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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**DATE:** June 21, 2007

**APPLICANT:** Leo Roit  
10501 Wilshire Boulevard, Unit 1709  
Los Angeles, CA 90024

**TO:** Planning Commission

**CASE NOS.:** 06-CUP-013, 06-VAR-006, & 06-OTP-030

**LOCATION:** 28161 Laura La Plante Drive  
(A.P.N. 2061-016-053)

**REQUEST:** Request for approval of a Conditional Use Permit to construct a 2,124 square-foot, single-story residence with a 441 square-foot attached two-car garage and a 57 square-foot deck; a request for a Variance from Zoning Ordinance Section 9243.3.D to provide for an 8.12-foot front yard instead of the minimum 25 feet; and a request for an Oak Tree Permit for encroachment within the protected zone of five (5) Oak trees for the proposed construction.

**ENVIRONMENTAL DETERMINATION:** Exempt from CEQA

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 06-CUP-013, Variance Request Case No. 06-VAR-006, and Oak Tree Permit Case No. 06-OTP-030, subject to conditions, based on the findings of the attached Draft Resolutions.

**ZONE DESIGNATION:** RS-(2)-20,000-IH (Residential Single-Family – Indian Hills Design Overlay District)

**GENERAL PLAN DESIGNATION:** RS – Residential Single-Family

## PROJECT BACKGROUND AND DESCRIPTION

The applicant, Leo Roit, is requesting approval of a Conditional Use Permit to construct a 2,124 square-foot, one-story, single-family residence with a 441 square-foot attached two-car garage and a 57 square-foot deck. The applicant is also requesting approval of an Oak Tree Permit for minor encroachment within the protected zone of five (5) Oak trees for the proposed construction.

The 8,000 square-foot parcel is located on the north side of Laura La Plante Drive, two lots east of the existing single-family residence located at 28161 Laura La Plante Drive in the Residential Single-Family (RS) and the Indian Hills Design Overlay (IH) zones. The proposed building pad area would be roughly equivalent with the adjacent street elevation (998 feet) and is situated on an existing cut pad created during the construction of the road. North of the proposed building pad is a slope which descends at an approximate 2:1 grade to the neighboring lot below, resulting in an average topographic slope of 16.6% for the lot. The Zoning Ordinance requires the Planning Commission's consideration and approval of a Conditional Use Permit for any development on lots that exceed a 10% average topographic slope.

The proposed single-family residence is a permitted use in the RS zone and will meet the rear and side yard standards, and is within the maximum permitted building height for hillside lots.

The applicant is applying for a Variance to deviate from the minimum 25-foot front yard setback to provide between approximately 8 and 25 feet of setback distance between the front property line and the front elevation of the house. An analysis of the Variance request is provided below for the Planning Commission's review. Listed below are the proposed development data pertaining to the project:

### Pertinent Data

	<u>Proposed</u>	<u>Allowed/ Required</u>
1. Lot Size:	8,000 sq. ft.	20,000 sq. ft. min.
2. Lot Width:	97 feet	90 feet min.
3. Lot Depth:	77 feet	100 feet min.
2. Building Size:		
a. House:	2,124 sq. ft.	N/A
b. Garage:	<u>441 sq. ft.</u>	
Total:	2,565 sq. ft.	

3. Building Height	12 ft.	35 feet max., and 15 ft. above front property line max.
4. Lot Coverage	33%	35% max.
5. Building Setbacks		
Front:	8.12 ft.	25 ft. min.
Rear:	26.83 ft.	25 ft. min.
Side:	10 and 12.36 ft.	10 and 12 ft. min.
6. Oak Trees	5 on-site	N/A

## STAFF ANALYSIS

### Site Plan

The proposed location of the house is intended to minimize impacts to the on-site oak trees in the rear yard, reduce the amount of grading on the site, and comply with the development standards of the RS-20,000 zone. The house is a single-story design with a maximum height of 12 feet (measured to midpoint of the roof) at the front property line per the Hillside Ordinance. Access to the residence will be via Laura La Plante Drive. The project meets the side yard setback requirements of the RS zone. The eastern side yard setback is proposed to be 12.36 feet and the western side yard setback is proposed to be 10 feet (side yards of 10 feet and 12 feet are required). The proposed setback to the rear property line would be 26.83 feet at the closest point to the rear property line. The 20-foot wide access easement in the rear of the lot was reverted to the individual property owners between Lewis Road and Palo Comado Canyon Road. Since the access was never developed the land was returned to property owners in equal parts. The center line of the easement is now the new rear property line.

The Variance is a request to reduce the front yard to a minimum of 8.12 feet from the required 25 feet. The alignment of the public right-of-way on Laura La Plante Drive and the existing edge of paving of the road, do not coincide. The edge of pavement is located 12 to 43 feet away from the property line. This vacant land remains public right-of-way. The possibility of adjusting the alignment of the easement to match the pavement was explored by the applicant but has not been resolved to date. The Engineering Department determined that the width of the pavement is sufficient at this time for a one-way street segment but the easement cannot be reduced further until a Lot Line Adjustment is filed by property owners of both the north and south sides of Laura La Plante Drive concurrently.

### Architectural Design

The applicant has chosen a tan “Oatmeal” colored stucco, off-white “Swiss Coffee” colored trim, and a terracotta/Burgundy Blend tile roof for the new home. The front door

will be a wooden door stained in a medium brown tone and the metal sectional garage door will be painted “Snow Flake” white. The applicant also proposes a concrete driveway.

The Architectural Review Panel recommends approval of the house design as proposed, finding it to be compliant with the City Architectural Design Guidelines and Standards.

In an effort to evaluate the compatibility of the proposed size of the home with other Indian Hills properties, a survey of 19 neighboring developed lots was conducted, as shown in an attached exhibit. The results revealed an average lot size of 9,420 square feet for the neighborhood and an average dwelling unit size of 2,022 square feet (excluding the garages), resulting in an average floor/area ratio of 0.21. The proposed two-story, single-family residence is 2,124 square feet in size on an 8,000 square foot lot, which results in a floor/area ratio of 0.26. The proposal is 102 square feet larger than the neighborhood average. Nonetheless, the applicant’s proposal will result in a lot coverage of 33% which is below the maximum allowable lot coverage of 35% for the zone, and the proposed residence is the only single-story home on this easterly portion of Laura La Plante Drive.

#### Oak Tree Review

A total of fourteen (14) Oak trees were evaluated for the proposed project. Five (5) of the Oak trees are located within the rear yard of the property and provide screening of the house as viewed from the north, and the remaining nine (9) Oak trees are located off-site. Construction of the proposed residence will require minor encroachment within the protected zone of the five on-site Oak trees for construction access and footing construction. The encroachments are limited to grading and pruning and are not likely to result in any long-term negative impacts to the subject Oak trees. The City Oak Tree/Landscape Consultant requires that the trees be fenced prior to the start of grading and determined that the health of the trees will not be significantly impacted with the recommended conditions of project approval.

Since the topographic slope of the property exceeds 10%, the applicant is required to prepare a landscape plan for the City’s review. The preliminary landscape plan was reviewed by the City Landscape Consultant, who recommends that the applicant submit final, detailed landscape and irrigation plans for review by the City Landscape Consultant and the Director of Planning and Community Development prior to building permit issuance. The final plans will be reviewed for slope stabilization, screening, and the incorporation of native plant species.

#### Engineering

The applicant has estimated 42 cubic yards of cut and 37 cubic yards of fill will be required for grading of the site. The quantity is slightly under the threshold of the requirement for a Grading Permit, which is 50 cubic yards. The finished floor elevation is proposed at an elevation of 997.5 feet for the residence, which is level with the average adjacent street elevation.

In order to connect to the existing pavement of Laura La Plante Drive, the applicant is proposing a 53-foot long driveway. Since approximately 43 feet will be in the right-of-way, an encroachment permit from the Public Works Department will be required. The applicant will also be required to pave the street, if needed, the length of the parcel frontage to maintain a 20-foot wide right-of-way in its current alignment. No other street improvements are required now that Laura La Plante Drive is a one-way street. As required under the Indian Hills Overlay District, the applicant will be connecting to a sewer line located under Agoura Road. The alignment of the connection must traverse a commercially zoned parcel in the rear which is encumbered by a necessary easement permitting the installation and connection of the new sewer line. The applicant will be required to show proof of the on-site sewer line easement prior to issuance of a grading permit.

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 March 12, 2007 is attached for reference.

#### Variance Request

The applicant is requesting a Variance from the Zoning Ordinance Section 9243.3.D to allow a reduced front yard setback from 25 feet to 8.12 feet for the proposed project. In order for the Planning Commission to grant approval of the Variance, each of the following five (5) findings must be made pursuant to Section 9676.2.E of the Zoning Ordinance. Staff's analysis of each required finding is below.

1. Required Finding:

That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this article deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

#### Staff Analysis

The RS zone requires a 25-foot front yard setback from the structure to the front property line. In a typical situation, the front property line coincides with the street pavement edge. In this case, the street was developed between 43 feet from the southwest corner of the parcel and 12 feet from the southeast corner of the parcel, away from the right-of-way outlined on recorded tract maps. The alignment of Laura La Plante Drive and the right-of-way alignment do not coincide, resulting in an area in front of the residence that remains within public right-of-way. The request to place the structure closer to the right-of-way does not impede traffic safety as there is ample space between the roadway and the front yard for egress and ingress. The line-of-sight to the eastbound traffic is preserved and the distance

between the residence and the street will appear as a conforming front yard. In addition, the distance between the residence and the easement provide sufficient space to park vehicles in the driveway and minimize the need to park in the street. The provided length of the driveway will remain greater than most non-conforming driveways found in the neighborhood.

2. Required Finding:

That the granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.

Staff Analysis

The neighboring structures on similar sized lots have non-conforming front yard setbacks. The proposed residence will be placed 12-43 feet from the existing street alignment. Much of the residence will be placed a greater distance from the street than the 25-foot minimum yard setback.

3. Required Finding:

That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

Staff Analysis

In this particular situation, the southeast corner of the house, where no vehicular access is proposed, would be located 12 feet from the side property line and 15 feet from the front property line. An additional 20 feet of easement exist to the edge of the pavement providing essentially 35 feet of setback to the right-of-way. At the southwest corner of the house where the garage and driveway are proposed, the structure would be located 10 feet from the side property line and about 9 feet from the front property line with an additional 44 feet to the edge of the pavement on flat land, providing ample storage for vehicles. A 25-foot setback for the entire width of the garage would cause unnecessary hardship to the applicant when, visually, safety impacts and visual impacts have been reduced. Moreover, the lot is non-conforming in terms of size and depth and would be a physical hardship to provide the 25 foot front yard setback from the property line without causing further impacts to Oak trees and the existing topography.

4. Required Finding:

That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

Staff Analysis

The proposed front yard allows for access to the garage from the street, as well as for parking of vehicles on the driveway serving the residence without encroaching into the travel lane. The location of the residence will not impact adjacent neighbors and on-site Oak trees will be retained.

5. Required Finding:

That the granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis

The residence is single-story and the distance between the house and street is no less than other properties in the neighborhood.

Environmental Review:

Based 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.

**RECOMMENDATIONS**

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 06-CUP-013, Oak Tree Permit Case No. 06-OTP-030 and Variance Request Case No. 03-VAR-006, subject to Conditions, based on the findings of the attached Draft Resolutions.

**ATTACHMENTS**

- Draft Resolution and Conditions of Approval for Conditional Use Permit
- Draft Resolution and Conditions of Approval for Variance Request
- Exhibit A: Vicinity Map
- Exhibit B: Square Footage Analysis Map
- Exhibit C: Reduced Photocopies of Plans
- Exhibit D: Environmental Determination
- Exhibit E GeoDynamics, Inc.'s Letter of Recommendation
- Exhibit F: Photographs of Site and Surroundings

**CASE PLANNER:** Renee Madrigal, Assistant Planner