

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 03-CUP-020 AND
OAK TREE PERMIT CASE NO. 03-OTP-019

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

Section I. An application was duly filed by Don Roser with respect to the real property located at 28537 Fountain Place (Assessor's Parcel Number 2055-019-025), requesting the approval of a Conditional Use Permit Case No. 03-CUP-020 and Oak Tree Permit Case No. 03-OTP-019 to construct a 4,736 square foot, two-story, single-family residence, a 750 square foot attached two-car garage and workshop, 2,400 square feet of covered porches, a 117 square foot deck, a 1,500 square foot storage building, a 350 square foot greenhouse, and a swimming pool. The applicant is also requesting approval of an Oak Tree Permit Case No. 03-OTP-019 to encroach upon the protected zone of five (5) Oak trees during construction and removal of one (1) Oak tree for the proposed construction. A public hearing was duly held on August 17, 2006, 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 II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearings.

Section III. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed use, as conditioned, is 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 property zoning designation and General Plan Land Use designation allows for development of a single-family residence and the proposal meets the development standards for the RL-20,000-OA (Residential Low Density-20,000 square feet minimum lot size-Old Agoura Design Overlay) zones relative to lot coverage, building height, and building setbacks from the property lines.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The project will contribute to the aesthetic value of the neighborhood as a whole. The proposed building style of architecture and building materials and colors of the two-story residence and accessory buildings are compatible with the neighborhood and meet the design standard of the Old Agoura Design Overlay zone, which encourages rustic and designs that incorporate natural materials.

C. The proposed use and the condition in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare. The placement of the residence meets the setback requirements from the property lines pursuant to the Zoning Ordinance, preserving the light, air and privacy of the surrounding properties. The project complies with the maximum allowable building height limitations of the hillside properties. Geotechnical and geological reports have been prepared for the proposed construction on the property, which include mitigation measures to minimize potential risks of geotechnical and geological hazards. The structures will comply with the Building Code requirements.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance in that the project is consistent with the development standards of the Low Density Zone and Old Agoura Design Overlay District. The proposed residence meets all required setbacks, height limitation requirements and lot coverage for the zone and incorporates natural building materials in the project design. A private septic system will serve the 5.25 acre parcel

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The project will meet the minimum yard setback requirements for the RL Zone. The residence will be placed an appropriate distance from the street serving the property to preserve public views. The RL Zone allows for the development of single-family residences.

F. The proposed use, as conditioned is consistent with the goals, objectives and policies of the General Plan. The proposed project will preserve the natural resources and oak trees on the parcel and nearby parcels and will preserve the semi-rural character of the Old Agoura neighborhood. The project will not impede on the adjacent open space areas suitable for horses or other farm animals as called for in the Community Design Element of the General Plan.

G. As conditioned, one (1) Oak tree will be removed to complete required road improvements to serve the residence and encroachment into an adjacent tree is necessary for the purpose of removing this tree, but will not significantly impact the health of the tree, nor will the proposed construction impact the health of the remaining Oak trees on the property.

Section IV. The Planning Commission held a public hearing on August 17, 2006, to consider the Mitigated Negative Declaration prepared for the project. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing. The Planning Commission finds that the Mitigated Negative Declaration has been completed in accordance with the State California Environmental Quality Act Guidelines and there was adequate review given of the Draft Mitigated Negative Declaration. The Mitigated Negative Declaration adequately discusses all significant environmental issues and reflects the independent judgment and analysis of the City. The Planning Commission has considered the contents of the Mitigated Negative Declaration in its decision-making process of the Conditional Use Permit, and Oak Tree Permit. The Planning Commission hereby adopts the Mitigated Negative Declaration prepared for

Conditional Use Permit Case No. 03-CUP-020 and Oak Tree Permit Case No. 03-OTP-019 and adopts the Mitigation Monitoring Program.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 03-CUP-020 and Oak Tree Permit Case No. 03-OTP-019, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED, and ADOPTED this 17th day of August, 2006, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Phil Ramuno, Chairperson

ATTEST:

Doug Hooper, Secretary