

P.C. RESOLUTION NO. 2021-710

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. SPR-2021-001, A REQUEST FOR A SITE PLAN REVIEW FOR AN INTERIOR AND EXTERIOR REMODEL AND AN ADDITION OF 744 SQUARE FEET AT THE ENTRANCE TO AN EXISTING 2,018 SQUARE-FOOT SINGLE-STORY SINGLE-FAMILY RESIDENCE, RESULTING IN A 2,762 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 403 SQUARE-FOOT GARAGE, LOCATED AT 22601 PAUL REVERE DRIVE (APN: 2069-089-012) WITHIN THE RESIDENTIAL, SINGLE-FAMILY (RS) ZONING DISTRICT.

Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department.
2. Staff presentation at the public hearing held on March 18, 2021, before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

Section 2. Based on the foregoing evidence, the Planning Commission finds that:

1. The applicant submitted an application for File No. SPR-2021-001 on September 23, 2020.
2. The project was reviewed by the Development Review Committee (DRC) on October 14, 2020 and by the Architectural Review Panel (ARP) on February 26, 2021.
3. Staff determined that the application was incomplete on October 22, 2021 and the applicant was duly notified of this incomplete status.
4. Plans were revised and resubmitted by the applicant on February 9, 2021.
5. On March 5, 2021, the application was deemed complete and the applicant was notified.
6. Notice of the March 18, 2021 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, the Agoura / Calabasas Community Center, Gelson's market and at Calabasas City Hall.
7. Notice of the March 18, 2021 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
8. Notice of the March 18, 2021 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
9. Notice of March 18, 2021 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
10. A public hearing was held at the March 18, 2021 Planning Commission meeting, during which public testimony was taken.
11. The project site is currently zoned Residential, Single-Family (RS).
12. The land use designation for the project site under the City's adopted General Plan is Residential-Single Family (R-SF).
13. Properties surrounding the project site are zoned RS and have a General Plan land use designation of R-SF.

Section 3. In view of all of the evidence and based on the foregoing findings, the Planning Commission concludes as follows:

FINDINGS

Section 17.62.020 of the Calabasas Municipal Code allows the review authority to approve a Site Plan Review Permit provided that the following findings are made:

- 1. The proposed project complies with all applicable provisions of this Development Code;*

The applicant is proposing an interior and exterior remodel and an addition of 744 square feet at the entrance to an existing 2,018 square-foot single-story single-family residence, resulting in a 2,762 square-foot single-family residence with an attached 403 square-foot garage, located at 22601 Paul Revere Drive within the Residential, Single-Family (RS) zoning district. The existing residence and proposed addition are allowed uses within the Residential, Single-Family (RS) zone per Section 17.13.020 of the Development Code. The proposed project meets applicable development standards in the RS zoning district, including but not limited to height, pervious surface and site coverage (see the Technical Appendix within the Planning Commission Agenda Report). Furthermore, the proposed project complies with the requirements of Section 17.72 of the CMC, which regulates additions and alterations to existing legal nonconforming structures. Therefore, the proposed project meets this finding.

- 2. The proposed project is consistent with the General Plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;*

The existing use of the subject site is a single-family residence with ancillary structures, which are allowed uses per the Residential Single-Family (R-SF) land use designation within the General Plan. The construction of the proposed addition does not change the land use of the subject site. Therefore, the proposed project is in compliance with the general plan.

Chapter IX of the General Plan, more specifically Policies IX-1, IX-5, IX-8, and IX-10, emphasize that new development shall maintain a high quality appearance, is aesthetically pleasing, and compatible with the area's natural setting. The proposed project meets this goal because it will protect the neighborhood character by maintaining the mass, scale, and

height of the existing home at a size that is compatible with the size of the property as well as adjacent homes. As previously stated, the proposed addition is designed to match the architectural style, colors, and materials of the proposed exterior remodel of the existing residence, and provide a high-quality design. Existing landscaping will remain to blend the home into the surrounding neighborhood to the maximum extent feasible. No specific plan is applicable to this property, and the proposed addition is not visible from a designated Scenic Corridor. Therefore, the proposed project is in compliance with the General Plan and meets this finding.

3. The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);

This project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines adopted by the City of Calabasas pursuant to **Section 15301 Class 1 (e)(2)** (Existing Facilities). CEQA Section **15301 Class 1 (e)(2)** exempt additions to existing structures provided that the addition is less than 10,000 square feet. The applicant is proposing to construct a 744 square-foot addition to an existing single-story single-family residence, which is less than a 10,000 square-foot addition. Therefore, the proposed project is exempt from review under the California Environmental Quality Act, and the proposed project meets this finding.

4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;

The residence is surrounded by one and two-story single-family residences that are similar in bulk and size. The home sizes in the immediate vicinity range from 2,018 square feet to 4,009 square feet square feet. With the 744 square-foot addition, the single-story residence will have a total living area of 2,762 square feet, which is within the range of home sizes on Paul Revere Drive. The proposed floor area ratio (FAR) is 0.24, which is in keeping with the average FAR of 0.23 for the vicinity.

Pursuant to CMC Section 17.13.020(A), the maximum allowed site coverage for the subject site is 50%. The proposed addition will result in a site coverage of 30.3%, which is below the maximum allowed site coverage of 50%. The proposed addition will result in a pervious surface coverage of 58%, which meets the 50% minimum requirement.

The proposed addition is designed to match the colors and materials of the proposed exterior remodel of the existing residence, which will facilitate the project blending with the surrounding environment. Additionally, minimal grading is required for this project, and existing landscape will remain to help integrate the project into the surrounding neighborhood. Therefore, the proposed project is compatible in use, design, appearance, and scale with the existing homes in the surrounding area and meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and*

The City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surface for the RS zone to ensure that development is adequately proportional to the size of the property. The subject site is an 11,193 square-foot is a primarily flat raised corner lot, improved with a 2,018 square-foot single-story single-family residence. The 744 square-foot addition will be located at the entrance of the residence; for a total site coverage of 30.3%. With the proposed addition to the entrance of the house, the proposed front and east side yard setback are in conformance with all required setbacks. The maximum height of the residence is 15 feet 8 inches and in compliance with the 35' maximum height limit for the RS zoning district. Therefore, the proposed project meets this finding.

6. *The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.*

The proposed project is designed to respect and integrate with the existing and natural environment to the maximum extent feasible. The subject site is located within an existing subdivision and surrounded by a combination of single-story and two-story single-family homes. The proposed addition will enclose an entry way that consists of 6 foot tall block walls partially enclosing the entry way, a gate, a pergola, and a hedge that covers the 6 foot tall block walls located at the front of the residence and will not alter the character of the surrounding community. The proposed project is designed to match the architectural style, colors, and materials of proposed exterior remodel of the existing residence. The ARP determined that the proposed contemporary farmhouse style residence is compatible with the architecture and scale of the existing house and the surrounding community. In addition, the project does not have any impact on oak trees as there are none on site and no

environmental impact is anticipated as a result of the proposed project. Therefore, the proposed project meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No(s). SPR-2021-001 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of File No. SPR-2021-001, or the activities conducted pursuant to this File No. SPR-2021-001. Accordingly, to the fullest extent permitted by law, MBB Design (applicant), Dennis and Nicole Grossman (owners) and their successor and assigns, shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of File No. SPR-2021-001, or the activities conducted pursuant to File No. SPR-2021-001. MBB Design (applicant), Dennis and Nicole Grossman (owners) and their successor and assigns, shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department/Planning/Building and Safety

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.

3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
4. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
5. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
6. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded an affidavit of acceptance of this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
7. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
8. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
9. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.20 of the Land Use and Development Code.

10. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
11. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
12. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the CMC shall be incorporated into all plans.
13. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
14. The proposed project is for the addition to a legal nonconforming structure. The approved plans allow for the demolition or removal of less than fifty (50) percent of the existing exterior walls and/or the demolition or removal of less than fifty (50) percent of the existing non-conforming area of the structure. Calabasas Municipal Code Section 17.72.020(1)(e) provides that "Structures that are to be remodeled or renovated such that fifty (50) percent or greater of any existing exterior walls or existing square footage is demolished or removed within a two-year period, shall conform to all development standards for that zoning district." Consequently, any and all additional demolition or removal of square footage within two years, beyond the demolition and removals depicted and approved on the stamped plans on file with the City of Calabasas Planning Division, shall be reviewed and approved by the Director, or his/her designee, to evaluate whether the proposed additional demolition and removals are within the fifty (50) percent within two years threshold set by Calabasas Municipal Code section 17.72.020(1)(e). Any demolition or removals of fifty (50) percent or greater of the existing exterior walls or existing square footage will require further project approvals and conforming to all development standards set in the Calabasas Municipal Code. Should such additional demolition or removal work proceed without prior approval by the Director, the City may exercise any and all lawful remedies, including but not limited to ordering: 1) immediate cessation of all work; 2) issuance of a Notice of Violation; 3) suspension of all permits; or 4) revocation of all permits. Furthermore, if it is determined that fifty (50) percent or greater of the exterior walls or fifty (50) percent or greater of the existing non-conforming area of the structure have

been demolished or removed, then the legal non-conforming status of the applicable structure(s) will cease and the entire structure(s) will have to be redesigned and reapproved in a manner that fully conforms to the applicable zoning and building codes for the property.

15. Construction Activities - Hours of construction activity shall be limited to:

7:00 a.m. to 5:00 p.m., Monday through Friday

8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. No vehicles involved in construction of this project shall block the roadway at any time. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.

Public Works Department/Environmental Services Division

16. The project must adhere to the City's driveway policies as outlined in Section 17.28.080 of the Municipal Code, and also with full conformance with American's with Disabilities Act.
17. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
18. The applicant shall repair any broken or damaged curb, gutter, sidewalk, or pavement on Paul Revere Drive along the project frontage to the satisfaction of the City Engineer.

Los Angeles County Fire Department

19. Obtain any applicable permits and approvals from the Los Angeles County Fire Department.

Section 5. All documents described in Section 1 of PC Resolution No. 2021-710 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2021-710 PASSED,
APPROVED AND ADOPTED this 18th day of March, 2021.

Wendy Fassberg
Chairperson

ATTEST:

Maureen Tamuri, AIA, AICP
Community Development Director

APPROVED AS TO FORM:

Matt Summers
Assistant City Attorney

Planning Commission Resolution No. 2021-710, was adopted by the Planning Commission at a regular meeting held March 18, 2021 and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”