



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: January 19, 2006

TO: Planning Commission

APPLICANT: Adrienne Jacob
30010 Trail Creek Drive
Agoura Hills, CA 91301

CASE NOS.: 05-CUP-005, 05-OTP-003 & 05-VAR-008

LOCATION: 5903 Colodny Drive
(A.P.N. 2055-028-042)

REQUEST: Request for approval of a Conditional Use Permit to construct a 4,061 square-foot, two-story, single-family residence, an 876 square-foot attached three-car garage and 387 square-feet of attached covered patios; a request for approval of an Oak Tree Permit to encroach in the protected zone of one on-site Oak tree; and a Variance request to permit a private septic system on a hillside lot that is less than an acre in size and to exceed the height limitation on the main structure.

ENVIRONMENTAL DETERMINATION: 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 Conditional Use Permit Case No. 05-CUP-005, Oak Tree Permit Case No. 05-OTP-003 and Variance Request Case No. 05-VAR-008 subject to conditions, based on the findings of the attached Draft Resolutions.

ZONING DESIGNATION: RV - OA – (Residential Very Low Density - Old Agoura Design Overlay District)

GENERAL PLAN DESIGNATION: RV – Residential Very Low Density

I. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Adrienne Jacob is proposing to construct a 4,061 square-foot, two-story, single-family residence with an 876 square-foot, three-car garage and 387 square feet of attached covered patios. The applicant intends to demolish an existing garage on the property once used by the owners of an adjacent parcel for the proposed construction. The parcel is located in the RV-OA (Residential Very Low Density-Old Agoura Design Overlay) zone. The lot is 0.88 acres in size (38,350 square feet) and is located on the west side of Colodny Drive at 5903 Colodny Drive.

New, single-family homes are subject to review by the Planning Commission. The average topographic slope of the property determines whether a residential structure can be approved by a Site Plan/Architectural Review or Conditional Use Permit. In this case, the 12.5% average slope of the lot exceeds the 10% threshold therefore the lot is considered a hillside lot and is subject to a Conditional Use Permit. Additionally, the lot is subject to the City Hillside Development Standards which require the review of a Variance in conjunction with the Conditional Use Permit application to address the request for a private septic tank on a lot that is less than one acre in size. The applicant is also requesting a Variance for the proposed height of the residence on a descending slope. Finally, the applicant is requesting approval of an Oak Tree Permit to encroach in the protected zone of an on-site Oak tree.

The proposed single-family residence, as well as the accessory uses, is a permitted use in the RV zone. The maximum allowable building lot coverage in the RV zone is 25%. The total proposed lot coverage for the residence (footprint, covered patios and garage) is 4,135 square feet which represents 10.78%. When adding the square footage of the pool and miscellaneous hardscape and a future barn, the lot coverage increased to 22.7% which remains under the 25% maximum allowable lot coverage for the zone.

Pertinent development standards for this project are shown below:

	Existing	Proposed	Required
A. Lot Size	38,350 sq.ft.	38,350 sq.ft.	43,560 sq.ft. min.
Width	98 ft.	N/A	N/A
Depth	400 ft.	N/A	N/A
 B. Building Setbacks from Property Lines			
<u>1. Residence Setbacks</u>			
Front (East)	N/A	159 feet	25 feet min.
Rear (West)	N/A	141 feet	25 feet min.
North Side (Street Side)	N/A	12 feet	12 feet min.
South Side (Interior Side)	N/A	12 feet	12 feet min.

	Existing	Proposed	Required
2. Pool			
Front (East)	N/A	N/A	5 feet
Rear (West)	N/A	92 feet	5 feet
Side (North)	N/A	12 feet	5 feet
Side (South)	N/A	64 feet	5 feet
Anywhere from residence	N/A	16 feet	5 feet
 C. Building Sizes			
1. Encroaching Garage	500 sq.ft.	N/A	N/A
2. Encroaching Patio Cover (To be demolished)	350 sq.ft.	N/A	N/A
3. Residence			
1 st Floor	N/A	2,872 sq.ft.	N/A
2 nd Floor	N/A	1,189 sq.ft.	N/A
4. Garage	N/A	876 sq.ft.	N/A
5. Patio Cover Areas	N/A	<u>387 sq.ft.</u>	N/A
Total Square Footage:		5,324 sq.ft.	
1. Pool	N/A	1,050 sq.ft.	N/A
2. Hardscape in the front	N/A	2,750 sq.ft.	N/A
3. Barn	N/A	<u>864 sq.ft.</u>	N/A
Total Square Footage:		4,664 sq.ft.	N/A
 D. Building Height			
	N/A	28 ft.	35 ft. per RV 15 ft. per Hillside
 E. Building Lot Coverage w/ Hardscape			
	N/A	10.78 %	25%
	N/A	22.7 %	25%
 F. Oak Trees			
	2 on-site	2 on-site	N/A

II. STAFF ANALYSIS

A. Site Plan:

The residence is proposed to be built in the center of this 0.88 acre, rectangular lot to accommodate the equestrian use in the front of the lot and a rear yard for a pool behind the residence. In doing so, the front and rear yard setback distances exceed the minimum requirements by 134 and 116 feet respectively. The structure is equidistant from the side property lines with 12 feet on each side, and meets the minimum 12-foot setback requirement for side yards. The new residence will be located approximately 77 feet from the residence to the north and 37 feet from the residence to the south. Future accessory structures, which are considered by the applicant, would also need to meet the minimum setback requirements, which include a 5-foot setback from the rear and side property lines for the pool and a 5-foot and 10-foot setback from the front and side property lines for the barn. In addition, the barn must also be setback 35 feet from the

existing and proposed living quarters. As proposed, the project meets the minimum setback requirements of the RV zone. Although the residence was redesigned to move away from the Oak tree currently existing in the center of the lot, the attached patio cover will encroach in the protected zone of the tree. The project was conditioned to minimize impacts to the roots and the canopy. Furthermore, the applicant will be required to demolish an existing free standing structure in the center of the lot. The structure was used by the owners of the property to the south, previous owners of the lot in review.

In reviewing the proposed lot coverage for this project, staff took into consideration the footprint square footage of the house, the covered patio areas, the future accessory structures square footage (i.e. the pool and the barn) and the permanent surfaces that are used for the motor court. The footprint of the structures is included as part of the lot coverage since they can impact the horse usefulness of the lot and the driveway and other hardscape account for the disturbance of the land on a hillside lot. The applicant has communicated her interest to build the pool upon completion of the residence and a barn and corral at a later date. The future horse-keeping area is shown on the Site Plan in order to assist in the calculations as well as the minimum setback requirement between habitable structures and animal keeping enclosures. The information was also used to demonstrate that the equestrian use of the lot is still viable and the additional structures are permissible administratively given the proposed lot coverage. When built, the designated area for the 1,050 square-foot pool, the 864 square-foot barn and 2,750 square feet of motor court provides for 22.7% of lot coverage. Fenced areas for animals are excluded from the calculations. As a whole, the project would meet the maximum allowable lot coverage for the RV zone.

The overall height of the residence is 31.5 feet. If this property had an average slope of less than 10%, it would be considered a non-hillside site and the maximum height allowed for a residence would be 35 feet. However, given the 12.5% average slope, the property is technically considered to be hillside and subject to the hillside height criteria. Specifically, the height of the residence is restricted to 15 feet along the front property line when the lot descends from front to back. The intent behind the regulation is to minimize the massing of the structures on the streetscape and preserve views and sight lines. Although the lot is relatively flat and the area where the structure is proposed is flat, a Variance request is necessary and must also be considered by the Planning Commission. Findings are provided below.

In an effort to evaluate the compatibility of the proposed size of the home with the neighboring structures approved and built, a survey of 50 developed lots was conducted. The results revealed an average size for the living areas (excluding garages) of all 50 homes to be 3,145 square feet. The average included a Planning Commission approved 4,550 square-foot, new custom home on Balkins Drive and a 5,564 square-foot custom home on Fairview Drive. Pending is an application for a 4,037 square-foot home on a 44,997 square lot on Balkins Drive. The average lot size was found to be 53,583 square feet (1.23 acres). The total, proposed, size of the home of the applicant's (excluding the garage) will be 4,061 square feet on a 38,350 square-foot lot. However, the proposed lot coverage of 22.7% is under the 25% lot coverage maximum for the zone.

The City's Oak Tree/Landscape Consultant has worked with the applicant's Landscape Consultant during the design process to ensure that little or no impacts would occur during the grading and construction phases to the Oak Tree located in the center of the parcel (Oak Tree #84). This tree is a Valley Oak and is relatively healthy. The existing garage to be demolished is located in close proximity to the tree. Precautionary measures will be taken in demolishing the structure and in preparing the soil for recompaction needed before pouring the foundation of the house. The proposed mitigation measures include hand digging of all trench work and manual removal of excavated material, in addition to fencing the Oak tree outside the dripline upon completion of the preparation work. Precautionary measures will also need to be taken to protect Oak Tree # 85 located on the parcel to the south as the canopy of this mature tree overhangs onto the project area. Some grading is expected into the protected zone of the tree which will need to also be done manually. No impacts are expected to two clusters of Oak Trees, Oak Tree # 81, 82 and 83 along the north property line and Oak Trees #87 through 94 along the rear property line also included in the study. The City Oak Tree/Landscape Consultant feels that the proposed design and construction mitigation program incorporates all needed measures to protect the longevity of the tree. Finally, the pool and accessory structures were sited specifically outside the protected zone of the trees in order to minimize further impacts. The Consultant has conditioned the project accordingly.

The Los Angeles County Fire District has tentatively approved the Site plan for this project for required access.

B. Architectural Review:

The applicant proposes a Tudor style of architecture with smooth stucco in a dark teal color with exposed stained wood beams, stained doors and slate-like tiled roof.

The City Architectural Review Panel (ARP) found the architectural style of the proposed residence to be in keeping with the Old Agoura Design Overlay requirements and the City Architectural Design Guidelines and Standards. The applicant incorporated all of the ARP recommended changes into the design. Additional dormers were added. The roof line was modified above the three-window dormer to allow additional room for trims and planters were removed where a landing was required. A letter from the Old Agoura Homeowners Association regarding the project is attached.

C. Variances:

1. Connecting to public sewer

The Hillside Ordinance calls for new residences to be served by the public sewer systems if the property is less than one acre in size. The applicant's lot was subdivided prior to the adoption of the Hillside Development Standards and totals 38,650 square feet which is slightly less than 43,560 square feet minimum lot size required in the RV zone. The site is relatively flat and the very rear portion of the lot slopes down significantly to the creek. However, there is ample space at the front of the lot to provide a septic system. Nonetheless, since the site is less than one acre, technically, there is a requirement for connecting to the public sewer

system and thus the applicant has requested approval of a Variance. Staff recommends approval of the Variance, based on our analysis of the five required findings.

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:

Required Findings

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

Staff Analysis:

Private septic systems have been shown to be the only alternative for the disposal of sewer for most properties in the RV zone. This lot was created prior to the City's incorporation and is 5,210 square feet smaller than the current required one-acre size. Given the development and separate ownership of the adjacent lots, it is not feasible to add more land area to this parcel to reach one acre. Furthermore, the closest sewer line is located 2,400 feet away from the property boundary which exceeds the minimum distance for mandatory connection for any new project by 2,200 feet. Surrounding residential properties have similar topographic slopes and all operate with a private septic system. This parcel is one of many Residential Very Low density zoned parcels which are subject to the same requirements. The burden of proof is derived from a pre-existing condition with regard to the lot size.

- b) 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 in which the subject property is situated.

Staff Analysis:

According to City records, most properties in the RV zone operate with a private septic system. The proposed septic system is designed according to the standards of and approved by the Los Angeles County Health Department and supported by the geotechnical and geological reports approved by the City Consultant. Also, the request does not constitute an exception in the RV zone which currently encompasses over 100 homes that operate with a private septic tank.

- c) 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 nearest sewer line connection is located over 2,000 feet from the project which is a practical difficulty for development of a single-family residence on this lot. The Municipal Code requires connection to a sewer line when the project is within 250 feet of an approved existing line.

- d) 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 private septic system will be installed per the Los Angeles County Health Department standards and located in the front yard over 250 feet away from the drainage that runs in the rear of the lots along Colodny Drive and away from the on and off-site oak trees. The components of a septic system are completely underground and no visual impacts would be evident as a result of such alternative. The land area above the structure is useable and is counted toward the preservation of open space since limited amount of structures can be built atop.

- e) The granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis:

The request is not inconsistent with the surrounding residential properties. Private septic systems are commonly used in the RV zone within Old Agoura neighborhood as an alternative to sewer and no visible structures would impact neighbors' views.

2. Hillside Development Standards Regarding Height of the Building

The applicant is requesting a Variance from the Zoning Ordinance Section 9607.1 to allow an increase in the maximum 15-foot allowable height requirement for development on a hillside. The hillside height requirement limits building height not to exceed 15 feet above the average elevation of the front lot line in the case of a lot descending from front to back. Thus, the height of the residence cannot exceed 15 feet above the average front property line. In this case, the applicant is proposing a total building height of 31.5 feet, which extends 16.5 feet above the maximum height. While this property does not visually appear as a hillside lot, a Variance is still required due to 12.5% average topographic slope of the lot.

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:

Required Findings

- a) 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 hillside Ordinance requires hillside properties to conform to a maximum height of 15 feet above the highest average grade at the front property line. In this case, the lot is relatively flat except for a decline at the rear where a creek exists. The structure is proposed to be built entirely on the flat area of the lot. Limiting the height of the residence to 15 feet would deprive the applicant of developing a two-story structure that is otherwise allowed in the RV zone.

- b) 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 one and two-story designs and views from surrounding properties will be maintained. Additionally, the project meets the remaining development standards of the RV zone.

- c) 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 15-foot height requirement places an unnecessary burden on the applicant to construct a single-story residence in a neighborhood consisting of many two-story residences. A single-story structure could result in more lot coverage than the applicant is proposing and reduction in horse areas. These would conflict with the intent of the Old Agoura Design Overlay zone which seeks to minimize grading, protect natural resources of the property, including Oak trees, and promote equestrian facilities.

- d) 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 ability to exceed the maximum 15-foot hillside height requirement allows the applicant a more aesthetically pleasing structure. The applicant is able to use steep rooflines to conceal a second story. The applicant has also designed and located the house to help maintain privacy to the neighbors to the north

and south. The impact of the massing is reduced given the setback distances to the front and side property lines. The front yard setback exceeds 100 feet. Thus the two-story structure will not create a massive visual impact as viewed from the street.

- e) The granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis:

The intent of the hillside Ordinance is to help preserve views and to regulate building massing so that the project design is sensitive to the hillside topography. In this particular case, the building has been designed to help preserve views of adjacent properties and the second floor is concealed behind a steep roof line to reduce the linear and vertical massing of the building as viewed from Colodny Drive. Also, the proposal is not an exception as other two-story residences exist in the neighborhood. The proposed structure will be in keeping with the building height of the residence to the west along Fairview Drive. In addition, the footprint of the proposed residence is placed in between the footprints of the residences to the north and south providing privacy. Additionally, the proposed building materials are compatible with the requirements of the Old Agoura design criteria which call for natural materials and colors. The use of stone and wood and neutral colors has been incorporated in the design.

D. Engineering/Public Works Review:

The Grading Plan has been reviewed by the Engineering Department. This 38,650 square-foot lot is fairly flat with the exception of one fifth of the parcel where the land slope gently at a ratio of 5:1 to a natural drainage course that run all along the back of the properties served by Colodny Drive. The applicant's civil engineer proposes 4,213 cubic yards of fill to even out an area in the rear yard. A 2:1 fill slope will be created as a result. No cut is proposed at the exception of excavation work for the footing. The foundation proposed is a slab on grade. No retaining walls are proposed. The City Geotechnical and Geological Consultants recommend approval of the soils reports prepared for this project.

Staff has received a conceptual approval from the Los Angeles County Health Services Department of the proposed system. The system will not be in conflict of the proposed structures but it is subject to approval of a Variance as noted above.

The applicant is not required to provide an equestrian trail as the alignment is on the opposite side of the street but is required to pave a 13-foot wide half street and maintain an 8-foot wide unpaved parking strip along the front property line.

Drainage is directed along the side of the parcel to a low point in the rear of the lot. Velocity reducers are proposed at each corner as a preventative measure against erosion and increase absorption into the ground

E. Environmental Review:

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 Categorical 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.

In conclusion, staff finds that the proposed project meets the development standards established by the Residential Very Low Density Zone and the Old Agoura Design Overlay and the project is designed and sited to be compatible with the neighborhood. Proper environmental, geotechnical and geological studies were completed to analyze the feasibility and impacts of the project. The proposed house size is compatible with the lot size and the proposed style adds to the variety of architectural styles found in Old Agoura. The use of natural materials of that particular style is in keeping with the semi-rural character of the neighborhood. The project helps maintain the semi-rural equestrian character of the Old Agoura, as called for in the General Plan Community Design Element.

III. RECOMMENDATION

Based on the above analysis, staff recommends that the Planning Commission adopt the attached Draft Resolution approving Conditional Use Permit Case No. 05-CUP-005, Oak Tree Permit Case No. 05-OTP-003 and Variance Request Case No. 05-VAR-008, subject to the conditions.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Square Footage Analysis Map
- Exhibit C: Reduced Copies of the Proposed Project Architectural Plans
- Exhibit D: Letter from the Old Agoura Homeowners Association
- Exhibit E: City's Geological/Geotechnical Consultant Comments
- Exhibit F: Environmental Categorical Exemption
- Exhibit G: Photographs of the Property and Color and Material Board

Case Planner: Valerie Darbouze, Associate Planner