



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: February 2, 2006

APPLICANT: David M. Kersey
1780 Via Petirrojo, #G
Newbury Park, CA 91320

TO: Planning Commission

CASE NOS.: 04-CUP-008, 04-VAR-003

LOCATION: 28406 Lewis Place
(A.P.N. 2061-022-018)

REQUEST: Request for approval of a Conditional Use Permit to construct a 2,089 square-foot residence with an attached, 400 square-foot, two-car garage and a carport; a request for a Variance from Zoning Ordinance Section 9243.3.F to provide for an 8-foot east side yard instead of the minimum required distance of 10 feet.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 04-CUP-008 and Variance Request 04-VAR-003, subject to conditions, based on the findings of the attached Draft Resolutions.

ZONE DESIGNATION: RS-(2)-20,000-IH (Residential Single-Family-(2 units per acre maximum-20,000 square foot minimum lot size-Indian Hills Design Overlay District)

GENERAL PLAN DESIGNATION: RS (Residential Single-Family)

I. PROJECT BACKGROUND AND DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit to construct a 2,089 square-foot, two-story, single-family residence with a 400 square-foot, two car garage and a single-stall carport on a 5,619 square foot parcel. The subject parcel is located on a vacant, infill lot at 28406 Lewis Place in the Residential Single-Family (RS) and the Indian Hills Design Overlay zones. The parcel rises 30 feet in elevation from the south

property line to the north property line, and has an average topographic slope of approximately 26%. Since the average topographic slope of the property exceeds 10%, a Conditional Use Permit is required for development. The lot coverage of the project, which includes the footprint of the proposed residence, garage, carport, decks and balcony total 1,810 square feet, or 32% of the parcel, which is less than the 35% lot coverage allowed within the RS-20,000 zone. The surrounding area has been developed with custom hillside residences. The applicant's parcel is adjacent to two street frontages – Lewis Place to the north and Laura La Plante to the south. Existing single-family residences abut the property and the east and west sides.

The proposed single-family residence is a permitted use in the Single Family Residential (RS) zone and will meet the required development standards, relative to lot coverage, height and building placement. Listed below are the proposed development data pertaining to the project:

Pertinent Data

	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/ Required</u>
1. Lot Size	5,619 sq. ft.	Same	20,000 sq. ft.
2. Lot Width	50 ft.	Same	90 ft. min.
3. Lot Depth	107 ft.	Same	100 ft. min.
4. Building Size			
a. House:	None	2,089 sq. ft.	
<u>b. Garage:</u>	<u>None</u>	<u>400 sq. ft</u>	_____
Total	N/A	2,489 sq. ft	N/A
5. Building Height	None	35 ft.	35 ft. max.
6. Lot Coverage	None	32%	35% max.
7. Building Setbacks	None	Front (north): 25 ft.	25 ft. min.
		Front (south): 25 ft.	25 ft. min.
		Side (west): 12 ft.	10 ft. min. (22 ft. combined)
		Side (east): 8 ft.	10 ft. min. (22 ft. combined)
8. No. of Oak Trees	0	0	N/A

II. STAFF ANALYSIS

A. Site Plan

The proposed house is a two-story design that terraces from a single-story elevation at the front (north end) of the property to two-stories, 35 feet in height, in the lower rear portion of the property. Garage access is to be taken from Lewis Place. A concrete patio is proposed at the rear (south end) of the lot. The patio could be used for parking, which may conflict with street parking and traffic. Also, the patio will significantly reduce the rear yard area for what could otherwise be used to screen the 35-foot high structure with landscaping. Staff is, therefore, recommending that the applicant be conditioned to replace the proposed patio with a landscaped yard.

The Zoning Ordinance requires minimum combined side yards of 22 feet within the RS-20,000 zone. A 12 foot side yard setback is proposed on the west side of the property and an 8-foot side yard setback is proposed on the east side of the property, and a Variance is being requested since the 22-foot combined side yard setback requirement would not be met.

Within the 12-foot setback area on the west side of the house, the applicant is proposing to construct an attached, single-stall carport that would be located 3 feet from the west property line. Since the Zoning Ordinance does not include specific standards for attached carports, it is treated similarly to attached patio covers, which may be located as close as 3 feet to a side property line provided that at least two sides of the structure remain open. The proposal meets this minimum requirement. Access to the carport will be served by the on-site driveway that is to consist of stamped concrete.

The applicant is required to provide for 5 feet of side access along the length of the property per the Los Angeles County Fire District requirements. This requirement may result in alterations to the east building elevation to eliminate or relocate the proposed support columns of the side porch serving the upper level of the residence. The applicant was made aware of the Fire District's requirement.

Attached is an analysis of the building and lot sizes of the neighborhood. A survey of 16 developed parcels in the immediate vicinity of the applicant's lot was conducted to determine the average size of the residential units and parcels. The findings indicate an average lot size of 6,634 square feet and an average dwelling unit size of 1,768 square feet (excluding the garage), resulting in an average floor/area ratio of 0.26. The applicant is proposing a house size of 2,089 square feet on a 5,619 square foot lot, which results in a floor/ratio of 0.37. The proposal is 321 square feet above the neighborhood average. Nonetheless, the applicant's proposal will result in a lot coverage of 32% which is below the maximum allowable lot coverage of 35% for the zone.

B. Architectural Design

The applicant has chosen beige colored stucco with white trim, stone veneer, white vinyl windows, and terracotta colored clay roofing tiles for the house design. The front door will be of oak wood stained and the roll-up garage door will be of a beige color. The applicant is also proposing a sand colored, stamped concrete driveway, wrought iron rails and brown stone veneer along the base of the side building elevations. Two-story homes are prevalent in the neighborhood as the typical width of a lot in Indian Hills often precludes expansive single-story floor plans and/or accessibility to the house.

The City Architectural Review Panel recommended approval of the house design, finding it to comply with the City's Architectural Design Standards and Guidelines. However, the Panel did express concern with the mass of the front (north) building elevation as viewed from Lewis Place, specifically in regard to the placement of the carport on the property. The applicant is proposing to extend the roofline of the house over the attached carport. Since the carport is proposed to be located 3 feet from the side property line, the Architectural Review Panel recommended that the carport be redesigned to include an alternate pitch and roof material, similar to a patio cover, that could minimize the linear appearance of the front building elevation on what is a narrow, 50-foot wide lot. The applicant has chosen not to redesign the carport.

C. Engineering

The Public Works and Engineering Department has reviewed the proposed development application and will require a 5-foot wide dedication of property across the Lewis Place (north) street frontage for required public street improvement purposes. Final street plans and drainage plans will be subject to approval by the City Engineer prior to issuance of a building permit. The residence will be served by the public sewer system.

Grading of the property will include 126 cubic yards of cut and fill, for balanced grading. The upper finished floor elevation of the residence would be situated at a 1,101-foot elevation, which is approximately 1 foot above the Lewis Place street elevation. The lower finished floor of the residence would be situated at a 1,000-foot elevation, which is 22 feet higher than the Laura La Plante street elevation to the south, and 10 feet lower than the Laura La Plante street elevation.

Retaining walls of 1-foot to 5.5 feet in height are proposed to extend from the northwest corner of the property to the carport. Retaining walls of 3.3 feet to 6 feet in height are proposed in the northern portions of the east side of the residence. A 6-foot high retaining wall is also proposed around the perimeter of the proposed patio on the south end of the property. However, since this portion of the lot is adjacent to street frontage (Laura La Plante), it is considered a front yard for development purposes and the applicant would be restricted to a maximum retaining wall height of 3.5 feet within the 25-foot front yard area. This would require a redesign of the retaining wall system in this portion of the property. Staff, however, is recommending that this south end of the lot be landscaped for screening purposes in lieu of developing a patio.

The City's Geotechnical Consultant has reviewed the geotechnical reports that were prepared by J. Byer Group, Inc, for this project and recommends approval of the reports at this planning review stage. The applicant will be required to comply with the attached recommended conditions of approval related to the geotechnical report/grading and building plan check review prior to the issuance of a grading permit. Construction traffic and related vehicular routes will also be reviewed by the City Engineer prior to the issuance of a grading permit with the intent to minimize impacts to the neighbors.

D. Landscape Review

Since the topographic slope of the property exceed 10%, the applicant is required to prepare a landscape plan for the City's review. The preliminary landscape plan was reviewed by the City Landscape Consultant, who recommends that the applicant submit final, detailed landscape and irrigation plans for review by the City Landscape Consultant and the Director of Planning and Community Development prior to building permit issuance. The final plans will be reviewed for slope stabilization, screening, and the incorporation of native plant species. There are no on-site Oak trees, nor Oak trees within the vicinity of the property that can be impacted by the proposed construction.

E. Variance

Setback:

The applicant is requesting a variance from the Zoning Ordinance Section 9243.3.F to reduce the required 10-foot minimum side yard setback (along the east property line) to 8 feet. 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

Development of the subject property is restricted by its non-conforming size and width. The lot is 5,619 square feet in area, which is 28% of the minimum 20,000 square foot lot size required of the zone. The lot has a width of 50 feet. The minimum lot size for the zone is a width of 90 feet according to Zoning Ordinance Section 9243.3.C. Thus, there is limited space elsewhere on the property to develop the two-story 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

Approval of this variance would not constitute the granting of special privileges. The area is comprised of small, narrow non-conforming lots for which previous developments have been granted variances for setback reductions. In 2002 a development project to the west of the applicant's property was granted Variances for setback reductions. This project was constructed and was granted a side yard reduction to 3.5 feet, 16 feet for the front setback, and 10 feet for the rear yard setback. Three homes across the street to the northwest were approved by Los Angeles County prior to the City's incorporation and have non-conforming side yard setbacks of approximately five feet and front yards setbacks of less than the required 25 feet for the zone. Existing homes directly to the west also have non-conforming side yard setbacks along with non-conforming front yard setbacks.

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

Strict interpretation of the Zoning Ordinance would pose a practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The purpose of the Single-Family Residential zone is to encourage the development of conventional single-family detached residential development with related compatible uses and full community levels of service and public improvements. The non-conforming size and width of the lot precludes the applicant from developing a two-story residence within the development standards required for lots that are more than three times the size of the applicant's parcel.

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 property will be developed with in the development standards of the RS-20,000 zone relative to building height, lot coverage and front yard setbacks. Vehicular access to the property will be provided via Lewis Place and the residence will be constructed per City Building Standards. The property will be served by the public sewer system.

5. Required Findings:

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

Staff Analysis

The neighboring structures on similar sized lots have non-conforming setbacks for the zone. The two-story residence, which consists of stucco, stone veneer and tile roof will be architecturally compatible with the neighboring structures and will not exceed the maximum building lot coverage required for parcels within the RS-20,000 zone.

F. Environmental Review

Based upon review of this project by the City Environmental Analyst, no 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 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.

RECOMMENDATIONS

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 04-CUP-008 and Variance Request Case No. 04-VAR-003, subject to Conditions, based on the findings of the attached Draft Resolution.

ATTACHMENTS

- Draft Resolution for Conditional Use Permit
- Conditions of Approval for Conditional Use Permit
- Draft Resolution for Variance Request
- Conditions of Approval for Variance Request
- Exhibit A: Vicinity Map
- Exhibit B: Square Footage Analysis Table
- Exhibit C: Bin Yen Letter of Recommendation
- Exhibit D: Environmental Determination
- Exhibit E: Architectural and Grading Plans
- Exhibit F: Photographs of surroundings

CASE PLA NNER: Renee Madrigal, Assistant Planner