

DRAFT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING CONDITIONAL USE PERMIT CASE NO. 03-CUP-001 AND  
OAK TREE PERMIT CASE NO. 03-OTP-001

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

Section 1. An application was duly filed by Glen Benton with respect to the real property located on the 28100 block of Laura La Plante Drive, Assessor's Parcel Number 2061-016-054, requesting the approval of a Conditional Use Permit Case No. 03-CUP-001 and an Oak Tree Permit Case No. 03-OTP-001 to allow the development of a 3,300 square-foot, two-story single-family residence and a 768 square-foot, attached two-car garage. A Public Hearing was duly held on November 3, 2005, 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. The proposed use as conditioned, is consistent with the objectives of this article and the purposes of the district in which the use is located. The proposed project is located within the Residential Single-Family zone and the Indian Hills Overlay District, which provides general design standards for residential developments. All minimum development standards have been met with regard to lot coverage, side and rear setbacks, height and architectural guidelines.
- 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 are compatible with the neighborhood and meet the requirements of the Indian Hills Design Overlay District. The in-fill lot is compatible with the size of the developed residential lots in the Indian Hills area.
- C. The proposed use as conditioned, and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare. No element of the architecture or the use is detrimental to the health, safety or welfare of the public as single-family residences are allowed in that particular zone. Geological, geotechnical, drainage studies and landscape plans have been provided and approved by the City Consultants.
- D. The proposed use as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances or

modifications with regard to infrastructure developments and hillside standards. A separate variance request is also considered with regard to front yard setback, open space area and retaining wall height.

- E. The proposed use as conditioned, will maintain the diversity of the community by its terraced design and attention to details. The project will use the existing conditions and will require minimal grading. Placement of surrounding properties and mature landscaping is such that the project will not impact view-sheds of these properties.
- F. The proposed use as conditioned, is consistent with the goals, objectives and policies of the General Plan, the proposed impacts to the natural resource, i.e. the oak trees will be mitigated by providing a fund to replant the resource within the community. As development continues to occur along Laura Plante Drive, there will be greater opportunities to realign the easement with the existing roadway.
- G. The impacts to Oak Tree #1, as a result of the proposed construction of the primary residence as conditioned will be mitigated to comply with the intent of the Municipal Code and General Plan. The proposed construction of the primary residence and other on-site amenities as conditioned will be accomplished without endangering the health of all other remaining on and off-site oak trees. The proposed mitigation measures satisfy the Oak Tree Preservation Ordinance and the City's Oak Tree/Landscape Consultant's requirements.

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. 03-CUP-001 and Oak Tree Permit Case No. 03-OTP-001, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 3<sup>rd</sup> day of November, 2005 by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
William D. Koehler, Chairperson

ATTEST:

\_\_\_\_\_  
Michael Kamino, Secretary