

## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: December 6, 2012

TO: Planning Commission

APPLICANT: Kenneth and Patricia Berkman

28920 Dargan Street Agoura Hills, CA 91301

CASE NO.: 12-SPR-009

LOCATION: 28920 Dargan Street (A.P.N. 2050-003-010)

REQUEST: Request for approval of a Site Plan/Architectural Review to

add a 687 square-foot second story to an existing 1,924 square-foot, single-story residence with an attached, 430

square-foot garage.

ENVIRONMENTAL ANALYSIS: Categorically Exempt per Section 15301 of the CEOA

Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission approve Site

Plan/Architectural Review Case No. 12-SPR-009, subject to conditions, based on the findings of the draft Resolution.

ZONING DESIGNATION: RS-(5)-7,000 (Single-Family Residential – maximum five

dwellings per acre – 7,000 square feet minimum lot size)

GENERAL PLAN DESIGNATION: RS (Residential Single Family)

#### I. BACKGROUND AND PROJECT DESCRIPTION

The applicants, Kenneth and Patricia Berkman, are requesting to construct a second floor addition to an existing single-story residence located at 28920 Dargan Street, in the Fountainwood residential tract. The 6,907 square-foot parcel is in the Single-Family Residential (RS-(5)-7,000) zone and is adjacent to single-family residences on the south, east, and west sides of the property as well as to the north. The applicants have applied for a Site Plan/Architectural Review application for the Planning Commission's consideration, as is required for second story addition to existing single-story residences. The house is 1,924 square feet in size. The neighborhood consists of a mix of one and two story homes with attached, two-car garages. The addition will add 687 square feet on the southeast corner of the house.

The applicants are also proposing to remove the arched screen wall attached to the garage, a typical architectural feature found in the Fountainwood residential neighborhood, and add a patio cover in the front of the house, which are being reviewed administratively and do not require action by the Planning Commission.

#### II. STAFF ANALYSIS

The applicant's house was built in 1978. The residences in the neighborhood range in size from 1,924 square feet to 2,347 square feet excluding the garage. The proposed second story addition will add 687 square feet to the existing 1,924 square foot structure for a total of 2,611 square feet which is keeping with the sizes of other two-story structures in the vicinity.

The existing residence and the proposed addition are permitted uses in the RS zone. Currently, the building site coverage is slightly over 34%, whereas the maximum allowable coverage for the RS-(5)-7,000 zone is 50%. Other amenities, such as the pool and spa, which are in the rear yard, do not contribute toward the coverage. With the exception of a two-foot cantilever in the rear of the structure, the addition is proposed to be above the existing building footprint. Neither the addition nor the cantilevering portion of the second floor will add to the lot coverage. Currently, the highest point of the roof of the existing residence is 17 feet, whereas the maximum allowable height is 35 feet. With the proposed second-story addition, the building will be 23 feet 6 inches at its highest point, which is within the maximum allowable height. Adjacent homes with second stories are similar in height.

The side yards are irregular and non-conforming with slightly under 7 feet on the east side and slightly over 7 feet on the west side. The minimum development standards for the RS-5-7,000 zone require 10-foot and 8-foot wide side yards or 18 feet of a combined distance. The Zoning Ordinance allows for second-story additions to be placed directly above a first-story even with non-conforming side yards, provided that the minimum *combined* side yards are met for the second-story portion of an addition. As such, the second story addition can be built less than 8 feet from the side line. The plans show that the addition is proposed to be built in line with the side of the existing structure that is located 6 feet 9 inches from the east property line; the building setback to the west property line would need to be a minimum of 11 feet 3 inches. The proposed setback of the second story addition is 34 feet and the total combined setback is 41 feet, which is within the minimum setback requirements. The addition will be built at a distance of 25 feet from the rear property line whereas the minimum required setback distance is 20 feet. The addition will not impact the existing 21.5 foot front yard setback because it does not go beyond the footprint. Overall, the proposed addition exceeds the minimum setback development standard.

The second story will accommodate two bedrooms, one bathroom and a loft. An existing bedroom on the first floor will accommodate a new staircase and a new laundry room.

The second story is designed with a gable roof clad with the same light, concrete tile as currently exists on the home. Vinyl windows are provided on all sides of the addition with the same vinyl trims. The front windows are designed with an additional stucco trim on the top and bottom of the windows to imitate a wood beam. A similar stucco trim is added above the garage opening.

Black decorative shutters are also proposed. The flat roof of the garage is proposed to be replaced with a gable roof to match the rest of the house with the same pitch and materials. The slanted wall at the east corner of the garage will be straightened and a stone veneer with stone caps applied to both corners of the garage. Outriggers are proposed on the front elevation. The gable facades are to be enhanced with an imitation wood decorative siding. The stuccoed arch in the front of the house will be removed and an attached new covered porch with a gable roof and stone veneer clad columns will be added.

Second story room additions are subject to the Residential Neighborhood Compatibility guidelines, which include guidelines on the integration of additions on existing structures as well as neighborhood compatibility including: the setback of the addition, the building height, the roof pitch, the plate height, the eaves, the second story wall height, the entry feature, the second story decks, and overall second story design. Based on the plans submitted, the room addition is off-set from the front elevation and is setback 45 feet from the front property line, behind the gable roof of the garage, which is considerably more than the minimum requirement of 20 feet. The new ridge line of the roof is 12 feet lower than the maximum allowed and similar to the height of adjacent structures. The second story is offset on three sides and covers only one third of the building footprint so as to minimize the impacts of the mass and is placed toward the back to avoid a two-story profile at the street. There is no deck or balconies proposed that could impact the neighbors' privacy. Two windows are proposed on the side closest to the property, including one small high bathroom window. The new roof over the garage will enhance the architectural style of the home and the new entry porch will add identity to the home. These elements are intended to ensure that the addition is harmonious with, and enhances the surrounding neighborhood character. The scale and the introduction of new exterior finishing materials improve the quality of design and construction of the residence. The proposed added square footage meets the design standards by providing an addition that is keeping with the second story building mass, height, and bulk of adjacent properties.

Since the project does not require grading, no grading permit will be required for the project. The parcel is connected to the public sewer system. No street improvements are required for the proposed addition.

In conclusion, the proposed project is consistent with the development standards of the RS zone. The addition of a relatively small second floor to the one-story residence remains in scale with the building envelope thereby limiting disruption to the neighbors and loss of privacy. The architectural style of the residence will be enhanced and the landscaping will be maintained. The new addition will be built to the most updated building code requirements.

The project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines, per Section 15301 because the addition will not result in an increase of more than 50 percent of the floor area of the structure.

Notices of the Planning Commission meeting regarding this project were sent to neighbors within 750 feet of the project site. The adjacent neighbors submitted a letter, which is attached for reference and the Fountainwood Homeowners Association approved the plans.

Based on the foregoing review and analysis, staff recommends that the Planning Commission approve Site Plan/Architectural Review Case No. 12-SPR-009, subject to conditions.

#### III. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Letter from the Adjacent Neighbors
- Exhibit C: Reduced Copies of the Plans
- Exhibit D: Environmental Determination
- Exhibit E: Photographs of the Residence

Case Planner: Valerie Darbouze, Associate Planner

#### DRAFT RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 12-SPR-009

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Kenneth and Patricia Berkman with respect to the property located at 28920 Dargan Street (Assessor's Parcel Number 2050-003-010), requesting approval of Site Plan/Architectural Review Case No. 12-SPR-009, to allow the construction of a 687 square-foot, second-story addition to an existing 1,924 square-foot, single-family residence with a 430 square-foot attached garage. A public meeting was duly held on December 6, 2012, at 6:30 p.m. in the Council Chambers at City Hall, 30001 Ladyface Court, Agoura Hills, California; and that notice of time, date and place and purpose of the aforesaid was duly given.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public meeting.

Section III. Based on the evidence presented at the public meeting, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to the Agoura Hills Municipal Code Section 9677.5 that:

- 1. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The Single-Family Residential (RS) zone allows for single-family residential uses and expansions to single-family dwellings. The addition creates a second floor on top of an existing one-story structure.
- 2. The proposed room addition will not be detrimental to the public health, safety, or general welfare. The property will be improved and maintained according to City Building Code standards and will comply with the required development standards of the RS zone in that the second floor will continue to allow for privacy, light and air between adjacent parcels.
- 3. The room addition will not conflict with the character and design of the buildings and open space in the surrounding area in that the proposed addition will only occupy one third of the space above the first story, and is placed at the back of the house to minimize visual mass as viewed from the street. The addition will not expand the existing building lot coverage.
- 4. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. There will be no decrease in yard areas, or increase in lot coverage, as a result of the proposed addition. The height of the building is in keeping with the adjacent properties.

- 5. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan in that it will match the existing style of architecture of the residence and will maintain neighborhood compatibility.
- 6. The proposed use preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The second story addition is compatible with other two-story homes in the neighborhood relative to size and architecture.

Section IV. Based on the evidence presented at the public meeting, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to the Agoura Hills Municipal Code Section 9677.7 that:

- 1. The proposed development is consistent with the General Plan, and design standards adopted by the City Council. The addition is compatible in size and scale with the other homes in the neighborhood.
- 2. The design and location of the proposed development and its relationship to the existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood, unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and create traffic hazards or congestion. The proposed project will not increase traffic in the neighborhood. The structure will remain a single-family residence similar to the adjacent properties.
- 3. The design of the proposed development is in keeping with the character of the surrounding neighborhood, and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the General Plan of the City. The addition is in keeping with the mass of the homes on the same street and its design matches the existing residence.
- 4. The design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and it is aesthetically of good composition, materials, textures, and colors. New gable roofs, outriggers, shutters, stone veneer and wide window trims will enhance the architectural style of the home.
- 5. The proposed use complies with all applicable requirements of the district in which it is located and all other applicable requirements. The Single-Family Residential (RS) zone allows for single-family residential uses and expansion to single-family units and the project meets all development standards of the zone.
- 6. The overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare. The property will be improved and maintained according to City Building Code standards and will comply with the required development standards of the RS zone in that the second floor will continue to allow for privacy, light and air between adjacent parcels.

Draft Resolu Page 3	ition No.	
existing, sing defined in C	EQA Guid	The proposed project is a request for a 687 square-foot addition to an residence and is exempt from the California Environmental Quality Act, as delines Section 15301, and does not require the adoption of an environmental ive declaration.
approves Site	e Plan/Arc	Based on the aforementioned findings, the Planning Commission hereby chitectural Review Case No. 12-SPR-009, subject to the attached Conditions attached hereto as Exhibit A and incorporated herein by this reference.
approval, and	d adoption	The Secretary of the Planning Commission shall certify to the passage, of this resolution, and shall cause this resolution and his certification to be Resolutions of the Planning Commission of the City.
PASSED, Al wit:	PPROVEI	D, and ADOPTED this 6 <sup>th</sup> day of December, 2012, by the following vote to
AYES:	(0)	
NOES: ABSTAIN:	(0)	
ABSENT:	(0) (0)	
		John O'Meara, Chairperson
ATTEST:		
Mike Kamino	, Secretar	y

# Exhibit A Conditions of Approval (Case No. 12-SPR-009)

#### STANDARD CONDITIONS

- 1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
- 2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
- 3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan; Elevation Plans; and Floor Plans.
- 4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
- 5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
- 6. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
- 7. No occupancy shall be granted for the addition until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
- 8. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.
- 9. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
- 10. Unless this permit is used within two (2) years from the date of City approval, Case No. 12-SPR-009 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
- 11. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be allowed.

### SOLID WASTE MANAGEMENT REQUIREMENTS

- 12. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
- 13. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
- 14. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

# **BUILDING AND SAFETY CONDITIONS**

- 15. All exterior materials used for eaves, sidings, porch, patio, carport, and other similar structures need to meet the Very High Fire Hazard Severity Zone as outlined in Chapter 2, of Article VIII in the Agoura Hills Municipal Code.
- 16. As part of the permitting process and prior to permit issuance, the applicant shall submit two (2) complete sets of construction plans, including Structural, Floor Plan, Elevations, Mechanical, Electrical, Plumbing, and Energy Calculations to Building and Safety Department for plan review and approval.
- 17. The project is subject to the Las Virgenes School District fees of \$3.20 per new liveable square foot.

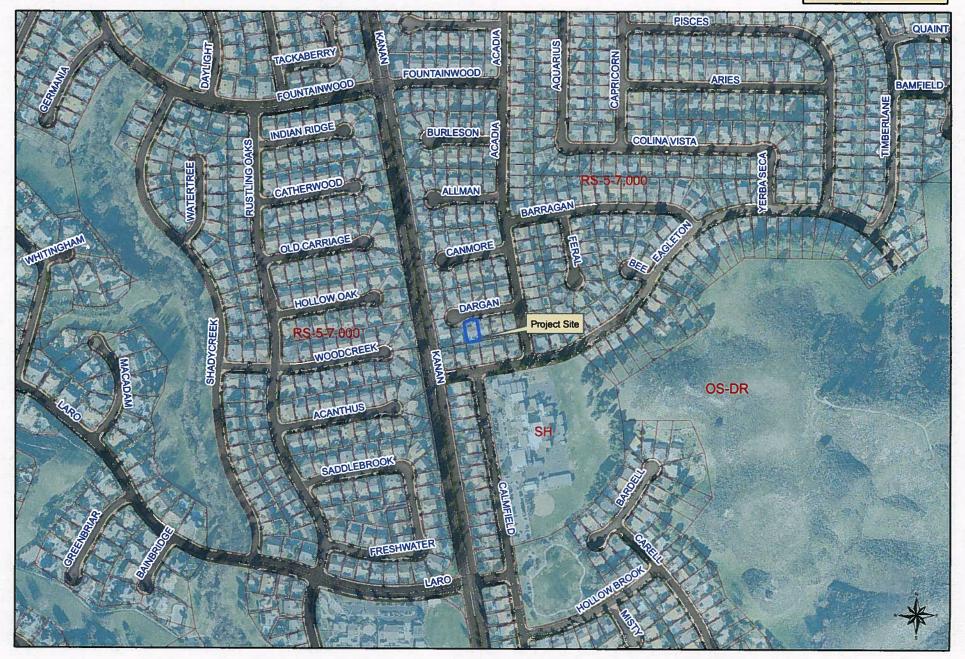
- 18. Structural integrity of the existing footing is required at the time of submittal to the Building and Safety Department for plan review.
- 19. Carbon Monoxide Detectors are required per the 2010 California Residential Code Section R315.
- 20. Smoke Detectors are required per the 2010 California Residential Code Section R314.

**END** 

# City of Agoura Hills

Site Plan/Architectural Review - Case No. 12-SPR-009

Vicinity/Zoning Map



#### Valerie Darbouze

From: Sent: Felice Rosen [frosen@kaynecapital.com]

To:

Thursday, November 15, 2012 11:55 AM Valerie Darbouze

Cc: Subject:

Felice Rosen Berkman residence

To:

Valeria Darbouze

Dear Valerie,

I own the house at 28914 Dargan Street, Agoura Hills, CA 91301. Ken and Patricia Bermkan have been my neighbors since I purchased the house in January 2006. They are wonderful neighbors and I have absolutely no objection to their remodeling, including adding a second story and putting windows in the second story facing our home. If you have any questions or need additional information, please contact me via email or on my cell 818-943-0831.

Thank you, Felice Rosen 28914 Dargan Street Agoura Hills, CA 91301

# Felice Rosen | Director of Human Resources | Kayne Anderson Capital Advisors, L.P.

1800 Avenue of the Stars, Third Floor, Los Angeles, California 90067 T: (310) 284-6430 | F: (310) 284-2430 | frosen@kaynecapital.com

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#### **Valerie Darbouze**

From: Sent:

Boravy Abey [boravy@sbcglobal.net] Thursday, November 15, 2012 10:35 PM

To: Subject: Valerie Darbouze

Dargan st. -- The Berkman

Hi Valerie,

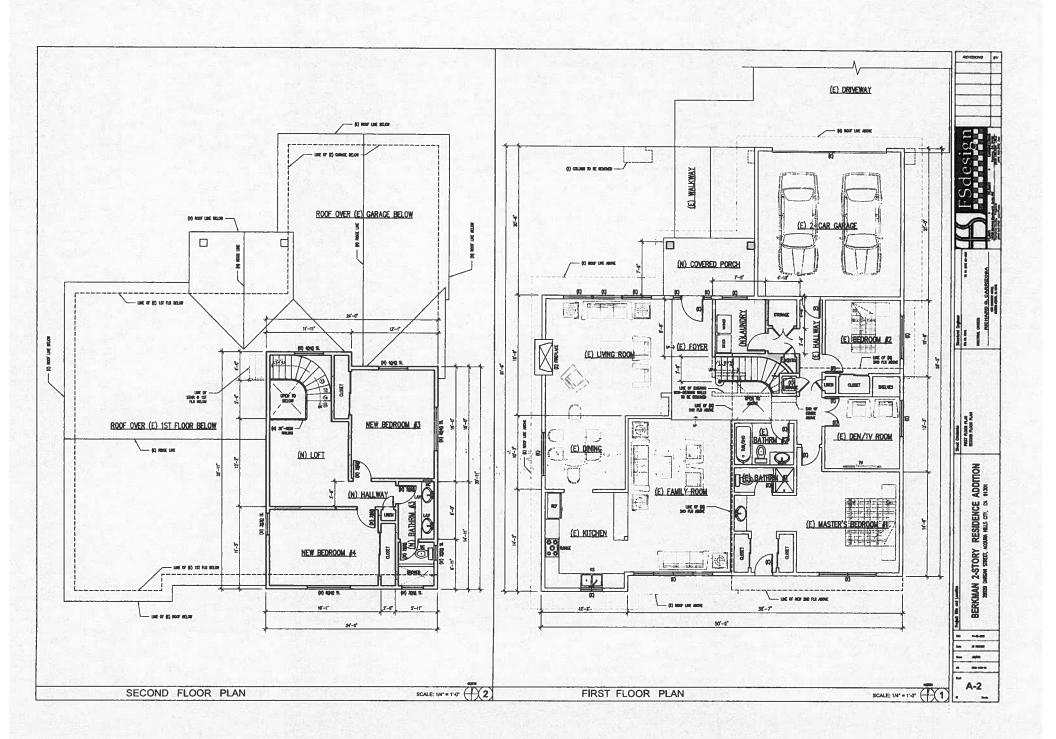
Just wanted to advise you that we are in agreement for our neighbor-The Berkman to add a second story to their home. I'm happy to hear that they are staying put and making the expansion as they desire. The house will look great! I look forward to seeing the finished product.

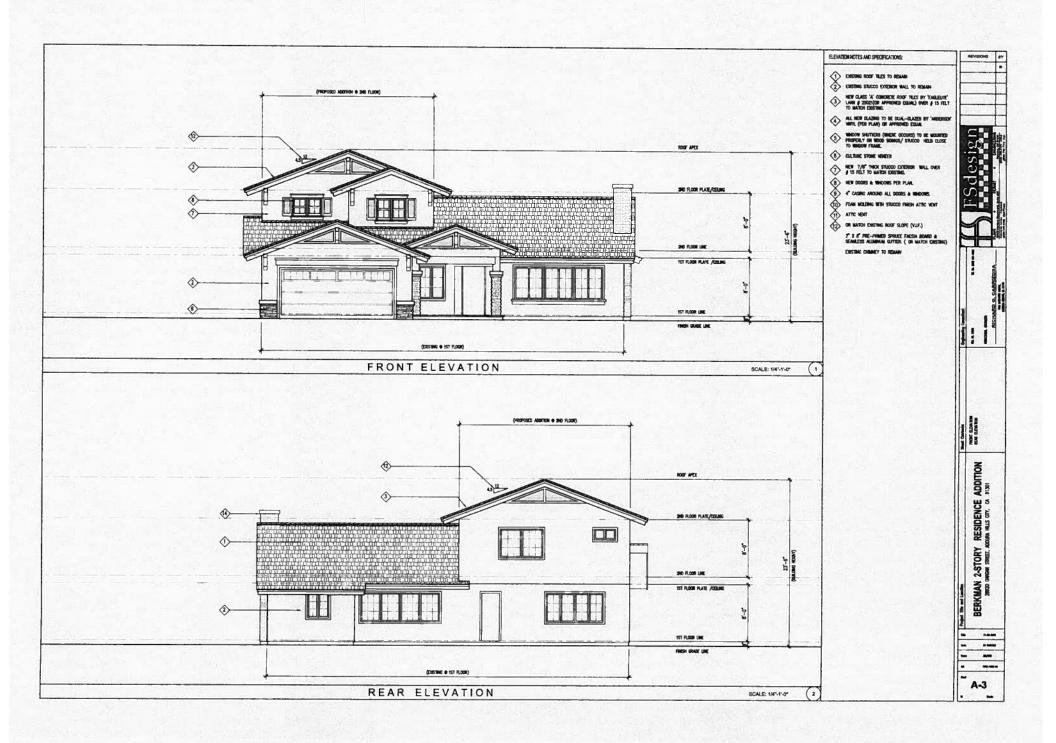
Sincerely,

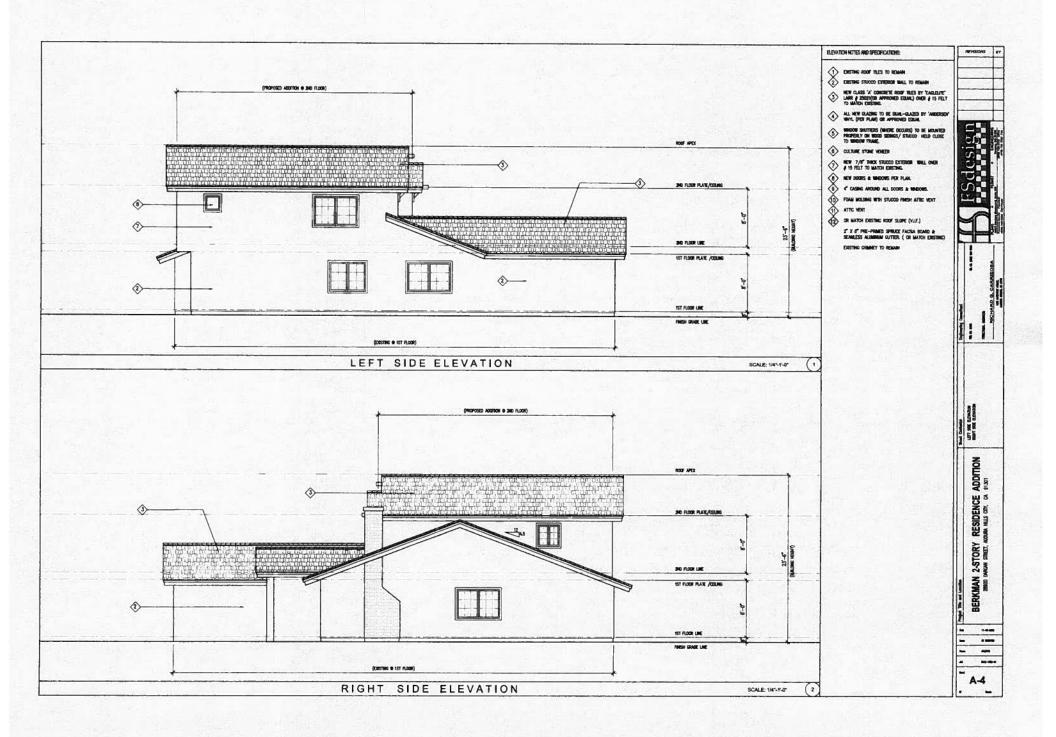
The Abeyewardene Family 28924 Dargan st. Agoura Hills Ca 91301

Sent from my iPhone

# BERKMAN 2-STORY RESIDENCE ADDITION 28920 DARGAN STREET AGOURA HILLS, CA 91301 LEGEND: COSTRIC IST PLOOR AREA TABULATION B. DOSTRIC 2-CAR GARAGE F. LOT AREA CONCRACE (B+C) 2-CAR GARAGE HALLWAY BEDROOM #3 BEDROOM #4 FOYER LIVING ROOM (E) 1-STORY S.F.D. (MED: 1804 S.F.) ONER-12) FIRST FLOOR BEDROOM #2 DINING // 100 to 10.160/lest NOTES: FAMILY\_ROOM 2-STORY MASTER'S BEDROOM #1 KITCHEN -12-2 38'-7" - -(T)(2) AS-BUILT FLOOR PLAN SCALE: 1/4" = 1'-0" PLOT PLAN SCALE: 1/8" = 1'-0"









# **Notice of Exemption**

То:	[ ]		nning and Research Street, Room 121 o, Ca 95814	From:	City of Agoura Hills 30001 Ladyface Court Agoura Hills, California 91301
[ ] County Cler County of L Los Angele: 12400 E. In Norwalk, CA			os Angeles s County Clerk operial Hwy.		
Projec	ct Title:	Berkman sec	ond story addition to an e	xisting single fami	ly residence
Projec	ct Locati	ion-Specific:	28920 Dargan Street Agoura Hills, California APN: 2050-003-010		
Projec	t Locati	ion-City:	City of Agoura Hills		
Projec	t Locati	ion-County:	Los Angeles		
foot lot site. T The ex releval value of structure footprii	t. The action of the properties that standa of the properties since the	ddition will add erty is adjacen ructure compli- ards prescribed oject will be co e it is designed	nsistent with the area and d in the rear of the house	pathroom. There a lential properties. d and side setback e-Family zoning de d will not impact dis and over one third	are no oak trees on the  c, height, and other esignation. The aesthetic stant vistas and off-site of the existing building
Name	of Publi	ic Agency Ap	proving Project:	City of Agoura I	Hills
Name of Person or Agency		on or Agency	Carrying Out Project:	City of Agoura I 30001 Ladyface Agoura Hills, Ca	Court
Exemp	ot Status	: (Check One	)		
[ ]	Statuto	ry Exemption (	14 Cal. Code of Regs. S	ections 15260 et s	seq.);
[ ]	No Pos	sibility of phys	ical impact. (14 Cal Code	of Regs. Section	15061 (b)(3));
[ ]	Ministe	rial (14 Cal Co	ode of Regs. Sec. 15268);		
[ ]	Declare	ed Emergency	(14 Cal Code of Regs. Se	ec. 15269(a);	
[ ]	Emerge	ency Project (1	4 Cal Code of Regs Sec.	15269(b),(c), (d)	and (e));
[ 1	Catego	rical Exemptio Guidelines Se	n (14 Cal Code of Regs. s ction <u>15301</u>	Sections 15300 <u>et</u>	seq.) State of California

**Reasons why project is exempt:** This exemption is based on the finding that the project will result in an addition to an existing structure and the proposed residential use of the addition is within the exemptions contained in Section 15300 of the list of permitted exemptions in CEQA

Notice of Exemption Berkman Second Story Addition Page 2 of 2

Guidelines, Class 1. This exemption consists of "the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

- (e). Additions to existing structures provided that the addition will not result in an increase of more than:
  - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet whichever is less; or
  - (2) 10,000 square feet if:
    - (A). the project is in an area where all public services and facilities are available to allow for a maximum development permissible in the General Plan, and
    - (B). the area in which the project is located is not environmentally sensitive.

This project is, in fact, served by all necessary public services and facilities and is not located in an environmentally sensitive area. Review of the evidence in the record as a whole, including an architectural plans, grading and street improvement plans and review of City and State CEQA thresholds applicable to the project, shows that the request demonstrates that the project meets these criteria. Therefore, this project will not have a significant impact on the environment and consequently, the project is exempt from further CEQA review.

Lead Agency Contact Person:	Valerie Darbouze, Associate Planner			
Area Code/Telephone/Extension:	(818) 597-7328			

Signature:	Date:	Title:	

# Site Plan/Architectural Review Case No. 12-SPR-009



FRONT VIEW



**REAR VIEW**