



DATE: AUGUST 7, 2008

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: CONDITIONAL USE PERMIT CASE NO. 07-CUP-011 AND OAK TREE PERMIT CASE NO. 07-OTP-020

I. BACKGROUND AND DISCUSSION

On June 5, 2008, the Planning Commission held a public hearing to consider Nevin Bardai's request for a Conditional Use Permit (Case No. 07-CUP-011) to construct a 4,133 square-foot, two-story, single-family residence with a 1,157 square-foot attached garage, and a spa. An Oak Tree Permit (Case No. 07-OTP-020) was also requested to remove one (1) Oak tree and to encroach within the protected zone of five (5) on-site Oak trees for the proposed construction. The 46,837 square foot parcel is located at 28340 Balkins Drive in the RV-OA (Very Low Density Residential – Old Agoura Design Overlay) zone.

After reviewing the project and taking public testimony, the Planning Commission expressed concerns with the size of the residence; the building height; the building's massive appearance as viewed from the street; the amount of retaining walls; the exceeded amount of hillside lot coverage; the equestrian area located on a steep slope; and the closeness of the residence to the street. Based on the comments from the neighbors and the Planning Commission, the applicant agreed to a continuance to August 7, 2008, granted by the Planning Commission, in order for the applicant to address these issues. The project staff report and meeting minutes from the June 5, 2008 Planning Commission meeting are attached for reference.

II. STAFF ANALYSIS

The applicant has redesigned the residence to address the Planning Commission's concerns. The applicant is now proposing to construct a 3,547 square foot, two-story, single-family residence and a 981 square foot attached three-car garage.

The redesign of the residence includes reducing the size of the structure from 4,133 square feet to 3,547 square feet (a reduction of 586 square feet or 14%). The attached three-car garage has been relocated to the rear of the residence and reduced in size from 1,157 square feet to 981 square feet (a reduction of 176 square feet or 15%). The footprint of the house has been reduced from 3,751 square feet to 3,256 square feet (a reduction of 495 square feet or 13%).

The overall height of the house has been reduced from 35 feet to 27 feet (a reduction of 8 feet or 23%). The previously proposed two story portion of the house closest to Balkins Drive had a pad elevation six feet above natural grade. The revised design reduces this portion of the house to one story in height with greater setback from Balkins Street. As such, the pad is situated at natural grade to conform to the existing terrain.

The building boundaries will remain within the buildable area of the lot. The project still meets all minimum yard setbacks from all property lines and height requirements. Pertinent data for the project is described below and findings made for the original proposal remain the same and are included in the attached draft resolution.

Pertinent Data

	<u>Existing</u>	<u>Original Proposal</u>	<u>Revised Proposal</u>	<u>Allowed/ Required</u>
1. Lot Size	1.08 acres (46,837 sq. ft.)	Same	Same	1 acre min. (43,560 sq. ft.)
<u>Easements</u>	<u>8,230 sq. ft.</u>	<u>8,230 sq. ft.</u>	<u>7,536 sq. ft.</u>	N/A
Net Lot Size	38,607 sq. ft.	38,607 sq. ft.	39,301 sq. ft.	N/A
2. Building Height	None	35 ft.	27 ft.	35 ft. max.
3. Building Sizes:				
Lower Level	None	None	1,362 sq. ft.	N/A
First Floor	None	2,757 sq. ft.	602 sq. ft.	N/A
<u>Second Floor:</u>	<u>None</u>	<u>1,376 sq. ft.</u>	<u>1,583 sq. ft.</u>	<u>N/A</u>
Total House Area	None	4,133 sq. ft.	3,547 sq. ft.	N/A
Garage	None	1,157 sq. ft.	981 sq. ft.	N/A
<u>Patio Cover</u>	<u>None</u>	<u>353 sq. ft.</u>	<u>None</u>	<u>N/A</u>
Total Bldg. Size	None	5,643 sq. ft.	4,528 sq. ft.	N/A
4. Building Setbacks:				
Front (North)	None	25 ft.	41 ft.	25 ft. min.
Rear (South)	None	71 ft.	64 ft.	25 ft. min.
Side (East)	None	30 ft.	29 ft.	12 ft. min.
Side (West)	None	66 ft.	77 ft.	12 ft. min.

Pertinent Data

	<u>Existing</u>	<u>Original Proposal</u>	<u>Revised Proposal</u>	<u>Allowed/ Required</u>
5. Lot Coverage:				
House 1 st Floor	None	2,757 sq. ft.	1,964 sq. ft.	N/A
House 2 nd Floor	None	None	311 sq. ft. (Partial)	N/A
Attached Garage	None	994 sq. ft. (Partial)	981 sq. ft.	N/A
Covered Patio	None	353 sq. ft.	None	N/A
Terrace	None	None	855 sq. ft.	N/A
Driveway	None	1,387 sq. ft.	419 sq. ft.	N/A
Hardscape	None	3,074 sq. ft.	1,683 sq. ft.	N/A
Spa/Equip/AC Pad	None	383 sq. ft.	None	N/A
<u>Future Barn</u>	<u>None</u>	<u>360 sq. ft.</u>	<u>290 sq. ft.</u>	<u>N/A</u>
Total	None	9,308 sq. ft. (24%)	6,503 sq. ft. (17%)	25 % max.
6. Undisturbed Open Space				
		67% (25,905 sq. ft.)	82% (32,325 sq. ft.)	97.5% min. (37,642 sq. ft.)
7. No. of Oak Trees				
	19	18	18	N/A
8. Average Topographic Slope				
		48.9%	48.9%	N/A

To minimize the mass of the residence as viewed from the street, the front (north) elevation of the house is now single story. Additionally, the point at which the house steps in height occurs almost 73 feet from the street, compared to 53 feet previously.

In order to accomplish these changes much of the house has been submerged below ground level as shown by the cross section exhibits attached. As a result, the amount of retaining walls and hardscape has been reduced from 3,074 square feet to 1,683 square feet (a reduction of 1,401 square feet or 46%). Terraced retaining walls that were previously 3 to 4 levels high and averaging 21 feet in total height have been reduced to 1 to 2 levels high and now averaging 8 feet in total height. The total disturbed area has been reduced from 12,702 square feet to 6,976 square feet (a reduction of 5,726 square feet or 45%).

Although the project exceeds the maximum amount of hillside lot coverage, the applicant has worked to minimize impacts to the hillside areas of the lot by reducing the house size, shifting the volume further uphill behind the Oak trees and submerging the lower levels of the house below ground level to provide a structure that conforms to the natural topography

and keeping with the existing low profile character along Balkins Drive.

A new designated area has been identified on the plans for a future equestrian use. The applicant has selected a 1,796 square foot area on the front of the property as the location for a future 290 square foot barn and 1,506 square foot corral where the natural terrain is gently sloping and access is direct from the street. Minimal grading is proposed and is only necessitated for the construction of the barn itself.

Architecture

The architectural style of the house and the proposed building materials and colors on the residence have not changed from the proposed earthtone colors and natural building materials of stained tan color siding with off-white wood trim, brown cultured stone, and a slate concrete tile roof.

The rear yard with trellis covered patio and spa has been eliminated and replaced with an 855 square foot paved stone terrace at the front of the house adding to the low scale profile of the house presented to the street.

The driveway has been relocated from the front yard to the rear of the residence, behind two large Oak trees, reducing the amount of hardscaped area visible from the street. The driveway would be surface with concrete. Additionally, the guest parking is provided on a decomposed granite surface in a more natural and pervious approach at the front northeast portion of the lot, adjacent to the common driveway.

Engineering/Public Works Department Review

Engineering Department has reviewed the revisions and has not modified their original draft conditions. The City's Geotechnical Consultant has reviewed the revised grading plan prepared for the project and recommends that the project be approved from a geotechnical perspective at the planning stage. The City's Geotechnical Consultant's letter dated July 29, 2008 is attached for reference.

Oak Trees/Landscaping

The City Oak Tree/Landscape Consultant has reviewed the revised Landscape Plan and has modified their original draft conditions to include condition numbers 65, 66 and 67 and revised condition numbers 38, 53, 63 and 64, which are included in the draft Resolution. The redesigned residence would eliminate the impacts to Oak Tree Number 12 and increase the impacts to Oak Tree Numbers 1, 2, 9 and 11, as follows:

A portion of the redesigned residence would encroach within the dripline of Oak Tree Number 1, requiring pruning of a small portion of canopy. As much as twenty- five percent (25%) of the roots and foliage would be impacted overall, including area for construction access. This encroachment is potentially severe. However, if the work is performed with extreme care and monitoring, the tree should be able to remain in place.

A portion of the redesigned residence and associated driveway would encroach within the dripline of Oak Tree Number 2. Pruning is not anticipated. As much as thirty-five percent (35%) of the roots and foliage would be impacted overall, including area for construction access. This encroachment is potentially severe. However, if the work is performed with extreme care and monitoring, as conditioned, the tree should be able to remain in place.

The back cut for a retaining wall would encroach within the dripline of Oak Tree Number 9, impacting approximately eight percent (8%) of the root zone. The tree should be able to remain in place with careful monitoring.

A portion of a rear wall of the residence would significantly encroach within the protected zone Oak Tree Number 11, impacting approximately twenty-two percent (22%) of the root zone. Pruning is not anticipated. This encroachment is potentially severe. However, if the work is performed with extreme care and monitoring, the tree should be able to remain in place.

Oak Tree A, a re-sprout with four (4), one-inch (1") diameter trunks, lies within the footprint of the structure and will need to be removed to enable construction.

Overall, the project impacts approximately nine percent (9%) of the oak tree resources (3% more than previously proposed), as shown on the attached table. This impact would be considered reasonable by the City Oak Tree Consultant, as it is less than the ten percent (10%) overall limit mandated by the Zoning Code and since it could otherwise be very difficult to construct a residence on this site.

Environmental Review

Based upon review of this project by staff, no significant environmental impacts have been identified for construction of the project. The project consists of the construction of one single-family residence. 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.

III. RECOMMENDATION

If the Planning Commission desires to approve Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit No. 07-OTP-020, staff has prepared the draft Resolution and Conditions for the Planning Commission to consider for adoption.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Letters from Gary Bardovi, Charles Cohen and Nevin Bardai
- Exhibit B: Letters from the Community
- Exhibit C: Colored Rendering of Residence
- Exhibit D: Reduced Photocopies of Plans
- Exhibit E: Oak Tree Impact Analysis Map
- Exhibit F: GeoDynamics Letter of Recommendation
- Exhibit G: June 5, 2008 Meeting Minutes
- Exhibit H: June 5, 2008 Staff Report

Case Planner: Renee Madrigal, Assistant Planner