



---

DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

---

ACTION DATE: March 16, 2006

TO: Planning Commission

APPLICANT: Clive Dawson for Orit and Rafi Sharon  
28925 Pacific Coast Highway  
Malibu, CA 90265

CASE NOS.: 04-SPR-017 and 06-VAR-001

LOCATION: 28314 Foothill Drive  
(A.P.N. 2055-016-033)

REQUEST: Request for approval of a Site Plan/Architectural Review to demolish an existing single-family residence and construct a 2,532 square-foot, one-story residence with an attached, 468 square-foot garage and 391 square feet of covered patios; and a Variance from Section 9233.2.B. to reduce the eastern side yard setback from 12 feet to 4.8 feet.

ENVIRONMENTAL ANALYSIS: Categorically Exempt from CEQA per Section 15303 (New Construction of a Single-Family Residence)

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 04-SPR-017 and Variance Case No. 06-VAR-001, 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-017 is a request to demolish an existing single-story single-family residence and to construct a 2,532 square-foot, one-story, single-family residence with a 468 square-foot attached garage and 391 square feet of attached patio covers on a 22,820 square foot lot. The property is located at 28314 Foothill Drive in the RL-OA (Residential Low Density–Old Agoura Design Overlay) zone.

The lot includes a house, horse amenities, fencing and driveway. In the process of building a 664 square-foot room addition that was approved administratively in March of 2005, the builder demolished most of the frame of the residence, leaving only one section that supported an electric meter. The Zoning Ordinance allows room addition of that size to be approved through the administrative Site Plan/Architectural Review process. However, given the extent of the demolition, the construction can no longer qualify for an administrative review but must now be considered as a new residence. The applicant was required to apply for a Site Plan/Architectural Review application for the Planning Commission’s review and approval. The applicant had a non-conforming side yard along the eastern property line. The legal non-conforming status of this side yard was lost due to the demolition of the house. The existing foundation was poured closer to the eastern property line than the Zoning Ordinance currently permits. Since the applicant is requesting to keep the same foundation and rebuild atop, consideration of a Variance is now required. The development standards for the RL zone require a minimum of 12 feet separation between the structure and the property line whereas the existing foundation was built 4.8 feet from the east property line.

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>
Lot Area	22,820 sq.ft.	Same	20,000 sq.ft. min.
Lot Width	76 ft.	Same	75 ft.
Lot Depth	300.26 ft.	Same	200 ft.
Building Size	Living: 1,868 sq.ft.	Living: 2,532 sq.ft.	N/A
	Garage: 468 sq.ft.	Garage: 468 sq.ft.	
	Total: 2,336 sq.ft.	Total: 3,000 sq.ft.	
	Patio Rear: 323 sq.ft.	Patio Rear: 354 sq.ft.	
	Patio Front: 111 sq.ft.	Patio Front: 37 sq.ft.	
Building Height	17.66 ft.	25 ft.	30 ft. max.

	<b>Existing/Previous</b>	<b>Proposed</b>	<b>Allowed/Required</b>
Lot Coverage	11.6%	18.5%	35% max.
<b>Building Setbacks</b>			
Front:	68.91 ft.	68.91 ft.	25 ft.
Rear:	159.83 ft.	149.83 ft.	25 ft.
West Side:	15.59 ft.	15.59 ft.	12 ft. on each side
East Side:	4.83 ft.	4.83 ft.	or ½ of height of the structure

## II. STAFF ANALYSIS

### Siting:

The residence is located in an RL-OA (Residential Low with an Old Agoura Overlay) zone. The new house will add 644 square feet to the 1,868 footprint which represents a 35.6% increase, for a total of 2,532 square feet of living space. With the garage, the house would remain under 3,000 square feet. The added space is proposed to be located in the rear of the residence along the western side yard.

The parcel is rectangular in shape and is approximately 300 feet long by 76 feet wide (22,820 square feet). The proposed lot coverage of 18.5% would be under the 35% maximum allowed for the zone. The height of the residence varies from 15 to 25 feet high whereas the existing height varies from 15 to 18 feet. The proposal meets the height limit restrictions for the district as the maximum allowable height is 30 feet.

The Zoning Code requires a minimum of 25 front yard setback and the same setback in the rear yard. The project exceeds minimum requirements by 43 and 124 feet respectively. Existing side yards measure 15 feet 7 inches on the west side and 4 feet 8 inches on the east side. The minimum side yard for properties in the RL is 12 feet. The applicant is requesting approval of a Variance to locate the house 4.83 feet from the east property line, as was previously constructed prior to City incorporation. Had the residence not been demolished, the owner could be allowed to retain the non-conforming setback for a single-story addition.

### Architectural Review:

The applicant wishes to retain the L-shaped configuration of the house with the new construction. The exterior of the residence is proposed to be upgraded to a troweled stucco with a smooth finish. This troweled stucco allows the peach color selected as the base to have variations in intensity. This technique is used to imitate an aged and rustic finish. Although this is a departure from the off-white, vertical, wood siding of the previous residence, the City's Architectural Review Panel is in support of the materials. The proposed roof is designed as a gable roof to cover the footprint of the house as well

as a patio cover in the rear. The pitch will be steeper than the existing design. The applicant selected a light, multi-tone Mediterranean clay tile to match the proposed stucco which will replace the existing wood shingles. Wood shingles, as previously existing, are no longer permitted in Fire Zone 4. Pre-cast concrete columns have been selected to support the rear and front patio covers. Stain doors are proposed for the garage door and front door.

The Old Agoura Homeowners' Association has submitted a letter which is attached to the report for the Commission's review.

In an effort to evaluate the compatibility of the proposed size of the home with the neighboring structures approved and built, a survey of 40 properties in the immediate vicinity of the project was conducted. The results revealed an average size for the living area of the existing residences (excluding garages) to be 2,784 square feet. Most recent construction is a pre-manufactured, 1,656 square-foot home on the north side of Foothill Drive on a 20,473 square-foot lot. The average lot size of the neighborhood was found to be 26,921 square feet (0.62 acres). By comparison, the applicant's residence will be smaller by 252 square feet on a lot that is 4,101 square feet smaller.

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 do not drastically depart from recent construction on the same street and as deemed acceptable to the local homeowners' association. Furthermore, limiting the square-footage of the residence and hardscape improvements have contributed toward maintaining large areas for horse keeping. Other amenities such as fencing, driveway and other accessory structures will remain the same. The project does not modify the land use and its accessory use of the land. Furthermore, the project will not impede on the open space areas suitable for horses or other farm animals as called for in the Community Design Element of the General Plan.

Engineering:

The City Public Works Department is not requiring on-site improvements as no grading is proposed nor required. However, a horse trail improvement will be required on Foothill Drive, along the width of the parcel. The access to the property will remain as it exists. The property will continue to be connected to the public sewer system. As proposed, the completed room addition 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 areas. The addition will not require additional grading.

**III. VARIANCE FINDINGS**

E. Variance Request Summary

The applicant is requesting a Variance from the Zoning Ordinance Section 9607.1 to allow a reduced side yard setback 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:

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

Although the RL zone requires a 12 foot wide side yard setback from the structure to the property line, the proposed side yard will not be any less than previously existed and the applicant will retain the single-story height of the residence.

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 house will be rebuilt on an existing foundation as previously existed and will continue to have the same non-conforming side yard as before which would also be similar to other existing houses on Foothill Drive.

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

Without the demolition, the applicant would have retained the non-conforming setback afforded to any single-story addition in the City.

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 granting of the Variance 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.

5. Required Finding:

That the granting of the Variance 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 house remains a single-story structure with sufficient space to provide horse amenities and maintain the same access.

**V. 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-017 and Variance Request Case No. 06-VAR-001, subject to the conditions.

**ATTACHMENTS**

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

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