

PLANNING DEPARTMENT

DATE:

April 6, 2017

TO:

Planning Commission

APPLICANT:

Charles Blaugrund for Naim Hmeidan

14994 Marquette Street Moorpark, CA 93021

CASE NO .:

CUP-01308-2016

LOCATION:

5541 Dart Court (A.P.N. 2054-027-057)

REQUESTS:

Request for: (1) approval of a conditional use permit to remodel an existing two-story, 3,075.5 square-foot single-family residence; construct a 634.75 square-foot, two-story addition; add 527 square-feet of deck area; add a 170 square-foot lattice covered patio; and add a 51 square-foot entry porch; and (2) to make a finding of exemption under the California Environmental Quality

Act.

ENVIRONMENTAL DETERMINATION:

Categorically Exempt from the California Environmental Quality Act (CEQA) per Section

15301(e) of the CEQA Guidelines.

RECOMMENDATION:

Staff recommends the Planning Commission approve Conditional Use Permit Case No. CUP-01308-2016, subject to the conditions and, based on the findings in

the attached draft resolution.

ZONING DESIGNATION:

RS-(5)-7,500 (Single Family Residential - maximum five dwelling units per acre - 7,500 square feet

minimum lot size)

GENERAL PLAN DESIGNATION:

Residential Single Family (RS)

I. PROJECT BACKGROUND AND DESCRIPTION

In 2016, a fire occurred at the Hmeidan residence, located at 5541 Dart Court. The fire caused structural damage to the residence, primarily to the kitchen, dining room, entry, and master bedroom suite. Restoration would require replacement of the roof structure and a majority of the south side of the single-story portion of the building.

The applicant, Charles Blaugrund, representing the owner Naim Hmeidan, is requesting approval of a conditional use permit to repair and remodel the existing 3,075.5 square-foot, single-family residence, and construct a 634.75 square-foot, two-story addition to an existing two-story residence. The proposal also includes adding 527 square feet of deck area, a 170 square-foot lattice patio cover, and a 51 square-foot entry porch to the two-story residence.

The 16,084 square-foot, irregular shaped lot is located on the west side of the cul-desac of Dart Court. It is zoned Single Family Residential (maximum 5 units per gross acre) within a 7,500 square-foot minimum lot size (RS-(5)-7,500). Access to the property is taken from Dart Court. Existing single-family residences are located on the adjacent properties to the north, south, west, and across the street to the east of the subject property.

The proposed expansion of the residence would allow more living space that includes a new master bedroom, master bathroom and walk-in closet at the south side of the residence. The proposal does not increase the building footprint, as the addition would be to the second story only, directly above the first story.

II. STAFF ANALYSIS

Site Plan

The existing residence and the proposed addition are permitted uses in the RS zone and must comply with the required development standards for lots zoned as 7,500 square foot minimum lot size. The Zoning Ordinance (Section 9243.9(B)(2) identifies the Planning Commission as the reviewing authority for projects that involve additions to an existing second story that result in the second story exceeding seventy-five (75) percent of the existing first story. In addition, the Zoning Ordinance (Section 9242.4(e)) requires a conditional use permit for proposed development on lots exceeding a ten (10) percent average slope.

The proposed 634.75 square-foot second floor addition would be constructed at the south side of the residence. The addition would allow for more living space that includes a master bedroom, master bathroom, and walk-in closet to the main structure. In addition to the new second-story portion, the applicant is proposing a new front entry covered porch at the eastern elevation of the existing residence. At the west (rear) and south elevations of the residence, new deck areas (2nd story) and a lattice patio cover (1st story) are proposed.

The existing residence, proposed second-story addition and proposed attached structures are permitted uses in the RS zone, and would meet the required development standards relative to the maximum lot coverage and building height. The proposed building coverage of this site, including the existing residence, addition, decks, lattice patio cover and entry porch would be 27 percent. The maximum allowable building coverage for the RS-7,500 zone is 50 percent. The proposed second-story addition would not exceed a 24-foot height at its highest point (same as the existing top of the roof), which is less than the 35-foot maximum height allowed in the RS zone.

The existing 113.5-foot setback from the rear (west) property line and the existing 27-foot front (east) setback to the front property will be maintained. These setbacks meet the minimum allowed 20 feet in the RS zone. The existing north and south side yards are five and a half (5.5) feet, compared to the required eight (8) and ten (10) feet. Therefore, the residence has existing non-conforming side yard setbacks. The Zoning Ordinance allows second-story additions to be placed directly above a first-story, provided that the minimum combined side yards are met for the second-story addition. The proposed combined side yard setback for the second story would be 18 feet, which meets the required 18-foot minimum combined setback requirement.

Architectural Design

The existing residence consists of a partial second story and is composed of white colored stucco exterior walls, white trim, red brick, and a grey flat concrete tile roof. The proposed second story addition would match the existing dwelling with stucco exterior walls and trim white to match the existing house. The brick on the front façade of the house is proposed to be painted white. New white, double-pane windows and doors would be installed on the entire house. New second story windows on the south side of the house would be located where they would not face directly into a window of the neighbor's property to the south. One (1) master bathroom and two (2) master bedroom windows are proposed, which face the neighbor's first floor bathroom and second floor bathroom windows to the south. The three windows are intended to allow light into the bathroom and bedroom. The grey flat concrete tile roof would be replaced with a Spanish "S" tile roof over the entire house. The existing Dutch gable roof would be replaced with a hip roof, as viewed from the street. The shed roof above the garage would continue along the second story addition. The proposed rear (south) and side (west) decks would consist of metal framed glass guardrails painted white. The exterior building materials would be compatible with the surrounding neighborhood, which consist of white stucco and either shingle or title roof materials. The applicant is not proposing any new fencing or walls on the property.

General Plan Consistency

Staff finds the project would be consistent with the following applicable General Plan goal and policy:

Goal LU-9: Single Family Neighborhoods

Maintenance of the identity, scale and character of the City's distinct residential neighborhoods.

 Policy LU-9.1 Neighborhood Identity. Maintain the distinguishing characteristics that differentiate by topography, parcel size, housing scale and form, and public streetscapes in Agoura Hills' single-family neighborhoods.

The project complies with Goal LU-9 and Policy LU-9.1 by remaining in scale and in character with the other residences in the neighborhood. The proposed project complies with the required building coverage and building height per the Municipal Code, and has been designed to match the existing structure in terms of colors, materials and design, as described above, which are also consistent with single-family homes in the area. The residences in the neighborhood have partial or full second stories. Therefore, the proposed expansion of the second story would be in character with the neighborhood. The proposed second story addition would be compatible with the adjacent two-story home on the south, as it would not affect the neighbor's privacy. The proposed second story addition and windows would face a mostly blank wall with two small windows.

Environmental Review

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be Categorically Exempt from the CEQA Guidelines per Section 15301(e). The proposed project includes a second-story addition and new decks, lattice patio cover, and entry porch. The project would not have a significant effect on the environmental because it involves an expansion of an existing residential use. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines including but not limited to, subsection (c) which relates to unusual circumstances that could have a significant effect on the environment.

III. RECOMMENDATION

Based on the foregoing review and analysis, staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01308-2016, subject to the conditions and, based on the findings in the attached draft resolution.

IV. ATTACHMENTS:

- Exhibit A: Draft Resolution for the Conditional Use Permit and Conditions of Approval
- Exhibit B: Vicinity Map
- Exhibit C: Reduced Copies of the Project Plans
- Exhibit D: Colors and Material Board
- Exhibit E: Photographs of Applicant's Lot and Surrounding Parcels

Case Planner: Renee Madrigal, Associate Planner

EXHIBIT A

RESOL	.UTION	NO.	

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01308-2016 FOR THE PROJECT LOCATED AT 5541 DART COURT; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

<u>Section I.</u> An application was duly filed by Charles Blaugrund for Naim Hmeidan with respect to the real property located at 5541 Dart Court (Assessor Parcel No. 2054-027-057 (Case No. CUP-1308-2016) to remodel an existing two-story 3,075.5 square-foot, single-family residence; construct a 634.75 square-foot, two-story addition; add 527 square-feet of deck area; add a 170 square-foot lattice patio cover; and add a 51 square-foot entry porch.

Section II. The project is a request to remodel and expand an existing single-family residence, and is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (e) (Existing Facilities). The project would not have a significant effect on the environment because it involves expansion of an existing residential use. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including but not limited to, subsection (c) which relates to unusual circumstances that could have a significant effect on the environment.

<u>Section III.</u> The Planning Commission of the City of Agoura Hills considered the application at a public hearing held on April 6, 2017, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

<u>Section IV.</u> 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 hearing.

<u>Section V.</u> Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds for the Conditional Use Permit, pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, that:

A. The proposed use 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 residence and the proposed additions are permitted uses in the Single Family Residential (RS) zone. The addition would expand the second floor of the residence. The proposal meets the development standards for the Single Family Residential (RS) zone

Resolution No.	
Page 2 of 3	

relative to use, building height and building coverage, and would not affect the existing non-conforming side yard building setback, since it will not result in the expansion of the house's footprint.

- B. The proposed use is compatible with the surrounding properties. The proposed exterior materials and colors, consisting of white stucco, white trim and a Spanish tile roof, would be consistent with the existing residence and compatible with the appearance of homes in the neighborhood. The expanded size of the residence, including the addition to the second story, is compatible with the sizes and scale of the developed residential homes in the neighborhood, which contain partial or full second stories.
- C. The proposed use and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare, in that the proposed use will ensure adequate light, air and privacy, and open space to surrounding properties. The property will be improved and maintained according to City Building Code standards and all building plans will be reviewed and approved by the City's Building and Safety Department. The placement of the second-story addition, above the existing first-story, meets minimum front, rear, and side yard setbacks. As a result, the project will not decrease the separation from the neighboring residence and will not result in privacy impacts to the neighboring residence. It will be below the maximum allowable building height of 35 feet, and building coverage of 50 percent, thereby allowing for privacy, light, and air to adjacent residences. The parcel is connected to the public sewer system.
- D. The proposed use will comply with each of the applicable provisions of the Zoning Ordinance. The proposed project complies with the required building coverage and building height of the City's Municipal Code. The project will not affect the existing non-conforming side yard setbacks, as the additional square footage would be on the second level. No modification or variance is required as part of the request and the additional square footage is permitted in the RS zone.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community in that the project will meet the minimum yard setback requirements for the RS zone. The existing single family home is within a single-family residential neighborhood. The addition will be placed an appropriate distance from Dart Court to preserve public views and from the adjacent home on the south to preserve views of the distant mountains and privacy to the neighbor.
- F. The proposed use is consistent with the City's General Plan Goal LU-9 Single Family Neighborhoods, Policy LU-9.1 Neighborhood Identity, in that the project remains in scale and form with the existing building and with other residences in the neighborhood, and does not alter the streetscape of the single-family neighborhood. The height of the second-story addition will be the same height as the existing residence. The second story addition would be in character with other partial and full second story homes in the area. The proposed materials of stucco and tile roof would also be consistent with other homes in the area.

Resolution No Page 3 of 3
Section VI. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. CUP-01308-2016, subject to the attached conditions in Exhibit A, with respect to the property described in Section I hereof.
Section VII. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and this certification to be entered in the Book of Resolutions of the Planning Commission of the City.
PASSED, APPROVED, and ADOPTED this 6th day of April, 2017, by the following vote to wit:
AYES: (0) NOES: (0) ABSTAIN: (0) ABSENT: (0)
Curtis Zacuto, Chairperson
Doug Hooper, Secretary

Exhibit A CONDITIONS OF APPROVAL (Case No. CUP-01308-2016)

PLANNING DEPARTMENT

- 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. The approval of this permit shall not be effective for any purpose until the applicant has agreed in writing that he is aware of, and accepts, all conditions of this of this permit with the Planning Department.
- 3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits: Site Plan, Building Elevation Plans, Floor Plans, Cross-Section, and Roof Plan.
- 4. It is hereby declared to be the intent that if any provision of this permit is held or declared 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 this permit or on the approved Site Plan.
- 7. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
- 8. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-01308-2016 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
- 9. 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.

- 10. The applicant shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$3.48 per square foot for residential construction.
- 11. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.
- 12. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
- 13. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.
- 14. The applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought up against the City because of the approval of this application. Although the applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the applicant of any obligation under this condition.
- 15. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from an against any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval or condition of approval. The City shall notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter at applicant's expense.

BUILDING AND SAFETY DEPARTMENT

- 16. All exterior materials used for eaves, sidings, porch, patio, decks, canopies, carport and other similar structures shall meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC).
- 17. A two (2) percent slope away from the structure for drainage (on the first five (5) feet) all around the new structure(s) shall be provided.
- 18. This project is subject to the 2016 California Residential, Building, Mechanical, Plumbing, Electrical, Energy, Green Building Codes and Agoura Hills Municipal Code.

19. As part of the permitting process and prior to permit issuance, two (2) complete sets of construction plans, including but not limited to Structural, Floor, Mechanical, Electrical, Plumbing Plans, and Energy Calculations, will need to be submitted to the Building and Safety Department for review and approval.

SOLID WASTE MANAGEMENT

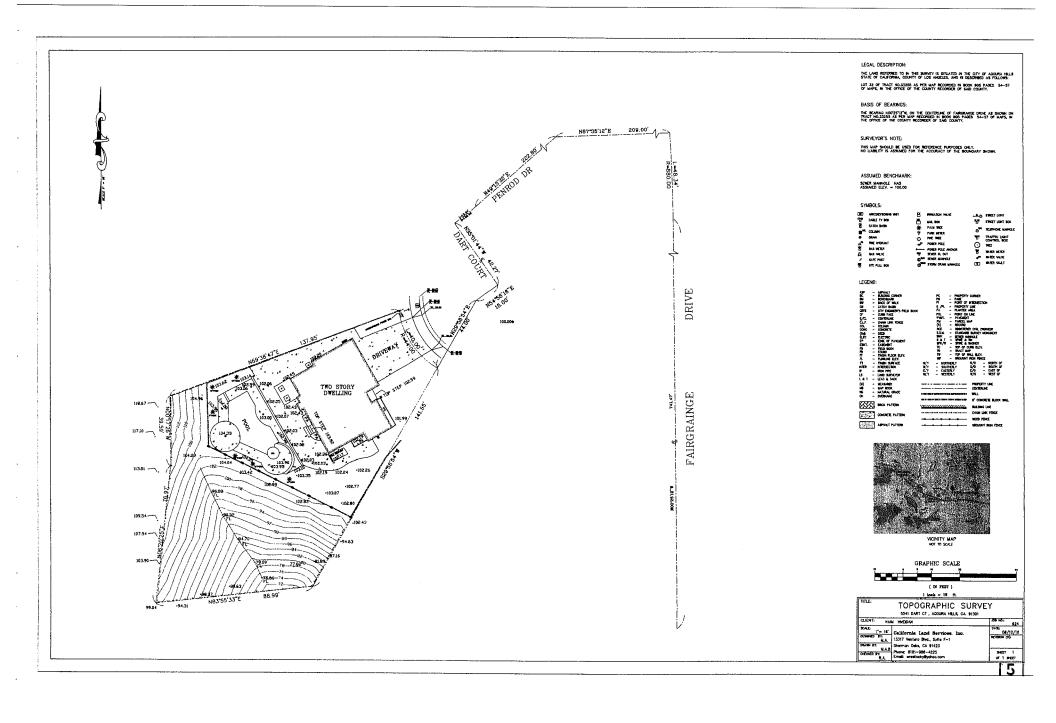
- 20. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project 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 Planning Department 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.
- 21. The project shall comply with the City's Waste Reduction & Recycling 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 to and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
- 22. 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.

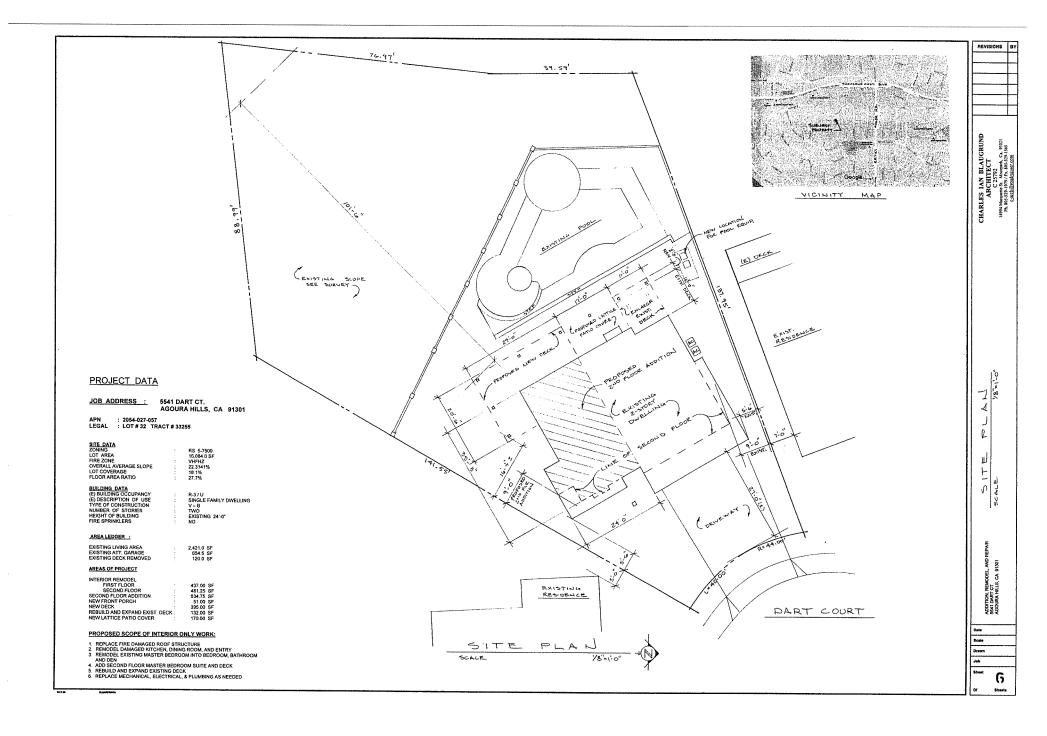
EXHIBIT B

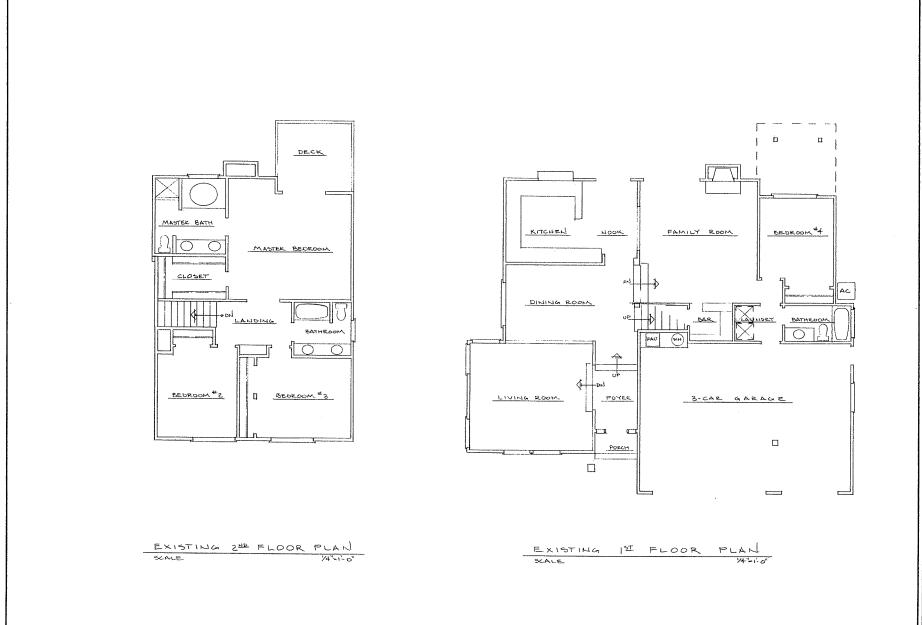
Conditional Use Permit Case No. CUP-01308-2016



EXHIBIT C







REVISIONS BY

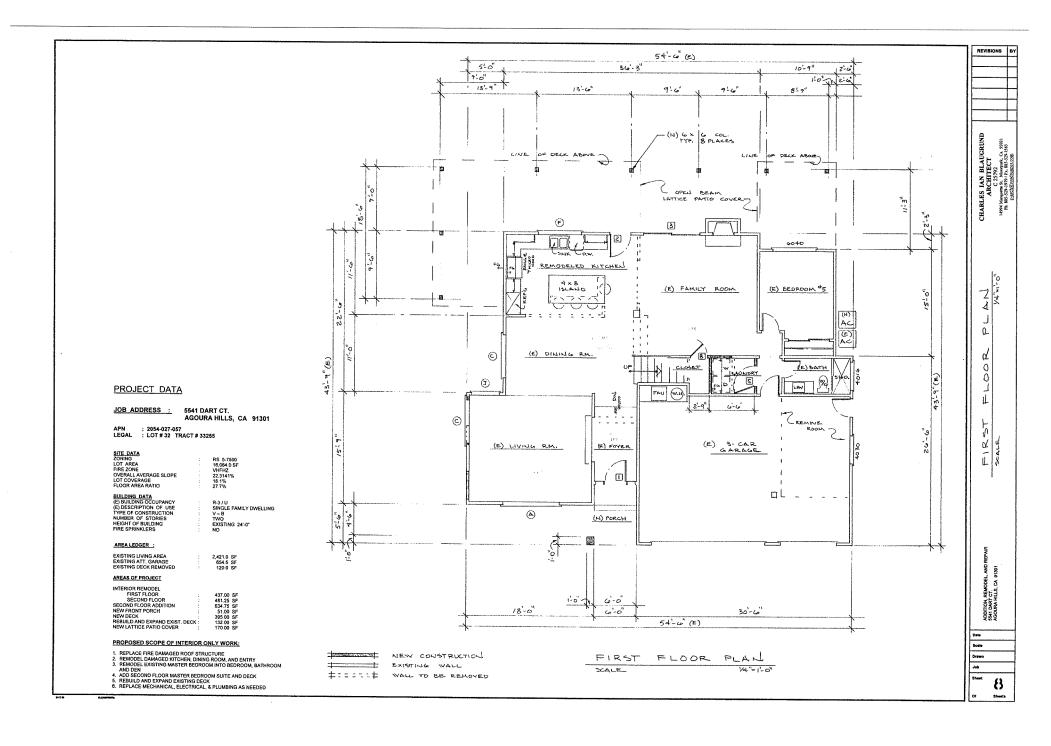
PLANS A"ELO"

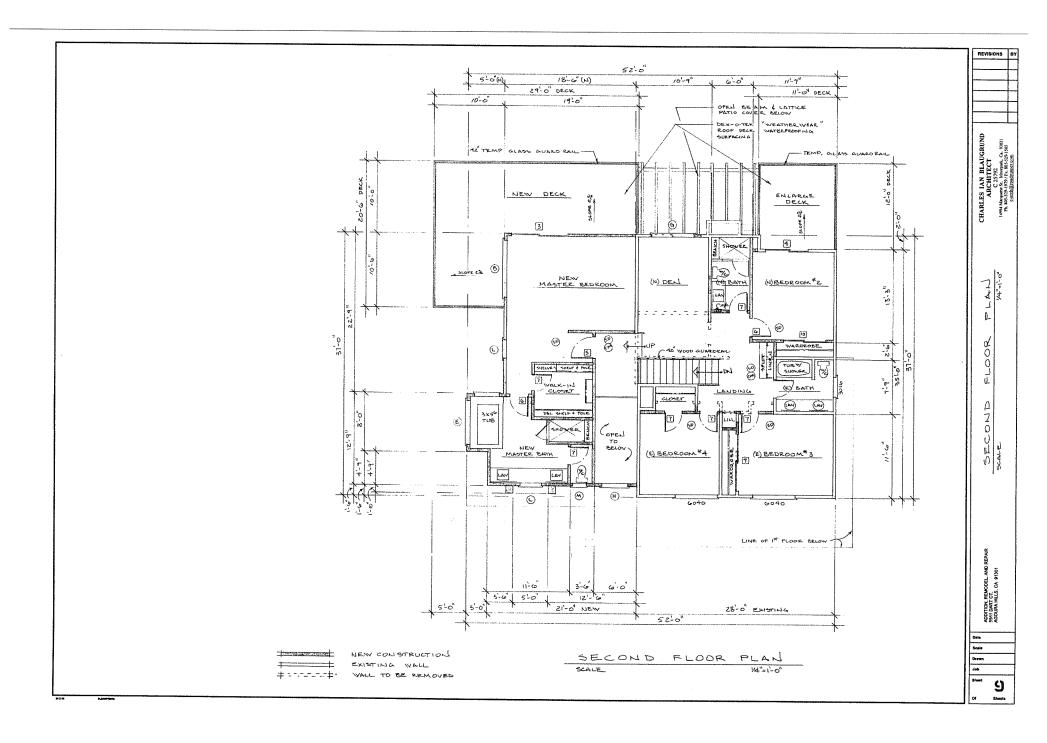
FLOOR EXISTING SCALE

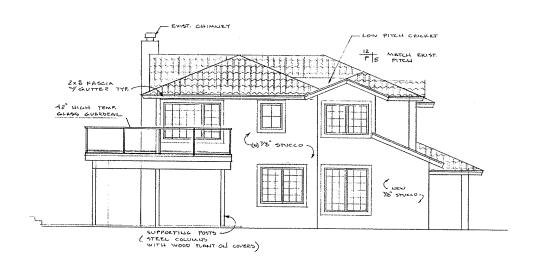
ADOTTION, REMODEL, AND REPAIR 5541 DART CT. AGOURA HELLS, CA 91301

Scale
Drawn
Job
Sheet
Of

7 Shorts







ELEVAT ION

1/4"=1'-0"

SOUTH - SIDE

SCALE

EXTERIOR SPECIFICATIONS

- EXTERIOR STUCCO SHALL BE 7/8" THIL LA HABRA PORTLAND CEMENT PLASTER WITH COLOR AND TEXTURE TO MATCH EXISTING. CONTRACTOR TO PROVIDE SAMPLE FOR OWNER APPROVAL COLOR. CRYSTAL WHITE #X-5
- 2 ALL WOOD TRIM SHALL MATCH EXISTING RESIDENCE. ALL EXPOSED EXTERIOR WOOD SHALL BE PRIMED. ALL SURFACES. PRIOR TO INSTALLATION. COLOR. DUNN-EDWARDS "SWISS COFFEE" # DEWMAI.
- ALL EXISTING RED BRICK (EXCEPT WALKWAYS) SHALL BE PAINTED WHITE TO MATCH STUCCO COLOR. DUNN-EDWARDS "WHISPER" # DEW340
- 4. DECKING DEX-O-TEX "WEATHERWEAR" ROOF DECK WATERPROOFING SURFACING SYSTEM CLASS A LCC ESR # 1757 LARR # 2360 WT. 2.5 PSF
- 5 28 GA, DRIP EGDE FLASHING WITH EXPOSED 3" LEG SHALL BE PROVIDED AT DECK EDGE.
- ROOFING TILE SHALL BE CHANGED FROM GREY FLAT CONC. TILE TO SPANISH
 S-TILE.
 COLOR: CALIFORNIA MISSION BLEND.
- BORAL RODRING THE "BARCELONA CALIFORNIA MISSION BLEND" CLASS W. ICC-ES ESR # 1647 DIM. W. = 12 W. L. = 17. THK. = 1/2" WT: 9 0 PSF W/3" HEADLAP

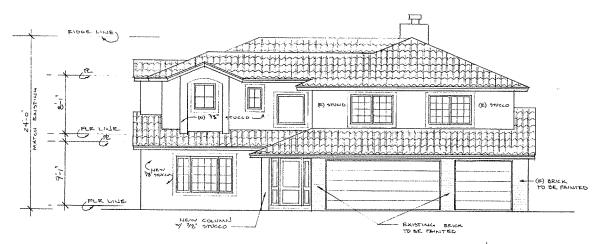
CRRC # 0942-0008
REF. 0.19 AGED REF 0.22
EMIT. 0.91 AGED EMIT. 0.95
SRI 18 AGED SRI 24

ROOF TILE SHALL BE INSTALLED PER THE TILE ROOF INSTITUE 2010 EDITION OF THE ROOF TILE INSTITUTE INSTALLATION MANUAL FOR MODERATE CLIMATE REGIONS, ICC-ES ESR #2015P 04.2014

LOW PITCH SELF ADHERING ROOFING AT CRICKETS:

GAF RUBBEROID TORCH GRANULE TORCH DOWN MODIFIED BITUMEN MEMBRANE COLOR SHALL MATCH EXISTING ROOFING

7. ROOFING UNDERLAYMENT: SBS RUBBER MODIFIED UNDERLAYMENT



EAST - FRONT ELEVATION SCALE WINTON

ADDITION, REMODEL, AND REPAIR
5541 DART CT.
AGOURA HILLS, CA 91301

REVISIONS BY

CHARLES IAN BLAUGRUND
ARCHITECT
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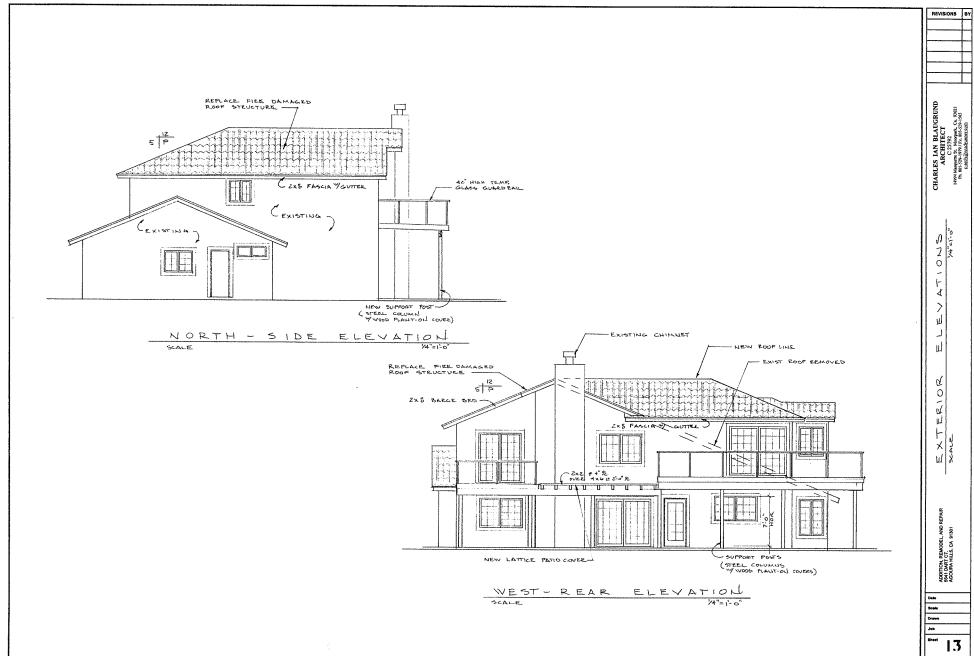
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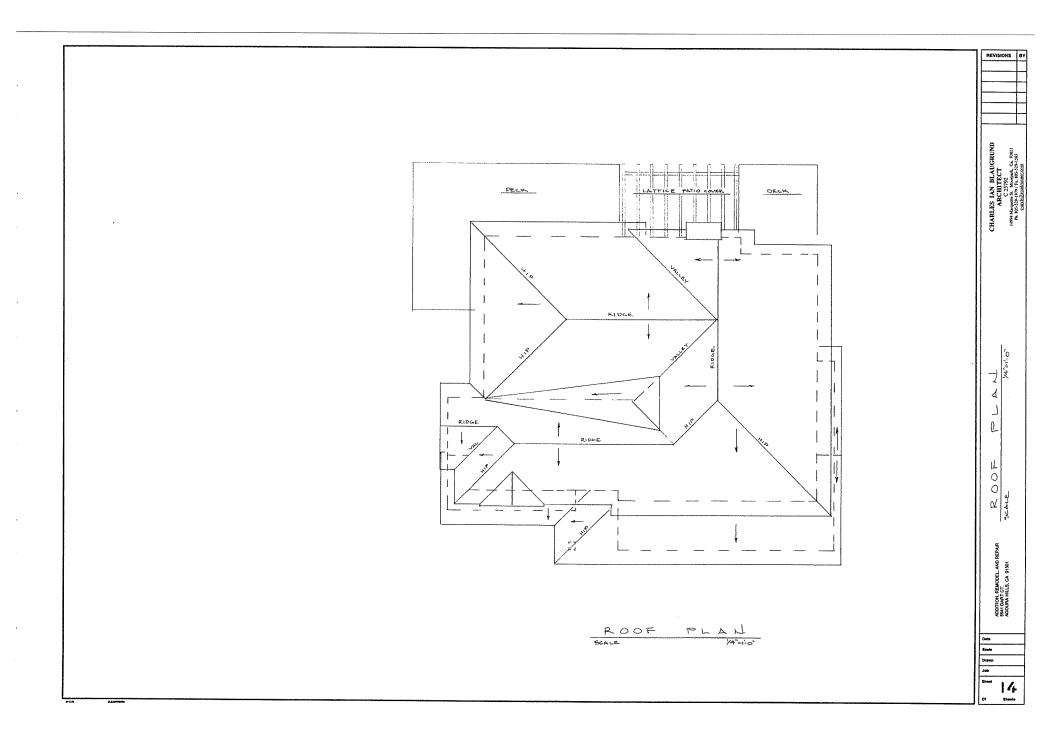
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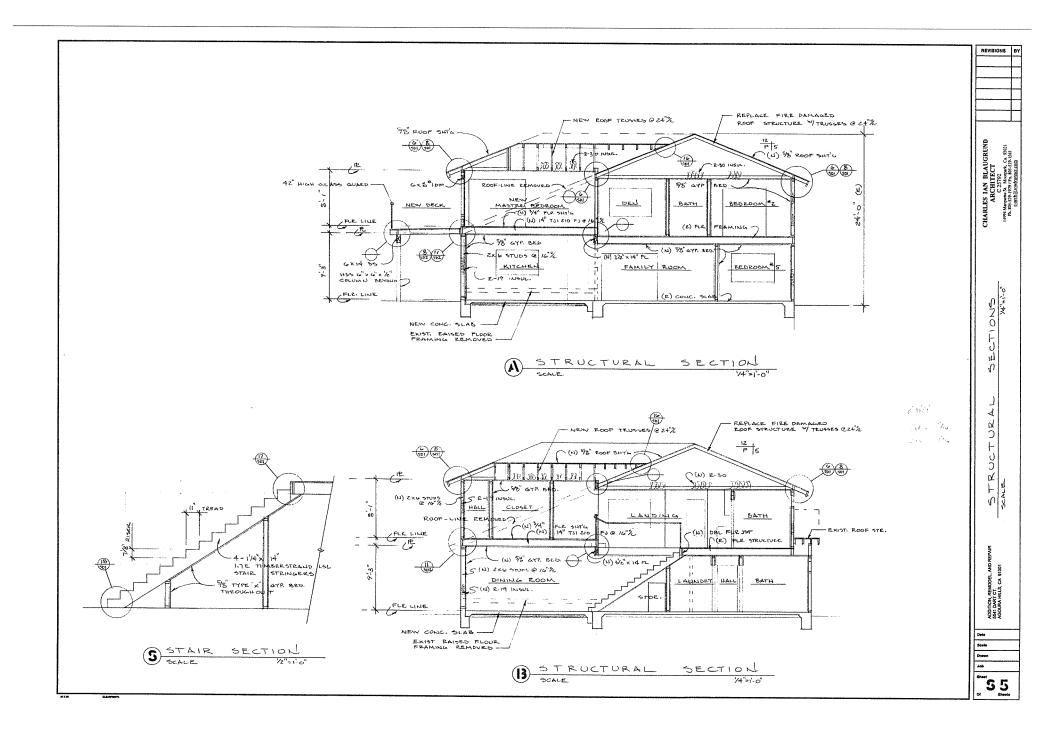
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Drawn Job

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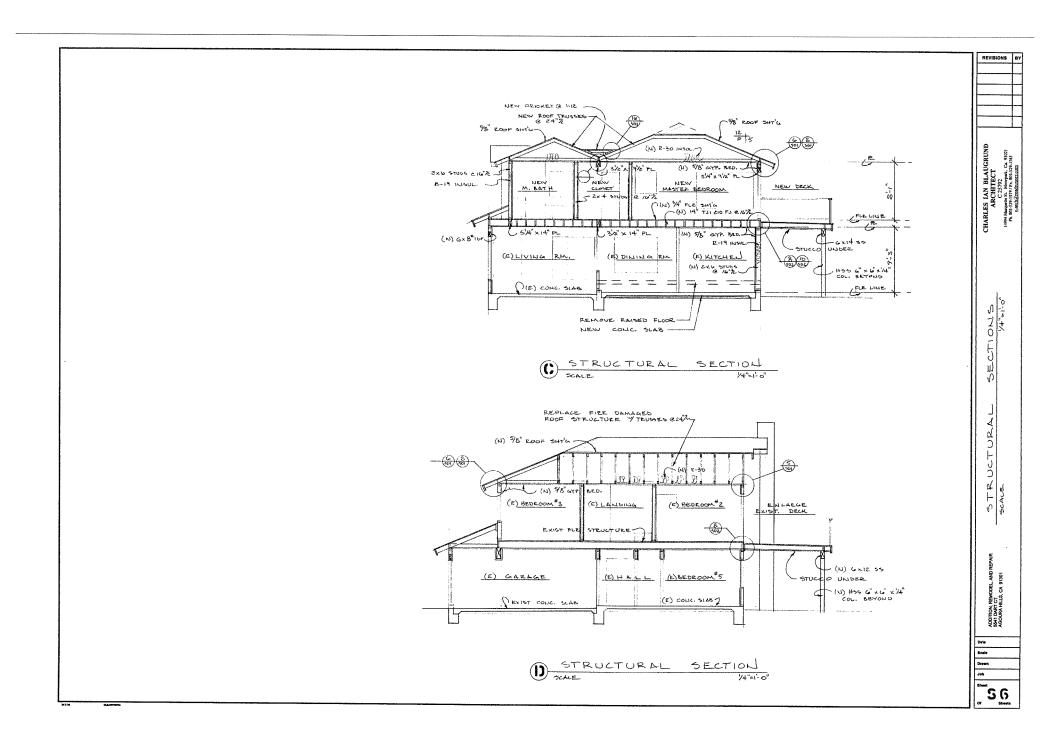


EXHIBIT D

COLORS AND MATERIALS BOARD

Case #

Address: 5541 Dart Ct.

Agoura Hills, Ca. 91301

Roofing:

Boral Corp.

"Barcelona" California Mission Blend

Spanish S-tile

Class "A" Concrete Roof Tile ICC-ES ESR # 1647 Wt. 9.0 psf



Stucco:

La Habra Stucco

Crystal White, X-50 (match existing)

X-50 CRYSTAL WHITE (BASE 100)

Wood Trim and Plant ons:

Dunn-Edwards Paint Swiss Coffee #DEW341 (match existing)

> DEW341 Swiss Coffee

Existing Masonry Veneer: Brick to be painted

Dunn-Edwards Paint whisper #DEW340

DEW340 Whisper

Architect: Charles Blaugrund

14994 Marquette St. Moorpark, Ca. 93021 Owner: Mr. & Mrs. Naim Hmedian 5541 Dart Ct. Agoura Hills, Ca. 91301

EXHIBIT E

SUBJCT PROPERTY: 5541 DART CT.



FRONT ELEVATION



REAR ELEVATION



ADJACENT RIGHT SIDE: 5547 DART CT.



ADJACENT LEFT SIDE: 5535 DART CT.



5536 DART CT.



LEFT SIDE ADJACENT



RIGHT SIDE ADJACENT