



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

To: Planning Commission

From: Planning Staff

Subject: Adoption of a Draft Resolution of Denial – Case Nos. 03-CUP-016 and 03-OTP-017 (Sean Ben-Menaheem)

Date: August 21, 2008

I. BACKGROUND

On March 20, 2008 and August 7, 2008, the Planning Commission held a public hearing to consider Sean Ben-Menaheem's request for approval of a Conditional Use Permit (Case No. 03-CUP-016), and Oak Tree Permit (Case No. 03-OTP-017) for the development of a two-story single-family residence with an attached two-car garage, and to encroach in the protected zone of nine (9) oak trees and to remove one (1) other oak tree for the construction of the project. The vacant lot is located at 6149 Palo Comado Drive. Upon receiving written and oral testimony from staff, and the public on August 7, 2008, the Planning Commission directed staff on a 3-2 vote (Chair O'Meara and Vice Chair Zacuto opposed) to return with a Resolution of denial for both applications. Attached for the Planning Commission's consideration and adoption is a draft Resolution of denial.

Following the August 7, 2008 meeting, the applicant submitted a letter to the Planning Commission requesting that the Commission continue the hearing in order to revise the project to address the Commission's concerns. If the Planning Commission supports the applicant's request, staff recommends the public hearing be continued to the October 16, 2008 Planning Commission meeting.

II. RECOMMENDATION

Staff recommends the Planning Commission continue the hearing to October 16, 2008 for redesign. Alternatively, the Planning Commission can adopt the attached draft Resolution, denying the applicant's Conditional Use Permit and Oak Tree Permit applications.

III. ATTACHMENTS

- Applicant's Request for a Continuance
- Draft Resolution of Denial

SEAN BEN-MENACHEM

August 11, 2008

**Planning Commission
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301**

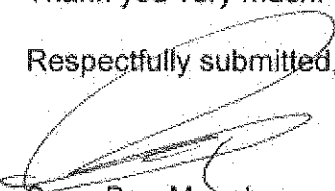
Re: 03-CUP-016
03-OTP-017
6149 Palo Comado Drive
Agoura Hills, CA

Dear Commissioners:

This letter is to request for reconsideration of your decision to approve the resolution of denial of the above mentioned application. We would appreciate if you can give us an opportunity to make changes on the project and come back for continuance in October 2008.

Thank you very much.

Respectfully submitted,


Sean Ben-Menahem
Trustee of the SBM Family Trust

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
DENYING CONDITIONAL USE PERMIT CASE NO. 03-CUP-016
AND OAK TREE PERMIT CASE NO. 03-OTP-017

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

Section 1. An application was duly filed by Sean Ben-Menahem with respect to the real property located at 6149 Palo Comado Drive, Assessor's Parcel Number 2055-023-073, requesting the approval of a Conditional Use Permit Case No. 03-CUP-016 to allow the development of a 4,515 square-foot, two-story, single-family residence, a 428 square foot attached two-car garage and 217 square feet of patio covers and 332 square feet of balconies/decks; and requesting approval of Oak Tree Permit Case No. 03-OTP-017 to remove one (1) oak tree and encroach in the protected zone of nine (9) oak trees for the proposed construction. Public hearings were duly held on March 20, 2008, and on August 7, 2008, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, California. 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 of the aforesaid Public Hearing.

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

- A. The proposed use is not consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. Although the use is permitted in the Residential Very Low Density zone and the Old Agoura Design Overlay zone, it is subject to design guidelines and standards that encourage a rustic style of architecture including one that does not negatively impact the topography of the parcel. In this case, it is found that the size and massing is incompatible with the topography of the lot and the neighborhood.
- B. The proposed use is not compatible with the surrounding properties. The project will not contribute to maintaining the rustic character of the community in that the proposed development pad area is too large for the site and lacks consideration of the hillside topography resulting in grading quantities that should be reduced.
- C. The proposed use would be detrimental to the public health, safety or welfare in that the off-site potential drainage impacts have not been adequately addressed as part of the proposed project.
- D. The proposed use does not comply with the recommended standards for hillside development in that the project encroaches within the required undisturbed open space areas for development of this parcel.

- E. The proposed use is not consistent with the goals, objectives and policies of the General Plan, specifically Implementation Measures 2.1, 2.2, and 2.4., which state that the architectural design and building location shall incorporate the existing terrain into the Site Plan to the maximum extent possible to minimize grading, and that overbuilding of residential parcels shall be discouraged and that provisions shall be made to incorporate areas suitable for horses and other farm animals thereby enhancing the equestrian character of the area.

Section 4. Based on the aforementioned findings, the Planning Commission hereby denies Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

Section 5. Any interested party may appeal this decision to the City Council pursuant to Sections 9804.5 and 9804.6. of the Agoura Hills Municipal Code. Section 1094.6 of the California Code of Procedure governs the time within which judicial review, if available, of the Planning Commission's decision must be sought, unless a shorter time is provided by other applicable law.

PASSED, APPROVED and ADOPTED this 21st day of August, 2008 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary