

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

# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

## EXHIBIT E

OAK TREE IMPACT ANALYSIS MAP

# **BARDAI - OAK TREE IMPACT ANALYSIS**

		Trunk Di	Trunk Diameter (inches)	nches)		Protected		Impact		Tot	Total Impact	t		
Tree #	Trunk 1	Trunk 2	Trunk 2 Trunk 3	Trunk 4	Total	Zone (sq ft) None		Remove	Remove Encroach Inches Roots	Inches	Roots	%	Health	Comments
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### CONDITIONAL USE PERMIT CASE NO. 07-CUP-011 AND OAK TREE PERMIT NO. 07-OTP-020

# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

### **EXHIBIT F**

GEODYNAMICS LETTER OF RECOMMENDATION



Date: July 29, 2008 GDI #: 07.00103.0157

### CITY OF AGOURA HILLS - GEOTECHNICAL REVIEW SHEET

To:

Kelly Fisher

Project Location:

APN 2055-021-044, Balkins Drive, Agoura Hills, California.

Planning Case #:

07-CUP-011/07-OTP-020 (Bardai)

Building & Safety #:

None

Geotechnical Report:

Calwest Geotechnical (2007), "Geotechnical Engineering Update Report and Change of Geotechnical Consultant, Balkins Drive, City of Agoura Hills,

California", Project No. 4931, dated June 12, 2007.

Mountain Geology, Inc. (2007), "Engineering Geologic Update Letter, Proposed Custom Single-Family Residential Development, APN 2055-021-044, Balkins Drive, City of Agoura Hills, California," Project No.: JH5255, dated August 8,

2007.

Plans:

LC Engineering Group, Inc. (2008), "Preliminary Grading and Drainage Plan,

28340 Balkins Dr., Agoura Hills, CA 91301, Sheets 1 through 4," Printing Date:

July 15, 2008.

Dvoretzky, Bardovi, Bunnell Architects (2007), "Development Plan, Sheets A0.1,

A1.1, A2.1-2.4, A5.1, A5.2 & A8.2," Scale: 1"=10', dated 8-9-2007.

Previous Reviews:

September 19, 2007

### **FINDINGS**

Planning/Feasibility Issues	Geotechnical Report
	☐ Acceptable as Presented
Response Required	

### **REMARKS**

The recent submittal for the proposed development at 28340 Balkins Drive in Agoura Hills includes the above referenced preliminary grading plan by LC Engineering Group, In. dated July 15, 2008. This project was previously reviewed from a geotechnical perspective and approved for the feasibility-level in a letter dated September 19, 2007. GeoDynamics, Inc. (GDI) performed the geotechnical review on behalf of the City of Agoura Hills. However, there were some geotechnical issues (Report Review Comments) that remained to be addressed during the plan check stage. These comments were included in the aforementioned September 19, 2007 review letter.

The recently submitted preliminary grading plan appears to be significantly different from the previously submitted plan that was addressed in the above referenced geotechnical reports by Calwest Geotechnical and Mountain Geology, Inc. (consultants). As such, we recommend that the project geotechnical engineering and engineering geology consultants should adequately address the following comments prior to the final approval of the grading plan. Plan-Check comments should be addressed in Building & Safety Plan Check, and a separate geotechnical submittal is not required for plan-check comments.

 The consultants should provide a geotechnical update for this project. The update should address all significant changes in the proposed development and grading plans, as well as any changes in the existing geotechnical conditions at the site. The recent geotechnical plan should be used as a base map for an updated geotechnical map. Geotechnical cross sections should be provided/updated as necessary. Additional geotechnical recommendations should be provided as necessary to address the proposed changes in the development/grading plans and/or changes in geotechnical conditions at the site.

2. A response to the "Report Review Comments" provided in the September 19, 2007 review letter should be provided.

### **Plan-Check Comments**

- 1. The name, address, and phone number of the Consultant and a list of all the applicable geotechnical reports shall be included on the building/grading plans.
- 2. The following note must appear on the grading and foundation plans: "All retaining wall excavations shall be reviewed by the project engineering geologist for the presence of adversely oriented joint surfaces. Adverse surfaces shall be evaluated and supported in accordance with recommendations of the project geotechnical engineer."
- 3. The grading plan should include the limits and depths of overexcavation of the road and flatwork areas as recommended by the Consultant.
- 4. The following note should be added to the future building plans: The consultant should verify the adequacy of the capdown depth during construction of the future seepage pits.
- 5. The following note must appear on the grading and foundation plans: "Tests shall be performed to determine the R-value of finish grade materials within the proposed road pavement areas."
- 6. The following note must appear on the grading and foundation plans: "Excavations shall be made in compliance with CAL/OSHA Regulations."
- 7. The following note must appear on the foundation plans: "All foundation excavations must be observed and approved, in writing, by the Project Geotechnical Consultant prior to placement of reinforcing steel."
- 8. Foundation plans and foundation details shall clearly depict the embedment material and minimum depth of embedment for the foundations.
- 9. Drainage plans depicting all surface and subsurface non-erosive drainage devices, flow lines, and catch basins shall be included on the building plans.
- 10. Final grading, drainage, and foundation plans shall be reviewed, signed, and wet stamped by the consultant.
- 11. Provide a note on the grading and foundation plans that states: "An as-built report shall be submitted to the City for review. This report prepared by the Geotechnical Consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map."

If you have any questions regarding this review letter, please contact GDI at (805) 496-1222.

Respectfully Submitted,

GeoDynamics, INC.

Ali. A. Hug

Ali Abdel-Haq

Geotechnical Engineering Reviewer

GE 2308 (exp. 12/31/09)



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

# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

### **EXHIBIT G**

**JUNE 5, 2008 MEETING MINUTES** 



### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MINUTES OF THE REGULAR SCHEDULED MEETING OF THE PLANNING COMMISSION June 5, 2008

**CALL TO ORDER:** 

Vice Chair Zacuto called the meeting to order at 6:34 p.m.

**FLAG SALUTE** 

Commissioner Rishoff

**ROLL CALL:** 

Chair John O'Meara, Vice Chair Curtis Zacuto, Commissioners Illece Buckley Weber, Cyrena Nouzille, and Steve Rishoff. Chair O'Meara and Commissioner Buckley Weber were absent.

Vice Chair Zacuto stated that staff had received notification of Chair O'Meara's absence and Commissioner Buckley Weber's absence prior to the meeting and that they had requested the Commission excuse their absences. There were no objections to excusing the absence.

Also present were Assistant Community Development Director Doug Hooper, Senior Planner Allison Cook, Associate Planner Valerie Darbouze, Assistant Planner Renee Madrigal, Senior Engineer Jay Patel, Assistant Engineer Kelly Fisher, Oak Tree and Landscape Consultant Ann Burroughs, Housing Consultant Jim Draughon, and Recording Secretary Sheila Keckhut.

### 1. APPROVAL OF MINUTES:

May 15, 2008 Planning Commission Meeting

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve the Minutes of the May 15, 2008 Planning Commission Meeting. Motion carried 2-0-1. Vice Chair Zacuto abstained. Chair O'Meara and Commissioner Buckley Weber were absent.

### COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:

None

### CONTINUED PUBLIC HEARING

2. 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 three (3) Oak trees for

the proposed construction.

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)

ENVIRONMENTAL

DETERMINATION: Categorically exempt from CEQA per Section 15303 (New

Construction of a Single-Family Residence).

RECOMMENDATION: Staff recommended the continued public hearing for

Conditional Use Permit Case No. 03-CUP-002, and Oak Tree Permit Case No. 03-OTP-002 be continued to the July

17, 2008 Planning Commission meeting.

ACTION: On a motion by Commissioner Rishoff, seconded by Vice

Chair Zacuto, the Planning Commission moved to continue Conditional Use Permit No. 03-CUP-002 and Oak Tree Permit Case No. 03-OTP-002 to the July 17, 2008 Planning Commission meeting. Motioned carried 2-0-1. Commissioner Nouzille abstained. Chair O'Meara and

Commissioner Buckley Weber were absent.

### **NEW PUBLIC HEARINGS**

3. REQUEST:

Request for the Planning Commission to review a Zoning Ordinance Amendment to update the City's Inclusionary Housing Ordinance, review the environmental document prepared pursuant to the California Environmental Quality Act, and recommend approval of both items to the City Council.

APPLICANT:

City of Agoura Hills 30001 Ladyface Court Agoura Hills, CA 91301

CASE NO:

08-ZOA-002

LOCATION:

Citywide

**ENVIRONMENTAL** 

ANALYSIS:

Negative Declaration

RECOMMENDATION:

Staff recommended the Planning Commission recommend that the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-002 and that the City Council adopt the Initial Study/Negative Declaration prepared for the project pursuant to the California

Environmental Quality Act.

PUBLIC COMMENTS:

Vice Chair Zacuto opened and closed the Public Hearing.

No public comments were given.

ACTION:

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to adopt the Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-002, and that the City Council adopt the Initial Study/Negative Declaration prepared for the project pursuant to the California Environmental Quality Act. Motion carried 3-0. Chair O'Meara and Commissioner Buckley Weber were absent.

4. REQUEST:

Request for approval of a Conditional Use Permit to construct a 4,133 square foot, two-story, single-family residence with a 1,157 square foot attached garage, and a spa; and a request for approval of an Oak Tree Permit to remove one (1) Oak tree and to encroach within the protected zone of five (5) on-site Oak trees for the proposed construction.

APPLICANT:

Gary Bardovi for Nevin Bardai 3611 Motor Avenue, Suite 108 Los Angeles, CA 90034

CASE NOS.:

07-CUP-011 and 07-OTP-020

LOCATION:

28340 Balkins Drive (A.P.N. 2055-021-044)

ENVIRONMENTAL DETERMINATION:

Categorically Exempt from CEQA per Section 15303

RECOMMENDATION:

Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020, subject to conditions, based on the findings of the draft

Resolution.

PUBLIC COMMENTS:

Vice Chair Zacuto opened the Public Hearing

The following persons spoke in favor of the project.

Nevin Bardai, Applicant

Gary Bardovi, Architect representing the applicant.

Erick Mason, Civil Engineer representing applicant.

The following persons spoke in opposition of the project.

Walt Chandler, resident

Laurie Turner, resident

The following persons spoke in opposition of the project.

Brant Turner, resident

Jon Levin, resident

Robyn Britton, Old Agoura HOA

Andrea Lux, resident

Dr. Michael Papanicolaough, resident

Pam Chandler, resident

RECESS:

Vice Chair Zacuto called for a recess at 8:28 p.m.

**RECONVENE:** 

Vice Chair Zacuto reconvened the meeting at 8:46 p.m.

REBUTTAL:

Erick Mason Civil Engineer, Bob Bombardier Landscape Architect, Nevin Bardai applicant, and John Oblinger L. Newman Design Group, all representing the applicant gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Vice Chair Zacuto closed the Public Hearing and reopened the Public Hearing for the purpose of a continuance.

**ACTION:** 

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to continue Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020 to the August 7, 2008 Planning Commission meeting. Motioned carried 3-0. Chair O'Meara and Commissioner Buckley Weber were absent.

5. REQUEST:

A request for a Conditional Use Permit to convert a single-family residence into an office building and add 916 square feet of building area; a request for a Variance from Zoning Ordinance Sections 9373.7 and 9373.5 to reduce the landscaping from 20 to 10 feet in width along the front property line and to maintain a reduced, combined side yard setback of 20 feet instead of a minimum of 70 feet; and a

request for an Oak Tree Permit to encroach into the protected

zone of two oak trees for the construction of the project.

APPLICANT:

Joseph Luithly

28818 Agoura Road Agoura Hills, CA 91301

CASE NOS.:

07-CUP-008, 07-OTP-005, & 07-VAR-002

LOCATION:

28818 Agoura Road (A.P.N. 2061-029-002)

**ENVIRONMENTAL** 

DETERMINATION:

Exempt from CEQA per Section 15303

RECOMMENDATION:

Staff recommended approval of Conditional Use Permit, Case No. 07-CUP-008, and Oak tree Permit Case No. 07-OTP-005, and Variance Case No. 07-VAR-002, subject to conditions, based on the findings of the draft Resolutions.

**PUBLIC COMMENTS:** 

Vice Chair Zacuto opened the Public Hearing

The following persons spoke in favor of the project.

Joe Luithly, Applicant

Dan Holms, Civil Engineer representing the applicant.

Philip Miller, Landscape Architect representing the

applicant.

The following person spoke in opposition of the project.

Ragu Nathan, resident

REBUTTAL:

Joe Luithly, applicant gave rebuttal regarding the project

and answered additional questions of the Planning

Commission.

Vice Chair Zacuto closed the Public Hearing.

Vice Chair Zacuto opened and closed the Public Hearing.

ACTION:

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to continue Conditional Use Permit, Case No. 07-CUP-008, and Oak tree Permit Case No. 07-OTP-005, and Variance Case No. 07-VAR-002 to the July 17, 2008 Planning Commission meeting. Motioned carried 3-0. Chair O'Meara and Commissioner Buckley Weber were absent.

6. REQUEST:

Request for the Planning Commission to receive public comments on the Agoura Village Specific Plan Revised and Recirculated Draft Environmental Impact Report.

APPLICANT:

City of Agoura Hills 30001 Ladyface Court Agoura Hills, CA 91301

CASE NOS.:

06-GPA-001, 06-ZOA-001, 06-ZC-001, 06-SPA-001; Agoura Village Specific Plan Revised and Recirculated Draft Environmental Impact Report

LOCATION:

The approximately 135-acre site is located in the southern portion of the City of Agoura Hills. The project area includes property on both the north and south sides of Agoura Road, generally between Kanan Road and Cornell Road, but extending several hundred feet on either side. Roadside Drive and U.S. Highway 101 border much of the project to the north. Open space areas border the area along the south.

RECOMMENDATION:

Staff recommended the Planning Commission conduct a public hearing to receive public comments on the Agoura Village Specific Plan Revised and Recirculated Draft Environmental Impact Report.

PUBLIC COMMENTS:

Vice Chair Zacuto opened the Public Hearing

The following person spoke in opposition of the project.

Serena Friedman, M.D., resident

Vice Chair Zacuto closed the Public Hearing

ACTION:

No motioned was required by the Planning Commission.

### ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

(Planning Commission and Staff)

None

### **ADJOURNMENT**

At 10:15 p.m., on a motion by Commissioner Nouzille, seconded by Commissioner Rishoff, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday June 19, 2008, at 6:30 p.m.



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

# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

### **EXHIBIT H**

**JUNE 5, 2008 STAFF REPORT** 



### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE:

June 5, 2008

APPLICANT:

Gary Bardovi for Nevin Bardai

3611 Motor Avenue, Suite 108

Los Angeles, CA 90034

TO:

Planning Commission

CASE NOS.:

07-CUP-011 and 07-OTP-020

LOCATION:

28340 Balkins Drive (A.P.N. 2055-021-044)

REQUEST:

Request for approval of a Conditional Use Permit to construct a 4,133 square foot, two-story, single-family residence with a 1,157 square foot attached garage and spa; and a request for approval of an Oak Tree Permit to remove one (1) Oak tree and to encroach within the protected zone of five (5) on-site Oak trees for the proposed construction.

- - -

**ENVIRONMENTAL** 

**DETERMINATION:** 

Categorically Exempt from CEQA per Section 15303

RECOMMENDATION:

Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit Case Number 07-OTP-020, subject to conditions, based on the findings

of the attached draft Resolution.

**ZONING DESIGNATION:** 

RV-OA (Very Low Density Residential - Old Agoura

Design Overlay)

**GENERAL PLAN** 

DESIGNATION:

RV – (Very Low Density Residential)

### I. PROJECT BACKGROUND AND DESCRIPTION

The applicant, Gary Bardovi for Nevin Bardai, is requesting approval of a Conditional Use Permit to construct a new 4,133 square foot, two-story, single-family residence with a 1,157 square foot attached three-car garage, and spa. The project would encroach within the protected zone of five (5) Oak trees. One (1) Oak tree would be required to be removed to permit construction of the residence, which requires approval of an Oak Tree Permit.

The vacant 1.08 acre hillside parcel is located on the south side of Balkins Drive, west of Lapworth Drive, at 28340 Balkins Drive, in the Very Low Density Residential (RV) zone of Old Agoura. Hillside residences are present on the adjacent properties to the west, east, and across the street to the north. The adjacent property to the south is vacant.

New single-family homes are subject to review by the Planning Commission. Since the parcel has an average topographic slope that exceeds 10% (48.9%), the project is subject to the City Hillside Ordinance and therefore, requires approval of a Conditional Use Permit application.

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

### Pertinent Data

		Proposed	Allowed/ Required
1.	Lot Size:	1.08 acres (46,837 sq. ft)	1 acre min. (43,560 sq. ft.)
	Easements Net Lot Size	8,230 sq. ft. 38,607 sq. ft.	
2.	Building Height:	35 ft.	35 ft. max.
3.	Building Sizes:		
	First Floor Second Floor Total House Area	2,757 sq. ft. 1,376 sq. ft. 4,133 sq. ft.	N/A N/A
	Attached 3-Car Garage <u>Covered Patio</u> Total Building Size	1,157 sq. ft.  353 sq. ft.  5,643 sq. ft.	N/A <u>N/A</u> N/A

### Pertinent Data

rç	Timent Data		A 11 1/
		Proposed	Allowed/ <u>Required</u>
4.	Building Setbacks:		
	Front (North) Rear (South) Left Side (East) Right Side (West)	25 ft. 71 ft. 30 ft. 66 ft.	25 ft. min. 25 ft. min. 12 ft. min. 12 ft. min.
5.	Lot Coverage:		
	Residence (First Floor) Attached Garage (Partial) Covered Patio Driveway Hardscape Spa/Equip./AC Pad Future Barn Total	2,757 sq. ft. 994 sq. ft. 353 sq. ft. 1,387 sq. ft. 3,074 sq. ft. 383 sq. ft. 360 sq. ft. 9,308 sq. ft. (24%)	25% max (9,652 sq. ft.)
6.	Undisturbed Open Space	67% (25,905 sq. ft.)	97.5% min. (37,642 sq. ft.)
7.	No. of Oak Trees:	19 existing	N/A
8.	Average Topographic Slope:	48.9%	N/A

### II. STAFF ANALYSIS

### Site Plan

The subject site consists of an undeveloped hillside lot, accessed via a private and common driveway that services the subject site and the adjacent property to the east from Balkins Drive. The property slopes downward in a north- and northeasterly direction. The site has been designed to terrace the residence and yard areas into the slope and between the existing trees on the property in order to minimize grading and maximize use of the topography, to retain the existing Oak trees and other natural growth on the land, and to preserve the view sheds.

The custom two-story residence is proposed to be placed on the lower, north portion of the lot. The split-level residence has a mid-level (one-story section) finish floor pad elevation of 1,114 feet, which is approximately 24 feet above Balkins Drive (1,090 feet) and is a distance

of 55 feet from the street. The front door would open directly into this mid-level floor (formal living room and formal dining room) that has stairs leading up to the kitchen and a family room at the south end of the house and another short flight of stairs leading down to bedrooms expanding over the garage to the north, front side of the house. Another set of stairs connects the first-story part of the home to the second-story part that is directly above the first-floor footprint of the house. The proposed residence will exceed the minimum setback requirements of the RV zone.

An outdoor staircase connects the entrance to the driveway. The driveway and garage are on the same level, parallel to Balkins Drive. The proposed 1,157 square foot, attached three-car garage will be at a finish floor elevation of 1099.5 feet, which is almost 15 feet lower than the entry floor level of the house and almost 10 feet above the street level of Balkins Drive, and is a distance of 25 feet from the street. From the garage an elevator, and staircase leading to the first story, directly connects the garage wing to the interior of the house.

On the first-story level, the part of the house facing the rear yard (family room) includes a sliding glass door leading out to a 353 square foot covered patio in the back yard, 13 feet northwest of the spa. Stacked retaining walls separate this area from the equestrian area proposed for the southern portion of the site, along the rear property line. The future barn structure will be at a finished grade elevation of 1,136 feet with a coral area directly east of the structure. The subject property is at a higher elevation than the adjoining properties to the east and west, and the closest distance to the nearest residence is approximately 173 feet.

The applicant has indicated on the Site Plan a potential site for a future barn and corral area to be located to the south of the residence, and includes a five-foot wide pathway. The proposed 360 square foot (15' X 24') horse structure is a permitted use by the Zoning Ordinance when all requirements are met. The Zoning Ordinance requires that any proposed horse structure would need to be located at a minimum 35 feet from any surrounding habitable residence or street. The Site Plan shows the future horse structure located within a cut area of the lot, 52 feet from the residence and more than 35 feet from the surrounding residences and street. The horse structure is not part of this application and it is shown on the plan for reference only. Since the horse structure requires a separate permit, its size, setbacks, and height will be address at that time when a separate application is filed.

The footprint of the proposed building, spa, future barn and hardscape totals 9,308 square feet or 24% of the lot area, which is below the maximum allowable lot coverage of 25% for the RV zone.

### Architectural Design

The applicant is proposing earthtone colors and natural building materials of stained "Desert Tan" cedar siding, off-white "Lily" wood trim, brown in color cultured stone and a two-tone "Misled Brown Colonial and Misled Charcoal Gray" slate concrete tile roof. The proposed exterior of the residence includes a covered entry porch with a brown stain

wood door accented with sidelights located at the east elevation of the residence with access from the outside by painted raised wood stairs and guardrails leading from the driveway to the entrance of the residence. The cultured stone is proposed for the base of the house, the chimney areas and the retaining walls.

This split-level style house which incorporates a multi-floor design to conform with the existing terrain of the property (as recommended in the City Architectural Design Standards and Guidelines) has an overall height of 35 feet, measured at the lowest grade to the peak of the roof, and does not exceeding the maximum height of 35 feet allowed for a residence in the RV zone.

A semi-permeable surface material of interlocking pavers is proposed for the 22.5-foot wide driveway area to access the attached three-car garage. The applicant is also proposing decomposed granite for the 5-foot wide equestrian access pathway. The Los Angeles County Fire Department has tentatively approved the Site Plan for this project for required access.

The applicant worked extensively with staff in reducing the size of the residence by 11% and avoiding impacts to the Oak trees. The house is situated at the lower elevation of the lot and designed to step with the hillside topography to minimize grading and impacts to the Oak trees.

The City Architectural Review Panel (ARP) found the architectural style of the proposed residence to be in keeping with the Old Agoura Design Overlay requirements and the City Architectural Design Guidelines and Standards. The Old Agoura Homeowners Association has also reviewed the project. A copy of their letter is attached to the report for the Commission's review.

In an effort to evaluate the compatibility of the proposed size of the home with other Old Agoura properties, a survey of 35 neighboring developed lots was conducted, as shown in an attached exhibit. The results revealed an average lot size of 56,976 square feet and an average dwelling unit size of 3,536 square feet (excluding the garages), resulting in an average floor/area ratio of 0.06. The applicant is proposing a house size of 4,133 square feet on a 46,837 square-foot (1.08 acre) lot, which results in a floor/area ratio of 0.09.

Although the proposal is 597 square feet more than the neighborhood average, the proposed residence is not the largest in the immediate neighborhood. Several larger new residences located in the immediate vicinity of this project have recently been approved by the Planning Commission. Directly to the west on the south side of Balkins Drive is a recently approved 5,420 square foot, two-story, single-family hillside residence (excluding the garage) on a 1.01 acre parcel that is currently under construction. On the southeast corner of Balkins Drive and Lapworth Drive is a 5,536 square foot, two-story, single-family residence on a 0.92 acre parcel that was recently built. On the northeast corner of Balkins Drive and Lapworth Drive is a recently approved 5,376 square foot, two-story, single-family hillside residence on a 1.38 acre parcel that is in Plan Check. Lastly, directly west from this parcel is a recently approved 4,960 square foot, two-story, single-family hillside residence on a

1.13 acre parcel. The proposed size of the applicant's residence is consistent with the recently approved homes in the surrounding area.

### Engineering/Public Works Department Review

The Engineering Department has reviewed the proposed Grading Plan and will require Balkins Drive, which is a private street, to be improved along the north property line to include 20-feet of pavement and a 3-foot wide inverted shoulder.

Past grading on the site consisted of minor cutting and filling associated with the construction of an access private and common driveway that services the subject site and the adjacent property to the east from Balkins Drive. Due to the topography of the property, south- and southwest ascending slope, grading required for the proposed project will include 1,151 cubic yards of cut soil, 331 cubic yards of fill soil and 820 cubic yards of export soil. The building pad will be created by excavating into the hillside and supporting the cut using a series of stacked retaining walls, not to exceed 6-feet in height, at the top, most rear (southwest) portion of the residence. A retaining wall ranging from 1-foot to 4.5 feet high is proposed on the north side of the driveway and garage, parallel with the street, to support the garage and the driveway.

A private septic system located on the front west portion of the property will serve the residence. The location and feasibility of the septic system has been tentatively approved by the Los Angeles County Health Department.

The City's Geotechnical Consultant has reviewed the geotechnical reports prepared for this project and recommends that the project be approved from a geotechnical perspective at the planning stage. The City's Geotechnical Consultant's letter dated September 19, 2007 is attached for reference.

### Oak Trees

Nineteen (19) Oak trees are located within and immediately adjacent to the subject site. In addition, there are eighteen (18) Oak stump sprouts from trees that were previously cut down, most likely during weed abatement activities. The stumps range in size from two inches to five inches in diameter. Proposed construction of the residence would impact six (6) of the 19 Oak trees. One (1) of the trees, Oak Tree A, which has four (1" diameter) trunks, lies within the footprint of the garage building and is therefore called for removal to construct the project as proposed. To mitigate the loss of this Oak tree and the eighteen Oak trees previously cut down, it is required that the applicant plant seven (7) replacement Oak trees within the site.

Additionally, the project would be permitted to encroach within the protected zone of Coast Live Oak (Quercus agrifolia) Tree Numbers 1, 2, 9, 11, and 12 for construction of an exterior stairwell that connects the driveway with the entrance of the residence, retaining walls, and foundation of the structure. The City Oak Tree/Landscape Consultant has worked with the applicant to reduce the impacts to the five Coast Live

Oak (Quercus agrifolia) trees located within the east and west sides of the residence. Overall, the project impacts approximately six percent (6%) of the Oak tree resources, as shown on the attached Oak Tree Impact Analysis Table. Specific conditions have been provided and are attached to the draft Resolution. All other Oak trees shall be preserved in place with no direct impacts. The City Oak Tree/Landscape Consultant requires that the trees be fenced prior to the start of any grading and determined that the health of the trees will not be significantly impacted with the recommended conditions of project approval.

### Landscaping

One of the Old Agoura Overlay's design goals is to promote a natural environment and maintain the rural character of the area. The City Oak Tree/Landscape Consultant supports the preliminary landscape plan prepared by L. Newman Design Group, Inc., subject to conditions. In order to protect the natural vegetation that grows within the area, the City Oak Tree/Landscape Consultant will work with the applicant's landscape architect to ensure that the proposed plant materials are not invasive in the Santa Monica Mountains, as it could negatively impact adjacent natural areas.

Furthermore, the City Oak Tree/Landscape Consultant requires that 50% coverage with California native coastal sage scrub vegetation is achieved within the areas where the coastal sage scrub vegetation was previously cleared from the site and now re-sprouting with California native plants and non-native weeds and grasses, before issuance of a building permit; or the applicant is required to hydro seed the disturbed area with an approved mix of California native shrubs, grasses and forbs within these areas.

### Open Space

The applicant is required under the Hillside Standards of the Zoning Ordinance to retain a minimum percentage of the parcel in open space. Based on the subject parcel having an average slope of 48.9%, the Hillside Ordinance requires that 97.5% of the lot remain in open space in order to preserve the natural character and visual quality of the hillside. The hillside area that is proposed to remain in open space is 67% of the parcel. The required findings the Planning Commission must make to allow to exceed the Hillside Ordinance requirement are 1) that the parcel was lawfully created prior to the adoption of Hillside Ordinance in 1991; 2) that a change in ownership since the adoption of the Hillside Ordinance has not resulted in the parcel being merged with another parcel; 3) that a private septic system serving the site is for a lot greater than one acre in size; and 4) that a Conditional Use Permit is granted. The project, as proposed, meets these requirements. The terms of the Conditional Use Permit is to specify the minimum percent of required open space on the lot. Thus, it is at the discretion of the Planning Commission to determine the appropriate amount of open space for this parcel and whether compliance with the Hillside Ordinance development standards would prohibit the use of this parcel.

### Environmental Review

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

In conclusion, staff finds that the proposed project meets the development standards established by the Residential Very Low Density zone and the Old Agoura Design Overlay zone and the project is designed and sited to be compatible with the neighborhood. Geotechnical and geological studies were completed to analyze the feasibility and impacts of the project. The proposed building design and materials are in keeping with the semi-rural character of the neighborhood. The project is consistent with the semi-rural equestrian character of the Old Agoura, as called for in the General Plan Community Design Element.

### III. RECOMMENDATIONS

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 07-CUP-011 and Oak Tree Permit No. 07-OTP-020, subject to Conditions, based on the findings of the attached draft Resolution.

### IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Letter from Old Agoura Homeowners Association
- Exhibit B: Square Footage Analysis Map
- Exhibit C: Oak Tree Impact Analysis Table
- Exhibit D: Color Renderings of the Residence
- Exhibit E: Reduced Copies of Plans
- Exhibit F: GeoDynamics Letter of Recommendation
- Exhibit G: Environmental Determination
- Exhibit H: Vicinity Map
- Exhibit I: Color and Material Board

Case Planner: Renee Madrigal, Assistant Planner

### RESOLUTION NO.

# A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS APPROVING CONDITIONAL USE PERMIT CASE NO. 07-CUP-011 AND OAK TREE PERMIT CASE NO. 07-OTP-020

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

Section 1. An application was duly filed by Gary Bardovi for Nevin Bardai with respect to the real property located at 28340 Balkins Drive (Assessor's Parcel Number 2055-021-044), requesting the approval of 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. The applicant is also requesting approval of an Oak Tree Permit Case No. 07-OTP-020 to remove one (1) Oak tree and to encroach within the protected zone of five (5) Oak trees for the proposed construction. A public hearing was duly held on June 5, 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

<u>Section 2.</u> Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearing.

<u>Section 3.</u> The Planning Commission, pursuant to the Agoura Hills Zoning Ordinance, finds as follows:

- A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the Very Low Density Residential—Old Agoura Design District (RV-OA) zones in which the use is located. The property designation allows for development of a single-family residence and the proposal meets the development standards for the zone relative to lot coverage, building height, and building setbacks from the property lines.
- B. The proposed use, as conditioned, is compatible with the surrounding properties. The proposed building design and building materials of the residence that include cedar siding, stone, wood stairs and guardrails and a tile roof are compatible with the neighboring structures and the topography of the property. The residence is located on the lower portion of a sloped lot and between the existing trees to minimize grading and maximize use of the topography, to retain the existing Oak trees and other natural growth on the land, and to preserve viewsheds. The project was reviewed by the City's Architectural Review Panel and was found to be in compliance with the City's Architectural Design Guidelines and Standards of the Old Agoura Design Overlay District.

- C. The proposed use and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, or welfare in that the design of the residence will ensure adequate light, air, privacy and open space to surrounding properties. The proposed two-story structure is situated on the lower portion of the on-site hillside slope, which will preserve views and privacy of the surrounding properties. The project complies with the maximum allowable building height limitations of hillside properties. Geotechnical and geological reports have been prepared for the proposed construction on the property, which include mitigation measures to minimize potential risks of geotechnical and geological hazards. A private septic system will serve the 1.08 acre parcel and has been tentatively approved by the Los Angeles County Health Department.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance in that the project is consistent with the development standards of the Very Low Density zone and Old Agoura Design Overlay District. The proposed residence meets all required setbacks and height limitation, and lot coverage requirements for the zone. The incorporation of permeable or semi-permeable driveway and hardscape materials will reduce runoff and maintain the rural atmosphere of the Old Agoura neighborhood.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community in that the project will meet the minimum yard setback requirements for the RV zone and the closest distance to the nearest residence will be approximately 173 feet. The residence will be placed an appropriate distance from the street serving the property to preserve public views. The RV zone allows for the development of single-family residences.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan in that the project is designed to incorporate the existing terrain into the site plan to the maximum extent possible to minimize grading and to preserve viewsheds, as called for in the Land Use Element of the General Plan.
- G. As conditioned, removal of one protected Oak trees and encroachment into the five protected Oak trees is necessary for construction of the proposed garage.
- 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. 07-CUP-011 and Oak Tree Permit Case No. 07-OTP-020, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

Resolution No Page 3	
PASSED, APPROVED, and ADOPTED the wit:	nis 5 <sup>th</sup> day of June, 2008, by the following vote to
AYES: NOES: ABSTAIN: ABSENT:	
	John O'Meara, Chairperson
ATTEST:	
Doug Hooper, Secretary	

### CONDITIONS OF APPROVAL (Case Nos. 07-CUP-011 and 07-OTP-020)

### STANDARD CONDITIONS

- 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 Approval of this Permit 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 labeled exhibits approved by the Planning Commission: Site Plan, Building Elevation Plans, Floor Plans, Roof Plans, and Grading Plans.
- 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 failed 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 new building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
- 9. Unless waived by the Director of Planning and Community Development, all utilities existing and proposed shall be placed underground. If overhead utilities of 66 KV or greater exist on or about the subject property, the applicant shall file an agreement to join any Assessment District subsequently created to underground said lines.
- 10. A minimum of two (2) enclosed parking spaces shall be provided on the subject property, in conformance with the City Parking Ordinance. A minimum interior clear space of 20 feet by 20 feet must be maintained within the garage.

- 11. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
- 12. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of Building or Grading Permits. The Forester and Fire Warden shall be consulted to ascertain the required fire flows and fire hydrants to accommodate the proposed development.
- 13. Unless this permit is used within two (2) years from the date of City approval, these permits will expire. A written request for a one-year extension may be considered prior to the expiration date.
- 14. 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.
- 15. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$2.97 per square foot.
- 16. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
- 17. 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.
- 18. Prior to the 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 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.
- 19. The approved grading plan and construction plan, resolution, conditions of approval, and a color and material board shall be on site at all times during the construction of the project.
- 20. 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.
- 21. All retaining walls, if proposed, shall consist of materials subject to review and approval by the Director of Planning and Community Development.

- 22. Vehicle routes and access to the property for construction purpose shall be subject to review and approval by the City Engineer.
- 23. 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.
- 24. The applicant and delegated contractors shall participate with City staff in a preconstruction 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.
- 25. 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.

### ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

26. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)

### A. General

- 26.01 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.
- Applicant shall pay a Transportation Impact Fees (TIF) to the Building and Safety Department in the amount of \$2,440 prior to the issuance of the Certificate of Occupancy.
- All existing street and property monuments within or abutting this project site shall be preserved. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.
- 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.
- 26.05 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.

- 26.06 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.
- 26.07 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 (Provide written documentation showing septic system approval).
  - Las Virgenes Municipal Water District.
- 26.08 Building Permits shall not be issued until all graded areas (including building pad) have been certified for compaction and elevation, to the City's satisfaction. Contact Engineering Department @ 818.597.7322 for approved City certification forms.
- 26.09 Provide a preliminary title report not older than 30 days.
- 26.10 All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code.
- 26.11 Vacate the following street or easement: 20-foot Slope Easement along property frontage.
- Any/all work affecting existing easements (i.e.: LVMWD, SCE, etc.) shall require written documentation confirming the respective utility purveyor's approval. This requirement shall be completed prior to constructing any work that affects said easements.

### B. Public Improvements

- The applicant shall improve Balkins Drive along property line to provide for a minimum of 20-foot paved width, and a 3-foot inverted shoulder, as recommended by a State-licensed Civil Engineer to ensure runoff is maintained within the roadway. The roadway sections shall be 4" asphalt concrete minimum on top of 6" crushed aggregate base, unless otherwise recommended by the geotechnical and/or civil engineer. Improvements shall be reviewed and approved by the Fire Department, and then the City Engineer.
- 26.14 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.

### C. Sewer

26.15 No sewer line is available for direct connection. Applicant shall obtain DHS approval for septic system prior to grading permit issuance, and shall provide written documentation to City showing DHS approval.

### D. Water

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

### E. <u>Drainage/Hydrology</u>

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.

### F. <u>Stormwater Quality (NPDES)</u>

- 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;
  - 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.

Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) shall be submitted to and approved by the Engineering Department. The SUSMP 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.

### 27. PRIOR TO CERTIFICATE OF OCCUPANCY

- 27.01 All remaining fees/ deposits required by the Engineering Department must be paid in full.
- 27.02 All requirements including construction of improvements covered in Section 2, must be completed to the satisfaction of the City Engineer.
- 27.03 The Applicant's Engineer shall submit a set of MYLAR, Record (asbuilt) 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.
- 27.04 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.
- Other Conditions: Upon receiving Title Report, if conflicts/issues arise regarding recorded documents over property, applicant shall take all measures necessary, as directed by City Engineer, to resolve said conflicts/issues. All items listed are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

### **BUILDING AND SAFETY**

- 28. The City Building Code requires all new residences to be protected by a residential fire sprinkler system. Plans for required system shall be approved by the Fire Department prior to the issuance of Building Permits for the residence. Fire Sprinklers are required per Section 904.2.9 of the Agoura Hills Building Code.
- 29. The City Building Code requires that a minimum setback of structure to toe of slope per Agoura Hills Building Code, Section 1806.5.3 shall be demonstrated. Minimum setback from a descending slope is H/2, (1/2 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 the City Soils Engineer and approved by the Building Official.
- 30. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Section 6402.1.
- 31. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
- 32. Projects shall demonstrate the use of Class-A roofing material.
- 33. 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.
- 34. Building Permits shall not be issued until grading is approved and City Fire District and all other Departments' requirements have been satisfied.

### OAK TREE AND LANDSCAPING CONDITIONS

### Oak Trees

- 35. The applicant is permitted to remove Oak Tree A to construct the project as proposed.
- 36. To mitigate the loss of Oak Tree A, the applicant shall plant the following replacement oak trees within the site:
  - a. At least four (4) Quercus agrifolia (Coast Live Oak)
  - b. At least two (2) of the four trees must have a minimum size of twenty-four inch (24" box
  - c. At least one (1) of the four trees must have a minimum size of thirty-six inch (36") box

- 37. To mitigate for the loss of the eighteen (18) Oak trees that have produced stump sprouts, the applicant shall plant three (3) additional twenty-four inch (24") box size Oak trees within the site.
- 38. The applicant is permitted to encroach on Oak Trees Number 1, 2, 9, 11 and 12 to construct the project as shown on the approved plans.
- 39. All other Oak trees shall be preserved in place with no direct impacts.
- 40. The planting locations, species and quality of all mitigation Oak trees are subject to the approval of the City Oak Tree Consultant.
- 41. The mitigation Oak trees shall be maintained in perpetuity. Should any of the mitigation Oak trees decline or die, they shall be replaced in accordance with the provisions of the Oak Tree Preservation and Protection Guidelines.
- 42. Prior to the start of any work or mobilization at the site, each Oak tree to be preserved shall be fenced at the edge of the protected zone or at the approved work limits, in accordance with Article IX, Appendix A, Section V.C.1.1. The City Oak Tree Consultant shall approve the fencing locations.
- 43. The applicant shall provide a minimum of forty-eight (48) hours notice to the City Oak Tree Consultant prior to the start approved work within the protected zone of an Oak tree.
- 44. No grading, scarifying or other soil disturbance shall be permitted within the portion of the protected zone of any oak tree not directly impacted by the project construction per the approved plans.
- 45. 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. All approved excavation performed within the protected zone of any Oak tree shall be performed with hand tools under the direct supervision of the applicant's Oak tree consultant
- 46. Prior to occupancy, each Oak tree shall be mulched throughout the dripline with three inches (3") of approved organic matter.
- 47. Any fertilization of the Oak trees should be based on actual soil tests from the site. Fertilization is generally not necessary unless serious deficiencies are evident in the leaves.
- 48. 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.
- 49. 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. Pruning operations shall be consistent with <u>The Pruning Standards of the Western Chapter of the International Society of Arboriculture</u>.
- 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.
- 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.
- 52. 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

- 53. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements, subject to review by the City Landscape Consultant and approval by the Director of Planning and Community Development.
  - 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
- 54. The Planting Plan shall indicate the botanical name and size of each plant.
- 55. Plant symbols shall depict the size of the plants at maturity.
- 56. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
- 57. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
- 58. 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.
- 59. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
  - h. Design and static pressures
  - i. Point of connection
  - j. Backflow protection
  - k. Valves, piping, controllers, heads, quick couplers
  - 1. Gallon requirements for each valve
- 60. 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.
- 61. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:
  - Site Plan
  - Elevations
  - Grading Plan

- Conditions Of Approval
- 62. Proposed plant material may not be considered invasive in the Santa Monica Mountains, as it could negatively impact the adjacent natural area. Lists of exotic material can be obtained from the California Native Plant Society and/or the California Exotic Pest Plant Council.
- 63. The final landscape plan shall generally conform to the Planting Plan prepared by L. Newman Design Group, Inc. dated May 7, 2008.
- 64. Where coastal sage scrub vegetation was cleared from the site, California native plants and non-native weeds and grasses are currently re-sprouting in these areas. If, at the time of issuance of a building permit, fifty percent (50%) coverage with California native coastal sage scrub vegetation is achieved within these areas, no further action is required other than the continued protection of these plants. However, if fifty percent (50%) coverage has not been achieved, the applicant shall be required to hyrdoseed the disturbed area with an approved mix of California native shrubs, grasses and forbs. This planting must then be monitored for a period of two years following planting.

### FIRE DEPARTMENT CONDITIONS

65. The applicant shall comply with all conditions of the Los Angeles County Fire District prior to the issuance of a building permit.

### SOLID WASTE MANAGEMENT STANDARD CONDITIONS

- 66. 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.
- 67. 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.

68. 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.

### SPECIAL CONDITIONS

- 69. All proposed retaining walls shall consist of split-faced block or other decorative materials, subject to review and approval by the Director of Planning and Community Development.
- 70. No portion of the residence shall exceed thirty-five (35) feet in height.

**END** 



# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

### **EXHIBIT A**

LETTER FROM OLD AGOURA HOMEOWNERS ASSOCIATION

DATE:

May 28, 2008

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: 07-CUP-011, 07-OTP-020 (Bardai, Nevin)

### Description

The plans show a 4,133 sq. ft. residence with a 1,157 sq. ft. attached garage, for a total of 5,290 sq. ft. on a 1.08 acre hillside lot, with several mature oak trees.

### <u>Comment</u>

This project has very attractive design elements and the vocabulary of the architecture is appropriate to the neighborhood.

This is an oak-encrusted hillside and the applicant has made every attempt to design the project around the trees, resulting in the loss of only one oak, though encroaching into the protected space of others.

In letters to the Planning Department dated September 26 and October 15, 2007, we questioned the overall size of the project as it related to the carrying capacity of such a very steep 1.08 acre lot. It has always been our opinion that the land, its slope and contours should dictate the size of any structure.

The latest plans show a reduction of 724 sq.ft. in the overall size of the project for a current total of 5,290 sq. ft., with the garage being reduced by 100 sq.ft. and the house by 614 sq.ft. Most significantly, there is a change in the massing at the front of the garage, to create a gentler stepping of the roof line away from the street. Due to the severe slope, whatever is built on the lot risks looming over Balkins.

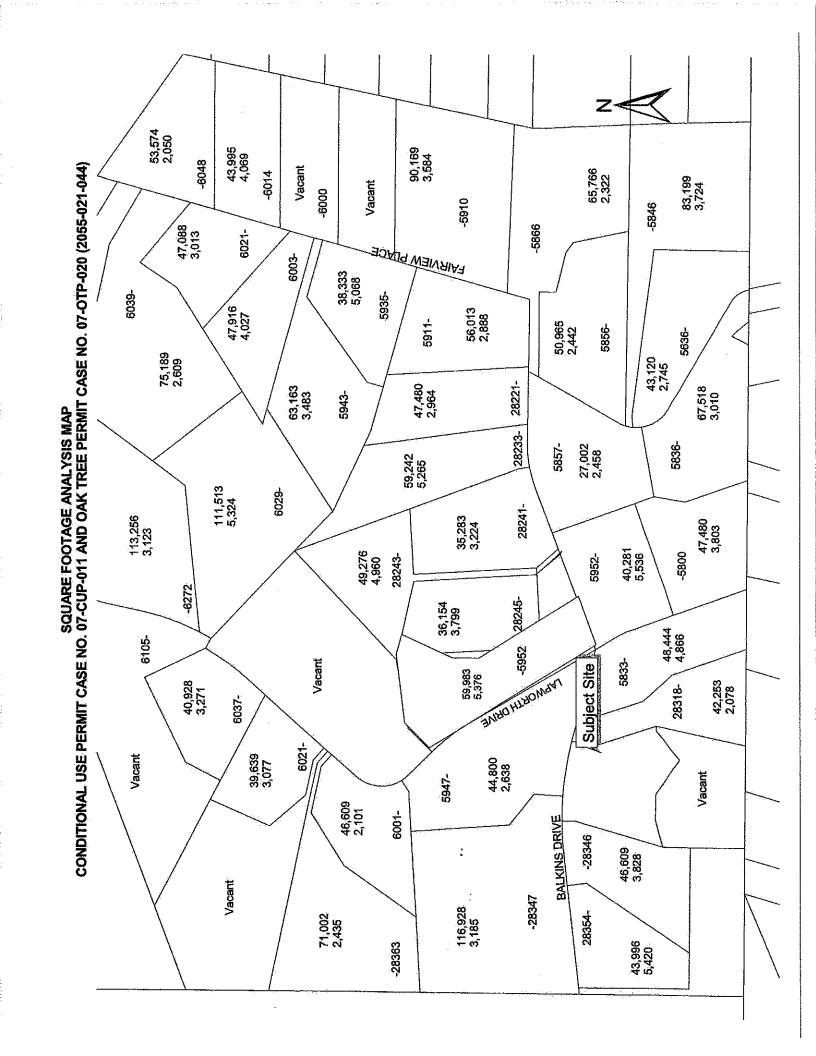
It is good to see a multi-level design that attempts to step back up the hillside; as stated in previous letters, the intensive cuts that will be required because of the very severe slope also mean the extensive use of many retaining walls and the replacing of hill with house.

Thank you for the opportunity to comment.



# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

# EXHIBIT B SQUARE FOOTAGE ANALYSIS MAP





# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

# EXHIBIT C OAK TREE IMPACT ANALYSIS TABLE

# **BARDAI - OAK TREE IMPACT ANALYSIS**

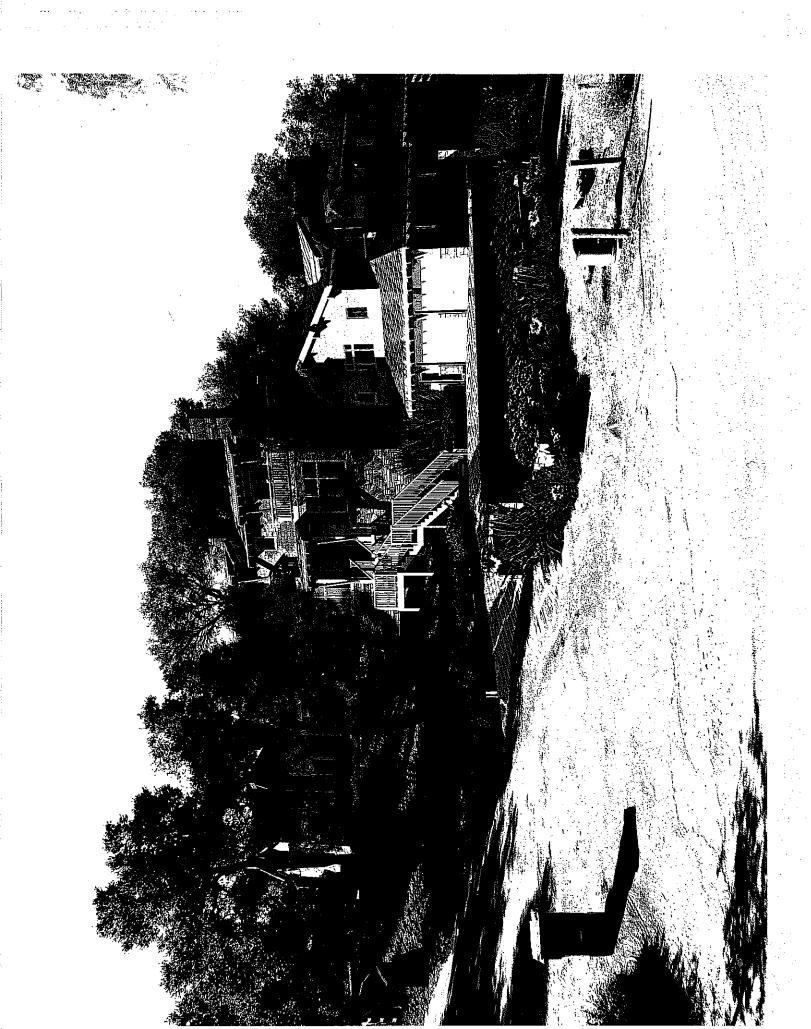
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# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

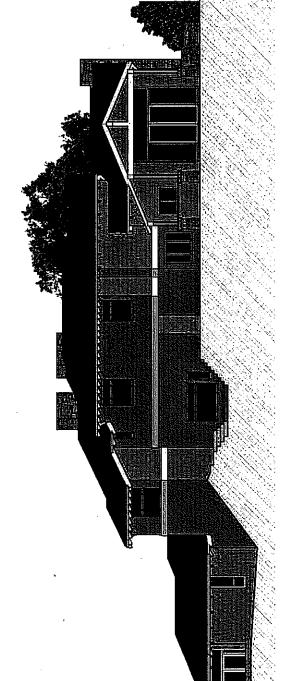
### **EXHIBIT D**

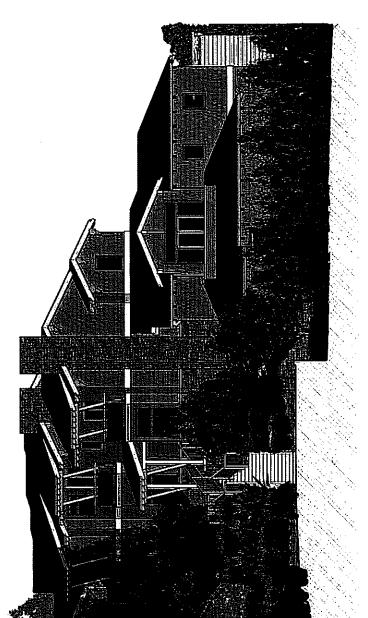
COLOR RENDERINGS OF THE RESIDENCE



NORTH ELEVATION

SOUTH ELEVATION







# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

# EXHIBIT E REDUCED COPIES OF PLANS



BARDAI RESIDENCE

TITLE SHEET

A0.1

INDEX OF DRAWINGS

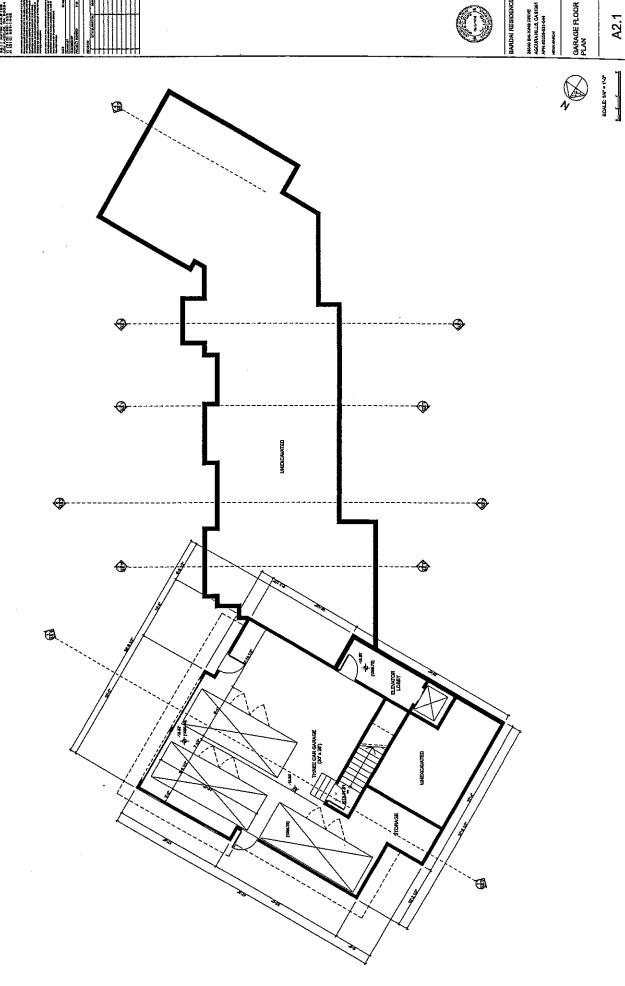
BARDAI RESIDENCE

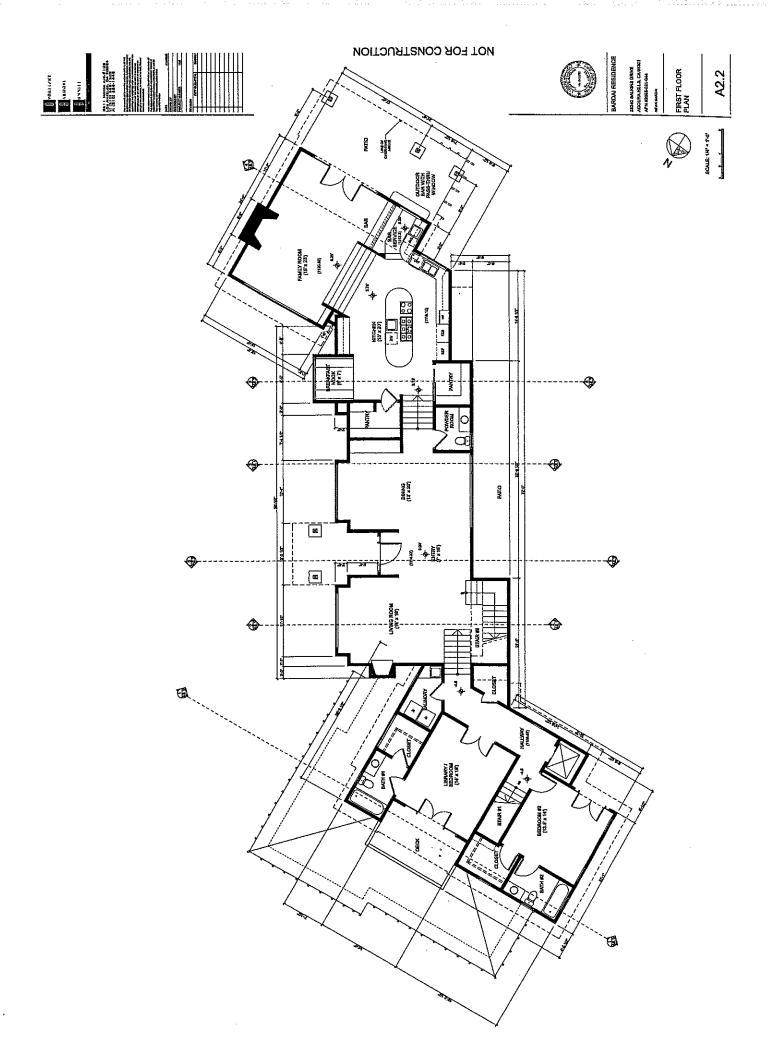
28340 BALKINS DRIVE AGOURA HILLS, CA 91301

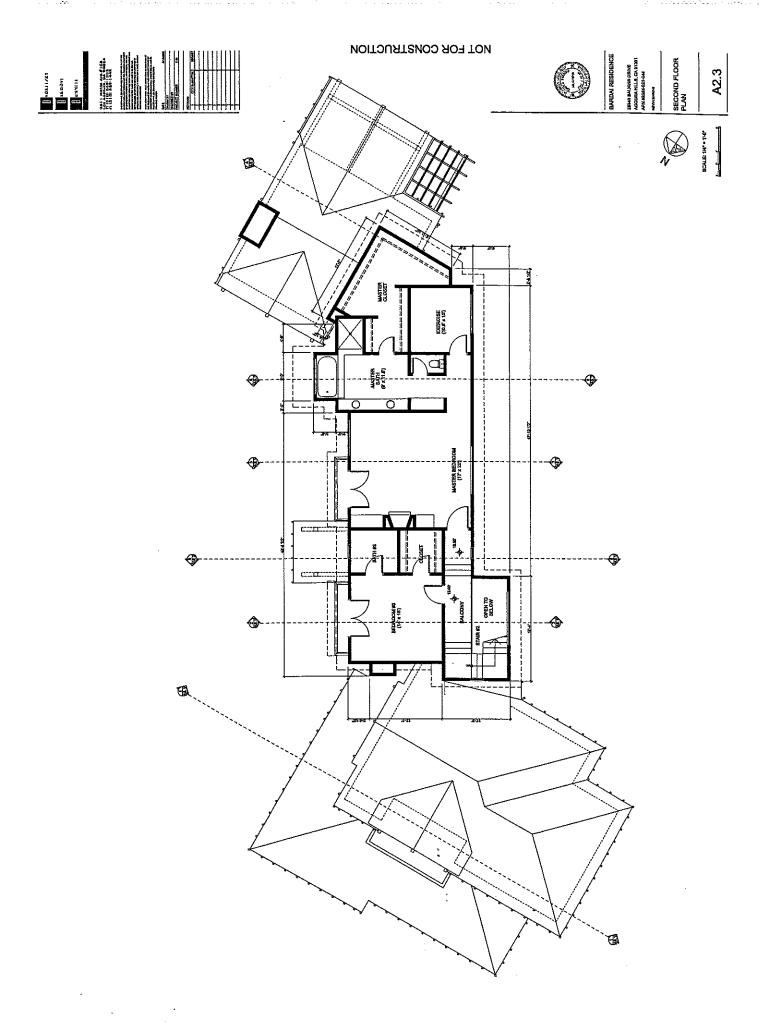
NEVIN BARDAI 2216 La Granada Drive Thousand Oaks, CA 91362 (805) 557-0777

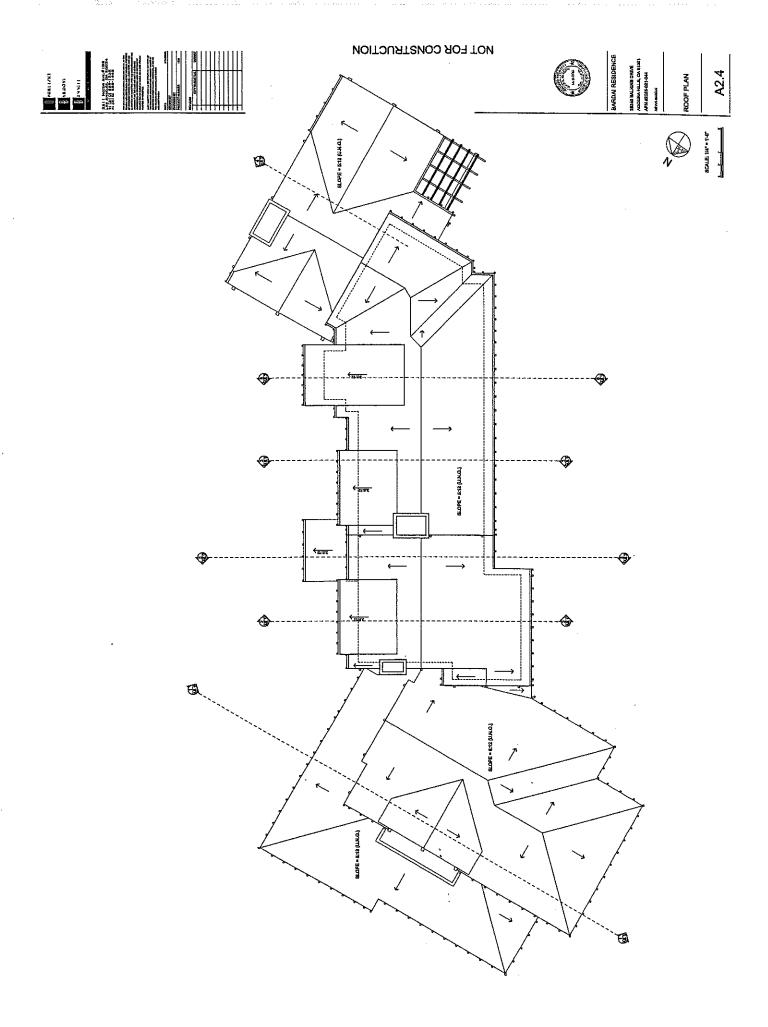
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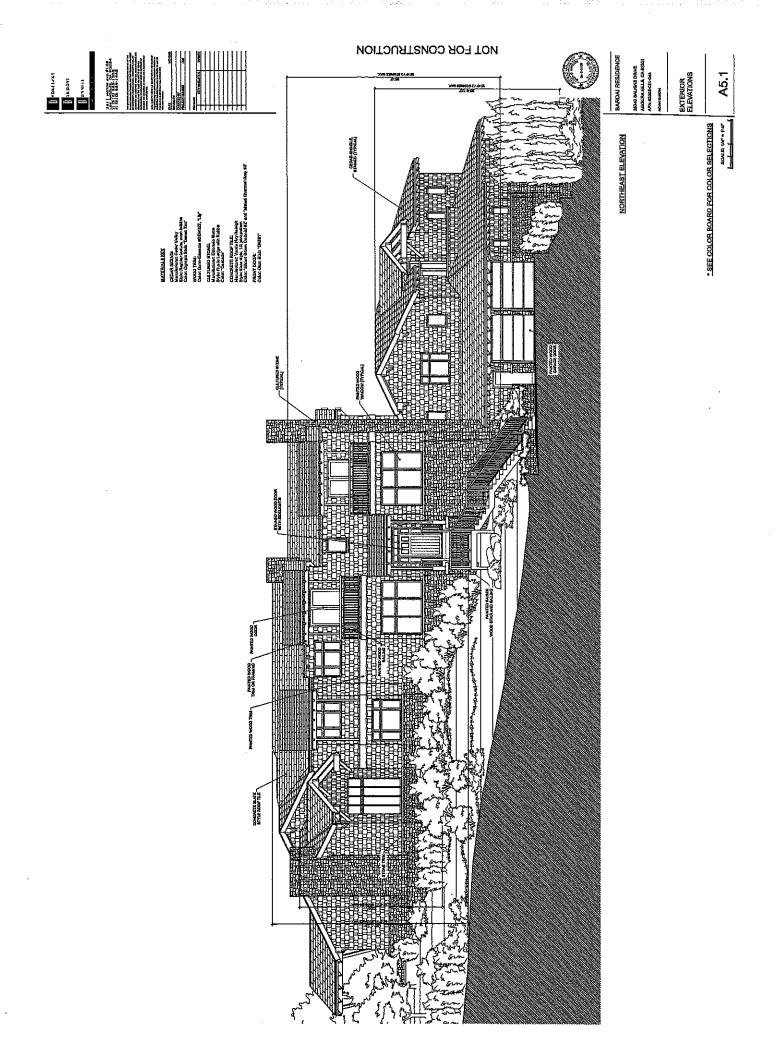
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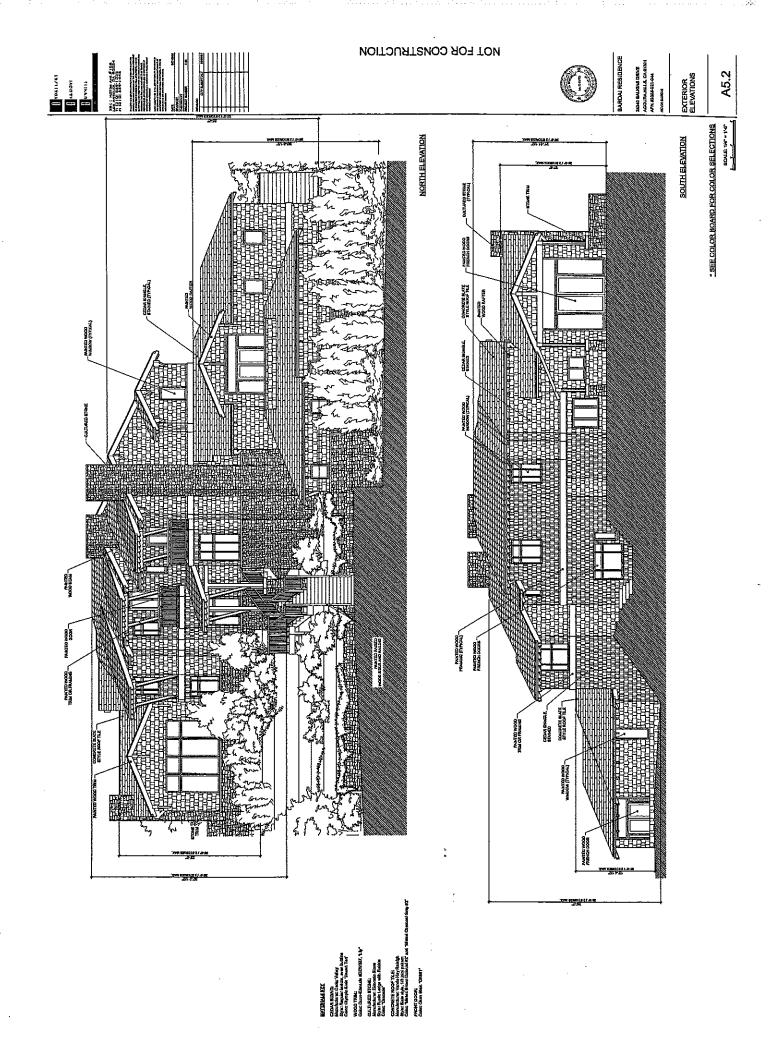










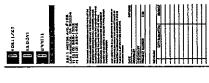


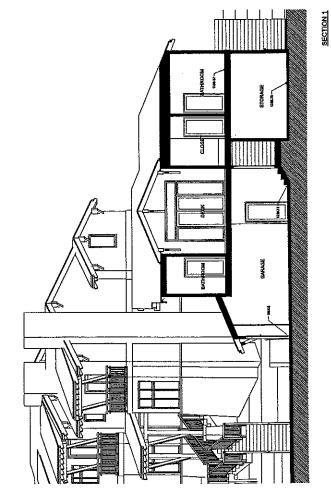


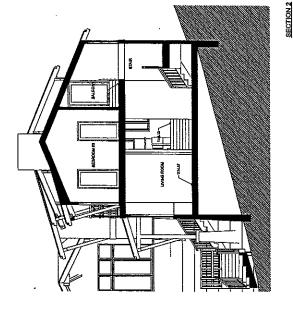


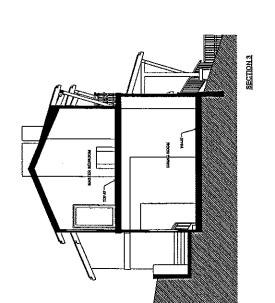


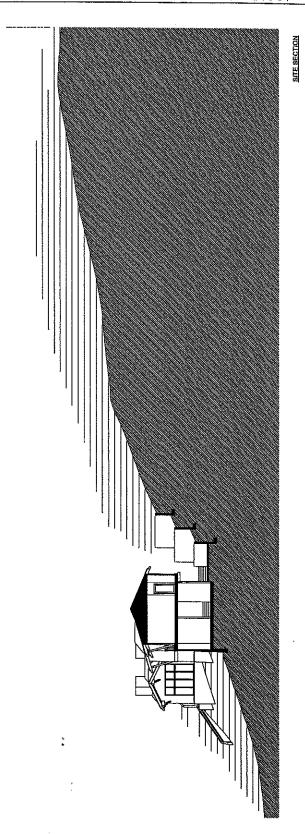


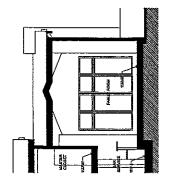








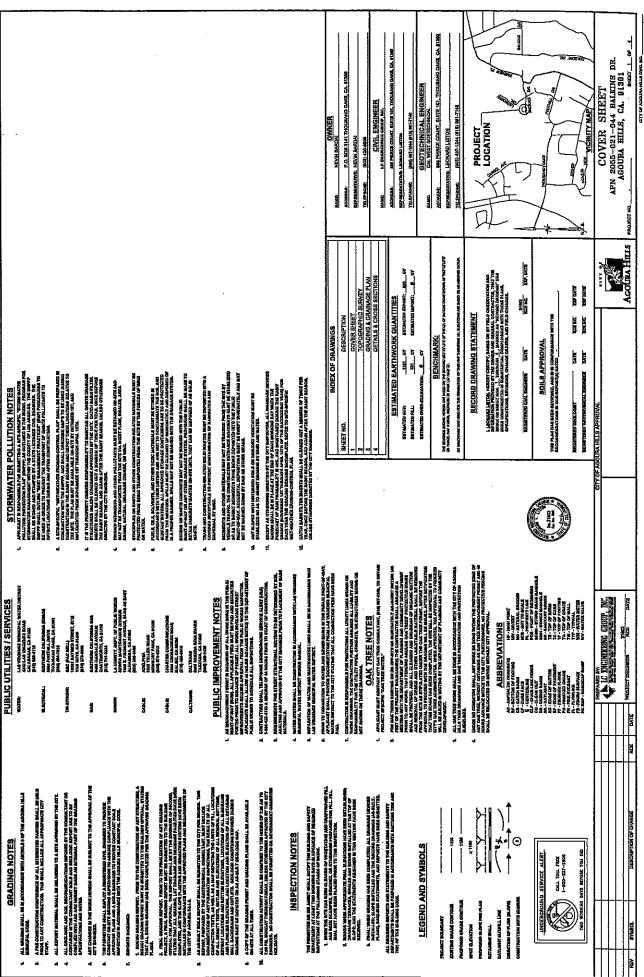


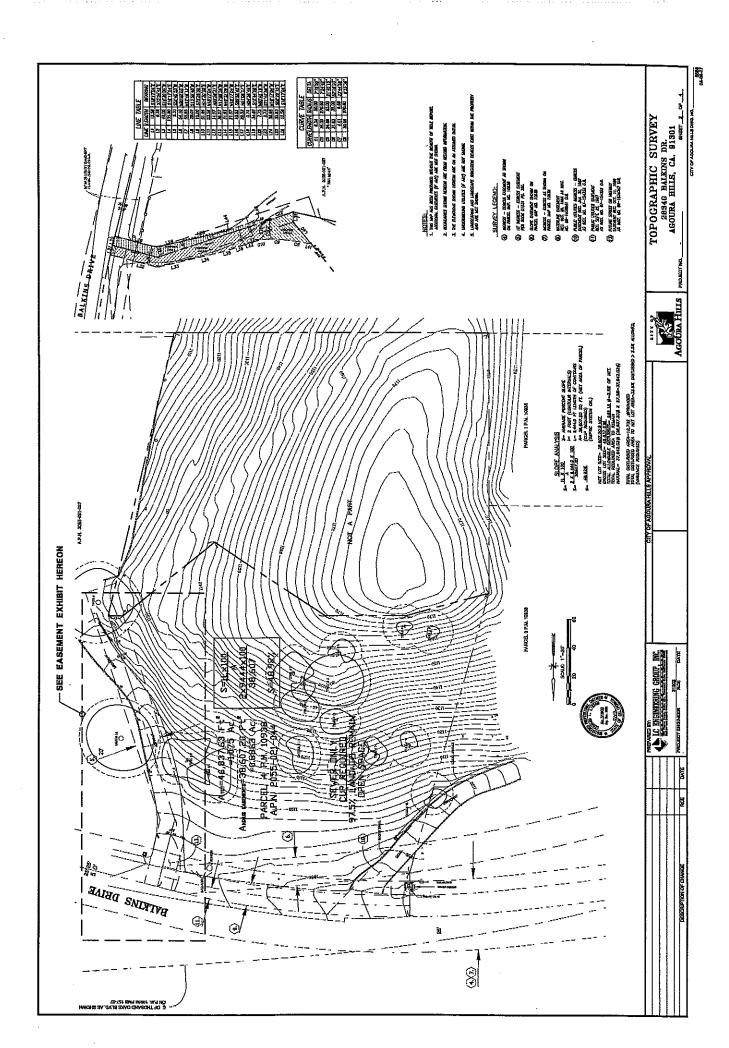


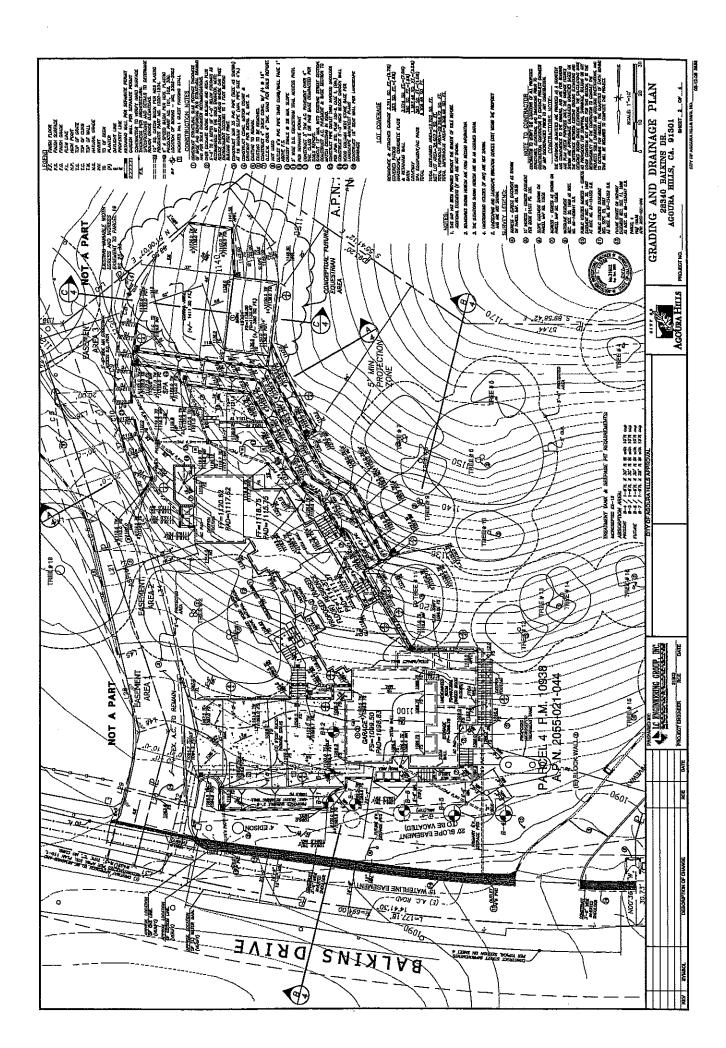


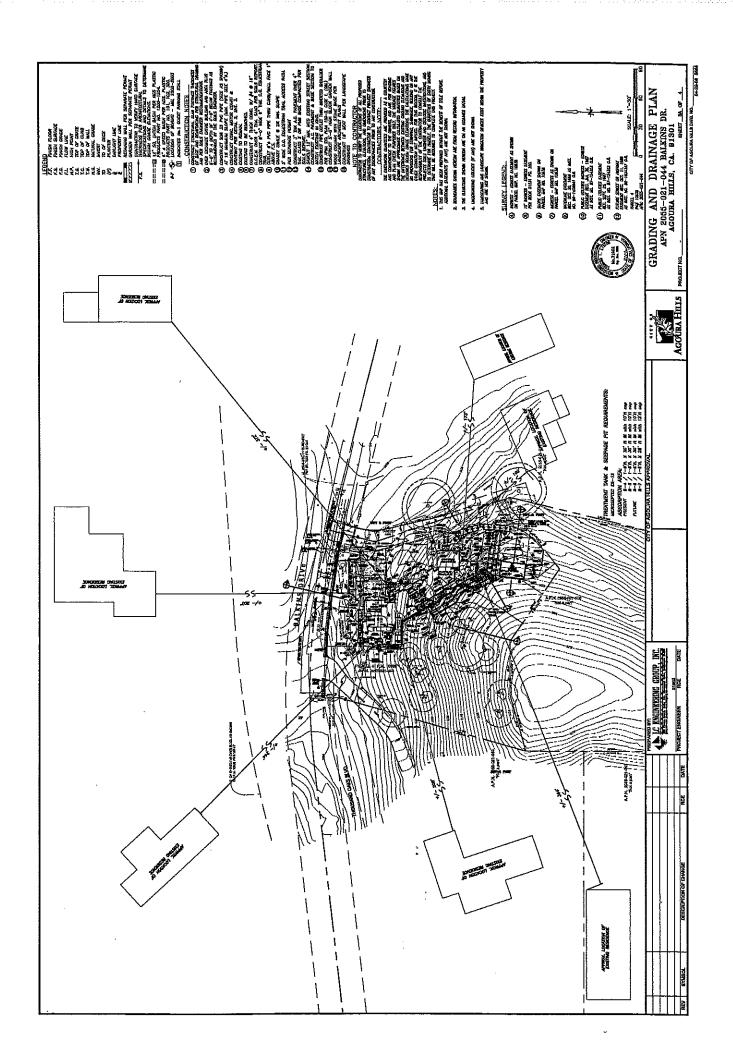


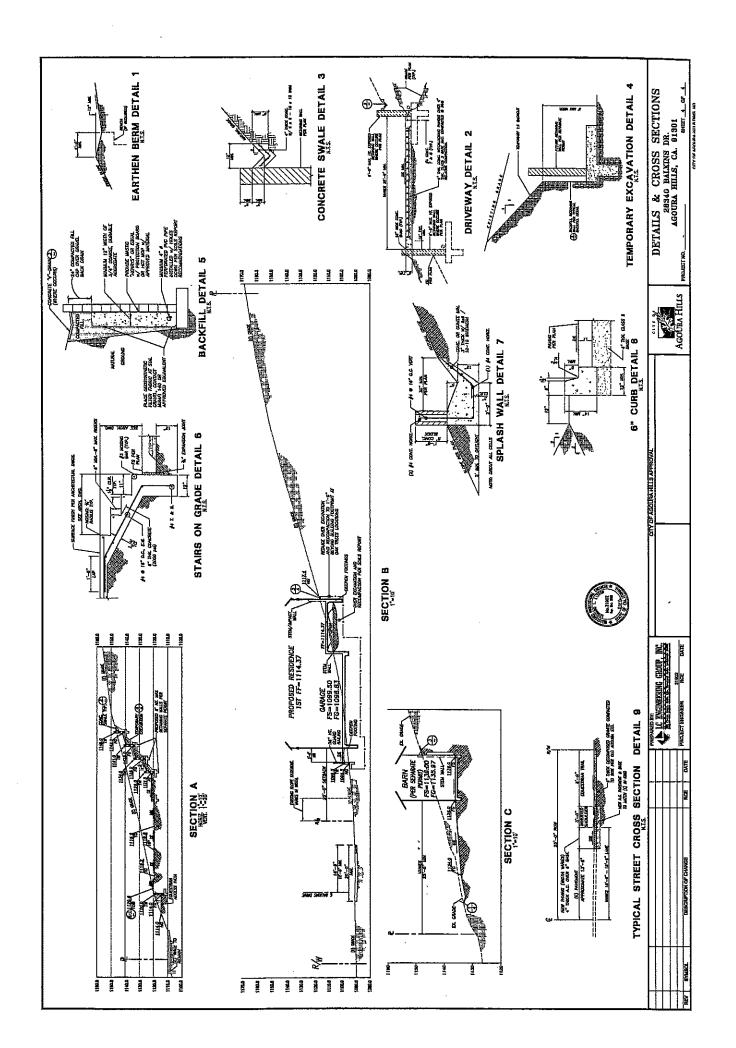


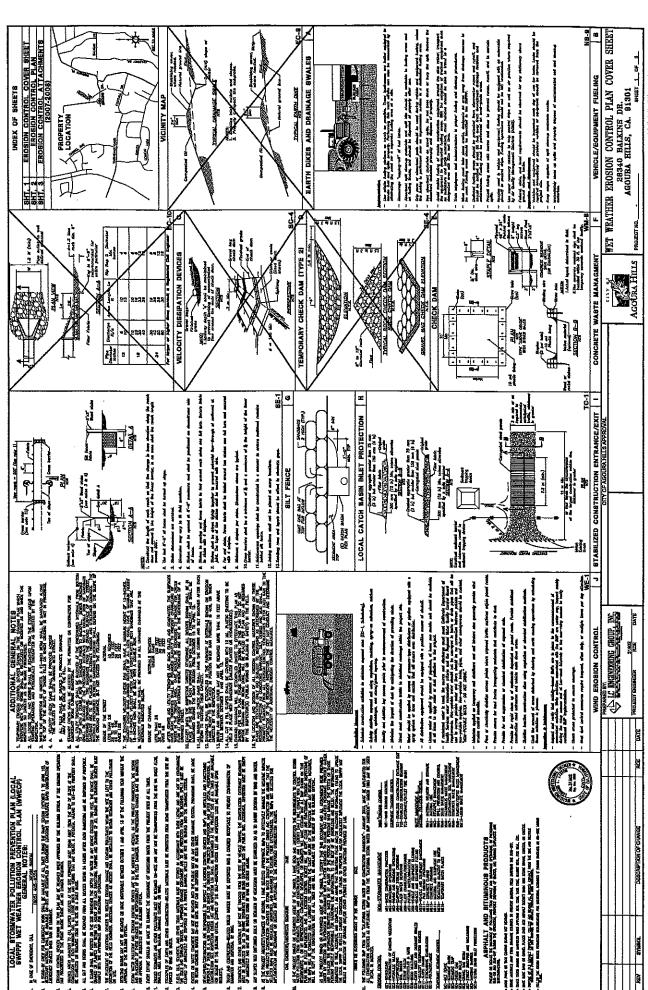












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# LOCAL SWPPP BMP SELECTION WORKSHEET

STORMWATER DEVELOPMENT CONSTRUCTION PROGRAM ON SITE SELF—INSEPECTION CHECKLIST

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CITY OF AGOURA HILLS
STORMWATER DEVELOPMENT CONSTRUCTION PROGRAM
EFFECTIVE AUGUST 1, 1999

DEPARTMENT OF BUILDING AND SAFETY

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□

A LIST OF MAJOR CONSTRUCTION MATERIALS, WASTE, AND ACTIVITIES AT THE PROJECT SITE:

CONTRACTOR'S NUME, ADDRESS, PHONE NUMBER, AND CONTACT IF AVAILABLE AT ISSUANCE OF PERMITS

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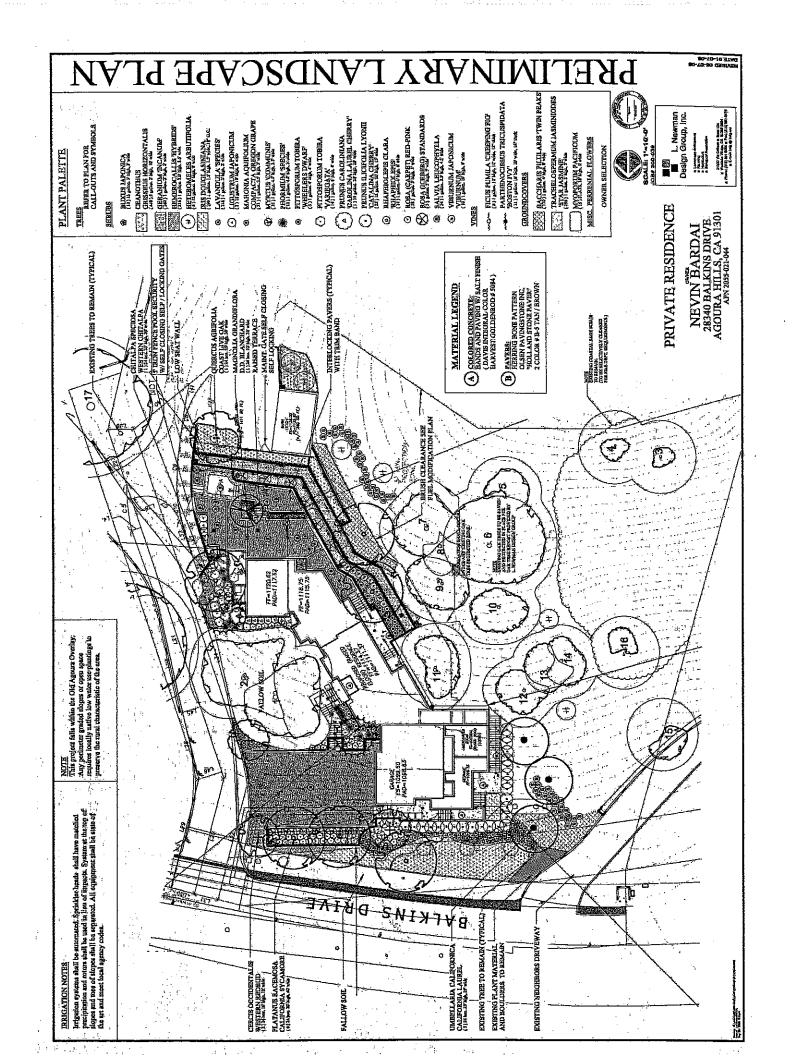
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OF AGOURA HILLS EROSION CONTROL ATTACHMENTS

40 BALKINS DR.





# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

### **EXHIBIT F**

GEODYNAMICS LETTER OF RECOMMENDATION



Date: September 19, 2007 GDI #: 07.00103.0157

### CITY OF AGOURA HILLS - GEOTECHNICAL REVIEW SHEET

To:

Renee Madrigal

Project Location:

APN 2055-021-044, Balkins Drive, Agoura Hills, California.

Planning Case #:

07-CUP-011/07-OTP-020 (Bardai, Nevin)

Building & Safety #:

None

Geotechnical Report:

Calwest Geotechnical (2007), "Geotechnical Engineering Update Report and Change of Geotechnical Consultant, Balkins Drive, City of Agoura Hills.

California", Project No. 4931, dated June 12, 2007.

Mountain Geology, Inc. (2007), "Engineering Geologic Update Letter, Proposed Custom Single-Family Residential Development, APN 2055-021-044, Balkins Drive, City of Agoura Hills, California," Project No.: JH5255, dated August 8,

2007.

Plans:

Dvoretzky, Bardovi, Bunnell Architects (2007), "Development Plan, Sheets A0.1,

A1.1, A2.1-2.4, A5.1, A5.2 & A8.2," Scale: 1"=10', dated 8-9-2007.

Previous Reviews:

None

### **FINDINGS**

Planning/Feasibility Issues	Geotechnical Report
	☐ Acceptable as Presented
Response Required	Response Required

### REMARKS

Calwest Geotechnical and Mountain Geology, Inc. (consultants) prepared Geotechnical Engineering and Engineering Geology Update Reports for the proposed residential development at the site located on the south side of Balkins Drive, west of Lapworth Drive, in the City of Agoura Hills, California. The proposed development includes the construction of a single-family residence with associated retaining walls and an on-site private sewage disposal system. The building pad will be created by excavating into the hillside and supporting the cut using a series of retaining walls. Private sewage disposal will utilize a septic tank discharging into a series of seepage pits to be located near the low point of the site at the northwest corner of the property.

The City of Agoura Hills – Planning Department reviewed the referenced report from a geotechnical perspective for compliance with applicable codes, guidelines, and standards of practice. GeoDynamics, Inc. (GDI) performed the geotechnical review on behalf of the City. Based upon a review of the submitted reports and plans, we recommend the Planning Commission consider approval Case No. 07-CUP-011/07-OTP-020 (Bardai, Nevin) from a geotechnical perspective. Report Review Comments should be addressed after reviewing development plans. Plan-Check comments should be addressed in Building & Safety Plan Check, and a separate geotechnical submittal is not required for plan-check comments.

### Report Review Comments

 The consultant should evaluate the potential for lateral surcharge on retaining walls due to adjacent footings and/or structures when foundation plans become available. Using the 1:1 criterion is not

- acceptable unless substantiated with adequate analyses and references. Mitigation measures should be recommended as necessary.
- Slope setback requirements included in the City of Agoura Building Code are more restrictive than the
  recommended setback, which appears to be based on Chapter 18 of the Uniform Building Code. The
  consultant should revise the slope setback recommendations to be consistent with the City of Agoura
  Hills Building Code.

### **Plan-Check Comments**

- 1. The name, address, and phone number of the Consultant and a list of all the applicable geotechnical reports shall be included on the building/grading plans.
- 2. The following note must appear on the grading and foundation plans: "All retaining wall excavations shall be reviewed by the project engineering geologist for the presence of adversely oriented joint surfaces. Adverse surfaces shall be evaluated and supported in accordance with recommendations of the project geotechnical engineer."
- 3. The grading plan should include the limits and depths of overexcavation of the road and flatwork areas as recommended by the Consultant.
- 4. The following note should be added to the future building plans: The consultant should verify the adequacy of the capdown depth during construction of the future seepage pits.
- 5. The following note must appear on the grading and foundation plans: "Tests shall be performed to determine the R-value of finish grade materials within the proposed road pavement areas."
- 6. The following note must appear on the grading and foundation plans: "Excavations shall be made in compliance with CAL/OSHA Regulations."
- The following note must appear on the foundation plans: "All foundation excavations must be
  observed and approved, in writing, by the Project Geotechnical Consultant prior to placement of
  reinforcing steel."
- 8. Foundation plans and foundation details shall clearly depict the embedment material and minimum depth of embedment for the foundations.
- 9. Drainage plans depicting all surface and subsurface non-erosive drainage devices, flow lines, and catch basins shall be included on the building plans.
- Final grading, drainage, and foundation plans shall be reviewed, signed, and wet stamped by the consultant.
- 11. Provide a note on the grading and foundation plans that states: "An as-built report shall be submitted to the City for review. This report prepared by the Geotechnical Consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map."

If you have any questions regarding this review letter, please contact GDI at (805) 496-1222.

Respectfully Submitted,

GeoDynamics, INC.

Ali. A. Hay

Ali Abdel-Haq

Geotechnical Engineering Reviewer

GE 2308 (exp. 12/31/07)

Christopher J. Sexton

Engineering Geologic Reviewer

CEG 1441 (exp. 11/30/08)



# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

### **EXHIBIT G**

**ENVIRONMENTAL DETERMINATION** 

### Notice of Exemption

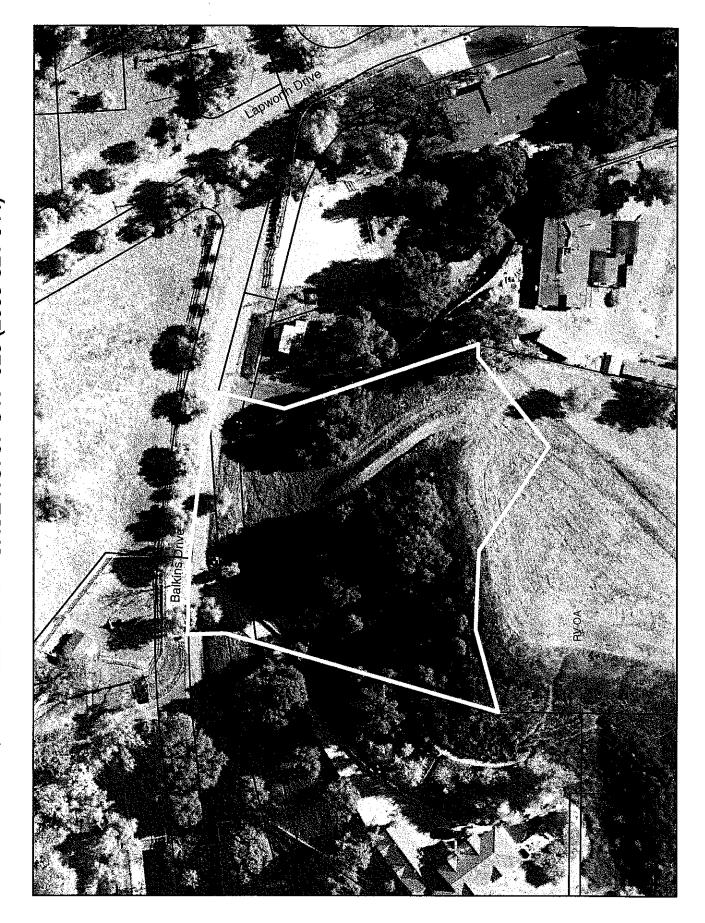
To: [ ] Office of Planning and Research From: City of Agoura Hills 1400 Tenth Street, Room 121 30001 Ladyface Court Sacramento, Ca 95814 Agoura Hills, CA 91301	
[ ] County Clerk County of Los Angeles Los Angeles County Clerk 12400 E. imperial Hwy. Norwalk, CA 90659	
Project Title: Bardai Single Family Residence (Case #07-CUP-011; 07-OTP-020)	
Project Location-Specific: Balkins Drive, west of Lapworth (APN 2055-021-044)	
Project Location-City: City of Agoura Hills	
Project Location-County: Los Angeles	
Description of Nature, Purpose, and Beneficiaries of Project: The project consists of the construction of 5,772 square-foot, multi-level, single family dwelling residence, including an attached 688 square-foot garage a hillside lot of 1.08 acres. An Oak Tree Permit is required to encroach into the protected zone of five oak tree A Conditional Use Permit is required because it is a hillside property.	0
Name of Public Agency Approving Project: City of Agoura Hills	
Name of Person or Agency Carrying Out Project: Nevin Bardai	
Exempt Status: (Check One)  [ ] Ministerial (14 Cal Code of Regs. Sec. 15268); [ ] Declared Emergency (14 Cal Code of Regs. Sec. 15269(a) [ ] Emergency Project (14 Cal Code of Regs Sec. 15269(b),(c), (d) and (e)). State subsection letter [ ] Statutory Exemption (14 Cal. Code of Regs. Sections 15260 et seq.) State Statutory	
Number  [ √ ] Categorical Exemption (14 Cal Code of Regs. Sections 15300 et seq.) State of California CEQA  Guidelines Section 15303, Class 3.	,
[ ] No possibility of physical impact. (14 Cal Code of Regs. Section 15061 (b)(3))	
Reasons why project is exempt: The project consists of the construction of a single family residence. The project would not result in any significant environmental impacts. The project site is not within: 1) an environmentally sensitive resource area; 2) a state designated scenic highway area; 3) a hazardous waste site or 4) an historical resource area.	∋;
Lead Agency Contact Person: Allison Cook, Senior Planner, City of Agoura Hills	
Area Code/Telephone/Extension: (818) 597-7310	
Signature: Occ. Col Date: 8-31-07 Title: Senior Planner	



# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

EXHIBIT H
VICINITY MAP

CONDITIONAL USE PERMIT CASE NO. 07-CUP-011 AND OAK TREE PERMIT CASE NO. 07-OTP-020 (2055-021-044)





# FOR THE PROPERTY LOCATED AT 28340 BALKINS DRIVE, AGOURA HILLS

# EXHIBIT I COLOR AND MATERIAL BOARD



**Cedar Siding** 

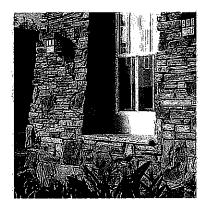


Siding Example

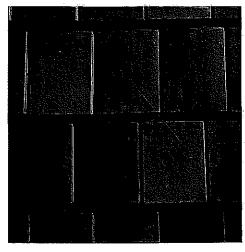
**Wood Trim** 



**Cultured Stone** 



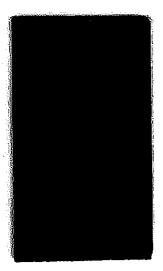
**Cultured Stone Example** 



Slate Tile



Slate Tile Example



**Front Door** 

