

P.C. RESOLUTION NO. 2021-722

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). SPR-2021-007, A REQUEST FOR A SITE PLAN REVIEW TO CONSTRUCT A 1,352 SQUARE-FOOT ADDITION TO AN EXISTING SINGLE-FAMILY HOME LOCATED AT 3519 GLADIOLA DR (APN: 2072-002-087) WITHIN THE RURAL COMMUNITY (RC) ZONING DISTRICT AND CALABASAS HIGHLANDS (-CH) OVERLAY ZONE.

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 June 17, 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-2021-007 on March 25, 2021.

2. The project was reviewed by the Development Review Committee (DRC) on April 12, 2021 and by the Architectural Review Panel (ARP) on April 23, 2021.
3. Staff determined that the application was incomplete on April 12, 2021 and the applicant was duly notified of this incomplete status.
4. Plans were revised and resubmitted by the applicant on April 14, 2021.
5. Story poles were installed on May 18, 2021.
6. Plans were deemed complete on June 3, 2021, and the applicant was duly notified of this complete status.
7. Notice of the June 17, 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 June 17, 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 June 17, 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 June 17, 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 June 17, 2021 Planning Commission meeting, during which public testimony was taken.
12. The project site is currently zoned Rural Community (RC) and is within the Calabasas Highlands (-CH) overlay zone.
13. The land use designation for the project site under the City's adopted General Plan is Rural Community (RC).
14. Properties in the vicinity of the subject property are zoned Rural Community (RC) and are within the Calabasas Highlands (-CH) overlay zone.

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 1,352 square-foot addition to the first and second floor of an existing 643 square-foot two-story single-family residence on a 6,095 square-foot lot located at 3519 Gladiola Dr, within the Rural Community (RC) zoning district and Calabasas Highlands (-CH) overlay zone. The existing residence and proposed addition are allowed uses within the Rural Community (RC) zone per Section 17.13.020 of the Development Code.

The proposed project meets all of the applicable development standards in the RC zoning district and CH overlay zone, including but not limited to height, setbacks, Floor Area Ratio (FAR), pervious surface, and site coverage, with the exception of the rear setback and the existing one car garage (see the Technical Appendix within the Planning Commission Agenda Report). The existing residence was built in 1978 prior to the City's incorporation, and as a result, currently has a legal nonconforming rear setback and legal nonconforming one car garage. 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. Furthermore, the proposed project maintains the existing legal nonconforming garage. 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 land use of the subject site is a single-family residence with ancillary structures, which are allowed uses per the Rural Community (RC) land use designation within the General Plan. The construction of the proposed two-story addition does not change the land use of the subject site. 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 less than 10,000 square feet to existing structures provided that the project is located in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. The existing residence is served by the necessary public utilities, and the area of addition is located in a landscaped area of the site that is between the existing residence and the public right-of-way. 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 Calabasas Highlands is a residential neighborhood developed with a mix of one- and two-story homes in a variety of architectural styles. The contemporary architectural style of the proposed home will blend in with the architectural styles of the existing community. Furthermore, the home sizes in the immediate vicinity range from 1,678 to 3,986 square feet. With the 1,352 square-foot addition, the two-story residence will have a total living area of 1,995 square feet, which is within the range of home sizes in the vicinity. Excluding the garage, the proposed Floor Area Ratio

(FAR) is 0.33, which is in keeping with the average FAR of 0.31 for the vicinity.

Pursuant to CMC Section 17.13.020(A), the maximum allowed site coverage for the subject site is 35%. The proposed addition will result in a site coverage of 23%, which is below the maximum allowed site coverage of 35%. The existing pervious surface of the site also remains unchanged by the proposed project, at approximately 68%. Additionally, the Architectural Review Panel reviewed the proposed project and recommended approval of the design as proposed. Therefore, the proposed project is compatible in use, appearance, scale, and design 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, FAR, site coverage, and pervious surface for the RC zoning district and CH overlay zone to ensure that development is adequately proportional to the size of the property. The subject site is a 6,059 square-foot corner lot improved with a 643 square-foot single-family residence and 631 square-foot lower level comprising of a garage and crawl space. The 1,352 square-foot addition will result in a total site coverage of 23%, below the code maximum of 35%, and a pervious surface percentage of 68%, above the code minimum of 65%. With the proposed addition, the setbacks of the residence will be 20'0" to the front property line, 20'0" to the street side property line, 17'6" to the west side property line, and 9'6" to the rear property line, continuing the existing legal nonconforming setback of the residence, and in conformance with all required development code standards. The maximum height of the proposed addition is 23'6", which is in compliance with the 27' maximum height limit for a pitched roof in the Calabasas Highlands overlay zone. 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 developed neighborhood and is surrounded by one- and two-story single-family homes. The proposed

addition is located on the first and second floors, at the southeast of the existing two-story residence, adjacent to Locust Dr and Gladiola Dr, and will not alter the character of the surrounding community. The proposed addition is a contemporary architectural style with a smooth white stucco finish, standing seam metal roof, black trim, and the exterior of the existing residence will be refinished and repainted to match the architectural style. The ARP recommended approval of the project as proposed, and determined that the proposed project is compatible in scale with the homes in the surrounding community. 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-2021-007 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-2021-007, or the activities conducted pursuant to this File No(s). SPR-2021-007. Accordingly, to the fullest extent permitted by law, Will Shepphird (applicant), Raymond Booth (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-2021-007, or the activities conducted pursuant to File No(s). SPR-2021-007. Will Shepphird (applicant), Raymond Booth (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 6:00 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.

15. Prior to the commencement of any construction activity, the applicant shall place oak tree protective fencing in accordance with the City Oak Tree Preservation and Protection guidelines on the subject site in the southeastern portion of the property to the limits of the protected zone of the oak tree located in the front yard of the subject site. The storage of equipment, debris, or materials shall be prohibited within the oak tree fencing.

Public Works Conditions

Street Improvements

16. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
17. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.
18. The applicant shall repair any broken or damaged pavement or other public improvements on Gladiola Drive along the project frontage to the satisfaction of the City Engineer.

Grading and Geotechnical

19. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the City Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design the proposed residential construction. The plans should include, but not limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The geotechnical consultant must review the plans and sign and stamp in verification of their recommendations.
20. The applicant shall submit a Geotechnical Report prepared by a Geotechnical Engineer/Engineering Geologist. The report must specifically address the proposed improvement including engineering calculations for retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project. The reports should be in accordance with the County of Los Angeles standards and the City of Calabasas Public Works department standards and requirements.

21. The applicant shall eliminate all geologic hazards associated with this proposed development as identified in the Geotechnical Report, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.
22. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.
23. All excavation, grading, site utility installation, pavement construction and related site work shall be observed and approved by the Public Works Department.
24. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted to the City Engineer.
25. The project grading plans shall be reflective of the excavations necessary to achieve the design grades.
26. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
27. The applicant agrees to address and mitigate any and all geotechnical design engineering and construction issues not contained within these conditions, but associated with the proposed development that may arise during final design and/or construction.
28. All retaining walls shall be in conformance with the City's wall requirements pursuant to CMC Section 17.20.100. Any variations require Planning Division approval. A detailed design of project retaining walls shall be provided on the project Grading Plan(s) and associated structural drawings. Grading Plan(s) shall clarify locations and limits of retaining walls to be constructed in conjunction with rough grading. Any walls requiring construction during rough grading shall be submitted to Building and Safety Division for review and approval and are subject to the specific approval by the City Engineer. Building and Safety approval shall be obtained prior to issuance of a grading permit.

29. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading and drainage improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage device.
30. Prior to Issuance of a Grading Permit, the applicant shall submit official stamped and signed copies of the acknowledgement concerning the employment of a registered civil engineer and technical consultants (Public Works Form K).
31. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Planner shall make the determination if the changes require a review by the Planning Commission. If the field conditions deviate from the approved plans without obtaining prior approval of a change order, the City Engineer may issue a Stop Work Notice.
32. Prior to initiation of final inspection, the project Civil Engineer of record shall provide As-Built or Record Drawings.

Hydrology and Drainage

33. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.
34. All drainage devices, pipes, and structures in the approved grading and drainage plan shall be the sole responsibility of the applicant to construct and the applicant shall maintain those devices, pipes and structures located on their property.

35. The applicant shall provide for the proper distribution of surface and subsurface drainage. Historic drainage patterns shall be maintained. Any drainage that is concentrated shall be properly dispersed in accordance with the hydrology/drainage study required herein.
36. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal. PCC flow line shall be 0.5% minimum; flow line on pervious surface shall be 1% minimum. Sheet flow on AC or PCC shall be 1% minimum; sheet flow on pervious surface shall be 2% minimum outside of building areas.
37. The Final Drainage Study shall address dissipation of concentrated flow at the connected to the existing culvert pipe invert to prevent erosion at point of discharge. Associated details shall be reflected on the Precise Grading and Drainage Plan(s).

Environmental Services

38. 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.
39. 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.
40. 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.

Public Works Special Conditions

41. In accordance with City Municipal Code, only three Major Construction Projects (MCPs) are allowed to be active concurrently in the Calabasas Highlands. Therefore, no Building and Safety or Public Works construction permits may be obtained until the MCP is issued for the project in the Calabasas Highlands Overlay Zone (review requirements set forth in the Ordinance No.2010-267).

42. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.

Los Angeles County Fire Department

43. The applicant or property owner shall obtain all applicable permits and approvals from the Los Angeles County Fire Department. The applicant and/or property owner shall comply with all Fire Department conditions of approval.

Section 5. All documents described in Section 1 of PC Resolution No. 2021-722 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2021-722 PASSED,
APPROVED AND ADOPTED this 17th day of June, 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. 2021-722, was adopted by the Planning Commission at a regular meeting held June 17, 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.”