

Kimberly Rodrigues

From: Michael <pap333@aol.com>
Sent: Monday, June 15, 2020 9:29 AM
To: Comments
Subject: Re: New Home Proposal 28340 Balkins Drive (APN 2055-021-044)

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Thank you. Please forward this email to the Planning commission, as well.

--Apparently there was confusion at the end of the meeting and some thought that the issue was not settled despite the 3/2 vote as there was a follow up meeting scheduled for June 18. Please forgive me for some of the fervor of my letter, but please add my letter to future decision processes for its content. Thank you.

In a message dated 6/15/2020 7:19:38 AM Pacific Standard Time, Comments@ci.agoura-hills.ca.us writes:

Good morning! This email confirms receipt of your comments; they will be forwarded to the Planning Commission and posted to the website as part of the public record. Enjoy your day; stay safe!

From: Michael N. Papanicolaou <pap333@aol.com>
Sent: Saturday, June 13, 2020 4:46 PM
To: Comments <Comments@ci.agoura-hills.ca.us>
Cc: lmstyling@aol.com; russ@snyderdiamond.com; lrturmer11@gmail.com; antoniaakhavan@gmail.com; waltchandr@aol.com; sackassociates@yahoo.com; sheila2mayfield@gmail.com; maayaan@gmail.com; dmaltese@mac.com; howardstutz@roadrunner.com; kmarriottla@gmail.com; dan.blatt@gmail.com; curt3006@gmail.com; mclemens44@yahoo.com; George Colman <gcolman@sacfirm.com>; Jon Levin <jlevin1072@aol.com>
Subject: Re: New Home Proposal 28340 Balkins Drive (APN 2055-021-044)

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On Jun 12, 2020, at 9:28 PM, Michael N. Papanicolaou <pap333@aol.com> wrote:

Dear PLANNING COMMISSION AGOURA HILLS/OLD AGOURA, Please read the attached letter. Thank you.

,

<28340 Balkins Drive Project Impact Concerns.docx>

I had extenuating circumstances and missed the virtual meeting. Please add my concerns to those of my neighbors regarding the "oversized home-to-lot ratio/on-street/backed-into-hill issue. They are outlined, in part, in the attached letter. Thank you for your consideration. —Michael Papanicolaou, next door neighbor to the proposed project.

Kimberly Rodrigues

From: Michael N. Papanicolaou <pap333@aol.com>
Sent: Tuesday, June 16, 2020 10:15 PM
To: Comments
Cc: Jon Levin
Subject: Item No. 2
Attachments: 28340 Balkins Drive Project Impact Concerns.docx

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Per these instructions, I am submitting the attachment prior to June 18, 2020: and labelled Item No. 2 as instructed below.

(As this item was originally held as a Public Hearing, in addition to written public comments, live testimony will be accepted. To submit written public comments, please enter "Item No. 2" in the subject line and email to comments@ci.agoura-hills.ca.us by 4:00 p.m. on June 18, 2020. To participate live by telephone, please email your name and telephone number (including the area code) to comments@ci.agoura-hills.ca.us as soon as possible, but prior to the time the Chair closes the public comment period. See "Public Participation" above for full details.)

2. Discussion Regarding Resolution of Denial for a Request to Construct a New 4,180 Square-Foot Single-Family Home with a 730 Square-Foot Attached Garage (Case Nos. CUP-01533-2018 and OAK-01534-2018) (Public Hearing was held on June 4, 2020)

[Item 02 061820](#)

To : Agoura Hills, Planning Commission

From: Michael N. Papanicolaou, MD, residing at
28346 Balkins Drive, property immediately adjacent to the proposed
House development at **28340 Balkins Drive** –Arvind Aurora project

Re: 28340 Balkins Drive (APN 2055-021-044)

Dear Agoura Hills/Old Agoura Planning Commission Members,

I OBJECT TO THE SIZE OF THE INTENDED PROJECT.

Background :

After living here for 25 years, the recent developments of the last 10 years, have left the residents of Old Agoura skeptical.

1: Several years ago. The city approved the oversized home which cut *deeply* into the hill below me on the opposite side, causing homeshaking construction and the breakage of my foundation on that side directly above the hill. My backside garage door is still off height because of the rapid drop in that hill due to undermining –even though retaining walls are used and possibly even to code, the integrity of the hill above is impacted (photos available on request).

2: The street is destroyed by the construction trucks and I and other neighbors have to pay cash to repair the road as the city has washed their hands of our road, even though we pay taxes. I get it --“private road”, not your problem. This is likely to happen again.

3. The next large oversized home becomes a Drug Rehab business further impacting our small rural area. We now have a second Drug Rehab business just 2 doors down from the first drug rehab business. What can the planning commission do to protect our neighborhood?

4. The next large oversized “home” --Another attempt at a massive compound probably was headed for the same as 3 above, and thanks to the hard work of my neighbors, this was averted.

Current Proposed Project:

1> Hill shock. Fragile drainage ways and shock to hill from percussive digging. Specifically, This Site cuts Deep into the hill, and will be sending shock waves through the soil which will directly effect the aging concrete drainage way (hundreds of feet originating from the top of the hill and goes all the way down the property lines dividing 28340 property an 28346 property—more or less. Please refer to the letter from Russ and Andrea Diamond detailing the retaining wall, the oak trees, the plausibility of the equestrian zone, the true buildable lot size, etc, which was well stated. The city should procure guarantees of repair to the above drainage way, as well as to the existing neighbor's (my) driveway retaining wall and gate from construction and percussive digging collateral damage.

2> Deceptive scaling on Artists Rendering?: Please refer to the Project renderings, Attachment 3, in the June 4, 2020 Planning Division document. Please see the rendering #2 which is the side view of the house from my driveway showing the lateral imprint of the house, the setback from the road, and the long distance from my driveway and the skyline height affected. Given the size and height of the home on the actual schematics several pages before this showing the actual distances and height of the house---this artist rendering seems like a *dollhouse only in this view*--deceptive scaling?. If the completed project is not this small or this far away as is suggested in the rendering number 2, Attachment 3, from the side as in this drawing--can we then tear down the home to make it look like the perspective offered in the rendering?? I think not. Perhaps, the city could show us true physical rendering with stick and string on-site mock up, and the city could appreciate the true perspective. Could this be done?

3> Over-Visibility. The other houses in the area are set back and/or heavily camouflaged by trees. They are not easily seen from the street. Admittedly, this property does not have that opportunity based on its lot size, street location, and backed up to the hill. At least, the city could attempt to preserve the Old Agoura theme by compensating for the unfortunate "lot on street -immediately backed into a hill position" by not allowing the Oversized home/usable lot space trend to continue.

Thank you for listening.

Kimberly Rodrigues

From: Ben Libbey <ben@yesinmybackyard.org>
Sent: Tuesday, June 16, 2020 4:58 PM
Cc: Kimberly Rodrigues; Comments
Subject: 28340 Balkins Drive CUP-01533-2018, OAK-01534-2018
Attachments: 28340 Balkins Drive, CUP-01533-2018, OAK-01534-2018.pdf

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6/16/2020

Agoura Hills Planning Commission
30001 Ladyface Court
Agoura Hills, CA 91301

krodrigues@ci.agoura-hills.ca.us; comments@ci.agoura-hills.ca.us;
Via Email

Re: 28340 Balkins Drive
CUP-01533-2018, OAK-01534-2018

Dear Agoura Hills Planning Commission,

YIMBY Law submits this letter to inform you that the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the Housing Accountability Act (HAA).

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. The most relevant section is copied below:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

...

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

The applicant proposes to construct a new 4,180 square foot (sq. ft.) single-family home with a 730 sq. ft. attached garage.

Subjective judgements about the shape and feel of the house and its presumed compatibility with the neighborhood do not constitute sufficient reasoning to deny the zoning compliance of this project. The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

Yimby Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a large initial 'S'.

Sonja Trauss
Executive Director
YIMBY Law



6/16/2020

Agoura Hills Planning Commission
30001 Ladyface Court
Agoura Hills, CA 91301

krodrigues@ci.agoura-hills.ca.us; comments@ci.agoura-hills.ca.us;
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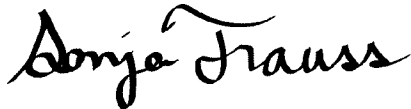
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Sonja Trauss
Executive Director
YIMBY Law