



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
JUNE 17, 2021

TO: Members of the Planning Commission

FROM: Judie Gilli, Associate Planner

FILE NO(s): SPR-2021-011 and SCP-2021-002

PROPOSAL: Request to modify an approved Site Plan Review and Scenic Corridor Permit to construct a new place of worship and single-family residence, 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 proposed modification reduces the size of the approved two-story building from 14,792 square feet to 10,534 square feet.

APPLICANT: Rabbi Eli Friedman

RECOMMENDATION: Adopt Planning Commission Resolution No. 2021-723, approving File No(s). SPR-2021-011 and SCP-2021-002

STAFF RECOMMENDATION:

That the Commission adopt Planning Commission Resolution No. 2021-723, approving File No(s). SPR-2021-011 and SCP-2021-002.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62.020 (Site Plan Review) and 17.62.050 (Scenic Corridor Permit) of the Calabasas Municipal Code (CMC) stipulate that Site Plan Reviews and Scenic Corridor Permits require review and approval by the Planning Commission. Pursuant to Section 17.64.060, changes to an approved project may be authorized by the Director of Community Development if the changes 1) do not involve a feature that was a specific consideration by the review authority (Planning Commission) in the approval of the permit, (2) do not result in a

significant expansion of the use, and (3) is generally consistent with the intent of the original approval. For some projects, a reduction in scope or square footage would typically be considered minor and eligible for Director approval under the CMC. In this specific case, even though there is a reduction of square footage, the building's architecture has changed and is aesthetically different than the originally approved project. The architecture of the building and impacts to the scenic corridor were specifically considered by the Planning Commission in the original approval. For this reason, the modifications are required to be approved by the Planning Commission.

BACKGROUND:

On February 20, 2020, the Planning Commission adopted Planning Commission Resolution No. 2020-698, approving a 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 14,792 square-foot two-story building inclusive of a place of worship (8,850 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 included 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. Please see the staff report for the approved project, attached as Exhibit C and Planning Commission Resolution No. 2020-698 as Exhibit D.

On June 1, 2021, the applicant submitted a request to modify the approved Site Plan Review and Scenic Corridor Permit. The proposed modification reduces the size of the approved two-story building from 14,792 square feet to 10,534 square feet and modifies the architecture of the building. The nature of the modification affects only the Site Plan Review and Scenic Corridor Permit. Therefore, the approved Conditional Use Permit, Oak Tree Permit, Variance and Sign Permit are not affected and the original approvals of those permits remain in effect and no modifications are necessary.

STAFF ANALYSIS:

The key issues related to this project are discussed below:

- A. Modifications to Previously Approved Project:** The approved project includes a 14,792 square-foot building comprised of a 5,326 square-foot home and a 8,850 square-foot religious facility. The approved religious facility is located on the first level and the residence is located on the second level, with a driveway that ramped up to the second level residence. The modified project now proposes a 10,534 square-foot building comprised of a 2,339 square-foot home and a 8,183 square-foot religious facility. The residence in the proposed modification is

located on the first level while the assembly area of the religious facility is on the second level. The driveway has been replaced with a pedestrian path. The reduction of overall square footage has reduced the footprint of the building and thus has reduced the amount of overall grading of the property. The grading will be reduced from 3,156 cubic yards to 1,500 cubic yards. Please see the Summary table on first page of the Modified Project Plans attached as Exhibit B.

- B. Conditional Use Permit:** On February 20, 2020, the Planning Commission approved a Conditional Use Permit to operate a religious facility at the subject site. Rabbi Friedman has stated that the religious facility has been in operation since the approval in 2020. Therefore, the religious facility use and Conditional Use Permit is vested and not impacted by the proposed modifications.
- C. 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. Two spaces are required for the residential use. The previously approved project proposed 1,479 square feet of assembly area, which required 74 off-street parking spaces in addition to the two parking spaces required for the residence. The modified project proposes 1,399 square feet of assembly area, which requires 70 spaces in addition to the two parking spaces required for the residence.

The project includes 2 on-site parking spaces for the residential use, 6 on-site spaces for the religious facility use and 80 off-site parking spaces located at Calabasas High School per the conditions of approval in Planning Commission Resolution No. 2020-698. As a result, the proposed modifications are consistent with the parking for the approved project.

- D. Architecture and Scenic Corridor:** 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 modified design of the building is generally in the same design as the approved building with a few changes. The approved project includes a 14,792 square-foot building comprised of a 5,326 square-foot home and an 8,850 square-foot religious

facility. The religious facility is located on the first level and the residence was located on the second level, with a driveway that ramps up to the second level residence. The modified project now proposes a 10,534 square-foot building comprised of a 2,339 square-foot home and an 8,183 square-foot religious facility.

The residence in the modified plans is located on the first level while the majority of the religious facility is on the second level. The proposed changes can be seen in the elevations of the Modified Project Plans dated May 31, 2021 (Exhibit B).

The proposed colors and materials are the same as the proposed. 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).

The proposed project was reviewed by the City's Architectural Review Panel (ARP) on May 28, 2021, in accordance with Section 2.40.040 of the CMC for design consistency and compatibility with the Scenic Corridor. The Panel noted that the design of the building went from a residential look to a more commercial design. However, the Panel stated that this location of Old Topanga Canyon Road is made of a mix of residential, commercial and institutional uses, and the proposed changes are in character with the surrounding area. As a result, the Panel unanimously recommended approval of the modified plans with the following suggestions to soften the front elevation:

1. Soften the look of the front elevation
2. Center the garage bay relative to the windows above
3. Refine the design

The applicant revised the plans to add a dormer on the north end of the front elevation. The garage bay is now centered under that dormer and windows above. As a result, the proposed plans are consistent with the Panel's recommendations.

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, the proposed two-story building is located approximately 48 feet from Old Topanga Canyon Road (the designated Scenic Corridor) and visibility of the proposed building is further limited due to existing vegetation.

E. Oak Trees and Grading

As described in the Oak Tree Report dated June 24, 2019 (previously approved), 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 will remain with encroachment from the proposed project, and nine (9) non-heritage oak trees (all on-site) are proposed to be removed (73.3 total inches of diameter). Due to the reduced grading (reduced from 3,156 CY to 1,500 CY), reduction in building footprint and shifting of the building footprint to the east, there will be no change in the impact of oak trees and the modified project is consistent with the approved oak tree permit.

REQUIRED FINDINGS:

The findings required in Section 17.62.020 (site plan review) and Section 17.62.050 (scenic corridor permit) are contained in Resolution 2021-723 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 10,534 square-

foot building, which includes a single-family residence (2,339 square-feet), place of worship (8,183 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 (2,339 square-feet) which includes a place of worship (8,183 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:

Architectural Review Panel (ARP):

May 28, 2021

The proposed project was reviewed by the City's Architectural Review Panel (ARP) on May 28, 2021, in accordance with Section 2.40.040 of the CMC. The Panel

noted that the design of the building went from a residential look to a more commercial design. As a result, the Panel made several recommendations on how to soften the second floor. The applicant revised the plans to add a dormer on the north end of the front elevation. The garage bay is now centered under that dormer and windows above. Several other revisions were included to refine the building's design. The panel unanimously recommended approval of the design

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution No. 2021-723
- Exhibit B: Modified Project Plans dated May 31, 2021
- Exhibit C: Staff Report to the Planning Commission February 20, 2020
- Exhibit D: Planning Commission Resolution No. 2020-698
- Exhibit E: ARP Draft Minutes May 28, 2021

Location Map:



TECHNICAL APPENDIX

				Code Limit	Meets Code
Lot Size:	41,356	Sq. Ft.		NA	
Floor Area:				NA	
Existing (to be demolished):	2,564	Sq. Ft.			
Proposed:	9,977	Sq. Ft.			
Garage:	557	Sq. Ft.			
Total square footage proposed:	10,534	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:	48 Ft.	0 In.		10 Ft. Min	Yes
Height:	33 Ft.	3 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 %	70% Min	Yes
Proposed:	29,221	Sq. Ft.	70 %	70% Min	Yes