



PLANNING DEPARTMENT

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: CASE NO. AMND-01521-2018 AMENDMENT TO CONDITIONAL USE PERMIT NO. CUP-01080-2015 AND VARIANCE NO. VAR-01081-2015 – POUYA PAYAN, APPLICANT

DATE: FEBRUARY 21, 2019

I. PROJECT BACKGROUND AND DESCRIPTION

On April 7, 2016, the Planning Commission approved, on a 4-0-1 vote (Commissioner Justice was absent), Mr. Pouya Payan's request for a Conditional Use Permit (CUP) to construct a 2,549 square-foot, two-story, single-family residence and a tucked-under, 577 square-foot, two-car garage (Case No. CUP-01080-2018). The site is a 6,068 square-foot hillside lot, at 28254 Laura La Plante Drive, on the south side of the street, approximately 100 feet from the intersection of Laura La Plante Drive and Lewis Road. The lot is zoned Residential Single-Family (RS) with an Indian Hills (IH) Design Overlay.

In addition to approving the project's CUP, the Planning Commission also approved two Variances: (1) a reduction of the project's combined side yard setback from the minimum required 22 feet to 18 feet; (2) an increase in the maximum allowed three and one-half (3.5) feet height of the retaining walls in the front yard to a range of three and one-half (3.5) feet to six (6) feet tall; and (3) an increase in the maximum six (6)-foot high standard for the side and rear yard walls, ranging from three and one-half (3.5) feet to nine (9) feet tall. The conditions of approval for the CUP and Variances required the applicant to comply with the approved site plan, building elevation plan, floor plan, roof plan, grading plan, and landscape plan. The project grading permit was issued on July 13, 2017. The building permit was issued on August 15, 2017.

During construction and without City approval, the applicant made modifications to the approved project, which caused the retaining walls to exceed the maximum height allowed by the Variances. Before the applicant could complete the retaining walls, City Building and Safety Department staff issued a stop-work order, requiring the applicant to stop construction because the retaining walls and other project design features deviated from the project's approved plans. Planning Department staff required the applicant to

apply for an amendment to the approved CUP and Variances in order to permit the modifications (Case No. AMND-01521-2018). The amendment application also includes proposed minor modifications to the house's design, as requested by the applicant, and discussed further below.

The proposed amended project was initially presented to the Planning Commission at a public hearing held on December 13, 2018 (with Commissioner O'Meara absent). Upon reviewing the staff report and taking testimony from the applicant and the public, the Planning Commission directed the applicant to evaluate options to reduce the rear yard wall height by nine (9) inches, and to address the concerns of the neighbor to the east about possible aesthetic and privacy impacts of the taller walls. The Commission also requested the applicant prepare further geotechnical analysis about the safety of reducing the rear retaining wall height in maintaining the integrity of the slope behind. In order to allow the applicant time to evaluate alternative plans and for a geotechnical consultant to weigh in on the wall height, the public hearing remained open and was continued to January 3, 2019. The public hearing was further continued to February 7, 2019, and finally to February 21, 2019 at the applicant's request without new testimony. During that time, the City Building Official allowed the applicant to continue the mechanical, electrical and plumbing work on the house, as such improvements would not affect the subject matter of the Variance. The staff reports for the prior meetings are attached.

II. STAFF ANALYSIS

The applicant met with concerned neighbor to the east and a resolution was reached to raise the eastern side yard retaining wall an additional four (4) feet to provide screening of the rear retaining wall as viewed from the neighbors' rear yard. A planter at the base of that wall would be created for additional landscape. The overall height of the eastern side yard retaining wall would not exceed 10 feet. With the added eastern wall height, the 10-foot high rear wall would not be visible from the property to the east. Both parties, the applicant and the neighbor to the east have agreed to landscape on their respective sides to help screen the new wall and further integrate it to their sites. Per the Commission's request, the applicant prepared further geotechnical analysis about the safety of reducing the rear retaining wall height in maintaining the integrity of the slope behind. The applicant's geotechnical consultant provided a report addendum (Attachment 10), which recommends that the stacked rear yard walls, as currently built, should be maintained in their current state. In the event the rear yard taller wall is required to be lowered, it could not be lowered more than nine (9) inches. The Building Official agrees with the findings of the report addendum. Nonetheless, the applicant is requesting to maintain the taller rear yard wall height at 10 feet 9 inches as existing although the plans do not reflect the request.

Staff discussed with the applicant the impacts related to his construction practices that were brought up to the Planning Commission's attention at the December 13, 2018 public hearing by neighbors. In addition to increasing the monitoring of the construction, the applicant is committed to improving these practices. Staff will work with the applicant to

ensure that his construction crew will continuously make every effort to minimize noise, and other nuisance items as well as maintaining an orderly construction site.

A. Retaining Walls

1. Front Yard Retaining Walls

The front yard retaining walls have not been built and would remain as proposed in the amendment request presented at the December 13, 2018 public hearing.

2. Rear Yard Retaining Wall

The rear yard upper retaining wall would remain as proposed in the amendment request presented at the December 13, 2018 public hearing.

3. West Side Yard Retaining Wall

The western side yard wall height would remain as proposed in the request presented at the December 13, 2018 public hearing.

4. East Side Yard Retaining Wall

Changes are proposed to the eastern side yard wall since the December 13, 2018 meeting in response to privacy issues of the neighbors to the east. The constructed wall would be raised four (4) feet to provide a maximum height of 10 feet to serve as additional screening for the adjacent lot. A metal rail would be added on top for further privacy screening. The lower portion of the eastern wall, which serves as a planter, would be extended horizontally by nine (9) feet, with a height of 2 feet 8 inches to provide additional planting area and maintain the 10-foot wall behind. This additional increase is allowed pursuant to the Variance request.

B. Building Design and Architecture

The proposed changes to the design of the residence's doors, windows, balconies, and materials are as identified at the December 13, 2018 Planning Commission meeting.

C. Conditional Use Permit, Hillside Ordinance, Variance Findings

The findings for the Conditional Use Permit, Hillside Ordinance, and the Variance are included in the attached draft resolutions (Attachments 1 and 2). The items are more fully discussed in the December 13, 2018 staff report (Attachment 3).

D. General Plan Consistency

As with the originally approved project, the current project would be consistent with the following applicable General Plan goals and policies.

Goal LU-1 Growth and Change

Sustainable growth and change through orderly and well-planned development that provides for the needs of existing and future residents and businesses, ensures the effective and equitable provision of public services, and makes efficient use of land and infrastructure.

- Policy LU-1.2 Development Locations. Prioritize future growth as infill of existing development areas re-using and, where appropriate, increasing the intensity of development on vacant and underutilized properties, in lieu of expanded development outward into natural areas and open spaces.

The proposed project amendment would not change the project site or location and would allow feasible development of the originally approved single-family house. The changes would assist in maintaining neighborhood privacy.

Goal LU-7 Livable and Quality Neighborhoods

Neighborhoods that provide a variety of housing types, densities, and design, and a mix of uses and services that support the needs of their residents.

- Policy LU-7-1 Neighborhoods Conservation. Maintain the uses, densities, character, amenities, and quality of Agoura Hills' residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life for residents.

The amendment would allow for development of the single-family residence while ensuring compatibility with neighboring properties.

- Policy LU-7-2 Housing Character and Design. Require that new and renovated housing within existing single- and multi-family neighborhoods be located and designed to maintain their distinguishing characteristics and qualities, including prevailing lot sizes; building forms, scale, massing, and relationship to street frontages; architectural design; landscape; property setback; and comparable elements. Continue to implement the City's Architectural Design Standards and Guidelines to ensure that residential units are designed to sustain the high level of architectural design quality and the character of the existing lands forms that characterize the Agoura Hills neighborhoods, in consideration of the following principles as identified in the Standards and Guidelines.
 - Harmony with the natural land forms and native vegetation
 - Response to the local climate (through proper building orientation, appropriate glazing, use of overhangs, shading devices, native vegetation, etc.)
 - Reflection of the highest standards of adjacent buildings and the neighborhood style[s], proportions, colors, and materials

The revisions to the windows, balconies, doors, and building materials will not significantly affect the design of the house or site development. The building changes are minor and compatible with the neighboring properties by maintaining privacy, and are consistent with the style of the structure. The taller retaining walls will be screened from public view and adjacent lot views, maintaining a high quality aesthetic environment.

Goal LU-9 Single Family Neighborhoods

Maintenance of the identity, scale and character of the City's distinct residential neighborhoods.

- Policy LU-9.1 Neighborhood Identity. Maintain the distinguishing characteristics that differentiate by topography, parcel size, housing scale and form, and public streetscapes in Agoura Hills' single-family neighborhoods.

The walls would be screened from public view by the house and would provide privacy to neighboring properties.

Goal LU-31 Hillside Neighborhoods

A predominantly hillside open space area with limited residential development at low densities, and reflecting the area's slopes and natural topography.

- Policy LU-31.3 Site Design and Development. Require that housing units be located and designed to reflect the area's hillside topography and natural landscapes, with their footprints conforming to topographic contours, orientation to preserve view corridors, and form and massing scaled to be subordinate to the natural setting.

The modifications to the project maintains the scale of the development and location on the lot. The natural topography of the rear yard beyond the walls would not change. The walls would not block the view of the hillside beyond.

- Policy LU-31.5 Landscapes. Require that developed landscapes respect and transition with those of surrounding natural open spaces, while providing adequate fire protection.

The project, as conditioned, complies with Policy LU-31.5 by providing primarily native landscaping consistent with the adjacent hillside and open spaces areas and complying with the Los Angeles County Fire Department – Fuel Modification Division's requirements.

III. ENVIRONMENTAL REVIEW

Staff has determined that the modifications to the single-family residence development are Categorical Exempt from the California Environmental Quality Act (CEQA), in accordance with Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures). The modifications are not expected to cause any significant environmental impacts. No exception to this categorical exemption applies as

set forth in Section 15300.2 of the CEQA Guidelines, including but not limited to, subsection (c) which relates to unusual circumstances.

IV. RECOMMENDATION

Staff recommends the Planning Commission approve the Amendment Application Case No. AMND-01521-2018 amending Conditional Use Permit Case No. CUP-01080-2015 and Variance VAR-01081-2015, based on findings of the draft resolutions and conditions of approval attached as Exhibit A to the resolutions.

Attachments

1. Draft Conditional Use Permit Resolution with Conditions of Approval (Exhibit A)
2. Draft Variance Resolution with Conditions of Approval (Exhibit A)
3. December 13, 2018 Planning Commission Staff Report
4. January 3, 2019 Planning Commission Staff Report
5. February 7, 2019 Planning Commission Staff Report
6. Reduced Copies of the Project Plans dated for the February 21, 2019 Meeting
7. December 13, 2018 Planning Commission Meeting Minutes
8. Draft January 3, 2019 Planning Commission Meeting Minutes
9. Draft February 7, 2019 Planning Commission Meeting Minutes
10. AES Geotechnical Report Addendum dated January 15, 2019
11. Conditional Use Permit Case No. CUP-01080-2015 Resolution No. 16-1151
12. Variance Case No. VAR-01081-2015 Resolution No. 16-1152

Case Planner: Valerie Darbouze