



**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

**TO: Planning Commission**

**FROM: Planning Staff**

**SUBJECT: Conditional Use Permit Case Nos. 03-CUP-010 and 98-CUP-007; and Oak Tree Permit Case No. 98-OTP-011**

**DATE: November 17, 2005**

---

**I. BACKGROUND AND DISCUSSION**

The Planning Commission held public hearings on August 4, 2005 and September 15, 2005 to consider Riopharm USA, Inc.'s request for Conditional Use Permits, an Oak Tree Permit and a Variance to allow development on two recorded residential tracts for 27 detached, single-family residences (Case Nos. 03-CUP-010; 98-CUP-007; 98-OTP-011; and 04-VAR-004). The two vacant tracts are located on the south side of Agoura Road, east of Calle Montecillo and west of Liberty Canyon Road. On September 15, 2005, the Planning Commission considered new information provided by staff and the applicant concerning the project and continued the hearing to October 20, 2005. The October 20, 2005 hearing was continued at the request of the applicant to November 17, 2005 to allow the applicant additional time to address project design issues previously raised by the Planning Commission.

On September 15, 2005, the Planning Commission stated their concern with several design-related issues with the project. Issues noted by the Planning Commission regarding the smaller, westerly tract (Agoura I) included 1) the size of the homes given the size of the lots; 2) the lack of front yard space and lack of variation in front yard setbacks; 3) visual impacts of the tract to the existing homes to the west; and 4) development impacts to the Oak trees. With regard to the larger easterly tract (Agoura II), the Planning Commission's concerns included 1) the street setback Variance proposed for the Lot 1; 2) the lack of variation in front yard setbacks; and 3) development impacts to Oak trees. The Planning Commission also requested that single story homes be incorporated into the project.

The applicant has provided revised development plans for the purpose of addressing the design concerns raised by the Planning Commission. A summary of the design changes are below.

Agoura I Tract

The most westerly tract (Agoura I) is approximately three acres in size and includes 14 residential lots. The recorded lots size range in size from 3,900 square feet to 6,500 square feet. The current plans include the following home sizes:

<u>Model No.</u>	<u>No. of Units</u>	<u>Size of Residence</u>	<u>Change</u>
Unit A	5	2,768 sq. ft. + 441 sq. ft. garage (3,209 sq. ft.)	-337 sq. ft.
Unit B "Short"	3	2,581 sq. ft. + 440 sq. ft. garage (3,021 sq. ft.)	-357 sq. ft.
Unit B	5	2,729 sq. ft. + 451 sq. ft. garage (3,180 sq. ft.)	-209 sq. ft.
Unit C	1	2,698 sq. ft. + 440 sq. ft. garage (3,138 sq. ft.)	-986 sq. ft.

As is shown in the table above, the proposed sizes of the homes, all of which are two-stories in height, range from 3,021 square feet to 3,209 square feet, including the garages. This represents a decrease from the previously proposed home sizes that ranged from 3,389 square feet to 4,124 square feet. The original development entitlement for the tract had included attached townhome units that ranged in size from 2,804 square feet to 3,067 square feet. The architectural styles of the homes has not changed significantly as a result of the reduced size of the homes. As requested by the Planning Commission, the applicant has provided for more articulation and a slight off-site between the first and second stories on the north elevations of the homes proposed for Lots 1 and 12, which would be closest to Agoura Road.

Most of the attached garages were previously shown as being situated 2 to 3 feet from the private street. The latest plans include include larger yards between the garages and the street that vary from 15.25 feet to 20 feet in depth. The applicant has also increased the rear yard of Lot 9 from 15 feet to 20 feet in depth. The proposed changes to the front yard area allowed for variation in the alignment of the homes on the east and west sides of the tract and were accomplished by relocating the private street easement inward and reducing the side yards of Lots 13 and 14 from 10 feet to 5 feet in width. The common area located south of Lots 13 and 14 was also reduced in size. The property lines for each parcel within the tract have not changed, thus portions of most front yards would be within the private street easement area. Anticipated development impacts to the Oak trees within the tract have not changed, and no Oak trees are proposed to be retained for this 14 lot development.

### Agoura II

The most easterly tract (Agoura II) is 10.58 acres size and includes 13 residential lots. The recorded lots size range in size from 7,050 square feet to 18,445 square feet. The current plans include the following home sizes:

<u>Model No.</u>	<u>No. of Units</u>	<u>Size of Residence</u>	<u>Reduction</u>
1-A and 1-B	3	3,465 sq. ft. + 628 sq. ft. garage (4,093 sq. ft.)	+30 sq. ft.
2-A and 2-B	4	3,665 sq. ft. + 622 sq. ft. garage (4,287 sq. ft.)	+38 sq. ft.
3-A and 3-B	2	4,145 sq. ft. + 720 sq. ft. garage (4,217 sq. ft.)	no change
4-A and 4-B	4	3,484 sq. ft. + 441 sq. ft. garage (3,925 sq. ft.)	-168 sq. ft.

to 362 sq.  
ft.

Planning Commission  
Case Nos. 03-CUP-010; 98-CUP-007; and 98-OTP-011  
November 17, 2005  
Page 3

The table above indicates that the proposed sizes of the residences range from 3,925 square feet to 4,287 square feet, including the garages. Four of the proposed units (Units 4-A and 4-B) include single-story designs with a below-grade basement on Lot Nos. 6, 7, 10 and 13. Nine (9) of the 13 units include three-car garages in the designs. The previous plans reviewed by the Planning Commission on August 4, 2005 and September 15, 2005 for this tract included home sizes 4,061 square feet, 4,249 square feet, and 4,865 square feet, including attached garages. The previous Conditional Use Permit approved for the tract included 9 two-story units and 5 single-story units. The size of the previously approved units ranged from 3,224 square feet to 3,718 square feet, including attached garages.

The applicant intends to increase the width of Lots 10 through 13, as previously proposed, to allow for greater separation between buildings. This will require approval of a Lot Line Adjustment that can be approved administratively. The latest plans call for an additional Lot Line Adjustment between Lots 1 and 2. The result of this latest change would increase the size of Lot 1, allowing for the residence to be located 32 feet from the Agoura Road right-of-way (instead of 26 feet as previously proposed), thereby eliminating the request for Variance for the setback distance between the residence and the north property line. This Lot Line Adjustment would also decrease the north side yard on Lot 2 from 13 feet to 7 feet. The relocation of the house on Lot 1 will not allow for preservation of any Oak tree on the lot, according to the City Oak Tree Consultant. Impacts to Oak trees throughout the tract are the same as previously presented to the Planning Commission.

### Environmental Review

The City Environmental Analyst found that the projects would not result in any significant effects on the environment that could not be mitigated to less than significant levels. The Draft Mitigated Negative Declaration was circulated for a 30-day review period. Written responses to public comments regarding the Draft MND were prepared by the City Environmental Analyst for review. Since the project description has slightly changed since the September 15, 2005 Planning Commission meeting, the initial study and proposed mitigation measures of the Mitigated Negative Declaration are being revised and will be available for review for the November 17, 2005 public hearing.

Due to the project changes, the response to comments were not distributed to trustee and responsible agencies, or to the public. Staff therefore recommends that adoption of the final Mitigated Negative Declaration occur at the following Planning Commission meeting scheduled for December 1, 2005. This would allow for staff to receive feedback from the Planning Commission on the project changes and to distribute the response to comments for a 10-day period.

## **II. RECOMMENDATION**

If the Planning Commission desires to approve the projects, staff recommends that the Planning

Commission direct staff to return with Resolutions and conditions of approval for adoption on December 1, 2005. Staff has prepared draft Resolutions and conditions of approval that are attached to this report for reference.

Planning Commission

Case Nos. 03-CUP-010; 98-CUP-007; and 98-OTP-011

November 17, 2005

Page 4

### **III. ATTACHMENTS**

- Draft Resolution and Conditions of Approval for Case Nos. 03-CUP-010 and 98-OTP-011 (Agoura I Tract)
- Draft Resolution and Conditions of Approval for Case Nos. 98-CUP-007 and 98-OTP-011 (Agoura II Tract)
- Reduced Copies of Project Plans
- August 4, 2005 Planning Commission Meeting Minutes
- September 15, 2005 Planning Commission Meeting Minutes
- September 15, 2005 Planning Commission Staff Report