

P.C. RESOLUTION NO. 2010-494

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. 100000674 FOR THE ADDITION OF 856 SQUARE- FEET TO AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF FRONT, SIDE AND REAR YARD IMPROVEMENTS INCLUDING A POOL, SPA, POOL EQUIPMENT, BARBEQUES, OUTDOOR FIREPLACES, FOUNTAINS, AND GARDEN WALLS. THE PROPERTY IS LOCATED AT 25304 PRADO DE NARANJA, 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 September 2, 2010 before the Planning Commission.
4. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
5. 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.
6. 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.
7. 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. 100000674 on May 10, 2010.

2. The project was reviewed by the Development Review Committee on May 26, 2010 and by the Architectural Review Panel on July 30, 2010.
3. Plans were resubmitted by the applicant on August 6, 2010.
4. On August 9, 2010, the application was deemed complete and the applicant was notified.
5. Notice of the September 2, 2010 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
6. Notice of the September 2, 2010 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 September 2, 2010 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
8. Notice of September 2, 2010 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 September 2, 2010 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 RS-F.

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 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 add 856 square feet to an existing single-family residence on a 21,784 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. By matching the design of the addition to the design of the existing house, the proposal is compatible with the existing residence and the surrounding community, which has similar architectural styles. The proposed one-car garage conversion into a 311 square-foot guest room and new bathroom will not adversely impact the property's ability to meet the minimum number of off-street parking spaces required per section 17.28.040 of the CMC because the existing property has an additional two-car garage. The proposed project meets all of the applicable development standards in the RS zoning district, including but not limited to height, setbacks, site coverage, and pervious surface (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. Furthermore, the front, side and rear yard improvements are all residential accessory structures, which are incidental to the primary use of the site. As a result, 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)(1) (Existing Facilities). CEQA section 15301(e)(1) lists as exempt additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. Therefore, 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 residence is located within The Oaks of Calabasas gated residential community, and is compatible in scale and design to the homes within that community. By matching the colors, materials and the design of the addition and the appurtenant structural features to the existing house, the applicant is assuring maximum compatibility with the existing structure and the surrounding structures in the community. The house, as proposed, will meet the site coverage requirement, and will remain within the range of home sizes on the same street. Additionally, the proposed landscaping is compatible with the landscaping of neighboring homes. Therefore, the proposed addition 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 Land Use and Development Code (Code), as well as landscaping standards in Section 17.26.040 of the Code. The project proposes a site coverage of 32%, which complies with the maximum allowed 35% Code requirement. The proposed 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 in the rear portion of an existing single-family residence and will not be visible to the public, while the conversion of the existing one-car garage to a new guest room with bathroom will only have a minimal impact on the residence's exterior at the front of the property. Additional front yard improvements of this project proposal will complement rather than detract from the existing property's current state. The proposed landscaping will integrate well with the surrounding natural environment. The proposed architecture for the addition and appurtenant structural features for the property will be compatible with the architecture and scale of the proposed community and will integrate well with the natural environment. Additionally, the project does not have any impact on oak trees or any other type of vegetation. 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. 100000674 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 this File No. 100000674, or the activities conducted pursuant to this File No. 100000674. Accordingly, to the fullest extent permitted by law, Craig Doyle (applicant), Homayoun and Nastran Tabandeh (property owners) and their successor and assigns, shall defend, indemnify and hold harmless 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 this File No. 100000674, or the activities conducted pursuant to this File No. 100000674. Craig Doyle (applicant), Homayoun and Nastran Tabandeh (property 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

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.

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.

4. 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.
5. 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 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.
6. 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.
7. All landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of Community Development or his/her designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.
8. All ground and roof-mounted equipment is required to be fully screened from view except as prohibited by applicable law. 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 17.27 of the Land Use and Development Code. Lighting of 60 watts or less on residential projects is exempt by the Lighting Ordinance.
10. All exterior colors and materials used for the construction of the project shall match the colors and materials of the existing home.
11. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.

12. The project must comply with the building codes in effect at this time, which include the “2007” California Building, Plumbing, Mechanical, and Electrical codes as amended by Chapter 15.04 of the Municipal Code.
13. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 64 of the 2002 Los Angeles County Building Code, Vol. 1, must be incorporated into all plans.
14. 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.
15. Construction Activities - Hours of construction activity shall be limited to:

7:00 a.m. to 5:00 p.m., Monday through Friday

ii. 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

16. The applicant must complete and submit a Local Storm Water Pollution Prevention Plan (SWPPP) prior to issuance of the grading permit. The SWPPP must be certified by a civil engineer licensed with the State of California. Guidance to prepare a Local SWPPP is available on city’s website at:

<http://www.cityofcalabasas.com/pdf/documents/environmental-services/SWPPP.pdf>

17. The owner/owner’s agent shall ensure the following minimum requirements are effectively implemented at the construction sites:
 - a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;

- b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 - c) Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
 - d) Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
18. Landscape areas should utilize a concave design to capture irrigation runoff and first $\frac{3}{4}$ inch of a two year storm event for the landscape area only; additional capacity should be included if runoff from the roof and all hardscape areas is directed to landscaped areas.
19. Direct runoff from the driveway toward permeable areas and construct portions of the driveway from porous materials.
20. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 50% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
21. 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." **Crown Disposal Co, Inc.** is the only service provider permitted to operate in Calabasas. Please contact (818-767-0675) for any roll-off or temporary container services. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
22. Grading shall be prohibited from **October 1st** through **April 15th**, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.
23. 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 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 Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 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.

Los Angeles County Fire Department

24. 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. 2010-494 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2010-494 PASSED, APPROVED AND ADOPTED this 2nd day of September, 2010.

John Mueller, Chairperson

ATTEST:

Maureen Tamuri
Community Development Director

APPROVED AS TO FORM:

City Attorney

Planning Commission Resolution No. 2010-494, was adopted by the Planning Commission at a regular meeting held September 2, 2010, 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.”