



---

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

---

**ACTION DATE:** February 21, 2008

**TO:** Planning Commission

**APPLICANT:** Ron Waters  
28025 Balkins Drive  
Agoura Hills, CA 91301

**CASE NOS.:** 03-CUP-002 & 03-OTP-002

**LOCATION:** 28031 Balkins Drive  
(A.P.N. 2055-023-065)

**REQUEST:** Request for approval of a Conditional Use Permit to build a 6,964 square-foot, two-story single-family residence with an 897 square-foot, attached garage and a 190 square-foot patio cover; and a request for approval of an Oak Tree Permit to encroach into the protected zone of 3 Oak trees for the proposed construction.

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA per Section 15303 (New Construction of a Single-Family Residence)

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-002, and Oak Tree Permit Case No. 03-OTP-002, subject to conditions, based on the findings of the attached Draft Resolution.

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

**GENERAL PLAN DESIGNATION:** RV – Residential Very Low Density

## I. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Ron Waters, is proposing to construct a 6,964 square-foot, two-story, single-family residence with an 897 square-foot, three-car garage and a 190 square-foot attached covered patio. The project will encroach into the protected zone of 3 Oak trees for the construction of retaining walls which requires approval of an Oak Tree Permit. The flag 1.6-acre lot is located on the north side of Balkins Drive between Colodny Drive and Chesebro Road in the RV-OA (Residential Very Low Density-Old Agoura Design Overlay) zone. The lot is an in-fill lot. All sides of the lot are developed lots.

New single-family homes are subject to review by the Planning Commission. Since the average topographic slope of the property exceeds 10% (23.72%), this lot is considered a hillside lot and, therefore, requires the approval of a Conditional Use Permit application. The applicant has also applied for an administrative Lot Line Adjustment application to adjust the property line between the front and rear parcels. The new property boundary would be at the top of a slope in order to avoid the construction of the new driveway from encroaching into the existing southerly property line. The applicant, who also owns the southerly lot, intends to secure access to a storage structure in the back of the property from the same driveway. The Lot Line Adjustment is currently being reviewed by the City Engineer. Since the Lot Line Adjustment application is pending, the Planning Commission is asked to consider the existing conditions of the site in considering this development proposal. However, staff reviewed the feasibility of the proposed Lot Line Adjustment and finds that it complies with the minimum lot size for the RV zone and the minimum size for a hillside lot.

The proposed single-family residence is a permitted use in the RV zone and meets the minimum standards of development for that zone and those of the Hillside Development Standards.

The following is a summary of the proposed development relative to the City Code requirements.

	Existing	Proposed	Required
<b>A. Lot Size</b>	69,696 sq.ft. (1.6 acres)	69,696 sq.ft. (1.6 acres)	43,560 sq.ft. (1 acre) min.
Width	220 feet	220 feet	N/A
Depth	295 feet	295 feet	N/A
<b>B. Building Setbacks from Property Lines</b>			
1. <u>Residence</u>			
South	N/A	127 feet	25 feet min.
Rear (North)	N/A	27 feet	25 feet min.
East Side	N/A	116 feet	12 feet min.
West Side	N/A	12 feet	12 feet min.

	<b>Existing</b>	<b>Proposed</b>	<b>Required</b>
<b>2. <u>Future Pool</u></b>			
Front (South)	N/A	100 +/-	10 feet min.
Rear (North)	N/A	100 +/-	5 feet min.
Side (East)	N/A	100 +/-	5 feet min.
Side (West)	N/A	N/A	5 feet min.
<b>3. <u>Future Barn</u></b>			
Front (South)	N/A	100 +/-	10 feet min.
Rear (North)	N/A	100 +/-	5 feet min.
Side (East)	N/A	100 +/-	5 feet min.
Side (West)	N/A	N/A	5 feet min.
<b>C. Building Size</b>			
<b>1. Residence</b>			
Main Floor	N/A	5,497 sq.ft.	N/A
Basement	N/A	1,467 sq.ft.	N/A
<b>2. Garage</b>	N/A	897 sq.ft.	N/A
<b>3. Patio Cover Area</b>	<u>N/A</u>	<u>190 sq.ft.</u>	<u>N/A</u>
<b>Total Square Footage:</b>	N/A	8,051 sq.ft.	N/A
<b>D. Building Height</b>			
	N/A	31 ft.	35 ft. max.
<b>E. Lot Coverage</b>			
House:	N/A	5,497	
1 car space:	N/A	288	
Stair Case:	<u>N/A</u>	<u>1,104</u>	
<b>Subtotal:</b>	N/A	6,889	9.9%
Driveway:	N/A	4,350	
Other hardscape <sup>1</sup> :	<u>N/A</u>	<u>1,200</u>	
<b>Total:</b>	N/A	5,550	
<b>Grand Total:</b>	N/A	12,439	17.8% 25%
Future Barn: Max.	N/A	4,985	25% 25%
<b>F. Oak Trees</b>			
	8 on-site	8 on-site	N/A
	8 off-site	8 off-site	N/A

<sup>1</sup> The specified hardscape square-footage includes a future pool.

## II. STAFF ANALYSIS

### A. Site Plan

The proposed residence is to be built at the top of a hillside flag lot. This lot exists as a result of a four-lot subdivision recorded in 1975 (PM 4931). Three of these four lots are developed with single-family residences. The proposed residence would take access from a driveway shared with the adjacent lot to the south and to the west.

The proposed distance between the structure and the south property line will exceed the minimum front yard setback by 125 feet (150 feet proposed versus 25 feet required), the rear yard setback by 2 feet (27 feet proposed versus 25 feet required) and the side yard setback on the east side by 104 feet (116 feet proposed versus 12 feet required). The west side meets the minimum requirement of 12 feet. The proposed footprint to the nearest residences would be 100 to the west, 195 feet to the east, 150 feet to the north, 240 feet to the south and 240 feet to the southwest.

The maximum allowable building lot coverage in the RV zone is 25%. The total proposed lot coverage for the residence (including the staircase, garage and covered patio) is 9.9% of the lot. When adding the square footage of the driveway and miscellaneous hardscape improvements which are currently being considered by the applicant (i.e. pool, equipment), the proposed lot coverage increases to 12,439 square feet, which would represent 17.8% of the lot.

Although the applicant is not considering keeping horses on the property, sufficient space remain on the parcel to accommodate a 4,900 square-foot barn without exceeding the 25% maximum allowable lot coverage for the zone. The structure would need to be built as least 35 feet from any on and off-site habitable structures and five and ten feet from side and rear property lines and could be reviewed administratively at a future date. Corral areas are excluded in the calculations. The information was provided to demonstrate that the equestrian use of the lot is still viable and that structures are permissible.

The project meets the Hillside Ordinance development standards with respect to building height and open space coverage. Although the maximum height allowed for a residence is 35 feet in that specific zone, the Hillside Ordinance development standards further restrict the height of the structure at the highest point of the hillside slope, where the massing would have the most visual impacts typically in the front or rear of the parcel. In this case the rear property line is higher than the front property line and the standards would require that the height of the house not exceed 15 feet above the elevation of the rear property line. By removing approximately 6 feet of top soil, and consequently lowering the existing grade and supporting the slope with one 6-foot high retaining wall, the applicant was able to meet the maximum height. In addition, by providing a tuck-under garage and building additional living space as a basement, the elevation of the finished building pad meets the elevation of the top of the existing driveway without additional grading. This approach also minimizes impacts to the natural open space areas by protecting 63.3% of the lot, whereas the minimum requirement is 62.5%.

The sloped topography of the lot poses constraints in balancing the cut and fill soil quantities without cutting in the hillside and not impacting surrounding oak trees. The driveway at the southern end of the lot has a topographic elevation of 994 feet and rises to a 1,060-foot elevation at a distance of 300 feet. The peak elevation of the lot is at 1,077 feet. Two different building pad elevations are proposed, one at 1,060 feet for the garage and basement and one at 1,070 feet for the main floor of the residence, thereby requiring mostly cut soil and very little fill. Some recontouring is proposed in the front yard to link the various elevation lines to the side of the driveway and to minimize the use of retaining walls. However, retaining walls will be required as part of the construction of the house, for the entry staircase and along the edges of the graded pad. The house is not expected to be visible from Balkins Drive, nor from the properties to the east and north.

#### B. Architecture

In an effort to evaluate the compatibility of the proposed size of the home with the neighboring structures approved and built, a survey of 49 developed lots in the neighborhood was conducted. The results revealed an average size for the living areas of all 49 homes to be 2,844 square feet. This average included Planning Commission approved 5,564 and 3,663 square-foot, new custom homes on Fairview Drive, and a 4,061 square-foot new custom home on Colodny Drive and a room addition which increased the existing size of the home on Colodny Drive to 4,339 square feet. The average lot size was found to be 49,999 square feet (1.15 acres). The total proposed size of the home will be 6,964 square feet (plus an 897 square-foot garage) on a 69,696 square-foot (1.6 acres) lot. Although the applicant's floor area ratio exceeds the neighborhood average, the lot exceeds the average lot size and the separation from residential structures varies between 100 to 250 feet in distance, and 50 feet in height.

The Mediterranean style of architecture includes, smooth, colored plaster finish, extended roof overhangs with rafter tails and Spanish tile roof. The applicant is proposing to use a stone veneer on the exterior retaining walls of the staircase which would connect to a wainscot around the garage as well as on the walls of a tower element. The 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 applicant incorporated all of the ARP's recommended changes into the house design. This L-shape design provides a 360 degree view. The rear portion of the residence will appear as a single-story structure. The basement is built completely below grade behind the garage which requires the entry to the garage to be lower than the main entry. A letter from the Old Agoura Homeowners Association regarding the project is attached.

#### C. Oak Tree/Landscape

A landscape plan was submitted to the Planning Department for review. The applicant proposes to provide ornamental landscaping around the house leaving the remaining of the land natural. Trees are also proposed along the west property line to serve as screening for the benefit of the residents below. Existing Oak trees on the east side of the property will also act as a screen for surrounding residents. The City Oak Tree

Consultant has worked with the applicant to minimize the impacts to Oak Tree Nos. 1, 2, 12 and 16 located along the rear and east side of the proposed graded pad. Oak Tree Permit Conditions were drafted; they include restricting the applicant from encroaching more than 3 feet in the protected zone of these trees for the proposed grading work and requiring the use of precautionary measures such as maintaining fencing at all times around all the trees when the construction crew is not required to encroach in the protected zone of the trees, monitoring any excavation work in the protected zone of the trees by the applicant's oak tree consultant and restricting the construction crew from storing any equipment or construction materials in the protected zone of the oak trees. No oak trees are proposed for removal.

D. Engineering/Public Works

The Grading Plan has been reviewed by the Engineering Department. The topography of this lot slopes downward in all directions from the pad. The grading work is expected to require 3,170 cubic yards of cut and 14 cubic yards of fill in order to create a wider flat pad for the main level of the house pad and possibly a pool. The pad would need to be lower than existing grade. Both the garage and basement would require carving out more soil. In order to meet the grade, recontouring the hill along the east side of the driveway to the south with a 2:1 slope would also need to be done. The applicant would improve and extend the existing driveway to the new garage and would create a turn-out to the east to connect to a future corral and barn. Retaining walls of 1 to 6 feet in height are also proposed on three sides of the finished pad. The eastern wall would be built above 13 caissons required for geological and geotechnical reasons and to protect Oak trees (Oak Tree #1, 2 and 3). The northern wall would retain soil to protect other Oak trees (Oak Tree # 12 and 16) because the finished pad would be below the average elevation of the slope along the rear property line. A third wall is also proposed in the front of the house to support a staircase. The City Geotechnical and Geological Consultant has reviewed and approved the report submitted by the applicant, subject to conditions, for this planning and feasibility stage.

A septic system will serve the proposed residence. The applicant has received a conceptual approval from the Los Angeles County Health Services Department of the proposed system. The system will be located along the west property line and will not conflict with the proposed and future structures.

E. Environmental

Based upon review of this project by the City Environmental Analyst, no significant 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.

In conclusion, staff finds that the proposed project meets the development standards established by the Residential Single-Family Density zone and the Old Agoura Design

Overlay zone, and the project is designed and sited to be compatible with the neighborhood. Also, geotechnical and geological studies adequately address and mitigate potential impacts associated with this project subject to conditions. The proposed house size and design is in proportion with the lot size. The architectural style of the 2-story residence is compatible with the eclectic style of Old Agoura. The use of natural materials of on this residence is in keeping with the semi-rural character of the neighborhood. In addition, the project as designed would help maintain the equestrian character of the Old Agoura, as called for in the General Plan Community Design Element.

### **III. RECOMMENDATION**

Based on the above analysis, staff recommends that the Planning Commission adopt the attached Draft Resolution, approving Conditional Use Permit Case No. 03-CUP-002 and Oak Tree Permit Case No. 03-OTP-002, subject to the conditions.

### **IV. ATTACHMENTS**

- Draft Resolution and Conditions of Approval
- Exhibit A: Letter from the Old Agoura Homeowners Association
- Exhibit B: Vicinity/Zoning Map
- Exhibit C: Square Footage Analysis Map
- Exhibit D: Reduced Copies of Renderings
- Exhibit E: Reduced Copies of the Proposed Project Architectural Plans
- Exhibit F: City Oak Tree/Landscape Consultant and Geological/Geotechnical Consultant Comments
- Exhibit G: Environmental Categorical Exemption
- Exhibit H: Photographs of the Property and Color and Material Board

**Case Planner:** Valerie Darbouze, Associate Planner

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING CONDITIONAL USE PERMIT CASE NO. 03-CUP-002  
AND OAK TREE PERMIT CASE NO. 03-OTP-002

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

Section 1. An application was duly filed by Ron Waters with respect to the real property located at 28025 Balkins Drive, Assessor's Parcel Number 2055-023-065, requesting the approval of a Conditional Use Permit Case No. 03-CUP-002 to allow the development of a 6,964 square-foot, two-story single-family residence and a 897 square-foot attached three-car garage; and requesting approval of Oak Tree Permit Case No. 03-OTP-002 to encroach in the protected zone of three (3) oak trees for the proposed construction. A Public Hearing was duly held on February 21, 2008, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Residential Very Low Density zone and the Old Agoura Design Overlay zone, which provide general design standards for residential developments. All minimum development standards have been met for the proposed two-story residence with regard to setbacks, lot coverage, height, architectural guidelines and hillside development standards regarding height and open space preservation.
- B. The proposed use, as conditioned, is compatible with the surrounding properties. The project will contribute to the aesthetic value of the neighborhood as a whole. The proposed building style of architecture and building materials, which include tower elements with clerestory, circular windows, half-round molded trims around all openings, Spanish tiles, smooth plaster, a lattice patio cover and decorative balconies with wrought iron railing and an overall earth tone scheme color are compatible with the neighborhood and meet the requirements of the Old Agoura Design Overlay District.
- C. The proposed use, as conditioned, and the conditions under which the project will be operated or maintained, will not be detrimental to the public health, safety or welfare. No element of the architecture or the use is detrimental to the health, safety or welfare of the public as single-family residences are allowed in that particular zone and the private septic system and drainage meet the conditions of both the Los Angeles County Health Department and the City Geological/Geotechnical Consultant. Access to the property



will be taken from Balkins Drive, and the two-story house will be placed in a location on the lot that will not impact the privacy or view sheds of adjoining neighbors.

- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance with regard to building placement, design, lot coverage, and height, and hillside development in that the project meets or exceeds the prescribed development's standards for the zones.
- E. The proposed use as conditioned, will maintain the diversity of the community by offering a style of architecture common to Mediterranean regions and simplicity of materials and limited amount of colors. The project will not require minimal reconfiguration of the existing topography which will preserve the natural resource. The placement of the residence will not impact view-sheds of neighboring residents. Furthermore, the project was designed to provide sufficient space on the property to accommodate accessory structures and amenities in addition to the main residence.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed project will preserve natural resources including oak trees, by minimizing the use of hardscape, and will preserve the semi-rural character of the Old Agoura neighborhood. The project will not impede on the designated undisturbed open space areas of the lot, while still providing a sizeable area suitable for horses or other farm animals as called for in the Community Design Element of the General Plan.

Section 4. The project is a request for one, single-family residence and is exempt from the California Environmental Quality Act (CEQA), per Section 15303 and does not require adoption of an environmental impact report or negative declaration.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 03-CUP-002 and Oak Tree Permit Case No. 03-OTP-002, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of February, 2008 by the following vote to wit:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
John O'Meara, Chairperson

ATTEST:

\_\_\_\_\_  
Doug Hooper, Secretary

## Conditions of Approval Case Nos. 03-CUP-002 & 03-OTP-002

### PLANNING CONDITIONS

#### Entitlement Requirements

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 these Permits 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; Elevation Plans; Floor Plans, Roof Plan, Landscape 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 filed 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. 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.
9. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 03-CUP-002 and 03-OTP-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.

## Conditions of Approval

Page 2 of 13

11. The applicant shall comply with all applicable Public Health Statutes, Ordinances, and Regulations related to the disposal of sewage.
12. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
13. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. At this time, the required school impact fee is \$2.24 per square foot.
14. 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 \$ 0.9223 per square foot of new floor area.
15. 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 the City's Environmental Planner is notified and 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.
16. The approved grading plan and construction plans, resolution, conditions of approval, the mitigated negative declaration and the mitigation monitoring and reporting program and a color and material board shall be on site at all time during the construction of the project.
17. 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.
18. All proposed retaining walls shall consist of materials subject to review and approval by the Director of Planning and Community Development.
19. Vehicle routes and access to the property for construction purposes shall be subject to review and approval by the City Engineer.
20. No construction work or repair work shall be performed between the hours of 7:00 p.m. to 7:00 a.m. or any Sunday or holiday.
21. The applicant and delegated contractors shall participate with City staff in a pre-construction meeting prior to issuance of a grading permit. Any change in the construction team shall be reported to the Building and Safety Department in a timely manner.

22. A copy of all communications between the City and the applicant shall be kept on-site at all times.
23. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
24. Intermittent inspections shall be scheduled by the applicant as required by the Building and Safety Department and coordinated with the Engineering and Planning Department.

Solid Waste Management Requirements

25. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
26. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
27. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

Landscape/Oak Tree Requirements

Oak Trees

28. The following preservation measures shall be complied with and prominently listed on the construction and grading plans.
29. The applicant is permitted to encroach within the protected zone of Oak Trees Numbers 1, 2 and 16 in order to construct the residence as shown on the approved plans. The encroachment shall be limited to the following:
  - a. The drilling of four (4) support piles for the building pad and the construction of an eighteen-inch (18") high retaining wall within the protected zone, outside the dripline, of Oak Tree Number 1. Excavation is limited to three feet (3') into the protected zone of the oak tree.
  - b. The drilling of six (6) support piles for the building pad and the construction of an eighteen-inch (18") high retaining wall at the outer edge of the protected zone of Oak Tree Number 2. Excavation is limited to three feet (3') into the protected zone of the oak tree.
  - c. The construction of a four-foot (4') to five-foot (5') high retaining wall within the protected zone, outside of the dripline, of Oak Tree Number 16. Excavation is limited to three feet (3') into the protected zone of the oak tree.
30. Per observations documented on March 6, 2007, soil was previously imported into the site and placed within the protected zone of an untagged oak tree on the northeast side of the property. This soil shall be removed to natural grade, under the observation of the applicant's oak tree consultant. This work shall be documented by the applicant's oak tree consultant and provided to the City of Agoura Hills in a project report.
31. The final grading plan, oak tree location map and landscape plans must agree and all shall include the tag number, exact trunk location, canopy, and protected zones of each oak tree. All inconsistencies must be resolved to the satisfaction of the City Oak Tree Consultant.
32. Prior to approval, the final grading plan shall be reviewed and approved by the City Oak Tree Consultant. The plan shall include oak tree protection notes to the satisfaction of the City Oak Tree Consultant.
33. Prior to the start of any mobilization or construction activities on the site, Oak Trees shall be fenced at the edge of the protected zone in strict accordance with Article IX, Appendix A, Section V.C.1.1 of the City of Agoura Hills Oak Tree Preservation and Protection Guidelines. The City Oak Tree Consultant shall approve the fencing location subsequent to installation and prior to the start of any mobilization or work on the site.

## Conditions of Approval

Page 5 of 13

34. No vehicles, equipment, materials, spoil or other items shall be used or placed within the protected zone of any oak tree at any time, except as specifically required to complete the approved work.
35. No grading, scarifying or other soil disturbance shall be permitted within any portion of the protected zone of any oak tree other than for the expressly approved encroachments.
36. Prior to occupancy, each existing and new oak tree shall be mulched throughout the dripline with three inches (3") of approved organic mulch as needed to supplement natural leaf litter.
37. No pruning of live wood shall be permitted 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. All pruning operations shall be consistent with The Pruning Standards of the Western Chapter of the International Society of Arboriculture.
38. No irrigation or planting shall be installed within the dripline of any existing or new oak tree unless specifically approved by the City Oak Tree Consultant.
39. The applicant shall provide forty-eight (48) hour notice prior to the start of any approved work within the protected zone of any oak tree.
40. Within ten (10) calendar days of the completion of work and prior to removal of the protective fencing, the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak tree at that time.
41. No fencing, planting or irrigation shall be placed within the protected zone of any oak tree unless specifically approved by the City Oak Tree Consultant.
42. No herbicides shall be used within one hundred feet (100') of the dripline of any oak tree unless the program is first reviewed and endorsed by the City Oak Tree Consultant.
43. The project oak tree consultant shall submit certification letters for all work completed within the protected zone of any oak tree within ten (10) working days of the completion of said work. The letters shall describe all work performed, methods utilized, monitoring performed and shall state whether such work was completed in accordance with the above conditions of approval.

### Landscaping/Irrigation

44. Landscape plans shall be submitted for review and approval by the City Planning and Community Development Department prior to issuance of a Grading Permit.
45. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:
  - Site Plan

## Conditions of Approval

Page 6 of 13

- Elevations
  - Grading Plan
  - Conditions Of Approval
46. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
- a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
  - b. All plans shall be legible and clearly drawn.
  - c. 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.
  - d. 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.
  - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
  - f. The project identification number shall be shown on each sheet.
  - g. 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
  - h. The Planting Plan shall indicate the botanical name and container size of each plant.
  - i. Plant symbols shall depict the size of the plants at maturity.
  - j. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
  - k. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
  - l. 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.

- m. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
    - Design and static pressures
    - Point of connection
    - Backflow protection
    - Valves, piping, controllers, heads, quick couplers
    - Gallon requirements for each valve
  - n. Three (3) copies of details and specifications shall be provided, addressing but not limited to, planting, soil preparation, tree staking, guying, installation details, and post installation maintenance.
47. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
48. The landscape plan may not include any non-native plants considered invasive in the Santa Monica Mountains by the California Native Plant Society or the California Exotic Pest Plant Council.
49. The final landscape plan shall generally conform to the Planting Plan prepared by Susan McEowen as submitted October 30, 2007.
50. The final configuration of the equestrian turnout shown on the planting plan shall be revised to avoid the protected zone of all oak trees.

#### ENGINEERING CONDITIONS

#### 51. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)

##### A. General

- i. This project requires a Certificate of Compliance with Lot Line Adjustment to be processed.
- ii. All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
- iii. Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department.
- iv. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil



## Conditions of Approval

Page 8 of 13

engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.

- v. Detailed on-site utility information shall be shown on the grading plan, which includes, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
- vi. Grading Plan shall show location(s) of all Oak trees within the vicinity of the site. Applicant shall adhere to all requirements pertaining to Oak trees as outlined in the City's Oak Tree Consultant's Conditions of Approval.
- vii. The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
- viii. Submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer. The report shall be reviewed and approved by the City Geotechnical/Geological Consultant.
- ix. Other Agency Permit/Approval: Prior to issuance of permits from the Engineering Department, this project will require a permit from the following agencies:
  - Los Angeles County Health Department
  - Las Virgenes Municipal Water District
- x. Building Permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact the Engineering Department at 818.597.7322 for approved City certification forms.
- xi. Other Conditions: The applicant shall record an easement to allow drainage across adjacent property to south for private drainage and maintenance. Said easement shall be established prior to occupancy. Due to high potential of moisture migration and potential slide, the applicant shall comply with geotechnical recommendations as approved by the City of Agoura Hills.

B. Public Improvements

- i. Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. Such public improvements may include, but not be limited to, the following:

Improvement Item	BALKINS DRIVE
AC Pavement	<input checked="" type="checkbox"/> Grind and modify as shown on plans
PCC Drive Approach	<input checked="" type="checkbox"/> New
All water appearances are per LVMWD standards (see Section 2D)	<input checked="" type="checkbox"/> Yes

- ii. Balkins Drive is a private roadway. Maintain proper traffic controls during construction phase.
- iii. This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.
- iv. Vacate the following street: Thousand Oaks Boulevard Right-of-way.
- v. Provide a preliminary title report not older than 30 days.

C. Sewer

- i. No sewer line is available for direct connection. A septic tank is proposed which requires approval from the Los Angeles County Public Health Department.

D. Water

- i. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.

E. Drainage/Hydrology

- i. A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a

result of the findings of this study. Applicant's engineer shall design proposed main lines.

F. Stormwater (NPDES)

- i. Prior to the approval of the Grading Plan and issuance of Grading Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
  1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  4. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
  5. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
- ii. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Urban Stormwater Mitigation Plan (USMP) shall be submitted to and approved by the Engineering Department. The USMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.
- iii. All projects that develop one (1) acre or more of total land area, or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with

the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department.

- iv. SWPPP Plan – All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: [www.cabmphandbooks.com](http://www.cabmphandbooks.com) and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

Said plan shall, among other things, ensure that the following minimum requirements are effectively implemented at all construction sites:

1. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
2. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
3. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes and covering erosion susceptible slopes.

#### 43. PRIOR TO CERTIFICATE OF OCCUPANCY

- i. All remaining fees/ deposits required by the Engineering Department must be paid in full.
- ii. All requirements including construction of improvements covered in Section 2 must be completed to the satisfaction of the City Engineer.
- iii. The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed

improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. *Please note that no final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless MYLAR, Record (As-built) Drawings, satisfactory to the City, are submitted.*

- iv. The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: [www.agoura-hills.ca.us](http://www.agoura-hills.ca.us).
- v. All monuments shall be set in accordance with the final map, and all centerline ties shall be submitted to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.

#### BUILDING AND SAFETY

44. 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. Fire Sprinklers are required per Sec. 904.2.9 of the Agoura Hills Building Code.
43. The City Building Code requires that a minimum setback of structure to toe of slope per Agoura Hills Building Code, Sec. 1806.5.3 shall be demonstrated. Minimum setback from a descending slope is H/2, (½ the vertical height of the slope, including portions not on property), or provide the equivalent protection determined by the soils engineer. This deviation will need to be verified by City soils engineer and approved by Building Official.
44. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Sec.6402.1.
45. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
46. Projects shall demonstrate the use of Class-A roofing material.
52. Preliminary and final site plan and construction plan shall show location of A/C condensing units or other HVAC equipment located on or around structure.
51. Building Permits shall not be issued until grading is approved and City, Fire District and all other Departments' requirements have been satisfied.

SPECIAL CONDITIONS

53. All proposed retaining walls and garden walls shall consist of split-faced block or other decorative materials subject to review and approval by the Director of Planning and Community Development.
54. All future fencing and accessory structures shall be reviewed and approved by the Director of Planning and Community Development and the Building and Safety Department prior to construction.
55. The future horse keeping/equestrian area within the front/side yard shall be shown in conforming size on both the Site Plan and Grading Plan.

END



**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-002,  
OAK TREE PERMIT - CASE NO. 03-OTP-002**

**FOR THE PROPERTY LOCATED AT  
28031 BALKINS DRIVE, AGOURA HILLS**

**EXHIBIT A**

**Letter from the Old Agoura Homeowners Association**

DATE: Sept. 8, 2007

RE: Review of Proposed Project

FROM: Planning and Zoning Committee,  
Old Agoura Homeowners Association

TO: Mike Kamino, Director  
Department of Planning & Community Development  
City of Agoura Hills

SUBJECT: Conditional Use Permit Case 03-CUP-002 & Oak Tree Permit Case 03-OTP-002

#### Description

A 6,953 sq. ft. house with an 823 sq. ft. garage.

#### Comment

The application is for a CUP since building is to take place on a hilltop. Although building on hilltops is discouraged, the nature of this lot makes it the only viable area for the owner, and with the structure limited to one story above ground the OAHA does not object.

#### Site

The house is sited at the rear portion of the lot farthest from the street and therefore will have no obvious impact on the streetscape. The neighbor to the west, however, may expect to have a substantial view of the house, so elements of grading, landscaping and so forth should attempt to mitigate this impact as much as possible.

#### Design

The house is of a highly eclectic Italianate design – “Tuscan” in builder's parlance – that combines such elements as arched windows, tiled roofs, octagonal towers mimicking medieval castle architecture and 18<sup>th</sup> century style colonnaded balustrades. It is, in our opinion, not a design that one would associate with a western equestrian community, and bears little resemblance to any actual Tuscan farm houses. One might describe it as more Bellagio than Old Agoura. The Committee has in the past recommended a few houses of “Tuscan” design, but these were closer approximations of actual Tuscan farm houses and in no way could be taken as precedents for the proposed project.

#### Scale and Massing

The above ground portion of the house, at 5,488 sq. ft., is at the limit of what we consider to be reasonable limit for this property, given the amount of buildable area, and is acceptable to us. The applicant has also designed a large basement area in order to capture additional space. The OAHA has no objection to the construction of large, useful basements, with the proviso that it should not increase the overall visible mass of the house. However, the Committee experiences some difficulty with the present proposal. The house seems very much to be visually projecting its full 7,000 sq. ft., as the basement level has virtually become another story. It is difficult not to see this as a very large two story house partly sunk in a hillside.

On the plus side, we feel the solution regarding the garage is the correct one.



Waters, p. 2

#### Materials and Palette

The applicant showed us examples of the barrel tile and stucco to be used on the house. Both are of very high quality and their weathered yellow-ochre color, similar to local ledgerstone, fits comfortably within design guidelines.

#### Horse-keeping

The owner was advised that any proposal should demonstrate that the property's potential for horse-keeping has not been impaired by showing how such elements as turnout, barn, stalls etc. could be plausibly integrated with the proposed design. This remains to be done. It should also be noted that there is room for this in front of the house, although doing so would likely rule out such amenities as swimming pool, guest house or other permanent structures. We consider this an important factor as the property in this part of Old Agoura is very distinctly equestrian.

#### Conclusion

Recommendation of a proposal rests on an accumulation of relevant points, in this case five. While the above ground square footage, siting of the house and choice of materials seem to us to be appropriate and justified, we have reservations about the appropriateness of the design and the basement solution. In our opinion, our recommendation would presume an appropriately sized and sited house. That leaves the question of whether excellence in materials is enough to overcome reservations about design. In our opinion, appropriateness of design holds greater weight, so we must withhold our recommendation. A recommendation could not be made, in any case, without demonstrating the continuing viability of the property for horse-keeping.

Should you have questions about these comments please contact Robert Evren, Chair, Planning and Zoning Committee, Old Agoura Homeowners Association: 865-9003, 448-2556 cell, [robtevren@aol.com](mailto:robtevren@aol.com).

We hope this is of help to you.

CC: Valerie Darbouze, Associate Planner



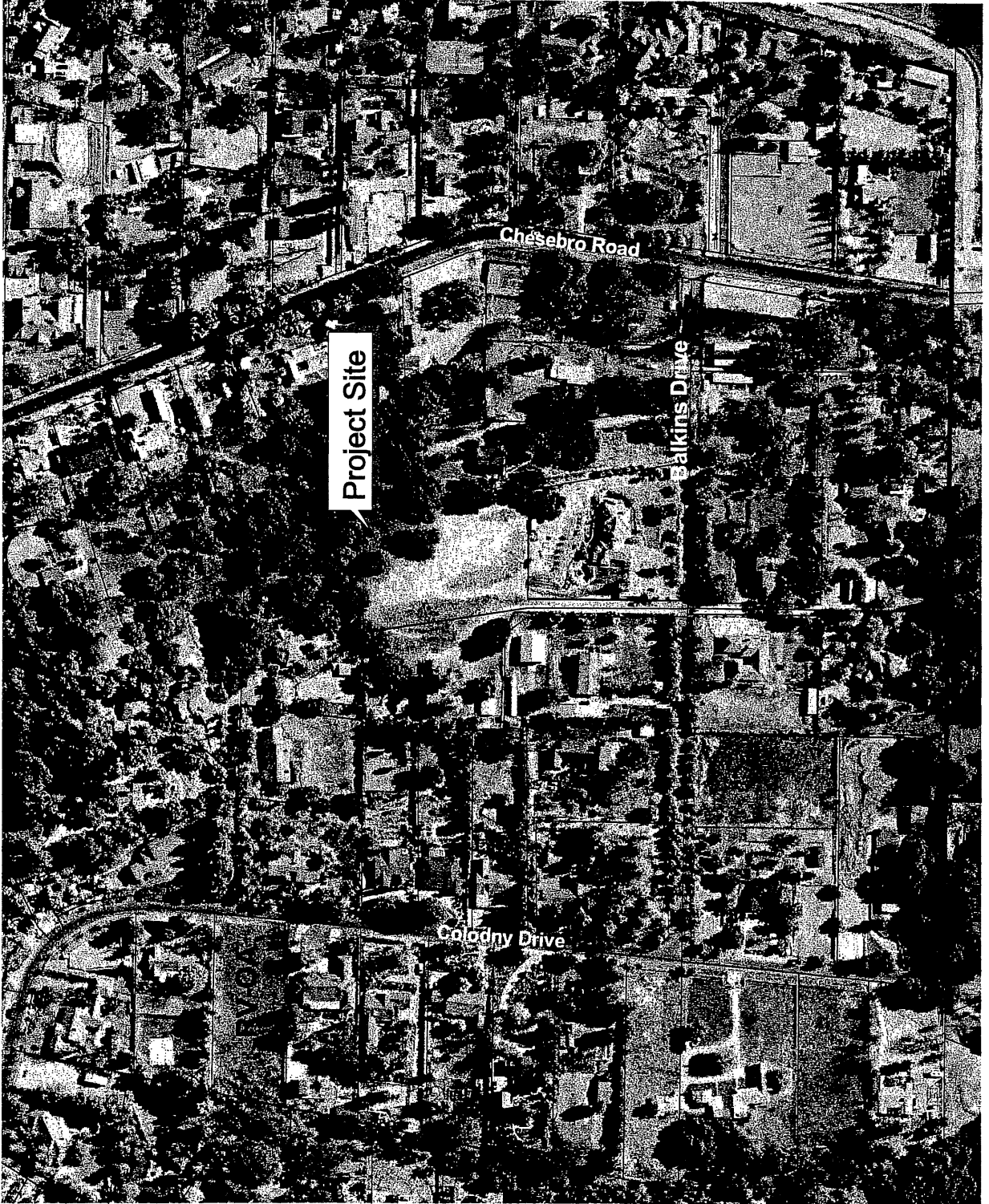
**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-002,  
OAK TREE PERMIT - CASE NO. 03-OTP-002**

**FOR THE PROPERTY LOCATED AT  
28031 BALKINS DRIVE, AGOURA HILLS**

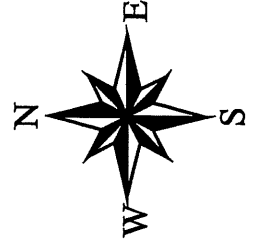
**EXHIBIT B**

**Vicinity/Zoning Map**

# Conditional Use Permit Case No. 03-CUP-002 & Oak Tree Permit Case No. 03-OTP-002



Vicinity/Zoning  
Map





**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-002,  
OAK TREE PERMIT - CASE NO. 03-OTP-002**

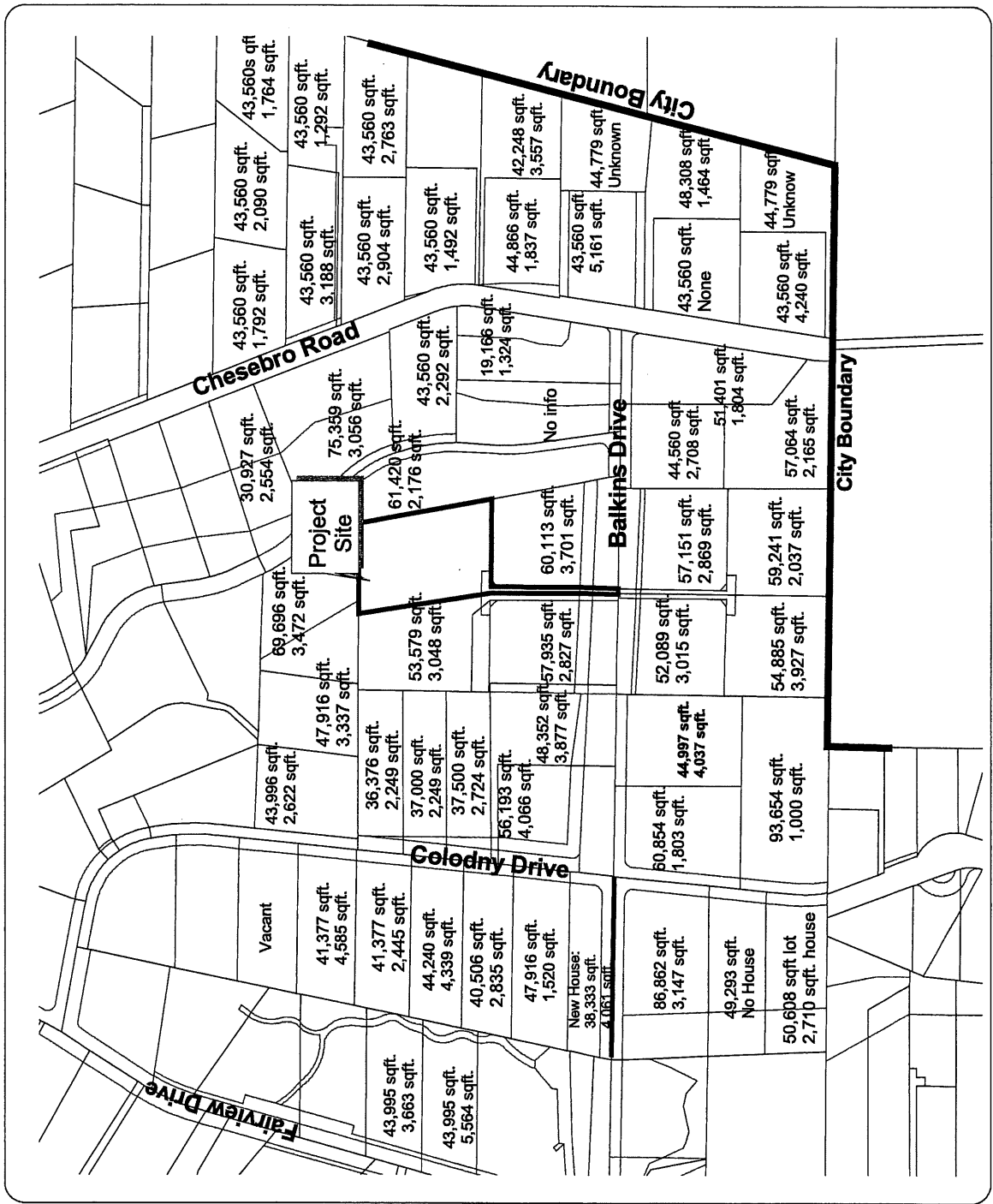
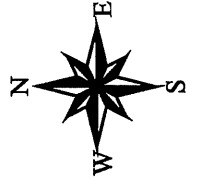
**FOR THE PROPERTY LOCATED AT  
28031 BALKINS DRIVE, AGOURA HILLS**

**EXHIBIT C**

**Square Footage Analysis Map**

# Conditional Use Permit Case No. 03-CUP-002 & Oak Tree Permit Case No. 03-OTP-002

Square Footage Analysis Map





**CONDITIONAL USE PERMIT - CASE NO. 03-CUP-002,  
OAK TREE PERMIT - CASE NO. 03-OTP-002**

**FOR THE PROPERTY LOCATED AT  
28031 BALKINS DRIVE, AGOURA HILLS**

**EXHIBIT D**

**Reduced Copies of Renderings**

