

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 04-SPR-019
MODIFICATION REQUEST CASE NO. 04-MOD-002
AND OAK TREE PERMIT 05-OTP-030

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

Section 1. An application was duly filed by D.A. Foster Construction, with respect to the real property located at 5545 Foothill Drive, Assessor's Parcel Number 2055-018-041 requesting approval of a Site Plan/Architectural Review Case No. 04-SPR-019 to demolish an existing single-family residence and construct a 2,998 square-foot, single-story residence with an attached 452 square-foot garage; a Modification from Section 9233.2.A. to reduce the front yard setback from 25 to 20 feet and an Oak Tree Permit Case No. 05-OTP-030 to potentially remove two oak trees. A Public Hearing was duly held on June 1, 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 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. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. Although the RL zone requires a 25 foot wide front yard setback from the structure to the property line, the proposed front yard will not be any less than previously existing and the applicant will retain the single-story height of the residence thereby protecting privacy of the 5 adjacent lots.
- B. That the granting of the Modification will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The house will be rebuilt on an existing foundation as previously existed and will continue to have the same non-conforming front yard as existed prior to demolition of the house in the year 2004. The reduced front yard extends 20 feet along the house frontage.
- C. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The applicant's desires to retain the existing foundation for reconstruction of the residence.

Strict enforcement of the Zoning will require a redesign of the residence to modify the foundation and reconfigure or relocate the kitchen within a proposed house that is generally smaller than others in the immediate vicinity.

- D. That the granting of the Modification will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The granting of the Modification would not be detrimental to the neighborhood in that the structure is upgraded to current Building Code requirements. The reduced setback does not prohibit access by the Fire Department to provide emergency services. The construction includes upgrades to the design of the residence and the project will be built in compliance with City Building Codes. The house will remain a single-story structure, thereby preserving light, and privacy to adjacent neighbors.
- E. That the granting of the Modification will be consistent with the character of the surrounding area. The choice of colors and materials will be consistent with residences built and remodeled in the vicinity. The proposed materials will consist of imitation wood siding and brick veneer with a light concrete, flat roof tile. The house remains a single-story structure with sufficient space to provide open space and will provide an improved driveway. The proposed house would be in the center of the flag lot and would not be visible from Foothill Drive.

Section 4. The Planning Commission finds, pursuant to Section 9657 the Agoura Hills Zoning Ordinance, that the removal of two (2) oak trees is warranted for the purpose of grading a driveway. Mitigation measures have been implemented to mitigate the loss of the oak tree through the requirement to provide an in-lieu fee equivalent to the amount required to purchase and plant the required trees. The proposed mitigation measures for removal for grading purposes satisfy the Oak Tree Preservation Ordinance and the City's Oak Tree/Landscape Consultant's requirements.

Section 5. The Planning Commission finds that the proposed Site Plan/Architectural Review to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15332 (a) through (e), in that the project is an in-fill development and meets the conditions prescribed by that section.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 04-SPR-019, Modification Request Case No. 04-MOD-002 and Oak Tree Permit Case No. 05-OTP-030, with respect to the property described in Section 1.

PASSED, APPROVED and ADOPTED this 1st day of June, 2006, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Phil Ramuno, Chairperson

ATTEST:

Doug Hooper, Secretary