

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 07-CUP-011 AND
OAK TREE PERMIT CASE NO. 07-OTP-020

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

Section 1. An application was duly filed by Gary Bardovi for Nevin Bardai with respect to the real property located at 28340 Balkins Drive (Assessor's Parcel Number 2055-021-044), requesting the approval of a Conditional Use Permit Case No. 07-CUP-011 to construct a 3,547 square foot, two-story, single-family residence with a 981 square foot attached garage. The applicant is also requesting approval of an Oak Tree Permit Case No. 07-OTP-020 to remove one (1) Oak tree and to encroach within the protected zone of four (4) Oak trees for the proposed construction. A public hearing was duly held on June 5, 2008, and on August 7, 2008, 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 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearing.

Section 3. The Planning Commission, pursuant to the Agoura Hills Zoning Ordinance, finds as follows:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the Very Low Density Residential–Old Agoura Design District (RV-OA) zones in which the use is located. The property designation allows for development of a single-family residence and the proposal meets the development standards for the zone 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 proposed building design and building materials of the residence that include cedar siding, stone, wood stairs and guardrails and a tile roof are compatible with the neighboring structures and the topography of the property. The residence is located on the lower portion of a sloped lot and between the existing trees to minimize grading and maximize use of the topography, to retain the existing Oak trees and other natural growth on the land, and to preserve viewsheds. The project was reviewed by the City's Architectural Review Panel and was found to be in compliance with the City's Architectural Design Guidelines and Standards of the Old Agoura Design Overlay District.

C. The proposed use and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, or welfare in that the design of the residence will ensure adequate light, air, privacy and open space to surrounding properties. The proposed two-story structure is situated on the lower portion of the on-site hillside slope, which will preserve views and privacy of the surrounding properties. The project complies with the maximum allowable building height limitations of 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. A private septic system will serve the 1.08 acre parcel and has been tentatively approved by the Los Angeles County Health Department.

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 Very Low Density zone and Old Agoura Design Overlay District. The proposed residence meets all required setbacks and height limitation, and lot coverage requirements for the zone. The incorporation of permeable or semi-permeable driveway and hardscape materials will reduce runoff and maintain the rural atmosphere of the Old Agoura neighborhood.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community in that the project will meet the minimum yard setback requirements for the RV zone and the closest distance to the nearest residence will be approximately 173 feet. The residence will be placed an appropriate distance from the street serving the property to preserve public views. The RV 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 in that the project is designed to incorporate the existing terrain into the site plan to the maximum extent possible to minimize grading and to preserve viewsheds, as called for in the Land Use Element of the General Plan.

G. As conditioned, removal of one protected Oak trees and encroachment into the five protected Oak trees is necessary for construction of the proposed garage.

Section 4. The project is a request for one, single-family residence and is exempt from the California Environmental Quality Act (CEQA), per Section 15303 and does not require adoption of an environmental impact report or negative declaration.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

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PASSED, APPROVED, and ADOPTED this 7th day of August, 2008, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary