



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
AUGUST 3, 2023

TO: Members of the Planning Commission

FROM: Savina Johal, Assistant Planner

FILE NO(s): ZCL-2023-059 and OTP-2023-008

PROPOSAL: Request for a Zoning Clearance and Oak Tree Permit for backyard improvements located within the protected zone of a Heritage oak tree located at 3901 Prado del Trigo (APN: 2069-092-019) within the Residential Single-Family (RS) zoning district.

APPLICANT: David Spiegel

RECOMMENDATION: That the Commission direct Staff to prepare a resolution for approval, or a resolution for denial, of File Nos. ZCL-2023-059 and OTP-2023-008.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.32.010 of the Calabasas Municipal Code (CMC) stipulates that encroachments impacting more than ten (10) percent of the total area included within the protected zone of an oak tree shall be forwarded to the Planning Commission for consideration and disposition.

BACKGROUND:

On February 28, 2023, the property owner submitted an application for a Zoning Clearance seeking permission for backyard improvements including installation of a new pergola, fire pit, a low seating wall, raised vegetable garden, new countertops and grill, and new landscaping located at 3901 Prado del Trigo (APN: 2069-092-019).

Upon review of the Zoning Clearance application, Staff determined the proposed work encroached into the protected zone of an adjacent Heritage oak tree. On June 11, 2023, the property owner submitted an application for an Oak Tree Permit requesting permission for encroachment into the protected zone of a heritage oak tree for the proposed backyard improvements. The applicant submitted an Oak Tree Report prepared by Richard Campbell, ASLA (attached as Exhibit B) in which the proposed encroachment into the protected zone was estimated to be approximately 23%. City Arborist Noah Stamm conducted a site visit on June 12, 2023, and provided a peer-reviewed report of the applicant's submitted report dated June 26, 2023 (attached as Exhibit C). The City Arborist found the Applicant's Oak Tree Report to be accurate and was in agreement with the validity of the findings and information included in the Applicant's submitted Oak Tree Report. On July 19, 2023, the application was deemed complete by Staff.

STAFF ANALYSIS:

- A. **Existing Site:** The existing site is a 14,541 square-foot (0.33 acre) site located at 3901 Prado del Trigo, within the Residential Single-Family (RS) zoning district. The site is improved with an existing 4,229 square-foot single-family residence, driveway, landscaping, trellis, and outdoor countertop with a barbeque. The site is surrounded by existing single-family residences to the north, east, south, and west. The surrounding neighborhood includes two-story single-family residences comprising the Oaks community.

- B. **Oak Trees:** The Oaks community was developed in the early 2000s, and several oak trees were removed and/or relocated as part of the development. As a mitigation, many oak trees were replanted throughout the community; one such mitigation tree was planted in the backyard at 3901 Prado del Trigo. The tree is a multi-trunk Coast Live Oak Tree (*Quercus agrifolia*) located in the northwestern corner of the rear yard. The tree was observed to exhibit fair health with a poor-to-fair structure due to a multi-trunk form with co-dominant trunks and branches. The tree exhibited a well-balanced crown with good vigor and green foliage throughout; however, it did show areas of deadwood and areas where prior stub-cut pruning occurred, as well as signs of minor insect infestation and/or disease. The tree trunk diameters at breast height (DBH- 4.5 feet above natural grade) were measured to be 9, 10, 12, 13, and 14 inches DSH by the City Arborist, for a combined diameter of 58 inches DBH. As such, the oak tree is classified as a "Heritage" oak tree pursuant to the City of Calabasas Oak Tree Preservation and Protection Guidelines, which define a Heritage oak tree as "any

tree in the oak genus with a diameter of 24 inches at 4.5 feet above natural grade.”

CMC Section 17.90.020 defines the “protected zone” of an oak tree as “a defined area surrounding an oak tree within which work activities are strictly controlled”. Using the drip line as point of reference, the protected zone shall commence at a point five feet outside of the drip line and extend inward to the trunk of the tree. The protected zone for a heritage oak tree shall be no less than fifty (50) feet from the trunk. According to the Oak Tree Report and Location Map provided by the Applicant, the protected zone of the heritage oak tree located on the property is 50 feet from the trunk. CMC Section 17.90.020 defines “encroachment” with respect to oak trees as “any intrusion of human activity into the protected zone of an oak tree, including alteration, grading, excavating, paving, trenching disposal or use of materials, construction of animal corrals, parking of vehicles, disposal of use of toxic substances, installation of landscaping, any type of temporary or permanent storage, additional irrigation, or construction of structures or other improvements.” Therefore, the proposed backyard improvements that encroach within the protected zone of the Heritage oak tree include: construction of the new pergola, the new firepit and seating wall, and the raised vegetable planters. New landscaping is also proposed within the protected zone, including the installation of artificial turf, ground cover, trees, and shrubbery.

The Oak Tree Report submitted by the Applicant indicated that no long-term negative impacts are expected to affect root or canopy areas of the tree from the encroachments. Additionally, the tree is not expected to need pruning for the proposed new landscape improvements within the protected zone; however, there may be some minor root pruning necessary for the construction of the concrete block seat wall. Furthermore, the Applicant’s Arborist provided recommendations to minimize impact to the tree, including but not limited to the use of “hand-digging” for proposed construction installations as well as the installation of pervious pavers to allow for necessary sub-surface gaseous exchange. In his peer-review report, City Arborist Noah Stamm found the Applicant’s Oak Tree Report and associated Oak Tree Map to be generally accurate to the observed site conditions and found the report to be complete. The City Arborist is in agreement with the validity of the findings and information included in the Oak Tree Report and Oak Tree Map, including that no long-term negative impacts are expected to affect the health of the coast live oak tree. He is also in agreement with the recommendations for tree protection as preservation. The recommendations made by the Applicant’s Arborist as well

as the City's Arborist are included in the Draft Conditions of Approval, attached as Exhibit E.

REQUIRED FINDINGS:

The findings applicable to the project are stated in Section 17.32.010 of the Calabasas Municipal Code. The Planning Commission would have to make one of the following findings for a project approval:

1. The request to remove an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.
2. The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. In addition, such alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.
3. The condition or location of the oak tree or scrub oak habitat requires altering to maintain or aid its health, balance or structure.
4. The condition of the oak tree or scrub oak habitat warrants its removal due to disease, dangerous condition, proximity to existing structures, high pedestrian traffic areas, such as parking lots and pedestrian walkways when such conditions may be unsafe or cannot be controlled or remedied through reasonable preservation and/or prevention procedures and practices.
5. Removal or altering of the oak tree(s) will have minimal impact on the total hardwood canopy with special emphasis on associated tree growth and their natural regeneration, wildlife habitat and heritage oak trees.

The applicant's proposed justification for one of the Oak Tree Permit findings listed above is attached as Exhibit D.

Staff requests the Commission conduct the public hearing, and then direct Staff to develop findings in support of either approval or denial of the project, supported by

the facts and testimony provided at the hearing. Note: A resolution of denial must include an explanation as to why at least one of the required findings for an Oak Tree Permit cannot be made.

ENVIRONMENTAL REVIEW:

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)(General Rule Exemption) and Section 15301(e)(1) (Existing Facilities) of the California CEQA Guidelines.

CONDITIONS OF APPROVAL:

See conditions contained in the resolution attached as Exhibit E.

ATTACHMENTS:

- Exhibit A: Project Plans
- Exhibit B: Oak Tree Report submitted by Applicant
- Exhibit C: Peer-reviewed Oak Tree Report from City Arborist
- Exhibit D: Findings justification submitted by Applicant
- Exhibit E: Draft Conditions of Approval

TECHNICAL APPENDIX



Surrounding Properties:

	Zoning	General Plan Designation
Site	Residential Single Family (RS)	Residential Single Family
West	Residential Single Family (RS)	Residential Single Family
East	Residential Single Family (RS)	Residential Single Family
North	Residential Single Family (RS)	Residential Single Family
South	Residential Single Family (RS)	Residential Single Family

Development Standards:				Code Limit
Lot Size:	14,541	Sq. Ft.		NA
Site Coverage:				
Existing:	4,487	Sq. Ft.	31.8 %	35% Max.
Proposed:	4,727	Sq. Ft.	32.5 %	35% Max.
Pervious Surface:				
Existing:	8,611	Sq. Ft.	59.2 %	65% Min.*
Proposed:	7,962	Sq. Ft.	54.7 %	65% Min.*

*Pursuant to CMC Section 17.26.040, whenever there is a residential subdivision with permanent open space dedicated as part of the original subdivision approval and which is controlled by the City, another public agency, or an active Homeowners Association, individual lots within that subdivision may receive a credit against the landscape and pervious surface requirements. For the Oaks community, the credit is 72.80%.