



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
SEPTEMBER 7, 2023

TO: Members of the Planning Commission

FROM: Jaclyn Rackerby, Planner

FILE NO(s): SPR-2022-013, SCP-2022-002, OTP-2023-009

PROPOSAL: Request for a Site Plan Review, Scenic Corridor Permit, and Oak Tree Permit for encroachment into the protected zone of oak trees to construct a two-story, 1,512 square-foot addition at the rear of an existing two-story single-family residence located at 24325 Mulholland Hwy (APN: 4455-045-008) within the Hillside Mountainous (HM) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Dina Elkinawy

RECOMMENDATION: That the Commission direct Staff to prepare a resolution for approval, or a resolution for denial, of File No. SPR-2022-013, SCP-2022-002, OTP-2023-009.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62.020 of the Calabasas Municipal Code (CMC) stipulates that construction of a residential addition over 1,200 square feet requires approval of a Site Plan Review, subject to review by the Commission.

BACKGROUND:

On February 2, 2023, an application was submitted on behalf of the property owner(s) to construct a 791 square-foot addition to the first floor and 721 square-foot addition to the second floor of an existing two-story single-family residence

located at 24325 Mulholland Hwy, within the Hillside Mountainous (HM) zoning district and Scenic Corridor (-SC) overlay zone. The proposed project also includes encroachment within the protected zone of oak trees for construction of the addition and associated rear yard features, for which the applicant has submitted a request for an Oak Tree Permit.

The project was reviewed by the City's Development Review Committee (DRC) on February 16, 2023, and had no major comments. Additionally, the project was reviewed by the City's Architectural Review Panel on April 28, 2023, in accordance with Section 2.40.040 of the CMC. The Panel recommended to the Planning Commission approval of the project as proposed. On August 15, 2023, the application was deemed complete by Staff.

STAFF ANALYSIS:

A. Existing Site/Building Layout: The existing site is a 48,299 square-foot (1.11 acre) property located at 24325 Mulholland Hwy, within the Hillside Mountainous (HM) zoning district and Scenic Corridor (-SC) overlay zone. The site is improved with an existing 3,267 square-foot two-story single-family residence, garage driveway, landscape, hardscape, and pool. The site is surrounded by existing single-family residences to the south and west, and by vacant HM zoned parcels to the north and to the east. The surrounding residences range in size from 3,217 square feet to 5,278 square feet (not including garages).

The applicant proposes to construct an addition of 791 square feet to the first floor and 721 square feet to the second floor, as well as to construct new backyard improvements including a new BBQ, outdoor fireplace, metal trellis, firepit, and raised planters. The proposed addition is located at the rear of the residence, and is set back 51' from the rear property line and 81'1" from the north side property line. With the proposed additions, the total size of the residence will be 4,779 square feet. The proposed site coverage is 7%, and the proposed permeable area is 76% (see Technical Appendix).

B. Architecture/Building Design: The residences in the vicinity of the subject site are custom homes that vary in regards to architectural style, colors, and materials. The existing residence has a Spanish tile roof, beige stucco, and brown trim. The proposed addition will maintain the same architectural style as the existing residence, with a new Spanish terra cotta tile roof, beige smooth stucco, and brown wood siding/trim as shown on the colors & materials sheet (See Exhibit A). The Architectural Review Panel reviewed the proposed project on April 28,

2023, and recommended approval of the project to the Planning Commission as proposed.

- C. Scenic Corridor: The existing residence has a Mediterranean architectural style, with a Spanish terra cotta tile roof, beige stucco, and brown trim. The proposed new addition has been designed in the same Mediterranean architectural style, with beige smooth stucco exterior, brown trim, and wrought iron railings. As demonstrated by the installed story poles, the area of addition is at the rear of the residence, with minimal visibility from Mulholland Highway (the designated Scenic Corridor) due to the existing landscaped berm extending the length of the front property line that screens the existing residence from view along most of the road.

Additionally, the Architectural Review Panel reviewed the project on April 28, 2023. The Panel recommended design of the project as proposed, with no additional comments.

- D. Landscaping and Oak Trees: The proposed landscaping is depicted on Sheet L1.1 of the plans attached as Exhibit A. The site is already developed with an existing single-family residence and associated landscaping, and the only alterations to the existing site landscaping include additional planters and trees in the rear yard surrounding the new addition and area of rear yard improvements.

As demonstrated by the pervious surface calculation on the cover sheet of the plans, the property is currently legal nonconforming in regards to pervious surfaces, as it was constructed in 1977 prior to the City's incorporation and adoption of the City's landscaping ordinance. The current pervious percentage is 75%, whereas Table 3-10 of the Calabasas Municipal Code currently requires 86% minimum pervious for the HM zoning district. As a result, the proposed project includes alterations to the existing hardscaped areas to improve the nonconforming condition, for a proposed pervious surface percentage of 76%.

As described in the Oak Tree Report included as Exhibit E, nineteen on-site oak trees and three oak trees in the adjacent public right-of-way meet the city's parameters for protection under CMC Chapter 17.32. Eighteen of these on-site trees will not be affected by the proposed project. However, one of the trees, Tree No. 14, is likely to be minimally impacted as a result of the proposed construction, which includes a retaining wall and decking within the tree's protected zone. As explained in the report, a portion of the site developments are already within the protected zone, and footings for the new retaining wall will be designed to minimize impact to the tree's root system. On July 28, 2023, the City's Oak Tree Consultant, Noah Stamm, found the applicant's submitted report

to be factually accurate (Exhibit F). The City Arborist agreed that construction activities were not likely to cause any long-term adverse impact to any on-site oak trees, and recommended approval of the Oak Tree Permit with associated mitigation measures listed in the submitted report.

REQUIRED FINDINGS:

The findings for a Site Plan Review, and which the Planning Commission would have to make for a project approval, are stated in Section 17.62.020 of the Calabasas Municipal Code as follows:

1. The proposed project complies with all applicable provisions of this development code;
2. The proposed project is consistent with the general plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;
3. The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);
4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;
5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and
6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

The findings for a Scenic Corridor Permit, and which the Planning Commission would have to make for a project approval, are stated in Section 17.62.050 of the Calabasas Municipal Code as follows:

1. The proposed project design complies with the scenic corridor development guidelines adopted by the council;
2. The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor;
3. The proposed project is within an urban scenic corridor designated by the General Plan, and includes adequate design and landscaping, which serves to enhance and beautify the scenic corridor; or

4. The proposed project is within a rural or semi-rural scenic corridor designated by the General Plan, and is designed to ensure the continuing preservation of the character of the surrounding area.
5. The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale, with existing uses, development, signs, structures, and landscaping of the surrounding area.

The findings for an Oak Tree Permit 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 the findings listed above is attached as Exhibit B.

REQUESTED COMMISSION ACTION:

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 discussed in this report 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 (Existing Facilities) of the California CEQA Guidelines.

CONDITIONS OF APPROVAL:

If the Commission directs Staff to prepare a resolution of approval, 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 16, 2023 No major comments.

Architectural Review Panel (ARP):

April 28, 2023 The Panel recommended approval of the project as proposed to the Planning Commission.

ATTACHMENTS:

- Exhibit A: Project Plans
- Exhibit B: Findings Justification Submitted by Applicant
- Exhibit C: ARP Minutes from April 28, 2023
- Exhibit D: Draft Conditions of Approval
- Exhibit E: Oak Tree Report submitted by Applicant

Exhibit F: Peer-reviewed Oak Tree Report from City Arborist
Exhibit G: Site Photos

TECHNICAL APPENDIX



<u>Applicable Development Standards:</u>				<u>Code Limit</u>
Lot Size:	48,299	Sq. Ft.		N/A
Floor Area:				N/A
Existing:	3,267	Sq. Ft.		
Proposed:	1,512	Sq. Ft.		
Total:	4,779	Sq. Ft.		
Setbacks:				
Rear:	51 Ft.	0 In.		50 Ft. Min.
Side (north):	81 Ft.	1 In.		25 Ft. Min.
Side (south):	113 Ft.	5 In.		25 Ft. Min.
Height:	24 Ft.	5 In.		25 Ft. Max.
Site Coverage:				
Existing:	2,615	Sq. Ft.	5.4 %	N/A
Proposed:	3,406	Sq. Ft.	7.1 %	N/A
Pervious Surface:				
Existing:	36,345	Sq. Ft.	75 %	86% Min.
Proposed:	36,772	Sq. Ft.	76 %*	86% Min.

* *The existing residence was constructed in 1977 prior to the City's incorporation and adoption of the City's landscaping ordinance, and is currently considered legal nonconforming in regards to pervious surfaces. The proposed project is improving upon the existing nonconforming condition by remodeling areas of hardscape, to bring the site closer towards compliance with the current 86% minimum requirement.*

Area Home and Lot Size Comparisons:

SITE ADDRESS	RESIDENCE SF	LAND SF
24325 MULHOLLAND HWY (subject)	4,779	48,299
24228 DRY CANYON COLD CREEK RD	3,890	32,702
24230 DRY CANYON COLD CREEK RD	3,635	50,007
24232 DRY CANYON COLD CREEK RD	3,990	76,440
24255 DRY CANYON COLD CREEK RD	5,278	61,688
24257 DRY CANYON COLD CREEK RD	3,217	57,793
24259 DRY CANYON COLD CREEK RD	4,260	64,900
24329 MULHOLLAND HWY	4,935	49,999
24337 MULHOLLAND HWY	3,546	76,131
24333 MULHOLLAND HWY	3,645	59,133
AVERAGES	4,044	58,755

Notes:

- 1) The House sizes do not include garages.
- 2) Project Site information obtained from the submitted project plans. Information on neighboring homes obtained from records of the Los Angeles County Tax Assessor Office.