



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
JANUARY 3, 2008

TO: Members of the Planning Commission

FROM: Talyn Mirzakhania, Planner

FILE NO.: SPR-006-101, CUP-600-025, and OAK-007-010

PROPOSAL: Proposal to construct seventy-five units of affordable senior housing for households earning between thirty and sixty percent of the Area Median Income, with a subterranean parking garage at 4803 El Canon Avenue, in the Commercial, Old Town (CT) zoning district.

APPLICANT: Thomas Safran Associates

RECOMMENDATION: Adopt Resolution No. 08-407 approving File No(s). SPR-006-101 and CUP-600-025 and adopting the associated Mitigated Negative Declaration, and adopt Resolution No. 08-408 recommending to City Council approval of OAK-007-010.

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 08-407 approving File No(s). SPR-006-101 and CUP-600-025 and adopting the associated Mitigated Negative Declaration, and adopt Resolution No. 08-408 recommending to City Council approval of OAK-007-010.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.14.020 of the Calabasas Municipal Code stipulates that new senior residential projects in the Commercial, Old Town zoning district require approval of a Conditional Use Permit, which requires review by the Commission. Per Section 17.62 of the Municipal Code, the Commission is the appropriate authority to render a decision on the Conditional Use Permit and Site Plan Review associated with this project and make a recommendation for the Oak Tree Permit to the City Council.

BACKGROUND:

The proposed 75 unit senior affordable housing development is to be located at 4803 El Canon Avenue, on an existing parcel currently occupied by a vacant single-family residence and appurtenant accessory structures. The property is located in the Commercial, Old Town (CT) zone and has a General Plan land use designation of Business-Old Town (B-OT). Senior residential projects are permitted in the CT zone through a Conditional Use Permit process per Section 17.14.020 of the Land Use and Development Code.

The application was first submitted on December 8, 2006. The proposed project was reviewed by the Development Review Committee (DRC) on January 16, 2007, May 5, 2007 and July 11, 2007; comments were forwarded to the applicant immediately after each meeting. On September 7, 2007, the Design Review Panel (DRP) reviewed this project and made recommendations for minor changes but approved of the overall design. The applicant resubmitted revised plans on January 16, 2007, May 8, 2007, July 5, 2007, August 15, 2007 and October 9, 2007.

Per CEQA Statute §21159.23, affordable housing projects on infill properties, such as the subject project, are statutorily exempt from CEQA review. However, an exception to this exemption applies when a project will impact any protected natural plant or animal life, and this project will result in the loss of protected oak trees. Therefore, after consultation with the City Attorney, in July 2007, planning staff determined that an environmental document was required. In August 2007, City consultants began preparing the Draft Mitigated Negative Declaration (MND) for the proposed project. The Draft MND was made available for public review on October 31, 2007. The review period ended on November 29, 2007. Comments sent to planning staff were responded to and incorporated in the Final MND, attached as Exhibit E.

STAFF ANALYSIS:

The key issues related to this project are discussed below:

- A. Site Design/Building Layout:** The project proposes construction of 75 units of affordable senior housing on a 42,176 square-foot (0.96 acres) parcel. Development would include the construction of two, three-story buildings that would have a total floor area of 52,825 square-feet. The footprint of the residential structures would cover approximately 20,509 square-feet and the driveway an additional 363 square-feet, for a total site coverage of 20,872 square-feet or 53%. The proposed site coverage of 53% is in conformance with the City's maximum site coverage of 72% for the CT zone. The buildings would be connected by a network of landscaped walkways, with a subterranean parking garage below. The buildings would be comprised of 74 one-bedroom units ranging from 550 square-feet to 650 square-feet, one two-bedroom unit

at 1,124 square-feet intended to house the on-site manager, and various recreation rooms. The subterranean garage will provide 74 standard parking spaces, two ADA parking spaces, and 83 required bicycle spaces. A fire access driveway stretches along the south side of the property beginning at the front property line and ending in the middle of the site.

The building is set back a minimum of 5 feet from the front property line, 20 feet from the rear property line, 10 feet from the southern property line, and 10.6 feet from the northern property line. Section 17.14.030 of the Municipal Code requires that a building not be setback from the front property line, in order to achieve the design goals for the Old Town zone and that side and rear setbacks be determined on a case-by-case basis.

The proposed building is located as close as possible to the front property line, given the easements that run along the front of the property. A portion of the porch is actually located over the existing Las Virgenes Municipal Water District (LVMWD) easement, for which the applicant has obtained a quitclaim deed from the District. The subterranean parking garage has a front setback of 15 feet, a rear setback of 20 feet and side setbacks of 5 feet and 6 feet. Staff has determined that the proposed side and rear setbacks are appropriate for this site and the proposed project.

The project site is bordered on the east by El Canon Avenue, across which is the Motion Picture and Television Hospital. The site is bordered on the west by Calabasas Creek, across which are two- to three-story multi-family residences. To the south of the subject site are three-story multi-family residences. To the north, there is a Las Virgenes Municipal Water District sewage lift station and a commercial retail and restaurant development.

- B. Density and FAR:** The Land Use and Development Code does not identify a requirement for residential density in the CT zone. The maximum allowable Floor Area Ratio (FAR) for the CT zoning district is 1.0. For this site, an FAR of 1.0 would allow 39,164 square-feet of development. Per Section 17.22.030 of the Land Use and Development Code, a residential project that provides 100% affordable housing for households earning between thirty and sixty percent of the Area Median Income is entitled to a thirty-five percent density bonus. Because there is no required density for projects in this zoning district, the 35% density bonus is applied to the FAR, allowing an additional 13,707 square feet of development, for a total of 52,871 square-feet and a maximum FAR of 1.35. The FAR for the proposed project is 1.35, commensurate with the City's density bonus allowance.
- C. Site Access/Circulation:** Driveway access to the property is provided near the southern terminus of El Canon Avenue. The driveway leads to the subterranean garage, where the required parking spaces for the entire development are provided. Immediately south of the main driveway is the fire access entrance for the required fire lane. The proposed fire lane meets the requirements of the Los Angeles County Fire Department.

The front property line also delineates the City of Calabasas boundary, property east of which is within the jurisdiction of the City of Los Angeles. All roadway or sidewalk improvements east of the project site's front property line will require permits/approval from the City of Los Angeles.

- D. Parking:** Chapter 4.3, Section 65915 (P) of California State Planning and Zoning Law provides parking requirements for affordable housing developments. Per this chapter of State Law, the subject development is required to provide no more than one parking space for each one bedroom unit and two parking spaces for each two bedroom unit, for a total of 76 required parking spaces.

As shown on Sheet N2 of the architectural plans (Exhibit B), the required parking will be provided within the proposed subterranean garage. The garage houses 76 parking spaces, two of which are ADA accessible. The garage also provides storage for 83 bicycles, per the provisions of Section 17.28.040 of the Municipal Code, which requires one bicycle space per unit in addition to one guest bicycle space per ten units for a senior housing development. Residents and guests parking in the garage will use the provided stairways and elevators to access the building.

- E. Architecture:** The project site is located in the Old Town Calabasas area, for which a Master Plan and Design Guidelines were adopted in 1994. The design guidelines aim to preserve the "Old West" character and style of the Old Town area by providing policies pertaining to architectural elements, site planning, signage, landscaping, etc. The proposed project complies with these policies by incorporating an "early western" architectural theme (see proposed elevations in Exhibit C). To achieve the early western look, the design includes balconies, canopies and overhangs, and facades with typical Old West style articulation and materials. More specifically, wood framed doors and windows and wood siding are proposed to capture the traditional old west style. Additionally, the proposed colors are earth-toned and harmonize with the surrounding natural and built environment per the Master Plan and Design Guidelines.

The Design Review Panel reviewed the project at a noticed meeting on September 7, 2007. Minor recommendations were made in relation to material choice, placement of siding, use of window trim, and color selection. Overall, the Panel was satisfied with the design of the building and found that the design conforms with the Old Town Design Guidelines. The applicant agreed to implement the Panel's recommendations. The project design was deemed approved by the Design Review Panel. Furthermore, the applicant met with the Old Town Coalition, who supports the proposed use and design for this project.

- F. Landscaping:** Per the landscape plan provided as part of Exhibit C, the project proposes to heavily landscape the development by adding numerous new trees and shrubs to a large stock of the existing trees on the property. The landscape plan was

designed to recognize the natural topography of the site, create enjoyable outdoor spaces, use planting to screen undesirable views, etc., so to comply with guidelines set forth in the Master Plan and Design Guidelines. The proposed landscape plan complements the Old Town theme and helps unify Old Town through creative and quality landscape design.

The minimum required permeable surface for properties located in the CT zone is 28%. The project will provide 27% permeable surfaces. The applicant is requesting non-conformity with this requirement as a concession granted by California Law (Senate Bill 1818) (see discussion in section "G" below).

G. Senate Bill 1818: Per Senate Bill 1818 (CGC 65915), if a proposed project includes at least 30 percent of the total units for lower income households, the applicant shall receive three incentives or concessions. These incentives or concessions are to be in the form of a fee waiver and/or relaxation of a development standard or requirement. According to Curtin's California Land Use and Planning Law, 2007, "to deny a particular density bonus, concession, or incentive requested by the applicant, the City must adopt findings that the particular bonus, concession, or incentive is not needed to achieve affordability or would threaten public health and safety or a historic structure." Staff's review and analysis of this project, which included a review of economic feasibility by Keyser Marston Associates, lead to staff's conclusion that there is no basis for the City to adopt such findings. The applicant for this project is rightfully requesting under State law the following three concessions:

1. *Nonconformance with the pervious surface requirement* – Where the minimum required pervious surface for the CT zone is 28%, the applicant is proposing 27% pervious surfaces. In order to accommodate the buildings, subterranean garage, and the fire lane, the project proposes 1% more impervious surfaces than allowed by Code. Impacts related to groundwater recharge were analyzed in the MND and found to be less than significant. Given the analysis in the MND, staff believes the City has no grounds to deny this concession.
2. *Nonconformance with the City's ramp slope* – Section 17.28.080 of the City's Municipal Code restricts access grades for high density driveways to 8%. In order to accommodate the required number of parking spaces within the required setback limits, the slope of the ramp that leads into the subterranean garage has to range from 5% to 20%, with no point of the slope being higher than 20%. If the slope of this ramp had to be at a maximum of 8%, the project would lose nine (9) parking spaces. Staff requested that the applicant's traffic engineers analyze the safety of the proposed 20% ramp as part of the required traffic analysis (see Appendix F of the MND). The traffic analysis showed that a number of other jurisdictions allow slopes up to 20%

for ramps associated with high density developments. Therefore, staff believes the City has no grounds upon which to deny this concession.

3. *Nonconformance with the required common and outdoor spaces for multi-family housing* – Section 17.32.130 of the Municipal Code requires that multi-family developments provide 400 square-feet of common outdoor space per unit (which, for 75 units would yield a total amount of required common outdoor space of 30,000 square-feet), 150 square-feet of private outdoor space per two bedroom unit, and 75 square-feet of private outdoor space per one bedroom unit. The project is providing 21,304 square-feet of common outdoor space, and 60 square-feet of private outdoor space per unit. Although the required amount of common and private outdoor space is not provided, the applicant has provided a suitable amount of both common and outdoor space for the residents, and staff believes the City has no grounds to deny this concession.

- H. Utilities: The project lies wholly within the Las Virgenes Municipal Water District's boundaries. Therefore, the district has stated that they will be the purveyor of potable water and sewage treatment for the proposed project. Potential impacts to water supply are discussed in the MND and the appropriate mitigation measures identified therein.
- I. Hydrology: The applicant submitted hydrology and hydraulics reports to the Public Works Department. These reports were reviewed and approved at a feasibility level by the Department. Potential impacts related to hydrology are discussed in the MND. Additionally, conditions of approval related to hydrology and drainage can be found in Resolution No. 08-407 attached as Exhibit A.
- J. Geology: A Geotechnical Engineering Investigation was prepared for the site by Geotechnologies, Inc. The report, dated October 4, 2006, was submitted to the Public Works Department for review and was used in the MND for analysis of project impacts related to geology and soils. The report was conditionally approved by the Public Works Department in a letter dated October 23, 2007 (see Exhibit G). The approved report was used in the MND to analyze potential impacts related to earthquakes, liquefaction, landslides, grading, and expansive soils. Mitigation measures were identified to avoid those impacts considered potentially significant. Any applicable permits and approvals related to geology and soils will be obtained from the Public Works Department prior to issuance of building permits.
- K. Oak Trees: An Oak Tree Report (Exhibit H) was prepared by LSA Associates, Inc. for the proposed project. As stated in this report, there are fourteen (14) coast live oak trees (*Quercus agrifolia*) on the subject site. Thirteen (13) of these trees have a diameter at breast height (DBH) of at least two (2) inches and are therefore protected

under the City's Oak Tree Ordinance. One of the trees is a heritage oak with a DBH of 28 inches.

Discussion of oak trees in the MND was based on an earlier report that required the removal of seven trees. However, heavy winds this Fall caused oak tree No. 12 to fall; therefore, this particular tree no longer requires a permit for removal. Additionally, the applicant has made it possible to save trees 8, 9, and 10 instead of removing them. Based on the final report approved by the City arborist, only three of the protected oak trees will be removed for the construction of the proposed buildings and garage. The project will encroach into the protected zone of trees 8, 9, and 10, but no impacts are proposed to the remainder of the protected oaks.

Pursuant to section 17.26.070, the applicant is required to provide inch-for-inch mitigation for the removed oak trees. The City arborist has reviewed the applicant's Oak Tree Report along with the proposed mitigation measures and has recommended approval, given a number of conditions included in Resolution No. 08-408 (Exhibit B). Impacts to oak trees and associated mitigation measures are also discussed in the Biological Resources section of the MND.

- L. Demolition: The proposed project would require the demolition of one existing primary residential structure and two accessory residential structures. Additionally, multiple storage sheds, fencing and an above-ground pool will be removed from the property. The structures are currently dilapidated and in poor condition and do not represent any known historical figures or events. Demolition of the existing structures would occur per the mitigation measures discussed in the Hazards and Hazardous Materials section of the MND for this project.

REQUIRED FINDINGS:

The findings required in Section 17.62.060 and 17.62.050 of the Calabasas Municipal Code for Site Plan Reviews and Conditional Use Permits are contained in the resolution attached as Exhibit A. The findings required in Section 17.26.070 of the Calabasas Municipal Code for Oak Tree Permits are contained in the resolution attached as Exhibit B.

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration was prepared for this project. In preparing the Mitigated Negative Declaration, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Final Mitigated Negative Declaration (MND), attached as Exhibit E, identifies the areas where the project may have a potential effect on the environment. All areas listed as potentially significant have been

mitigated to levels that are no longer significant. Please refer to the Mitigation Monitoring Reporting Program (MMRP) attached as Exhibit F for a summary of all the identified mitigation measures. The areas of impact include:

- A. Aesthetics
- B. Biological Resources
- C. Cultural Resources
- D. Geology and Soils
- E. Transportation/Traffic
- F. Utilities and Service Systems

In accordance with CEQA, the Draft MND was circulated to responsible agencies as well as the State Clearinghouse for review. Also, the Draft MND was available for public review (it has been available at City Hall, at the Library, and on the City website. Notices were posted and published on October 30, 2007. The required 30 day review period for this project began on October 31, 2007 and ended on November 29, 2007. At the conclusion of the public review period, all written comments were responded to and incorporated in the Final MND.

CONDITIONS OF APPROVAL:

See conditions for CUP-600-025 and SPR-006-101 in Resolution 08-407 attached as Exhibit A and for OAK-007-010 in Resolution 08-408 attached as Exhibit B.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

January 16, 2007	Major modifications and additional information requested
May 5, 2007	Minor modifications and additional information requested
July 11, 2007	Minor modifications and additional information requested

Design Review Panel (DRP):

September 7, 2007	Recommended approval
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ATTACHMENTS:

- Exhibit A: Planning Commission Resolution No. 08-407
- Exhibit B: Planning Commission Resolution No. 08-408
- Exhibit C: Site Plans and Elevations
- Exhibit D: Photographs of site and surrounding area
- Exhibit E: Final Mitigated Negative Declaration
- Exhibit F: Mitigation Monitoring Reporting Program
- Exhibit G: Geotechnical Approval
- Exhibit H: Updated Oak Tree Report dated December 20, 2007

TECHNICAL APPENDIX

Location Map:



Items shown in Italics in the Development Standards section below are identified as issues which are further analyzed in the Staff Analysis section of the staff report

Development Standards:			Code Limit	Meets Code
Lot Size:	42,176	Sq. Ft.	N/A	N/A
Floor Area:	52,825	Sq. Ft.	52,871 sq. Ft.	Yes
<i>Floor Area Ratio (FAR):</i>		1.35	1.35	Yes
Building Setbacks:				
Front:	5	Ft.	None	Yes
Rear:	20	Ft.	Determined by review process	Yes
Side:	10	Ft.	Determined by review process	Yes
Side:	10.6	Ft.	Determined by review process	Yes
Height:	35	Ft.	35 Ft.	Yes

Development Standards:				Code Limit	Meets Code
<i>Pervious Surface:</i>					
Proposed:	11,362	Sq. Ft.	27%	28% Min.	No
Site Coverage:					
Proposed:	20,872	Sq. Ft.	53%	72% Max.	Yes

Parking Calculations

# of Spaces Provided:	76
# of Spaces Required:	76

Proposed Color Palette:

Body Color:	“Sand Dune” (DE6128), “Rustic Taupe” (DE6129), and “Teddy Bear” (DE6131); manufactured by Dunn-Edwards
Trim Color:	White Hardie Board
Window Color:	Walnut
Shutter Color:	“Billiard Table” (DEA178)
Roof Color:	“Midnight Green Blend”; Timberline asphalt shingles

Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Single-family residence	CT	B-OT
West	Multi-family residences	CO	B-PO
East	Motion Picture & Television Hospital	City of Los Angeles	City of Los Angeles
North	LVMWD Pumping Station & retail/restaurant development	CT	B-OT
South	Multi-family residences	RM	R-MF