

PLANNING COMMISSION RESOLUTION NO. 2024-800

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). APR-2024-006 AND OTP-2024-010, A REQUEST FOR AN ADMINISTRATIVE PLAN REVIEW AND OAK TREE PERMIT FOR REMOVAL OF ONE 15" DIAMETER OAK TREE IN ASSOCIATION WITH THE CONSTRUCTION OF A PROPOSED TENNIS COURT WITH 10-FOOT-HIGH FENCING ON THE NORTHWESTERN AND SOUTHEASTERN SIDES OF THE PROPOSED TENNIS COURT IN THE SIDE YARD OF AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 25201 PRADO DEL GRANDIOSO (APN: 2069-090-050) WITHIN THE RESIDENTIAL SINGLE-FAMILY (RS) ZONING DISTRICT.

Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department and the City Attorney.
2. Staff presentation at the public hearing held on November 7, 2024 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

Section 2. Based on the foregoing evidence, the Planning Commission finds that:

1. On June 5, 2024, an application was submitted on behalf of the property owner for File No. APR-2024-006 and OTP-2024-010.
2. The project was reviewed by the Development Review Committee (DRC) on June 20, 2024; Staff determined that the application and plans were incomplete on June 26, 2024 and the applicant was duly notified of this incomplete status.
3. Plans were revised to reflect the City's comments and resubmitted by the applicant on July 23, 2024.
4. Following subsequent resubmittals, the application and plans for File No(s). APR-2024-006 and OTP-2024-010 were deemed complete by Staff on October 18, 2024.
5. Notice of the November 7, 2024 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, and at Calabasas City Hall.
6. Notice of the November 7, 2024 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
7. Notice of the November 7, 2024 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
8. Notice of the November 7, 2024 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
9. A public hearing was held at the November 7, 2024 Planning Commission meeting, during which public testimony was taken.
10. At the November 7, 2024 meeting, the Commission requested that Staff prepare a resolution of approval for File No. APR-2024-006 and OTP-2024-010, for adoption by the Commission at the next regularly scheduled Planning Commission meeting.
11. The project site is zoned Residential Single-Family (RS).

12. The land use designation for the project site under the City's adopted General Plan is Residential – Single Family (R-SF).
13. Properties surrounding the project site are zoned RS, and have General Plan land use designations of R-SF.

Section 3. In view of all of the evidence and based on the foregoing findings, the Planning Commission finds as follows:

FINDINGS

Section 17.62.090 of the Calabasas Municipal Code (CMC) allows the Planning Commission to approve a **Administrative Plan Review Permit** provided that the following findings are made:

1. *The proposed project complies with all applicable provisions of this Development Code;*

The subject site is a 42,499 square-foot (0.98 acre) developed lot located at 25201 Prado del Grandioso, within the Residential Single-Family (RS) zoning district and the Estate Lots of The Oaks HOA. The site is improved with an existing 7,494 square-foot two-story single-family residence, driveway, landscape/hardscape, pool, spa, detached accessory structure, trellis, and shed. The applicant proposes to remove one 15-inch oak tree to construct a new 5,761 square-foot tennis court in the western side yard of the developed property and the associated 10-foot-high chain link tennis court fencing will be located at the northwestern and southeastern sides of the court. The applicant also proposes to install screening hedges in the front yard and along the side and rear property lines to reduce visibility from the street. Furthermore, the proposed tennis court, including the 10-foot-high fencing, is an allowed accessory use in the Residential, Single-Family (RS) zoning district per sections 17.12.165 and 17.20.100 of the Calabasas Municipal Code (CMC).

As presented in the Technical Appendix of the November 7, 2024 staff report to the Planning Commission (which is hereby incorporated by reference), the project design conforms to the applicable standards in regards to fence height, setbacks, site coverage, and pervious surface. Therefore, the project complies with all applicable provisions of the Development Code and meets this finding.

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;*

The existing use of the subject site is a two-story single-family residence with attendant landscape, hardscape, pool, spa, trellis, shed, and detached accessory structure which are allowed uses per the RS land use designation within the General Plan. The removal of an oak tree for construction of the new 5,761 square-foot tennis court and associated fencing will not change the existing land use of the subject site and the proposed project complies with all development standards, as explained within the Staff Report. The proposed project is compatible with the neighborhood, due to the fact that approximately 34% of the homes within the Estate Lots of The Oaks HOA have a type of private sport court located on the property. The subject site is not within a designated scenic corridor, and there are no specific architectural design standards or design themes applicable to this property.

Chapter IX of the General Plan, specifically policies IX-1, IX-5, IX-8, and IX-10 emphasize that new development shall maintain a high-quality appearance, and is aesthetically pleasing and compatible with the area's natural setting. The proposed tennis court material will be concrete and coated with a sport master colored finish. The outer area of the court will be light green and the interior area of the court will be light blue. Additionally, the associated fencing will be a forest green to blend with the surrounding landscape and screening hedges will be installed to minimize the visual impact. Accordingly, the proposed project is consistent with the General Plan and meets this finding.

3. *The approval of the administrative plan review is in compliance with the California Environmental Quality Act (CEQA);*

This project is exempt from environmental impact review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. Additionally, the project is categorically exempt from CEQA pursuant to Section 15332 (In-fill Development Projects) and Section 15303 (New Construction) of the California CEQA Guidelines because the proposed project is for the construction of a tennis court on a developed lot.

Therefore, because the proposed project is exempt from environmental impact review under the California Environmental Quality Act, the proposed project meets this finding.

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;*

The subject site is a 42,499 square foot developed lot located in the RS zoning district, and is surrounded by other two-story custom-built residences that vary in regard to architectural style, colors, and materials. Additionally, of the 50 homes located within the Estate Lots of The Oaks HOA, seventeen of the properties are developed with some type of private sport court. The proposed project consists of removal of one 15-inch oak tree for the construction of a new 5,761 square-foot tennis court and associated 10-foot-high fencing on the northwestern and southeastern ends of the court and will not alter the size of the existing residence.

The proposed tennis court fencing will be comprised of a forest green, chain link fencing to blend with surrounding landscaping, while the tennis court material will be concrete on-grade and coated with a sport master colored finish. The outer area of the court will be light green and the interior area of the court will be light blue as documented within the staff report and project plans. Furthermore, screening hedges will be installed around the tennis court to minimize visual impact from the street and to the community.

Based on the above information, the Planning Commission finds that the proposed project is compatible in use, design, appearance, and scale with the existing homes in the surrounding area and meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features;*

The proposed project includes construction of a new 5,761 square-foot tennis court with associated 10-foot-high chain link fencing on an existing 42,499 (0.98 acre) developed lot. The subject site is developed with an existing 7,494 square-foot residence, as well as other existing features such as a pool, spa, trellis, shed, detached accessory structure, shed, landscape, and hardscape. The City's Land Use and Development Code contains development standards for height limits, site coverage, and pervious surfaces related to tennis courts and the associated fencing in the RS zone. Per the staff report provided to the Commission at the November 7, 2024 public hearing, the location of the tennis court and height of the proposed fencing conforms to the applicable development

standards of the RS zone, in regards to height, pervious surface, and site coverage. Accordingly, the proposed project meets this finding.

6. *The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.*

The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible because the proposed project is located in the side yard of an existing 42,499 square-foot developed lot, surrounded by primarily two-story custom-built single-family residences that have some type of private sport court which vary in regards to design, colors, and materials, and the tennis court and fencing will be finished with earth tones and surrounded by screening hedges to blend with the natural environment. The proposed tennis court will be finished in light blue and light green, and the associated 10-foot-high fencing will be finished with a forest green color. Screening hedges will be installed in the front yard and along the rear and side property lines to blend with the surrounding landscaping and minimize visual impact to the surrounding environment. Additionally, one 15-inch oak tree and one six-inch oak tree are located on the lot; the six-inch oak tree will be protected in place, while the 15-inch oak tree is proposed to be removed and mitigated for per Condition #15 and the submitted oak tree report. Therefore, the proposed project is designed to integrate with the surrounding natural environment and meets this finding.

Section 17.32.010 of the Calabasas Municipal Code (CMC) allows the review authority to approve an **Oak Tree Permit** provided that one or more of five possible findings are made. The Planning Commission determines that the following finding applies to the project, and the finding can be made.

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. (CMC 17.32.010.E.1)*

The proposed project includes removal of one 15" diameter coast live oak tree located along the northwestern property line to accommodate for the construction of the proposed new 5,761 square-foot tennis court and

associated 10-foot-high fencing. In addition to removal of the 15" diameter oak tree, a 6" diameter oak tree located along the western property line will be protected in place. The project area will not intrude upon the protected zone of the 6" diameter oak tree and there will be minimal impact to the tree. Furthermore, approximately 34% of surrounding properties have some type of private sport court located on the property.

Per the Oak Tree Preservation and Protection Guidelines, mitigation is required for removal of an oak tree by paying an in-lieu fee or on an inch-for-inch basis. Per the submitted oak tree report (dated September 18, 2024), an in-lieu fee will be paid to the City to mitigate for the oak tree removal. The submitted oak tree report was also peer reviewed by the City's consulting arborist, who recommended approval of the request to remove the oak tree, with the necessary mitigation measures per the report. In addition to the submitted oak tree report, Condition #15 requires that the applicant pay an in-lieu fee, plant replacement trees at an inch-for-inch basis, or a combination of the two to mitigate for the tree removal. Therefore, the request to remove one 15" diameter coast live oak tree is warranted and meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No(s). APR-2024-006 and OTP-2024-010 subject to the following agreement and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of File No(s). APR-2024-006 and OTP-2024-010 or the activities conducted pursuant to this File No(s). APR-2024-006 and OTP-2024-010. Accordingly, to the fullest extent permitted by law, the applicant and property owner, and their successor and assigns, shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually,

allegedly or impliedly, in whole or in part, the issuance of File No(s). APR-2024-006 and OTP-2024-010, or the activities conducted pursuant to File No(s). APR-2024-006 and OTP-2024-010. The applicant and property owner, and their successor and assigns, shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department/Planning/Building and Safety

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
4. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
5. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any

violation of the conditions of approval may result in the revocation of this approval.

6. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded an affidavit of acceptance of this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
7. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
8. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
9. The tennis court shall be non-illuminated.
10. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
11. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
12. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the CMC shall be incorporated into all plans.
13. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
14. Construction Activities - Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

Page 9 of 15

8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. No vehicles involved in construction of this project shall block the roadway at any time. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.

Oak Trees

15. The applicant shall pay an in-lieu fee, plant mitigation trees on an inch-for-inch basis, or a combination of the two, to mitigate for the removal of one 15-inch diameter oak tree. Mitigation shall be accomplished prior to issuance of final inspection by the Building and Safety Division.
16. Within ten (10) days of the completion of work, the Applicant's Oak Tree Consultant shall submit written certification to the Planning Division. The certification shall describe all work performed and shall certify that such work was performed in accordance with the permit conditions. If any work was performed in a manner not in conformance with these conditions of approval, then the Applicant's Oak Tree Consultant shall identify the instance(s) of any such deviation and associated corrective measures applied in the field.

Grading and Geotechnical

17. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design of the proposed construction. The plans should include, but not be limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reference the approved geotechnical report, and reflect cut, fill, compaction and over-excavation requirements contained therein. The plans shall reflect all proposed drainage facilities, including storm drains, area drains, catch basins/inlets, swales, and other drainage devices necessary for the interception, conveyance and disposal of on-site and offsite drainage consistent with the project drainage report. The project Geotechnical

Engineer should sign and stamp final grading plans stating that the proposed plan is in conformance with his/her recommendations.

18. The applicant shall submit a geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The report shall present detailed geotechnical recommendations for design and construction of the proposed project. The reports should be in accordance with the County of Los Angeles standards and to the satisfaction of the City of Calabasas Public Works Department standards and requirements.
19. The applicant agrees to address and mitigate any and all geotechnical design engineering and construction issues not contained within these conditions, but associated with the proposed development that may arise during final design and/or construction.
20. The applicant shall eliminate all geologic hazards associated with this proposed development as identified in the Final Geotechnical Report, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.
21. Prior to issuance of a Grading Permit, the applicant shall submit a surety grading improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage devices.
22. Prior to issuance of a Grading Permit, the applicant shall submit official stamped and signed copies of the acknowledgement concerning the employment of a registered civil engineer and technical consultants (Public Works Form K).
23. Prior to commencement of work under a grading permit, the contractor shall conduct a preconstruction meeting with the City. The contractor shall be responsible for setting the meeting time, date and location and notifying City staff at least one week in advance of the meeting.
24. All excavation and grading and related site work shall be observed and approved by the Public Works Department, pursuant to construction permits issued for approved grading and improvement plans. Changed conditions that affect the Grading and Drainage Plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1), which shall be approved by the City Engineer prior to commencement of any grading activities that do not conform to the approved Grading and Drainage Plans. If the field conditions deviate from the approved plans

without obtaining prior approval of a change order, the City Engineer may issue a Stop Work Notice.

25. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Planner shall make the determination if the changes require a review by the Planning Commission.
26. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto Public Streets shall be enforced. The grading contractor shall maintain on site at all times a means of preventing blowing dust within the project site and onto adjacent sites. Prior to start of hauling operations, the applicant shall obtain a Haul Route Permit from the Public Works Department.
27. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report and Grading and Drainage Plans. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted to the City Engineer.
28. Prior to the final inspection by Building and Safety Division (B&S), the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, reflecting the as-built field conditions, including any changes to the approved plan, to the satisfaction of the City Engineer. As-built plans shall be furnished prior to initiation of final inspection by the Public Works Department.
29. Final Grade Certification. Prior to the final inspection by Building and Safety Division (B&S), the applicant shall submit a Final Grade Certification (Public Works Form P). The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the final B&S inspection for the project.

Hydrology and Drainage

30. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior to the issuance of a grading permit.
31. All drainage devices, pipes, and structures in the approved grading plan shall be the sole responsibility of the applicant to construct and applicant shall maintain those devices, pipes and structures located on their property.
32. The applicant shall provide for the proper interception, conveyance and disposal of off-site drainage contributions from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.

Utilities

33. Alterations of the existing utility systems shall be shown of the grading and drainage plan.

Los Angeles County Fire Department

34. Obtain all applicable permits and approvals from the Los Angeles County Fire Department.

Section 5. All documents described in Section 1 of PC Resolution No. 2024-800 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2024-800 PASSED,
APPROVED AND ADOPTED this 21st day of November, 2024.

Wendy Fassberg
Chairperson

ATTEST:

Michael Klein, AICP
Community Development Director

APPROVED AS TO FORM:

John Fox
Aleshire and Wynder, LLP
Assistant City Attorney

Planning Commission Resolution No. 2024-800, was adopted by the Planning Commission at a regular meeting held November 21, 2024 and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”