

**ORDINANCE NO. 2016-340**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA APPROVING AMENDMENTS TO TITLE 17, (CHAPTER 17.20.150 - HILLSIDE AND RIDGELINE DEVELOPMENT), OF THE LAND USE AND DEVELOPMENT CODE.**

**WHEREAS**, the City Council of the City of Calabasas, California ("the City Council") has considered all of the evidence including, but not limited to, the Planning Commission Resolution No. 2016-624, Planning Division staff report and attachments, and public testimony before making a final decision on October 26th, 2016; and,

**WHEREAS**, the City Council finds that the proposed Land Use and Development Code Amendment to exempt minor additions to existing single-family homes and new and modified accessory buildings on developed properties within previously developed subdivisions, where such properties are located on or adjacent to mapped Significant Ridgelines, is consistent with the goals, policies, and actions of the Calabasas 2030 General Plan and will not conflict with the General Plan; and,

**WHEREAS**, the City Council finds that the Land Use and Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and,

**WHEREAS**, the Land Use and Development Code Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA), and pursuant to Sections 15061(B)(3), 15301, and 15303 of the CEQA Guidelines; and,

**WHEREAS**, the Land Use and Development Code Amendment reflects the input of residents, stakeholders, and public officials, and implements the visions and desires for the community as documented within the Calabasas 2030 General Plan, is adopted in the public interest, and is otherwise consistent with federal and state law; and,

**WHEREAS**, the City Council has considered the entirety of the record, which includes, without limitation, the Calabasas 2030 General Plan; the staff report, public comments, and minutes from the meeting of the Planning Commission on September 15, 2016; the staff report, public comments, and minutes from the City Council meetings of September 28, 2016 and October 26, 2016, and all associated reports and testimony;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Based upon the foregoing the City Council finds:

1. Notice of the September 28, 2016 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Calabasas Recreation Center, and at Calabasas City Hall.
2. Notice of the September 28, 2016 City Council public hearing was published in the *Las Virgenes Enterprise* ten (10) days prior to the hearing.
3. Notice of the September 28, 2016 City Council public hearing complied with the public notice requirements set forth in Government Code Section 65009 (b)(2).
4. Following a public hearing held on September 15, 2016, the Planning Commission adopted Resolution No. 2016-624 recommending to the City Council adoption of this ordinance.

**SECTION 2.** Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve the Development Code Amendment, which follows in Section 3 of this ordinance, provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The text amendments to Chapter 17.20.150 - Hillside and Ridgeline Development will exempt minor additions (equal to or less than 1,200 square feet) to legally established residential buildings and new and modified accessory structures from the requirement to obtain a variance to the standard of placing structures 50 feet away from and 50 feet below mapped ridgelines. The amendment promulgates the policy directives in the Calabasas 2030 General Plan by promoting homeowner reinvestment in, and improvement of, existing single-family residential communities, consistent with Policies II-8, II-9, and II-14 of the Land Use Element, Policy V-1 of the Housing Element, and Policies IX-8, IX-10, and IX-11 of the Community Design Element. The proposed amendments will not exempt new residences and additions to existing residences and accessory structures larger than 1200 square feet from the variance requirement, ensuring that the ridgeline protection standards of the General Plan and Calabasas Municipal Code will continue to protect undeveloped ridgelines. Based upon the preceding, the proposed project meets this finding.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed Development Code amendment is in the public interest and reflects the input of residents, decision-makers, and other stakeholders in the community. The proposed text amendments would not reduce or compromise existing standards that protect the health, safety or general welfare of the City because the 50-foot ridgeline setback standards in CMC 17.20.150 and the variance provisions therein will continue to apply to any new discretionary development projects on any undeveloped property located on or near a mapped significant ridgeline, as well as any major addition proposed for an existing structure on a developed property located on or near a mapped significant ridgeline. Furthermore, the proposed text amendments will better meet the interests of Calabasas homeowners desiring to improve their properties; contributing to a sound local economic base and meet the current standards of the Land Use and Development Code; as such, the text amendments will improve the functionality of the Development Code to better protect the public interest, health, safety or general welfare of the City. As such, this project meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

This project complies with the provisions of the California Environmental Quality Act (CEQA) because it will exempt from the 50-foot ridgeline setback standard (CMC Section 17.20.150.C.2 through 17.20.150.C.4) additions not exceeding 1,200 sq. ft. to existing single-family homes within previously developed and residentially zoned subdivisions and the addition of appurtenant accessory structures on such properties, such that the proposed addition(s) and/or accessory structure(s) otherwise comply with the provisions of the Development Code; consequently, the proposal is exempt from environmental review in accordance with Section 21084 of the Act and pursuant to Sections 15061(B)(3), 15301, and 15303 of the CEQA Guidelines, and as such this project meets this finding.

4. *The proposed amendment is internally consistent with other applicable provisions of this development code.*

The Development Code Amendment has been written to be internally consistent with all applicable provisions of the Land Use and Development Code, such as Calabasas Municipal Section (CMC) 17.11.010 (Permitted Land Uses), and will improve internal consistency within the Development Code and with other titles of the Calabasas Municipal Code. Based on the foregoing evidence, this project meets this finding.

**SECTION 3.** Development Code Amendment: Section 17.20.150.C.2 of the Land Use and Development Code is hereby amended to read as follows:

2. **Ridgelines.** For the purposes of maintaining the natural appearance of the ridge, structures should not be placed on or near ridgelines so that they appear silhouetted against the sky when viewed from any point on a roadway designated as a scenic corridor by the General Plan (see Figure 3-5). For significant ridgelines identified in the Open Space Element of the General Plan (Figure III-4), the highest point of any structure that requires a permit shall be located at least fifty (50) vertical feet and fifty (50) horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, and amateur radio antennas.

However, this ridgeline setback provision shall not apply to:

- a. Any addition to a legally established residence or accessory structure(s) existing as of the effective date of this ordinance that is located on a significant ridgeline, or within the ridgeline protection area of 50 vertical and 50 horizontal feet from the significant ridgeline, such that said addition does not cumulatively with any other permitted additions enlarge the structure by an amount exceeding 25 percent or 1,200 square feet of additional gross floor area, whichever is less, above the structure's original size.
- b. Any new accessory structure which is otherwise allowed within the applicable zoning district and which complies fully with the development standards for the zone.

**SECTION 4.** Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.


**SECTION 5.** Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

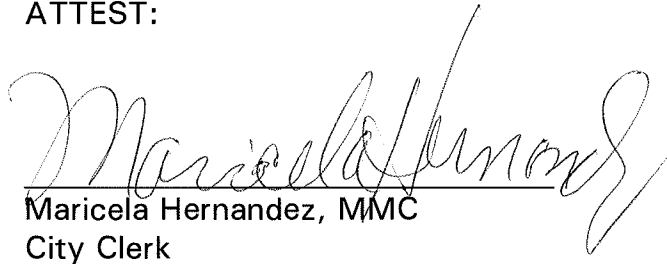
**SECTION 6.** Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of October, 2016.

  
James R. Bozajian, Mayor

ATTEST:

  
Maricela Hernandez, MMC  
City Clerk

APPROVED AS TO FORM:

  
Dave Fleishman  
Assistant City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) §  
CITY OF CALABASAS            )

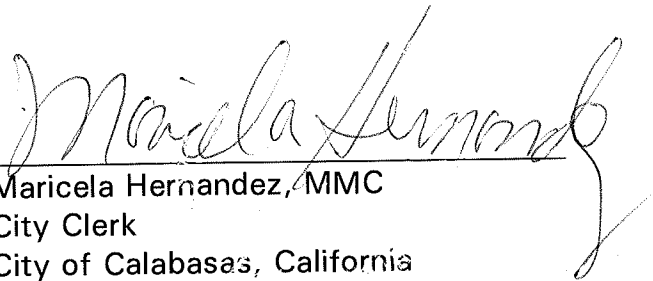
I, **MARICELA HERNANDEZ, MMC**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing ordinance, being **Ordinance No. 2016-340** was duly introduced and approved by the City Council of the City of Calabasas at a regular meeting held on the 28<sup>th</sup> day of September, 2016 and adopted and passed by said Council at a regular meeting held on the 26<sup>th</sup> day of October, 2016 by the following vote:

AYES:            Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Gaines, Shapiro and Weintraub.

NOES:            None.

ABSTAIN:        None.

ABSENT:         None.

  
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Maricela Hernandez, MMC  
City Clerk  
City of Calabasas, California