



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
APRIL 6, 2023

TO: Members of the Planning Commission

FROM: Jaclyn Rackerby, Associate Planner

FILE NO(s): VAR-2023-001, ZCL-2023-033

PROPOSAL: Request for a Variance and a Zoning Clearance Permit to construct a 13' max retaining wall and fencing for the purpose of slope stabilization on a vacant HOA-owned parcel located at 25424 Prado de Azul (APN: 2069-100-058) within the Residential, Single-Family (RS) zoning district.

APPLICANT: The Oaks of Calabasas HOA

RECOMMENDATION: That the Commission direct Staff to prepare a resolution for approval or denial of File No(s). VAR-2023-001 and ZCL-2023-033.

STAFF RECOMMENDATION:

That the Commission direct Staff to prepare a resolution for approval or denial of File No(s). VAR-2023-001 and ZCL-2023-033.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62.020 of the Calabasas Municipal Code (CMC) stipulates that a deviation from the requirements of the development code, including from dimensional standards such as wall and structure heights, requires approval of a Variance, subject to review by the Planning Commission.

BACKGROUND:

On February 3, 2023, The Oaks of Calabasas HOA (applicant/land owner) submitted an application to construct a retaining wall with a maximum height of 13' and associated fencing located on a vacant HOA-owned parcel at 25424 Prado de Azul (APN: 2069-100-058), within the Residential, Single-Family (RS) zoning district. The subject parcel is located in The Oaks of Calabasas HOA, spanning approximately 20 residences located along Prado de Azul.

The project was reviewed by the City's Development Review Committee (DRC) on February 24, 2023, and had no major comments. On March 23, 2023, the application was deemed complete by staff.

STAFF ANALYSIS:

A. Existing Site: The subject site is an approximately 11.16 acre vacant parcel owned and maintained by The Oaks of Calabasas HOA. The property is located within the Residential Single-Family (RS) zoning district, and has a land use designation of Residential- Single Family (R-SF). The site is steeply sloped, and is improved with concrete drainage culverts, pathways, fencing, and concrete stairs for access. There are no residences on this HOA-owned parcel. The adjacent residential property owners have, as discussed below, consented to the proposed project but are not the applicants.

In January 1991, before the City of Calabasas incorporated, the Baldwin Company obtained entitlements through the County of Los Angeles for development of a project known as "Calabasas Park West", which materialized as the residential development now known as "The Oaks". With approvals secured from the County of Los Angeles, construction of the The Oaks included a significant amount of grading, and the hillsides surrounding the development were constructed as engineered slopes as the graded pads for each lot were created. Many of the hillsides surrounding the development are improved with concrete drainage culverts, but there are no retaining walls to stabilize the steep slopes. The residences along Prado de Azul were constructed in 2006, and the engineered slopes to the rear of the properties were created in the years prior to construction of the residences. Now, approaching 20 years later, the applicant has explained that the slope—located immediately to the south of the properties at 25510 Prado de Azul and 25516 Prado de Azul—has begun to gradually fail first observed in 2021, and the slide has intensified due to the rains over the course of the past several months. At the adjacent property located at 25510

Prado de Azul, a Zoning Clearance Permit (File No. ZCL-2021-014) for a pool and backyard remodel was approved in February 2021, and a Site Plan Review Permit (File No. SPR-2020-003) for additions to the first and second floor of the residence was approved by the Planning Commission in March 2021, and both projects are currently under construction. The applicant—The Oaks HOA—has expressed concerns regarding the potential impact that slope destabilization will have on the adjacent homeowner’s rear yard improvements as construction is underway. The information available to the City shows that the landslide began before the adjacent construction project. As shown in the photos attached as Exhibit B (photographed from the rear yard at 25510 Prado de Azul), the HOA fence that runs along the rear property line of the properties on Prado de Azul is now falling, with the fencepost footings almost completely unearthed due to the slope below the fence continuing to slide.

Due to the applicant’s concern regarding potential impacts to adjacent properties as a result of the slope failing, the applicant is proposing to construct a new retaining wall on the HOA-owned parcel at 25424 Prado de Azul (APN: 2069-100-058), with portions of the wall, associated new riprap, and compacted fill located over the property line on the adjacent developed properties of 25510 Prado de Azul and 25516 Prado de Azul, for the purpose of stabilizing the hillside. Both adjacent property owners have provided their written consent for the work to be performed on their property.

- B. Variance:** Pursuant to Section 17.20.100(B)(3) of the CMC (Fences, walls, and hedges), individual retaining walls shall not exceed a height of six feet. The applicant is requesting a variance to construct a new retaining wall for the purpose of slope stabilization, with a maximum wall height of 13’ and length of approx. 65’. The natural grade in the area of the proposed wall has a 1.5:1 (66%) slope, and due to the steepness, the applicant’s engineer has proposed to construct one wall at a height of 13’ with 31’-21’ deep piles to stabilize the hillside, rather than a series of shorter walls which would impact a much larger surface area of the hillside. The proposed project, therefore, requires a variance from the City’s standards for fences, walls, and hedges (Chapter 17.20.100) to permit construction of the proposed retaining wall.

Chapter 17.62.080 of the City’s Land Use and Development Code allows for the granting of a variance from the development standards of the code when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Code denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts. The five required findings for approval of a Variance

(per CMC 17.62.080(E)) are listed below. The applicant has submitted justification to meet the findings for the Commission's consideration, attached as Exhibit C. Additionally, the submitted Conceptual Grading and Drainage Plan for the proposed wall has been preliminarily approved by the City's Public Works Department.

REQUIRED FINDINGS:

The findings the Planning Commission would have to make to approve the project or not make to disapprove the requested variance are stated in Section 17.62.080 of the Calabasas Municipal Code as follows:

1. That there are special circumstances applicable to the property which do not generally apply to other properties in the same zoning district (i.e., size, shape, topography, location or surroundings), such that the strict application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts;
2. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;
3. That granting the variance would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district.
4. That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located; and
5. That granting the variance is consistent with the General Plan and any applicable specific plan.

The applicant's proposed justification for the variance findings listed above is attached as Exhibit C.

Staff requests the Commission direct Staff to develop findings for approval or denial of File No(s). VAR-2023-001 and ZCL-2023-033 as the Commission finds supported by the facts of this file. The Commission's options are: to direct staff to prepare an approval resolution, with all necessary findings for approval and appropriate conditions of approval; or to direct staff to prepare a denial resolution, with at least one of the required findings shown as not able to be made to support the denial; or

to continue the matter for more information or with alternative direction.

ENVIRONMENTAL REVIEW:

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3)(General Rule Exemption), Section 15303(e) (Accessory Structures), and Section 15304(c)(Minor Alterations to Land) of the California CEQA Guidelines.

CONDITIONS OF APPROVAL:

If the Commission directs Staff to prepare a resolution of approval, draft, potential project conditions of approval are attached as Exhibit D and will be incorporated into an approval resolution, which would return for Commission adoption at the next meeting.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

February 24, 2023 No major comments.

ATTACHMENTS:

- Exhibit A: Site Plan, Structural Plan, and Grading Plan
- Exhibit B: Site Photos
- Exhibit C: Findings submitted by Applicant
- Exhibit D: Draft Conditions of Approval

TECHNICAL APPENDIX

