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DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

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ACTION DATE: June 1, 2006

TO: Planning Commission

APPLICANT: D.A. Foster Construction  
Post Office Box 1966  
Thousand Oaks, CA 91353

CASE NOS.: 04-SPR-019, 04-MOD-002 & 05-OTP-030

LOCATION: 5545 Foothill Drive (A.P.N. 2055-018-041)

REQUEST: Request for approval of a Site Plan/Architectural Review to demolish an existing single-family residence and construct a 2,998 square-foot, one-story residence with an attached, 452 square-foot garage; a Modification from Section 9233.2.A. to reduce the front yard setback from 25 to 20 feet; and an Oak Tree Permit for the potential removal of two on-site oak trees for the proposed construction.

ENVIRONMENTAL ANALYSIS: Categorically Exempt from CEQA per Section 15332 (a) through (e)

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 04-SPR-019, Modification Case No. 04-MOD-002 and Oak Tree Permit Case No. 05-OTP-030), subject to conditions, based on the findings of the attached Draft Resolutions.

ZONING DESIGNATION: RL-(20,000)-OA (Residential Low Density – Old Agoura Design Overlay)

GENERAL PLAN DESIGNATION: RL (Low Density Residential)

**I. BACKGROUND AND PROJECT DESCRIPTION**

Site Plan/Architectural Review Case No. 04-SPR-019 is a request to demolish an existing single-story, single-family residence and to construct a 2,998 square-foot, one-story, single-family residence with a 452 square-foot attached garage. The property is located on a 24,480 square-foot flag lot at 5545 Foothill Drive. The parcel is a Residential Low Density–Old Agoura Design Overlay (RL-OA) zones.

The improvements on the lot include the foundation of the house, fencing and driveway. The owner/builder demolished the residence prior to applying for entitlements. The scope of the project included building a room addition to an existing footprint. The room addition would have represented a 36.8% increase to the original footprint. Such increase exceeds the threshold (30% of the original gross floor area) for an approval by the Director of Planning and requires the Planning Commission’s review and approval. In light of the demolition of the house, the Planning Commission must now review a Site Plan/Architectural Review application for a new residence instead of a room addition. Furthermore, the applicant has communicated his interest to keep the original foundation which is located closer to the front property line than the Code currently permits. The applicant is requesting the approval of a Modification to provide a 20-foot instead of 25-foot front yard which constitutes a 20% reduction. Setback reductions of 20% or less are eligible for review with a Modification application. Greater deviations in setback requirements require consideration of a Variance. Modification applications are reviewed administratively but since the house was completely demolished and the reconstruction requires the Planning Commission’s approval, the Modification request is submitted to the Planning Commission in conjunction with the Site Plan/Architectural Review and the Oak Tree Permit.

The following is a summary of the proposed development relative to the City Code requirements.

Pertinent Data for the Proposal:

	<b>Existing/Previous</b>	<b>Proposed</b>	<b>Allowed/Required</b>
A. Lot Area	24,480 sqft.	Same	20,000 sqft. min.
B. Lot Width	200 ft.	Same	75 ft. min.
C. Lot Depth	145 ft.	Same	200 ft. min.
D. Building Size	Living: 1,746 sqft. Garage: <u>775 sqft.</u> Total: 2,521 sqft.	2,998 sqft. <u>452 sqft.</u> 3,450 sqft.	N/A N/A N/A
E. Building Height	Single Story	20 feet	30 ft. max.

	<b>Existing/Previous</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>F. Lot Coverage</b>			
Footprint:	10%	14%	35% max.
With Hardscape:	unknown	31%	
<b>G. Building Setbacks</b>			
Front:	20 ft.	20 ft.	25 ft.
Rear:	25 ft.	29 ft.	25 ft.
South Side:	17.5 ft.	17.5 ft.	12 ft. min.
North Side:	95 ft.	100 ft.	12 ft. min.

## II. STAFF ANALYSIS

### Site Plan

The residence is located in a RL-OA zone, which requires lots to be a minimum of 20,000 square feet. The flag lot is slightly over 24,000 square feet in size including the 170-foot long driveway. The lot overlooks 5 neighboring residential parcels. Access is provided from Foothill Drive. The lot is completely fenced and gated. The existing foundation with the addition is and will remain fairly centered on the useable area of the lot. The residence is a single-story in height and will be a total of 3,450 square feet including the garage and the 929 square foot addition. The added living space is proposed to be located mostly on the interior of this U-shaped footprint thereby limiting the expansion to the already graded pad.

The lot coverage was calculated based on the new footprint of the house which represents 14% of the total square footage of the parcel. When including the driveway and hard surfaces, the lot coverage area increases to 31% of the lot, which would be under the 35% maximum allowed for the zone.

The Zoning Code requires a minimum 25-foot front and rear yard building setback area. The project exceeds minimum requirements in the rear yard by 4 feet. Existing side yards measure 17.5 on the south side and 100 feet on the north side. The minimum side yard for properties in the RL is 12 feet. The applicant is requesting approval of a Modification to rebuild the house 20 feet from the east (front) property line, as was previously constructed prior to the City's incorporation. Had the residence not been demolished, the owner would have been allowed to retain the non-conforming front setback for a single-story addition.

While the property was being demolished, the owner/builder installed a 5-foot high wood fence on property line to connect with the existing fencing. Existing are several types of fencing materials, including wood, masonry and wrought iron. The fencing will also need to be permitted as part of the application.

The lot configuration and slope gradient does not lend itself for equestrian use. The open space areas surrounding the structure slope downward away from the house and do not

provide a flat pad to accommodate space for a shed structure or corral. There is no horse structure on the lot and no accommodations for horses are proposed at this time similar to other adjacent properties. As such, staff did not ask the applicant to identify an equestrian area on the Site Plan.

Architectural Review:

The height of the residence is proposed to be 20 feet. The proposal meets the height limit restrictions for the district as the maximum allowable height is 30 feet. The applicant wishes to reconstruct the house in a similar layout as the previous house. The exterior of the residence is proposed to be built with an imitation wood siding painted beige and a brown brick veneer. The City's Architectural Review Panel is in support of the materials. The proposed roof is designed as a gable roof and clad with a light concrete tile in a dark brown. The pitch of the roof will be similar to what was previously existing. The entry patio area is enhanced with a fountain and decorative pavers. The driveway will be refinished with pavers.

The proposed residence is surrounded by 9 residences with similarly sized homes on lots with similar square footages. The average size of the homes, in the vicinity, was found to be 3,383 square feet on an average lot size of 20,954 square feet, representing a floor area ratio of 0.16. The proposed residence will be 2,998 square feet in size on a 24,476 square-foot lot which represents a floor area ratio of 0.12.

The Old Agoura Homeowners' Association has reviewed the project. Their letter is attached to the report for the Commission's review.

Oak Trees:

The applicant was required to submit an Oak Tree Report and Permit to evaluate the impacts on two existing oak trees one straddling the north property line and the other just outside the same property line along the driveway. Encroachment into the protected zone of each one already existed and was worsened by the construction of a fence. Furthermore, the City Oak Tree Consultant finds that the required realignment and repaving of the driveway to eliminate encroachment on the neighbor's property and to satisfy the Fire District requirements will further exasperate impacts to the trees. The City Oak Tree Consultant's analysis determined that it is unlikely that the trees will survive the construction despite the desire of the applicant to preserve the trees. The mitigation to replant oak trees on site was found impractical due to a lack of space and as a result, the applicant was asked to contribute toward the City's Oak Tree habitat restoration fund by providing an in-lieu fee instead. The amount was determined to be \$7,200. The project was conditioned accordingly.

All minimum development standards have been met or exceeded with regards to lot coverage, height, and architectural guidelines as supported by the Architectural Review Panel. The proposed building materials are compatible with the recent construction on the same street.

Engineering:

The access to the property from Foothill Drive will remain as it exists, but the driveway will be realigned and widened to 20 feet and the design of the turn-around for the Fire Department will be revised. This will require, according to the applicant's Civil Engineer, less than 50 cubic yard of soil thereby avoiding the need for a Grading Plan. The Engineering Department felt that the excavation for the new foundation created to support the added floor area should be included in the calculations provided by the applicant's Engineer. Engineering staff estimated the grading work to represent over 50 cubic yard of soil which would require the applicant to apply for a Grading Permit and to submit a revised exhibit. Final determination will be made when a final grading calculation plan and profile are provided to the City Engineer for his review and approval. The project was conditioned accordingly.

The residence will continue to be connected to the public sewer system. As proposed, the reconstruction including the added floor space will not significantly modify the existing floor plan of the original house and its placement and, therefore, will not change its integration to the surrounding area.

**III. MODIFICATION**

The applicant is requesting a Modification from the Zoning Ordinance Section 9233.2.A to provide a 20-foot front yard setback distance instead of a least 25 feet. In order for the Planning Commission to grant approval of the Modification, each of the following five (5) findings must be made pursuant to Section 9676.2.E. of the Zoning Ordinance. Staff has analyzed the applicant's request per the required findings and recommends that the Modification be approved. The following are the required findings and staff's analysis as they apply to this case.

1. Required Finding:

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

Staff Analysis

Although the RL zone requires a 25 foot wide front yard setback from the structure to the property line, the proposed front yard will not be any less than previously existing and the applicant will retain the single-story height of the residence thereby protecting privacy of the 5 adjacent lots.

2. Required Finding:

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

Staff Analysis

The house will be rebuilt on an existing foundation as previously existed and will continue to have the same non-conforming front yard as existed prior to demolition of the house in the year 2004. The reduced front yard extends 20 feet along the house frontage.

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 applicant's desires to retain the existing foundation for reconstruction of the residence. Strict enforcement of the Zoning will require a redesign of the residence to modify the foundation and reconfigure or relocate the kitchen within a proposed house that is generally smaller than others in the immediate vicinity.

4. Required Finding:

That the granting of the Modification 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 granting of the Modification would not be detrimental to the neighborhood in that the structure is upgraded to current Building Code requirements. The reduced setback does not prohibit access by the Fire Department to provide emergency services. The construction includes upgrades to the design of the residence and the project will be built in compliance with City Building Codes. The house will remain a single-story structure, thereby preserving light, and privacy to adjacent neighbors.

5. Required Finding:

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

Staff Analysis

The choice of colors and materials will be consistent with residences built and remodeled in the vicinity. The proposed materials will consist of imitation wood siding and brick veneer with a light concrete, flat roof tile. The house remains a single-story structure with sufficient space to provide open space and will provide an improved driveway. The proposed house would be in the center of the flag lot and would not be visible from Foothill Drive.

#### **IV. RECOMMENDATION**

Based on the above analysis, staff recommends that the Planning Commission adopt the attached Draft Resolution, approving Site Plan/Architectural Review Case No. 04-SPR-019, Modification Case No. 04-MOD-002 and Oak Tree Permit Case No. 04-OTP-030, subject to the conditions.

#### **V. ATTACHMENTS**

- Draft Resolution and Conditions of Approval for the SPR, MOD and OTP
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Square Footage Analysis Map
- Exhibit C: Applicant's Modification Burden of Proof
- Exhibit D: Reduced Photocopy of Architectural Plans
- Exhibit E: Letter from the Old Agoura Homeowners Association
- Exhibit F: Environmental Determination
- Exhibit G: Photographs of the Site
- Exhibit H: Photocopy of the Color and Material Board

**Case Planner:** Valerie Darbouze, Associate Planner