

THE DEPARTMENT OF REGIONAL PLANNING  
COUNTY OF LOS ANGELES

NOTICE OF PUBLIC HEARING

PROJECT NUMBER 96209-(3)  
CONDITIONAL USE PERMIT 200700131

Notice is hereby given that the Hearing Officer will conduct a public hearing concerning this land use proposal on **Tuesday, June 16, 2009 at 9:00 a.m. in Room B85H in the Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.** Interested persons will be given an opportunity to testify. The hearing room will open at 8:50 a.m.

**REQUEST:** Conditional use permit for the continued operation of a health retreat, a use subject to permit in the A-1-1 (Light Agriculture) zone.

**CORRECTED LOCATION OF SUBJECT PROPERTY:** 2025 North McKain Street in the Malibu Coastal Zone and the Malibu Zoned District.

This case does not affect the zoning of surrounding property. If you are unable to attend the public hearing but wish to send written comments, please write to the Hearing Officer, 320 West Temple Street, Los Angeles, California 90012.

If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Hearing Officer at or prior to the public hearing.

This project has been determined to be categorically exempt (Class 1 – Existing Facilities) from the reporting requirements under the California Environmental Quality Act.

Case materials, including the environmental documentation, are available for review between 7:30 a.m. and 5:30 p.m., Monday through Thursday (**closed on Fridays**) in the offices of the Department of Regional Planning, Hall of Records, Room 1348, 320 West Temple Street, Los Angeles, California 90012. Selected materials are also available on the Regional Planning website at <http://planning.lacounty.gov/case.htm> and at the following location beginning May 8, 2009:

Agoura Hills Library  
29901 Ladyface Court  
Agoura Hills, CA 91301 (818) 889-2278

Additional information concerning this case may be obtained by telephoning **Dean Edwards** at (213) 974-6443 between 7:30 a.m. and 5:30 p.m., Monday through Thursday. **Our offices are closed on Fridays.** Callers from North County areas may dial (661) 272-0964 (Antelope Valley) or (661) 253-0111 (Santa Clarita) toll free and then request a connection to 974-6443.

**"Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. El proyecto que se considera por el Condado de Los Angeles es un uso condicional para un retiro de salud existente, sujeto a un permiso en la zona de Agricultura ligera.**

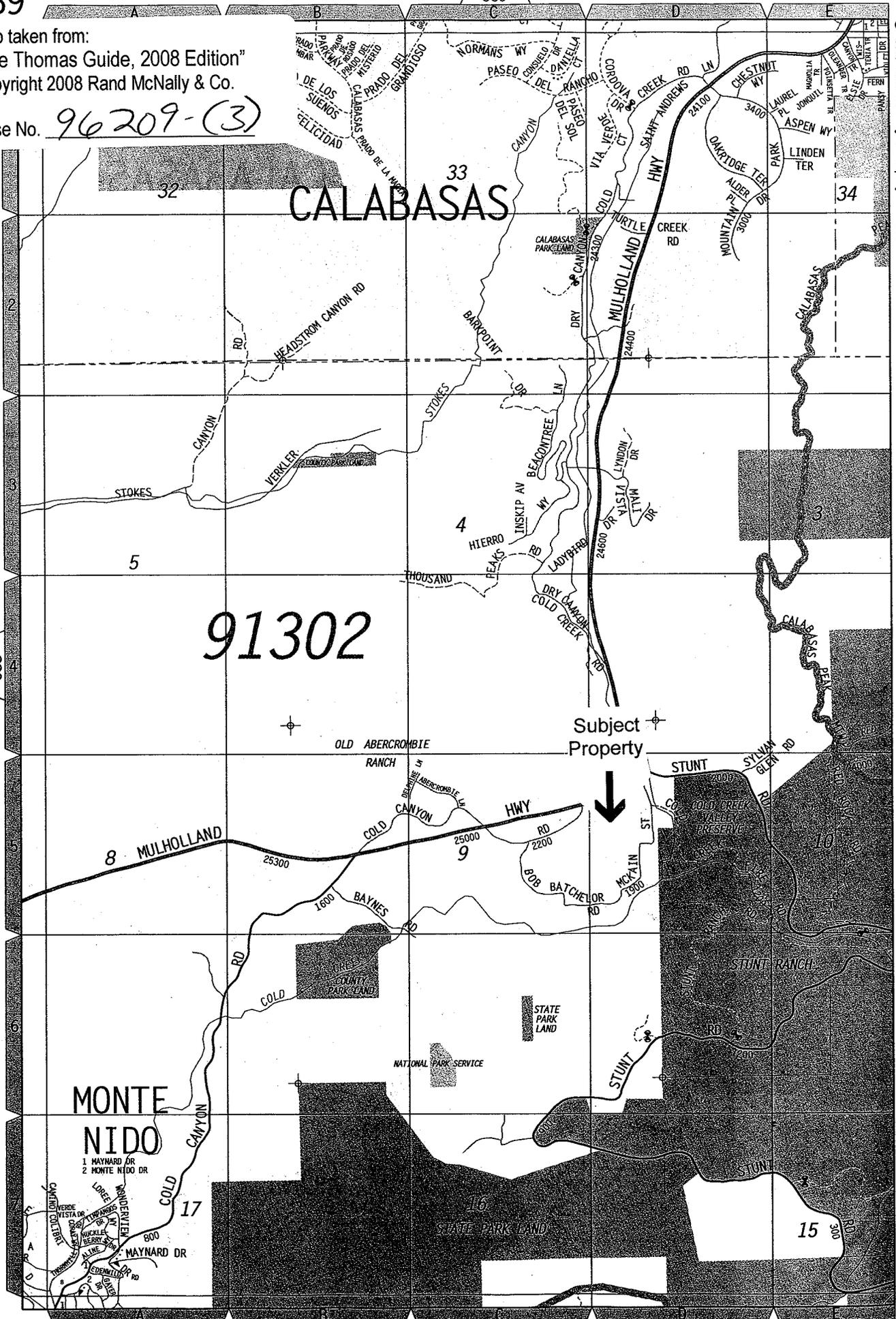
**Una audiencia pública para considerar el proyecto tendrá lugar el día 16, de Junio 2009. Si necesita mas información, o si quiere este aviso en Español, favor llamar al Departamento de Planificación al (213) 974-6443."**

**"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".**

Map taken from:  
"The Thomas Guide, 2008 Edition"  
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Case No. 96209-(3)

SEE 588 MAP



91302

Subject Property



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Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213)  
**PROJECT NUMBER 96209-(3)**  
**CONDITIONAL USE PERMIT 200700131**

**PUBLIC HEARING DATE**  
 June 16, 2009

**AGENDA ITEM**

**RPC CONSENT DATE**

**CONTINUE TO**

<b>APPLICANT</b> Anne Marie Bennestrom	<b>OWNER</b> Anne Marie Bennestrom	<b>REPRESENTATIVE</b> Kathleen Hill
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**PROJECT DESCRIPTION**  
 The proposed project consists of the continued operation of a health retreat. No new construction is proposed. The facility operates 24 hours a day, seven days a week. A maximum of 5 staff members are on site at any given time. One staff member resides at the facility. Clients are transported to and from the facility by the two facility vans.

**REQUIRED ENTITLEMENTS**  
 Conditional use permit for the continued operation of a health retreat, a use subject to permit in the A-1-1 (Light Agriculture) zone.

**LOCATION/ADDRESS**  
 2025 North McKain Street

**SITE DESCRIPTION**  
 The 4.53 acre project site slopes north to south; is developed with a 2,800 square foot main building with a pool and spa, eight accessory structures (four 100 square foot meditation buildings, a 300 square foot yoga building and two service buildings) and nine parking spaces. The property is vegetated with ornamental and native vegetation.

<b>ACCESS</b> North McKain Street	<b>ZONED DISTRICT</b> The Malibu
<b>ASSESSORS PARCEL NUMBER</b> 4455-020-009 & 4455-020-010	<b>COMMUNITY</b> Malibu Coastal Zone
<b>SIZE</b> 4.53 Acres	<b>COMMUNITY STANDARDS DISTRICT</b> NA

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Health Retreat	A-1-1 (Light Agriculture)
North	Single-family Residence	A-1-1 (Light Agriculture)
East	Single-family Residence	A-1-1 (Light Agriculture)
South	Single-family Residence	A-1-1 (Light Agriculture)
West	Single-family Residence	A-1-1 (Light Agriculture)

<b>GENERAL PLAN/COMMUNITY PLAN</b> Malibu Local Coastal Plan	<b>LAND USE DESIGNATION</b> Rural Land 3	<b>MAXIMUM DENSITY</b> One dwelling unit per two acres
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**ENVIRONMENTAL DETERMINATION**  
 Class 1 Categorical Exemption – Existing Facilities

**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON:</b>		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING</b>
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
<b>SPEAKERS*</b> (O) (F)	<b>PETITIONS</b> (O) (F)	<b>LETTERS</b> (O) (F)

\*(O) = Opponents (F) = In Favor

## **PROPERTY DESCRIPTION:**

The subject property, an operating health retreat, is comprised of three parcels: A northern parcel (APN 4455-020-009), a central parcel (APN 4455-020-010), and a southern parcel (APN 4455-021-015), totaling approximately 5.83 acres. The Ashram is located at 2025 McKain Street in unincorporated Calabasas, in the Malibu Zone District.

Surrounding zoning consists of A-1-1 to the north, south, west and east. Surrounding land use consists of single-family residential to the north, west, east and south. The site is designated as "Rural Land III" in the Malibu/Santa Monica Mountains Community Plan, which allows a wide variety of commercial uses.

The site plan (Exhibit "A") depicts The Ashram, which includes the main two-story health retreat building (2,800 sq. ft.), a meditation building (400 sq. ft.), a service building (300 sq. ft.), a sundeck and three smaller meditation buildings (100 sq. ft. each). A ten space off-street parking area is located northwest of the meditation cottages.

The health retreat is located in an area with predominately undisturbed land and single family residential development. The buildings of the health retreat are consistent in appearance with the surrounding residences. Activities provided by the health retreat are passive recreational. Other activities such as pool exercises and weight training are done in the health retreat building and screened from public view.

Not more than 10 persons, including staff, patrons, and guests, are in residence at the health retreat at any one time. Applicant provides 10 off-street parking spaces at all times. In addition, as required by Section 22.24.060 of the Code, the Applicant provides transportation for its clients to and from the premises.

## **BURDEN OF PROOF:**

Section 22.56.040 of the Code requires the following information to satisfy the Burden of Proof for Conditional Use Permit cases:

*A. That the requested use at the location proposed will not:*

*Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or 3. Jeopardize, endanger*

*or otherwise constitute a menace to the public health, safety or general welfare.*

The granting of Applicant's request to allow the continued use of the site as a health retreat will not adversely affect, be materially detrimental to, nor jeopardize, endanger or constitute any menace: to the use, valuation or enjoyment of property in the vicinity; to the health, peace, comfort or welfare of persons residing or working in the surrounding area; or to the public health, safety or general welfare because the Applicant has been operating the health retreat for almost thirty years in compliance with all conditions set forth by the County under the existing and prior conditional use permits, and proposes no changes to the existing use, which coexists well with the uses, habitants and habitats of the surrounding area.

Further, the Applicant notes that The Ashram does now and will continue to operate pursuant to all applicable conditions prescribed by the County, as set forth in the October 2, 1997 approval of CUP 96-209-(3), conditions 1 through 17, attached hereto as Attachment "B."

Finally, the Applicant does now and will continue to operate The Ashram in compliance with all requirements for health retreats, as set forth in Section 22.24.060A of the Code and repeated here:

**22.24.060 Conditional use permits--Additional conditions imposed when.**

Every conditional use permit for any use listed in this section shall be subject to additional conditions as listed herein. The hearing officer, in granting the conditional use permit, may not change or modify any of the following, which are conditions of use:

**A. Health Retreats.**

1. Such retreat shall be located on a lot or parcel of land having an area of not less than two acres.
2. Not more than 10 persons, including staff, patrons and guests, shall be in residence at such retreat at any one time; and
3. All activities shall be conducted as a part of a live-in healthcare program only, the providing of services for persons maintaining residence for less than 24 hours shall be prohibited; and
4. All exercise, gymnasium, therapy and similar equipment, and areas used for sunbathing, shall be located within a building or shall be effectively screened so as not to be visible to surrounding property. Such screening shall consist of walls, screening fences or suitable landscaping; and
5. All patrons shall be transported to and from the premises unless otherwise expressly authorized by the hearing officer; and
6. Where visible to surrounding property, all structures housing such retreat shall be compatible with the dwellings and structures in the vicinity thereof; and
7. No signs shall be permitted in conjunction with such use.

*B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.*

The Ashram health retreat consists of approximately 5.83 acres, exceeding the two-acre minimum required under Section 22.24.060A(1) of the Code. The design of the facility's minimal structures (formerly a single family residence with small appurtenant buildings that are largely occluded from view by vegetation) fit in with the surrounding uses. The total square footage of buildings (less than 4,000 sq. ft.) is dwarfed by the remaining vast amount (more than 250,150 sq. ft.) of open space. Accordingly, the requested continuing use both accommodates its few necessary and basic structures and ideally integrates with all other uses in the surrounding area.

*C. That the proposed site is adequately served: (1) By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and (2) By other public or private service facilities as are required.*

(1) The Ashram is adequately served via two means of access:

(a) From Mulholland Highway (80 ft. width), which feeds to Cold Canyon Road (appx. 30 ft. width), which feeds to Bob Batchelor Road (40-60 ft. width), which feeds to McKain Street (25 ft. width); and,

(b) From Stunt Road (60 ft. width), which feeds to McKain Street (25 ft. width).

(2) The Ashram continues to receive adequate water service, sewage disposal and all other necessary and required utilities.

#### **ENVIRONMENTAL CLEARANCE:**

Since the request involves the continuation of an existing health retreat, without any change whatsoever, a Categorical Exemption, as granted for the latest CUP (No. 96-209-(3)), is again requested under California Environmental Quality Act (CEQA) Guidelines.