



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT

DECEMBER 15, 2016

TO: Members of the Planning Commission

FROM: Andrew Cohen-Cutler

FILE NO.: 150000541

PROPOSAL: Request for an Administrative Plan Review, Oak Tree Permit, and a Scenic Corridor Permit to construct a 8,470 square-foot, three-story (including basement) single-family residence, with a 2,378 square-foot garage, first and second-story decks totaling approximately 1,923 square feet, a 511 foot driveway and a 1,660 square foot swimming pool and deck area on a 195,644 square foot lot (~4.5 acres) within the designated Mulholland Highway Scenic Corridor located at 23600 Dry Canyon Cold Creek Road (APN: 2072-001-018), within the Hillside Mountainous (HM) zoning district and the Scenic Corridor Overlay.

APPLICANT: Ken Stockton

RECOMMENDATION: Adopt Planning Commission Resolution No. 2016-626, approving file No. 150000541

STAFF RECOMMENDATION:

That the Commission adopt Planning Commission Resolution No. 2016-626, approving file No. 150000541.

PLANNING COMMISSION AUTHORITY

This project is before the Planning Commission for review because the proposed development has been determined to be within the Scenic Corridor (Mulholland Highway); therefore an approval of a Scenic Corridor Permit from the Commission is required pursuant to CMC Section 17.62.090 (C)(1). In accordance with Section 17.62.090 (D) of

the CMC, “at the discretion of the director, an Administrative Plan Review application may instead be referred to the Commission for a hearing and decision in compliance with this section”. Pursuant to CMC Section 17.32.020(C)(3), the recommendation of the director shall be forwarded to the Planning Commission for consideration and disposition for the proposed removal of one (1)- 17” dbh, Coast Live Oak tree and the encroachment into the protected zone of ten (10) Coast Live Oak trees. In accordance to the CEQA Guidelines (Section 15164(d)) the Planning Commission shall consider the Addendum to the Final Initial Study/Mitigated Negative Declaration (IS/MND) adopted on June 3, 2010 (Exhibit E).

BACKGROUND:

This staff report, dated December 15, 2016 replaces the staff report prepared and distributed for the October 20, 2016 Planning Commission meeting. Exhibit A, (Resolution 2016-626), and Exhibit D (Plans), have also been revised.

The public hearing for this proposed project was scheduled for October 6, 2016. Due to an error in the Notice of Public Hearing, the Public Hearing for this project was continued to the next regularly scheduled Planning Commission Hearing on October 20, 2016. The October 20, 2016 public hearing was continued to a date uncertain due to an error requiring a redesign of the plans to comply with the development standards for the HM zoning district.

Throughout the various iterations of this project, the stated address has fluctuated between 23600 and 23604 Dry Canyon Cold Creek Road. After careful research, it has been determined that APN No. 2072-001-008 has been addressed incorrectly. Staff has corrected this error and the proper address for the property is 23614 Dry Canyon Cold Creek Road. Exhibits C through H distributed for the October 20, 2016 Planning Commission public hearing are the accurate corresponding materials for this project, notwithstanding the incorrect address. The record copies of all documents have been changed to reflect the correct address that corresponds with the APN which has remained consistent throughout the planning process.

The project submitted is essentially the same project that was reviewed and approved on June 3, 2010. The 2010 project was a request to construct a 8,513 square foot, three-story (including basement) single-family residence, with a 2,192 square foot garage, first and second-story decks totaling approximately 2,625 square feet, 511-foot long driveway with fire department turnaround area, 6-foot entry wrought iron gate, 154-foot long retaining wall along the eastern portion of the residence and a 1,600 square foot swimming pool and deck. Although the project would qualify for a Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines a Mitigated Negative Declaration was prepared for the project and adopted on June 3, 2010 (Resolution 2010-483-Exhibit B). However, the applicant was affected by the recession and was unable to adequately finance the project; consequently, the approval expired.

On May 13, 2015, SR-4 Development (owners) submitted an application for an Administrative Plan Review, a Scenic Corridor Permit, and an Oak Tree Permit to construct a new single-family residence on an approximate 4.5 acre undeveloped property located at 23600 Mulholland Highway, within the Hillside Mountainous (HM) zoning district and the Scenic Corridor Overlay (SC). The current project includes a proposed 8,470 square-foot single-family residence (43 square feet smaller) with a 2,378 square foot garage (186 square feet larger), approximately 1,923 square feet of second-story decks (702 square feet smaller), a 511 foot driveway, and a 1,660 square-foot swimming pool and deck area.

The proposed project was reviewed by DRC on June 2, 2015. Comments made by DRC were routed to the applicant to be addressed. The following are some of the more significant comments made at the DRC meeting, all of which the applicant has now addressed and completed:

- Provide a survey prepared by a licensed surveyor.
- Provide a complete site plan including street and all proposed improvements.
- Provide a landscape plan with native and drought tolerant plantings.

The project went before the Architectural Review Panel (ARP) on August 28, 2015. The ARP complimented the overall design and suggested that there be more spacing between the second floor archways to reduce the “feeling of crowding” by the roof. The ARP recommended approval of the design with that one modification.

EXISTING CONDITIONS:

The site is dominated by mostly undulating topography and Coast Live and Scrub Oak trees. The project is not located within a designated environmentally sensitive area or a known wildlife corridor. The approximate 4.5 acre subject parcel is located at 23604 Dry Canyon Cold Creek (A.P.N. 2072-018-001), which is within the designated Mulholland Highway Scenic Corridor. Development located within the Mulholland Scenic Corridor is subject to the standards contained in the City’s Scenic Corridor Overlay Zone, (CMC Section 17.18.040) and the Scenic Corridor Guidelines. The site is surrounded by vacant parcels to the east and west, ViewPoint Academy to the north and four parcels located within the Calabasas Highlands (three vacant and one developed with a single-family residence). Surrounding homes range in size from 3,147 square feet to 4,935 square feet (calculations do not include garage areas).

PROJECT DESCRIPTION:

The applicant is requesting approvals to allow for the construction of an 8,470 square-foot, three-story (including basement) single-family residence, with a 2,378 square-foot garage;

first and second-story decks totaling approximately 1,923 square feet; a 511-foot long driveway with fire department turnaround area; seven (7) retaining walls; and, a 1,600 square foot swimming pool and deck within the designated Mulholland Highway Scenic Corridor. The proposed three-story Mediterranean-style structure is designed with a pitched roof that has a maximum height of 25'.

STAFF ANALYSIS:

Several key issues which are discussed in detail below: Site Design, Architecture, Oak Trees, and Geology.

A) Site Design/Building Layout: The site is constrained by its steep undulating terrain and scrub oak and Coast Live Oak trees. The proposed residence is sited in its proposed location to comply with all applicable development standards of the Calabasas Municipal Code. The proposed structure meets the 25-foot height limit in the Hillside Mountainous (HM) zone.

On August 16, 2016, story poles were installed per the published Story Pole Guidelines depicting the project as submitted, erroneously using the RR zoning district height standard of 35' and remain in place today. Because the maximum height limit in the HM zoning district is 35' the story poles overstate the impact of the proposed development on the Mulholland Highway Designated Scenic Corridor. Due to the redesign of the project to meet the HM Development standards and the increase in height of the finished grade, (which is lower than the natural grade), the story poles over-represent the overall height of the proposed project by up to 25%. Therefore, the resulting structure will have even less of an impact to the viewshed from Mulholland Highway than the impact represented by the story poles. As indicated in the story pole photographs (see Exhibit I) the exposure of the proposed residence will be limited to portions of the residence along the northern and eastern elevations. Additionally, the project is proposing landscaping along the perimeter of the residence to soften the proposed residence.

Due to the hilly terrain, the proposed 511-foot driveway is necessary in order to gain access to the proposed residence. One (1) Coast Live Oak Tree must be removed in order to provide access to the residence and provide a hammerhead turnaround to comply with Fire Department's requirements. The proposed structure meets the applicable setbacks for the HM zone. Furthermore, the applicant proposes to use permeable paving for the onsite (adjacent to the proposed single-family residence) portion of the driveway in order to maintain 96% of the lot as pervious surface, which exceeds the 86% minimum pervious surface requirement for the HM zoning district. The mitigation measures for landscaping and planting of trees identified in the IS/MND (updated and certified by the Addendum to the Final Mitigated Negative Declaration,

attached as Exhibit E), will further assist in screening the project from the scenic corridor.

- B) Architecture:** The proposed residence has been designed to incorporate architectural elements found in Mediterranean-style architecture. The predominant features on the exterior of the residence, includes earth tone colors, sand finish stucco, Ventura Cast Stone moldings, columns and balustrades, wrought iron elements and non-glaring roof tile. The proposed construction materials are consistent with the Design Guidelines of the Scenic Corridor, and reviewed and approved by the ARP.

The roof style is consistent with the architecture of the proposed residence and surrounding roof lines of the other nearby buildings. The use of medium-dark color roof tile will help the project blend in with the natural environment and to conform to the Scenic Corridor Design Guidelines. Additionally, the absence of reflective materials and obtrusive equipment on the proposed roof, allows for the project to blend with the existing environment without making the roof line a dominant feature.

The project was reviewed by the Architectural Review Panel (ARP) on August 28, 2015. The ARP was of the opinion that the architectural design was compatible with the existing community and that the design fully complied with the Scenic Corridor Design Guidelines. The ARP suggested that there be more spacing between the second floor archways to reduce the feeling of crowding by the roof. With incorporation of their recommendation, the ARP unanimously recommended approval of the project design. Please see Exhibit D for a color rendering.

- C) Oak Trees:** There are approximately 300 Coast Live Oak trees and Scrub Oaks on the 4.5 acre property. An Oak Tree Report (dated 7-16-2015 and prepared by Kay Greeley, Board Certified Master Arborist), indicates that the proposed construction would take place within the vicinity of 60 native oak trees in the vicinity. The proposed project will require the removal of one (1) Coast Live Oak Tree and encroachment into the protected zone of ten (10) Coast Live Oak Trees, including four (4) heritage oaks. The Oak Tree Report prepared by Kay Greeley is included in Appendix B of the Addendum to the IS/MND (see Exhibit E). In order to perform necessary grading activities to provide access to the site, and comply with Fire Department regulations (hammerhead turnaround), the removal of tree No. 38 (17" diameter breast height (dbh)). Also, encroachment into the protected zone of ten (10) existing Coast Live Oak trees is necessary. The Oak Tree Report indicates that the project will not cause significant impacts to the remaining oak trees on the property. Additional mitigation measures are specified in the report to further ensure that the impacted oak trees are protected; and these mitigation measures are included in Resolution No. 2016-626 as conditions of approval.

The City's Oak Tree Ordinance requires one inch of oak tree diameter to be planted for each inch of tree removed (per CMC 17.32.010(G)). Therefore, staff has included a condition of approval that requires the applicant to plant 17 inches of Coast Live Oak tree on the subject site to mitigate for the oak tree loss.

Greg Ainsworth, ISA Certified Arborist and City Arborist, has reviewed the Oak Tree Report and his comments are attached as Exhibit H. Mr. Ainsworth concurs with findings and recommendation of the Oak Tree Report, and recommends approval of the Oak Tree Permit with the condition that the applicant schedule a final inspection with the City Arborist after the preparation of a precise grading plan.

On June 5, 2016, after the Oak Tree Report was accepted as final, the Station Fire burned approximately 500 acres in Calabasas. The subject property was affected by the fire; therefore, staff requested that the applicant inspect the trees on site for a damage assessment. The applicant contacted their arborist and an inspection was conducted on August 29, 2016. In a report dated September 21, 2016 (Submitted to Planning staff on September 28, 2016, Exhibit G). Review of the information contained in the report relative to the fire damage affecting the oak trees on site, was evaluated by the City Arborist on December 2, 2016 (Exhibit K). The City Arborist recommends that trees #31 (cut down by firefighting activity) and #65 (severely burned) be omitted from consideration of impacts and associated mitigation related to proposed impacts of the project. The remaining trees shall be monitored as required by the mitigation measures within the IS/MND and the Addendum to the MND. The condition of the damaged trees shall be documented in a report prepared by the applicant's arborist and remedial actions, if required, shall be evaluated based upon the report.

- D) Geology:** The applicant will submit a Geotechnical Report for the proposed residence. The report shall confirm that the vacant parcel is suitable for the construction of the proposed residence and improvements and provide recommendations to be incorporated into the design and construction of the home (See Resolution 2016-626, Conditions of Approval 50-67, Exhibit A).

REQUIRED FINDINGS:

The findings required in Sections 17.62.090, 17.62.050, and 17.32.010, of the Calabasas Municipal Code for an Administrative Plan Review, a Scenic Corridor Permit, and an Oak Tree Permit are contained in resolution No. 2016-626 attached as Exhibit A.

ENVIRONMENTAL REVIEW:

CEQA Compliance: The project has been reviewed for potential environmental impacts in conformance with the California Environmental Quality Act (CEQA), and it has been

determined that this project will not have a significant effect on the environment with incorporation of project mitigation measures.

An Initial Study/ Mitigated Negative Declaration (IS/MND) identified the project as not having a potentially significant impact if the mitigation measures described in the IS/MND are incorporated into the project. A Final IS/MND was adopted on June 3, 2010, and an Addendum to the Final MND was prepared and completed by Rincon Consultants, Inc. in September 2016 (Exhibit E). The Addendum reviews the potential impacts on the eighteen (18) environmental issues studied in the previously adopted IS/MND. The Addendum compares the environmental effects of the current proposed project to the effects of the project approved in June of 2010. Section 15164(d) ("Addendum to an EIR or Negative Declaration") of the CEQA Guidelines states: "The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project".

The IS/MND, as updated by, and inclusive of, the Addendum, concludes that the proposed project would not create any new significant impacts or increase the severity of impacts beyond those identified in the previously adopted Final IS/MND.

All mitigation measures included in the adopted Final Initial Study and Mitigated Negative Declaration (IS/MND) and the Addendum to the IS/MND have been included as conditions of approval in Resolution No. 2016-626 (Exhibit A).

CONDITIONS OF APPROVAL:

See conditions contained in Resolution No. 2016-626 attached as Exhibit A.

ATTACHMENTS:

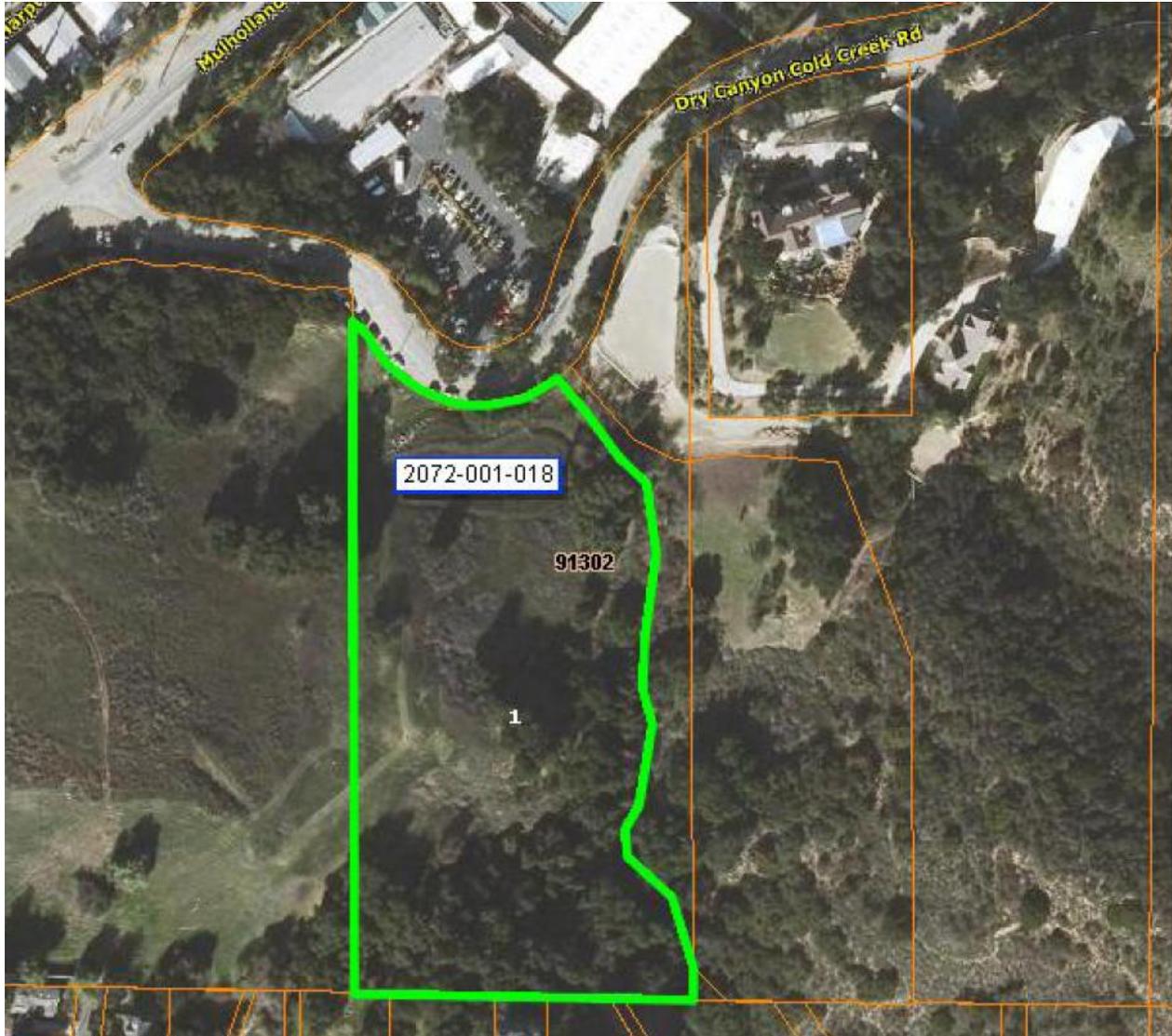
- Exhibit A: Planning Commission Resolution No. 2016-626-REVISED
- Exhibit B: Planning Commission Resolution No. 2010-483 (Adopted June 3, 2010)
- Exhibit C: Planning Commission Resolution No. 2010-484 (Adopted June 3, 2010)
- Exhibit D: Project plans -REVISED

- Exhibit E: Addendum to Mitigated Negative Declaration and Mitigated Negative Declaration
- Exhibit F: Oak Tree Report prepared by Kay Greeley

- Exhibit G: Station Fire Oak Tree Evaluation prepared by Kay Greeley, September 21, 2016
- Exhibit H: Oak Review Report prepared by GGreg Ainsworth
- Exhibit I: Story Pole Plan, Pictures, and Certification
- Exhibit J: Public Correspondence: Letter dated October 24, 2016 from Santa Monica Mountains Conservancy.
- Exhibit K: Review of Station Fire Report by the City Arborist-December 2, 2016

TECHNICAL APPENDIX

Project Location: 23614 Dry Canyon Cold Creek Road



TECHNICAL APPENDIX

Development Standards:				Code Limit	Meets Code
Lot Size:	195,644	Sq. Ft.			
Floor Area:					
Existing:	0	Sq. Ft.			
Proposed:	8,470	Sq. Ft.			
Total:	10,848	Sq. Ft.		N/A	N/A
Floor Area Ratio (FAR):	N/A			N/A	N/A
Setbacks:					
Front:	226'-2"	Ft.		50 Ft.	Yes
Rear:	231'-4"	Ft.		50 Ft.	Yes
W. Side:	49'-11"	Ft.		25Ft.	Yes
E. Side:	239'-4"	Ft.		25 Ft.	Yes
Height:	25	Ft.		25 Ft.	Yes
Pervious Surface:					
Existing:	195,644	Sq. Ft.	100 %		
Proposed:	187,687	Sq. Ft.	96 %	86 % (min)	Yes
Site Coverage:					
Existing:	0	Sq. Ft.	0 %		
Proposed:	5,338	Sq. Ft.	2.7 %	N/A	Yes
Parking Calculations					
# of Spaces Provided:	3			2 (min)	Yes
# of Spaces Required:	2				

Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Vacant	HM-SC	Hillside Mountainous
West	Vacant	RR-SC	Rural Residential
East	Vacant	RR-SC	Rural Residential
North	View Point Academy	RR-SC	Rural Residential
South	Calabasas Highlands	RC-CH	Rural Community

Home Comparison:

Address	APN	House Size (SF)	Lot Size (SF)	FAR
Project Site:				
23600 Dry Canyon Cold Creek Road	2072-001-018	10,848	195,644	.05
Neighboring Homes:				
23602 Dry Canyon Cold Creek Road	2072-001-015	6,626	70,567	.09
Dry Canyon Cold Creek Road	2072-001-024	4,286	287,574	.01
23520 Dry Canyon Cold Creek Road	2072-024-007	5,524	82,328	.07
Average:		5,478	147,156	.06