



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: July 19, 2007

APPLICANT: Keith Blinkinsoph for Mary Thompson
26228 Alizia Canyon
Calabasas, CA 91302

TO: Planning Commission

CASE NOS.: 04-CUP-003 & 06-VAR-005

LOCATION: North side of Lewis Place, east of 28425 Lewis Place
(A.P.N. 2061-022-029 & 030)

REQUEST: Request for approval of a Conditional Use Permit to construct a 2,547 square-foot, two-story residence, a 543 square-foot, attached, two-car garage and a 420 square-foot, attached, covered patio; a request for a Variance from Zoning Ordinance Sections 9243.3.D and 9606.2.A. to provide a 17-foot front yard setback instead of the minimum 25 feet and to construct retaining walls in excess of 3.5 feet in height in the front yard area.

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. 04-CUP-003 and Variance 06-VAR-005, subject to conditions, based on the findings of the attached draft Resolutions.

ZONING 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 is requesting approval of a Conditional Use Permit (Case No. 04-CUP-003) to construct a 2,547 square-foot, two-story, single-family residence with a 420 square-foot attached, covered patio and a 543 square-foot, two-car garage on two vacant lots. The subject parcel is located on the north side of Lewis Place, on the east side of 28425 Lewis Place, approximately 100 feet from the intersection of Laura La Plante Drive and Lewis Place. These two in-fill lots total 13,129 square feet in size and are within the Residential Single-Family (RS) and the Indian Hills Design Overlay zones. A Lot Line Adjustment (Case No. 04-LLA-001) to merge the two lots is being reviewed administratively. The approval of the merger is pending the approval of the Conditional Use Permit. The size of the property is below the minimum 20,000 square-foot size requirement of the zone.

A Conditional Use Permit is required for residential development on lots with an average topographic slope exceeding 10%. In this instance, the average topographic slope of the property is 59.5%. The applicant is also requesting approval of a Variance (Case No. 06-VAR-005) to deviate from the minimum 25-foot front yard setback from the southern property line and to provide a 17-foot setback instead. A second Variance is also requested to build 6-foot high retaining walls instead of 3.5 feet in the front yard area. The applicant was also requested to apply for an Oak Tree Permit (Case No. 04-OTP-005) to allow the City Oak Tree/Landscape Consultant to review any potential impacts to an off-site oak tree. No encroachment is expected as a result, the permit does not require the review and action by the Planning Commission.

Listed below are the proposed development data pertaining to the project:

| Development Standards | Existing | Proposed | Allowed/ Required |
|------------------------------|-------------------------------|-------------------|-------------------------------|
| 1. Lot Size | 13,129 sq.ft. (0.30 acres) | 13,129 sq.ft. | 20,000 sq.ft. (0.45 acres) |
| 2. Lot Width | 98 ft. | 98 ft. | 90 ft. |
| 3. Lot Depth | 137 ft. | 137 ft. | 100 ft. |
| 4. Building Size | | | |
| a. House: | None | 2,547 sq.ft. | N/A |
| b. Garage: | None | 543 sq.ft. | N/A |
| c. Patio: | <u>None</u> | <u>420 sq.ft.</u> | N/A |
| c. Total: | N/A | 3,510 sq.ft. | N/A |
| 5. Building Height | None | 35 ft. | 35 feet max. |
| 6. Lot Coverage | None | 20% | 35% max. |

| Development Standards | Existing | Proposed | Allowed/ Required |
|------------------------------|-----------------|-----------------|--------------------------|
|------------------------------|-----------------|-----------------|--------------------------|

7. Building Setbacks

| | | | |
|--------------|-----|--------|-------------|
| Front: | N/A | 17 ft. | 25 ft. min. |
| Rear: | N/A | 85 ft. | 25 ft. min. |
| Side (East): | N/A | 10 ft. | 10 ft. min. |
| Side (West): | N/A | 20 ft. | 12 ft. min. |

STAFF ANALYSIS

A. Site Plan

This hillside lot is prominently visible from the 101 freeway, as are the adjacent homes east and west of the site. The project is subject to the RS zone and hillside development standards requirements. The proposed location of the house is intended to minimize the need for retaining walls and comply with the maximum height of the house in the rear of the lot. The house is a two-story design that terraces from a single-story in the front to a two-story in the rear of the structure, without exceeding the overall permitted height of 35 feet (15 feet above the front property line elevation). This development standard allows for a better integration of the new structure on a steep slope and with neighboring developments.

The project exceeds the side and rear yard setback requirements. The house would be placed at 10 feet and 20 feet from the side property lines and 85 feet from the rear property line, whereas the minimum required distance is 10 and 12 feet for the sides and 25 feet for the rear. An additional estimated 10 feet exist beyond the property line shared with the property to the west. No structure exists on the property to the east.

With regard to the front yard setback requirements, the project does not meet the minimum setback for the zone. The applicant proposes to place the southeast corner of the structure 17 feet back from the front (south) property line and the southwest corner of the residence 18 feet away from the front property line, whereas the minimum front yard setback for the zone is 25 feet. As a result, the applicant is requesting the approval of a Variance. If compared to the existing developed properties, the proposed reduced setback would continue the same pattern of development along the north side of the street. The adjacent residence (to the west) were built under Los Angeles County standards prior to the City's incorporation, and the residences beyond were located closer to the street right-of-way than the City Zoning Ordinance permits today. In addition, given the unusual steepness of the lots in the Indian Hills area, recent residential projects have also been permitted by the City Planning Commission to reduce their front yards setback to provide a design that would satisfy the City's preferred hillside design for residential structures. No development exists adjacent to the applicant's parcel.

The second Variance request is to construct retaining walls 6 feet in height in the front yard. The Zoning Ordinance restricts the height of all walls or fences in a front yard area

to 3.5 feet whether constructed above or below grade as a garden wall or a retaining wall. The Site Plan indicates that the retaining walls are required to retain slopes on the side of the driveway and support an access stair case located on both sides of the residence. Variance requests to provide six-foot tall retaining walls in conjunction with reduced front yard setbacks have become typical requests for development in the Indian Hills area. Retaining walls in excess of 3.5 feet in height are a necessity in some instances to transition from the street elevation to the lower level of the house. The walls, in the front yard, do not exceed the grade of the driveway and are not visible from the street. The applicant would provide a 3-foot high guard rail which would be visible from the street. The rails are permitted by the Zoning Ordinance and required by the Building and Safety Code for safety purposes for the transition between the new grade and adjacent lower grade. Other retaining walls which are not included in the Variance request, are used to build the envelope of the structure. These walls would be above grade and visible from the freeway. The applicant proposes to screen the wall facing the rear property line by building a landscape planter at the base of the wall. The planted material would grow to provide additional screening. Findings in favor of the request are provided in this report and in the draft Resolution for the Commission's review.

The project's building coverage is 20%, which is under the 35% maximum allowable lot coverage in the RS zone. In addition to the lot coverage is the preservation of open space. The Hillside Development standards limit the expansion of the development into valuable open space areas of a lot. The definition of the "development area" includes not only the footprint of the house but pathways, driveways, graded areas as well as developed private spaces. The maximum size of the "development area" is based on the average slope percentage, the steeper the lot, the smaller the size of the allowed developed area. Since the lot exceeds the Code's maximum limit of 35% (by 42%), the preferred percentage of the total size of the lot allowed for development is 2.5%. This percentage would allow for a developable footprint of 328 square feet, which would also include hardscape. In order to allow reasonable development of the site, the Planning Commission can exercise discretion regarding the size of the pad. The applicant has concentrated the useable outdoor areas in the rear of the house in the form of a patio cover and extending the finished floor of the lower level, which remains within the buildable area of the lot. Pedestrian access around the perimeter of the house is provided at the request of the Fire Department.

A survey of 44 built and approved homes located in the vicinity of the project revealed home sizes varying from 1,216 to 3,369 square feet. Lot sizes varied from 3,721 to 60,112 square feet. The average size of the neighboring built residences without counting the garage was 2,009 square feet, without the proposed project and 2,022 square feet including the project. The average lot size was found to be 9,171 square feet without the project site and 9,270 square feet with the project. Given that the surface area of two nearby lots was well above that of the neighborhood average, the lot size average is skewed. If these two particular lots are excluded, the average lot size is reduced to 7,439 square feet without the project with a house size average of 2,284 square feet and 7,589 square feet with the project with house size average of 1,979 square feet. In that case the floor-area ratio would be 0.31 and 0.26 respectively.

Recent Planning Commission approvals, as indicated in the table, include a 2,080 square-foot home on a 5,618 square-foot parcel across the street from the project site, a 2,685 square-foot house on a 5,200 square-foot parcel, 1,000 feet from the project site, a 2,968 square-foot house on a 6,824 square-foot parcel also 1,000 feet from the project site and a 3,300 square-foot house on a 16,400 square-foot lot, 1,500 feet away from the project site. In this case, the applicant is requesting a 2,547 square-foot house on a 13,129 square-foot lot. Although the floor area-ratio between the size of the house and the parcel is 0.19, which is below the average, this average does not take into consideration the slope of the parcel. In evaluating the compatibility of the size of the structure with other Indian Hills properties, staff found that the size of the building would be reasonable for this hillside lot.

B. Architectural Design

Given the prominence of the residence as viewed from the freeway, several iterations of the project design were presented to the Architectural Review Panel (ARP) for compliance with the City Architectural Design Guidelines and Standards. The ARP encouraged the applicant to minimize the impacts of the mass and by incorporating horizontal and vertical relief to the building. The Panel recommended changes by offsetting the first floor, breaking the roof mass, revising the windows size, increasing the number of shutters, increasing the size of the wood members and roof line of the front and rear patio covers, changing the proportions of the entry patio cover, increasing the decorative molding around windows, increasing the depth of the window opening throughout, revising the application of the stone veneer and revising the appearance of the retaining walls of the patio area. These revisions have been incorporated in the plans.

The location of the windows on the east and west elevations was also considered. Two windows are proposed on each side of the house. Both windows combined represent 11% and 7.6% of the wall area. The east elevation windows which serve a bathroom and dining room overlook a vacant lot and the west elevation windows which serve a garage and bedroom overlook a developed property. The side elevation of the adjacent house also has two windows, but the windows are not in alignment with those of the proposed residence.

Proposed building materials include a stucco coating in a tan color and light beige for the trims. The stucco is textured as recommended by ARP. The vinyl clad windows would have a beige finish as well. A stone veneer is proposed to be applied on the front and rear elevation. The type, color and style of application are represented on the color and material board attached to the report. The roof will be clad with multi-color clay tiles. The applicant also proposes a driveway with concrete pavers in a sand color. The retaining wall system would be a keystone wall system in an earth tone color. Wrought iron railing above the retaining walls is also proposed. The house design also incorporates shutters throughout and bronze exterior light fixtures.

C. Landscaping

With regard to the landscaping, hillside properties are required to be landscaped for slope stability purposes. Staff recommends the applicant be conditioned to provide a detailed

landscape and irrigation plan for this purpose and to provide privacy between adjacent properties and to screen the retaining walls.

D. Engineering

The applicant is proposing very little grading given the slope of the parcel (59.5%). The house foundation will be constructed to lie on top of the natural grade. The height of the slope, calculated as the difference between the highest and lowest topographical line, is 71 feet from 500 to 429 feet. The elevation of the first floor elevation and the garage is proposed to be at the 500-foot relative elevation, which corresponds to the elevation of the street and front property line. The finished elevation of the second floor and patio cover below is proposed to be at the 490 line which will be 61 feet above the rear property line.

Retaining walls up to 6 feet in height are proposed all around the envelope of the residence to support a pedestrian access as required by the Los Angeles County Fire District.

The applicants will also be required to provide a 15-foot wide paved street along the length of the parcel and curb improvements from the last developed parcel in the cul-de-sac to connect to the adjacent parcel to the west. The applicant will be connecting the new residence utilities to existing lines including a sewer line located on Lewis Place.

The City's Geotechnical Consultant has reviewed the geotechnical report prepared by Stratum Geotechnical Consultants for this project and recommends that the project be approved both from a planning and feasibility as well as a geotechnical prospective, subject to Grading Plan final review and approval by the City Engineer. The project is conditioned accordingly. The letter of approval, dated May 17, 2007 is attached to this report. The Hydrology Report was also submitted to the City Engineer and found compliant with the Code. No other improvements are expected at this time.

F. Variance

The applicant is requesting a Variance from the Zoning Ordinance Section 9243.3.D to allow a reduced front yard setback of 17 feet at the east corner of the residence and 18 feet at the west corner instead of at least 25 feet, and retaining walls of 6 feet in height, instead of the maximum 3.5-foot height in a front yard area per Zoning Ordinance Section 9606.2.A. Five Variance requests were approved in Indian Hills since 1990. The oldest one was a 1990 Variance (Pournaj) for a residence across the street on for a side and front yard setback reduction in 2001 a Variance (Carpenter) was granted for the house at the corner of Lewis Road and Laura La Plante Drive, requesting a front, rear and side yard setback reduction. In 2003, a Variance (Benton) was granted for a front yard setback reduction and wall height increase in the front yard on Laura La Plante Drive. Two Variances (Payan and Kersey) were approved for homes on Laura La Plante Drive for a reduced side yard setback and wall height increase in the front yard. Non-conforming lot sizes and steep topography were considered in the approval of the five Variance applications.

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 for each required findings is listed 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 parcel is 13,129 square feet in size, which represents 65% of the 20,000 square-foot minimum size for the zone. The topographic slope of the property is approximately 60% with limited flat pad area. The RS zone requires a 25-foot front yard setback from the structure to the front property line. In order to minimize grading and avoid building an extensive foundation system, the applicant proposes to stay as close as possible to the leveled grade along the street. Many front yards in the neighborhood are non-conforming as well relative to front yard setbacks.

The topography of the lot requires use of retaining walls in the front yard for pedestrian and vehicular access. Although these walls would exceed the height prescribed for a front yard (3.5 feet), they are to be used to provide access to the front door, the garage and the stair case on each side of the house. These walls will be partially obscured by landscaping growing from a planter built at the base. The highest wall would not exceed the maximum allowable retaining wall height that can be built outside of the front yard setback area (6 feet). Additionally, the walls are designed to taper down to meet the rear yard elevation and will not be raised above the street elevation.

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

Neighboring structures on lots with steep topographic slopes have obtained Variances for their construction. Two types of Variances are typically granted, a reduced setback for the front, rear or side yards and retaining walls exceeding the height of 3.5 feet outside of the buildable area. The lots served by Laura La Plante Drive, Renee Drive and Lewis Place are steep and either narrow or short. The higher the lot from the valley floor is placed, the least likely a sufficiently large flat and easily developable pad can be found. As a result, many projects have benefited from Variances for a reduction in setback but have still maintained a design suitable for hillside development. Walls are proposed to provide on-site

access from the public right-of-way. Walls of a lower height could not provide for an on-site, leveled driveway slope that would meet the Municipal Code requirement.

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

The required front yard setback would require the footprint to be further into the lot creating a construction hardship for the placement of a driveway and access to the rear of the property. Access to the lot is limited to Lewis Place. In addition, a 20-foot wide on-site driveway as well as a minimum of a 400 square-foot garage could not be provided in a practical location without providing retaining walls in the front yard in excess of 3.5 feet in height.

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

Although the project would not provide for a required 25-foot deep front yard, the proposal complies with the City Hillside Ordinance which requires that the residence not exceed 15 feet in height above the front property line elevation, thereby limiting view impacts to the residences across the street. Windows have been placed so as to not impact the neighbors' privacy. Additionally, the applicant is providing retaining walls to be able to store vehicles in the driveway and access to the side yards. The public right-of-way will not be impacted by the shorter driveway. The City Geotechnical Consultant has approved the project as to the Planning and Feasibility issues based on existing conditions of the land and the proposed construction. The slopes are required to be landscaped to stabilize the soils and the drainage plan was analyzed so as to not impact neighboring properties. The project will be built to meet current Building Code standards.

5. Required Finding:

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

Staff Analysis

Other residences on similar sized lots in the vicinity have non-conforming front yards. The brown, keystone retaining wall system will be screened from public view with landscaping. The proposed two-story, terraced design is similar to other residences in the Indian Hills neighborhood.

E. Environmental Review

The City Environmental Consultant has reviewed the proposed project and finds that the single-family residence on this in-fill is Categorically Exempt from the California Environmental Quality Act, in accordance with Section 15303 and is not subject to a negative declaration or environmental impact report.

RECOMMENDATIONS

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 04-CUP-003 and Variance Request Case No. 06-VAR-005, subject to Conditions, based on the findings of the attached Draft Resolutions.

ATTACHMENTS

- Draft Resolution for Conditional Use Permit and Conditions of Approval
- Draft Resolution for Variance Request and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Square Footage Analysis Map (Pages 1 and 2)
- Exhibit C: City Oak Tree/Landscape Consultant
- Exhibit D: City Geotechnical Consultant Letter of Recommendation
- Exhibit E: Environmental Determination
- Exhibit F: Reduced Copy of Architectural and Grading Plans
- Exhibit G: Photographs of surroundings and Color and Material Board

CASE PLANNER: Valerie Darbouze, Associate Planner