

RESOLUTION NO. 05-1380

A RESOLUTION OF THE AGOURA HILLS CITY COUNCIL  
UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF  
TENTATIVE PARCEL MAP NO. 62245

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

Section 1. An application was duly filed by Adler Realty Investments with respect to the real property located on the northeast corner of Canwood Street and Derry Avenue (Assessor's Parcel No. 2048-012-017,018 and 2055-003-064), requesting approval of a Tentative Parcel Map to reconfigure three (3) parcels into two (2) parcels of 1.42 acres and 5.76 acres in size. Public hearings were duly held by the Planning Commission on April 7, 2005 and May 5, 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 May 5, 2005, the Planning Commission approved Tentative Parcel Map No. 62245 on a 3-0 vote (Chariperson Koehler and Commissioner Zacuto abstained), subject to conditions, per Resolution No. 808.

Section 2. An appeal of the Planning Commission's approval of Tentative Parcel Map No. 62245 was filed by Council Member Dan Kuperberg on May 20, 2005 with respect to the property described in Section 1 hereof. The appellant, Council Member Kuperberg, appealed the decision of the Planning Commission for the following reasons: 1) Size of buildings; 2) Distance between buildings; 3) Amount size and location of parking; 3) Landscaping; and 4) Overall site layout. A public hearing on the appeal was duly held and public testimony was given on July 13, 2005 in the City 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 3. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearing.

Section 4. Pursuant to the Agoura Hills Zoning Ordinance and Subdivision Ordinance, the City Council finds as follows:

A. The proposed Tentative Parcel Map, as conditioned, is consistent with the City's General Plan designation of CRS (Commercial-Retail/Service) in that the proposed Parcel Map will assist in facilitating the development of vacant parcels with commercial uses that capitalize on their freeway access and visibility, as called for in the Land Use Element of the General Plan.

B. The site is physically suitable for future development in that the parcels of the Tentative Parcel Map have been pre-graded and both proposed parcels will exceed the minimum required parcel size and parcel dimensions for the CRS zone.

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 parcels.

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. Access to the parcels will be provided via Canwood Street and Lewis Road.

Section 5. 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 for which feasible mitigation measures have been identified which will avoid or substantially lessen such effects. The City Council has reviewed the information contained in the Mitigated Negative Declaration in considering the application and finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act. The City Council hereby adopts the Mitigated Negative Declaration and attached Mitigation Monitoring Plan.

Section 6. Based on the aforementioned findings, the City Council hereby approves Tentative Parcel Map No. 62245, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

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Ed Corridori, Mayor

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ATTEST:

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Kimberly M. Rodrigues, City Clerk

## **CONDITIONS OF APPROVAL (Tentative Parcel Map No. 62245)**

### STANDARD CONDITIONS

1. 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. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Tentative Parcel Map No. 62245.
3. 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.
4. 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.
5. 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 Parcel Map.
6. The applicant must comply with all requirements of the City Subdivision Ordinance.
7. 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.
8. Unless the Final Parcel Map is recorded, Tentative Parcel Map No. 62245 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. Tentative Parcel Map No. 62245 shall only be valid with Conditional Use Permit 04-CUP-007.

#### ENGINEERING DEPARTMENT CONDITIONS

10. The Parcel Map, unless otherwise authorized in writing by the City Engineer, shall be based on a field survey, and shall be prepared in accordance with Article X, Subdivisions, of the City's Municipal Code and the State Subdivision Map Act.
11. Pursuant to Article X, Subdivisions, of the City's Municipal Code, the Parcel Map shall be submitted to the City, along with all necessary supporting documents including title reports, guarantees and applicable fees, for review and acceptance by the City Engineer.
12. All existing and proposed easements shall be shown on the Parcel Map. All proposed easements for water, sewer and storm drains shall be a minimum of fifteen feet wide. Access easements, if applicable, shall be of adequate width, as approved by the City Engineer.
13. Right-of-way and easement dedications and all project improvements shall conform to the City's General Plan and the Department of Public Works specifications.
14. The applicant shall post necessary improvement securities for all construction work within the public right-of-way and public/utility easements.
15. All improvement plan sheets shall be 24" x 36" and must have City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate for record keeping. All lettering on plans shall be a minimum of 1/8th inch in size to ensure proper reproduction and microfilming. All original/reproducible plans shall be drawn in ink.
16. All required improvement plans must be prepared by a California State Registered Civil Engineer for review and acceptance by the City Engineer prior to the Parcel Map approval by the City.
17. All required improvements shall be completed pursuant to Section 66411.1 of the Subdivision Map Act, including, but not limited to: street sections, curb, gutter, sidewalk, driveway approaches, street trees, water, sewer and storm drain facilities, and traffic control devices.
18. The applicant is requesting the City to vacate excess public right-of-way along Canwood Street. The excess right-of-way is beyond the required one-half street improvements of 30-feet. The applicant's Parcel Map shall clearly show all land to be vacated by the City along the project frontage. The right-of-way vacation and Parcel Map will require City Council approvals in accordance with State law. In the event that City Council chooses to retain the road right-of-way, the applicant shall redesign the project to comply with setbacks and all other zoning requirements.
19. All required boundary monuments shall be installed prior to the recordation of the Parcel Map.

20. Signatures of record fee title interest holders shall appear on the Parcel Map.

SPECIAL CONDITIONS

21. Prior to recording the Final Map, the applicant shall relinquish all development rights on the portion of Parcel 2 located south of Canwood Street. The manner in which the development rights are relinquished shall be subject to approval by the City Attorney. The applicant shall also agree to landscape and irrigate this same portion of Parcel 2 in perpetuity. The landscape and irrigation plans shall be subject to review and approval by the Director of Planning and Community Development prior to the issuance of a building permit.

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