

**PLANNING COMMISSION RESOLUTION NO. 2024-789**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. SPR-2023-011, A REQUEST FOR A SITE PLAN REVIEW TO CONSTRUCT ADDITIONS TOTALING 1,235.5 SQUARE FEET TO AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 4005 DECLARATION AVE (APN: 2079-018-002) WITHIN THE RESIDENTIAL SINGLE-FAMILY (RS) ZONING DISTRICT.**

**Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:**

1. Agenda reports prepared by the Community Development Department.
2. Staff presentation at the public hearing held on May 16, 2024, 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 at or prior to the public hearing.

**Section 2. Based on the foregoing evidence, the Planning Commission finds that:**

1. On October 9, 2023 an application was submitted on behalf of the property owner for File No. SPR-2023-011.

2. The project site is zoned Residential Single-Family. The land use designation for the project site under the City's adopted General Plan is Residential – Single Family (R-SF).
3. Properties surrounding the project site are zoned RS, and have General Plan land use designations of Residential – Single Family (R-SF).
4. The project was reviewed by the Development Review Committee (DRC) on October 23, 2023, and by the City's Architectural Review Panel (ARP) on December 8, 2023 and January 26, 2024.
5. Staff determined that the application was incomplete on November 2, 2023 and the applicant was duly notified of this incomplete status.
6. Plans were revised and resubmitted by the applicant on November 15, 2023; and, following subsequent resubmittals and reviews, the application and plans were deemed complete by Staff on May 2, 2024.
7. Notice of the May 16, 2024 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, and at Calabasas City Hall.
8. Notice of the May 16, 2024 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
9. Notice of the May 16, 2024 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
10. Notice of the May 16, 2024 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
11. A public hearing was held at the May 16, 2024 Planning Commission meeting, during which public testimony was taken.
12. At the May 16, 2024 meeting, the Commissioners recommended that Staff prepare a resolution of approval for File No. SPR-2023-011, to be brought back to the Commission for adoption at the next regularly scheduled Planning Commission meeting.

**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 subject site is improved with an existing 2,946 square-foot single-family residence, driveway, landscape, hardscape, and pool. The applicant proposes to construct an addition of 315 square feet to the ground (basement) level, 630.5 square feet to the first floor, and 290 square feet to the second floor. The proposed project also involves the demolition of existing patio covers and trellises located within the area of work at the rear of the house. The proposed addition and associated features are allowed uses within the Residential Single-Family (RS) zoning district per Section 17.11.010 of the Calabasas Municipal Code (CMC).

The proposed project complies with all development code standards in regards to height, setbacks, pervious surface, and site coverage (see Technical Appendix within the staff report). The existing residence is considered legal nonconforming in regards to the north side setback due to the fact that the residence was constructed before the City's incorporation, and the proposed project is maintaining the existing legal nonconforming portion of the residence, with the additions continuing the existing legal nonconforming setback as allowed under Section 17.72.020(B)(1)(b) of the CMC. Therefore, the project complies with all applicable provisions of the Development Code, and meets this finding.

- 2. The proposed project is consistent with the general plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;*

The existing use of the subject site is a split-level single-family residence with attendant landscaping, hardscape, and pool, which are allowed uses per the RS land use designation within the General Plan. The construction of new additions to each level of the residence will not change the existing land use of the subject site, nor will the proposed work disturb natural features and habitat areas to a degree that is inconsistent with other General Plan policies.

Chapter IX of the General Plan, specifically policies IX-1, IX-5, IX-8 and IX-10, emphasize that new development shall maintain a high-quality appearance, and is aesthetically pleasing and compatible with the area's natural setting. The Architectural Review Panel reviewed the project on December 8, 2023 and January 26, 2024; and, based in part on consideration of the applicable General Plan policies, recommended approval of the project. Additional design considerations suggested by the ARP have also been incorporated into the final design.

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 exempt from environmental impact review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3), (General Rule Exemption), of the CEQA Guidelines. Additionally, the project is categorically exempt from CEQA pursuant to Section 15332 (In-fill Development Projects), and Section 15301 Class 1(e)(1) (Existing Facilities) of the CEQA Guidelines because the project is limited to an addition to an existing structure where the total area of the addition does not exceed 50% of the floor area of the existing structure. The proposed addition is 1,235.5 square feet, and the square footage of the existing residence is 2,946 square feet.

Therefore, because the proposed project is exempt from environmental impact review under the California Environmental Quality Act, 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 subject site is zoned Residential Single-Family (RS), and is surrounded by other one-story and two-story single-family residences. The proposed project includes construction of a 1,235.5 square-foot addition to the existing residence. With the proposed additions to the residence, the total square footage of the residence will be 4,181 square feet. Residences within the surrounding area range in size from 1,828 square feet to 4,162 square feet (see the Technical Appendix within the Planning Commission Agenda Report), and therefore the proposed project is slightly above the range of home sizes in the vicinity.

Additionally, the proposed project maintains the existing residence's architectural style, and colors/materials of the addition are proposed to match the existing stucco and roof.

The proposed project was reviewed by the City's Architectural Review Panel (ARP) on December 8<sup>th</sup>, 2023, and January 26<sup>th</sup>, 2024 in accordance with Section 2.40.040 of the CMC. The ARP recommended approval of the project at the second meeting, with a suggestion to improve articulation between the first and second floors, add window treatments to new windows in order to match the existing windows, and add articulation at the roof eaves. The applicant subsequently revised the plans to include the suggested changes.

Based on the above information, the Planning Commission finds that 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 proposed project includes construction of a 1,235.5 square-foot addition to an existing 2,946 square-foot single-family residence on a 14,810 square-foot lot. The City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surfaces for the RS zone to ensure that development is adequately proportional to the size of the property. Per the staff report provided to the Commission at the May 16, 2024 public hearing, the proposed project complies with all required development standards for the RS zoning district. Allowance thresholds and standards are provided within the Land Use and Development Code for non-conforming conditions when applicable. The subject property includes an existing single-family structure which benefits from an existing, legal non-conforming side-yard setback of 6 feet (10-foot setback minimum is required) on both the north and south sides. The proposed additions will continue the existing nonconformity, subject to the provisions of Section 17.72.020(B)(1)(b) of the CMC.

The property is also legal nonconforming in regards to pervious surfaces. However, the project does not alter the existing permeable conditions, because the proposed additions will occupy areas of the site that are already hardscaped. Finally, the project does not involve any alteration to any undeveloped areas. Accordingly, 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 surrounding natural environment to the maximum extent feasible because the proposed project is located on an existing developed lot, surrounded by other one-story and two-story single-family residences, and the addition will be located on areas of the site that have already been developed with roofed structures and are already hardscaped. Additionally, the ARP determined that the design of the proposed project is compatible with the surrounding environment, and recommended approval to the Planning Commission with recommendations that the applicant incorporated prior to Commission consideration of the 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-2023-011 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-2023-011, or the activities conducted pursuant to this File No. SPR-2023-011. 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-2023-011, or the activities conducted pursuant to File No. SPR-2023-011. 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 and the interim maintenance plan 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 exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.20 of the Land Use and Development Code.
9. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
10. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
11. 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.
12. 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.
13. 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 City



Engineer or their designee of the construction employee parking locations, prior to commencement of construction.

14. All proposed roofing material over the areas of addition shall match roofing material over the balance of the existing residence; this can be accomplished either via replacing all roof tiles with a uniform roof tile, or sourcing recycled roof tiles that closely match the existing tiles.

#### **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 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.

#### **Public Works Department/Engineering Division**

18. A geotechnical exploratory permit from the Public Works department is required for the proposed project.

19. Verify the existing storm drain system. If curb cores are required, an encroachment permit will be required prior to construction.
20. Previously sent redlines are required to be addressed upon resubmittal to the Building & Safety division

**Los Angeles County Fire Department**

21. 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. 2024-789 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2024-789 PASSED,  
APPROVED AND ADOPTED this 6<sup>th</sup> day of June, 2024.

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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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Vernetra Gavin  
Colantuono, Highsmith and Whatley, PC  
Assistant City Attorney

Planning Commission Resolution No. 2024-789, was adopted by the Planning Commission at a regular meeting held June 6<sup>th</sup>, 2024 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.”