



DATE: SEPTEMBER 7, 2006

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 04-SPR-019 AND
 OAK TREE PERMIT CASE NO. 05-OTP-030 (D.A. FOSTER APPLICANT)

I. PROJECT DESCRIPTION AND BACKGROUND

On June 1, 2006, the Planning Commission conducted a public hearing for D.A. Foster Construction's Site Plan/Architectural Review request (Case No. 04-SPR-019) to demolish a 1,746 square-foot, single-story residence on a flag lot located at 5545 Foothill Drive and rebuild a 2,998 square-foot, single-story residence on the existing foundation. The applicant had also requested approval of a Modification (Case No. 04-MOD-002) to locate the residence 20 feet from the front property line, instead of at least 25 feet as required for development in the RL (Low Density Residential) zone. An Oak Tree Permit (Case No. 05-OTP-030) was also requested to allow encroachment within the protected zone of two Oak trees for driveway improvements.

After reviewing the project and taking public testimony, the Planning Commission requested the applicant 1) revise the project to eliminate the need for a modification, 2) incorporate a future equestrian area on the lot and 3) revise the driveway to eliminate the possibility for removal of two (2) oak trees. The Planning Commission granted a continuation to the July 6, 2006 in order for the applicant to address these issues. Two subsequent continuance requests were granted to provide the applicant with sufficient time to revise the project plans. Included in this report is an analysis of the revisions and copies of the plans as revised for the Commission's review.

II. STAFF ANALYSIS

As requested by the Planning Commission, the applicant redesigned the proposed residence to avoid requesting a front yard Modification. The redesign entails reducing the envelope along the east side of the residence in order to stay within the buildable area, and to not encroach into the required front yard front yard setback area. The loss of 103 square feet in the front (east) end of the residence was exchanged with 103 addition square feet on the west end of the residence. The net effect would result in no additional square footage to the overall footprint of the residence or increase to the lot coverage but would result in a reconfigured building. The new building boundaries will also remain within the buildable area of the lot. The project now meets the 25-foot minimum setback from the front (east) property line and still maintains the minimum setback to property line along the other yard areas. The impacts to the adjacent properties, specifically to the lot to the south have not significantly increased despite the two foot reduction in the separation between the structure

and the property line. Other development characteristics have not been altered. Pertinent data are described below and findings made for the original proposal remain the same and are included in the attached draft resolution.

Pertinent Data for the Proposal:

	Existing Conditions	Original Proposal	Revised Proposal	Allowed/ Required
A. Lot Area	24,480 sqft.	Same	Same	20,000 sqft.
B. Lot Width	200 ft.	Same	Same	75 ft. min.
C. Lot Depth	145 ft.	Same	Same	200 ft. min.
D. Building Size				
Living:	1,746 sqft.	2,998 sqft.	Same	N/A
Garage:	<u>775 sqft.</u>	<u>452 sqft.</u>	Same	N/A
Total:	2,521 sqft.	3,450 sqft.	Same	N/A
E. Building Height	Single Story	20 feet	Same	30 ft. max.
F. Lot Coverage				
Footprint:	10%	14%	Same	35% max.
With Hardscape:	unknown	31%	Same	
G. Building Setbacks				
Front: (east)	20 ft.	20 ft.	25 ft.	25 ft.
Rear: (west)	25 ft.	29 ft.	27 ft.	25 ft.
South Side:	17.5 ft.	17.5 ft.	Same	12 ft. min.
North Side:	95 ft.	100 ft.	Same	12 ft. min.

The second revision to the plans made by the applicant includes allocating an area on the lot for a future equestrian use. The applicant has selected the areas on both sides of the driveway which totals 2,800 square feet in area. The proposed equestrian area does not specify the location of a future barn or shelter or a corral but such structures can be reviewed administratively. Alterations to the land within the designated equestrian area in the form of grading or retaining walls are also not indicated on the plans. Either side of the driveway can accommodate a structure for the purpose of adhering to the minimum setback to a liveable structure, the minimum established by the Code being 35 feet. Staff has been informed that the applicant will not be occupying the proposed residence and, therefore, the applicant does not personally desire to have any equestrian structure at this time. At the June 1, 2006 Planning Commission hearing, evidence of an existing horse structure was brought to the Commission's attention by a neighbor. It would be up to any future owners of the property to construct any equestrian-related structures on this site which is to their personal liking and needs. These types of improvements would typically be submitted at a later date and reviewed and approved by the Director of Planning. Therefore, the applicant has revised his plans to show only a future horse keeping area. The Planning Commission's role is to evaluate the feasibility of this proposed future equestrian area.

The loss of two (2) oak trees located along the northern property line was raised and the Planning Commission asked if the tree could be preserved by reconfiguring the location of the driveway and possibly pursuing a lot line adjustment or discussing with the Los Angeles County Fire District the requirement of height clearance established for emergency vehicle access. Originally, staff had recommended the assessment of a mitigation fee based on the expected loss of the trees as a result of the development. The removal was not proposed but the loss was expected based on the anticipated level of impacts. After the public hearing, the Los Angeles County Fire District was contacted and, although accustomed to existing, non-conforming development conditions, the District stated that the clearance requirement could not be reduced further. The applicant was also asked to contact his neighbor to the southeast to pursue a lot line adjustment but that effort was unsuccessful. The lot line adjustment is not a requirement since the applicant is able to keep the improvement within the legal boundaries of the lot. The City Oak Tree Consultant, in assessing the impacts, concludes that the required clearance of one tree and the impacts to the roots system of another would exceed the maximum standards established by the Oak Tree Preservation Guidelines Ordinance and the net effect would result in the eventual loss of the tree. These impacts would be as extensive whether the lot line was adjusted or not. The City Oak Tree Consultant, per her updated memorandum dated August 26, 2006, continues to find that nonetheless, the impacts to both oak trees should be considered a removal due to the significant impacts. Therefore, Ms. Greeley recommends that the applicant be required to pay, as mitigation, an in-lieu fee as stated in the draft conditions whether or not the tree remains standing after the trimming.

The Engineering Department has reviewed the revisions and has not modified their draft conditions since the last meeting.

Based upon review of this project by the City Environmental Analyst, no significant 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 15332 (a) through (e). This exemption includes, but is not limited to in-fill development and the revised project meets the conditions prescribed by that section. A copy of the notice of exemption regarding the project is attached.

III. RECOMMENDATION

Based on the above analysis, staff recommends that the Planning Commission adopt the attached Draft Resolution, approving for Site Plan/Architectural Review Case No. 04-SPR-019 and Oak Tree Permit Case No. 05-OTP-030, subject to the attached Conditions of Approval.

Attachments

- Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: June 1, 2006 Staff Report
- Exhibit C: June 1, 2006 Meeting Minutes
- Exhibit D: Reduced copies of the revised architectural plans
- Exhibit E: City Oak Tree/Landscape Consultant Memorandum