

**P.C. RESOLUTION NO. 2022-748**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. SPR-2021-027, A REQUEST FOR A SITE PLAN REVIEW TO CONSTRUCT A 1,590 SQUARE-FOOT TWO-STORY DETACHED POOL HOUSE IN THE REAR YARD OF THE PROPERTY LOCATED AT 25384 PRADO DE LA FELICIDAD, (APN: 2069-089-014) 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 January 4, 2022, the applicant submitted an application for File No. SPR-2021-027.

2. The project was reviewed by the Development Review Committee (DRC) on January 20, 2022 and by the Architectural Review Panel (ARP) on June 24, 2022 and July 22, 2022, concluding with a recommendation for approval.
3. Staff determined that the application and project plans were incomplete on February 2, 2022 and the applicant was duly notified of this incomplete status.
4. Plans were revised and resubmitted by the applicant on May 5, 2022.
5. Following subsequent resubmittals and review by staff, all comments were addressed by the applicant; therefore, the application and plans were deemed complete on November 30, 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 currently zoned Residential, Single-Family (RS).
12. The land use designation for the project site under the City's adopted General Plan is Residential-Single Family (R-SF).
13. Properties surrounding the project site are zoned RS and have a General Plan land use designation of R-SF.

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

**FINDINGS**

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

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

The applicant is proposing to construct a detached 1,590 square-foot two-story pool house in the rear yard of the property located at 25384 Prado de la Felicidad, within the Residential, Single-Family (RS) zoning district. The existing site is improved with a 11,127 square-foot two-story single-family residence, and associated garages, driveway, hardscape, landscape, outdoor kitchen area, and a pool/spa. The proposed pool house is located in an area of the rear yard already occupied by structures, and therefore the project includes demolition of the existing gazebo and outdoor kitchen in order to construct the new proposed pool house and BBQ area within the same location. The existing residence and proposed pool house are allowed uses within the Residential, Single-Family (RS) zone per Section 17.13.020 and Section 17.12.165 of the Development Code. The proposed project meets all of the applicable development standards in the RS zoning district, including but not limited to height, setbacks, pervious surface, and site coverage (see the Technical Appendix within the Planning Commission Agenda Report).

- 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 two-story pool house does not change the land use of the subject site. Therefore, the proposed project complies 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 located

in the rear yard of the existing residence and will not be visible at the street, and with the proposed pool house, the size of the residence will be compatible with the size of the property as well as adjacent homes in the surrounding community. Existing landscaping and the existing berm at the rear of the lot will remain to blend the pool house into the surrounding neighborhood and screen it from view to the maximum extent feasible. No specific plan is applicable to this property, the subject site is not located within a Scenic Corridor Overlay zone (and, nonetheless, the proposed addition is not visible from a designated Scenic Corridor). Therefore, the proposed project complies 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 1,590 square-foot two-story detached pool house in the rear yard of an existing single-family residence, which is less than a 2,500 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 single-family residences that are similar in bulk and size. As documented in the staff report, the home sizes in the immediate vicinity range from 6,920 to 16,447 square feet. With the 1,590 square-foot pool house, the residence and its accessory structures will have a total living area of 12,717 square feet, which is within the range of home sizes on Prado de la Felicidad. The proposed floor area ratio (FAR) is 0.09, which is below the average FAR of 0.17 for the vicinity.

Pursuant to CMC Section 17.13.020(A), the maximum allowed site coverage for the subject site is 35%. The proposed pool house will result

in an increase in site coverage, from 6.3% existing to 7.11% proposed, which is below the maximum allowed site coverage of 35%. The existing pervious surface of the site is also decreasing slightly with the construction of the proposed pool house, from 80.8% to 79.8%, which is above the Development Code minimum of 65%.

The proposed pool house will have a modern architectural style with a white stucco exterior and stained wood trim/window cladding. The detached structure is located in the rear yard and will not be visible from the street, and will not alter the architectural style of the existing main residence. Additionally, no grading is required for this project, and existing landscape will remain to help integrate the project into the surrounding neighborhood. Lastly, the Architectural Review Panel recommended approval of the project, provided that the applicant submits a line-of-sight analysis to confirm the structure will not be visible from Las Virgenes Rd.; the applicant has since worked with Staff to verify the structure will be imperceptible from Las Virgenes Rd. (Exhibit E). Therefore, the proposed project is compatible in use, design, appearance, and scale with the existing homes in the surrounding area and meets this finding.

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

The City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surface for the RS zone to ensure that development is adequately proportional to the size of the property. The subject site is an 137,257 square-foot primarily flat lot with a landscaped berm at the edge of the rear yard, and the site is improved with a 11,127 square-foot two-story single-family residence. The 1,590 square-foot detached pool house is located at the rear of the lot, in an area of the yard already occupied by a patio cover that is proposed to be demolished as part of this project. The proposed project will result in a slight increase in site coverage, for a total site coverage of 7.11%. The proposed structure will be located 175'7" from the rear property line, 135'3" from the south side property line, and 122'11" from the north side property line, which complies with the minimum setbacks of the RS zoning district. Additionally, the structure will not be visible from the street, and the existing landscaped berm at the rear of the lot will screen the structure from below. The maximum height height of the proposed accessory structure is 26'0", which complies with the 35' maximum height limit for the RS zoning district. Therefore, the proposed project meets this finding.

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

The proposed project is designed to respect and integrate with the existing and natural environment to the maximum extent feasible. The subject site is located within an existing developed residential community and is surrounded by two-story single-family homes. The proposed detached pool house is located in the rear yard of the subject site, and is located in an area of the site already occupied by structures that are being demolished as part of this project. Therefore, the project will not alter the character of the surrounding community. The ARP determined that the proposed design of the accessory structure is compatible with its surroundings, and recommended approval to the Planning Commission. In addition, the proposed project was reviewed by Planning staff and by the Mountains Recreation Conservation Authority (MRCA), who determined that the project would not be visible from Malibu Creek State Park or from the Conservancy-maintained open space areas proximate to Las Virgenes Rd. and to the south of the subject site. The project does not have any impact on oak trees and no environmental impact is anticipated as a result of the proposed project. Therefore, the proposed project meets this finding.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No. SPR-2021-027 subject to the following agreements and conditions:**

**I. INDEMNIFICATION AGREEMENT**

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of File No. SPR-2021-027, or the activities conducted pursuant to this File No. SPR-2021-027. Accordingly, to the fullest extent permitted by law, Michael Lancy (applicant), Jay and Erica McGraw (owners) and their successor and assigns, shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of File No. SPR-2021-027, or the activities conducted

pursuant to File No(s). SPR-2021-027. Michael Lancy (applicant), Jay and Erica McGraw (owners) and their successor and assigns, shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

## **II. CONDITIONS OF APPROVAL**

### **Community Development Department/Planning/Building and Safety**

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
4. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
5. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.

6. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded an affidavit of acceptance of this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
7. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
8. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
9. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.20 of the Land Use and Development Code.
10. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
11. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
12. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the CMC shall be incorporated into all plans.
13. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
14. 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.
18. The applicant shall repair any broken or damaged curb, gutter, or pavement on Prado de la Felicidad along the project frontage to the satisfaction of the City Engineer.

19. 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**

20. 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. 2022-748 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2022-748 PASSED,  
APPROVED AND ADOPTED this 15<sup>th</sup> day of December, 2022.

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Wendy Fassberg  
Chairperson

ATTEST:

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Michael Klein, AICP  
Community Development Director

APPROVED AS TO FORM:

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Matt Summers  
City Attorney

Planning Commission Resolution No. 2022-748, 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.”