



CITY of CALABASAS

**PLANNING COMMISSION AGENDA REPORT**  
**AUGUST 20, 2020**

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**TO:** Members of the Planning Commission

**FROM:** Brenda Magaña, Associate Planner

**FILE NO.:** Site Plan Review 2019-002 and Variance 2019-002

**PROPOSAL:** Request for a Site Plan Review and Variance to demolish an existing legal nonconforming 1,772 square-foot two-story single-family residence and construct a new 3,660 square-foot two-story single-family residence with an attached 424 square-foot two-car garage and 61 square-foot storage area. The project involves requests for four (4) variances to exceed the maximum permitted site coverage, encroach into both required side yard setbacks, and encroach into the required rear yard setback. The subject site is located at 4602 Park Mirasol (APN: 2068-007-019) within the Residential, Single-Family (RS) zoning district.

**APPLICANT:** Janet Elaine Spinks Architects

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**STAFF RECOMMENDATION:**

That the Commission adopt Resolution No. 2020-702 denying File No(s). SPR 2019-002 and VAR 2019-002 without prejudice.

**REVIEW AUTHORITY:**

The Planning Commission is reviewing this project because Section 17.62.020 of the Calabasas Municipal Code (CMC) stipulates that construction of a new single-family home requires approval of a Site Plan Review, subject to review by the Commission. Section 17.62.080 stipulates that Variance applications shall be reviewed by the Planning Commission.

## **BACKGROUND:**

On August 20, 2019, the applicant submitted a proposal to demolish an existing legal nonconforming 1,772 square-foot two-story single-family residence and construct a new 3,660 square-foot two-story single-family residence with an attached 424 square-foot two-car garage and 61 square-foot storage area. The project involves requests for four variances including to exceed the maximum permitted site coverage, encroaching into both required side yard setbacks, and encroaching into the required rear yard setback.

On September 3, 2019, the Development Review Committee reviewed the proposed project and had no significant comments or issues. On September 11, 2019, a letter of incompleteness was sent to the applicant with comments relative to variance findings, setback issues and technical issues. On September 27, 2019, the Architectural Review Panel reviewed the proposed project and offered suggestions to enhancing the front corner of the house, relocating the trash can enclosure, reducing the rear of the house by 2 feet to improve the ratio of patio to house and asked the applicant to utilize one architectural theme for the house as there were too many architectural designs at that time. On November 22, 2019, the applicant submitted revised plans to address the issues that were raised by the ARP. The project was deemed complete on August 7, 2020.

## **STAFF ANALYSIS:**

The key issues related to this project are discussed below:

- A. Site Design/Building Layout:** The subject site is a 4,040 square-foot interior lot developed with a 1,772 square-foot two-story single-family residence and attached two-car garage, driveway, walkways and balcony off the rear of the house, overlooking the lake. The subject property ranges between 31 and 35 feet wide, and is approximately 128 feet long measured at the midpoint of the lot's width. Additionally, the property is uniquely shaped with an angular "bend" (resembling a flag-like feature) and non-linear (curved) front and rear property lines due to its location at the end of a cul-de-sac and adjacency to both an unusually shaped common area property, and the shoreline of a serpentine shaped lake. The existing house is legal nonconforming because it does not meet either of the two required side yard setbacks, or the required rear yard setback for the RS zoning district. However, the existing house does meet the front yard setback and complies with the City's required site coverage requirement. Houses in the surrounding neighborhood consist of two-story townhome style single-family residences ranging in size from 1,746 to 3,885

square feet (not including garages). There are approximately 26 townhomes, including the subject property located along the southern portion of Park Mirasol, all with various non-conforming setbacks, most with non-conforming site coverage and various other Development Code non-conformities. All 26 properties located along the southern portion of Park Mirasol vary from approximately 30 feet to 35 feet in width, and vary in length from 97 feet to 128 feet due to the unique configuration of the neighborhood around a serpentine shaped lake.

The applicant proposes to demolish the existing two-story house and the garage and construct a new 3,660 square-foot two-story house with an attached 424 square-foot garage, 61 square-foot storage area, patio cover, deck and balcony. Due to the unique lot configuration and size, the following variances have been requested in order to accomplish the proposed development: 1) a variance to exceed the maximum site coverage from 50% to 61%, 2) a variance for a reduced side setback on the east side from 10' to 4'6" 5/8, 3) a variance for a reduced side (west) setback from 10' to 0', and 4) a variance for a reduced rear setback from 20' to 15'-6" 1/8. The proposed project meets the pervious surface requirement and height limit for the RS zone.

The proposed first floor contains the kitchen, dining room, living room, den and mud room which totals 1,734 square feet. The proposed attached garage is 424 square feet and contains 61 square feet of additional storage space. The proposed second floor contains the master bedroom, two bedrooms, study, and laundry room, which totals 1,926 square feet. A balcony is proposed on the second floor off the rear of the house which results in a covered patio to the first floor below. A small terrace is proposed on the southeast side of the second floor. The total living area for the proposed house is 3,660 square feet. The site will be further developed with new permeable paving and a CMC required trash enclosure.

- B. Parking:** Per Section 17.28.040(D)(Table 3-11) of the CMC, two parking spaces within a garage are required for a new single-family residence and the garage must be a minimum size of 20' by 20' unobstructed. As proposed, the garage complies with this requirement.
- C. Architecture:** The proposed home is reminiscent of contemporary modern architecture. With "X-50 Crystal White" smooth trowel cement plaster. The proposed roof will be a "Charcoal" Concrete roofing with "Espresso" corbels. The decorative trim above windows will be painted a "Royal Mossa Grey". The proposed contemporary home incorporates elements (roof lines and finishes)

that complement the aesthetics of the existing neighborhood. The color and material selection was chosen to be consistent with the neighborhood.

The City's Architecture Review Panel (ARP) reviewed the project both on September 27, 2019, and a revised design on November 22, 2019 and, on November 22, 2019, recommended approval of the project to the Planning Commission. The Panel made a few suggestions to enhance the front corner of the house, relocating the trash can enclosure, reducing the rear of the house by 2 feet to improve the ratio of patio to house and asked the applicant to utilize one architectural theme for the house as there were too many various architectural styles represented at that time. The applicant has addressed the ARP's comments and revised the design to address the Panel's suggestions.

- D. Landscaping:** Per Section 17.26.040(B)(1)(a), "whenever there is a residential subdivision with permanent open space dedicated as part of the original subdivision approval and which is controlled by the City, another public agency, or an active Homeowners Association, individual lots within that subdivision may receive a credit against the landscape and pervious surface requirements." The proposed pervious surface is 54%, which complies with the 28% minimum requirement (with applied credit). New landscaping will be installed on both sides of the entry along the driveway and along the east side property line, types of plants include " Kangaroo Paws Big Red," "Provence Lavender, Goodwin Creek Lavender and French Lavender", "Silver Dichondra," and "Santa Barbara Daisy." The exiting shrubs located at the rear of the property are to remain.
- E. Site Plan Review:** The applicant is proposing to demolish an existing legal nonconforming 1,772 square-foot two-story single-family residence and construct a new 3,660 square-foot two-story single-family residence with an attached 424 square foot two-car garage, and 61 square-foot storage area. Per Section 17.62.020, construction of a new home requires approval of a Site Plan Review application subject to affirmative findings that the proposed development is compatible in design, appearance and scale with other uses in the area, that the site is adequate in size and shape to accommodate the proposed development, and that the proposed development is designed to integrate with the surrounding natural environment.

Houses in the surrounding neighborhood consist of two-story townhome style single-family residences ranging in size from 1,746 to 3,885 square feet (without garages). The existing home was built as part of a tract townhome development under the County of Los Angeles, where the houses are located on small lots and attached by common walls on one or both sides. There are

approximately 26 townhomes including the subject property located along the southern portion of Park Mirasol. Due to the City's re-zoning of the area to Residential Single-Family (RS), a designation intended for detached residences, over the townhome-style development, all the properties have various non-conforming setbacks, and most are non-conforming with respect to site coverage requirements. All 26 properties located along the southern portion of Park Mirasol have a lake front rear yard, and vary from 30 feet to 35 feet in width, and vary in length from 97 feet to 128 feet due to the unique configuration of the neighborhood around a serpentine shaped lake.

Properties in the neighborhood are mostly two story, and exhibit a combination of different architectural designs including craftsmen, contemporary, and Cape Cod which all utilize neutral colors. All properties contain as much landscaping as possible, given the small size of the properties. Properties that have common walls on both sides are landscaped mainly in the front and rear yards, but a few properties that have only one common wall have some landscaping in narrow strips in a side yard.

The proposed project is to demolish an existing residence, and to construct a new two-story 3,660 square foot home with an attached 424 square foot garage, and 61 square-foot storage area. The new residence will share one common wall with a neighboring residence, and will have a (reduced) side yard on the other (southeastern) side of the property that abuts a common area open space property. As proposed, the residence is designed to meet the front yard setback, pervious surface requirement and height. However, the applicant has requested variances to reduce both side yard setbacks and the rear yard setback, and to exceed the maximum site coverage requirement.

As mentioned above, the neighborhood contains homes that are mostly two-story, and range in size from 1,746 to 3,885 square feet (without garages). The proposed two-story 3,660 square foot residence is consistent with the height of other homes in the neighborhood, and although is above the neighborhood size average of 2,480 square feet, falls within the size range of homes in the neighborhood. Also, the proposed reduced setbacks and increased site coverage ratios follow characteristics that, although vary to a degree with each specific property, are common in the area, and therefore the site layout is consistent with the layout of other properties in the area. Please note that this analysis is in regards to neighborhood consistency and does not address the merit of the variance requests, which are discussed in Section F of this staff report. Additionally, the project has a contemporary architectural design which was reviewed by the Architectural Review Panel for compatibility with the

neighborhood, design, and integration with the surrounding community and was approved by the Panel on November 22, 2019. For all these reasons, the project is compatible in design, appearance and scale with other uses in the area, is designed to fit the property, and is designed to integrate with the surrounding natural environment.

- F. Variance Requests: The proposed project includes a request for four variances including exceeding the maximum permitted site coverage, encroaching into both required side yard setbacks, and encroaching into the required rear yard setback. The subject residence was originally constructed in 1970 as part of a tract townhome development with the County of Los Angeles. This development included subdivision of land into small lots ranging in size from .12 acres (5,177 sq. ft.) to .07 acres (2,938 sq. ft.), and the construction of fifty-nine townhomes built along Park Mirasol and a portion of Park Sorrento for Tract 28212. The homes along Park Mirasol were built in groupings of 4 to 5 residences attached by common walls, with two end units each. Subsequent to the City of Calabasas incorporation, the homes located along Park Mirasol were re-zoned Residential, Single-Family (RS), which is intended for detached, single-family homes, including large lot estates, typical suburban tract development, and small residential detached single-family homes. Due to the adoption of this zoning designation for a neighborhood of townhome-style residences, all of the homes on Park Mirasol became existing, legal, nonconforming because they were not developed in accordance with the required development standards for the RS zoning district, specifically site coverage and setbacks.

Strict application of the CMC's RS zoning standards would require that a new home is constructed at least 10' from each side property line, and at least 20' from both the front and rear property lines. With a lot width that ranges from 31' to 35 feet, it is not practical or possible to redevelop the subject property in compliance with the side yard setback requirements contained in the RS development standards. The subject property is surrounded by 26 existing, two-story homes located along the southern segment of Park Mirasol. Of the 26 homes, 14 homes are attached on both sides to a common wall, with a zero side yard setback. The remaining twelve of the 26 homes are end units attached to a shared common wall on one side property line and are setback 5' from the property line on the other side. As a result, no townhome on Park Mirasol meets the 10-foot side setback required by the CMC for the RS zone on either side of the property. Additionally, there are no detached single-family homes on Park Mirasol. Furthermore, applying a 10 foot side yard setback on either side of the lot would leave a typical 30 foot wide lot in this neighborhood with only a 10 foot wide development envelope which is not a reasonable width development

envelope. The width of the subject property ranges from 31 to 35 feet, which is negligibly wider than the typical property in the neighborhood, but still not wide enough for a newly constructed residence to reasonably meet the required side yard setback standards. For these reasons, findings for the variances for reduction of the side yard setbacks can be supported.

The applicant is also requesting a variance for the rear yard setback. Existing residences within the neighborhood are all two story and range in size from 1,746 square feet to 3,885 square feet (0.41 to 1.16 FAR). Additionally, properties in the neighborhood range in length (measured from the midpoint of the front lot line to the midpoint of the rear lot line) from 97 feet to 128 feet. The subject lot measures approximately 128' in length which makes it the longest lot in the neighborhood, and therefore has an advantage compared to other properties in the neighborhood in constructing a reasonably sized home that meets both of the front and rear yard setback requirement of 20'.

As proposed, the project meets the front yard setback. However, the applicant is requesting a variance for an encroachment of 4 feet, 5 7/8 inches into the rear yard setback to accommodate the proposed 3,660 square foot residence (excluding the garage). As designed, the proposed residence encroaches into the rear yard setback on the northeast corner of the proposed single-family residence by approximately 5', and meets the required 20 foot rear yard setback on the northwest corner of the residence because the property line is at a slant. The proposed encroachment effects approximately 22 square feet on the first floor where the living and dining room are located. Because the encroachment is minor, and because the applicant is proposing a residence of 3,660 square feet (excluding the garage), which is on the higher end of the size range of homes in the neighborhood, staff is recommending denial of the rear yard variance request because a minor redesign of the residence to meet the rear yard setback would only reduce the proposed house size negligibly, still resulting in a home on the high end of the neighborhood size range, and meeting the rear yard setback standard. In order for the City to grant a variance, the City needs to find that there is an unusual circumstance for this property that generally does not apply to other properties in the vicinity, and where strict adherence to the Code deprives the property owner of privileges enjoyed by others, that granting the variance is necessary to preserve substantial property rights possessed by others, and that granting the variance would not constitute granting of a special privilege inconsistent with the limitations of the other properties. In this case, the subject property is longer than most other properties in the neighborhood, slightly wider than the typical property in the neighborhood, and as proposed, the residence would be one of the larger homes

in the neighborhood. To this end, denying the rear yard variance request does not deprive the property owner of property rights enjoyed by others because the residence can be re-designed to meet the setback requirement and still allow the property owner a reasonably sized residence in comparison to other homes in the vicinity. Therefore, the findings for granting a rear yard variance cannot be met.

The applicant is also requesting a variance to exceed the site coverage requirement. As already mentioned, homes in this neighborhood are townhome-style, and built on very small properties ranging from .07 acres (2,938 sq. ft.) to .12 acres (5,177 sq. ft.). The Residential Single-Family zone requires a maximum site coverage of 50% for properties less than 1/3 acre (14,520 sq. ft.), which all of the properties in this community are less than 1/3 acre. The site coverage of properties along Park Mirasol range from 33% to 78%, with an average of 55%, which is just over the Code requirement. The proposed home would have a site coverage of 61%, which is well within the range of other properties in the neighborhood. Due to the small size of the property (typical for the neighborhood), meeting the site coverage standard is difficult, and, in this case, would deprive the property owner of rights possessed by other homeowners in the vicinity by further limiting the size of the residence, and therefore, the requested variance is reasonable and warranted.

It should be noted that absent the rear yard variance that staff is recommending denial of for the reasons described above, and based on the other analysis contained within this report, staff would recommend approval of the project, including all site plan review findings, and all findings for variances for both of the side yard setbacks and the site coverage requirement.

**REQUIRED FINDINGS:**

The proposed Resolution, attached as Exhibit A, denies the project without prejudice, as two of the required findings for the rear yard setback encroachment variance cannot be made.

**ENVIRONMENTAL REVIEW:**

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3)(General Rule Exemption) and Section 15303 (New Construction or Conversion of Small Structures)(Class 3)(a) of the California CEQA Guidelines and Public Resources Code section 21080, subdivision (b)(5) and CEQA Guidelines Section 15061, subdivision (b)(4) – exempting denied projects



from environmental review.

**PREVIOUS REVIEWS:**

**Development Review Committee (DRC):**

September 3, 2019 No significant issues.

**Architectural Review Panel (ARP):**

September 27, 2019 The City's Architectural Review Panel (ARP) reviewed the project on September 27, 2019 made a few suggestions to enhance the front corner of the house, relocating the trash can enclosure, reducing the rear of the house by 2 feet to improve the ratio of patio to house and asked the applicant to determine utilize one architectural theme for the house as there were too many various architectural styles represented at that time.

November 22, 2019 The City's Architectural Review Panel (ARP) reviewed the project on November 22, 2019 and recommended approval to the Planning Commission. The Panel requested the applicant to provide articulation along the "party wall" that faces the street, such as a change in materials.

**ATTACHMENTS:**

- Exhibit A: Planning Commission Resolution No. 2020-702
- Exhibit B: Project Plans and Elevations
- Exhibit C: Renderings and Color Board
- Exhibit D: ARP Minutes from September 27, 2019
- Exhibit E: ARP Minutes from November 22, 2019
- Exhibit F: Correspondence

**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:**

		<b>Code Limit</b>	<b>Meets Code</b>
Lot Size:	4,040	Sq. Ft.	
Floor Area:			
Existing: (to be demolished)	1,772	Sq. Ft.	
Proposed:	3,660	Sq. Ft.	
Floor Area Ratio	0.9		

Development Standards:					Code Limit	Meets Code
<b>(FAR):</b>						
<b>Setbacks:</b>						
<i>Front:</i>	20	Ft.			20'	YES
<i>Rear:</i>	15	Ft.	6 1/8	In.	20'	Variance Requested
<i>Side:</i>	0	Ft.			10'	Variance Requested
<i>Side:</i>	5	Ft.	6 5/8	In.	10'	Variance Requested
<b>Height:</b>	29	Ft.	10	In.	35'	YES
<b>Pervious Surface:</b>						
Existing:	250	Sq. Ft.	6.18	%	12.57% min.	Legal-non conforming
Proposed:	621.25	Sq. Ft.	15.38	%	12.57% min.	YES
<b>Site Coverage:</b>						
<i>Existing:</i>	2,173	Sq. Ft.	53	%	50% max.	Legal- non conforming
<i>Proposed:</i>	2,473	Sq. Ft.	61	%	50% max.	Variance Requested
<b>Parking Calculations</b>						
# of Spaces Provided:	2					
# of Spaces Required:	2					

<b>Development Standards:</b>	<b>Code Limit</b>	<b>Meets Code</b>
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**Proposed Color Palette:**

Body Color: "X-50 Crystal White" Plaster  
 Trim Color: "Royal Mossa Grey"  
 Roof Color: "Charcoal" with "Espresso" corbels

**Surrounding Properties:**

	Existing Land Use	Zoning	General Plan Designation
Site	Residential	RS	R-SF
West	Residential	RS	R-SF
East	Home Owner's Association Open Space	RS	R-SF
North	Lake	OS	OS-RP
South	Residential	RS	RS-SF

<b>Home Comparison:</b>					
<b>Address</b>	<b>APN</b>	<b>House Size (SF)</b>	<b>Lot Size (SF)</b>	<b>FAR</b>	<b>Site Coverage</b>
<b>Project Site:</b>					
<b>4602 Park Mirasol</b>	<b>2068-007-019</b>	<b>3,660</b>	<b>4,040</b>	<b>0.9</b>	<b>61%</b>
<b>Neighboring Homes:</b>					
4647 Park Mirasol	2068-007-001	2,561	5,177	0.50	33%
4645 Park Mirasol	2068-007-002	2,873	3,058	0.94	57%
4643 Park Mirasol	2068-007-003	2,709	3,088	0.88	54%
4641 Park Mirasol	2068-007-004	2,351	3,150	0.75	62%
4637 Park Mirasol	2068-007-005	2,407	3,148	0.76	53%
4635 Park Mirasol	2068-007-006	2,609	3,359	0.78	53%
4633 Park Mirasol	2068-007-007	2,010	3,222	0.62	55%
4631 Park Mirasol	2068-007-008	2,010	2,997	0.67	59%
4627 Park Mirasol	2068-007-009	1,952	3,691	0.53	54%
4625 Park Mirasol	2068-007-010	2,679	3,315	0.8	53%
4623 Park Mirasol	2068-007-011	2,961	3,677	0.81	44%
4617 Park Mirasol	2068-007-012	2,517	3,180	0.79	52%
4615 Park Mirasol	2068-007-013	3,084	3,294	0.95	60%
4611 Park Mirasol	2068-007-014	1,952	3,209	0.61	56%
4609 Park Mirasol	2068-007-015	2,571	3,107	0.83	55%
4607 Park Mirasol	2068-007-016	2,340	3,158	0.74	55%
4605 Park	2068-007-	2,341	3,220	0.73	64%

Mirasol	017				
4603 Park Mirasol	2068-007-018	2,619	2,938	0.89	78%
4604 Park Mirasol	2068-007-020	1,909	3,413	0.56	56%
4606 Park Mirasol	2068-007-021	3,885	3,350	1.16	54%
4608 Park Mirasol	2068-007-022	2,176	3,275	0.67	59%
4610 Park Mirasol	2068-007-023	1,952	3,624	0.54	45%
4614 Park Mirasol	2068-007-024	2,971	4,014	0.74	49%
4618 Park Mirasol	2068-007-025	2,726	3,638	0.74	57%
4624 Park Mirasol	2068-007-026	1,746	4,255	0.41	54%
<b><i>Average:</i></b>		<b><i>2,480</i></b>	<b><i>3,421</i></b>	<b><i>0.74</i></b>	<b><i>55%</i></b>

**Notes: The House sizes do not include garages. Project Site information obtained from information submitted by the applicant. Information on neighboring homes obtained from records of the Los Angeles County Tax Assessor Office.**