)(3);

2. Modification to the ODS of the TOMC, to allow vehicular and pedestrian gated access to the project site as otherwise restricted by TOMC Section 9-4.2205(a)(4), and
3. Modification to the ODS of the TOMC, to allow for one residential flag lot as otherwise restricted by TOMC Section 9-4.2205(a)(6).

Staff supports these requests for modifications. The proposed residential development includes three standards which are prohibited by the objective design standards: 1) an internal access road designed as a cul-de-sac; 2) flag lot¹ (Lot No. 7) at the southern portion the site; and 3) gated vehicular and pedestrian access.

Cul-de-Sac

Requiring a secondary point of connectivity at the southwestern portion of the site to West Lynn Road, would require additional grading, an access road potentially exceeding 15% gradient due to topography, and additional removal and encroachment into protected oak trees along West Lynn Road. Additionally, construction of a secondary access along West Lynn Road would be a financial hardship and the natural setting of the site would change because the southern portion of the site supports mature oak trees. Development within the south and southwestern portion of the site is limited due to existing topography, mature landscaping and protected oak trees, which restricts development within a significant portion of the site, thus resulting in a design hardship due to the existing site characteristics.

Flag Lot

The flag lot is proposed to allow for the minimum project density while reducing encroachment and removal of protected oak trees along the southern portion of the site. Prohibiting the project from including a flag lot would present hardship due to site constraints resulting from site topography and oak tree impacts. The project has been designed to develop the site at the allowed density while reducing grading, landform alterations, and impacts to protected trees to the maximum extent feasible. Development within the northern portion of the site is constrained

¹ "Flag lot" shall mean a lot which has at least six (6) courses or sides, at least three (3) of which form a staff which abuts a public or private access way and provides access to the rest of the lot. The staff shall be a minimum of fifty (50') feet in length, measured from the side abutting the public or private access way to the point at which the staff expands into the bulk or flag portion of the lot. The staff shall have a width not less than twenty (20') feet nor greater than forty (40') feet at its widest portion. A flag lot shall have two (2) separate front yards with two (2) front property line designations. One front yard shall be located in the staff portion adjacent to the street with a front property line separating the staff from a street. A second front yard shall be located in the bulk or flag portion of the flag lot with a front property line which closely parallels the street. A front yard in the flag portion of the lot may have a front property line designation that is closely perpendicular to a street where the perpendicular lot line is narrower than the lot line that closely parallels the street provided that the side yards of the flag lot are adjacent to side yards of adjoining lots.

due to existing oak trees and steep slopes and the south and southwestern portion of the site is limited due to existing sloping terrain, mature landscaping and protected oak trees. The proposed flag lot and the residence sited on the flag lot will be screened by an expansive mature landscaped area along the south property line, creating a physical buffer between the new residence and West Lynn Road.

Gated Access

Direct access to the proposed residential development is provided via an existing access road (Blair Court) that extends approximately 215 feet to the north from West Lynn Road. The proposed project includes gated access to the proposed residential development located at the western terminus of the existing access road. The City discourages gated communities as they have the potential to foster social divides by creating physical, disrupting the connectivity of streets and pathways, and reducing emergency response. However, the gated access can be supported in that the proposed project is consistent with existing surrounding uses, direct access to West Lynn Road will not be obstructed, and the existing community is connected by a network of existing roads, bicycle lanes, and sidewalks which will not be impacted by the proposed gated access. The proposed project is not located adjacent to mixed-use or multi-family residential developments with active frontages such as public gathering places and therefore, does not create barriers within the community. The site is supported by an existing transportation network along West Lynn Road that includes bicycle lanes and sidewalks for community residents to walk and/or ride bicycles and access their homes and nearby destinations. Although the proposed project includes gated access, the project includes pedestrian access improvements along West Lynn Road and along the western portion of the existing access road that extends to the north from West Lynn Road. The proposed modifications do not change the overall size, mass, and scale or character of the project and will result in development consistent with and compatible to the character of existing and allowable development in the vicinity under the same land use and zoning designations. The site is also surrounded by comparable residential uses and dwellings, ensuring the project is consistent with surrounding development and community character.

The project has been reviewed by other City departments and agencies for conformance with applicable laws, regulations, and policies, and provided appropriate conditions of approval, and the Modifications would not result in development that is detrimental to or that would adversely impact adjacent properties as adjacent properties would still receive adequate light and air, public utilities would serve existing and proposed development, and the proposed building would be constructed to meet Building and Fire Code requirements.

Zoning Summary

The project, as designed, meets the TOMC development standards that include but are not limited to height, setbacks, parking, and useable open space. Table 1 provides a summary and indicates that the project meets those standards.

Table 1: Development Standards

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES
Setbacks (ft.)			
Front Yard	15	15	Yes
Front Yard (Garage)	25	25	Yes
Rear Yard	20	20	Yes
Side Yard (One-Story)	5	5	Yes
Side Yard (Two-Story)	10	10	Yes
West Lynn Rd. Side Yard	20	31.5	Yes
Street Side Yard	10	17	Yes
Parking			
Enclosed	2 spaces	2 spaces	Yes
Open Space (sq. ft.)			
	1,400	1,400	Yes
Height (ft.)			
	25-foot	25-foot	Yes
Driveway Grade			
	7%	7%	Yes
Retaining Walls (ft.)			
Front yard	3-foot maximum	3-foot	Yes
Other	6-foot maximum	6-foot	Yes

Proposed Housing Mix

The plan involves construction 14 two-story models and 4 one-story models utilizing 4 building types, referred to as Plans 1 through 4. Table 2 below provides details on each model type.

Table 2: Model Details

Model	Stories	Size (s.f.)	Bedrooms	Baths	Garage Spaces	Lot Nos.
1	1	2,011	3	3	2	3,7,8, and 18
2	2	2,488	4	3	2	2,5,10, and 16
3	2	2,651	4	3	2	4,6,9,11, and 15
4	2	3,056	4	4.5	2	1,12,13,14, and 17

Inclusionary Housing

Pursuant to TOMC Section 9-10.302, all residential developments involving 10 or more residential units shall be subject to the following requirements:

Construction of Ownership Inclusionary Units.

- Condominium/Townhome developments shall provide at least ten (10%) percent of the total dwelling units as moderate-income inclusionary units.
- Detached single-family home developments shall provide at least five (5%) percent of the total dwelling units as moderate-income inclusionary units.

The proposed project is not constructing any affordable units. Instead, the applicant will pay an in-lieu fee to satisfy the inclusionary housing requirements.

The inclusionary housing fee was established by City Council and is charged per leasable or saleable square foot of *all* units in a project. The fee applies to the size of the living area and not include the garage. In this case, the fee for single-family detached residences is charged at \$16.80 per square foot of saleable area, which is approximately \$780,000 for this project. Any money paid pursuant to this subsection shall be deposited in the Affordable Housing Trust Fund as provided in Section 9-10-201 et seq of the TOMC. Conditions of approval are recommended requiring the applicant to pay an in-lieu fee.

Architectural Design

The City's Architectural Design Guidelines require that the architectural design of any new or modified residence blends with the surrounding residential area yet be distinctive with nearby development area. In this case, the proposed development incorporates architectural finishes such as flat rolled roofing with metal roof on architectural elements, wood, stone veneer, stucco, and windows that include contemporary contrasting framing, and other architectural features that meet the city's Architectural Design Guidelines while maintaining compatibility with existing homes in the area. The architectural design differentiates between the first and

second floor using material changes, roof line variation, attached garages with increased stepbacks, and ground-floor porches and patios to further reduce the massing from the ground level (Figure 3).

Figure 3: Proposed Elevation Plans



Although the new development provides a more modern design than the surrounding development, various design features have been implemented into the site layout and building design to reduce impacts to surrounding properties.

Although the proposed residences are visible from various perspectives along West Lynn Road and residences to the north, east, and west, the design incorporates design elements that blend with surrounding development. The proposed building design incorporates enhanced architectural and landscape design, including vertical and horizontal design elements and decorative material finishes and colors; and meets all applicable development standards for the zone (i.e. setbacks, height, parking).

The proposed residences utilize one- and two-story homes, consistent with existing development in the area. The proposed scale, massing, roofline, vertical and horizontal design elements, exterior material finishes, and height are compatible with residences in the area. Building materials and colors are compatible with the existing natural and built environment in the area. In addition, the project will be partially screened from the view along West Lynn Road by existing mature landscaping. Overall, the site design and the location and massing of all structures and improvements will, to the extent feasible, minimize the loss of privacy to surrounding residents and not unduly impact, restrict, or block significant views and will not deter from the orderly development pattern or character of the neighborhood.

Building Height and Setbacks

Building heights in the RPD zone are currently limited to 25 feet. The tallest portion of the proposed residences will not exceed 25 feet in height.

For two-story homes, the minimum side yard setback is 10 feet, which is provided by the proposed development. The front and rear yards are required to provide a minimum of 15 feet for the main residence, which is provided. One proposed lot (Lot No. 7) is a flag lot, the front property line is the one most parallel to the terminus of the cul-de-sac (Lane A) and the proposed front yard setback for the main residence is provided at 20 feet and the rear yard setback is 20 feet. The proposal includes two lot (Lot Nos. 7, and 8), to be located along the south property line, with increases side yard setbacks ranging from 30 to 40 feet along the south property line. Additionally, mature foliage will substantially screen the proposed flag lot and the southern portion of the residential development from the view on West Lynn Road.

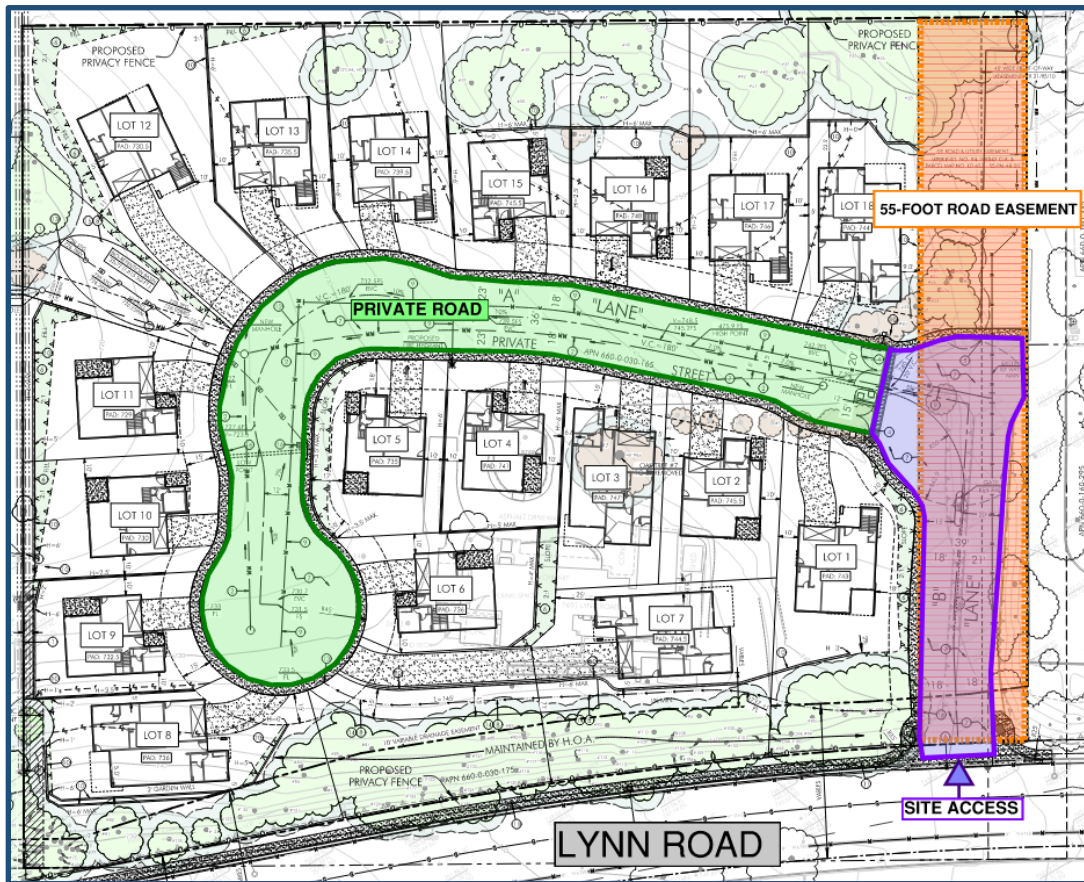
Therefore, as designed, the project complies with the TOMC requirements for height and setbacks.

Site Access and Driveway

The development would be served by an existing 30-foot-wide access road that extends approximately 215 feet to the north from West Lynn Road. The new private road serving the homes will have gated access at the western terminus of the access road that extends from West Lynn Road. The driveway slope ranges from 3 percent at the westerly terminus of the cul-de-sac to a maximum of 11 percent near the knuckle at the center of the access road.

Please refer to Figure 4 below, which demonstrates site access and fire turnaround. Access to the site is provided along the southeasterly portion of the site via Blair Court which extends 215 feet to the north from West Lynn Road (in purple), with the private interior road (cul-de-sac) extending approximately 480 feet to the west from the gated access at Blair Court, and 55-foot wide access easement along the east property line (in orange). The access easement currently provides access to a residence with gated access to the northeast and the easement will provide access to the adjacent property to the north at 1617 West Lynn Road.

Figure 4 – Site Access



Source: "Project Plan Set" dated July 19, 2024

Emergency vehicle and Fire department access are provided at the motor court located gated access, as required and reviewed by the Ventura County Fire Department (VCFD). The driveway complies with the Public Works Department's driveway/roadway standards and the private access road is in alignment with the previously existing access road for the single-family residence taking advantage of the previously graded site while minimizing impacts to protected trees, to the maximum extent feasible. Conditions of approval have been applied to the project requiring compliance with Public Works Department and VCFD driveway and access requirements.

Traffic

Traffic from the project is estimated to result in an average of seventeen (17) trips during the P.M. peak hours. Standard City practice for requiring a Traffic Impact Study (TIS) and City Policy for requiring a Vehicle Miles Traveled (VMT) analysis

is when a project is expected to generate an additional one-hundred (100) P.M. peak hour trips over the current land use. Since the proposed project net increase in P.M. peak hour trips is seventeen (17) trips, neither a TIS nor a VMT analysis is required.

Parking

The Municipal Code requires a two-car garage for residences with up to four bedrooms. The proposed residences provide an attached two-car garage with minimum interior dimensions of 18-foot width by 20-foot depth, which complies with the Municipal Code parking standards.

Grading

Grading would be required for the residential development area, including, but not limited to, building construction, hardscaping, driveways, sidewalks, walls, and private road, installation of utility connections and extensions, and landscape planting. The total amount of grading associated will be about 77% of the total 4.61-acre lot area, leaving approximately 23% of the lot in the natural, undisturbed condition. The proposed project involves 15,000 cubic yards (cy) of cut and 15,000 cy of fill. While soil materials would be balanced on-site, there is a potential need to export unsuitable rock material, resulting in about 1,000 cy of exported earth. Using a capacity of 14 c.y. per truck, it is estimated that 70 truck trips will be necessary to import earth. The applicant will be required to provide a haul route and management plan to the Public Works Department for review and approval prior to commencing grading activities. Grading activities for the site are estimated to take approximately 50 working days. Conditions are included requiring the applicant to obtain a grading permit which requires a description of the grading activities, including a haul route, number of truck trips per day, proposed hours of operation, traffic control measures, and identification of the disposition location. Conditions of approval also require that, prior to the issuance of a building permit, final grading plans shall be submitted for the review and approval by the Community Development Department.

Site preparation and other construction activities will not involve grading impacts to 25 percent or greater natural sloping terrain. The proposed development area is also located within the flattest portions of the property, thereby avoiding encroachment into slopes greater than 25 percent gradient within the northern and southern portions of the site. The design takes advantage of the previously graded pad for the existing single-family residence and associated improvements, to further avoid major alterations to the terrain, reduce the need for excessive manufactured slopes, and reduce impacts to protected trees. There will be retaining walls ranging from 0.5 feet to 6 feet to support and accommodate the construction pads, rear

yards, and individual access driveways. No retaining wall shall exceed 6 feet in height.

With inclusion of appropriate conditions, including, but not limited to, dust and rodent control, conducting pre-construction meetings with neighbors, providing contact information if a disturbance occurs, traffic control plan, amongst other measures, the proposed grading will have minimal impact on surrounding properties. Additionally, the TOMC limits construction hours between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday with no work allowed on Sunday, minimizing disturbance resulting from construction activities to nearby residents.

Based on the design and limited amount of grading and development sited in a manner that minimizes impact to the natural landforms, it is staff's position that the proposed residential development will result in a desirable project which contributes to the City's housing policies, goals, and objectives.

Infrastructure Improvements

The nearest wastewater main is located at the intersection of West Lynn Road, which is located immediately adjacent at the easterly extent of the site. The applicant will be required to extend the 8" wastewater main along West Lynn Road to the subject property. Connection to the City wastewater system is required because TOMC Section 10-1.404 requires connection to City sewer connection for properties within 300 feet from an accessible line.

Water for the project will be provided by an existing service line located on within the eastern portion of the subject property along Blair Court. The applicant will be required to provide an 8" water main extending from the existing service line to serve the proposed residences.

The applicant will be required to install sidewalk along the project frontage within the northern portion of West Lynn Road and sidewalk along the western portion of Blair Court. Additionally, applicant will be required to install new fire hydrant(s) to serve the subject property, if none are located within 250 feet of the proposed building. Conditions of approval require the applicant to install any required fire hydrant in accordance with VCFD and Public Works requirements.

Underground Utility Waiver (U UW 2024-70002)

The Municipal Code requires all facilities and overhead lines for utility services such as electric, cable TV, and telephone adjacent to new construction to be placed underground, unless waived. TOMC Section 7-5.203 allows for the waiver

of this requirement if it is found to be unreasonable considering certain circumstances, one of which is the existence of overhead utility lines serving existing nearby buildings. Staff supports the waiver request in this case because existing institutional and residential uses to the west are served by existing overhead utility lines and no new overhead utility lines will be installed, and further impacts to existing oak trees will be avoided. Further, existing overhead utility lines are screened by existing surrounding development and mature landscaping along the site frontage, and the existing residences and utilities to the west are 20 feet below West Lynn Road grade. Project conditions require the applicant to waive the right of protest and consents to participate in any future formation of an Underground Utility Assessment District to underground the existing overhead utility lines and services along the frontage of the subject property should undergrounding of these utilities occur.

Ventura County Fire Protection District Requirements

The proposed development is within a Very High Fire Severity Zone. An isolated open space area, bisected by Regal Oak Court, is located south of the project site and beyond West Lynn Road. However, this open space area is bordered by West Lynn Road to the north and surrounded by existing single-family residences to the east, west, and south. The proposed project will be constructed on an infill lot and surrounded by residences and streets.

Ventura County Fire Protection District (VCFDP) requires a 100-foot brush clearance from combustible structures. Since the proposed residential development is located closer than 100 feet from a partially developed property to the north, off-site brush clearance onto the adjacent property is necessary. Prior to issuance of building permits, the applicant would be required to provide a "Notice of License Agreement" with the adjoining property owner to perform the required annual brush clearance while the adjacent property remains undeveloped.

Further, a condition of approval has been included to require a Landscape Plan Check with Fuel Modification Plan prior to the issuance of grading permit to ensure compliance with VCFPD brush clearance and California Department of Fish and Wildlife requirements.

Protected Trees (PTP 2022-70874)

The site contains a total of 126 protected oak trees that consist of coast live oak (*Quercus agrifolia*) trees, per the Oak Tree Report dated September 14, 2023 (Attachment #6) and Oak Tree Report Addendum dated July 19, 2024 (Attachment #7). This report evaluated the health of each tree and the extent of the impacts resulting from project activities. The project design involves removal of 23 protected coast live oak trees and encroachment into the protected zone of 82

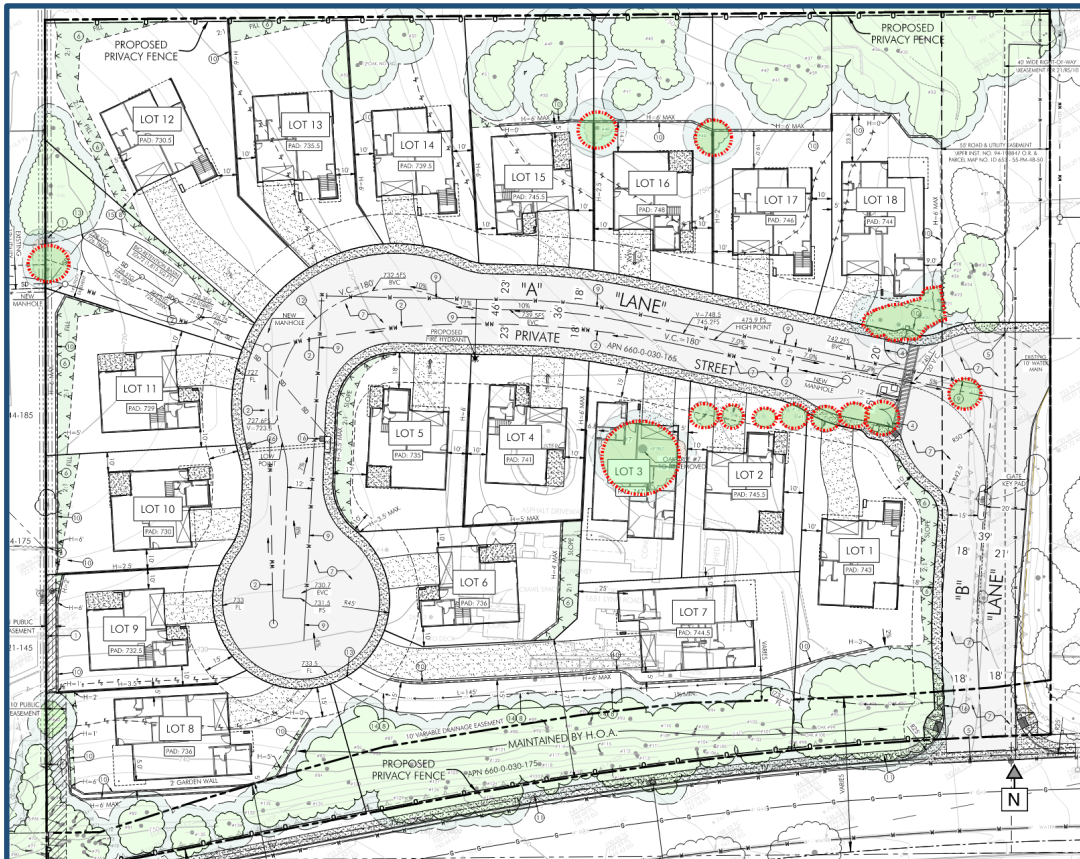
protected coast live oak trees. Two (2) of the protected oak trees proposed to be removed are noted to be in poor condition. A total of 106 protected trees will remain in place, which include oak trees within the 25% natural sloping terrain area along the north and south property lines. Descriptions of the protected trees to be removed resulting from the proposed development are provided in Table 3 below.

Table 3: Protected Tree Removals

Tree No.	Common Name	Trunk Diameter	Health	Structure	Appearance
Removal					
7	Coast Live Oak	47"	Fair	Poor	C
8	Coast Live Oak	2", 2", 1"	Good	Fair	B
9	Coast Live Oak	2", 1"	Good	Poor	C
10	Coast Live Oak	2", 2"	Good	Fair	C
11	Coast Live Oak	2", 2"	Good	Good	C
12	Coast Live Oak	2"	Good	Good	C
13	Coast Live Oak	2", 2"	Good	Fair	C
14	Coast Live Oak	2", 2", 2"	Good	Fair	C
15	Coast Live Oak	2", 2", 2"	Good	Fair	C
16	Coast Live Oak	2", 2"	Good	Good	C
17	Coast Live Oak	2"	Good	Fair	C
18	Coast Live Oak	2", 1.5", 1.5"	Good	Fair	C
19	Coast Live Oak	2", 2", 2"	Good	Fair	C
20	Coast Live Oak	4"	Poor	Good	C
21	Coast Live Oak	2.5", 1", 1"	Good	Fair	C
22	Coast Live Oak	6"	Good	Good	C
44	Coast Live Oak	11"	Fair	Fair	C
48	Coast Live Oak	6"	Good	Good	B
59	Coast Live Oak	10", 5"	Good	Good	B
61	Coast Live Oak	2.5"	Fair	Fair	C
136	Coast Live Oak	3"	Good	Good	C
137	Coast Live Oak	2", 2"	Fair	Fair	C
138	Coast Live Oak	2", 1", 1"	Good	Good	C

The removal of protected oak trees is necessary to accommodate the proposed improvements and grading activities associated with the construction of the new single-family residential development, including adequate emergency vehicle and pedestrian circulation. Figure 5 demonstrates the development areas and tree locations affected by the proposed construction activities.

Figure 5 – Protected Tree Impacts



Encroachment and pruning of 82 of the 126 onsite protected coast live oak trees is necessary to maintain proper clearance over proposed sidewalks, fencing and walls, and open space. Of the 82 trees requiring encroachment 69 of those protected trees will be pruned to provide the required sidewalk and fence clearances, including three offsite oak trees. Existing protected oak trees located along the southern and northern portions of the site were prioritized for preservation and only encroachments are proposed. A City Landscape Consultant provided an independent evaluation of the applicant's report and recommendations contained therein for the work occurring within the protected zone of the oak trees. The City consultant concluded that, with the inclusion of the suggested project conditions, including appropriate work methods and monitoring for the work performed to and around the protected oak trees, that the proposed encroachments will not have a detrimental effect on the health of trees.

The Oak Tree Preservation and Protection Ordinance allows for oak tree encroachments and removals if the request is not contrary to the purpose and intent of the ordinance. In this case, the removal of the 23 oak trees and

encroachment into the protected zone of 82 oak trees is consistent with the intent of the oak tree preservation and protection ordinances since the removals will be replaced with three trees for each one removed (3:1 ratio - two 24" box and one 36" box tree). The quantity and size are as follows:

- 40 twenty– four (24") inch box specimens, and
- 23 thirty– six (36") inch box specimens.

A total of 50 coast live oak (*Quercus agrifolia*) trees 36-inch box specimens are to be provided onsite per the Replacement Tree Plan as demonstrated within the Project Plan Set (Attachment #5). Per Resolution 2010-014, only the oak tree species count towards the number of replacement trees required. Therefore, the applicant will either need to submit a new Replacement Tree Plan, propose the planting of the trees at an off-site location for public benefit, subject to Community Development Director approval, or provide a \$107,180 in-lieu payment to the City's Open Space Conservation Fund used toward the acquisition of open space, as prescribed by Resolution 2010-014.

Further, replacement trees have been strategically located within the perimeter and open space areas of the project site to partially screen the proposed residences and provide use of the trees by both future residents. Also, the trees have been sited in a manner that acts as a physical barrier between the residential structures and surrounding roadway to the south and existing residences to west, east, and north. The specific placement of the trees within the site provides further visual screening to and from the roadways while attenuating noise for future residents. A Landscape Plan Check and Replacement Tree Plan which complies with Resolution 2010-014 will be required to review and approve the location of the replacement trees. Therefore, staff supports the proposed replacement tree layout.

The project is consistent with the general purpose and intent of the Oak and Landmark Tree Ordinance since appropriate mitigation, in the form of replacement trees, will be provided pursuant to the standards of the Oak Tree Preservation and Protection Guidelines (Res. No. 2010-14). In addition, appropriate project conditions are in place to safeguard the oak trees, including the installation of fencing around the protected zones and on-site monitoring by the applicant's consultant during all encroachment and pruning operations. Additionally, staff has reviewed the proposed protected tree removals and encroachments in the context of the Findings contained within TOMC Sec. 9-4.4206(b), and has found that the project, as conditioned, would be consistent with these Findings as specified in the draft Resolution (Attachment #4).

PUBLIC CORRESPONDENCE:

To date, staff has received one letter of support from the “California Oakbrook HOA,” located to the northwest and correspondence from two adjacent property owners to the east of the subject site. The two adjacent property owners primarily cite concerns regarding existing access along Blair Court, which provides direct access to their properties and the proposed development (Attachment #8). Concerns cited include: 1) proposed paving improvements along the access road; 2) potential need for a retaining wall along the east side of the access road; and 3) Blair Court access road renaming and their property readdressing. These concerns were addressed by staff and are included in the MND Response to Comments (Attachment #10).

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA), a comprehensive evaluation of the potential environmental impacts of this project was performed. This evaluation determined that the project could have a significant effect on the environment without appropriate mitigation measures in place, therefore a Mitigated Negative Declaration was prepared for the project (Attachment #9). Appropriate measures are in place to ensure no significant adverse environmental impact results from the project. To that end, mitigation measures have been applied to the project to ensure the potentially significant impacts are reduced to a less than significant level and the project will have no significant adverse effect on the environment.

A Notice of Intent to Adopt a Mitigated Negative Declaration was posted with a 30-day public review period for the proposed Mitigated Negative Declaration between September 3, 2024 and October 3, 2024. The Draft MND (DMND) was also submitted to the State Clearinghouse. Staff did not receive correspondence from any members of the public, but staff received correspondence from two public agencies: Ventura County Air Pollution Control District (VCAPCD), Caltrans, and California Department of Fish and Wildlife, which are included in the RTC within the Final MND (Attachment #10). None of the comments received on the DMND for this project merit any substantive change to the environmental analysis or conclusions contained in the DMND. None of the thresholds required to recirculate the DMND were triggered.

The CEQA Findings for the MND and mitigation measures from the MND are incorporated into the project resolution (Attachment #4). The Mitigation Monitoring and Reporting Program (MMRP) and RTC is included for Planning Commission's information in the Final MND (Attachment #9). Staff is therefore recommending the Planning Commission consider and adopt the Final MND (CEQA 2023-70006) prepared for the project in accordance with the California Environmental Quality Act.

CONCLUSION:

Staff determined that the proposed project will not result in a project that would be out of character with the neighborhood and will not over-intensify the development of the subject lot as the proposed project does not exceed the maximum allowable density of 4.5 dwelling units per acre. Further, the proposed project has been designed in a manner that avoids encroachment into greater 25% natural sloping terrain for the proposed residential development and associated improvements. It is staff's position that the proposed location of the residences and associated site improvement limits grading, landform alterations, and impacts to protected trees to the maximum extent feasible, and will result in a desirable project. Staff recommends adoption of the MND and approval of the project, based on the findings and subject to the conditions of approval in the attached resolution.

PREPARED BY: Calos Contreras, Senior Planner

Attachments:

- Attachment #1 – Vicinity Map
- Attachment #2 – Location Map
- Attachment #3 – Aerial Photo
- Attachment #4 – Proposed Planning Commission Resolution
- Attachment #5 – Project Plans, dated July 19, 2024
- Attachment #6 – Oak Tree Report, dated September 14, 2023
- Attachment #7 – Oak Tree Report Addendum, dated July 19, 2024
- Attachment #8 – Public Correspondence
- Attachment #9 – Final Mitigated Negative Declaration and MMRP
- Attachment #10 – Response To Comments Memo dated November 1, 2024