

**P.C. RESOLUTION NO. 2019-683**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. 190000025 A REQUEST FOR A SITE PLAN REVIEW TO CONSTRUCT A 2,824 SQUARE-FOOT ADDITION TO AN EXISTING 8,491 SQUARE-FOOT TWO-STORY SINGLE-FAMILY RESIDENCE. THE SUBJECT SITE IS LOCATED AT 25202 PRADO DEL GRANDIOSO (APN: 2069-090-028) 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 4, 2019, 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. 190000025 on January 7, 2019.

2. The project was reviewed by the Development Review Committee (DRC) on February 5, 2019 and by the Architectural Review Panel (ARP) on February 22, 2019.
3. Plans were revised and resubmitted by the applicant on March 8, 2019.
4. On March 8, 2019, the application was deemed complete and the applicant was notified.
5. Notice of the April 4, 2019 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.
6. Notice of the April 4, 2019 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
7. Notice of the April 4, 2019 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
8. Notice of April 4, 2019 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
9. A public hearing was held at the April 4, 2019 Planning Commission meeting, during which public testimony was taken.
10. The project site is currently zoned Residential, Single-Family (RS).
11. The land use designation for the project site under the City's adopted General Plan is Residential-Single Family (R-SF).
12. 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 2,824 square-foot addition to an existing 8,491 square-foot two-story single-family residence on an 55,894 square-foot lot. Single-family residences are an allowed use within the Residential, Single-Family (RS) zone per Section 17.11 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). Therefore, 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 proposed addition to an existing single-family residence meets this finding because the General Plan Land Use Designation for this parcel is R-SF (Residential- Single Family), and single-family residential land uses are consistent with the general plan and land use designation. The proposed project will not alter the existing residential use of the site. Additionally, there are no specific or master plans applicable to this parcel. Therefore, the project 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 to existing structures provided that the addition is less than 10,000 square feet and if (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

The applicant is proposing to construct a 2,824 square-foot addition to an existing two-story single-family residence, which is less than a 10,000 square-foot addition. Furthermore, the project site is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, which permits the development of one single-family residence per lot; and the area in which the project is located is not environmentally sensitive because it was previously disturbed in order to construct a single-family residential subdivision. Therefore, the proposed project is exempt from review under the California Environmental Quality Act, and this finding can be made as the approval is compliance with CEQA.

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 residence is located within an existing residential single-family neighborhood, and is compatible in scale and design to the homes within that community. The City's Architectural Review Panel reviewed the proposed project and found that the architectural style, materials and colors are compatible with the surrounding structures in the community. At 12,690 square feet, the proposed house size will remain compatible with the range of home sizes on the same street and within the surrounding neighborhood, which range in size from 7,394 square feet to 13,307 square feet. Furthermore, with a 55,894 square-foot lot, the proposed project results in a Floor Area Ratio (FAR) of 0.23, which is consistent with the FAR (0.13-0.28) of surrounding properties. The subject site is located in the estate lots of The Oaks homeowners association, which is made up of custom homes that are to 14,000 square feet. Therefore, the proposed project is compatible with the existing uses and development 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 project results in a site

coverage of 21%, which complies with the maximum allowed 35% required by the CMC. As a result, the proposed site is adequate in size to accommodate the proposed addition. The project meets all code requirements including setbacks, height, 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 addition is designed to match the existing colors, materials, mass, scale and architecture of the existing house. The proposed project is located on the west side of the house where it blends in with the existing massing of the house and the neighborhood. The ARP determined that the proposed architectural style of the addition will be compatible with the architecture and scale of the existing house and 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. 19000025 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. 19000025, or the activities conducted pursuant to this File No. 19000025. Accordingly, to the fullest extent permitted by law, Rocha Nuez Associates (applicant), The Alexandra Monroe Trust (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. 19000025, or the activities conducted pursuant to File No. 19000025. Rocha Nuez Associates (applicant), The Alexandra Monroe Trust (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. Before the issuance of a building permit for the project, the applicant shall submit written proof of compliance with the height, visibility, and other restrictions imposed on this site by the 2003 Declaration of Restrictions and Declaration of Covenants recorded by NM Homes One, Inc. for the benefit of the City of Calabasas, the Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority in the Los Angeles County Official Records on July 7, 2003 as Document Number 03-1923249.

#### **Public Works Department/Environmental Services Division**

16. 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.
17. 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.
18. 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.



- 19. The applicant shall repair any broken or damaged curb, gutter, or pavement on Prado del Grandioso along the project frontage to the satisfaction of the City Engineer.
- 20. 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**

- 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. 2019-683 are deemed incorporated by reference as set forth at length.**


PLANNING COMMISSION RESOLUTION NO. 2019-683 PASSED, APPROVED AND ADOPTED this 4th day of April, 2019.

ATTEST:

  
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 Maureen Famuri  
 Community Development Director

  
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 Dennis Washburn, Chairperson

APPROVED AS TO FORM:

  
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 Asst. City Attorney

Planning Commission Resolution No. 2019-683, was adopted by the Planning Commission at a regular meeting held April 4, 2019, and that it was adopted by the following vote:

AYES: Commissioners Fassberg, Kraut, Harrison, Mueller and Chair Washburn

NOES: None

ABSENT: Commissioner Sikand

ABSTAINED: None

"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."