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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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ACTION DATE: August 18, 2011

TO: Planning Commission

APPLICANTS: Tim English and Tim Ahern  
Ahern Construction Corporation  
3835-R Thousand Oaks Blvd., Suite 118  
Westlake Village, CA 91362

CASE NOS.: 03-CUP-011 (Amendment) and 11-VAR-001

LOCATION: 28354 Balkins Drive

REQUEST: Request for approval to amend a previously approved Conditional Use Permit to construct a new, 836 sq. ft. swimming pool and a barbecue on a developed residential lot; and a request for a Variance from Zoning Ordinance Section 9652.13.B. to exceed the maximum seven and one-half percent (7.5%) development area for a hillside lot, for the proposed construction.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15303(e) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-011 (Amendment) and Variance Case No. 11-VAR-001, subject to conditions, based on the findings of the attached draft Resolution.

ZONING DESIGNATION: RV-OA (Very Low Density Residential – Old Agoura Design Overlay)

GENERAL PLAN DESIGNATION: RV (Residential Very Low Density)

## I. PROJECT BACKGROUND AND DESCRIPTION

On February 17, 2005, and March 3, 2005, the Planning Commission held public hearings to consider Jane Swenson's request for Conditional Use Permit and Oak Tree Permit to construct a 5,420 square foot, two-story single-family residence, and a 883 square foot attached garage, at the west end of Balkins Drive, at 28354 Balkins Drive. The requests were unanimously approved by the Planning Commission and the house was subsequently constructed and occupied in August, 2008.

The 1.01 acre parcel (43,996 square feet) is located in the RV-OA (Very Low Density – Old Agoura Design Overlay) zoning districts and has an average topographic slope of 35% that and rises approximately 70 feet in a southeasterly direction from the northwest corner of the lot. The Zoning Ordinance requires the Planning Commission's consideration and approval of a Conditional Use Permit for any development on lots that exceed 10% average topographic slope. The site was pre-graded approximately 26 years ago as part of a Parcel Map subdivision approval. This allowed for a graded building pad area located near northwest corner of the property. The applicant designed the placement of the residence within this pre-graded pad area, as the base of the cut slope, thereby protecting on-site Oak trees and reducing the need for further grading of the site.

The footprint of the residence and three-car garage is 3,410 square feet, or 7.75% of the lot, and excludes the driveway and yard areas. The Hillside Ordinance requires that at least 92.5% of the lot remain in undisturbed open space for that have an average topographic slope of 31-35%. Thus, the maximum amount of development area, including the residence, garage, driveway and yard areas should not have exceed 7.5% of the lot.

In evaluating the development proposal for home, staff considered whether a Variance would be required for the proposed development area of 7.75% of the lot. The Hillside Ordinance does not address conditions relative to development area requirements for pre-graded lots. Therefore, staff relied on the intent of the Ordinance which is to preserve the natural terrain from incompatible development through creative design. The natural terrain of the lot had been significantly disturbed by the past grading and the existing pad was to remain, regardless of the size of the proposed residence. Although the project exceeded the maximum amount of development area of a hillside lot, the applicant worked with staff to minimize further impacts to the hillside areas of the lot by reducing the size of the residence from its original design, and locating the house within the existing building pad area. Also, all Oak trees were retained and the applicant provided permeable surface material (gravel) in the driveway and ground cover (sod) in the yard areas to reduce runoff and maintain the rural atmosphere of the neighborhood. Thus, the driveway and yard materials were excluded from the lot coverage calculations, although the residence itself exceeded the maximum 7.5% development area. The Planning Commission agreed that the proposed

development area of the project met the intent of the Hillside Ordinance, and approved the project. Construction was completed in 2008.

The property owner is in the process of selling the house and the potential buyer, Tim English, and his contractor, Tim Ahern, have filed an application to amend the approved Conditional Use Permit to construct on the south end of the residence a new 836 square foot swimming pool, spa, and slide; a new barbecue (12' x 3' x 3' in size; 36 square foot footprint); a 65 square foot pool equipment enclosure; and 540 square feet of permeable pavers. The proposed accessory structures would increase the development area by 937 square feet. (Permeable surfaces, including permeable pavers, can be excluded from development area calculations in the RV zone). When combined with the existing residence, the proposed development area would be 4,347 square feet, or 9.8%. Given the significance in this proposed increase in development area, and the fact that this latest proposal was not discussed as a future improvement of the property at the time the Planning Commission considered the original development of the site, staff required the applicants to also apply for a Variance from the Hillside Ordinance maximum development area standard of 7.5%.

## II. STAFF ANALYSIS

A majority of the proposed project area is within an existing lawn area, which is also within the previously pre-graded pad area of the property. However, portions of the swimming pool, specifically the spa and permanent pool slide, are proposed at the base of hillside slope, and will require the removal of an existing retaining wall and 29.63 cubic yards of grading to accommodate the proposed swimming pool design.

Since these ancillary structures were not proposed at the time the residence was reviewed, staff is uncertain whether they would have been approved at that time, if considered in combination with the two story house. However, most of the proposed improvements will be located in the existing lawn area, which is situated in the lot's previously pre-graded pad area and the swimming pool, spa, and barbecue are typical uses within a residential yard. Permeable pavers are also proposed, which helps in the transition of surfaces from the house to the pool, and a stucco pool equipment enclosure is proposed to modulate the noise. In addition, the improvements would be located in a somewhat isolated area on the property and screened with little to no impact to neighboring properties. No oak trees would be impacted by the proposed construction and the applicant will retain the previously approved designated equestrian area east of the driveway, near the northeast corner of the property, at the base of the slope fronting Balkins Drive.

The purpose of the Hillside Ordinance is to protect the natural terrain, quality environment, and aesthetic character of hillside resources from incompatible development, while encouraging creative, innovative, and safe residential development. The proposed

swimming pool and slide will require 29.63 cubic yards of cut into the existing yard area and hillside slope. The pool is designed to take advantage of the hillside by placing the slide nine feet (9') above the pool, at the base of the cut slope. The spa is designed to be situated below the slide, and cantilever five feet (5') above pool. If the Planning Commission finds that the required grading conflicts with the intent of the Hillside Ordinance, the Commission does have the discretion to require to swimming pool and spa be redesigned to avoid the hillside grading.

The RV zone allows for a maximum lot coverage of 25% for non-hillside lots. However, this is a hillside lot and, as previously noted above, the Hillside Ordinance also requires a minimum percentage of a hillside parcel to remain in undisturbed open space. The required percentage of open space varies by the average topographic slope of the property. Steeper hillside lots require a greater percentage of property to remain in open space. In this instance, the average topographic slope of the residential lot is 35%. Per Section 9652.13 of the Zoning Ordinance, at least 92.5% of the lot must remain in undisturbed open space (with maximum 7.5% of developable area). Because the proposed improvements, when combined with the footprint of the existing residence, results in a 9.8% development area (91.2% open space), the applicants have filed a Variance application.

Staff supports the Variance application, finding that the residence and garage, alone, exceed the maximum hillside lot coverage limitation and no accessory structures currently exist on the property. The proposed accessory structures, which are permitted uses in the RV zone, would be located primarily on an existing, graded yard area, would meet the required setbacks from property lines, and would be screened from neighboring views. Strict application of the Hillside Ordinance would prohibit accessory structures from being located anywhere on the 1.01 acre lot, although there is existing yard area to accommodate the proposed structures. A draft Resolution, with required findings for approval of the Variance, is attached for the Planning Commission's consideration.

The Planning Commission finds the proposed project to consist of ancillary structures and equipment on a developed single-family residence and is, therefore, found to be exempt from the requirements of the California Environmental Quality Act, per Section 15303(e).

### **III. RECOMMENDATION**

Based on the foregoing review and analysis, staff recommends the Planning Commission approve Conditional Use Permit 03-CUP-011 (Amendment) and Variance Case No. 11-VAR-001, subject to conditions.

#### IV. ATTACHMENTS

- Conditional Use Permit Draft Resolution and Conditions of Approval
- Variance Draft Resolution and Conditions of Approval
- Reduced Photocopies of Project Plans
- Pictures of the Property
- Approved Planning Commission Resolution No. 801
- March 3, 2005 Planning Commission Staff Report
- February 17, 2005 Planning Commission Staff Report
- March 3, 2005 Planning Commission Meeting Minutes
- February 17, 2005 Planning Commission Meeting Minutes
- Vicinity Map

Case Planner: Doug Hooper, Assistant Director of Community Development

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 03-CUP-011

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

Section 1. An application was duly filed by Tim English and Tim Ahern with respect to real property located at 28354 Balkins Drive (A.P.N. 2055-021-042), requesting approval to amend a previously approved Conditional Use Permit to construct a 836 square foot swimming pool, spa, and equipment, and a barbecue on a 1.01 acre developed residential parcel. A public hearing was duly held on August 18, 2011, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing 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 of the Zoning Ordinance and the purposes of the Very Low Density Residential- Old Agoura- Design Overlay District (RV-OA) zone in which the use is located. The property designation allows for development of accessory structures serving a single-family residence, and the proposal meets the development standards for the zone relative to the height and placement of the structures from the property lines.

B. The proposed use, as conditioned, is compatible with the surrounding properties in that the height and location of the proposed structures will serve as ancillary uses to the main residence and will not impact the aesthetic character of the neighborhood, or neighboring views.

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 structures will ensure adequate light, air, and privacy to surrounding properties. The proposed structures are situated at the base of the on-site, hillside slope, which will preserve views of the surrounding neighbors, and will be constructed in compliance with the City Building Code.

C. The proposed use, as conditioned, will comply with the provisions of this Zoning Ordinance relative to height, design, and location, and is consistent with the development standards of the Very Low Density Zone and Old Agoura Design Overlay District. The proposed ancillary structures meet required setbacks and height limitation requirements for the zone. The structures are of a creative building design and location that will be within an existing pre-graded yard area of the parcel. The incorporation of permeable pavers 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. The ancillary structures will be placed an appropriate distance from the street serving the property, and from neighboring properties, to preserve public views. The RV Zone allows for the development of ancillary structures to single-family residences.

F. That the proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan in that the structures located, scaled, and designed to reflect the existing terrain and minimize grading to the maximum extent possible, and are integrated into the hillside, taking care to preserve the viewsheds and natural ridgelines, as called in Policy LU-8.3 of the General Plan Land Use and Community Form Element.

G. The site, as conditioned, is physically suitable for the proposed type and density of development in the RV Zone in that the 1.1 acre sized parcel meets the minimum lot size requirement for the RV Zone and the proposed ancillary structures meet the minimum setback distance from each property line.

Section 4. The Planning Commission finds the proposed project to consist of ancillary structures and equipment on a developed single-family residence and is, therefore, found to be exempt from the requirements of the California Environmental Quality Act, per Section 15303(e).

Section 5. Based upon the aforementioned findings, the Planning Commission hereby approves an amendment to Conditional Use Permit Case No. 03-CUP-011, with respect to property described in Section 1 hereof, subject to the attached Conditions of Approval.

Draft Resolution No. \_\_\_\_

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PASSED, APPROVED and ADOPTED this 18<sup>th</sup> day of August, 2011, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSENT: (0)  
ABSTAIN: (0)

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Steve Rishoff, Chairperson

ATTEST:

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Mike Kamino, Secretary



## CONDITIONS OF APPROVAL (Case No. 03-CUP-011, Amendment)

### STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicants have agreed in writing that the applicants are aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
7. The structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
8. Unless this permit is used within two (2) years from the date of City approval, Case No. 03-CUP-011 (Amendment) shall expire. A written request for a one (1) year extension may be considered prior to the expiration date.
9. All outstanding fees owed to the City, if any, shall be paid by the property owner within thirty (30) days from the date of this approval, or prior to the issuance of a building permit, whichever occurs first.

### SPECIAL CONDITIONS

10. The pool equipment enclosure shall be enclosed on all sides. The building material colors shall be subject to approval by the Director of Planning and Community Development.

Conditions of Approval (Case Nos. 03-CUP-011, Amendment)

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11. If grading quantities exceed fifty (50) cubic yards for the project, the applicant shall submit a grading permit application, which shall be subject to review and approval by the Planning Commission through a request to amend this Conditional Use Permit.
12. No construction equipment, vehicles, or storage shall be located on Balkins Drive.

END

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING VARIANCE CASE NO. 11-VAR-001

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

Section I. An application was duly filed by Tim English and Tim Ahern with respect to the real property located at 28354 Balkins Drive (Assessor's Parcel No. 2055-021-042), requesting approval of a Variance from Zoning Ordinance Section 9652.13(B) to exceed the maximum seven and one-half percent (7.5%) of allowable developed hillside lot coverage for construction of a swimming pool, spa, and barbecue on a developed residential lot. A public hearing was duly held on August 18, 2011, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

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

A. The strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. The residence and garage, alone, exceed the maximum hillside lot coverage limitation and no accessory structures currently exist on the property. The proposed accessory structures, which are permitted uses in the RV, would be located primarily on an existing, graded yard area.

B. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. A majority of the proposed improvements are situated in an existing, pre-graded yard area and would meet the required building height and setbacks from property lines.

C. 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. Although accessory structures are allowed in the RV zone, no other accessory structures currently exist on the property. Strict application of the Hillside Ordinance would prohibit accessory structures from being located anywhere on the 1.01 acre lot, although there is existing yard area to accommodate the proposed structures.

D. The granting of the Variance 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 structures will be screened from neighboring views and will be constructed in compliance with the City Building Code.

E. The granting of the Variance will be consistent with the character of the surrounding area. Accessory structures are allowed in the RV zone and the proposed structures will be placed primarily within an existing graded yard area and screened from public view. The area of proposed improvements will also include permeable pavers that will minimize runoff, in keeping with the semi-rural area of the Old Agoura Design Overlay (OA) zone.

Section IV. The Planning Commission finds the proposed project to consist of ancillary structures and equipment on a developed single-family residence and is, therefore, found to be exempt from the requirements of the California Environmental Quality Act, per Section 15303(e).

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Variance No. 11-VAR-001, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 18<sup>th</sup> day of August, 2011, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSTAIN: (0)  
ABSENT: (0)

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Steve Rishoff, Chairperson

ATTEST:

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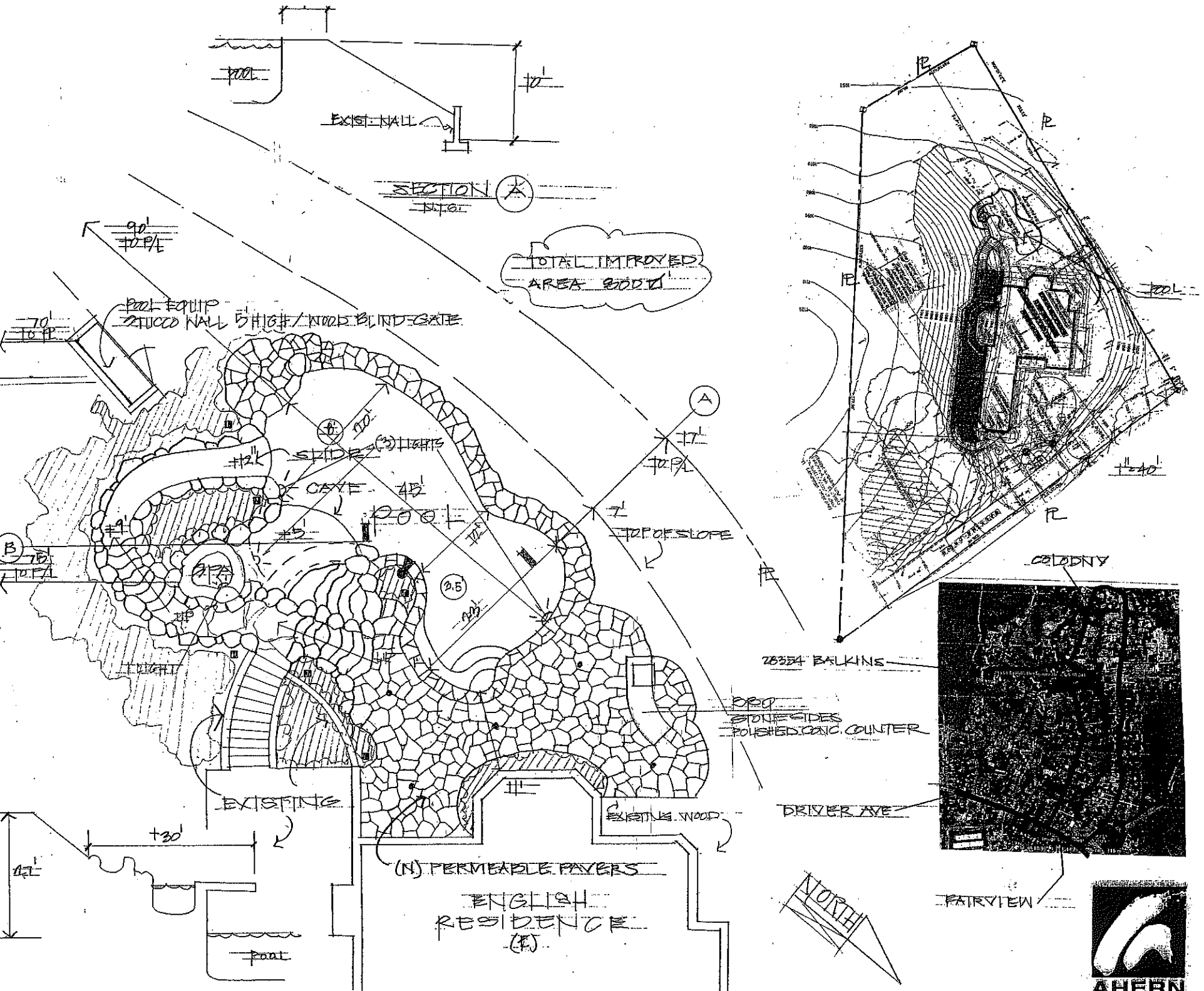
Mike Kamino, Secretary

CONDITIONS OF APPROVAL  
(CASE NO. 11-VAR-001)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan.
3. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
4. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the Site Plan submitted for Conditional Use Permit Case No. 03-CUP-011 (Amendment) and approved by the Planning Commission.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
7. This permit is only valid with the approval and conditions of Conditional Use Permit Case No. 03-CUP-011 (Amendment), adopted by the Planning Commission on August 18, 2011.
8. Unless this permit is used within two (2) years from the date of City approval, Case No. 11-VAR-001 shall expire. A written request for a one (1) year extension may be considered prior to the expiration date.

END







8.9.2011





2834 BALKINS

PHOTO ①





28354 BALKINS

PHOTO ④





8.9.2011



RESOLUTION NO. 801

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING CONDITIONAL USE PERMIT NO. 03-CUP-011 AND 03-OTP-008

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

Section 1. An application was duly filed by Jane Swenson with respect to real property located at 28354 Balkins Drive (A.P.N. 2055-021-042), requesting approval of a Conditional Use Permit to construct a 5,420 square foot, two-story, single-family residence, and an 883 square foot attached, three-car garage on a 1.01 acre vacant parcel; and a request for an Oak Tree Permit to encroach within the protected zone of two Oak trees for the proposed construction. A Public Hearing was duly held on February 17, 2005 and March 3, 2005 at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing 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 of the Zoning Ordinance and the purposes of the Very Low Density Residential- Old Agoura Design Overlay District (RV-OA) zone 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 placement from the property lines.

B. The proposed use, as conditioned, is compatible with the surrounding properties in that the proposed design, materials and colors of the residence are compatible with neighboring structures and the topography of the property. The site was pre-graded over 20 years ago and only slight changes to the existing grading are proposed to accommodate the development. Natural materials and colors are utilized as called for in the City's Architectural Design Guidelines and as emphasized in the Old Agoura Design Overlay District. The project was reviewed by the City's Architectural Review Panel and appropriate design conditions have been placed on the project.

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 at the base of the on-

site hillside slope, which will preserve views of the surrounding neighbors. Geotechnical and geological reports have also been prepared for the proposed construction on the property, which include mitigation measures to minimize potential risks of geotechnical and geological hazards.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of this 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, height limitation requirements for the zone and incorporates natural building materials in the project design. The lot was pre-graded approximately 20 years ago, prior to adoption of the City Zoning Ordinance and Hillside Ordinance, which significantly disturbed the natural terrain of the property. Although the proposed lot coverage exceeds 7.5%, the project retains the remaining undisturbed portions of the property and consists of a creative building design and location that is within an existing pre-graded building pad area. The incorporation of permeable or semi-permeable driveway and hardscape materials will reduce runoff and maintain the rural atmosphere of the Old Agoura neighborhood. Thus, the proposed lot coverage of this project meets intent of the Hillside Ordinance is being met with the proposed lot coverage.

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. 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. That 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 Goal No. 6 of the General Plan Land Use Element.

G. The site, as conditioned, is physically suitable for the proposed type and density of development in the RV Zone in that the one acre sized parcel meets the minimum lot size requirement for the RV Zone and the proposed residence meets the minimum setback distance from each property line.

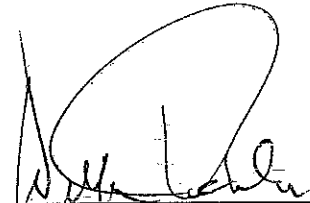
H. The encroachment into the protected zone of one (1) Oak tree is necessary for exterior access purposes will not significantly impact the health of the tree, nor will the proposed construction impact the health of the remaining Oak trees on the property.

Section 4. The Planning Commission finds the proposed single-family residence to be exempt from the requirements of the California Environmental Quality Act, per Section 15332, as an in-fill development project that does not involve the significant removal or replacement of native vegetation and the parcel is less than 5 acres in size.

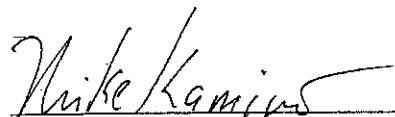
Section 5. Based upon the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 03-CUP-011 and 03-OTP-008, with respect to property described in Section 1 hereof, subject to the attached Conditions of Approval.

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

AYES: Koehler, Ramunoz, Rishoff, Schwarz, Zacuto  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
William Koehler, Chairperson

ATTEST:

  
\_\_\_\_\_  
Mike Kamino, Secretary

CONDITIONS OF APPROVAL (Case No. 03-CUP-011 and 03-OTP-008)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformance to the approved labeled exhibits: Site Plan; Elevation Plans; Floor Plans, Roof Plan, and Grading Plan.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
8. The applicant shall install a dual water system if recommended by the Las Virgenes Municipal Water District.
9. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
10. All utilities existing and proposed shall be placed underground. If over-head utilities 66KV or larger exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.

Conditions of Approval (Case Nos. 03-CUP-011 and 03-OTP-008)

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11. A minimum of two (2) enclosed parking spaces shall be provided on the subject property, in conformance with the City Parking Ordinance. The minimum interior clear space must be 20 feet by 20 feet.
12. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
13. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.
14. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
15. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 03-CUP-011 and 03-OTP-008 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
16. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current rate is \$2.24 per square foot.
17. Prior to issuance of a Building Permit, the applicant shall submit a letter to the Director of Planning and Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Planning and Community Development.
18. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be allowed.
19. Prior to the issuance of a Building Permit, the applicant shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$0.3877 per square foot.

ENGINEERING/ PUBLIC WORKS DEPARTMENT CONDITIONS

General

20. All improvement plans, including, but not limited to, street, grading, sewer, storm drain, and striping/signage plans, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer (Civil Engineer).
21. Prior to Certificate of Occupancy issuance, all Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works.
22. All retaining walls and fences shall be limited to six feet in height.
23. Prior to Certificate of Occupancy issuance, the applicant shall prepare all documents necessary to vacate the existing 20-foot slope easement on the applicant's property.
24. Prior to Certificate of Occupancy issuance, the applicant shall coordinate with the Los Angeles County Assessor's office to update the Assessor's Parcel Book to reflect the vacation of the Thousand Oaks Boulevard easement, as outlined in Resolution No. 537, approved by the City Council on July 12, 1989, and recorded at the Los Angeles County Recorder's office on November 4, 1991. The applicant shall provide written evidence to the City from the County Assessor's office to satisfy the requirements of this condition.

Grading

25. All grading shall conform to City's grading ordinance, Chapter 33 of the Uniform Building Code as modified.
26. A site grading plan shall be submitted for review and acceptance by the City Engineer and shall conform to the City's grading ordinance. The plan shall be signed and stamped by a Civil Engineer. The plans, among other details, shall show cut/fill quantities, proposed utilities, existing and proposed easements, oak trees, and drainage facilities. The grading plan shall be accompanied by a Soils Report, prepared in accordance with the Guidelines for Geotechnical and Geological Reports in the City of Agoura Hills.
27. Prior to the issuance of a grading permit the following must be satisfied: the grading plan has been reviewed and accepted by the City Engineer, the final soils report has been approved, and the applicable plan check and permit fees have been paid.



28. Prior to approval of foundation by Building & Safety Department, applicant shall submit a grading report as outlined in Section 3304.20 of the City's Municipal Code. Report information shall include, but is not limited to, building pad and grade certifications. Building pad certifications must be completed by the applicant's project Civil Engineer. Grade certifications must be completed by the applicant's project Civil Engineer and Geotechnical Engineer and/or Geologist. All certifications must be signed and stamped by State-licensed professionals.
29. All retaining walls and fences shall be constructed entirely within the applicant's property lines. This shall include, but is not limited to, wall footings. A note to this effect shall be included on the grading and building plans.

Drainage

30. Prior to issuance of a grading permit, applicant shall submit a drainage study and plan prepared by a Civil Engineer for review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of the Los Angeles County Department of Public Works. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties. The study shall also address onsite and offsite flow and the ultimate disposition of the flow. The plan needs to properly size all onsite drains and provide erosion control measures at outlets.
31. Prior to the issuance of a grading permit, the applicant shall submit a Standard Urban Storm Water Mitigation Plan (SUSMP) as outlined in the Model Programs for Stormwater Management within the County of Los Angeles. The plan shall identify potential pollutants, and outline all post-construction Best Management Practices (BMP) used to reduce pollutants in storm water discharges.
32. Applicant shall cause the recording of a City-provided stormwater Best Management Practice (BMP) Covenant and Deed Restriction for the property's permanent BMPs with the Los Angeles County Recorder's Office upon completion of drainage and grading work.
33. Prior to issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) that shall be subject to approval by the City Engineer. The plan shall outline all Best Management Practices (BMPs) used in order to reduce pollutants in storm water discharges occurring during construction. Applicant shall be responsible for maintaining all BMPs during construction, and shall keep an updated maintenance log onsite at all times. A copy of the SWPPP shall be present onsite for the entire duration of the project. Applicant shall make changes to the approved SWPPP at any time if the City determines more pollution prevention measures are necessary.
34. Prior to issuance of a grading permit, the applicant shall submit a Wet Weather Erosion Control Plan in accordance with the National Pollution Discharge Elimination System (NPDES) program for review and acceptance by the City

Engineer. The applicant shall abide by all requirements of the approved plan for any grading operations occurring between October 1<sup>st</sup> and April 15<sup>th</sup>. Submittal of this plan does not exempt the applicant from submittal of a SWPPP as required by these conditions.

#### Traffic and Roadways

35. The applicant shall pay the Arterial Street System Development Fee specified in the City of Agoura Hills Municipal Code. This fee is estimated to be \$2,440 and is based on the construction of one single-family dwelling.
36. The applicant shall dedicate 25 feet of right-of-way for street purposes along the Balkins Drive frontage from the southerly line of the existing 25-foot roadway easement to the north.
37. The applicant shall improve the property frontage along Balkins Drive in accordance with Old Agoura Road Standards. The half-street roadway shall be designed and constructed to include 20-foot minimum pavement, which shall include a 13-foot travel lane/3-foot inverted drainage shoulder, constructed within the existing and/or dedicated road easement. Prior to construction, all street improvements shall be reviewed and approved by the City Engineer and Fire Department.
38. The applicant shall furnish and install a sign at the westerly entrance of Balkins Drive from Lapworth Drive warning motorists that there is no opportunity to turn around. Said sign shall require written acceptance for appearance from the Old Agoura Homeowners Association, and approval of the Director of Community Development and the City Engineer prior to installation.

#### Utilities

39. The grading plan shall show all utility connections. All utilities shall be constructed in accordance with applicable building codes.
40. The applicant shall submit evidence of all utility fees being paid to Las Virgenes Municipal Water District.
41. The applicant shall submit evidence for the approval of the septic system to be constructed on this property from Los Angeles County Health Department. The applicant shall contact the Regional Water Quality Control Board, Los Angeles Region, to comply with any necessary regulations for construction of the septic system, and provide written evidence of compliance to the City Engineer.

#### GEOTECHNICAL CONDITONS

42. The project shall comply with all of Bing Yen and Associates' (The City of Agoura Hills' Geotechnical Consultant) Conditions of Approval letter dated May 25, 2004.

OAK TREE CONDITIONS

43. The applicant is permitted to encroach within the protected zone of Oak Tree Number 1 in order to construct the single-family home depicted on the approved plans. The encroachment shall be limited to the construction of stairs accessing the side yard.
44. All remaining oak trees shall be protected in place with no direct impact or encroachment whatsoever.
45. Construction equipment, vehicles, supplies, debris, etc. shall be placed within the protected zone of any oak tree at any time.
46. No herbicides shall be sprayed within one hundred feet (100') of any oak tree at any time.
47. Prior to the start of any work or mobilization on the site the Oak Trees located to the south of the Balkins Drive shall be fenced at the protected zone on the side facing the road, in strict accordance with Article IX, Appendix A, Section V.C.1.1. The City Oak Tree Consultant shall approve the fencing location.
48. No grading, scarifying or other soil disturbance shall be permitted within any portion of the protected zone of the oak trees located on adjacent property.
49. No irrigation or planting shall be installed within the dripline of any oak tree unless specifically approved by the City Oak Tree Consultant.
50. No pruning of live wood shall be permitted from any oak tree unless specifically authorized by the City Oak Tree Consultant. Any authorized pruning shall be performed by a qualified arborist under the direct supervision of the applicant's oak tree consultant. Pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
51. Final road improvement plans shall be submitted to the City Oak Tree Consultant for review, prior to the issuance of a grading permit. An Oak Tree Permit shall be required for encroachment within the protected zone of any on-site or off-site Oak tree encroached upon for the road improvements.

LANDSCAPE CONDITIONS

52. Landscape installation shall be in substantial compliance with the Preliminary Landscape Plans prepared by Dennis Turner ASLA, on June 3, 2004.

53. Prior to the approval of building permits, the applicant shall submit three (3) sets of final landscape plans meeting the following requirements. The plans are subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development:
- a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - b. All plans shall be legible and clearly drawn.
  - c. Oak trees shall be shown with their assigned number, canopies and protected zones clearly indicated.
  - d. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
  - e. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
  - f. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
  - g. The project identification number shall be shown on each sheet.
  - h. The plans shall accurately and clearly depict the following existing and proposed features:
    - Landscape trees, shrubs, ground cover and any other landscaping materials
    - Property lines
    - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
    - Buildings and structures
    - Parking areas, including lighting, striping and wheel stops
    - General contour lines
    - Grading areas, including tops and toes of slopes
    - Utilities, including street lighting and fire hydrants
    - Natural features, including watercourses, rock outcroppings

- i. The Planting Plan shall indicate the botanical name and size of each plant.
54. Plant symbols shall depict the size of the plants at maturity.
55. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
56. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
57. The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings with a minimum of waste and over spray on adjoining areas.
58. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
  - a. Design and static pressures
  - b. Point of connection
  - c. Backflow protection
  - d. Valves, piping, controllers, heads, quick couplers
  - e. Gallon requirements for each valve
59. One copy of each of the following approved plans shall be submitted with the landscape plan check:
  - Site Plan
  - Elevations
  - Grading Plan
  - Conditions Of Approval

#### SPECIAL CONDITIONS

60. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. Plans for the required system shall be approved by the Fire Department prior to the issuance of Building Permits for the residence.

Conditions of Approval (Case Nos. 03-CUP-011 and 03-OTP-008)

Page 9

61. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.
62. Detailed plans shall be submitted for all walls and fences on the property and shall be subject to review and approval by the Director of Planning and Community Development. All future frontage fencing shall be subject to review and approval by the Director of Planning and Community Development.
63. All proposed retaining and garden walls shall consist of split-faced block material to match the exterior of the house.
64. The driveway and hardscape surfaces on the lot shall consist of permeable or semi-permeable materials approved by the Director of Planning and Community Development.
65. The portions of the lot located above the existing cut slope shall remain in its undisturbed natural state.
66. The final Grading Plan and Landscape Plan shall match the approved Site Plan relative to the location and size of the proposed residence and yard areas.
67. Prior to the issuance of a grading permit the applicant shall obtain approval of a landscaping fuel modification plan from the Los Angeles County Fire District. A copy of the Fire District's approved plan shall be submitted to the City Planning Department.
68. Prior to the issuance of a grading permit, the applicant shall obtain an agreement from off-site property owners, including the Santa Monica Mountains Conservancy, for brush clearance purposes as required by the Los Angeles County Fire District. A copy of the agreements shall be submitted to the City Planning Department.
69. Equestrian amenities, if proposed, shall be subject to compliance with the City Grading Ordinance, Zoning Ordinance and Oak Tree Ordinance. Uses or structures other than equestrian amenities located within the designated equestrian area shown in the northeast corner of the Site Plan shall be prohibited.

END



**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Conditional Use Permit Case No. 03-CUP-011 and Oak Tree Permit Case No. 03-OTP-008

**DATE:** March 3, 2005

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**I. BACKGROUND AND DISCUSSION**

On February 17, 2005, the Planning Commission held a public hearing to consider Jane Swenson's request for a Conditional Use Permit and Oak Tree Permit to construct a single-family residence on vacant lot located at 28354 Balkins Drive (Case No. 03-CUP-011 and 03-OTP-008). The Planning Commission continued the hearing to March 3, 2005 and directed staff to return with revised findings of approval that specifically address the proposed lot coverage and the rationale for not requiring a Variance. The Planning Commission also requested that the conditions of approval be modified to delete the requirement for a turn-around on Balkins Drive and to instead provide street signage. The designation of a possible equestrian use area was also requested to be shown on the site plan, near the northeast corner of the property.

The purpose of the Hillside Ordinance is to establish development criteria within sensitive areas that provide an atmosphere and character that the residents of Agoura Hills have expressed a desire to protect. Special regulations were established to protect hillside areas from incompatible development and preserve the natural terrain, quality environment, and aesthetic character while encouraging creative, innovative and safe residential development.

One such regulation of the Hillside Ordinance includes a requirement for on-site open space preservation. The minimum amount of area to remain in undisturbed open space is related to the average slope of the property. The applicant's one-acre parcel has an average slope of 35%. Thus, the Hillside Ordinance requires that at least 92.5% of the lot remain in undisturbed open space. The maximum amount of lot coverage, including the residence, garage, driveway and yard areas should not exceed 7.5% of the lot (or 3,299 square feet). The proposed footprint of the residence, excluding driveway and yard areas, is 3,410 square feet, or 7.75% of the lot.

In evaluating the development proposal, staff considered whether a Variance would be required for the proposed lot coverage. The lot was pre-graded approximately 20 years ago and the Hillside Ordinance does not address such conditions relative to lot coverage requirements. Staff therefore relied on the intent of the Ordinance which is to preserve the natural terrain from incompatible development through creative design. The natural terrain of the lot has been significantly disturbed by the past grading and the existing building pad will remain, regardless of the size of the proposed residence. Although the project exceeds the maximum amount of hillside lot coverage, the applicant

has worked with staff to minimize further impacts to the hillside areas of the lot by reducing the size of the residence and locating the house within the existing building pad area. Also, all Oak trees will be retained and the applicant is agreeable to providing permeable or semi-permeable surface materials in the driveway and yard areas to reduce runoff and maintain the rural atmosphere of the Old Agoura neighborhood.

Since the pre-existing conditions of the site are not specifically addressed in the Hillside Ordinance, the Director of Planning and Community Development determined that the intent of the Hillside Ordinance is being met with the proposed project design relative to lot coverage. Staff has included new language in Section 3.D of the draft resolution of approval that addresses this issue.

The applicant has submitted a revised site plan that shows the designation of a possible equestrian area near the northeast corner of the property. This designation will allow for consideration of equestrian amenities in this area, but would preclude staff from considering other accessory uses or structures in the same area, including a swimming pool, gazebo, play court, etc. Any future equestrian amenity in this area would be subject to the City Grading Ordinance as well as the Oak Tree Ordinance and there is no guarantee that such amenities would be approved by the City. This is addressed as a new condition of approval no. 69.

As directed by the Planning Commission, staff has deleted the condition of approval requiring a turnaround feature for motorists entering Balkins Drive and has replaced condition no. 38 with a requirement for dead end street signage. While a draft sign design was requested by the Commission, after discussing the matter with the City's Traffic Engineer and given the fact the sign would be provided for a private road, and would thus be privately owned and maintained, staff concluded that the sign may be designed by the applicant's architect/engineer to the satisfaction of the Old Agoura HOA, subject to the approval of the Director of Community Development and the City Engineer. The recommended conditions reflect this. Condition no. 47 has also been modified to delete reference to the turnaround feature.

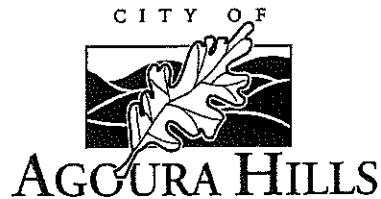
## II. RECOMMENDATION

Based on the Planning Commission's direction given on February 17, 2005, staff recommends that the Planning Commission approve Conditional Use Permit Case No. 03-CUP-011 and Oak Tree Permit Case No. 03-OTP-008, subject to conditions.

## III. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- February 17, 2005 Staff Report





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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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ACTION DATE: February 17, 2005

TO: Planning Commission

APPLICANT: Jane Swenson  
6116 Colodny Drive  
Agoura Hills, CA 91301

CASE NO.: 03-CUP-011 and 03-OTP-008

LOCATION: 28354 Balkins Drive (A.P.N. 2055-021-042)

REQUEST: Request for approval of a Conditional Use Permit to construct a 5,420 square foot, two-story, single-family residence, and an 883 square foot attached, three-car garage on a 1.01 acre vacant parcel; and a request for an Oak Tree Permit to encroach within the protected zone of two Oak trees for the proposed construction.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA per Section 15332

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-011 and 03-OTP-008, subject to conditions based on the findings of the attached Draft Resolution.

ZONING DESIGNATION: RV-OA (Very Low Density Residential- Old Agoura Design Overlay)

GENERAL PLAN DESIGNATION: RV (Very Low Density Residential)

## I. PROJECT DESCRIPTION

The applicant is proposing to construct a 5,420 square foot, two-story, single-family residence in the RV (Very Low Density Residential) Zone of Old Agoura. An attached, 883 square foot, three-car garage is also proposed. The vacant parcel is 1.01 acres in size and is located at the westerly terminus of Balkins Drive, on the south side of the street, west of Lapworth Drive.

The parcel has an average topographic slope of 35% and rises approximately 70 feet in a southeasterly direction from the northwest corner of the lot. The Zoning Ordinance requires the Planning Commission's consideration and approval of a Conditional Use Permit for any development on lots that exceed a 10% average topographic slope. The building pad, which occupies 7.75% of the lot, is situated near the northwest corner of the lot, at a 45-degree from Balkins Drive. The finished floor elevation is proposed at 1062 feet. The topographic elevation along the Balkins Drive frontage ranges from 1046 feet at the westerly terminus to 1070 feet at the easterly corner of the lot. Existing single-family homes are located to the north, south and east of the lot. A private driveway easement and public open space land abuts the property to the west.

The proposed single-family residence is a permitted use in the RV Zone and will meet the required-development standards relative to lot coverage, building placement, and height. Listed below are the proposed development data pertaining to the project:

### Pertinent Data

	<u>Proposed</u>	<u>Required/ Allowed</u>
A. Lot Size	1.01 acres (existing) (43,996 sq. ft.)	1 acre min. (43,560 sq. ft.)
B. Bldg. Height	26 feet (measured at midpoint)	35 feet max.
C. Building Size		
1. First Floor	2,527.5 sq. ft.	N/A
2. Second Floor	2,892.5 sq. ft.	N/A
3. <u>Garage</u>	<u>883 sq. ft.</u>	<u>N/A</u>
Total	6,303 sq. ft.	N/A

Pertinent Data

	<u>Proposed</u>	<u>Required/ Allowed</u>
D. Setbacks		
1. Front (north)	44 feet	25 ft. min.
2. Rear (south)	131 feet	25 ft. min.
3. East Side	80 feet	12 ft. min.
4. West Side	26 feet	12 ft. min.
E. Lot Coverage	3,410 sq. ft. (7.75%)	3,079 sq. ft. (7% max.)
F. No. of Oak Trees	16	N/A
G. Average Slope	35%	N/A

II. STAFF ANALYSIS

A. Site Plan

The site was pre-graded approximately 20 years ago as part of a Parcel Map subdivision approval, creating a 32-foot high, 1.5:1 cut-slope in the middle of the property. This has allowed for a graded building pad area located near the northwest corner of the property. The applicant has designed the placement of the residence within this pre-graded pad area, at the base of the cut slope, thereby protecting on-site Oak trees and reducing the need for further grading of the site.

A single driveway entered from Balkins Drive is to serve the residence. The footprint of the residence of the residence and three-car garage is 3,410 square feet, or 7.75% of the lot area. The Hillside Ordinance requires that at least 92.5% of the lot remain in undisturbed open space for parcels that have an average slope of 31-35%. Thus, the maximum amount of lot coverage, including the residence, garage, driveway and yard areas should not exceed 7.5% of the lot. However, given the fact

that the site was pre-graded over 20 years ago and only slight changes are proposed to the grading to accommodate this development, the integrity and resource value of the existing hillside open space will be retained. Moreover, at staff's request the applicant has reduced the size of the residence, including the garage, by over 500 square feet and is agreeable to providing permeable or semi-permeable hardscape materials for the driveway and yard areas. Given these design changes and the fact that no significant additional grading into the existing hillside open space is necessary, the project meets the intent of the Ordinance. Staff does, however, recommend the applicant be conditioned to retain the hillside area above the existing cut slope in its natural state.

B. Architectural Review

The applicant is proposing earthtone exterior building materials of taupe wood siding with green trim, a limestone veneer and a flat, gray colored tile roof. Multi-paned windows and a covered porch are also proposed.

The proposed structure will be positioned at an angle to Balkins Drive. The most prominent elevation visible from the street will be the north elevation, which is two stories and approximately 30 feet in height at the highest roof line (26 feet high measured at the midpoint). Views of the residence will be somewhat obscured by the Oak trees located near the northeast corner of the property and the existing hillside terrain to the south. Predominant views from the residence will be of the open space land to the west.

The City's Architectural Review Panel (ARP) recommends approval of the proposed design with no conditions. The applicant incorporated the recommended design changes of the ARP regarding the incorporation of natural materials, the exterior materials and color palate, and the siting of the residence to minimize Oak tree impacts. The floor plan includes an unfinished, 1,027 square foot attic space over the garage. Since the attic space is accessed on the second floor, it could be converted to habitable space by a future resident. Thus, staff considered the attic space in the overall size of the house.

The applicant is proposing a driveway of decorative concrete and stone. Staff recommends that the driveway material, as well as yard hardscape, be subject to approval by the Director of Planning and Community Development to ensure that it meets the intent of a permeable surface material. Due to drainage problems experienced on other, recent residential projects, the Public Works Department recommends against the use of decomposed granite for the driveway. Other semi-permeable surfaces would be acceptable.

The pregraded condition of the site, as well as the proposed location of the residence, limited access, the requirement for 35 feet of building separation, and on-site Oak trees make it unlikely that a barn or equestrian area would be constructed on the property. The Old Agoura Homeowner's Association acknowledges this situation in their attached review letter. If a future owner should desire to place an equestrian facility on the property, the most potentially viable location would be in the northeast corner of the lot.

The proposed residence will be largest in the immediate neighborhood that includes average home sizes of approximately 3,200 square feet, as shown in the attached exhibit. There is no specific City adopted size limitation on proposed residences, but the issue of neighborhood compatibility is considered. A reduction in the size of the residence could create more opportunities for equestrian usage and greater compatibility with the Hillside Ordinance lot coverage requirements. However, the residence is proposed on a pregraded pad and is fairly obscured from public view. It would also have minimal impacts to the existing topographic condition of the property.

C. Engineering

The residence is proposed at the base of the existing cut-slope. A minor amount of grading will be needed for the proposed building pad and the 15-foot wide rear yard. An existing 30-inch high retaining wall is located adjacent to the street at the northeast corner of the property. A 6-foot high retaining wall is proposed at the base of the existing cut-slope. Two, 4-foot high retaining walls are proposed at the base of an existing 2:1 fill slope located along the west property line. A 5-foot high retaining wall is proposed at the northwest corner of the lot, extending from the driveway to the west property line. A private septic system, located under the on-site driveway, will serve the residence.

The City's Geotechnical Consultant has reviewed the geotechnical reports prepared for this project and recommends that the project be approved from a geotechnical perspective at the planning stage. If the Planning Commission approves the Conditional Use Permit, the applicant would be required to obtain final clearance from the City's Geotechnical Consultant prior to issuance of a Grading Permit or Building Permit. The City's Geotechnical Consultant's letter dated May 25, 2004 is attached for reference.

The City Engineer is requiring Balkins Drive, which is a private street, to be improved along the property frontage. The half-street improvements are to include a 20-foot of pavement, including a 13-foot travel lane and a 3-foot inverted drainage

shoulder. The applicant is also required to construct an acceptable turnaround feature for motorists on Balkins Drive.

D. Oak Trees and Landscaping

A total of 16 on-site and off-site Oak trees were evaluated for the proposed project. An independent Oak Tree Report was prepared which concluded that no Oak tree will be required to be removed for the proposed construction. However, one Oak tree (No. 1) located near the northeast corner of the residence will be encroached upon for construction of an exterior stairwell that connects the driveway with the rear yard. The City Oak Tree Consultant determined that proposed encroachment would not significantly impact the health of the tree and has provided recommended conditions of approval for the project.

The Engineer's requirement for a vehicular turn-around may result in slight pavement and minor grading encroachment on two off-site Oak trees located near the northwest corner of the site, at the terminus of Balkins Drive. The final road improvement plans will need to be reviewed by the City Oak Tree Consultant, but she supports the encroachment in concept, finding the likely impacts to be minor and reasonable.

The proposed preliminary landscape plan, which is required for proposed hillside development, has been reviewed and the Landscape Consultant recommends approval with minor changes to be added to the final plan. Her recommendations have been included as draft Conditions of Approval for the project.

E. Environmental Review

The City Environmental Analyst reviewed the project for compliance with the California Environmental Quality Act. It was determined that the project conforms with the development standards of the zone and that it will not involve significant removal of native vegetation or replacement of any significant native vegetation. All Oak trees on the site will be preserved, with some intrusion on the dripline of one tree. Based on this analysis, the project has been determined to be Categorical Exempt from the California Environmental Quality Act as an in-fill development project consistent with the State CEQA Guidelines Section 15332. A copy of the draft Notice of Determination is attached.

### III. RECOMMENDATION

Based on the foregoing review and analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-011 and 03-OTP-008, subject to Conditions, based on the findings of the attached Draft Resolution.

### IV. ATTACHMENTS:

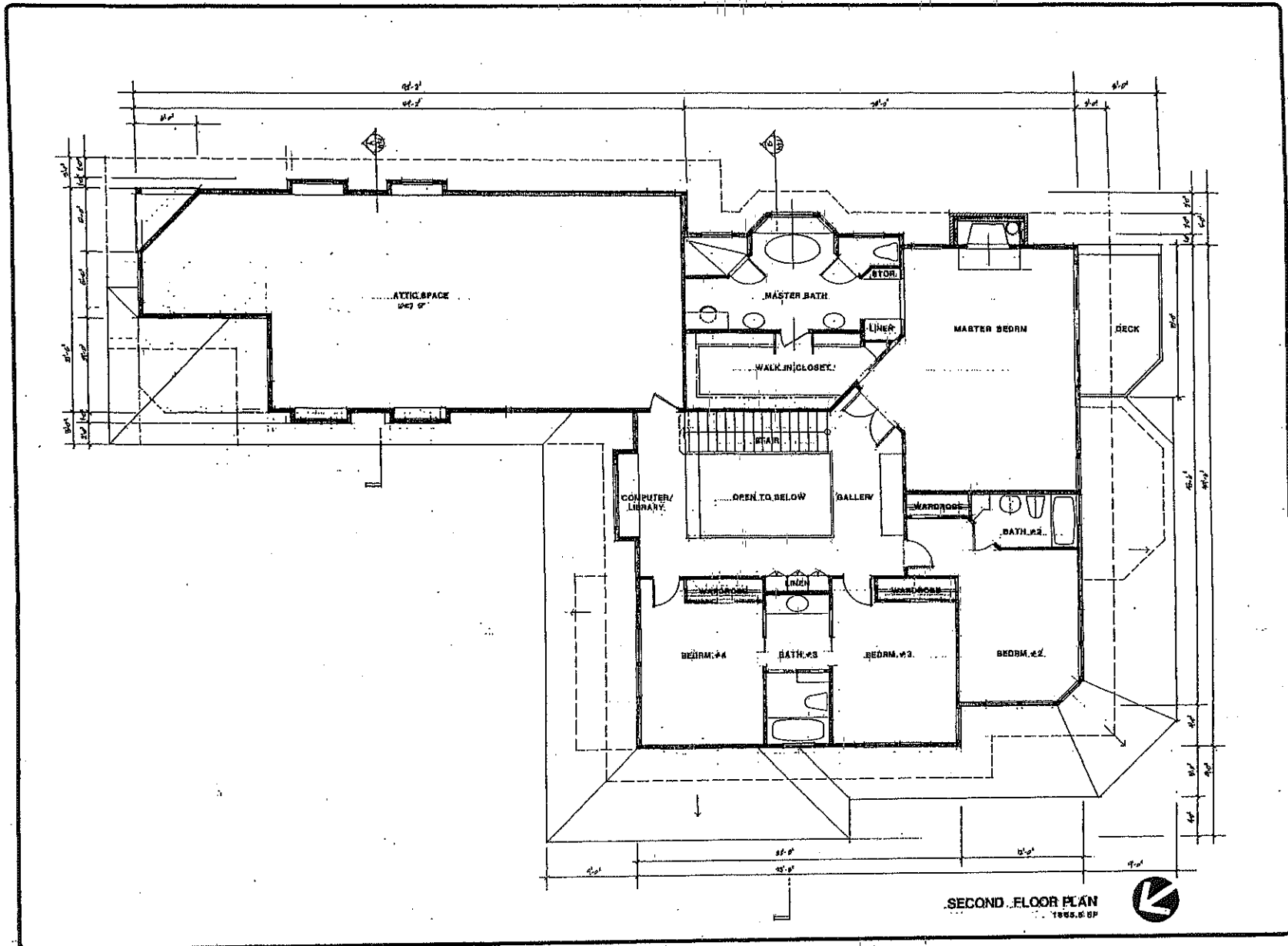
- Draft Resolution of Approval and Conditions of Approval
- Reduced Photocopies of the Project Plans
- Categorical Exemption
- Memo from the City's Geotechnical Consultant
- Letter from the Old Agoura Homeowners' Association
- Map of Neighboring Home Sizes
- Vicinity Map

PREPARED BY: Doug Hooper, Principal Planner









REVISIONS	BY

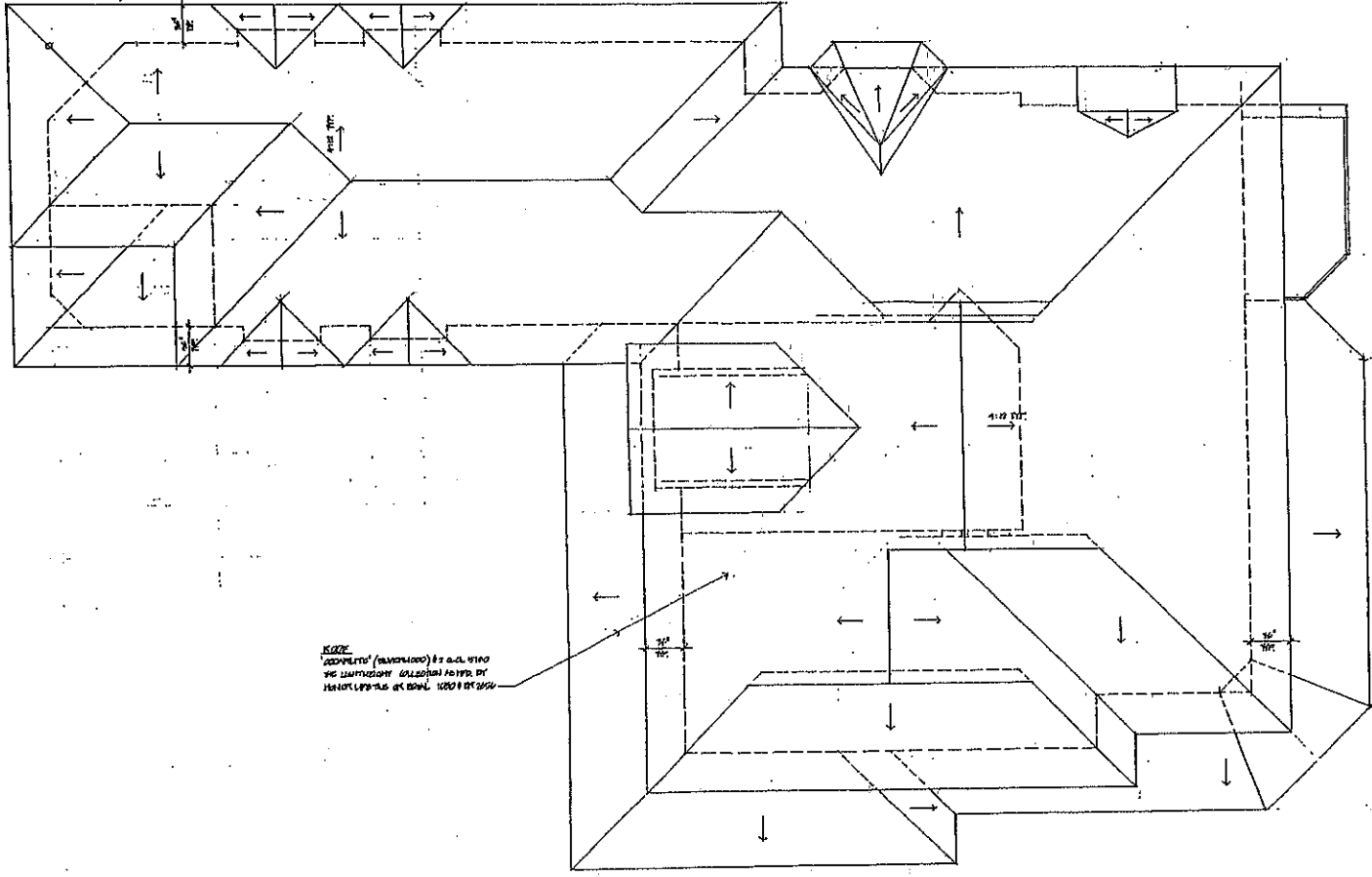
OWNER: CARL & JANE SWENSON  
 PROJECT: SINGLE FAMILY RESIDENCE  
 28354 BALCON DRIVE  
 AGORA HILLS, CALIF 91301  
 SECOND FLOOR PLAN

**A111**  
 ARCHITECTURE  
 PLANNING  
 ENGINEERING  
 INTERIORS

ARCHITECTS AND ENGINEERS  
 11750 WILSON BLVD.  
 SUITE 100  
 WILSON, CALIF. 94094  
 TEL: 415/951-1111  
 FAX: 415/951-1112

DATE: 1985.6  
 DRAWN BY: J. SWENSON  
 CHECKED BY: J. SWENSON  
 SCALE: 1/8" = 1'-0"  
 PROJECT NO.: 1985.6.FP  
 SHEET NO.: 1 OF 1

**A2.2**



NOTE: ROOF PITCHES (SLOPES) AS SHOWN ON THIS PLAN ARE APPROXIMATE AND SHOULD BE VERIFIED BY THE ARCHITECT.

ROOF PLAN




OWNER: <b>CARL &amp; JANE SWENSON</b> 6119 COLONY DR. AGOURA HILLS CA 91301 PH 818-991-1972	PROJECT: <b>SINGLE FAMILY RESIDENCE</b> 28354 BALKANS DRIVE AGOURA HILLS CA 91301	DATE: <b>ROOF PLAN</b>
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**A111**  
ARCHITECTURE  
PLANNING  
ENGINEERING  
INTERIORS

PROJECTS AND DRAWINGS  
1415 EAST WILSON AVENUE  
AGOURA HILLS, CALIFORNIA  
TEL 818-991-1972  
FAX 818-991-1972

DATE	
BY	
CHECKED	
SCALE	
PROJECT NO.	
DRAWING NO.	

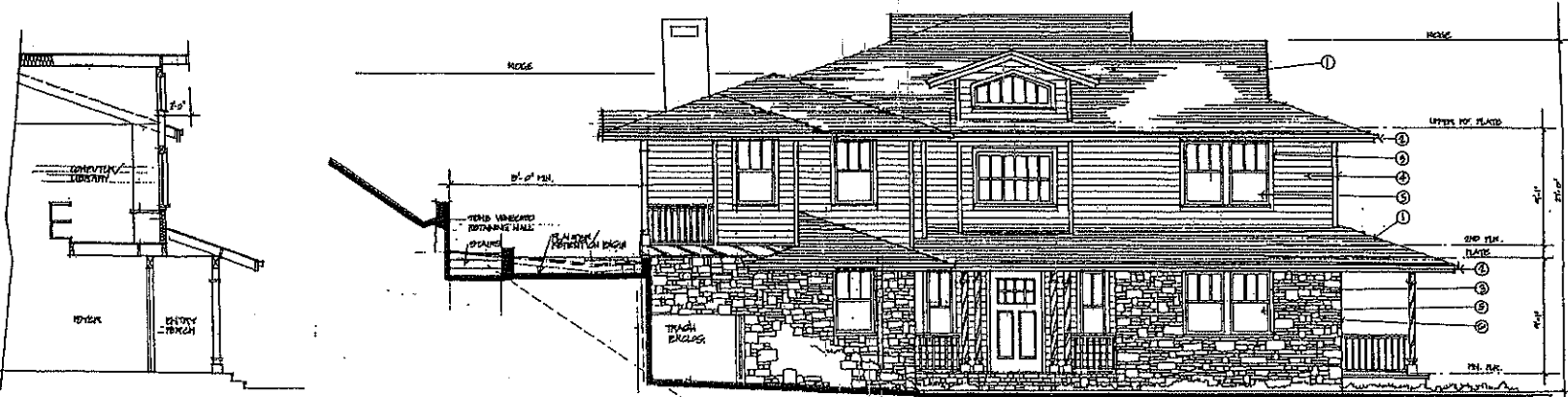
**A2.3**

NO. DRAWINGS	BY

DWG. NO.:  
**CARL & JANE SWENSON**  
 PH 616-981-0073  
 6116 COLDHAY DR.  
 AGORA HILLS CA 91301  
 PROJECT: **SINGLE FAMILY RESIDENCE**  
 2834 BALKANS DRIVE  
 AGORA HILLS CA 91301  
**EXTERIOR ELEVATIONS**

**A111**  
 ARCHITECTURE  
 PLANNING  
 ENGINEERING  
 INTERIORS  
CONSULTANTS AND SERVICES  
 2834 BALKANS DRIVE  
 AGORA HILLS, CALIF. 91301  
 TEL: 616-981-0073  
 FAX: 616-981-0074

DRAWN  
 K.L.S.  
 CHECKED  
 K.L.S.  
 DATE  
 JAN 30 2008  
 SCALE  
 1/4" = 1'-0"  
 SHEET NO.  
 0728-001  
 2008  
**A3.1**

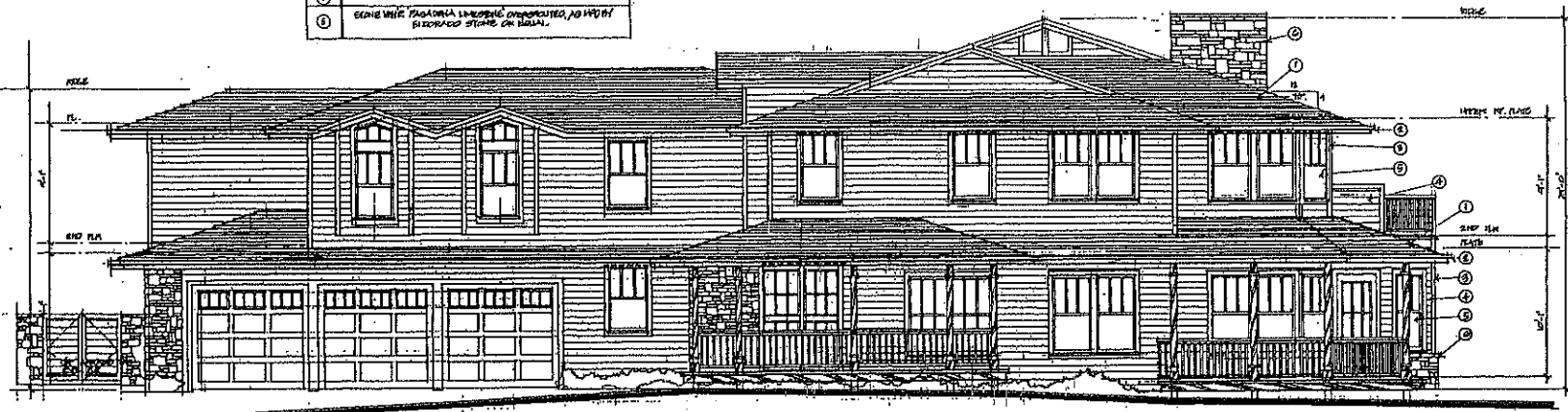


NORTH ELEVATION

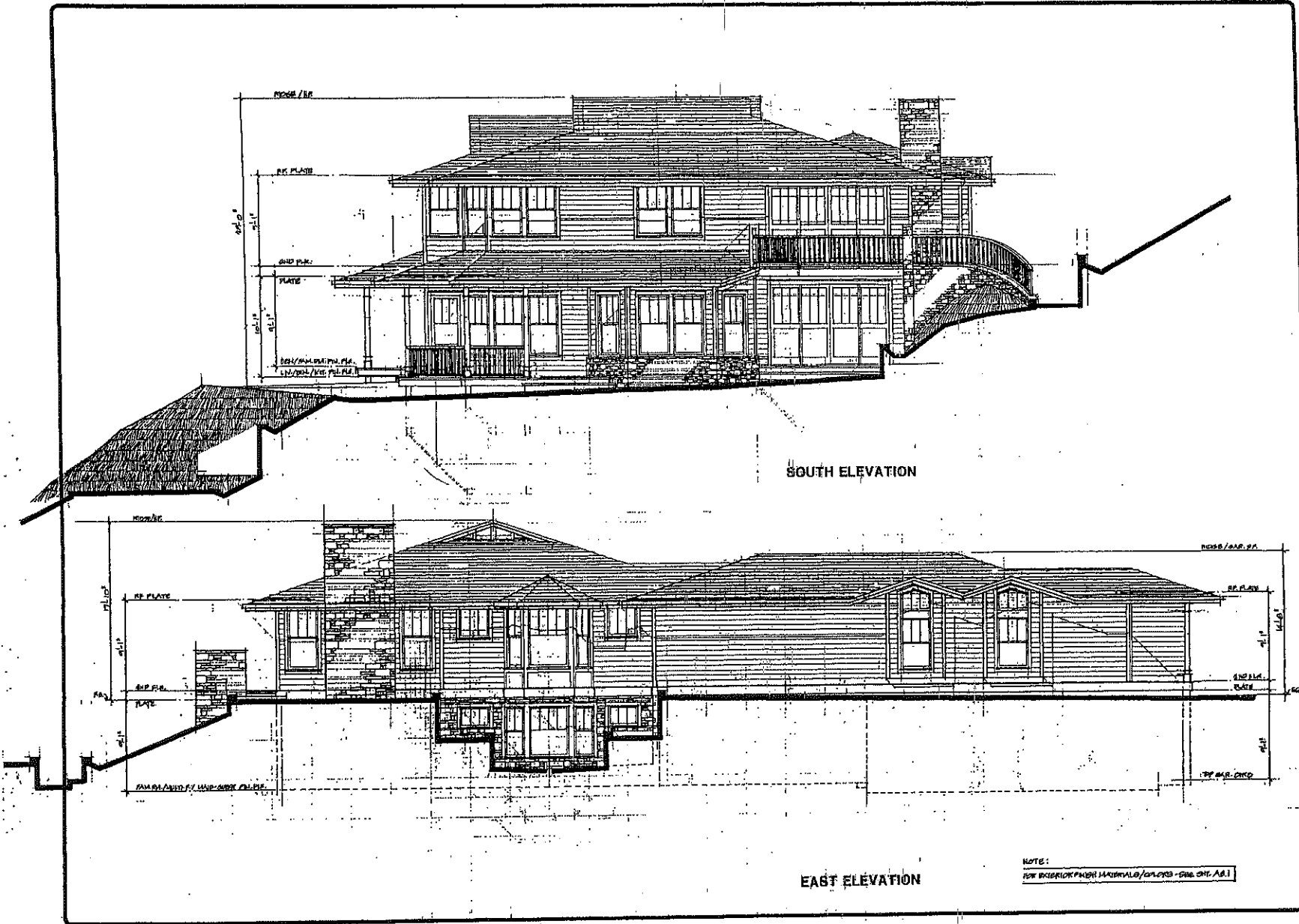
ENTRY PROFILE scale 1/4" = 1'-0"

EXTERIOR FINISH MATERIALS:

①	ROOF: GOMPHITE (UNPAINTED) 1/2" GULF STAR THE LIGHTWEIGHT CONCRETE BOARD FOR MEMORABLE LIFE OF EQUAL CARE & FIT ALSO
②	WALLS: 1/2" BRICKWORK PAINTED W/ UNPAINTED ZENO SET OUTSIDE - GLENN VIGOR STONE
③	TRIM: 1" BRICKWORK PAINTED OR REPAIR WITH BRICK MATCHING AT LEAST 20 FEET
④	SHINGLES: 2" BROWN LAMP BRICK PAINTED GREEN HARDY PLANE OF EQUAL - SHINGLES WILLING HARDY PLANE OF EQUAL
⑤	WINDOWS: WHITE VINYL OR VINYL CLAD RED WOOD
⑥	STONE VENEER: MASONRY LUMBER ON APPROXIMATE 10" WOOD BLOCKS OR STONE ON MASONRY



WEST ELEVATION



SOUTH ELEVATION

EAST ELEVATION

NOTE:  
FOR ROOFING REFER TO SCHEDULE/DETAILS - SHEET A3.1

REVISIONS	REV

OWNER:  
**CARL & JANE SWENSON**  
PH 818-991-0073  
6116 COLADAY DR.  
AZOUSA HILLS CA 91301

PROJECT:  
**SINGLE FAMILY RESIDENCE**  
20354 BALKENS DRIVE  
AZOUSA HILLS CA 91301

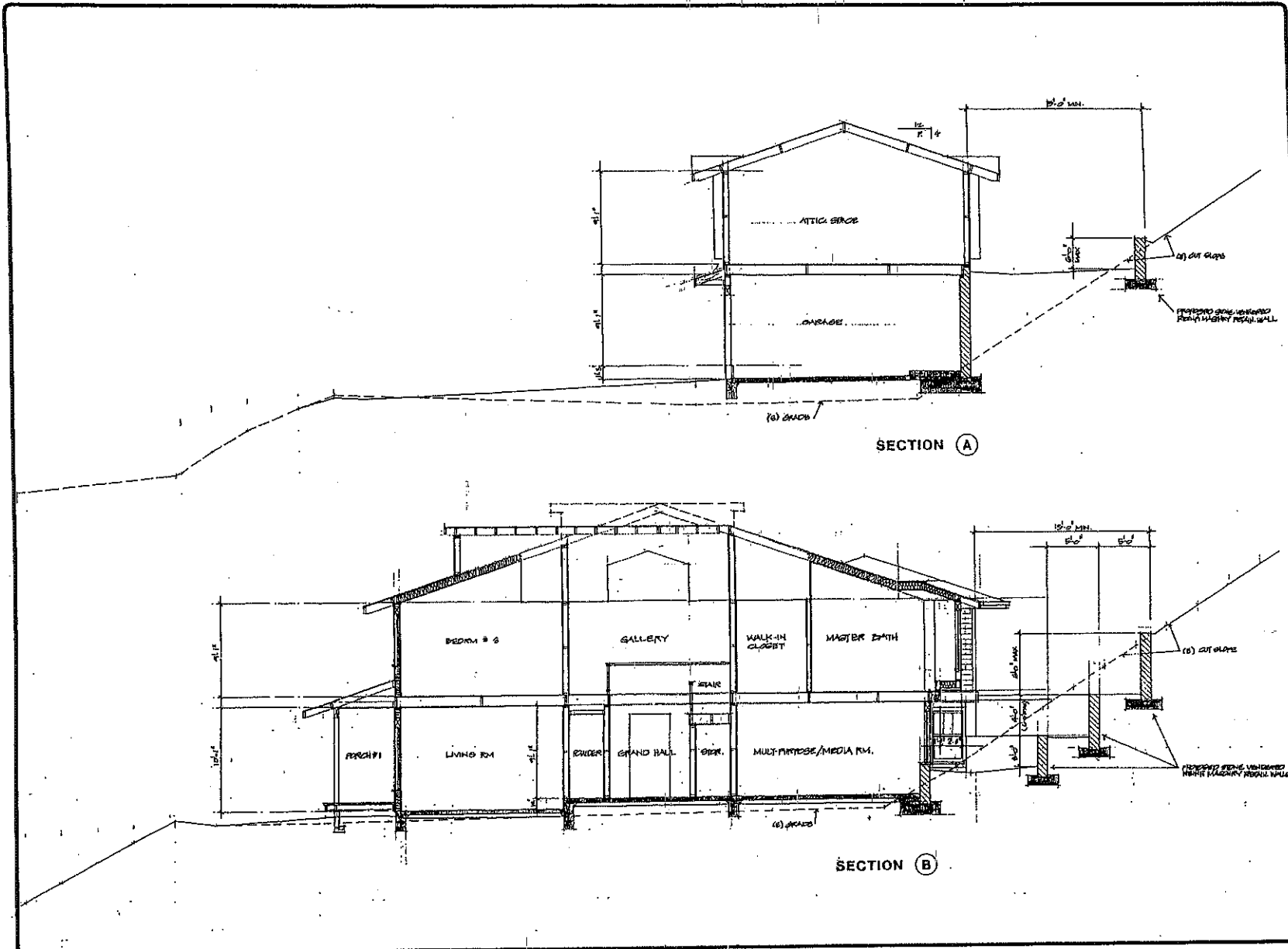
EXTERIOR ELEVATIONS

**A111**  
ARCHITECTURE  
PLANNING  
ENGINEERING  
INTERIORS

ARCHITECTS AND DESIGNERS  
1222 East Imperial Street  
Pasadena, CA 91106  
Tel: 626-792-1111  
Fax: 626-792-1112  
www.a111.com

DRAWN  
6/22  
CHECKED  
MIB  
DATE  
JAN 2005  
SCALE  
1/4" = 1'-0"  
BY  
CJL/CS

**A3.2**



REVISIONS	BY
1. REVISED	HJC

OWNER:  
**CARL & JANE SWENSON**  
 515 COLONY DR.  
 AGOURA HILLS, CALIF. 91301

PROJECT:  
**SINGLE FAMILY RESIDENCE**  
 2834 BALKENS DRIVE  
 AGOURA HILLS, CALIF. 91301

SECTIONS

**A111**  
 ARCHITECTURE  
 PLANNING  
 ENGINEERING  
 INTERIORS

APPROVED FOR CONSTRUCTION  
 BY THE ARCHITECT  
 DATE: 11/15/05  
 ALL RIGHTS RESERVED  
 NO REPRODUCTION PERMITTED

DESIGN  
 DATE: 02/02/05  
 CHECKED  
 DATE: 04/15/05  
 DATE: 04/15/05  
 DATE: 04/15/05  
 DATE: 04/15/05

**A4.1**



**DEPARTMENT OF PLANNING AND COMMUNITY  
DEVELOPMENT**

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**MINUTES OF THE REGULARLY SCHEDULED MEETING OF  
THE PLANNING COMMISSION  
March 3, 2005**

1. CALL TO ORDER: Chair Koehler called the meeting to order at 6:30 p.m.
2. FLAG SALUTE: Vice Chair Ramuno
3. ROLL CALL: Chair Koehler, Vice Chair Ramuno, Commissioners Rishoff, Zacuto and Schwarz.  
  
Also present were Director of Planning and Community Development Mike Kamino, Principal Planner Doug Hooper and Assistant Planner Renee Madrigal.
4. APPROVAL OF MINUTES: February 17, 2005 Meeting.  
  
ACTION: On a motion by Commissioner Schwarz, seconded by Commissioner Zacuto, the Planning Commission moved to approve the minutes of the February 17, 2005 Planning Commission meeting. Motion carried 5-0.
5. COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA: None
6. CONSENT ITEMS: None
7. NEW PUBLIC HEARING:  
  
APPLICANT: Theresa Tuchman  
26044 Pacific Coast Highway  
Malibu, CA 90265  
  
CASE NO.: 05-INT-001  
  
LOCATION: Citywide  
  
REQUEST: Request for an interpretation of the Zoning Ordinance as to whether a home decorator retail/showroom is a permitted use in the Agoura Village Overlay District.  
  
ENVIRONMENTAL ANALYSIS: The request is not subject to the requirements of the California Environmental Quality Act.

RECOMMENDATION: Staff recommended the Planning Commission adopt the draft resolution determining the proposed home decorator retail/showroom to be a permitted retail use in the Agoura Village Overlay District as a specialty retail store, consistent with the purposes of the overlay district.

PUBLIC HEARING OPENED: Principal Planner Doug Hooper presented the project and answered questions of the Planning Commission.

Theresa Tuchman, applicant, 26044 Pacific Coast Highway, Malibu, CA, presented the project and was available to answer questions of the Planning Commission.

ACTION: On a motion by Commissioner Schwarz, seconded by Commissioner Zacuto, the Planning Commission moved to adopt Resolution No. 801 to approve Interpretation Case No. 05-INT-001, finding a home decorator retail/showroom to be a permitted specialty-retail-use, subject to an 8,000 square foot size limitation, in the Agoura Village Overlay District. Motion carried 5-0.

8. CONTINUED PUBLIC HEARING:

APPLICANT: Jane Swenson  
6116 Colodny Drive  
Agoura Hills, CA 91301

CASE NO.: 03-CUP-011 and 03-OTP-008

LOCATION: 28354 Balkins Drive  
(A.P.N. 2055-021-042)

REQUEST: Request for approval of a Conditional Use Permit to construct a 5,420 square foot, two-story, single-family residence, and an 883 square foot attached, three-car garage on a 1.01 acre vacant parcel; and a request for an Oak Tree Permit to encroach within the protected zone of two Oak trees for the proposed construction.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA per Section 15332.

RECOMMENDATION: Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-011 and 03-OTP-008 subject to conditions based on the findings of the Draft Resolution.

Principal Planner Doug Hooper presented the project and answered questions of the Planning Commission.

ACTION: On a motion by Vice Chair Ramuno, seconded by Commissioner Schwarz, the Planning Commission moved to adopt Resolution No. 802 to approve Conditional Use Permit Case No. 03-CUP-011 and



Oak Tree Permit No. 03-OTP-008, subject to conditions. Motion carried 5-0.

9. ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA:

Commission: None

Staff: None

10. ADJOURNMENT:

The Planning Commission adjourned at 7:08 p.m. to the next scheduled Planning Commission meeting on March 17, 2005 at 6:30 p.m.



**DEPARTMENT OF PLANNING AND COMMUNITY  
DEVELOPMENT**

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**MINUTES OF THE REGULARLY SCHEDULED MEETING OF  
THE PLANNING COMMISSION  
February 17, 2005**

1. CALL TO ORDER: Chair Koehler called the meeting to order at 6:38 p.m.
2. FLAG SALUTE: Commissioner Schwarz
3. ROLL CALL: Chair Koehler, Vice Chair Ramuno, Commissioners Rishoff, Zacuto and Schwarz.  
  
Also present were Principal Planner Doug Hooper, Special Projects Coordinator Joyce Parker, City Engineer Ken Berkman, Oak Tree/Landscape Consultant Kay Greeley, and Assistant Planner Renee Madrigal.
4. APPROVAL OF MINUTES: February 3, 2005 Meeting.  
  
ACTION: On a motion by Commissioner Schwarz, seconded by Commissioner Rishoff, the Planning Commission moved to approve the minutes of the February 3, 2005 Planning Commission meeting. Motion carried 5-0.
5. COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA: None
6. CONSENT ITEMS: None
7. CONTINUED PUBLIC HEARING:  
  
APPLICANT: City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301  
  
CASE NO.: 02-ZOA-002  
  
LOCATION: Citywide  
  
REQUEST: Request for a recommendation to the City Council to adopt an Ordinance amending Zoning Ordinance Sections 9655-9655.8 relative to the sign regulations and new sign design guidelines; and Section 9676.5 relative to variance and modification applications and procedures.  
  
ENVIRONMENTAL ANALYSIS: Addendum to Final General Plan EIR

RECOMMENDATION: Staff recommended that the Planning Commission adopt a motion to approve a Resolution recommending that the City Council adopt the Draft Ordinance (Case No. 02-ZOA-002) amending the Zoning Ordinance relating to the sign regulations and variance and modifications relative to signs, and adopt new sign design guidelines.

PUBLIC HEARING OPENED: Special Projects Coordinator Joyce Parker presented the project and answered questions of the Planning Commission.

PUBLIC HEARING CLOSED: Chair Koehler closed the public hearing.

ACTION: On a motion by Vice Chair Ramuno, seconded by Commissioner Schwarz, the Planning Commission moved to adopt Resolution No. 800 recommending that the City Council adopt Draft Ordinance (Case No. 02-ZOA-002) amending the Zoning Ordinance relating to the sign regulations and variance and modifications relative to signs, and adopt new sign design guidelines. Motion carried 5-0.

8. NEW PUBLIC HEARING:

APPLICANT: Jane Swenson  
6116 Colodny Drive  
Agoura Hills, CA 91301

CASE NO.: 03-CUP-011 and 03-OTP-008

LOCATION: 28354 Balkins Drive  
(A.P.N. 2055-021-042)

REQUEST: Request for approval of a Conditional Use Permit to construct a 5,420 square foot, two-story, single-family residence, and an 883 square foot attached, three-car garage on a 1.01 acre vacant parcel; and a request for an Oak Tree Permit to encroach within the protected zone of two Oak trees for the proposed construction.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA per Section 15332.

RECOMMENDATION: Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-011 and 03-OTP-008 subject to conditions based on the findings of the Draft Resolution.

PUBLIC HEARING OPENED: Principal Planner Doug Hooper presented the project and answered questions of the Planning Commission.

City Engineer Ken Berkman answered questions of the Planning Commission.

Gary Zimmer, architect for the applicant, 2676 E. Hillcrest Drive, Thousand Oaks, CA, presented the project and answered question of the Planning Commission.

Nicki Laine, 28318 Balkins Drive, Agoura Hills, CA, expressed concerns regarding the impact the road widening would have on her property.

Sharon Stutz, 28364 Balkins Drive, Agoura Hills, CA, expressed concerns regarding the impact the road widening would have on her property, and inquired about the location of the proposed equestrian area.

PUBLIC HEARING  
CLOSED:

Chair Koehler closed the public hearing.

ACTION:

On a motion by Commissioner Rishoff, seconded by Commissioner Zacuto, the Planning Commission moved to continue Conditional Use Permit Case No. 03-CUP-011 and Oak Tree Permit No. 03-OTP-008 to the March 3, 2005 Planning Commission meeting, in order to bring back revised language to the resolution and conditions. Motion carried 5-0.

9. ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA:

Commission: None

Staff: None

10. ADJOURNMENT:

The Planning Commission adjourned at 8:20 p.m. to the next scheduled Planning Commission meeting on March 3, 2005 at 6:30 p.m.





28354 Balkins Dr.

Balkins Dr.

Leaworth Dr.

Fairview Pl.