

P.C. RESOLUTION NO. 2022-747

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). SPR-2021-022 AND OTP-2022-001, A REQUEST FOR A SITE PLAN REVIEW AND AN OAK TREE PERMIT TO CONSTRUCT A 1,077 SQUARE-FOOT ADDITION TO THE FIRST AND SECOND FLOORS OF AN EXISTING 2,696 SQUARE-FOOT TWO-STORY RESIDENCE LOCATED WITHIN THE PROTECTED ZONE OF OAK TREES AT 3821 EDDINGHAM AVE (APN: 2080-004-007), 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 December 15, 2022, 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. On November 15, 2021, the applicant submitted an application for File No. SPR-2021-022.

2. The project was reviewed by the Development Review Committee (DRC) on November 30, 2021 and by the Architectural Review Panel (ARP) on January 28, 2022.
3. Staff determined that the application was incomplete on November 23, 2021 and the applicant was duly notified of this incomplete status, as well as the fact that the proposed project requires an Oak Tree Permit for the proposed additions that encroach within the protected zone of oak trees.
4. A request for an Oak Tree Permit under File No. OTP-2022-001 was submitted by the applicant on February 24, 2022.
5. Following subsequent resubmittals and review by staff, all comments were addressed by the applicant and the plans were deemed complete on November 2, 2022.
6. Notice of the December 15, 2022 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, and at Calabasas City Hall.
7. Notice of the December 15, 2022 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 December 15, 2022 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
9. Notice of the December 15, 2022 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 December 15, 2022 Planning Commission meeting, during which public testimony was taken.
11. The project site is 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 Hillside Mountainous (HM), and have corresponding General Plan land use designations of R-SF and HM.

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 subject property is located within the Residential, Single-Family (RS) zoning district and is required to comply with the permitted land uses for the RS zoning district established in Section 17.11.010 of the CMC as well as the development standards provided in Section 17.13.020 of the CMC for development in the RS zone. The proposed 1,077 SF addition to the existing single-family residence conforms with the required setbacks, height limit, site coverage, pervious surface, and all applicable development standards of the RS zoning district. Given these circumstances, 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 land 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 second-story addition will not change the land use of the subject site. Therefore, the proposed project is consistent 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, and scale of the existing home at a size and floor area ratio compatible with the sizes and floor area ratios of other homes in the vicinity. 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 consistent 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)(1)** (Existing Facilities). CEQA Section **15301 Class 1 (e)(1)** exempt additions to existing structures provided that the addition is less than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The applicant is proposing to construct a 1,077 square-foot addition to the first and second floors of an existing 2,696 two-story single-family residence, which is less than 50 percent of the floor area of the structures before the 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 site is surrounded by one- and two-story single-family residences. The surrounding neighborhood is made up of a mix of single-family residences ranging in size from 2,082 square feet to 3,386 square feet, with floor area ratios ranging from 0.19 to 0.29 and characterized by a variety of architectural styles. The applicant proposes to construct a 1,077 square-foot addition to the existing 2,696 square-foot two-story residence, bringing the total livable area of the residence to 3,773 square feet. The residence is located on a 19,625 square-foot lot which is on the larger end of properties in the vicinity. The floor area ratio of the proposed residence is 0.19, which is within the range for the neighborhood. Additionally, the proposed project was reviewed by the City's Architectural Review Panel (ARP) on January 28, 2022, in accordance with Section 2.40.040 of the CMC. The panel stated that some of the architectural elements on the front elevation (eaves, rafters, columns and windows) should be increased in size to match the scale of the house, and recommended approval of the project to the Planning Commission with the above-mentioned suggestions incorporated, and the architect did revise the plans to incorporate the suggestions. Furthermore, 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 proposed project is required to comply with site coverage standards provided in Section 17.13.020 of the CMC, as well as landscaping standards in Section 17.26.040 of the CMC. The residence is located on a 19,625 square-foot lot which is on the larger end of properties in the vicinity. The project results in a site coverage of 5,179 square feet (26%), which complies with the 35% maximum allowed by the CMC. As a result, the proposed site is adequate in size to accommodate the proposed house. With the proposed project, the maximum height of the residence will be 23'0", which complies with the 35' maximum height limit for the RS zoning district. Additionally, the project meets all development code requirements including setbacks, pervious surfaces, etc. 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- and two-story single-family homes. The proposed addition is located on the first floor at the front of the existing two-story residence, and at the first and second floors at the sides and rear of the residence. The proposed project involves exterior remodel of the existing residence, with gray siding, stone accents, and wood trim. The ARP determined that the proposed design of the project is compatible with its surroundings, and recommended approval to the Planning Commission with their suggestions regarding articulation of the architectural elements at the front of the house incorporated. In addition, the submitted oak tree report was peer reviewed by the City Arborist, who determined the project is not likely to cause any long-term damage to the trees and no environmental impact is anticipated as a result of the proposed project. Therefore, the proposed project meets this finding.

Section 17.32.010(E) of the Calabasas Municipal Code allows the review authority to approve an Oak Tree Permit provided that the following finding is made:

- 1. The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the oak tree or scrub oak habitat. In addition, said alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the Guidelines.*

There are seven (8) coast live oaks located in the immediate area of the project. Tree No(s) 5 through 8 are located in the rear yard of the property, and will not be encroached upon during construction. Because Tree No(s) 1 through 4 are located in close proximity to the existing development, with the existing residence located within the trees' protected zone, demolition and construction activities in the same location cannot avoid encroachment into the protected zones of Tree No(s) 1 and 2; Tree No(s) 3 and 4 are young sapling trees that will not be encroached upon.

The City's Consulting Arborist has reviewed the applicant's revised oak tree report dated June 14, 2022, and confirmed that the proposed encroachments are not likely to cause any long-term damage to the trees. The recommendations of the Oak Tree Report are included as conditions of approval in this resolution. Development of the proposed home addition is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Given these circumstances, the request to encroach into the protected zone of the coast live oak trees is warranted to enable reasonable and conforming use of the site, which would otherwise be prevented by the presence of oak trees. 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-2021-022 and OTP-2022-001 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(s). SPR-2021-022 and OTP-2022-001, or the activities conducted pursuant to this File No(s). SPR-2021-022 and OTP-2022-001. Accordingly, to the fullest extent permitted by law, Rick Moraga (applicant), Douglas Silverstein (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-2021-022 and OTP-2022-001, or the activities conducted pursuant to File No(s). SPR-2021-022 and OTP-2022-001. Rick Moraga (applicant), Douglas Silverstein (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.

15. An ISA Certified Consulting Arborist shall be on-site during all site construction activities in or around the protection zone of the protected oak trees.
16. Prior to the commencement of any construction activity, the applicant shall place oak tree protective fencing at the outermost edge of the protected zone of each oak tree in accordance with the City Oak Tree Preservation and Protection guidelines. The fencing shall be a five-foot high chain link fence set in concrete footings with posts installed every eight feet and two feet deep. The storage of equipment, debris, or materials shall be prohibited within the oak tree fencing.

Public Works Department/Environmental Services Division

17. 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.

18. 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.
19. 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.
20. The applicant shall repair any broken or damaged curb, gutter, or pavement on Eddingham Ave along the project frontage to the satisfaction of the City Engineer.
21. Prior to any use of the public right-of-way, including placement of a trash bin, the applicant shall obtain an encroachment permit from the Public Works Department.

Los Angeles County Fire Department

22. 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. 2022-747 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2022-747 PASSED,
APPROVED AND ADOPTED this 15th day of December, 2022.

Wendy Fassberg
Chairperson

ATTEST:

Michael Klein, AICP
Community Development Director

APPROVED AS TO FORM:

Matthew Summers
City Attorney

Planning Commission Resolution No. 2022-747, was adopted by the Planning Commission at a regular meeting held December 15, 2022 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.”