



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: AUGUST 2, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MAUREEN TAMURI, COMMUNITY DEVELOPMENT DIRECTOR, AIA,
AICP
MICHAEL KLEIN, SENIOR PLANNER, AICP

FILE NO.: SPR-2021-011 AND SCP-2021-002

SUBJECT: CONSIDERATION AND APPROVAL OF A REQUEST FOR THE REFUND OF FEES PAID BY THE CHABAD OF CALABASAS, IN THE AMOUNT OF \$5,383.20, FOR THE CITY'S REVIEW AND APPROVAL OF MODIFICATIONS TO AN APPROVED SITE PLAN REVIEW AND SCENIC CORRIDOR PERMIT

MEETING AUGUST 11, 2021

SUMMARY RECOMMENDATION:

That the City Council approve a request for the refund of fees paid by the Chabad of Calabasas, in the amount of \$5,383.20, for the City's review and approval of modifications to an approved site plan review and scenic corridor permit.

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 sf) and a single-family residence (5,300 sf) 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.

On April 23, 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. The proposed modifications were reviewed by the Architectural Review Panel (ARP) on May 28, 2021, which recommended approval of the modified design to the Planning Commission.

On June 17, 2021, the Planning Commission held a noticed public hearing to review the Site Plan Review and Scenic Corridor Permit. The Planning Commission opened the public hearing, took testimony, and voted 4-1 to approve the Site Plan Review and Scenic Corridor Permit to modify the plans of the prior approval.

Following the public hearing, on June 28, 2021, the owner submitted a Claim Form (Attachment A) requesting that the City Council refund the fees associated with the Site Plan Review and Scenic Corridor Permit. The following fees associated with SPR-2021-011 and SCP-2021-002 were paid:

- \$4,023.00 Site Plan review
- \$192.20 Public Hearing Notification Service
- \$316.00 Scanning Invoice
- \$852.00 Scenic Corridor Permit
- Total fees collected = \$5,383.20

DISCUSSION:

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 most projects, a reduction in scope or square footage would typically be considered minor and eligible for Director Approval under the CMC. However, in this case, the building's architecture was also proposed to be changed, a feature considered under the original approval when the Commission considered impacts to

the Scenic Corridor. For this reason, the modifications were required to be approved by the Planning Commission via new permits. As a result, the property owner had to pay \$5,383.20 to file a new application for a Site Plan Review and Scenic Corridor Permit.

The original project approvals included a Site Plan Review, Conditional Use Permit, Scenic Corridor Permit, Variance, Oak Tree Permit and Sign Permit that cost \$15,143.50 in associated fees for planning review. Due to the complexity of the project entitlements, the original project took approximately eight months to process. Because the modified plans retain the building in the approved footprint, technical issues like site development, parking, use and biology remained the same. As a result, the new Site Plan Review and Scenic Corridor Permits to modify the approved project took only two months to process because it focused on architecture and scenic corridor impacts alone.

In accordance with Section 3.38.010 of the CMC, the Owner has filed a claim for the fees paid to process the Site Plan Review and Scenic Corridor Permit to approve the modified plans. Section 3.38.010 of the CMC allows an applicant to request a refund of fees paid, provided the request is made within 12 months of project approval. The Owner has complied with Section 3.38.010 because a Claim for Refund was filed on June 28, 2021. As a result, the Council may authorize a refund in whole or in part, which Staff supports in light of the facts stated.

FISCAL IMPACT/SOURCE OF FUNDING:

If authorized, the refund payment would be made from account number: 10-000-4110-10.

REQUESTED ACTION:

That the City Council approves a request for the refund of fees paid by the Chabad of Calabasas, in the amount of \$5,383.20, for the City's review and approval of modifications to an approved site plan review and scenic corridor permit.

ATTACHMENTS:

- Attachment A: Claim Form submitted by Chabad of Calabasas, June 28, 2021
- Attachment B: Receipts for SPR-2021-011 and SCP-2021-002