

**P.C. RESOLUTION NO. 2021-716**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). SPR-2021-006, REQUEST FOR A SITE PLAN REVIEW TO CONSTRUCT A 545 SQUARE-FOOT ADDITION TO THE FIRST FLOOR OF THE EXISTING ONE-STORY 2,219 SQUARE-FOOT SINGLE-FAMILY HOME LOCATED AT 26124 ROYMOR DR (APN: 2052-019-012) 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 May 20, 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-2021-006 on March 25, 2021.

2. The project was reviewed by the Development Review Committee (DRC) on April 8, 2021.
3. Staff determined that the application was incomplete on April 9, 2021 and the applicant was duly notified of this incomplete status.
4. Plans were revised and resubmitted by the applicant on April 13, 2021.
5. The project was reviewed by the City's Architectural Review Panel (ARP) on April 23, 2021.
6. On May 5, 2021, the application was deemed complete and the applicant was notified.
7. Notice of the May 20, 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.
8. Notice of the May 20, 2021 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
9. Notice of the May 20, 2021 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
10. Notice of May 20, 2021 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
11. A public hearing was held at the May 20, 2021 Planning Commission meeting, during which public testimony was taken.
12. The project site is currently zoned Residential, Single-Family (RS).
13. The land use designation for the project site under the City's adopted General Plan is Residential-Single Family (R-SF).
14. 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 a 545 square-foot addition to the front of an existing 2,219 square-foot residence located at 26124 Roymor Dr, within the Residential, Single-Family (RS) zoning district. The existing residence and the proposed addition are allowed uses within the RS zoning district. The proposed project meets all of the applicable development standards of the RS zoning district, including height, pervious surface, and site coverage, with the exception of the east side setback. The existing residence was built in 1964 prior to the City's incorporation, and as a result, currently has legal nonconforming side and front setbacks. Per Section 17.72.020(B)(1)(b) of the Calabasas Municipal Code, an existing nonconforming setback may be continued provided the addition is an extension of that portion of the existing structure that encroaches into a required setback; provided, however, the alteration or addition shall not (i) extend into the required setback farther than the existing portion of the structure that encroaches into the required setback, (ii) have an area greater than fifty (50) percent of the area of the existing portion of the structure that encroaches into the required setback or (iii) exceed fifty (50) percent of the length of the existing structure that encroaches into the required setback. The proposed addition is continuing an existing nonconforming setback, and meets the provisions above. Therefore, the project complies with all applicable provisions of the Development Code, and 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 545 square-foot addition does not change the land use of the subject site. 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);*

The project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Section 15301 (Existing Facilities) of the CEQA Guidelines. Therefore, 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 proposed addition is designed to match the colors and materials of the existing residence, and will mirror the design of the existing JADU on the west side of the house, to create symmetry on either side of the front entryway. The ARP reviewed the proposed project on April 23, 2021, and recommended approval of the project design as proposed, with a suggestion that the architect should look into shifting the addition east to align with the existing 9'3" side setback in order to open up the front entry area. The architect did revise the plans to incorporate the ARP's suggestion.

The home sizes in the immediate vicinity of the subject site range from 1,781 to 2,394 square feet. With the 545 square-foot addition, the residence will have a total size of 2,764 square feet, bringing the FAR to 0.28, which is above the average FAR of 0.22 for the area. However, this FAR calculation does not include garage sizes of the neighboring homes, as it is based on records of building area obtained from the Los Angeles County Tax Assessor Office. The subject site does not have a garage, and the 438 square feet that was previously garage space has been converted to a JADU, which is included in the FAR calculation on account of the fact that a JADU is habitable space. When factoring in estimated garage sizes, the total home sizes in the vicinity range from 1,998 to 2,794, with FARs ranging from 0.21 to 0.31 (See Technical Appendix). Taking this difference in calculation into consideration, the proposed residence will be compatible in scale with the surrounding area. Therefore, the proposed project is compatible in 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 9,876 square-foot lot, improved with an existing 1,781 square-foot residence and 438 square-foot JADU that was converted from what was previously garage space. The proposed addition will be located at the front of the house, in an area that is currently occupied by driveway. Because of the fact that there are no longer any garage parking spaces on site, the applicant is proposing to extend the driveway by 4' horizontally, in order to make up for the driveway space lost in the construction of the addition and maintain two 10'x20' on-site parking spaces.

The proposed project will increase the site coverage from 24.03% to 29.11%, below the code maximum of 50%. The proposed project will decrease the pervious surface percentage from 53.1% to 50.9%, which meets the code minimum of 50% pervious. The side setbacks will remain unchanged, and the addition meets the front setback of 20' minimum. The maximum height of the residence is 14'4", which is not changed with the proposed addition, and is 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 subject site is located within an existing subdivision and is surrounded on the north, south, east, and west by one-story and two-story single-family homes. The proposed addition is located at the front of the existing residence, within an already developed area of the site that is currently used as driveway space. Additionally, the proposed addition will match the colors and materials of the existing residence, in order to integrate with the existing environment and minimize aesthetic impact. 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-2021-006 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-2021-006, or the activities conducted pursuant to this File No(s). SPR-2021-006. Accordingly, to the fullest extent permitted by law, Michal Behar Brison (applicant), Marc Lambe (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-2021-006, or the activities conducted pursuant to File No(s). SPR-2021-006. Michal Behar Brison (applicant), Marc Lambe (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 (1-888-999-9330), Consolidated Disposal Service (1-800-299-4898), Recology (1-800-633-9933), Universal Waste Systems (1-800-631-7016), Waste Management/G.I. Industries (1-800-675-1171). 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. 2021-716 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2021-716, PASSED,  
APPROVED AND ADOPTED this 20<sup>th</sup> day of May,  
2021.

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Wendy Fassberg  
Chairperson

ATTEST:

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Maureen Tamuri, AIA, AICP  
Community Development Director

APPROVED AS TO FORM:

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Matt Summers  
Assistant City Attorney

Planning Commission Resolution No. 2021-716, was adopted by the Planning Commission at a regular meeting held May 20, 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.”