



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
SEPTEMBER 17, 2020

TO: Members of the Planning Commission

FROM: Michael Klein, Senior Planner, AICP **MAK**

FILE NO.: 180000265

PROPOSAL: Request for a Site Plan Review, Oak Tree Permit, and Scenic Corridor Permit to construct a 2,121 square-foot one-story single-family residence with an attached two-car garage. The proposed project includes a request for an Oak Tree Permit to encroach within the protected zone of four (4) oak trees and the removal of four (4) non-heritage oak trees, in order to construct the house and necessary site improvements. The subject site is located at 24226 Dry Canyon Cold Creek Rd (APN: 4455-047-014), within the Hillside Mountainous (HM) zoning district and the Scenic Corridor (SC) overlay zone.

APPLICANT: Zalman Nemtsov

RECOMMENDATION: Adopt Resolution No. 2020-704 approving File No. 180000265.

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 2020-704 approving File No. 180000265.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62 of the Calabasas Municipal Code (CMC) stipulates that that new single-family homes in Residential zoning districts and the Scenic Corridor Overlay zone require approval of a Site Plan Review Permit and a Scenic Corridor Permit, which requires review by the Commission. Additionally, in accordance with Section 17.60.020 of the CMC, the Planning

Commission is the decision making body for all associated permits, such as the requested Oak Tree Permit.

BACKGROUND:

Prior Approval(s):

On April 16, 2008, the City Council approved Resolution No. 2008-1123, upholding the Planning Commission's decision to approve a Conditional Use Permit (CUP 700-002) and Oak Tree Permit (OTP 700-002) for the construction of a new 5,455 square-foot two-story single-family residence with a pool and spa. The project included the removal of two oak trees and encroachment into the protected zone of two oak trees, installation of a 2,500 gallon septic system, and the net removal of approximately 1,300 cubic yards dirt for site grading. The proposed two-story home, pool and spa were located on the eastern portion of the site, which had been previously graded/disturbed. The project was originally approved by the Planning Commission on March 13, 2008, and was subsequently appealed by a neighbor. As a result, the City Council was the final decision making body, as referenced above. Given the timing of the project approval, and simultaneous collapse in the housing market, the approved project was not constructed. The site has remained vacant, and was purchased by the current owner in 2016.



Rendering of the approved project in 2008.

Current Project:

On March 5, 2018, the applicant submitted an application seeking permission to construct

a new 2,121 square-foot one-story single-family residence on a vacant 46,823 square-foot lot located at 24226 Dry Canyon Cold Creek Road (APN: 4455-047-014), within the Hillside Mountainous (HM) zoning district and Scenic Corridor (SC) overlay zone. The proposed project is significantly smaller in size, and lower in height than the previously approved project. The proposed project was reviewed by the Development Review Committee (DRC) on April 3, 2018, and comments were forwarded to the applicant. The applicant was notified of application incompleteness on April 5, 2018. The Architectural Review Panel (ARP) reviewed the project on October 26, 2018 and January 25, 2019. The Panel recommended approval of the final design. In addition to the City's comments, throughout the past two years the applicant has been working with the Fire Department, Building and Safety and Public Works for conceptual approvals of grading, site access and Onsite Wastewater Treatment System (OWTS). Having addressed all City and outside agency comments, the application was deemed complete on August 28, 2020.



Color rendering of the currently proposed project.

STAFF ANALYSIS:

A. Site Design/Building Layout: The subject site is an 46,823 square-foot undeveloped legal lot located at 24226 Dry Canyon Cold Creek Road (APN: 4455-047-014) within the Hillside Mountainous (HM) zoning district and Scenic Corridor (SC) overlay zone. The subject site is a rectangular lot with frontage along Dry Canyon Cold Creek Road. Site access is from a shared driveway along Dry Canyon Cold Creek Road.

The subject site is surrounded by developed properties to the east, west and south; and a vacant parcel to the north. The rectangular shaped lot slopes steeply to the east

from Dry Canyon Cold Creek Road to an ephemeral stream, and then slopes gradually up to the east. The eastern portion of the subject site has been previously disturbed and is relatively flat. Existing on-site vegetation is located mostly along the streambed and eastern property line. There are 13 oak trees and scrub oak clusters on the site, and within the immediate area off-site. Dry Canyon Cold Creek Road is an improved public right-of-way, approximately 50 feet wide, and designated as a local street in the General Plan. A fire hydrant is located approximately 15 feet to the north of the shared access driveway to the subject site. Available utilities include potable water from the Las Virgenes Municipal Water District, and electricity from Southern California Edison via overhead lines. There is no available sewer service in the area.

The structure is sited in the proposed location in order to minimize grading and comply with all applicable development standards of the CMC, including, but not limited to, site coverage, setbacks, pervious surface, and parking. The proposed height of the structure ranges from 13 to 17 feet. See the technical appendix below for conformance with the development standards for the HM zoning district.

- B. Utilities and Septic System:** As mentioned above, the site is served by the Las Virgenes Municipal Water District for potable water and Southern California Edison for electricity. All new utilities serving the site will be underground. The proposed project includes the installation of a septic system to provide onsite wastewater disposal, because there is no available sanitary sewer near the subject site. The proposed septic system has been designed in compliance with Title 15 and Title 17 of the CMC, and includes the installation of a 1,500 gallon septic tank and approximately 2,500 square feet of leach trenches. The design is consistent with the OWTS suitability report, prepared by Larry Young, CA Registered Environmental Health Specialist, which included boring samples to determine the geological conditions of the site and ground water table. The proposed system, and accompanying reports, have been reviewed by the Building and Safety Department, which has determined the system to be in compliance with all applicable regulations; and staff has conceptually approved the design accordingly.
- C. Scenic Corridor / Architecture:** The proposed residence has been designed to incorporate architectural elements found in Modern architecture. The house will be finished with a smooth stucco and a flat roof. Accents will include decorative doors, windows and horizontal wood siding. Given that residences along Dry Canyon Cold Creek Road community represent an eclectic variety of architectural styles with no single or dominant architectural type, the Modern architecture of the proposed project is compatible with the neighborhood. Furthermore, as demonstrated by the installed story poles, the proposed one-story house is at a lower elevation than Mulholland Highway (the designated Scenic Corridor), and is only visible from far away along the

roadway. As a result, the proposed roof will be a dark color as recommended by the ARP (see discussion below).

The City's Architectural Review Panel first reviewed the project on October 26, 2018. At this meeting, the Panel recommended that the applicant update the design to incorporate additional modern elements on all four elevations and varying roof heights.

The applicant submitted revised plans responsive to the Panel's comments, and the Panel reviewed the proposed changes on January 25, 2019. The Panel found that the revised design of the proposed residence to be compatible with that of existing homes in the community and the Scenic Corridor Design Guidelines. As a result, the Panel recommended approval of the design, with minor modifications that have since been incorporated into the final plans.

The placement of story poles on the subject site is required to gauge the visual impact of the proposed project for development within a designated Scenic Corridor. Story poles were installed on June 3, 2020, in accordance with the City's Story Pole Procedures, and will remain up until a final decision is made on the project.

- D. Landscaping and Oak Trees:** The proposed landscaping is shown on the landscape/fuel modification plan included in Exhibit B. The conceptual landscape plan includes native ground cover near the house to enhance the interior of the site. As proposed, the project provides the required amount of permeable surfaces. On-site oak tree mitigation planting will provide additional native planting, habitat and screening, and will be included on the final landscape plan. As a result, the final landscape plan will complement the site and surrounding area.

As described in the Oak Tree Report dated August 14, 2020, and provided as Exhibit D, there are ten (10) coast live oak trees and three (3) scrub oaks within the vicinity of the proposed work. The proposed project will result in the encroachment into the protected zone of two (2) on-site coast live oak trees and two (2) off-site coast live oak trees. With proper care during construction, as conditioned in Resolution No. 2020-704, the proposed encroachments will not have a detrimental impact on the oaks to remain. Due to the location of proposed structure, necessary distance from the stream and required leach trenches, the proposed project also requires the removal of four (4) coast live oak trees. Due to the presence of the ephemeral stream and required fire department access, there is no feasible way to develop the site without removal of the four (4) coast live oak trees. As a result, the applicant is requesting approval to remove a total of 35 inches of oak trunk diameter. The applicant/property owner will be required to mitigate for the loss of 35 oak trunk diameter through a combination of new oak planting on-site and a fee payment into the City's oak tree mitigation fund.

On August 28, 2020, the City's oak tree consultant, Noah Stamm, rendered a recommendation of approval for this Oak Tree Permit (Exhibit E). His recommendation was based on a site inspection and the information provided in the Oak Tree Report.

- E. Geology, Grading and Drainage:** The subject site has been previously graded and cleared of brush vegetation. The site slopes steeply from Dry Canyon Cold Creek Road to an ephemeral stream that bisects the property, and then slope up gently to the east. Bedrock underlies the portion of the subject site where the house is proposed. Above the bedrock is a varying thickness of topsoil and artificial fill, which will be required to be removed and replaced with compacted engineered fill suitable for development. The maximum export after compaction is approximately 410 cubic yards. The City's Public Works Department has reviewed a geotechnical report prepared by Feffer Geological Consulting for the project site. The report provided suitable discussion, data and analysis to support the findings that the site is feasible for construction of the proposed single-family home and garage. Conceptual grading and drainage plans were submitted by the applicant to the City's Public Works Department for review. The plans were conceptually approved by Public Works. Conditions of approval related to grading, geology and drainage are included in Resolution No. 2020-704.
- F. Biology:** Because the subject site is bisected by an ephemeral stream, the applicant submitted a Biological Assessment (Exhibit F), prepared by Forde Biological Consultants. The purpose of the report is to determine the general biological character of the site, document native species and determine the potential for disturbance to sensitive species or habitat. The report includes a physical site survey and database search. According to the report, the site includes native and nonnative plant species, only two California Black Walnut trees were identified as a sensitive species. These trees are located in the ephemeral stream, and will not be impacted by the proposed project. Furthermore, an Oak Tree Permit is required as discussed above. The report further concluded that the proposed development is adequately setback from the banks of the ephemeral stream.

The report identified evidence of small wildlife such as a Valley pocket gopher, Great Basin fence lizard, western side-blotched lizard and Anna's hummingbird. However, these species are not listed as Rare, Threatened or Endangered by the state or federal governments. Nevertheless, the report states that on-site vegetation could support local wildlife and birds protected by the Migratory Bird Treaty Act. As a result, the conditions of approval require a site survey for nesting birds prior to any land clearing activities. With the above mentioned condition, the report concludes that there are no biological resource based challenges that cannot be overcome to develop the site.

REQUIRED FINDINGS:

The findings required in Sections 17.62 of the Calabasas Municipal Code for a Site Plan Review, Scenic Corridor Permit and Oak Tree Permit are contained in the resolution attached as Exhibit A.

ENVIRONMENTAL REVIEW:

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303, 15332, and 15061 of the CEQA Guidelines.

CONDITIONS OF APPROVAL:

See conditions contained in the resolution attached as Exhibit A. The following table is a summary of conditions contained in the resolution. Unless otherwise noted, the conditions in each category are standard conditions applied to projects of similar scope.

Condition No.(s)	Category	Notes
Community Development		
1-18	General	Condition number 9 requires compliance with MWELo. Condition number 17 requires a nesting survey prior to the land clearing activities.
19-33	Oak Trees	
34-38	Building and Safety	Conditions 37-38 relate to the proposed OWTS
Public Works		
39-47	Environmental Division	
48-54	Street Improvements	
55-74	Grading and Geotechnical	
75-77	Utilities	
78-83	Drainage and Hydrology	
84	Special Conditions	
85-86	Traffic Conditions	

Las Virgenes Municipal Water District		
87	General	
Fire Department		
88	General	

PREVIOUS REVIEWS:

Development Review Committee (DRC):

April 3, 2018 Requested revisions and additional information; application deemed incomplete.

Architectural Review Panel (ARP):

October 26, 2018 The applicant provided the Panel with color renderings and colors and materials sample. The Panel noted that while there are no modern homes in this area, they are supportive of a good modern design at this location. However, the panel stated that some of the elevations are lacking articulation, and asked the applicant to incorporate additional modern elements into the design. The Panel suggested that the rear (east) elevation should be enhanced with the same roof overhang as the front (west) elevation, and the south elevation should incorporate the same wood siding as the front elevation. The Panel suggested that the design incorporate higher roof plates at different locations and avoid one flat roof plane. The Panel noted that the windows are not symmetrical, and suggested that windows are re-arranged for better symmetry. The Panel continued the item to a future meeting.

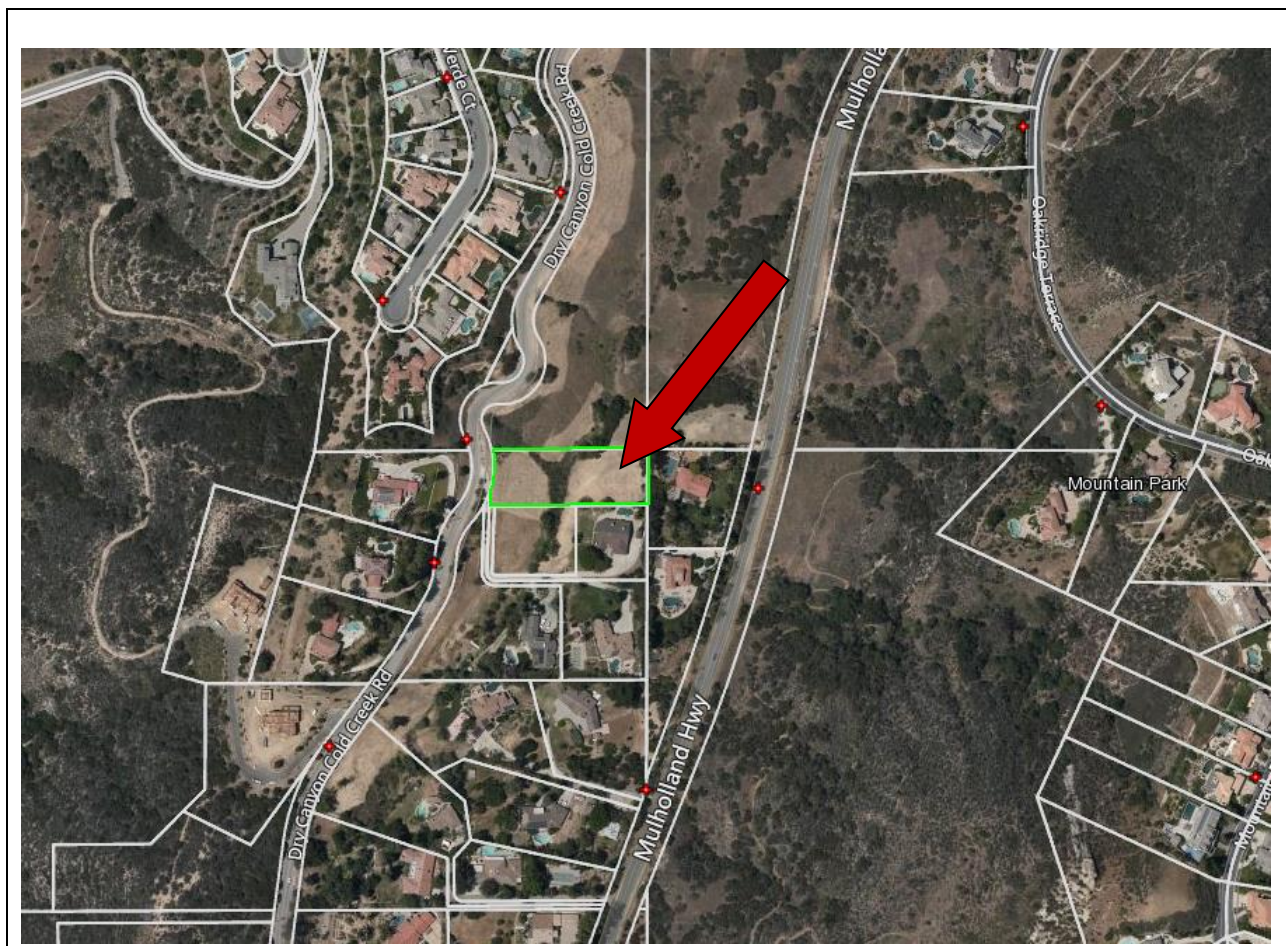
January 25, 2019 Staff recapped comments from the last ARP meeting the project was reviewed at. Project applicants, Zalman Nemtzov, Steven Fernandez and Marsha Cohen, were present representing the project, presented the revised project, and answered questions from the Panel. The Panel recommended the proposed wood siding wrap around the rear elevation of the garage. The Panel also presented a concern about the color of the TPO roof (white) proposed to comply with Building Code requirements. The Panel recommended use of a color other than white for all exposed roofing material. Suggestions were made by Panelists to consider either use of solar panels or a planted roof to aid in hiding the brightly colored cool roof. Furthermore, the Panel recommended, in lieu of recessed gutters and downspouts, to use a roof drain and overflow device which will be hidden behind the parapet and the downspout will be a pipe from the drain running down through the exterior wall and outletting at the bottom floor, eliminating overflow scuppers. Lastly, the Panel recommended expanding the volume of the entry into the house. All recommended changes (including if solar panels are proposed) shall be reviewed by Panelist Mugerdechian-Armen prior to going to the Planning commission. With the described recommendations, the Panel recommended approval of the design.

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution No. 2020-704
- Exhibit B: Site Plans and Elevations
- Exhibit C: Photographs of site (with story poles)
- Exhibit D: Oak Tree Report
- Exhibit E: City Oak Tree Arborist Review Letter
- Exhibit F: Biological Assessment
- Exhibit G: City Biologist Review Letter
- Exhibit H: ARP Minutes: Oct 26, 2018 and Jan 25, 2019

TECHNICAL APPENDIX

Location Map:



Development Standards:				Code Limit	Meets Code
Lot Size:	46,823	Sq. Ft.	gross	N/A	N/A (Existing)
Floor Area:					
House:	2,121	Sq. Ft.			
Garage:	581	Sq. Ft.			
Total:	2,702	Sq. Ft.			
Floor Area Ratio (FAR):	0.05				
Setbacks:					
Front:	268	Ft.		50 Ft. min	Yes
Rear:	51	Ft.		50 Ft. min	Yes
Side:	25	Ft.		25 Ft. min	Yes
Side:	27	Ft.		25 Ft. min	Yes
Height:	17 (max)	Ft.		25 Ft. max	Yes
Pervious Surface:					
Proposed:	40,511	Sq. Ft.	86.5 %	86% min	Yes
Parking Calculations					
# of Spaces Provided:	2			2 min	Yes

Proposed Color Palette:

Main Color: La Habra 830, Clay smooth stucco
 Accent Color: Thermory Ash Wood Horizontal Siding
 Roof Color: Gray TPO roof system

Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Vacant	Hillside Mountainous (HM) – Scenic Corridor (SC) overlay zone	Hillside Mountainous (HM)
West	Single-family residence	Open Space (OS)	Open Space Resource Protected (OS-RP)
East	Single-family residence	Hillside Mountainous (HM) – Scenic Corridor (SC)	Hillside Mountainous (HM)

		overlay zone	
North	Vacant	Open Space Development Restricted (OS-DR) – Scenic Corridor (SC) overlay zone	Rural Community (RC)
South	Hillside Mountainous (HM) – Scenic Corridor (SC) overlay zone	Hillside Mountainous (HM)	Hillside Mountainous (HM) – Scenic Corridor (SC) overlay zone

Home Comparison:

Address	APN	House Size (SF)	Lot Size (SF)	FAR
Project Site:				
24226 Dry Canyon Cold Creek Rd	4455047014	2121	46823	0.05
Neighboring Homes:				
24228 Dry Canyon Cold Creek Rd	4455047013	3890	32702	0.12
24230 Dry Canyon Cold Creek Rd	4455047004	3635	50007	0.07
24232 Dry Canyon Cold Creek Rd	4455047005	3990	76440	0.05
24255 Dry Canyon Cold Creek Rd	4455047001	5278	61687	0.09
24257 Dry Canyon Cold Creek Rd	4455047002	3217	57793	0.06
24259 Dry Canyon Cold Creek Rd	4455047003	4260	64904	0.07
24325 Mulholland Hwy	4455045008	3147	48189	0.07
24329 Mulholland Hwy	4455045009	4935	49998	0.10
Average:		4044	55,215	0.08

Notes: The House sizes do not include garages. Lot size is based on the gross lot area. 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.