



**CONDITIONAL USE PERMIT CASE NO. 06-CUP-001
AND OAK TREE PERMIT NO. 06-OTP-001**

**FOR THE PROPERTY LOCATED AT
28243 BALKINS DRIVE, AGOURA HILLS**

EXHIBIT F

LETTER FROM NEIGHBORS

Consensus Document from 14 Home Owners & Stakeholders
Provided To Agoura Hills Planning Commission
Regarding Request for CUP and OTR by Sharon Family
Hearing Date November 15, 2007

Thursday, November 8, 2007

Dear Agoura Hills Planning Commission,

Summary Of Concerns Facilitated By: Christine Nitz, Charles Trotter and Andrea Lux, of Balkins Drive. We have put together this bullet point list of concerns for you which are drawn from interviews and comments from 14 neighbors who surround the Sharon project under review. You will see from the map key provided that the concerns and request contained within represent a majority of the occupied lots around the applicant's property.

Why are you receiving this?

Christine and I are new to the neighborhood (3 weeks now) and were shocked by how disenfranchised our neighbors felt in regard to the current planning process, what appears to be the waving of zoning requirements through the use of the Conditional Use Permit and Oak Tree Removal Permit Process. I come from Venice and from Santa Monica where I was involved in the Venice Neighborhood Council as well as CUP's requests in Venice and in the City of Santa Monica. In the 10+ years of civic involvement, I have never seen this kind of anger and disenfranchisement among neighbors.

In Venice we experienced a period where CUP's were granted as a normal course of business and then it stopped. Why, because we all (planning, city staff, stake holders, constituents, neighbors etc.) realized that the CUP process as intended by the state of California is for mitigating **only the "issue" that created the original requirement for obtaining the CUP in the first place.** It is not to be used as a blanket opportunity to throw out the window existing planning and zoning codes and stakeholders concerns. In the case of the Sharon application the CUP is required **only because it is a hillside lot over a specific slope angle** and for no other reason. This would mean that they are should not be entitled to variance to allowing over 50.3% of lot coverage and site disturbance. Remember this is a 1.13 acre lot. (Agoura Hill Codes Limit Coverage on this project is 37.5%)

What is it you have in front of you:

To attempt to help you understand the depth of these problems and the neighbor concerns, Christine Nitz, Andrea Lux and myself walked the neighborhood to hear and write down our neighborhoods concerns so that you may have this bullet point check list in your hands as you review and consider the applicant's requests. Please let it be known that the applicant has on more than one occasion refused the neighbors requests to meet and talk, even at the request of his architect. You will find a map key indicating who provided concerns & comments regarding this application in relation to the current project. You will also see indications of approved construction projects either ongoing or recently completed. We hope this helps your review and determination process.

Request for Temporary Removal of Home Owners Association Recommendation: Something important for you to be aware of is how disappointed the neighbors are with the continuing recommendations provided by the Old Agoura to approve CUP's provided by our homeowners association. As of the time of writing this summery document to you, we have formally asked the Home Owners Association to **temporarily remove their recommendation** of this project until the concerns about this project can be completely and properly addressed and/or mitigated with the applicant, his architect and city staff. We hope that this letter will be forth coming from the Association and will be provided to you by the time of the hearing. If for some reason it does come or they will not temporarily remove their recommendation, know that the majority of the homeowners & tenant contained within and surrounding this project do not agree with their recommendation.

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You Have A Rare Opportunity: Esteemed Planning Commission Members, there is a wonderful opportunity for you to invite back in back in to the process a good sized group of disfranchised constituents, homeowners and stakeholders which surround this project. **We ask you tonight to at the very least continue this request for CUP until the applicant is sincerely willing to meet with the neighbors and formally address/mitigate the concerns.**

The unique chance you have here to truly involve yourselves and the community to learning together what is acceptable development and what problem is not, may never happen again.

Think of how much more simple the planning process and the planning commission meeting would be if you and staff really new what your constituents and stakeholders really wanted. And not find out about it at the 11 hour in the planning common hearing.

May I suggest something, that I understand is unheard of in the City of Agoura Hills, that is to require that the this applicant, their architect, several of your planning staff and hopefully several of you possibly join us in a round table discussion regarding this project, which properly addresses the neighbor's and the applicants concerns and wishes. As mentioned in my personal letter, I ask you to confirm the "rumored" group field trip to Old Agoura and we will organize existing homes and recently completed projects which you can see first hand. (exteriors as well as interiors of homes) It is so important that you as members of the planning commission understand what the owners and stakeholders here in our area of Old Agoura are so passionate about keeping.

Sincerely,



Charles Trotter
28241 Balkins Drive
Agoura Hills, CA 91301
818-735-8803 ext 4# or 310-600-8182

cc Christine Nitz, Andrea Lux, Old Agoura Home Association

**1 - DANNY AND NADJA MYERS
6037 LAPWORTH DRIVE**

1. Why is that (non-conforming) lot coverage allowed? In the interest of fair play, it should be what everyone else has to conform to.

Commissioner's Notes: _____

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2 - BRANT AND LAURIE TURNER
6001 LAPWORTH AVENUE

1. Out of Scale in regards to neighboring houses.
2. Run off
 - a. How is it going to be affected?
 - b. Is it going to affect the other homes down the hill?
3. Will the gulley at the bottom of the hill be affected?
4. Would like to see storypoles - like on Kanan and PCH - to understand how high it is
5. Boundaries – isn't the dwelling and other structures too close to the neighbors? Can't the home be pushed back?
6. The lot coverage is too much. Why are the codes being broken to allow this?
7. Can the home be pushed back so it is not so close to the neighbors?
8. Why is the feel of the neighbor not being kept? Why are McManisons being allowed when the average size of a home in Old Agoura is approximately 3000 sq. ft.?

Commissioner's Notes: _____

3 - JON LEVIN
5947 LAPWORTH DRIVE

1. Why is the dwelling not designed to the contour of the lot?
2. Would like to see storypoles.
3. Would like to see a long term builder's fund as the streets are being destroyed by the trucks.
4. Other projects done recently did not have accurate import or export reports. What is going to prevent that from happening here?
5. Will the structural integrity of the dwellings above the property be affected? Or the dwellings below?

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4 - ANDREA DIAMOND
5833 LAPWORTH

1. Wants to see storypoles so she can see the size of the house.
2. Where are the gas, electric and water lines coming in?

Commissioner's Notes: _____

5 - PAM & WALT CHANDLER
5800 LAPWORTH DRIVE

1. Asking for storypoles for this project
 - a. wants to see the actual height of the dwelling.
2. Has the property owner accepted the water run off from above?
3. Why is the property owner not following the contour of the actual property?
4. Confirm that they are not altering the water course.
5. Grading – lot coverage -isn't it over the max.?
6. Why do you have rules if you are not going to follow them???

Commissioner's Notes: _____

6 - BARBARA & KEN LEONARD
5835 FAIRVIEW

1. Has a concern with the encroachment with the mature oak trees. There should be absolutely no disturbing of any oak tree.
2. Why is disturbing more than half the natural landscape necessary?? Have the applicant stick to the guidelines of 37%.
3. Ongoing damage to the primarily roadway, Fairview Hill. Construction trucks over the past two years have severely deateriate the road. How can this be mitigated?
4. Why can't the applicant build the contour of the land? Please don't put a flat pad on steep hillside.

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7 - RON CAGNON
5836 FAIRVIEW PLACE

1. Concerned about the safety and liability of the construction trucks.
2. Other construction projects locally have not adhered to codes and local laws.
 - a. Who is monitoring this site to make sure it does not happen again?

Commissioner's Notes: _____

8 - CHERYL & STEVE GOLDBERG
5935 FAIRVIEW PLACE

1. Road improvements be built into the project pricing
2. Concerned about the oak trees on the driveway
3. How can they survive the trucks going up and down the driveway?
4. Storypoles.
5. Built house to the topography.
6. Lot coverage / massive project.

Commissioner's Notes: _____

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9 - BOB AND ELIZABETH HARTMAN
6072 LAPWORTH PLACE

1. Concerned about the condition of the roads with the impact of the construction trucks.
 - a. Can a road surcharge be applied for all trucks to repair the damage they are making?
2. Bob agreed with all the concerns brought up by Nitz, Lux and Trotter. Would like all those questions addressed also.

Commissioner's Notes: _____

10 - DANNY LUX AND ANDREA LUX
28233 BALKINS DRIVE

- **ABUTTING PROPERTY OWNER – WEST PROPERTY LINE**
- **DOWN HILL AND DOWN STREAM OF APPLICANT'S PROPERTY**

1. What about the run off of the hill to the houses below?
2. Why make a flat lot project into a hill project?
 - a. Why are they not building into the natural contours of the hill, like older projects in the neighborhood have done?
 - b. Why are they changing the face of the hillside forever?
 - c. Why is it allowed?
3. How will the run off from the site not effect the septic?
4. The natural water run off will be changed.
 - a. Will it effect the neighbor's pool and foundation of their house?
5. Why is there such a large amount of cut and fill vs. designing a project that is contusive to the natural topography?
6. Oak tree roots being driven over on the neighbor's driveway.
 - a. What is the value of the oak tree if it is hurt?
 - b. Who will be liable for this??
 - c. A covenant for the property should be drawn up.
 - d. Financial responsibility must be established.
 - e. Large size vehicles cannot fit down the driveway without severely pruning the tree.

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- f. Can't get a hook and ladder firetruck under the trees – there is a greater fire risk as large trucks cannot get to the back hill that has brush on it.
- 7. Contour of the land now vs. the restoration credit should not be allowed.
 - a. Why are they being allowed to disturb the land, then being given credit to restore it?
- 8. Why is the tradition of working with the natural terrain is now gone when it has been a part of this neighborhood for so long?
- 9. The fencing. There is double fencing for the Luxes; giving it a prison yard look. Building and safety has not gotten back to the Luxes. Wrought iron around the entire project – this look is not conducive to the neighborhood look.
- 10. Privacy – believe that the dwelling will look directly into the master bedroom.
 - a. Please verify with providing Storypoles and Flags for the structures and the retaining wall.
- 11. Nothing in writing in regards to liability if something goes wrong with any of these issues. There is no assumption of responsibility. What about a Covenant or posting a bond?

- 12. Verify no construction on Sunday as other projects continue on Sunday.

Commissioner's Notes: _____

**11 - CHRIS NITZ
28241 BALKINS**

- **ABUTTING PROPERTY - SOUTH PROPERTY LINE**
- **CURRENT TENANT/PROSPECTIVE OWNER**
- **DOWN SLOPE AND DOWN STREAM OF APPLICANT'S RUNOFF**

Please see letter provided.

Commissioner's Notes: _____

**11 – CHARLES TROTTER
28241 BALKINS**

- **ABUTTING PROPERTY - SOUTH PROPERTY LINE**
- **CURRENT TENANT/PROSPECTIVE OWNER**
- **DOWN SLOPE AND DOWN STREAM OF APPLICANT'S RUNOFF**

Please see letter provided.

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12 - VICKI HUNTER

28241 BALKINS

- **ABUTTING PROPERTY OWNER – SOUTH PROPERTY LINE**
- **DOWN SLOPE AND DOWN STREAM OF APPLICANT'S RUNOFF**

1. Water runoff
2. The driveway and it's traffic will damage the 2 oaks trees on her property whose drip line and roots pass under the driveway.
3. The value of the trees – it is irreplaceable. If one or more of the 4 trees die, the value of the house is severely reduced also. The applicant and future homeowners must take responsibility in writing as to the liability involving the 4 oak trees. This must be provided as a condition of approval of the CUP.
4. Integrity of the hill behind the proposed site (this hill will eventually fail under the current scale of the proposed development)
5. Impact of construction.
6. Privacy – want to see storypoles as she believes that the pool view and view from the proposed house will be looking directly into her pool area and living room.
7. During construction on the other properties in the immediate vicinity, trash would blow off site onto her property. Who is going to prevent this from happening on this job site?

Charles Trotter
28241 Balkins Drive
Agoura Hills, CA 91301

Thursday, November 8, 2007

Concerns & Request of Stay (or denial) of CUP and OTR until all concerns are solved with the Applicant and/or mitigated by Planning Commission

Thursday, November 8, 2007

Dear Agoura Hills Planning Commission Members,

Christine Nitz and I just moved into our house on Balkins Drive on October 15, 2007. For the next 11 months we are leasing this house. We are also intending on purchasing the property at the end of the lease period from the owner and former resident of this home, Vicki Hunter. (27 year resident of Old Agoura, and the only owner of this house)

Our property relevant to the Sharon's CUP & OTR Request

We have two major property lines in common with the Sharons.

1. Their proposed development's front property line abuts the back property of the rear property line of our house. (at over 150 liner feet)
2. The full length of their driveway abuts the full length of our west property line (measured at over 325 liner feet)
3. The two oak trees on the neighbor's property referenced in the applicant's case whose roots and canopy go over and under the driveway are on our property.
4. There are 2 more fully mature oaks which we believe are relevant to your approval or denial of the CUP have no mention in the applicant's case file. They will be severely affected by approval.

In General Introduction

By profession, I am an event organizer. I founded and produce a yearly show in Santa Monica called the CA Boom Design Show. The show is held each year in Santa Monica and is attended by 8500+ architects, interior designers, building contractors, developers and consumers who enjoy/promote modern, leading edge and green design.

I also have many years of experience in community and civic involvement both in city Santa Monica and with the development of and participate in Venice Neighborhood Council. Traffic and Parking were some of my areas of focus.

You might remember me, I came to the planning commission meeting on 10/18 and asked some general questions of you and staff as well as provided several comments during the "general comment section".

As we were moving in, we started to learn that there are some very upset neighbors in this area of West Balkins, Lapworth and Fairview Place. It is my understanding that they have been subject to massive amounts of new construction and remodels which are actually tear downs. We were shocked to find out how upset our neighbors are.

Tonight

I ask you to continue (or deny) this conditional use permit and oak tree removal permit until the

Charles Trotter
28241 Balkins Drive
Agoura Hills, CA 91301

Sharon's are willing to meet and work in partnership with and address the neighbor's concerns in regards to this project.

Concerns with this development.

1. The developer refuses to meet with the surrounding neighbors even when his architect requests him to.
 - a. Even with the refusal of the applicant to speak with his neighbors about their plans, I, Christine, and many of the neighbors are still willing to have a sit down roundtable (non-heated) conversation with the Sharons, their architect, a members of planning staff (suggest a member of staff be the facilitator) and we hope a member or two of the planning commission would join us to learn what are the true concerns of the neighbors actually participate in what should be a positive conversation
2. Sharon's and their architect have made no effort to follow and work with contour of the existing topography. I know personally 20+ award wining published architects who would find this a dream lot and wonderful community to design this project.
 - a. As proposed this is a flat land design being forced on to a sloping contoured hillside meadow. This is not what old Agoura is about.
 - b. A design which integrated with the hillside meadow is necessary here. (this is the way houses have been built in old Agoura since its original development).
 - i. Our house (Mrs. Hunter) is two story and is built down the hillside facing into the medow. You park and enter from the second floor, because that is the way our topography. From the street it looks like a one story ranch house.
 - ii. The Lux's home next door, while above average in sq' for the neighborhood, steps down their hillside on 4 levels, with living rooms and pool terraced to the contour of the land.
 - iii. The Alexander's home – each room is on a different level deepening on the topography that existed – excellent example of working with the land.
 - iv. The Diamond's home (which has a great 1000 sq' addition currently under construction) is totally harmonious with the existing land and wonderfully integrated to the original home.
 - c. The pool as a condition of your approval must be terraced either above the house or down the slope of the house.
 - i. up or down the slope and be put into the ground. It should not be approved by you to be put in fill. (of which we are down slope from and must live with the retaining walls in perpetuity.
 - ii. It is completely unnecessary for the applicant to continue a flat pad (this is the same level of the driveway) 40+ feet South of the house into fill so that the pool is convenient on

REQUEST: There are hundreds of examples we can show you of development that works in harmony with the existing and natural terrain of Agoura. I ask you tonight to deny or at least continue this CUP until we can all go together and see for ourselves. I would be happy to organize with staff, the opportunity to show you and the applicant real examples of interiors and exteriors which work in conjunction with the existing topography. I believe that after all of you see it (including the applicant's family) they will start to see what the amazing opportunity they have.

Charles Trotter
28241 Balkins Drive
Agoura Hills, CA 91301

I hear a rumor that you wanted to do a group field trip to take a closer look at the existing land uses in Old Agoura and what has been completed or is in progress on your watch. This is the right time and the group field trip could not come at a more appropriate time. Please stay or deny this CUP until you all can come and see and tour the neighborhood with us. We will work so that you can get a compile picture by not only showing you the exteriors but also the interiors of many of the homes here.

Continuing on with the concerns we ask you to address and mitigate before approval is granted...

3. The neighbors (and I agree with them) have asked repeatedly for story poles for this project – the applicant has still not put them up.
4. There is Pair of Nesting Falcons living in the mature eucalyptus on the applicant's property, which appears to not exist in the applicant's proposal.
5. Applicant's Setbacks and identification of front and side yards do not appear to be properly identified.
 - a. The Front Property Line is the line parallel with the street (which is also the back of our property) The applicant has identified it as a side yard.
 - b. There is a 200+ ft. ominous retaining wall which unnecessarily runs the full length of the back of our property and the side of the Lux's property line. If the pool was required to be in the ground be then there would be no need for the oversized flat pad.
 - c. Better yet – the Meadow which we share, which will be destroyed, should be used for the horse keeping area and the pool built into the rear yard or into the area west of the house. There is more afternoon sun there than were they are currently suggesting to put the pool.

Any additional concerns will be provided the night of the meeting.
Thank you for reviewing this, I appreciate your volunteerism,



Charles Trotter

**Christine Nitz
28241 Balkins Drive
Agoura Hills, CA 91301**

Thursday, November 8, 2007

Dear Planning Commissioners:

I am very concerned by the proposed development at 28243 Balkins. While I believe that the property owner has a right to build, the scale, lot coverage and impact on the neighborhood and oaks is excessive and is in violation of too many local codes.

There are 4 oak trees on our property. (There is no mention of the 2 oak trees in the middle of property in the report, but they are affected by this project.) From what I understand, per the attached chapter in the International Society of Arboriculture, all 4 trees will eventually die due to the cutting of the roots, soil compaction, smothering of the roots by adding soil, redirecting the water, and pruning.

Concerns specifically in regards to the oaks:

Is the City following guidelines that they themselves have created as law? (i.e. no spotzoning)

Are environmental concerns, protection and mitigation in writing?

Has insurance covering the loss of the oaks (which can decades to materialize) been retained?

Pitfalls that can lead to an oak's decline and eventual death would include:

Adding an irrigation system to support a new landscape.

Soil compaction during construction.

Cutting roots to trench or re-grade.

Raising the former soil line (grade)

Changing redirecting or restricting a natural swail or arroyo.

From the plans I have reviewed, the proposal of the project will have all of the above mentioned pitfalls in it. How can any of these be prevented so that 4 protected oaks do not die a slow death?

An oak tree's root system extends far beyond it's drip line and 90% of it's roots are no deeper than 3 feet. Where are all the electrical, drain lines, gas, water, cable, etc. going to be run through from the street? If the only access point is the driveway and there are clearly 2 oak trees exposed, how can they not be harmed when all of the trenching must be conducted for all of these lines?

Where are the water run off plans? Shouldn't that be determined 1st?

We have horses on the property. How can you assure me of their safety when there are large construction vehicles right next to our property line? How will dust and debris be dealt with so that they are not affected?

**Christine Nitz
28241 Balkins Drive
Agoura Hills, CA 91301**

A conditional use permit is not a catch all problem solver for all the problems inherent in a hillside site. Why is it being given for this project? Why are the local codes being broken?

Charles and I moved our horses from Chatsworth due to the excessive "spot zoning" that was taking place in that area. Chatsworth is a designated horse community, but local laws and codes were consistently being broken in regards to lot size and formation of non horsekeeping lots. We moved here in hopes that we would not find "spot zoning". Please consider not approving this project as is. This is not what the neighbors want or what the community needs.

Thank you for your time.

Sincerely,
Chris Nitz
28241 Balkins



oak tree overhanging driveway

run off
into 2
oaks not
in report





oak tree roots under driveway

view
from
proposed
site

