

## RESOLUTION NO. 06-1404

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS UPHOLDING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 03-CUP-010

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

Section I. An application was duly filed by Riopharm USA, Inc., with respect to the real property located within Tract 48901, on the south side of Agoura Road, east of Calle Montecillo [Assessor's Parcel Nos. 2061-014-(007-015)(018-020)(023-026)], requesting approval of a Conditional Use Permit to allow the development of fourteen (14) detached single-family residential units. Public hearings were duly held by the Planning Commission on August 4, 2005, September 15, 2005, November 17, 2005 and December 1, 2005 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings. On December 1, 2005, the Planning Commission denied Conditional Use Permit Case No. 03-CUP-010 on a 5-0 vote, per Resolution No. 836.

Section II. An appeal of the Planning Commission's denial of Conditional Use Permit Case No. 03-CUP-010 was filed by Riopharm USA, Inc., on December 16, 2005 with respect to the property described in Section I hereof. A public hearing on the appeal was duly held and public testimony was given on January 25, 2006 in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid public hearing was duly given.

Section III. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearing.

Section IV. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the City Council finds that:

A. The proposed use is not consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The project, as proposed, consists of fourteen (14) detached, two-story, single-family residential units of sizes and massing that are incompatible for sizes of the lots.

B. The proposed use is not compatible with the surrounding properties. The project, as proposed, lacks single-story residences within the tract that are typical of existing residential tracts within the neighborhood. The residential lots do not provide for sufficient yard areas to minimize the visual impacts and to preserve views, light, air and open space to neighboring properties.

C. The proposed use and the conditions in which it will be operated or maintained, will be detrimental to the public health, safety, or general welfare. The two-story residential units and yard areas, as proposed, will not preserve the light, air, privacy and open space to the surrounding parcels within the tract and adjacent to the tract.

D. The proposed use will not comply with each of the applicable provisions of the Zoning Ordinance. The general residential development standards of the Zoning Ordinance call for all development to be compatible with the character of the existing neighborhood. The massing of the two-story residential units, the proposed lot coverage and yard sizes are incompatible with existing neighboring uses. The project does not provide for the provision of adequate buffering from adjacent residential uses and the preservation of views from existing development.

E. The proposed use is not consistent with the goals, objectives, and policies of the General Plan. The two-story residential units and the proposed yard sizes, as well as the proposed reduction in the common area within the tract does not maintain an awareness of the City's natural environmental setting, as called for in the General Plan Community Design Element.

Section V. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for this project. Based upon the initial study, public comments, and the record before the City Council, the City Council finds that the Mitigated Negative Declaration identifies potentially significant environmental effects of the project and that it was prepared pursuant to the California Environmental Quality Act. The City Council has reviewed the information contained in the Mitigated Negative Declaration and finds that the proposed mitigation measures for proposed Oak tree impacts within the project area are inadequate. The City Council, therefore, did not deem the Mitigated Negative Declaration adequate for adoption with respect to (1) description of Oak tree impacts, (2) the adequacy of mitigation planning for Oak tree impacts, and (3) the sufficiency of applicant efforts to avoid project layout and building design conflicts with existing tree canopy. The City Council also rejected the Mitigation Monitoring Plan for biological resources generally and for oak tree impacts specifically.

Section VI. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's denial Conditional Use Permit Case No. 03-CUP-010 with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, City Clerk

## RESOLUTION NO. 06-1405

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS UPHOLDING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 98-CUP-007

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

Section I. An application was duly filed by Riopharm USA, Inc., with respect to the real property located within Tract 48312, on the south side of Agoura Road, east of Calle Montecillo [Assessor's Parcel Nos. 2061-014-(027-042) and 2061-015-008], requesting approval of a Conditional Use Permit to allow the development of thirteen (13) detached single-family residential units. Public hearings were duly held by the Planning Commission on August 4, 2005, September 15, 2005, November 17, 2005, and December 1, 2005 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings. On December 1, 2005, the Planning Commission denied Conditional Use Permit Case No. 98-CUP-007 on a 5-0 vote, per Resolution No. 837.

Section II. An appeal of the Planning Commission's denial of Conditional Use Permit Case No. 98-CUP-007 was filed by Riopharm USA, Inc., on December 16, 2005 with respect to the property described in Section I hereof. A public hearing on the appeal was duly held and public testimony was given on January 25, 2006 in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid public hearing was duly given.

Section III. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearing.

Section IV. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the City Council finds that:

A. The proposed use is not consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The general residential development standards of the Zoning Ordinance call for all development to be compatible with the rural character of the community. The project, as proposed, does not preserve and protect the natural features of the property, including landscaping, within the tract without requiring significant and detrimental impacts to the on-site Oak trees.

B. The proposed use is not compatible with the surrounding properties. The proposed building lot coverage within the tract is greater than neighboring residential tracts and is incompatible with the intensity of existing residential development in the vicinity.

C. The proposed use and the conditions in which it will be operated or maintained, will be detrimental to the public health, safety, or general welfare. The proposed grading will significantly impact the on-site Oak trees and will, therefore, be detrimental to the general welfare in that the proposed development will not preserve existing landscape resources.

D. The proposed use will not comply with each of the applicable provisions of the Zoning Ordinance. The general residential development standards of the Zoning Ordinance call for all development to be compatible with the character of the existing neighborhood. The proposed lot coverage and yard sizes are incompatible with existing neighboring uses. The project does not provide for the provision of adequate buffering from on-site Oak trees.

E. The proposed use is not consistent with the goals, objectives, and policies of the General Plan. The placement of the residential units on the individual lots and the proposed impacts to the Oak trees does not maintain an awareness of the City's natural environmental setting, as called for in the General Plan Community Design Element.

Section V. In accordance with the California Environmental Quality Act, the City has provided public notice of the intent to adopt a Mitigated Negative Declaration for this project. Based upon the initial study, public comments and the record before the City Council, the City Council finds that the Mitigated Negative Declaration identifies potentially significant environmental effects of the project and that it was prepared pursuant to the California Environmental Quality Act. The City Council has reviewed the information contained in the Mitigated Negative Declaration and finds that the proposed mitigation measures for proposed Oak tree impacts within the project area are inadequate. The City Council, therefore, did not deem the Mitigated Negative Declaration adequate for adoption with respect to (1) description of Oak tree impacts, (2) the adequacy of mitigation planning for Oak tree impacts, and (3) the sufficiency of applicant efforts to avoid project layout and building design conflicts with existing tree canopy. The City Council also rejected the Mitigation Monitoring Plan for biological resources generally and for oak tree impacts specifically.

Section VI. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's denial Conditional Use Permit Case No. 98-CUP-007 with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, City Clerk

**RESOLUTION NO. 06-1406**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
AGOURA HILLS UPHOLDING THE PLANNING COMMISSION'S  
DENIAL OF OAK TREE PERMIT NO. 98-OTP-011**

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

Section I. An application was duly filed by Riopharm USA, Inc., with respect to the real property located within Tract 48901 and Tract 48312, on the south side of Agoura Road, east of Calle Montecillo [Assessor's Parcel Nos. 2061-014-(007-015)(018-020)(023-026), 2061-014-(027-042) and 2061-015-008], requesting approval of an Oak Tree Permit to remove thirty-three (33) Oak trees and encroach within the protected zone of fifteen (15) Oak trees for the development of 27 detached single-family residential units within the two tracts. Public hearings were duly held by the Planning Commission on August 4, 2005, September 15, 2005, November 17, 2005, and December 1, 2005 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings. On December 1, 2005, the Planning Commission denied Oak Tree Permit Case No. 98-OTP-011, per Resolution No. 838.

Section II. An appeal of the Planning Commission's denial of Oak Tree Permit Case No. 98-OTP-011 was filed by Riopharm USA, Inc. on December 16, 2005 with respect to the property described in Section I hereof. A public hearing on the appeal was duly held and public testimony was given on January 25, 2006 in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place, and purpose of the aforesaid public hearing was duly given.

Section III. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearing.

Section IV. Pursuant to Section 9657 of the Agoura Hills Zoning Ordinance, the City Council finds that:

A. The purpose of the City Oak Tree Preservation Guidelines is to protect and preserve Oak trees in recognition of their historical, aesthetic, and environmental value to the citizens of Agoura Hills, present and future, and to provide regulatory measures designed to accomplish this purpose.

B. The construction of 27 residential units on both tracts, as designed and proposed, cannot be accomplished without endangering the health of the remaining Oak trees on the site. A total of 33 Oak trees are proposed for removal and 15 Oak trees would be encroached upon for the proposed construction.

C. The project applicant did not adequately demonstrate that the on-site Oak trees prevent development of the properties to such an extent that alternative development plans cannot achieve the same density.

D. Approximately 32% of the total Oak tree canopy and root zone within both tracts is found to be impacted by the proposed construction. The City Oak Tree Preservation Guidelines allow for no more than 20% of the total tree canopy to be impacted. The City Oak Tree Consultant, upon reviewing the data submitted for the application and verifying her analysis with on-site inspections, found that the proposed impacts would adversely affect the health of the Oak trees.

E. The proposed mitigation measures for removal and encroachment within the protected zones of the Oak trees is inadequate for the extent of the impacts expected with the construction of this project.

Section V. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's denial of Oak Tree Permit Case No. 98-OTP-011 with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, City Clerk