



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: July 19, 2007

APPLICANT: Clive Dawson/Erin Anderson for Rafi and Orit Sharon
28925 Pacific Coast Highway, #203
Malibu, CA 90265

TO: Planning Commission

CASE NOS.: 06-CUP-001 and 06-OTP-001

LOCATION: 28243 Balkins Drive
(A.P.N. 2055-022-080)

REQUEST: Request for approval of a Conditional Use Permit to construct a 4,960 square foot, two-story, single-family residence with a 704 square foot attached garage, a swimming pool and spa; and a request for an Oak Tree Permit for the removal of three (3) Oak trees and encroachment within the protected zone of four (4) Oak trees for the proposed construction.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 06-CUP-001 and Oak Tree Permit Case No. 06-OTP-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 – (Very Low Density Residential)

I. PROJECT BACKGROUND AND DESCRIPTION

The applicant, Clive Dawson/Erin Anderson representing property owners Rafi and Orit Sharon are requesting approval of a Conditional Use Permit to construct a 4,960 square foot, two-story, single-family residence with a 704 square foot, attached three-car garage, and a swimming pool and spa in the Very Low Density Residential (RV) zone of Old Agoura. The 1.13 acre vacant parcel is located on the north side of Balkins Drive, east of Lapworth Drive at 28243 Balkins Drive. The property is a flag lot served by a 325-foot long driveway from Balkins Drive.

The parcel has an average topographic slope of 22.9%. 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 property slopes downward from the north and west of the property in a southeasterly direction. The building pad, which occupies 7% of the lot, is situated at the lower, southeast portion of the 49,276 square foot parcel and has a proposed finish elevation of 101.5 feet, which is 9 feet above the average front (south) property line and 14 feet above Balkins Drive. Existing single-family homes are located to the south and east of the subject property. A recently approved single-family home is under construction to the north, and a vacant parcel is located to the west of the lot.

The proposed single-family residence is a permitted use in the Very Low Density Residential (RV) zone and will meet the required development standards, relative to height and building placement. Listed below are the proposed development data pertaining to the project:

Pertinent Data

	<u>Proposed</u>	<u>Allowed/ Required</u>
1. Lot Size	1.13 acres (existing) (49,276 sq. ft.)	1 acre min. (43,560 sq. ft.)
2. Building Height	27 ft. (measured at midpoint)	35 ft. max.
3. Building Sizes:		
a. First Floor	2,904 sq. ft.	N/A
b. Second Floor	2,056 sq. ft.	N/A
c. <u>Garage</u>	<u>704 sq. ft.</u>	N/A
Total	5,664 sq. ft.	

Pertinent Data

	<u>Proposed</u>	<u>Allowed/ Required</u>
4. Setbacks:		
a. Front (south)	50 ft.	25 ft. min.
b. Rear (north)	91 ft.	25 ft. min.
c. Left Side (west)	86 ft.	12 ft. min.
d. Right Side (east)	37 ft.	12 ft. min.
5. Lot Coverage		
a. Building Lot Coverage:		
• Residence & Garage	3,608 sq. ft. (7.3%)	
• Pool and Spa	936 sq. ft. (1.9%)	
• Hardscape	<u>4,475 sq. ft. (9.0%)</u>	
Total	9,019 sq. ft. (18.2%) (18.2%)	12,319 sq. ft. max. (25% max.)
b. Additional Lot Coverage:		
• Horse Keeping Area	<u>1,202 sq. ft. (2.4%)</u>	
Total	10,221 sq. ft. (20.7%)	
• Graded Areas to be restored to match native vegetation	<u>7,023 sq. ft. (14.3%)</u>	
Total	17,244 sq. ft. (35%)	
• Driveway & Turnaround	<u>7,569 sq. ft. (15.4%)</u>	
Total	24,813 sq. ft. (50.3%)	18,478 sq. ft. max. (37.5% max.)

6. No. of Oak Trees	14 (5 on-site)	N/A
7. Average Topographic Slope	23%	N/A

II. STAFF ANALYSIS

Site Plan

The applicant is proposing to construct a two-story residence in the flatter portion of the parcel, near the east end of the property. In addition to the main residence, the applicant is proposing an attached 704 square foot, three-car garage with motor court area to be located in front of the garages between the house and the front (south) property line. The swimming pool is proposed at the southeast corner of the lot, 22 feet from the covered patio. Access to the residence will be taken from Balkins Drive via a private driveway located between two existing residences.

The Hillside Ordinance requires residentially zoned parcels to retain a minimum percentage of the lot in open space. Lots which have an average slope of 21-25% are required to retain at least 62.5% of the lot in open space. The applicant's parcel has an average slope of 23%. Thus, the maximum amount of lot coverage, including the residence, garage, driveway and yard areas should not exceed 37.5% of the lot (18,479 sq. ft.). In this instance, the lot coverage limitation impacts the feasibility of reasonable development on the site. Section 9652.13.B of the Hillside Ordinance addresses such situations by allowing the development of one residence on the lot in the event that the open space requirement would prohibit the use of the parcel otherwise permitted in the zone. The required findings the Planning Commission must make to allow to exceed the Hillside Ordinance requirement are 1) that the parcel was lawfully created prior to the adoption of Hillside Ordinance in 1991; 2) that a change in ownership since the adoption of the Hillside Ordinance has not resulted in the parcel being merged with another parcel; 3) that a private septic system serving the site is for a lot greater than one acre in size; and 4) that a Conditional Use Permit is granted. The project, as proposed, meets these requirements. The terms of the Conditional Use Permit is to specify the minimum percent of required open space on the lot. Thus, it is the Planning Commission's responsibility to determine the appropriate amount of lot coverage for this parcel including hardscape and grading areas, and no Variance is required if the Planning Commission agrees that the 37.5% lot coverage limitation precludes reasonable residential use of the property.

Staff finds the proposed project design to be appropriate for the site. The applicant proposes to locate the residence in the lower, flatter portion of the site, near the southeast end of the lot. The only useable yard area is the front patio and pool area. The driveway by itself, including a required on-site fire truck turn-around area, would occupy 15% of the maximum lot coverage allowed by the Hillside Ordinance. In addition, the graded slopes to be restored with contoured landscaping to match the native vegetation is an additional 14% lot coverage as well as the horse keeping area of 2% lot coverage combine for 35% of the lot, which would occupy the 37.5% maximum lot coverage allowed by the Hillside Ordinance. Staff

finds that the footprint of the residence, the garages, the swimming pool, and the hardscape total 9,019 square feet or 18% of the lot area. The RV zone allows for a maximum 25% lot coverage for lots that have an average slope of less than 10%.

While it is understandable to require more open space preservation of hillside property, this parcel is truly an infill lot that does not abut public or private open space property. The Hillside Ordinance requires a minimum parcel size of one acre for any new subdivision that has an average slope of 21-25%. The applicant is proposing a residence on a 1.13 acre sized lot that exceeds the Hillside Ordinance requirement. The size of the residence, although larger than most existing homes in the immediate neighborhood, is of a scale that is typically found in recent construction of custom, single-family homes and is quite close in size to a 5,536 square foot, single-family residence that was approved by the Planning Commission on December 1, 2005, which was located on a 0.92 acre parcel at the southeast corner of Lapworth Drive and Balkins Drive, a 5,324 square foot, single-family residence that was approved by the Planning Commission on March 17, 2005, which was located on a 2.56 acre parcel directly north of the property, and a 5,420 square foot, single-family residence that was approved by the Planning Commission on February 17, 2005, which was located on a 1.01 acre parcel on the south side of Balkins, west of Lapworth Drive.

To meet the Old Agoura Design Overlay requirement to allow for equestrian use of the property, the applicant has indicated on the Site Plan a future location for a horse-keeping area to be located to the west of the residence. The proposed 288 square foot (12' X 24') horse structure is a permitted use by the Zoning Ordinance when all requirements are met. The Zoning Ordinance requires that any proposed horse structure would need to be located at a minimum 35 feet from any surrounding habitable residence or street. The Site Plan shows the future horse structure located within a cut area of the lot, 52 feet from the residence and more than 35 feet from the surrounding residences and street. The horse structure is not part of this application and it is shown on the plan for reference only. Since the horse structure requires a separate permit, its size, setbacks, and height will be address at that time when a separate application is filed.

Architectural Design

The property is located in the Old Agoura Overlay District. One of the purposes of the Old Agoura Overlay is to preserve the semi-rural character of the community and promote the natural environment with utilization of natural materials, earth tone color palettes and the utilization of native, drought-tolerant materials.

The applicant is proposing earth tone exterior building materials of brown colored stucco and trim, "Tuscan Villa Stone" for the exterior walls of the residence and brown mixed-tone tiles for the hip roofs. The applicant is also proposing stone paving adjacent to the pool, slate textured concrete in tan "Buff" color for the patios, and the wood trellis covered patio at the east elevation will be stained in a dark brown, "Devine Cocoa" color. Primary public views of the 29-foot high residence (27 feet measured at the midpoint of the roof) would be from Lapworth Drive. The residence will likely not be visible from Balkins Drive, as the residence is obscured by existing residences, Oak trees, and landscaping. The project complies with the building height limitation in hillside areas.

The applicant is proposing permeable material to resurface the driveway and the proposed motor court area of decorative sandstone color permeable concrete. 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 is of a permeable or semi-permeable surface material.

The City Architectural Review Panel (ARP) found the architectural style of the proposed residence to be in keeping with the Old Agoura Design Overlay requirements and the City Architectural Design Guidelines and Standards. The proposed residence will be one of the largest in the immediate neighborhood that includes average home sizes of 3,437 square feet. There is no required size limitation on proposed residences, but the issue of neighborhood compatibility should be considered by the Planning Commission. The largest single-family residence in the neighborhood that was recently approved by the Planning Commission was 5,536 square feet in size, on a 0.92 acre parcel at the corner of Lapworth Drive and Balkins Drive.

In an effort to evaluate the compatibility of the proposed size of the home with other Old Agoura properties, a survey of 33 neighboring developed lots was conducted, as shown in an attached exhibit. The results revealed an average lot size of 56,967 square feet and an average dwelling unit size of 3,437 square feet (excluding the garages), resulting in an average floor/area ratio of 0.06. The applicant is proposing a house size of 4,960 square feet on a 49,276 square-foot (1.13 acre) lot, which results in a floor/area ratio of 0.10. The proposal is 1,523 square feet more than the neighborhood average. If the applicant's project is approved, any development of the property beyond what is included on the approved Site Plan would be subject to the Planning Commission's consideration of another Conditional Use Permit.

The Old Agoura Homeowners Association has reviewed the project. A copy of their letter is attached to the report for the Commission's review.

Engineering Department

The Engineering Department has reviewed the proposed Grading Plan and is not requiring street improvements for Balkins Drive. Final grading and drainage plans will be subject to approval by the City Engineer prior to issuance of a building permit.

Grading required for the proposed project includes 1,650 cubic yards of cut, 1,900 cubic yards of fill and 250 cubic yards of import to create the building pad elevations and useable yard areas. Retaining walls of no more than six feet in height are proposed on all sides of the residence, around the swimming pool, and horse keeping area.

A private septic system, located on the east side yard, will serve the residence. The location and feasibility of the septic system has been tentatively approved by the Los Angeles County Health Department.

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. The City's Geotechnical Consultant's letter dated December 28, 2006 is attached for reference. Construction traffic and related vehicular routes will also be reviewed by the City Engineer prior to the issuance of a grading permit with the intent to minimize impacts to the neighbors.

Oak Tree Review

A total of five (5) on-site and nine (9) off-site Oak trees were evaluated for the proposed project. The current proposal potentially requires the removal of three (3) Oak trees, Numbers 23, 24, and 25, to construct the required driveway. Four (4) other Oak trees, Numbers 22, 26, 28, and 29 would also be directly impacted by construction of the driveway and utility installation.

Two of the Oak trees proposed for removal have a trunk diameter of 11 inches and the third Oak tree has a trunk diameter of 2.5 inches, and are located along the west side of the private driveway on the adjacent property. To mitigate the loss of the three Oak trees, the applicant is required to plant Oak trees within the site at a minimum ratio of 4:1.

All trees located on the property are relatively free of disease and insect damage. The health, aesthetic quality, and balance of the majority of the trees are above average; however, Numbers 19, 20, and 21 are located beneath the canopy of Number 22, forcing their crowns to become slightly unbalanced. There is a cavity at the base of Number 22, but otherwise it appears structurally sound.

The proposed single-family residence is located outside the protected zones of all protected Oak trees. The existing access road encroaches upon several existing Oak trees. Due to the configuration of the property, alternative access is not possible; therefore, encroachment within the protected zones of these trees was found by the City Oak Tree Consultant to be unavoidable. The existing road provides the only legal access to the property. The single-family residence was designed to avoid the Oak trees to the maximum extent possible. Permeable material will be used to resurface the access road within the protected zones of the trees and the drainage system will direct flow away from protected trees. The area where the encroachments occur is relatively flat; therefore, grading is expected to be minimal and unlikely to damage the roots of protected trees. The City Oak Ordinance requires that the trees be fenced prior to the start of grading.

Landscape Review

Since the topographic slope of the property exceeds 10%, the applicant is required to prepare a landscape plan for the City's review. The preliminary landscape plan was reviewed by the City Landscape Consultant, who recommends that the applicant submit final, detailed landscape and irrigation plans for review by the City Landscape Consultant and the Director of Planning and Community Development prior to building permit

issuance, and subject to attached conditions. The final plans will be reviewed for slope stabilization, screening, and the incorporation of native plant species.

Environmental Review

Based upon review of this project by the City Environmental Analyst, no environmental impacts have been identified for construction of the project. The project has been determined to be Categorically Exempt from the California Environmental Quality Act per Section 15303. This exemption includes, but is not limited to, the construction of a single-family residence. A copy of the notice of exemption prepared by the City Environmental Analyst regarding the project is attached.

III. RECOMMENDATIONS

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 06-CUP-001 and Oak Tree Permit Case No. 06-OTP-001, subject to Conditions, based on the findings of the attached Draft Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity Map
- Exhibit B: Square Footage Analysis Map
- Exhibit C: Reduced Copies of Plans
- Exhibit D: GeoDynamics Letter of Recommendation
- Exhibit E: Environmental Determination
- Exhibit F: Letter from Old Agoura Homeowners Association
- Exhibit G: Photographs of the Site and Surroundings

Case Planner: Renee Madrigal, Assistant Planner