

P.C. RESOLUTION NO. 2021-711

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). SPR-2020-003, A REQUEST FOR A SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TOTALING 3,169 SQUARE FEET TO THE FIRST AND SECOND FLOORS OF AN EXISTING 6,745 SQUARE-FOOT SINGLE-FAMILY RESIDENCE. THE PROPOSED PROJECT ALSO INCLUDES INTERIOR AND EXTERIOR REMODEL, NEW PATIO COVER AND BALCONY, AND ALTERATIONS TO THE ROOFLINE OF THE EXISTING SINGLE-FAMILY RESIDENCE. THE SUBJECT SITE IS LOCATED AT 25510 PRADO DE AZUL (APN: 2069-100-034), 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. APR-2020-015 on October 5, 2020.
2. The project was reviewed by the Development Review Committee (DRC) on October 20, 2020 and was approved at a Community Development Director's Hearing on November 18, 2020.
3. The applicant subsequently amended the scope of the project, and submitted an application for File No. SPR-2020-003 on December 16, 2020.
4. The revised project was reviewed by the Development Review Committee (DRC) on December 30, 2020, and was reviewed by the City's Architectural Review Panel (ARP) on January 22, 2021 and February 26, 2021.
5. Staff determined that the application was incomplete on January 11, 2021 and the applicant was duly notified of this incomplete status.
6. Plans were revised and resubmitted by the applicant on March 3, 2021.
7. On March 3, 2021, the application was deemed complete and the applicant was notified.
8. 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.
9. 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.
10. 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.
11. Notice of March 18, 2021 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
12. A public hearing was held at the March 18, 2021 Planning Commission meeting, during which public testimony was taken.

13. The project site is currently zoned Residential, Single-Family (RS).
14. The land use designation for the project site under the City's adopted General Plan is Residential-Single Family (R-SF).
15. 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 to construct additions totaling 3,169 square feet to an existing 6,745 square-foot single-family residence. The project scope also involves interior and exterior remodel, new patio cover and balcony, and alterations to the roof to lower the roof pitch of the existing residence located at 25510 Prado de Azul, within the Residential Single-Family (RS) zoning district. The existing residence and proposed additions/remodel are allowed uses within the Residential, Single-Family (RS) zoning district. The proposed project meets all of the applicable development standards in the RS zoning district, including height, setbacks, pervious surface (72% HOA credit), and site coverage (see Technical Appendix within the Planning Commission Agenda Report). Therefore, the 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 3,169 square-foot 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 is compatible in architectural style and massing with the surrounding homes. Although the proposed additions and exterior remodel will alter the existing residence's architectural style, from a Tudor style to a more Spanish-Mediterranean architectural style, Spanish-Mediterranean homes are common in this neighborhood. The proposed project is designed to be consistent in scale with the similar Mediterranean models in the vicinity, and the alterations will also lower the roof pitch, reducing the overall height by approximately 5 feet, which will improve the massing as viewed from the street. 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 (e)(2)** (Existing Facilities). CEQA Section **15301 (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 3,169 square-foot addition to the first and second floor of an existing two-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 existing similar one- and two-story single-family residences. The home sizes in the immediate vicinity range from

5,149 to 7,031 square feet. With the 3,169 square-foot addition, the two-story residence will have a total living area of 9,914 square feet. Although the proposed additions will result in a larger square footage than any house in the vicinity, the subject site is also on one of the largest lots in the area; the average FAR in the vicinity is 0.33, and the proposed FAR for this project is 0.35, which is consistent with the FAR of the surrounding homes. Additionally, the bulk of the addition will be located at the rear of the residence and will not be visible from the street, and the remodel will lower the maximum height from 34'7" to 29'3". The City's ARP reviewed this project on February 26th, 2021, and commented that while the house will be the largest home on the block, the front massing does not change and the floor area ratio is consistent with the neighborhood. Because of the fact that the width of the residence will remain the same, and the height of the residence will be lowered, the proposed project is compatible in scale with the vicinity.

Pursuant to CMC Section 17.13.020(A), the maximum allowed site coverage for the subject site is 35%. The proposed site coverage is 27.8%, which is below the maximum allowed site coverage of 35%. The proposed pervious surface percentage is 41%, which complies with the minimum pervious requirement, with the applied HOA credit towards pervious surfaces.

The Oaks is home to several different architectural styles, including the Tudor Revival style of the existing residence, Mediterranean style, and Tuscan style homes. The proposed remodel is designed to match the architectural style of several Spanish-Mediterranean style homes in the vicinity. The proposed project will be similar in size and scale to those residences in the vicinity as viewed from the street, and a smooth white stucco exterior and gray Spanish tile roof will be utilized to incorporate modern elements into the Mediterranean architectural style. The City's ARP reviewed this project first on January 22, 2021, and made several suggestions to improve architectural unity between the front and rear of the house, including removing corbels, improving window symmetry, and altering the front façade to make the entrance more pronounced. Upon review at the February 22, 2021 ARP meeting, the panel commented that the revised plans were an improvement over the original in terms of architectural unity, and recommended approval of the design as proposed. Additionally, no 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 site coverage, pervious surface, setbacks, and height limits for the RS zone to ensure that development is adequately proportional to the size of the property. The subject site is a 28,533 square-foot primarily flat lot, improved with a 6,745 square-foot two-story single-family residence. A portion of the 3,169 square-foot addition will be located on the first and second floors at the front of the house to help improve symmetry of the front façade, but the bulk of the additions will be located at the rear of the residence; the rear additions will not be visible from the street, and will extend the length of the existing house by approximately 18 feet at the first and second floors. The proposed project will increase the site coverage from 19.6% to 27.8%, below the code maximum of 35%. The proposed project will decrease the pervious surface percentage from 58% to 41%, which meets the code minimum of 65% with The Oaks' 72% credit towards the pervious surface requirement.

The side setbacks will remain unchanged, the front setback will be decreased from 33 feet 5 inches to 23 feet 9 inches and the rear setback will be decreased from 149 feet to 115 feet, within the code limits of 20 feet minimum for the front and rear setback. The maximum height of the residence is proposed to be 29 feet 3 inches, approximately 5 feet below the current maximum height of 34 feet 7 inches as a result of lowering the roof pitch, and in compliance with the 35 feet 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 one-story and two-story single-family homes. The proposed addition is located on the first and second floors of a two-story residence, and will not alter the character of the surrounding community. The proposed project is designed to match the architectural style of existing residences in the community. Additionally, the project site is bordered on the south by HOA-maintained open space, looking out onto the Santa Monica

Mountains below. Because of the topography of the site and its surroundings, including a ridge to the east, the site is not visible from Las Virgenes Rd and will not impact views from below, thereby respecting the surrounding natural environment. 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-2020-003 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(s). SPR-2020-003, or the activities conducted pursuant to this File No(s). SPR-2020-003. Accordingly, to the fullest extent permitted by law, C-Oliveira Design (applicant), Azul Ventures, LLC (owner) 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(s). SPR-2020-003, or the activities conducted pursuant to File No(s). SPR-2020-003. C-Oliveira Design (applicant), Azul Ventures, LLC (owner) 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. 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

15. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local storm drains and waterways. Sediments,

construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City ordinances and State laws. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapters 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

16. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems.
17. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." The following companies and the only trash haulers authorized to operate in the City of Calabasas: American Reclamation (888-999-9330), America's Bin (888-500-9007), Consolidated Disposal (800-299-4898), Interior Removal Specialists (323-357-6900), Recology (800-633-9933), Universal Waste Systems (800-631-7016), Waste Management (800-675-1171). An Encroachment Permit from the City Public Works Department is required prior to placing a refuse bin/container on any public street.

Los Angeles County Fire Department

18. 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. 2021-711 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2021-711, 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. 2021-711, 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.”