

PLANNING COMMISSION RESOLUTION NO. 2023-754

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. SPR-2022-006, A REQUEST FOR A SITE PLAN REVIEW TO CONSTRUCT A 1,833 SQUARE-FOOT ADDITION TO THE EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 5222 DANTES VIEW (APN: 2052-030-024) 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 April 20, 2023, 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 8th, 2021, the property owner submitted an application for File No. SPR-2022-006.

2. The project was reviewed by the Development Review Committee (DRC) on November 24, 2021, and by the City's Architectural Review Panel (ARP) on March 24, 2023
3. Staff determined that the application was incomplete on December 1, 2021 and the applicant was duly notified of this incomplete status.
4. Plans were revised and resubmitted by the applicant on January 7, 2022.
5. Following subsequent resubmittals, and a new engineer designated as the applicant by the property owner in March 2022, the application and plans were deemed complete by Staff on April 6, 2023.
6. Notice of the April 20, 2023 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 April 20, 2023 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 April 20, 2023 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 April 20, 2023 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 April 20, 2023 Planning Commission meeting, during which public testimony was taken.
11. Following discussion and questions asked by the Commissioners, the Planning Commission made several recommendations and continued the item to the regularly scheduled meeting of May 18th, 2023.
12. The Planning Commission directed Staff to prepare a draft resolution of approval for File No. SPR-2022-006, dependent upon the applicant addressing the Commission's recommendations.
13. The project site is zoned Residential Single-Family (RS).

14. The land use designation for the project site under the City's adopted General Plan is Residential-Single Family (R-SF).
15. Properties surrounding the project site are zoned RS, and have General Plan land use designations of R-SF.

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

FINDINGS

Section 17.62.020 of the Calabasas Municipal Code (CMC) allows the Planning Commission 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 1,833 square-foot addition to the existing residence located at 5222 Dantes view Dr, within the Residential, Single-Family (RS) zoning district. The subject site is improved with an existing 3,172 square-foot single-family residence, driveway, landscape, hardscape, pool, and trellis, as well as an existing 597 square-foot ADU that was converted from garage space under a previously approved permit. The existing residence and proposed additions are allowed uses within the Residential Single-Family zoning district per Section 17.11.010 of the Calabasas Municipal Code (CMC).

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 southern side setback (see the Technical Appendix within the Planning Commission Agenda Report). The existing residence was built in 1970 prior to the City's incorporation, and as a result, the subject site currently has a legal nonconforming south side setback. 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 or the existing structure that

encroaches into the required setback. The proposed area of second story remodel and roof replacement within the southern side setback 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 land use of the subject site is a single-family residence with an ADU (previously converted from an attached garage), which are allowed uses per the Residential Single-Family (R-SF) land use designation within the General Plan. The construction of the proposed first and 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 subject site has not previously been well maintained, and the existing residence is in need of repair. As part of the proposed project, the applicant is proposing to rehabilitate the existing structure and improve the existing site condition and appearance. Additionally, the Architectural Review Panel recommended approval of the project, with several suggestions that the applicant has since revised the plans to incorporate. 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 1,833 square-foot addition to the first and second floors of an existing 3,769 square-foot structure (inclusive of the existing single family residence and garage converted to ADU), 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 applicant is proposing to construct a 1,833 square-foot addition to the first and second floors of an existing two-story residence. The subject site is zoned Residential Single-Family (RS), and is surrounded by other two-story single-family residences. The proposed total livable area of the single-family residence will be 5,005 square feet.

Additionally, the proposed project was reviewed by the City's Architectural Review Panel (ARP) on March 24, 2023, in accordance with Section 2.40.040 of the CMC. The panel recommended approval, with the suggestion to study the existing residence height to determine existing elevations are accurate, review proposed window within the walk-in closet at the front of the residence, and consider adding architectural elements to create differentiation between the first and second floors at the front façade. The applicant subsequently provided revised plans confirming the existing residence height and roof pitch, revised the proposed walk-in closet to instead be a play room, and following the Planning Commission meeting of April 20, 2023, revised the second-floor front façade to include white vertical plank siding and trim. Furthermore, new landscaping will be installed 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;*

The applicant is proposing to construct a 1,833 square-foot addition to the first and second floors of an existing two-story residence. The proposed project complies with all applicable standards of the development code, including height, site coverage, pervious surfaces, and setbacks, with the exception of the southern side setback, which is currently legal nonconforming and the applicant is proposing to continue the existing nonconformity with the area of proposed second story remodel and roof repair (see the Technical Appendix within the Planning Commission Agenda Report). As a result, the proposed site is adequate in size to accommodate the proposed house. 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 applicant is proposing to construct a 1,833 square-foot addition to the first and second floors of an existing two-story residence, as well as proposed rehabilitation efforts to clean up existing landscaping and to install new landscaping to include mulch and drought tolerant plants, consistent with the surrounding residences' landscaping. 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 and second floors of the existing two-story residence, with the bulk of the additions located at the rear of the residence and not visible from Dantes View Dr. The proposed project involves exterior remodel of the existing residence, with new charcoal roof, black window trims, glacier white stucco finish, and vertical plank siding at the second-floor front façade. The ARP determined that the proposed design of the project is compatible with its surroundings, and recommended approval to the Planning Commission with suggestions that have since been incorporated into the project plans. 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-2022-006 subject to the following agreement 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-2022-006, or the activities conducted pursuant to this File No. SPR-2022-006. Accordingly, to the fullest extent permitted by law, the applicant and property 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. SPR-2022-006, or the activities conducted pursuant to File No. SPR-2022-006. The applicant and property 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. Building permits shall be obtained to legalize the window installed at the second floor front façade.
16. The proposed project shall comply with the Interim Maintenance Plan dated 5/11/2023 for all areas of the property not within the construction area.

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 are 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

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. 2023-754 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2023-754 PASSED,
APPROVED AND ADOPTED this 18th day of May, 2023.

Michael Harrison
Chairperson

ATTEST:

Michael Klein, AICP
Community Development Director

APPROVED AS TO FORM:

Matthew Summers
Colantuono, Highsmith and Whatley, PC
City Attorney

Planning Commission Resolution No. 2023-754, was adopted by the Planning Commission at a regular meeting held May 18th, 2023 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.”