



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT FEBRUARY 20, 2020

TO: Members of the Planning Commission

FROM: Judie Gilli, Associate Planner

FILE NO(s).: SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001, SGN-2020-003

PROPOSAL: Request for a Site Plan Review, Conditional Use Permit, Scenic Corridor Permit, Oak Tree Permit, Variance and a Sign Permit to demolish an existing two-story single-family residence, and construct a new approximately 14,000 square-foot two-story building inclusive of a place of worship (8,800 s.f.) and a single-family residence (5,300 s.f.) on a property located at 3871 Old Topanga Canyon Road (APN 2069-016-025) within the Rural Residential (RR) Zone and the Scenic Corridor (SC) Overlay Zone. The project includes a Variance request for retaining wall height, and an Oak Tree Permit for the removal of 9 non-heritage oak trees and encroachment into the protected zone of 4 oak trees.

APPLICANT: Rabbi Eli Friedman

RECOMMENDATION: Adopt Resolution No. 2020-698, approving File No(s). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001, and SGN-2020-003

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 2020-698, approving File No(s). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001, and SGN-2020-003.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62.060 (Conditional Use Permit), Section 17.62.080 (Variance), and Section 17.62.020 (Site Plan Review) of the Calabasas Municipal Code (CMC) stipulate that conditional use permits, variances, and site plan reviews, respectively, require review and approval by the Planning Commission. A conditional use permit is required for this project because Section 17.11.010(F) of the CMC stipulates that places of worship are allowed in the Rural Residential (RR) Zone only with a conditional use permit. Furthermore, a Variance is required because the proposed retaining wall height exceeds the City's wall height maximum of 6 feet, and Section 17.62.080(B)(1) allows variances from dimensional requirements contained within Title 17 of the CMC.

BACKGROUND:

The existing residence was originally permitted and built in 1979. The current owners, Rabbi Eli Friedman and Shaini Friedman, purchased the property in 2003, and subsequently began prayer services for the community, Chabad of Calabasas. In general, the word chabad is used to describe a religious facility for the Jewish faith. The word shul is used to describe the sanctuary space used for worship, but these two words can be used interchangeably.

On June 3, 2019, the applicant applied for a conditional use permit, variance, site plan review, scenic corridor permit, and oak tree permit to demolish the existing two-story single-family residence and construct a new 14,176 square-foot two-story building, inclusive of a place of worship and single-family residence to legally establish the religious land use located at 3871 Old Topanga Canyon Rd, within the Rural Residential (RR) zoning district and Scenic Corridor (SC) overlay zone. The project application and plans were routed to the Development Review Committee (DRC) for review upon receipt, and the DRC reviewed the application on June 25, 2019 and had no major comments. The proposed project was also reviewed by the City's Architectural Review Panel (ARP) on August 23, 2019, in accordance with Section 2.40.040(C) of the CMC. The Panel recommended approval of the project to the Planning Commission. Following staff's review, the application was deemed complete on February 3, 2020.

STAFF ANALYSIS:

The key issues related to this project are discussed below:

- A. Existing Conditions:** The proposed project is located at 3871 Old Topanga Canyon Rd, approximately 350 feet north of Old Topanga Canyon Rd.'s intersection with Mulholland Hwy, and directly across from Calabasas High School. The project site, as well as the properties to the north and west of the site, are currently zoned Rural Residential (RR), and the properties to the east and south are zoned Public Facilities (PF) and Commercial Limited (CL). As such, the immediate vicinity is comprised of two single-family residences located adjacent to and north of the subject site, Calabasas High School and an existing commercial shopping center across the street and to the east, and vacant lots to the south and west. The subject site is currently developed with a 2,564 square-foot two-story single-family residence, carport, rear yard accessory structures, retaining walls, landscape, and hardscape consisting of a driveway, patios, and walkways. As stated above, the existing residence is also used for prayer service.

The existing site is characterized by a terraced and developed eastern portion of the property closest to Old Topanga Canyon Road. The western portion of the property, to the rear of the existing residence, is comprised of a steeply sloped oak woodland, inclusive of 22 on-site oak trees, 4 of which are heritage. The front yard of the existing residence contains a storm drain easement running parallel to Old Topanga Canyon Rd, located approximately 18 feet to the west of the front property line, with an open drainage channel leading into a box channel at the southeastern corner of the property. Additionally, landscaping along the front property line serves to screen the existing residence and other site improvements from the public right-of-way.

- B. Proposed Project:** The applicant is proposing to demolish the existing two-story single-family residence/place of worship and construct a new 14,176 square-foot facility consisting of an 8,850 square-foot religious facility on the first floor, and 5,326 square-foot single-family residence on the second floor. The proposed project also involves the construction of a new 616 square-foot attached garage. Garage parking is reserved only for occupants of the residence. The Chabad is proposed to contain an assembly area (shul) of 1,479 square-feet, an entry area, restrooms, 3 classrooms, a library, an office, a dining hall with adjoining food preparation kitchen, hallways, and storage areas. The proposed on-site parking will be inclusive of five bicycle parking spaces and five parking stalls, two of which will be van accessible, as well as an accessible pathway from the parking

spaces to the Chabad entrance. 80 parking spaces for the Chabad use will also be provided within the nearby Calabasas High School parking lot, for which a Letter of Intent towards a parking agreement has been provided by the Las Virgenes Municipal School District (Exhibit C).

- C. Conditional Use Permit:** The applicant is seeking to establish a religious place of worship (Chabad) within the Rural Residential (RR) Zoning District. The land use table in Section 17.11.010(F) of the Municipal Code allows for the establishment of a place of worship in the Rural Residential (RR) zone with the approval of a conditional use permit.

Proposed weekday activities planned for the Chabad include: a morning Religious Service on Thursday mornings (6:30-7:30 AM, with 15 people), a Religious Service on Friday evenings (6:00-7:00 PM, with 15 people), Adult Education Evening Classes two times a week (15 people), and Private Consultations with the Rabbi and his assistant. There would be three staff working at the site during the normal weekday periods (the Rabbi, his assistant, and a secretary). Two of the staff would live onsite.

The planned activities also include a Saturday Service (10:00 AM-1:00 PM with the maximum attendance of up to 120 people), a Sunday Service with limited attendance (8:00- 9:00 AM with less than 50 people), and 14 additional Holiday Services throughout the year, with a maximum attendance of 120 people. The proposed activities do not include daycare or pre-school uses, which require a separate permit.

- D. Parking:** Section 17.28.040(D) of the CMC requires one space per every four fixed seats for a religious place of worship, or one space per 20 square feet of assembly area. In this case, the project is proposing 1,479 square feet of assembly area. To this end, the Chabad requires 74 off-street parking spaces in addition to the two parking spaces required for the residence. The subject property does not have the physical space to provide 74 off-street parking spaces. However, the Code allows the Director, and hence the Planning Commission, to allow the provision of the required off-street parking spaces on an adjacent property in lieu of parking "on-site" as long as evidence is presented that use of the parking is irrevocable, and has been secured through a long-term lease or other suitable arrangement. Therefore, a letter of intent to accommodate 80 parking spaces located at Calabasas High School is provided by the Las Virgenes Unified School District (Exhibit B). Parking spaces are provided for the proposed project as follows:

Table 1: Parking Summary

	Required	Proposed On-Site	Proposed Off-Site
Single-Family home	2	2	
1,479 sf Chabad	74	5	80
TOTAL	76	7	80

In order to satisfy the CMC parking requirement, the applicant intends to secure 80 parking spaces via a letter of intent from Las Virgenes Unified School District. The conditions of approval require Chabad of Calabasas to enter into a formal agreement with the Las Virgenes Unified School District for shared use of 80 parking spaces located in the Calabasas High School parking lot across the street from the Chabad. As stated in the parking analysis, and based on the peak demands generated by the religious facility, use of the high school parking lot would occur early morning, late evening, on weekends and on holidays, when the high school is not in session. As a result, the Calabasas High School parking lot is ideally suited for a shared parking agreement.

Access to the high school parking lot is provided via a driveway on Old Topanga Canyon Road, located approximately 450 feet north of the project site. There is an existing paved flashing crosswalk on Old Topanga Canyon Road adjacent to the high school driveway that accommodates pedestrians crossing from the school to the west side of the street. Sidewalks are present on the west side of Old Topanga Canyon Road from the high school driveway to the project site.

The proposed use is for a religious worship center, which is subject to the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq. RLUIPA was intended to protect religious institutions against unfair discriminatory application of land use regulations, and therefore prohibits governments from implementing or imposing a land use regulation that substantially burdens religious assemblies (unless the burden imposed is imposed to further a compelling governmental interest, and is the least intrusive means to doing so). RLUIPA also prohibits zoning or landmarks regulations that 1) treat a religious assembly or institution on less than equal terms as a nonreligious assembly (the "equal terms" requirement); 2) discriminate on the basis of religion;

3) totally exclude religious assemblies from a jurisdiction; or 4) unreasonably limit religious assemblies. Cognizant of this federal law and its requirements imposed on the City, it is reasonable for the City to allow the Chabad to comply with the City's requirement for off-street parking by means of the proposed shared parking agreement providing for 80 spaces at the adjacent Calabasas High School. Within the context of the Federal RLIUPA requirement for the City to not unreasonably burden protected religious land uses, the proposal meets the requirements of the City's Code for the project to provide adequate off-street parking without unreasonably burdening the use by imposing additional ancillary requirements.

However, to ensure that parking will persist in the event that the Las Virgenes Unified School District exercises its rights under the lease to terminate the parking agreement, the project has been conditioned so that if the off-street parking spaces at Calabasas High School ever become unavailable, whether due to lease termination, high school redevelopment, or any other reason, Chabad of Calabasas will be required to inform the City immediately upon notice of the termination of the parking agreement, and to submit proof of a new parking agreement for the required off-street parking spaces within 30 days of the receipt date of the termination notice. Since the existing parking lease includes a 90 day termination notice, it would allow ample time for the applicant to secure a new parking arrangement, and the City ample time to review it, confirming its adequacy and continued compliance with the City's off-street parking requirement.

On January 20, 2020, the Traffic and Transportation Commission (TTC) reviewed the traffic and parking analysis for the proposed project and recommended approval (5/0) with specific conditions. Please see conditions #77-#81 in Resolution 2020-698 attached as Exhibit A.

E. Traffic Generation

The Chabad of Calabasas Project is located at 3871 Old Topanga Road, across from the Calabasas High School. The project site is located on Old Topanga Canyon Road, just north of the Old Topanga/Mulholland Highway Intersection. The project proposes to expand the services currently conducted in an existing residential building. The project proposes to demolish the existing building and develop an approximately 14,000 square-foot two-story building that includes an 8,850 square-foot Chabad sanctuary, 3 classrooms, library and office space on the first floor and a 5,326 square foot residence on the second floor, including a 616 sf garage. The traffic generation is based on the proposed program (services/events) of the religious facility and single-family residence.

The traffic analysis compared two different methodologies for trip generation of religious facilities, and used the more conservative land use; a synagogue use to analyze traffic impacts. Please note that the proposed use program does not operate the synagogue 7 days a week. Therefore, this methodology is conservative because it assumes full use of the religious facility daily. Trip generation estimates are provided by the applicant, in a Traffic and Parking Analysis Dated January 17, 2020 (Exhibit J), and confirmed by the City’s Transportation Department for accuracy.

The proposed use (inclusive of a synagogue and single-family residence) is anticipated to generate 96 ADT, 10 AM peak hour trips and 17 PM peak hour trips. Because the proposed project would replace an existing single-family residence, the project results in a net increase of 87 ADT, 9 AM peak hour trips and 16 peak hour trips over the existing use. See Table 2 below, which summarizes the traffic analysis.

Table 2 – Average Daily Trips

	Use	Size	ADT	AM Peak	PM Peak
Proposed	Synagogue	8,850 sf	87	9	16
	SFR	1 D/U	9	1	1
Existing	SFR	1 D/U	9	1	1
Net Trips			87	9	16

Based on the above data, the proposed project is anticipated to generate 87 average daily trips; 9 in the AM and 16 in the PM. This data was used to analyze traffic at four intersections:

- Valmar/Park Ora-Brenford
- Old Topanga Cyn/Blue Bird
- Old Topanga Cyn/Mulholland
- Mulholland/Paul Revere

Level of service (LOS) for these four intersections was analyzed and summarized in Table 3 and 4 assuming the Existing + Project volumes. Tables 3 and 4 compare the Existing and Existing + Project levels of service for the AM and PM peak hour periods.

Table 3 – Existing + Project Levels of Service (AM Peak Hour)

Intersection	V/C Ratio/ LOS		Project Added		
	Existing	Ex + Project	Trips	V/C	Impact?
Valmar/Park Ora-Brenford	0.940/C	0.943/C	4	0.003	NO
Old Topanga Cyn/Blue Bird	0.762/C	0.763/C	4	0.001	NO
Old Topanga Cyn/Mulholland	0.729/C	0.730/C	5	0.001	NO
Mulholland/Paul Revere	0.737/C	0.738/C	3	0.001	NO

Table 4 – Existing + Project Levels of Service (PM Peak Hour)

Intersection	V/C Ratio/ LOS		Project Added		
	Existing	Ex + Project	Trips	V/C	Impact?
Valmar/Park Ora-Brenford	0.677/B	0.680/B	7	0.003	NO
Old Topanga Cyn/Blue Bird	0.653/B	0.657/B	9	0.004	NO
Old Topanga Cyn/Mulholland	0.686/B	0.688/B	7	0.002	NO
Mulholland/Paul Revere	0.758/C	0.760/C	5	0.002	NO

Based on the information above, the traffic analysis concluded that the proposed project will not have a significant increase in the level of service in the AM and PM Peak Hours. The anticipated level of service will remain the same, therefore, no traffic impact is anticipated.

The Traffic and Transportation Commission (TTC) reviewed the traffic and parking analysis. The Public Works Staff Report can be found on the City’s website:

<http://www.cityofcalabasas.com/pdf/agendas/traffic/020520/item1-staff-report.pdf>

On January 20, 2020, the Traffic and Transportation Commission (TTC) reviewed the traffic and parking analysis for the proposed project and recommended approval (5/0) with specific conditions. Please see conditions #77-#81 in Resolution 2020-698 attached as Exhibit A.

- F. **Variance:** The proposed application includes a request for a variance to allow up to an 18-foot tall retaining wall located behind the proposed building. CMC Section 17.20.100(B)(1) requires that the height of fences, walls and hedges on a front property line be a maximum of 42” (3.5’), and that the allowable height may increase an additional six inches for every two feet in distance back from the front property line, until a distance of 10 feet back, at which point the wall may not exceed a maximum of 6 feet in height. Since the request for an 18-foot tall

retaining wall in greater than the 6 feet maximum allowed, the applicant is requesting a variance from the development standard.

Variations from Development Code standards are based on the findings contained in CMC Section 17.62.080. Variations may be approved if it can be found that special circumstances exist on the subject property such that the strict application of the code standards deny privileges to a property owner that are enjoyed by other property owners in the same vicinity. Additionally, granting of the variance cannot convey a special privilege to the property owner seeking the variance, and must not be detrimental to the public health, safety or welfare.

Existing site characteristics, easements, oak trees and steep topography present special circumstances that makes reasonable development of the site infeasible with 6-foot tall retaining walls. For example, the drainage channel leading to an underground culvert is located along the front property line is encumbered by a no-build storm drain easement (approximately 20 feet). This results in pushing new development towards the rear of the property. However, the existing topography of the site slopes uphill from the developed portions of the site, and includes a significant amount of oak trees.

The proposed building includes a 5,326 square-foot residence, 8,850 square-foot religious facility and a 616 square-foot garage for the residence. In addition, 5 uncovered parking spaces with a 24 foot wide drive aisle are located towards the street, in front of the proposed building. In order to site the proposed building, required parking/drive aisle and abide by the no-build storm drain easement, the proposed building is located 52 feet from the front property line. This location causes the building to be "pushed" into the hillside, requiring retaining walls of up to 18 feet in height. The Retaining Wall Elevation on Sheet A1.0 of the project plans shows the proposed 18-foot tall retaining wall on the southern end of the wall. The proposed wall reduces in height to 10 feet at the terminus of the wall.

This site design was chosen to minimize the impacts to grading and removal of trees. As proposed, the project requires the removal of 9 oak trees and encroach upon 4 oak trees in the vicinity of the proposed building and retaining wall. The alternative to construct several 6-foot tall retaining walls was considered to try to meet the 6-foot tall wall requirement. However, this alternative would involve more grading of the hillside with additional trees encroached upon and/or removed. The current design of the retaining wall is respectful of the topography of the hillside, the impact to trees and the requirements for parking/aisle width for the subject site. The majority of the retaining wall is hidden from public view by

the proposed building. Furthermore, the northern portion of the wall from the will be screened by landscaping as recommended by the ARP.

The Planning Commission must find that a variance cannot convey a special privilege to the property owner. RLUIPA prohibits the implementation of any land use regulation that imposes a "substantial burden" on the religious exercise of a person or religious assembly or institution except where justified by a "compelling governmental interest" that the government pursues in the least restrictive way possible. 42 U.S.C. § 2000cc(a). In this case, RLUIPA protects the applicant from regulation that substantially burden religious facilities. The Planning Commission has the authority to allow a variance from the 6-foot tall retaining wall requirement. Support for the proposed variance would allow the proposed project to be constructed in the least restrictive way possible.

Finally, the Planning Commission must find that a variance, will not be detrimental to the public health, safety or welfare. Other than the retaining wall heights, the proposed project meets all development standards of the CMC. A conceptual grading plan was reviewed and approved by the Public Works Department. Given these circumstances, the proposed project will not be detrimental to the public health, safety or welfare.

- G.** Landscaping and Oak Trees: The proposed landscaping is shown on the landscape plan, page L-1 and L-2 of Exhibit B (Project Plans). The conceptual landscape plan includes native and ornamental trees and shrubs to enhance the site. As proposed, the project provides the required amount of permeable surfaces, and meets the requirements of Chapter 17.26 (Landscaping) of the Calabasas Municipal Code.

As described in the Oak Tree Report dated June 24, 2019, and provided as Exhibit D, there are twenty-two (22) oak trees on the subject site and eight (8) additional oak trees off-site. Seventeen (17) of the thirty (30) total oak trees (on-site and off-site) will remain with no impact. Four (4) non-heritage oak trees (1 on-site and 3 off-site, Tree #s 16, OS23, OS29, and OS 30) will remain with encroachment from the proposed project, and nine (9) non-heritage oak trees (all on-site, Tree #s 13, 14, 15, 17, 18, 19, 20, 21, and 22) are proposed to be removed (73.3 total inches of diameter). One additional oak tree adjacent to tree #15 was documented (Exhibit E) and will also require removal; however it was found to have two stems with diameters of only one-half inch each. Since this tree's total diameter (1 inch) is below the 2-inch diameter threshold contained in the City's Oak Tree Ordinance, it is not considered a protected oak tree. Therefore, it was not included in the Oak tree report, and does not require mitigation for removal. All four proposed oak tree encroachments and nine proposed oak tree removals are to accommodate grading

and construction of retaining walls both east and south of the proposed residence/place of worship.

A peer review was conducted by Dudek, the City's consulting arborist. Dudek's peer review dated September 27, 2019 (Exhibit F) states:

"In Dudek's opinion, the demolition of the existing single family residence and construction of a new single-family residence, additional facility, and new retaining wall will not cause future damage or long term adverse impacts to Tree nos. 1 through 12, Tree no. 16, and Tree nos. OS23, OS29, and OS30. Additionally, Dudek agrees that Tree nos. 13 through 15, and Tree nos. 17 through 22, along with the additional small coast live oak tree adjacent to Tree no. 15, will require removal due to the location of the construction related activities."

The existing site is characterized by a terraced and developed eastern portion of the property (closer to Old Topanga Canyon Road) containing an existing single-family residence, three accessory structures, driveway, landscaping, and other related amenities, and a mostly undeveloped, sloping and wooded western portion of the property. The proposed project is to demolish the existing residence, and construct a new, larger structure in generally the same location that will also function as a place of worship. Because of this, the site is designed to accommodate a driveway and some parking east of the proposed structure to serve the worship facility, and a realigned driveway to access a garage proposed on the western side of the structure. To accommodate the residential driveway and fire department access around the structure, some encroachment into the wooded slope west of the residence/place of worship for grading and the construction of retaining walls is necessary, which results in the loss of the 9 non-heritage oak trees, and encroachment into protected zones of the four non-heritage oak tree stated above. To this end, because the residence/place of worship is a reasonable use of the site, and since the improvements that cause oak tree impacts are necessary to accommodate access for both users of the site and fire safety personnel around the proposed structure, both the loss of the nine oak trees, and the encroachment into the protected zones of four oak trees are warranted to enable reasonable and conforming use of the property.

In order to ensure proper mitigation for the loss of the nine oak trees (73.3 total inches of diameter), and maximum protection of both the encroached upon oak trees and remaining un-impacted oak trees, Planning Commission Resolution No. 2020-698 contains conditions #15-#25 that require inch for inch replacement of all

lost oak tree diameter, a mitigation and monitoring program, observation of work performed within the oak tree protected zones by the consulting arborist, oak tree protective fencing, and other remedial measures that are to be implemented. With implementation of the proposed conditions of approval, the proposed project will replace lost oak tree canopy, and ensure the project will not have a detrimental impact on the remaining oak trees.

H. Biology: The applicant submitted a biological assessment dated, September 3, 2019 (Exhibit G), prepared by Biological Assessment Services. The purpose of the report is to determine the general biological character of the site, document plant and animal species on-site, and determine the potential for disturbance to sensitive species or habitat. The report also includes a physical site survey and a database search, which seeks to identify any sensitive plant and/or animal species that are likely to occur on-site, including ones that are either federally or State listed as rare, threatened, or endangered.

The report stated that the property can be divided into three biological zones, 1) the ornamental vegetation surrounding the residence, 2) a (generally) natural oak woodland located upslope and to the west of the existing residence, and 3) a very small riparian and streamcourse zone that barely crosses the southeast corner of the property. The riparian and streamcourse zone is limited to an area of only a few square feet, and is both topographically and physically separated from the rest of the property. An oak woodland is identified upslope and to the west of the existing residence.

A peer review of the biological assessment was conducted by Dudek, the City's consulting biologist, and is attached as Exhibit H. The City's consulting biologist concurs with the findings, conclusions, and recommendations contained in the Biological Resources Constraints Analysis (BRCA). No species listed as rare, threatened or endangered were found on-site, or are thought likely to occur on the property. Additionally, the report states that no special-status plant or animal species were observed during the site visit. However, based upon the literature review, three wildlife species of concern by the California Department of Fish and Wildlife, southern California legless lizard (*Anniella stebbinsi*), Cooper's hawk (*Accipiter cooperii*), and sharp-shinned hawk (*Accipiter striatus*), are likely to very likely to occur on site. Southern California legless lizard has potential to occur in the leaf litter of the coast live oaks on the western edge of the property, which is not expected to be significantly impacted by the proposed project. Both Cooper's hawk, and the sharp-shinned hawk have some potential to nest within the property, but the sharp-shinned hawk would only be expected to occur in the winter (Zeiner et al. 1990). Oak titmouse (*Baeolophus inornatus*) and Nuttall's woodpecker (*Picoides nuttallii*) are present based upon the BRCA. Both species are considered sensitive by non-

governmental entities and may nest on the project site in the coast live oaks. Additionally, the property has vegetation that could provide nesting habitat for birds protected under the Migratory Bird Treaty Act (MBTA) (16 USC 703–712) and California Fish and Game Code Sections 3503, 3503.5, and 3513.

Oak trees (whether associated with an oak woodland or not) are protected under Chapter 17.32 of the Calabasas Municipal Code (Oak Tree Ordinance), and the removal of or encroachment into the protected zones of any of the trees would require compliance with the ordinance. Impacts to oak trees associated with the identified oak woodland are specifically (and in greater depth) discussed in Section F of this agenda report. Overall, impacts to oak trees occur on the fringe of the woodland area adjacent to existing development, and with the required oak tree mitigation (i.e. replacement of lost oak tree diameter), impacts are not considered significant. Additionally, as mentioned above, an ephemeral stream is located in the southeastern corner property that originates from a subterranean culvert adjacent to Old Topanga Canyon Road. The ephemeral stream is limited to an area of only a few square feet, and is both topographically and physically separated from the rest of the property, and therefore, no impacts to this area are expected.

Planning Commission Resolution No. 2020- 698 contains specific conditions of approval reflecting best management practices to ensure adequate protection of sensitive species that may utilize the site or surrounding areas. These include flagging limits to prevent inadvertent disturbance of vegetation outside the limits of work, perimeter sediment control to prevent sedimentation of stream areas, and nesting bird avoidance to protect nesting birds in accordance with the federal, Migratory Bird Treaty Act (conditions #26-#29).

I. Architecture, Scenic Corridor and Story Poles: The subject site is located along and directly adjacent to Old Topanga Canyon Road, a designated scenic roadway. Because the property is located within 500 feet of a designated scenic roadway, the project requires a Scenic Corridor Permit, and is subject to the Scenic Corridor Design Guidelines. The Guidelines state that development within a scenic corridor should be sited and designed not to impact the visual qualities of the Scenic Corridor through the use of design techniques including the use of pitched roofs, roofs of a medium to dark color, avoidance of large, blank, straight facades, and the use of landscaping to help blend development with its surroundings.

The proposed two story residence and place of worship is sited in generally the same location as the existing residence on-site (proposed to be demolished), and has been designed to incorporate architectural elements found in Mediterranean architecture. The proposed building walls will be finished with a Santa Barbara Mission finish stucco

in a sandstone color, and feature a pitched terra cotta clay tile roof. Accents will include window and door trim in aluminum (color: ebony) and painted wood trim (color: dark clove). A first floor arched colonnade protrudes approximately 7 feet east of the first floor interior space, thereby creating the appearance of a set back second floor area. A second floor deck with a trellis sits on top of the first floor colonnade, central to the residence. Additionally, roof lines facing the Scenic Corridor are mostly hipped, but include two distinct gable elements facing the roadway.

The proposed project was reviewed by the City's Architectural Review Panel (ARP) on August 23, 2019, in accordance with Section 2.40.040 of the CMC for design consistency and compatibility with the Scenic Corridor. The panel stated the overall design is very aesthetically pleasing and compatible with the Scenic Corridor. The Panel made a few recommendations for the applicant to consider:

1. Remove the sign from the building and instead using a monument sign.
2. Use of an earth-toned color instead of a white color for the walls.
3. Differentiate the massing on the upper floor.
4. Use of vines to disguise the retaining wall.

The applicant revised the plans to add a monument sign while keeping the building sign. The sign on the building is important to the applicant and to the Chabad. The color was changed to a sandstone color per the direction of the Panel. The second story balcony detail was revised to have more of a presence. Finally, the visible part of the retaining wall behind the proposed building has vines proposed to screen it. The panel unanimously recommended approval of the design (ARP meeting minutes are attached as Exhibit I).

In regards to compliance with the Scenic Corridor Design Guidelines, the proposed residence includes many design elements that help to break the building's massing, and soften the residence's appearance from the scenic roadway. This includes the use of a pitched red tile hipped roof whose massing is broken by the use of two gabled roof elements, and the second floor balcony with a trellis. The arched colonnade also breaks the vertical massing as viewed from the scenic roadway. Use of wood and earth-toned colors as well as proposed oak tree, olive tree, and vines to screen the retaining wall behind the residence all help to blend the proposed project with its surroundings, and thus protecting the visual qualities of the Scenic Corridor.

In terms of neighborhood architectural compatibility, given that residences along Old Topanga Canyon Road represent an eclectic variety of architectural styles with no single or dominant architectural type, the Mediterranean architecture of the proposed project is compatible with the neighborhood. Furthermore, as demonstrated by the

installed story poles, the proposed two-story building is located approximately 52 feet from Old Topanga Canyon Road (the designated Scenic Corridor) and visibility of the proposed building is further limited due to existing vegetation.

In accordance with the City's Story Pole Procedures, because the project site is located within a designated scenic corridor, the placement of story poles on the subject site is required to gauge the visual impact of the proposed project for development. Story poles were installed on September 26, 2019, in accordance with the City's Story Pole Procedures, and will remain up until a final decision is made on the project, and throughout the appeal period.

REQUIRED FINDINGS:

The findings required in Section 17.62.060, Section 17.62.080, and Section 17.62.020 of the Calabasas Municipal Code for a Conditional Use Permit, Variance, Scenic Corridor Permit, Oak Tree Permit, Sign Permit and Site Plan Review are contained in the resolution attached as Exhibit A.

ENVIRONMENTAL REVIEW:

This project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with:

Section 15061(b)(3) [General Rule Exemption]

Section 15301 (Class 1 - Existing Facilities)

Section 15303 (Class 3 – New Construction and Conversion of Small Structures)

Section 15332 (Class 32 – Infill Development)

The proposed project includes a request to construct an approximately 14,000 square-foot building, which includes a two-story single-family residence (5,300 square-feet), place of worship (8,800 square-feet) grading, retaining walls up to 18 feet in height, landscaping, lighting and signs on an urban infill property. The project is exempt from CEQA because it is sited to avoid disturbing surrounding biological resources, landscaped to screen and soften the visual impact from a locally designated Scenic Roadway, conditioned to mitigate the minor loss of non-Heritage Oak trees that will occur as a result of the project and does not generate significant traffic and parking impacts.

In accordance with Section 15061(b)(3) [General Rule Exemption], the proposed construction activities will have no significant effect on the environment.

In accordance with Section 15301 (Class 1 - Existing Facilities), the proposed project includes the demolition of one single-family residence and three accessory buildings to be replaced with one single-family residence and a place of worship.

In accordance with Section 15303 Class 3 (new Construction and Conversion of Small Structures), the project is exempt because it includes the construction of one single-family residence (5,300 square-feet) which includes a place of worship (8,800 square-feet). The project site is located within the Rural Residential (RR) Zone, which allows a place of worship with a conditional use permit.

In accordance with Section 15332 (Class 32 – Infill Development) exempts from CEQA projects characterized as in-fill development and that possess a set of enumerated characteristics. The project indeed possesses the required characteristics:

- A) It is consistent with the General Plan, and with the approval of a variance and conditional use permit, is consistent with the City’s Development Code,
- B) It occurs within the city limits on a project site of no more than 5 acres surrounded by urban uses. The site is less than one acre and is surrounded by residences and Calabasas High School.
- C) The development site has no habitat value for endangered, rare or threatened species as referenced in the biological study by Biological Assessment Services dated September 3, 2019,
- D) The project will have no impacts related to traffic, noise, air quality or water quality as referenced in the Traffic and Parking Analysis prepared by Associated Transportation Engineers dated January 17, 2020, and
- E) The site is adequately served by all required utilities and public services in that the project site has access to water, power, cable television, storm sewer, natural gas, and is serviced by Los Angeles County Fire Department, Los Angeles County Sheriff, and Los Angeles County Flood Control.

For these reasons, the project is exempt from CEQA under Classes 1, 3, and 32.

The project does not fall within any of the identified exceptions triggering the need for environmental review under CEQA. CEQA Guidelines Section 15300.2 exceptions, specifically Location, Cumulative Impact, Significant Effect, Scenic Highways, Hazardous Waste Sites, and Historical Resources (collectively, “Exceptions”) are not applicable for the following reasons:

Location Exception – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The Location

Exception applies where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” (CEQA Guidelines § 15300.2(a). Here, the project would not impact “particularly sensitive environments.” The project site has no habitat value for endangered, rare or threatened species and as noted above, located within the Rural Residential (RR) Zone, which allows a place of worship with a conditional use permit. Thus, the Location Exception is not applicable to the Project.

Cumulative Impact Exception – All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. (CEQA Guidelines § 15300.2(b).) The Cumulative Impact Exception is not applicable to this project for the following reasons: (i) there are no successive projects of the same type planned within the City; and (ii) the project is the one-time construction of a structure.

Significant Effect Exception – A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines § 15300.2(c).) Here, there are no unusual circumstances that would trigger the exception. As noted above, the project site is less than one acre, within the RR Zone which allows construction of places of worship with a conditional use permit, and there are no impacts related to traffic, noise, air quality or water quality. In the California Supreme Court case, *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60. Cal.4th 1086, the Court of Appeal determined that a project does not qualify for categorical exemptions if 1) there is a finding that the project constitutes an unusual circumstance. If there is indeed an unusual circumstance, then 2) the project is not exempt if it may cause a significant environmental impact as a result of that unusual circumstance. This project does not present any “unusual circumstances.”

Scenic Highways Exception – A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR. (CEQA Guidelines § 15300.2(d).) The only designated State Scenic Highway in Los Angeles County is Route 2 from 2.7 miles north of State Route 210 at La Canada to the San Bernardino County Line. This sole designated State Scenic Highway is not located within the City’s boundary and, therefore, is not applicable to the proposed project.

Hazardous Waste Exception – A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5

of the Government Code. (CEQA Guidelines §15300.2(e).) The project is not located on a hazardous waste site and so the exception doesn't apply.

Historical Resources Exceptions – Projects that may cause a substantial adverse change in the significance of an historical resource will require environmental review. The project would not cause an adverse change in the significance of historical resources, as defined in CEQA Guidelines Section 15064.5.

The project is exempt from CEQA because its impact will not be unusual or unique to the area and the exceptions listed in Section 15300.2 do not apply. The subject site is currently developed with a single-family residence, accessory structures, driveway, hardscape and retaining wall. The proposed project includes the construction of a single-family residence with a place of worship within a neighborhood consisting of residential uses and Calabasas High School.

The project site is similar in size and character to the surrounding residential and, the majority of the proposed project is sited on already-developed and urbanized land. Because it is not distinguishable in size or location from other similarly situated residences, the project qualifies for exemption under Classes 1, 3, and 32.

CONDITIONS OF APPROVAL:

See conditions contained in the resolution attached as Exhibit A.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

June 25, 2019 No significant issues.

Architectural Review Panel (ARP):

August 23, 2019 The proposed project was reviewed by the City's Architectural Review Panel (ARP) on August 23, 2019, in accordance with Section 2.40.040 of the CMC. The panel indicated that the overall design is very aesthetically pleasing, and recommended approval of the project to the Planning Commission. However, they suggested removing the building-mounted sign from the design and instead using a monument sign. The Panel also suggested using a more earth-toned color rather than white for the exterior walls, massing differentiation between the upper and lower floors, and landscaping such as vines to disguise the retaining wall.

The applicant has revised the plan to include a monument sign in addition to the building-mounted sign, revised the color of the building to sandstone, revised the second story element and added vines to disguise the retaining wall.

Traffic and Transportation Commission (TTC):

February 5, 2020

The City's Traffic and Transportation Commission (TTC) recommended approval, with a 5/0 vote, on February 5, 2020.

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution No. 2020-698
- Exhibit B: Plans
- Exhibit C: Las Virgenes Unified School District Letter dated January 2, 2020
- Exhibit D: Oak Tree Report dated June 24, 2019
- Exhibit E: Supplemental Letter dated September 23, 2019
- Exhibit F: Oak Tree Peer Review dated September 27, 2019
- Exhibit G: Biology Report dated September 3, 2019
- Exhibit H: Biology Peer Review dated January 15, 2020
- Exhibit I: ARP Minutes: August 23, 2019
- Exhibit J: Traffic and Parking Analysis dated January 17, 2020
- Exhibit K: Public Comment

TECHNICAL APPENDIX

Location Map:



Development Standards:				Code Limit	Meets Code
Lot Size:	41,356	Sq. Ft.			NA
Floor Area:					NA
Existing (to be demolished):	2,564	Sq. Ft.			
Proposed:	14,176	Sq. Ft.			
Garage:	616	Sq. Ft.			
Total square footage proposed:	14,792	Sq. Ft.			
Setbacks:					
Rear:	115 Ft.	9 In.		20 Ft. Min.	Yes
Side (North):	41 Ft.	7 In.		10 Ft. Min.	Yes
Side (South):	11 Ft.	4 In.		10 Ft. Min.	Yes
Front:	52 Ft.	1 In.		30 Ft. Min.	Yes
Height:	32 Ft.	5 In.		35 Ft. Max.	Yes
Site Coverage:					
Existing:	3,412	Sq. Ft.	8.3 %	30% Max.	Yes
Proposed:	8,850	Sq. Ft.	21.4 %	30% Max.	Yes
Pervious Surface:					
Existing:	29,877	Sq. Ft.	72.8 %	70% Min.	Yes
Proposed:	29,221	Sq. Ft.	70 %	70% Min.	Yes

Structure Comparison

SITE ADDRESS	HOUSE SF	FACILITIES SF	TOTAL BUILDING SF	NET LOT SF	FAR
3871 Old Topanga Canyon Rd	5,326	8,850	14,792	38,105	0.38
3887 Old Topanga Canyon Rd	4,863	N/A	4,863	39,294	0.12
3889 Old Topanga Canyon Rd	5,748	N/A	5,748	43,822	0.13
Calabasas High School	N/A				
3840 Old Topanga Canyon Rd	N/A	9,801	9,801	35,247	0.28

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.