

RESOLUTION NO. 2023-1880

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA APPROVING SITE PLAN REVIEW 2023-005, CONDITIONAL USE PERMIT NOS. 2023-003, 2023-004 AND 2023-005, SCENIC CORRIDOR PERMIT 2023-003 AND TENTATIVE TRACT MAP 2023-002 FOR A PROPOSAL TO IMPROVE A PORTION OF THE COMMONS AT CALABASAS ("THE COMMONS"), LOCATED AT 4799 COMMONS WAY (APN: 2068-003-021) WITHIN THE COMMERCIAL MIXED-USE ZONING DISTRICT, SCENIC CORRIDOR OVERLAY ZONE AND AFFORDABLE HOUSING OVERLAY WITH THE CONSTRUCTION OF NEW MIXED-USE BUILDINGS CONTAINING 119 HOUSING UNITS AND NEIGHBORHOOD-SERVING COMMERCIAL USES.

Section 1. The City Council 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.
2. Staff presentations at public hearings held on October 19, 2023 and November 16, 2023, before the Planning Commission.
3. Staff presentation at the public hearing held on December 6, 2023, before the City Council
4. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
5. 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.
6. 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.
7. The addendum to the Final Programmatic Environmental Impact Report for the City's Housing Element and other related updates to the City's General

Plan Land Use, Circulation, and Safety Elements certified by the City Council on September 28, 2021.

8. Planning Commission Resolution No. 2023-780, recommending approval of the project (File No(s). SPR-2023-005, CUP-2023-003, -004, and -005, SCP-2023-003, and TTM-2023-002) to the City Council.
7. All related documents received and/or submitted at or prior to the public hearing, including the application and all supporting materials submitted by the applicant.

Section 2. Based on the foregoing evidence, the City Council finds that:

1. The applicant, The Commons at Calabasas, LLC, submitted an application on May 1, 2023.
2. Files SPR-2023-005, CUP-2023-003, -004, and -005, SCP-2023-003, and TTM-2023-002 seek approval to improve a portion of The Commons at Calabasas ("The Commons"), located at 4799 Commons Way (APN: 2068-003-02) within the Commercial Mixed-Use Zoning District, Scenic Corridor Overlay Zone and Affordable Housing Overlay with the construction of two new mixed-use buildings containing 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and up to 24,163 square feet of neighborhood-serving commercial uses. To accommodate the project, the existing 33,091 square foot theatre building will be demolished along with a portion of the existing surface parking lot and associated landscaping.
3. The project application and plans were reviewed by the Development Review Committee on May 23, 2023.
4. On May 31, 2023, staff determined that the application was incomplete and the applicant was duly notified of the incomplete status.
5. The proposed application and plans were reviewed by the Architectural Review Panel (ARP) on June 23, 2023 and July 28, 2023, at public meetings. On July 28, 2023, the ARP recommended moving the project on to the Planning Commission with a final recommendation for the applicant to continue exploring ways to: 1) Create an engaging pedestrian atmosphere on all sides of buildings and good connectivity between open spaces, 2) Create a better connection of visual character, materials, and building massing between existing and proposed development, and 3)

Soften or reduce the massing of Building A in the area near the Civic Center.

6. On July 27, 2023, the application was deemed complete and the applicant was notified.
7. Notice of the October 19, 2023 Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center and at Calabasas City Hall.
8. Notice of the October 19, 2023 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
9. Notice of the October 19, 2023 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
10. At the October 19, 2023 public hearing, the Planning Commission reviewed staff's presentation, took public testimony, deliberated, and continued the matter to a regularly scheduled meeting on November 16, 2023.
11. At the November 16, 2023 public hearing, the Planning Commission reviewed additional staff presentation, took additional public testimony, deliberated, and approved a motion by a vote of 5-0 adopting Planning Commission Resolution No. 2023-780, recommending approval of the project and all associated applications and requests to the City Council, and directing additional comments to be conveyed to the City Council via the staff report.
12. Notice of the December 6, 2023 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center and at Calabasas City Hall.
13. Notice of the December 6, 2023 City Council public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
14. Notice of the December 6, 2023 City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.

15. The project site is currently within the Commercial Mixed-Use Zoning District, Scenic Corridor Overlay Zone and Affordable Housing Overlay Zone.
16. The land use designation for the project site under the City's adopted General Plan is Mixed Use (MU 0.95).
17. The surrounding land uses around the subject property are zoned Commercial Mixed-Use Zoning District, Scenic Corridor Overlay Zone and Affordable Housing Overlay, and Open-Space Development-Restricted.
18. Notice of the Planning Commission and City Council public hearings included the notice requirements set forth in Government Code Section 65009 (b)(2).

Section 3. In view of all of the evidence and based on the foregoing findings, the City Council concludes that the following findings relative to the CEQA Addendum are true:

FINDINGS

On September 28, 2021, the City Council certified a Programmatic Environmental Impact Report (PEIR) associated with the City's 2021-2029 Housing Element and other related updates to the City's General Plan Land Use, Circulation, and Safety Elements that considered the development of 12 potential development sites for new housing projects within the City with a total of 1,305 dwelling units and 148,853 square feet of new commercial space. The PEIR considered the development of the project site (Site 11) to include 202 dwelling units and 44,393 square feet of net new commercial space, and that the proposed project is proposing a total of 119 dwelling units, the demolition of a 33,091 square foot movie theater, and construction of 24,163 square feet of new neighborhood-serving commercial space, for a net reduction of 8,928 square feet of commercial space. Finally, the draft addendum to the PEIR was prepared pursuant to PRC § 21166 and CEQA Guidelines §§ 15162 and 15163

Pursuant to CEQA, the City Council serves as the lead agency with respect to the Current Project in connection with the subject City actions. Accordingly, the City Council (a) has considered the PEIR, the Addendum, and other pertinent evidence in the record, including studies, reports, and other

information from qualified experts (collectively the “Environmental Documents”), and the environmental effects of the Current Project as set forth in the Environmental Documents, pursuant to CEQA Guidelines Section 15091, and (b) makes the following findings:

- A) Based on substantial evidence in the Environmental Documents and elsewhere in the record, including but not limited to oral and written testimony provided at the public hearings on the matter, (a) no Subsequent or Supplemental EIR is required pursuant to CEQA Guidelines Sections 15162 or 15163 for the Current Project, and (b) the Addendum is adequate under CEQA for approval of the subject approvals for the Current Project. The Addendum was prepared under the authority of CEQA Guidelines Section 15164(a), which requires a lead agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in CEQA Guidelines Section 15162 and 15163 calling for preparation of a Subsequent or Supplemental EIR have occurred;
- B) Changes and alterations have been required and incorporated into the Current Project that avoid or substantially lessen the significant environmental effects of the Current Project as identified in the Environmental Documents, pursuant to CEQA Guidelines Section 15091(a)(1);
- C) There are no feasible alternatives or feasible mitigation measures (other than those measures already imposed on the Current Project and identified in the Environmental Documents) that would substantially lessen or avoid any significant environmental effect of the Current Project as set forth in the Environmental Documents, pursuant to CEQA Guidelines Section 15091.
- D) The foregoing findings and determinations for the Addendum to the PEIR reflects the independent analysis by the City of the matters and information in the record pertaining thereto, and are the independent judgement of the City.

- E) The City Council hereby identifies that the location of records with respect to the Addendum to the PEIR and other documents and materials constituting the record of proceedings with respect to the potential approval of the Addendum is the Community Development Department of the City of Calabasas, and that the Director of Community Development of the City of Calabasas is the custodian of records with respect to the Addendum and all other documents and materials constituting the record of proceedings with respect to the Addendum.

Section 4. In view of all of the evidence and based on the foregoing findings, the City Council concludes that the following project-specific findings are true:

Site Plan Review

The findings for a **Site Plan Review** are stated in Section 17.62.020 of the Calabasas Municipal Code and hereby made by the City Council as follows:

1. *The proposed project complies with all applicable provisions of this development code;*

The proposed project includes redevelopment of a portion of The Commons at Calabasas with the construction of new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain 210,921 square feet of total new floor area with up to 119 residential units, including 10% affordable units, and 24,163 square feet of neighborhood serving commercial uses. Demolition of the existing theater building and a portion of the existing surface parking lot is also proposed in order to accommodate the Project.

Overall, the proposed project meets all Development Code standards with the exception of project height, residential parking space dimensional standards, commercial parking supply, and minimum landscape and pervious surface area.

More specifically, the City's Development Code designates the Project Site as Commercial Mixed-Use (CMU 0.95). The CMU zone permits a variety of commercial/retail uses and multi-family residential uses. Under the CMC, the CMU zone permits a height of 35 feet, a floor area ratio ("FAR") of 0.95, and a residential density of up to 20 dwelling units per acre. The Project's proposed 119 new residential units would result in a site density of 6.1 dwelling units per acre and the total development of The Commons including

the proposed project would result in an overall FAR of 0.47. As such, the Project's uses, density, and floor area ratio are consistent with the CMU zone and significantly below the maximum development permitted for the Project Site.

By providing 10% of the units affordable to qualifying low-income families in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project is eligible to request one concession/incentive, and a waiver of any development code standards that would have the effect of physically precluding construction of the qualifying development. In this case, the applicant has requested a waiver from the height limit in the CMU zone to permit the maximum proposed building heights of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, the Project would be consistent with the permitted height.

Also, under State Density Bonus law, the Project is required to provide a minimum of 164 residential parking spaces. The Project would provide a total of 270 residential parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law, resulting in a surplus of 106 residential spaces. Additionally, although the residential parking stalls, proposed at a dimension of 18 feet long by 8.5 feet wide for a standard space, and 18 feet long by 9 feet wide next to a wall or column do not meet the required Development Code dimensional requirements of 20 feet long by 9 feet wide for a standard space and 20 feet long by 11 feet wide for a space located next to a wall or column, the applicant has requested a reduction of the required dimension requirements as a concession pursuant to State Density Bonus Law and CMC Section 17.22.030. With the granting of that concession, the parking stall dimension meets the Code requirement.

Parking for both the existing commercial land uses and the new proposed commercial land uses collectively will be provided within the reconfigured surface parking lot. With the demolition of the existing 33,091 square foot theater and the construction of 24,163 square feet of new commercial space, the Project will result in a net reduction of approximately 8,928 square feet of commercial uses. Implementation of the Project will result in the removal of 139 existing commercial automobile parking spaces and addition of eleven new commercial automobile parking spaces, resulting in a proposed total commercial parking supply of 931 automobile parking spaces to be shared among the commercial uses. With the proposed project, the City's Development Code requires a total of 1,043 spaces for the entire Commons shopping center; however, parking at The Commons is shared among the tenants per a shared parking approval granted in the 1997 Implementing Conditional Use Permit for The Commons. Examining the mix

of uses and the peak parking demand that each use generates provides a more accurate accounting of the actual parking demand. To account for the changes proposed, including a long-term reduction down to 896 parking spaces, the applicant has requested a shared parking reduction. To this end, a shared parking analysis was submitted to the City prepared by KOA Corporation.

The shared parking analysis demonstrates that the proposed parking supply of 931 spaces (with flexibility to reduce the total commercial parking supply down to 896 spaces if needed in the future) meets or exceeds the worst-case projected demand of 896 spaces. Furthermore, the worst-case scenario only occurs in December. Parking demand throughout the remainder of the year (January through November) is much lower, averaging approximately 713 spaces, which means that for the rest of the year, there will be a surplus (on average) of approximately 218 spaces. Thus, the Project provides a sufficient parking supply to accommodate the anticipated parking demand of the proposed uses, and with the approval of the parking reduction, would meet the Code requirement.

In addition, the Project would provide a total of 137 bicycle parking spaces consistent with CMC Section 17.28.030 and Table 3-11, comprised of 132 residential bicycle spaces and five bicycle spaces for the new retail and restaurant uses.

Pursuant to CMC Section 17.12.130(B)(5), the Project requires and provides 17,850 square feet of community open space for the new residential units with interior common resident areas, exterior common resident areas, that include a rooftop pool deck within Building A, and private open space patios.

Lastly, existing landscape and pervious surfaces both for The Commons as a whole, and for Parcel B, the parcel on which the project is proposed, is 29.3% and 33% respectively, which is legal non-conforming. As proposed, landscaping and pervious surfaces will increase to 30.3% and 35.2% respectively. Although the project, as proposed, will not meet the minimum landscape and pervious surface requirement of 38% of the gross site area, the proposed condition will improve with respect to the Code requirement and thus, remains legal non-conforming and therefore, consistent with the Development Code.

As demonstrated above, the Project complies with the applicable provisions of the development code, and the project 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 Calabasas 2030 General Plan's Land Use Element designates the

Project Site as Mixed-Use 0.95 which “accommodates a broad range of office, retail, visitor-serving uses, and commercial services, as well as higher density residential uses. Institutional and entertainment uses may also be accommodated. This designation is intended to provide for innovative site design and the creation of relatively high intensity, pedestrian-oriented environments with an integrated mix of uses.” The Project proposes new mixed-use buildings with residential apartments and neighborhood-serving retail and restaurant uses that would complement the existing commercial retail and restaurant uses at The Commons. The proposed intensity of development is consistent with the Mixed-Use 0.95 land use designation as the Project results in 6.1 dwelling units per acre where a density of up to 20 dwelling units per acre is allowed, and a maximum 0.47 FAR where a maximum FAR of 0.95 is allowed.

Section II.B of the 2030 General Plan (Community Structure) provides that within Old Town Calabasas and adjacent properties to the west along Calabasas Road up to Parkway Calabasas, which includes The Commons, it is the City’s desire to recreate the character of the traditional small town’s “downtown” within this area, emphasizing the area’s function as a community gathering place. Per the General Plan, individual developments should provide a variety of plazas, as well as indoor and outdoor gathering areas that are accessible to the public and that the future redevelopment include a mix of office, retail, and residential uses and provide the impetus for creating the pedestrian-oriented “city center” and gathering place that is desired.

Additionally, Section IX (Community Design Element) identifies The Commons as part of the City’s East Village area and the General Plan notes that the vision for The Commons is to create an expanded “village” environment by including new professional offices, retail commercial uses, visitor accommodations, cultural arts facilities, and residential development connected with pedestrian spaces, plazas, and parks.

Since the center’s completion nearly 25 years ago, The Commons has become the de facto City center. The Project, as proposed, continues to further the City’s goals and the intent of the 2030 General Plan. The Project design meets the City’s General Plan goals by enhancing the town center with housing, new neighborhood-serving commercial uses, and adding pedestrian-oriented plazas and streetscape. Integrating low density residential units above the ground floor commercial space adds a 24-hour population that will contribute to the Project’s vibrancy and enhance safety and security because it will bring vested community members to the town center.

Specifically, the proposed project includes development of mixed-use

buildings identified in the project plans as Building A and Building B. Building B is intended to create more of a “main street” experience at The Commons. Locating Building B across from and facing Building A creates a more active, pedestrian-oriented street environment, lined with shops and restaurants. Building B is a complex of buildings, designed with four visible above-ground buildings that are interspersed and connected by pedestrian paseos, flanked by landscaping at the front and rear of each building and between each building. A significantly sized open space plaza complements the new plaza area providing a distinct sense of place. The applicant is offering that this open space area may be programmed for temporary community events and used organically throughout the year.

Building B has been designed to mirror The Commons architecture in terms of materiality, style, and details of the existing buildings with minor exceptions. Roof tiles and residential façades will primarily use the specifications of the original center while colors and details will match the existing architecture. Retail storefronts, doors and patio furnishings will be customized by future tenants to add to the visual interest and authenticity of the street while street trees, paving, curbs, accessories, and street lighting will match the existing sidewalks. Additionally, Building B serves as a transitional zone, terracing the height from the village area southwards to Building A.

Building A has been designed to introduce a contemporary aesthetic in a way that complements the existing Commons development. The building incorporates soft earth tones that are typical of development in Calabasas and The Commons, which will help the buildings blend into the surrounding topography. Landscaping along the façades also helps to conceal and soften its edges so the building blends into the hillside to the south.

Since the majority of the existing theater space is located behind the ground floor commercial space, the new residential building includes a built-in step back. As such, the residential levels of Building A will be setback from the ground floor by approximately 50-70 feet. This ensures that the pedestrian experience will not change, and the initial step-back along with additional step-backs on higher floors will also help soften the presence of the taller Building A. Additionally, since the Building A is located with the footprint of the existing theater, it will be setback from Calabasas Road approximately 400 feet.

The Project is also consistent with the recently adopted update to the City’s Housing Element. As summarized in Table V-3 and depicted in the Housing Element’s Sites Map, The Commons site was identified as a priority housing site within the 2021-2029 planning period, possibly providing up to 202 housing units, toward meeting the City’s RHNA obligations under State

Law. The Housing Element noted that The Commons (Site No. 11) is the primary destination of the East Village area and is identified in the 2030 General Plan for “infill” development with high potential for new residential units. As noted in the Housing Element, with an existing FAR of just 0.20 and a large surface parking lot, the Project Site provides plenty of opportunity for “infill” development. The Project’s proposed 119 apartment homes, comprised of mostly market rate and 12 affordable housing units, meets the General Plan’s housing goal for the Site, and contributes to the City’s housing RHNA goal. The inclusion of market rate and affordable housing is also consistent with the Housing and Community Design Elements of the General Plan, which designate the Site for mixed-income housing.

The Project, as designed, will not negatively impact traffic conditions on City streets and will increase pedestrian and bicycle connectivity to and through the property, consistent with policies contained within the Circulation Element of the General Plan. Additionally, the Project will not exceed the City’s noise thresholds, and will not impact utility and life safety emergency services provided by the sheriff and fire departments. Furthermore, the project meets the General Plan’s objectives and policies as demonstrated in Exhibit A (General Plan Objectives and Policies Consistency Analysis), attached to this resolution.

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

An Addendum to the Final Program Environmental Impact Report (PEIR) certified by the Calabasas City Council on October 13, 2021, for the 2030 General Plan Update (“Certified PEIR”) has been prepared to evaluate potential environmental effects of the Project. The Certified PEIR analyzed the development of the Site with up to 202 residential units and 44,393 square feet of net new commercial uses. The Project proposes to add 119 residential units and 24,163 square feet of commercial uses, which is below the maximum scope of development analyzed for the Site in the PEIR. Per CEQA Guidelines Section 15162, a subsequent EIR is not required. As shown in the Addendum, the Applicant has fully demonstrated that the Project is within the parameters analyzed in the PEIR and no new environmental analysis is required.

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 entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of retail and restaurant uses,

distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. The existing theater building is the center's tallest building at a height of approximately 46 feet above grade. The Project proposes infill redevelopment of a portion of The Commons with the construction of new mixed-use buildings, identified as Building A and Building B on the project plans. To accommodate the Project, the existing theater building, along with a portion of the existing surface parking lot and associated landscaping would be removed.

Proposed Building A will be sited in the area of the existing theater, and includes three levels of parking beneath 5 residential levels. The roof level, at approximately 75 feet above grade, includes a residential amenity space. Rooftop amenities also include a smaller enclosed resident gym and workspace area that rise to a maximum height of approximately 85 feet above grade. Building A also includes the addition of a new, approximately 2,033 square foot commercial storefront adjacent to the existing storefront. Because Building A is situated in the area of the existing theater building, the bulk of Building A is setback approximately 50 to 70 feet back from the existing commercial storefront, and thus features a significant step-back in the massing for the residential structure, as well as additional step-backs for higher floors from the western and northern edges near the City Library and the oval lawn. Additionally, lower portions of Building A will be screened by the existing and proposed storefront development. To this end, while Building A is taller than other surrounding buildings, the significant step-back from the storefronts, screening of the lower portions of the building, and the design of higher floor step-backs will all help soften the visual appearance of the building as viewed at the pedestrian level, and tone down the scale of the building. Building A is also designed in a contemporary style intended to demonstrate an evolving city center over time, and is proposing to use colors and materials that compliment surrounding development. Use of landscaping on the podium and rooftop levels will also help to integrate Building A with its surroundings.

Building B is designed as a "complex" of four visibly-separated above-ground buildings, and is proposed across from the main drive aisle from Building B and faces Building A to create a "main street" environment. The heights of the 4 visible buildings varies, but extends up to a maximum height of 46 feet at its tallest point. The 4 buildings are also visibly separated, and include two adjacent plaza areas, as well as new walkways and landscaping that all together are intended to create a "village" feel. The separation of the buildings and varying building heights help to break up the bulk and massing, and placement of new landscape-lined walkways will not only help to soften the scale and appearance, but encourage pedestrian movement.

Architecturally, the Building B complex is styled similarly to the existing center.

Overall, the proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. The finished floor heights of each building are designed to match the existing development and grading is largely limited to excavation for subterranean parking levels which results in lower building heights and shields parking from the active uses. For all these reasons, the project 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; and*

The Project Site is comprised of five adjacent parcels that contain approximately 839,902 square feet of net lot area and is currently improved with retail and restaurant uses, distributed throughout multiple buildings focused along the eastern, western and southern perimeter, along with surface parking that is mostly focused in a large area between the existing development and Calabasas Road. The 2030 General Plan identifies the project site as an ideal location for new infill development with high potential for new residential units and additional commercial square footage given the size of the site and the underutilized surface parking area.

The proposed new buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. The City's General Plan designates the Project Site as Mixed-Use 0.95 and is zoned CMU 0.95 (Commercial Mixed-Use) which permits a floor area ratio of 0.95 and a residential density of 20 dwelling units per acre. The Project proposes 119 new residential units, which results in 6.1 dwelling units per acre and a 0.47 floor area ratio with the new buildings and existing development to remain. As such, the Project is well under the density that the General Plan and CMC allow for, and The Commons site is more than adequate in size and shape to accommodate the proposed Project. Additionally, with a proposed site coverage of 29% of the entire Commons site and 34% for Parcel B (the only parcel of 5 that the development is proposed on), the project is far below the City's maximum site coverage requirement of 62% for the CMU zone. Therefore, the 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 Commons shopping center is located in a portion of the City which is mostly developed and urban, and not located within a natural setting. The parcel located to the south of the center is undeveloped, and is designated as an open space parcel. Topographically, the open space parcel is the remnant of the hilly environment that existed before development of the broader Park Centre area, and rises to a height of + 1,137 feet above mean sea level (MSL). The upper portions of the open space parcel are visible from areas around the center such as Calabasas Road and the 101 Freeway, as are portions of the retaining wall constructed as part of the original Commons development.

The proposed new buildings would be located within the existing developed area of The Commons site, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. The open space parcel would be preserved as-is. As designed, the proposed buildings are sited and designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

Building A, the largest, and tallest, of the two proposed buildings at a maximum elevation of + 1,062' above MSL, is setback approximately 400 feet from Calabasas Road and approximately 650 feet from the Ventura Freeway, allowing it to blend into the ascending open space hillside to the south which rises to a maximum elevation of + 1,137' above MSL. To this end, views of the upper hillside and skyline will be preserved. Additionally, Building A will screen existing views of the 46-foot-high retaining wall located behind the existing theater building.

Building B, which is lower in height, serves as a transitional zone, terracing the height southwards to Building A. Robust landscaping and trees would be planted that complement the existing landscaping at The Commons and also helps to soften and screen the proposed buildings as viewed from surrounding public streets. In addition, the architectural design of the buildings is intended to complement the existing Commons buildings and natural environment by incorporating soft earth tones typical of Calabasas. Therefore, the project meets this finding.

Conditional Use Permits.

Master Conditional Use Permit Amendment. The City Council concludes the following findings for an amendment to the Calabasas Park Centre Master Conditional Use Permit solely for the aspects of the Master CUP governing the project site can be made.

The findings for a **Conditional Use Permit** are stated in Section 17.62.060 of the Calabasas Municipal Code, and are hereby made by the City Council as follows:

1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;

The project site is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the Master Plan Area, including the project site. The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes a number of development standards applicable to the subject property. Along with the Master Plan, development of the project site is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit that conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density of 200,000 square feet, and identifies overnight accommodations, retail uses, office uses, public uses and open space as allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but add multi-family residential to the list of allowed uses. The General Plan and Development Code identify The Commons as Mixed-Use and Commercial Mixed Use respectively, allowing a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing Needs Allocation (RHNA).

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. To accommodate the Project, the existing theater

building will be demolished, along with a portion of the existing surface parking lot. In order to align the Master Plan and the project, which is also proposing uses consistent with the General Plan and Development Code, the applicant is requesting an amendment to the Master Conditional Use Permit. As amended, the project and its proposed mix of uses will be consistent with the Master Plan, General Plan and Development Code.

Specifically in terms of compliance with the Development Code, overall, the proposed project meets all Development Code standards with the exception of project height, residential parking space dimensional standards, commercial parking supply, and minimum landscape and pervious surface area.

More specifically, the City's Development Code designates the Project Site as Commercial Mixed-Use (CMU 0.95). The CMU zone permits a variety of commercial/retail uses and multi-family residential uses. Under the CMC, the CMU zone permits a height of 35 feet, a floor area ratio ("FAR") of 0.95, and a residential density of up to 20 dwelling units per acre. The Project's proposed 119 new residential units would result in a site density of 6.1 dwelling units per acre and the total development of The Commons including the proposed project would result in an overall FAR of 0.47. As such, the Project's uses, density, and floor area ratio are consistent with the CMU zone and significantly below the maximum development permitted for the Project Site.

By providing 12 units affordable to qualifying low-income families in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project is eligible to request one concession/incentive, and a waiver of any development code standards that would have the effect of physically precluding construction of the qualifying development. In this case, the applicant has requested a waiver from the height limit in the CMU zone to permit the maximum proposed building heights of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, the Project would be consistent with the permitted height.

Also under State Density Bonus law, the Project is required to provide a minimum of 164 residential parking spaces. The Project would provide a total of 270 residential parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law, resulting in a surplus of 106 residential spaces. Additionally, although the residential parking stalls in Building A, proposed at a dimension of 18 feet long by 8.5 feet wide for a standard space, and 18 feet long by 9 feet wide next to a wall or column do not meet the required Development Code dimensional requirements of 20 feet long

by 9 feet wide for a standard space and 20 feet long by 11 feet wide for a space located next to a wall or column, the applicant has requested a reduction of the required dimension requirements as a concession pursuant to State Density Bonus Law and CMC Section 17.22.030. With the granting of that concession, the parking stall dimension meets the Code requirement.

Parking for both the existing commercial land uses and the new proposed commercial land uses collectively will be provided within the reconfigured surface parking lot. With the demolition of the existing 33,091 square foot theater and the construction of 24,163 square feet of new commercial space, the Project will result in a net reduction of approximately 8,928 square feet of commercial uses. Implementation of the Project will result in the removal of 139 existing commercial automobile parking spaces and addition of eleven new commercial automobile parking spaces, resulting in a proposed total commercial parking supply of 931 automobile parking spaces to be shared among the commercial uses. With the proposed project, the City's Development Code requires a total of 1,043 spaces for the entire Commons shopping center; however, parking at The Commons is shared among the tenants per a shared parking approval granted in the 1997 Implementing Conditional Use Permit for The Commons. Examining the mix of uses and the peak parking demand that each use generates provides a more accurate accounting of the actual parking demand. To account for the changes proposed, including a long-term reduction down to 896 parking spaces, the applicant has requested a shared parking reduction. To this end, a shared parking analysis was submitted to the City prepared by KOA Corporation.

The shared parking analysis demonstrates that the proposed parking supply of 931 spaces (with flexibility to reduce the total commercial parking supply down to 896 spaces if needed in the future) meets or exceeds the worst-case projected demand of 896 spaces. Furthermore, the worst-case scenario only occurs in December. Parking demand throughout the remainder of the year (January through November) is much lower, averaging approximately 713 spaces, which means that for the rest of the year, there will be a surplus (on average) of approximately 218 spaces. Thus, the Project provides more than enough parking to accommodate the proposed uses, and with the approval of the parking reduction, would meet the Code requirement.

In addition, the Project would provide a total of 137 bicycle parking spaces consistent with CMC Section 17.28.030 and Table 3-11, comprised of 132 residential bicycle spaces and five bicycle spaces for the new retail and restaurant uses.

Pursuant to CMC Section 17.12.130(B)(5), the Project requires and provides 17,850 square feet of community open space for the new residential units with interior common resident areas, exterior common resident areas, that include a rooftop pool deck within Building A, and private open space patios.

Lastly, existing landscape and pervious surfaces both for The Commons as a whole, and for Parcel B, the parcel on which the project is proposed, is 29.3% and 33% respectively, which is legal non-conforming. As proposed, landscaping and pervious surfaces will increase to 30.3% and 35.2% respectively. Although the project, as proposed, will not meet the minimum landscape and pervious surface requirement of 38% of the gross site area, the proposed condition will improve with respect to the Code requirement and thus, remains legal non-conforming and therefore, consistent with the Development Code.

As demonstrated above, the proposed uses are either permitted or conditionally permitting within the zoning district and the project complies with the applicable provisions of the development code. Therefore, the project meets this finding.

2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;

The project site is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the Master Plan Area, including The Commons (project site). The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes a number of development standards applicable to the subject property. Along with the Master Plan, development of The Commons is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit which conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density on The Commons of 200,000 square feet, and identifies overnight

accommodations, retail uses, office uses, public uses and open space as allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but also includes multi-family residential use as an allowed use. The General Plan identifies The Commons as Mixed-Use, allowing a Floor Area Ratio of up to 0.95 (797,907 sq. ft.), a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing Needs Allocation (RHNA).

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. To accommodate the project, the existing theater building will be demolished, along with a portion of the existing surface parking lot. Because the Master Conditional Use Permit identifies the maximum development density of the subject property as 200,000 square feet, and does not allow for multi-family residential development, as stated above, while the General Plan allows for housing on-site, and a development density of up to 797,907 square feet, the proposed project is in compliance with the General Plan, but not the Master Plan. In order to align the Master Plan and General Plan, the applicant is requesting an amendment to the Master Conditional Use Permit. The project also meets the General Plan's objectives and policies as demonstrated in Exhibit A (General Plan Objectives and Policies Consistency Analysis), attached to this resolution. As amended, the project and its proposed mix of uses will be consistent with the General Plan and the applicable Park Center Master Plan.

3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

An Addendum to the Final Program Environmental Impact Report (PEIR) certified by the Calabasas City Council on October 13, 2021, for the 2030 General Plan Update ("Certified PEIR") has been prepared to evaluate potential environmental effects of the Project. The Certified PEIR analyzed the development of the Site with up to 202 residential units and 44,393 square feet of net new commercial uses. The Project proposes to add 119 residential units and 24,163 square feet of commercial uses, which is below the maximum scope of development analyzed for the Site. Per CEQA Guidelines Section 15162, a subsequent EIR is not required. As shown in

the Addendum, the Applicant has fully demonstrated that the Project is within the parameters analyzed in the PEIR and no new environmental analysis is required.

4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. Further to the east of the Commons are residential multi-family, retail, and office uses. West of the Commons is the Civic Center complex consisting of a public library, the Calabasas City Hall and the City's Senior Center. North of the Commons are office and retail uses, and a designated open space property is directly south of the Commons. Additionally, the General Plan has designated the properties north of the project site also as mixed-use, like the subject property.

The proposed project would add 119 multi-family apartments and 24,130 square feet of neighborhood-serving commercial uses to an existing shopping center that features neighborhood-serving commercial uses. Due to the adjacency of the development to other multi-family uses, and neighborhood-serving commercial uses that feature similar operating characteristics, the proposed project's mix of land uses will be compatible with all existing land uses that surround the property. As mentioned above, anticipated land uses commensurate with the Mixed-Use designation north of the subject property would be compatible because the designation is identical to the Mixed-Use designation of the subject property. To this end, the project meets this finding.

Implementing Conditional Use Permit Amendment and Restatement. The City Council concludes that the following findings for an amendment and restatement of the Implementing Conditional Use Permit for the Commons can be made.

The findings for a **Conditional Use Permit** are stated in Section 17.62.060 of the Calabasas Municipal Code, and are hereby made by the City Council as follows:

5. The proposed use is conditionally permitted within the subject zoning district

and complies with all of the applicable provisions of this development code;

The Commons property (project site) is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the Master Plan Area, including on The Commons. The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes a number of development standards applicable to the subject property. Along with the Master Plan, development of The Commons is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit that conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density of 200,000 square feet, and identifies overnight accommodations, retail uses, office uses, public uses and open space as allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but add multi-family residential to the list of allowed uses. The General Plan and Development Code identify The Commons as Mixed-Use and Commercial Mixed Use respectively, allowing a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing Needs Allocation (RHNA).

Consistent with the procedural requirement within the 1997 MCUP, the City Council adopted a project-specific Implementing Conditional Use Permit. The implementing Conditional Use Permit identified allowed development up to a maximum of 200,000 square feet inclusive of a 1,350-seat movie theater, a 52,000 square foot market, a 16,250 square foot drug store, and associated retail and restaurant uses. The Implementing Conditional Use Permit also identified a number of conditions relating to the development and ongoing operation of the center.

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings (referred to herein and

on the plans as Buildings A and B) that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. To accommodate the project, the existing theater building will be demolished, along with a portion of the existing surface parking lot. In addition to the applicant request to amend the MCUP to align the project with the General Plan, Master Plan and Development Code, the applicant is also requesting to amend the Implementing Conditional Use Permit to be consistent with the proposed project specifications, specifically allowing for an increase to the maximum development density on The Commons to the proposed project size of 396,077 square feet, and including multi-family residential as an approved use on the property. Coupled with the request to amend the MCUP, if approved, the Implementing CUP will be consistent with the MCUP, the General Plan and Development Code. Additionally, since the property is zoned Commercial Mixed-Use (CMU) in the Development Code which allows a mix of residential, office, retail, and a variety of other commercial uses, the proposed addition of residential units and additional neighborhood-serving commercial uses is consistent with the permitted and conditionally permitted uses identified on the subject property.

Specifically in terms of compliance with the Development Code, overall, the proposed project meets all Development Code standards with the exception of project height, residential parking space dimensional standards, commercial parking supply, and minimum landscape and pervious surface area.

More specifically, the City's Development Code designates The Commons as Commercial Mixed-Use (CMU 0.95). The CMU zone permits a variety of commercial/retail uses and multi-family residential uses. Under the CMC, the CMU zone permits a height of 35 feet, a floor area ratio ("FAR") of 0.95, and a residential density of up to 20 dwelling units per acre. The Project's proposed 119 new residential units would result in a site density of 6.1 dwelling units per acre and the total development of The Commons including the proposed project would result in an overall FAR of 0.47. As such, the Project's uses, density, and floor area ratio are consistent with the CMU zone and significantly below the maximum development permitted for The Commons property.

By providing 10% of the units affordable to qualifying low-income families in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project is eligible to request one concession/incentive, and a waiver of any development code standards that would have the effect of physically precluding construction of the qualifying development. In this case, the

applicant has requested a waiver from the height limit in the CMU zone to permit the maximum proposed building heights of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, the project would be consistent with the permitted height.

Also under State Density Bonus law, the project is required to provide a minimum of 164 residential parking spaces. The project would provide a total of 270 residential parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law, resulting in a surplus of 106 residential spaces. Additionally, although the residential parking stalls, proposed at a dimension of 18 feet long by 8.5 feet wide for a standard space, and 18 feet long by 9 feet wide next to a wall or column do not meet the required Development Code dimensional requirements of 20 feet long by 9 feet wide for a standard space and 20 feet long by 11 feet wide for a space located next to a wall or column, the applicant has requested a reduction of the required dimension requirements as a concession pursuant to State Density Bonus Law and CMC Section 17.22.030. With the granting of that concession, the parking stall dimension meets the Code requirement.

Parking for both the existing commercial land uses and the new proposed commercial land uses collectively will be provided within the reconfigured surface parking lot. With the demolition of the existing 33,091 square foot theater and the construction of 24,163 square feet of new commercial space, the project will result in a net reduction of approximately 8,928 square feet of commercial uses. Implementation of the project will result in the removal of 139 existing commercial automobile parking spaces and addition of eleven new commercial automobile parking spaces, resulting in a proposed total commercial parking supply of 931 automobile parking spaces to be shared among the commercial uses. With the proposed project, the City's Development Code requires a total of 1,043 spaces for the entire Commons shopping center; however, parking at The Commons is shared among the tenants per a shared parking approval granted in the 1997 Implementing Conditional Use Permit for The Commons. Examining the mix of uses and the peak parking demand that each use generates provides a more accurate accounting of the actual parking demand. To account for the changes proposed, including a long-term reduction down to 896 parking spaces, the applicant has requested a shared parking reduction. To this end, a shared parking analysis was submitted to the City prepared by KOA Corporation.

The shared parking analysis demonstrates that the proposed parking supply of 931 spaces (with flexibility to reduce the total commercial parking supply down to 896 spaces if needed in the future) meets or exceeds the worst-

case projected demand of 896 spaces. Furthermore, the worst-case scenario only occurs in December. Parking demand throughout the remainder of the year (January through November) is much lower, averaging approximately 713 spaces, which means that for the rest of the year, there will be a surplus (on average) of approximately 218 spaces. Thus, the project provides enough parking to accommodate the anticipated demand for the proposed uses, and with the approval of the parking reduction, would meet the Code requirement.

In addition, the project would provide a total of 137 bicycle parking spaces consistent with CMC Section 17.28.030 and Table 3-11, comprised of 132 residential bicycle spaces and five bicycle spaces for the new retail and restaurant uses.

Pursuant to CMC Section 17.12.130(B)(5), the project requires and provides 17,850 square feet of community open space for the new residential units with interior common resident areas, exterior common resident areas, that include a rooftop pool deck within Building A, and private open space patios.

Lastly, existing landscape and pervious surfaces both for the center as a whole, and for Parcel B, the parcel on which the project is proposed is 29.3% and 33% respectively, which is legal non-conforming. As proposed, landscaping and pervious surfaces will increase to 30.3% and 35.2% respectively. Although the project, as proposed, will not meet the minimum landscape and pervious surface requirement of 38% of the gross site area, the proposed condition will improve with respect to the Code requirement and thus, remains legal non-conforming and therefore, consistent with the Development Code.

As demonstrated above, the proposed uses are either permitted or conditionally permitting within the zoning district and the project complies with the applicable provisions of the development code. Therefore, the project meets this finding.

6. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;

The Commons (project site) is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the Master Plan Area, including The Commons. The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes

a number of development standards applicable to the subject property. Along with the Master Plan, development of The Commons is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit which conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density on The Commons of 200,000 square feet, and identifies overnight accommodations, retail uses, office uses, public uses and open space as allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but also includes multi-family residential use as an allowed use. The General Plan identifies The Commons as Mixed-Use, allowing a Floor Area Ratio of up to 0.95 (797,907 sq. ft.), a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing Needs Allocation (RHNA).

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. To accommodate the project, the existing theater building will be demolished, along with a portion of the existing surface parking lot. Because the Master Conditional Use Permit identifies the maximum development density of the subject property as 200,000 square feet, and does not allow for multi-family residential development, as stated above, and furthermore, because the General Plan allows housing on-site with a maximum development density of up to 797,907 square feet, the proposed project is in compliance with the General Plan, but not the Master Plan. In order to align the Master Plan, General Plan, and the proposed project, the applicant is requesting an amendment to the Master Conditional Use Permit. As amended, the project and its proposed mix of uses will be consistent with the General Plan and the applicable Park Center Master Plan. With approval of the Amended MCUP, the uses proposed by the project, including the addition of multi-family apartments and more neighborhood-serving commercial uses, are consistent with the General Plan and all applicable master plans.

Furthermore, the project meets the General Plan's objectives and policies as demonstrated in Exhibit A (General Plan Objectives and Policies Consistency Analysis), attached to this resolution.

7. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

An Addendum to the Final Program Environmental Impact Report (PEIR) certified by the Calabasas City Council on October 13, 2021, for the 2030 General Plan Update ("Certified PEIR") has been prepared to evaluate potential environmental effects of the Project. The Certified PEIR analyzed the development of the Site with up to 202 residential units and 44,393 square feet of net new commercial uses. The Project proposes to add 119 residential units and 24,163 square feet of commercial uses, which is below the maximum scope of development analyzed for the Site. Per CEQA Guidelines Section 15162, a subsequent EIR is not required. As shown in the Addendum, the Applicant has fully demonstrated that the Project is within the parameters analyzed in the PEIR and no new environmental analysis is required.

8. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. Further to the east of the Commons are residential multi-family, retail, and office uses. West of the Commons is the Civic Center complex consisting of a public library, the Calabasas City Hall and the City's Senior Center. North of the Commons are office and retail uses, and a designated open space property is directly south of the Commons. Additionally, the General Plan has designated the properties north of the project site mixed-use, like the subject property.

The proposed project would add 119 multi-family apartments and 24,130 square feet of neighborhood-serving commercial uses to an existing shopping center that features neighborhood-serving commercial uses. Due to the adjacency of the development to other multi-family uses, and neighborhood-serving commercial uses that feature identical operating characteristics, the proposed project will be compatible with all existing land uses that surround the property. As mentioned above, anticipated land uses

commensurate with the Mixed-Use designation north of the subject property would be compatible because the designation is identical to the Mixed-Use designation of the subject property. To this end, the project meets this finding.

Alcohol Sales Conditional Use Permit. The City Council concludes that the following findings for a Conditional Use Permit for alcohol sales within five new restaurant and/or retail spaces associated with the proposed Commons Lane project can be made.

The findings for a **Conditional Use Permit** are stated in Section 17.62.060 of the Calabasas Municipal Code, and are hereby made by the City Council as follows:

9. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;

The Commons shopping center is within the Commercial Mixed-Use (CMU) zoning district, and is currently improved with 218,247 square feet of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. Currently, a number of establishments in The Commons have approved conditional use permits that allow the sale of a variety of alcoholic beverages.

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses, to include new restaurants and retail spaces. As such, the applicant has requested a conditional use permit to allow five new establishments to sell alcoholic beverages consistent with State laws governing alcohol sales.

Per CMC Section 17.11.010, Table 2-2, alcoholic beverage sales is a conditionally permitted use within the CMU Zone. Therefore, the request meets this finding.

10. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;

In addition to the Development Code, site development and the establishment of uses on the project site are governed by the General Plan and Park Center Master Plan, which is comprised of both the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines).

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses, to include new restaurants and retail spaces. As such, the applicant has requested a conditional use permit to allow five new establishments to sell alcoholic beverages consistent with State laws governing alcohol sales.

The General Plan's Land Use Designation for the project site is Mixed-Use 0.95, which accommodates a broad range of office, retail, visitor-serving uses, commercial services, higher-density residential uses, entertainment and institutional uses. The MCUP allows or conditionally allows for a variety of retail uses including full-service restaurants, cafes, limited menu food service, exclusive takeout restaurants, convenience foods, bars and drinking places. Similarly, The Guidelines allow for retail establishments on the subject property.

Alcoholic beverage sales are a typical activity associated with many of the uses allowed by the General Plan and the Master Plan for the project site including, but not limited to, restaurants and (specialty) retail establishments. The project also meets the General Plan's objectives and policies as demonstrated in Exhibit A (General Plan Objectives and Policies Consistency Analysis), attached to this resolution. To this end, the sale of alcoholic beverages is consistent with the General Plan and the applicable Park Center Master Plan.

11. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

An Addendum to the Final Program Environmental Impact Report (PEIR) certified by the Calabasas City Council on October 13, 2021, for the 2030 General Plan Update ("Certified PEIR") has been prepared to evaluate potential environmental effects of the project. The Certified PEIR analyzed the development of the Site with up to 202 residential units and 44,393 square feet of net new commercial uses. The project proposes to add 119 residential units and 24,163 square feet of commercial uses, which is

below the maximum scope of development analyzed for the Site. Per CEQA Guidelines Section 15162, a subsequent EIR is not required. As shown in the Addendum, the Applicant has fully demonstrated that the project is within the parameters analyzed in the PEIR and no new environmental analysis is required.

12. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. Further to the east of the Commons are residential multi-family, retail, and office uses. West of the Commons is the Civic Center complex consisting of a public library, the Calabasas City Hall and the City's Senior Center. North of the Commons are office and retail uses, and a designated open space property is directly south of the Commons. Additionally, the General Plan has designated the properties north of the project site mixed-use, like the subject property.

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses, to include new restaurants and retail spaces. As such, the applicant has requested a conditional use permit to allow five new establishments to sell alcoholic beverages consistent with State laws governing alcohol sales.

The Commons shopping center currently has multiple establishments that serve alcoholic beverages as allowed by approved conditional use permits, and are subject to the State's Alcoholic and Beverage Controls rules and regulations. The requested conditional use permit is to allow five additional establishments to serve alcoholic beverages within The Commons. The five new establishments, like the existing establishments approved to serve alcoholic beverages, are required to comply with all State of California rules and regulation governing the sale and consumption of alcoholic beverages. To this end, the location and operating characteristics of the new establishments that will sell alcoholic beverages are compatible with the existing uses on-site. Similarly, some of the properties surrounding The Commons to the east and north currently have retail and restaurant uses that are approved to sell alcoholic beverages, subject to State rules and

regulations. Additionally, properties to the north are zoned CMU in the Development Code, and as such, redevelopment over time will be allowed to establish similar uses to The Commons shopping center, which may also request and get approval to establish sale of alcoholic beverages that will be subject to State rules and regulations. To this end, the location and operating characteristics of the five new establishments within The Commons are compatible with off-site surrounding existing and anticipated future uses within the vicinity. Therefore, the requested use meets this finding.

Scenic Corridor Permit.

The findings for a **Scenic Corridor Permit** are stated in Section 17.62.050 of the Calabasas Municipal Code and are hereby made by the City Council as follows:

1. *The proposed project design complies with the scenic corridor development guidelines adopted by the council;*

The project site is located approximately 415 feet south of the Ventura freeway Corridor, which is identified as one of the City’s designated Scenic Corridors. The General Plan describes the Ventura Freeway scenic corridor as a heavily traveled, high-density corridor that encompasses much of Old Town Calabasas, Calabasas Road, and the Calabasas Grade. Because a portion of the property is within 500 feet of the Ventura Freeway scenic corridor, the Scenic Corridor Development Guidelines are applicable to the proposed development.

The project proposes infill redevelopment of a portion of The Commons shopping center with construction of new mixed-use buildings (referred to herein and on the plans as Buildings A and B) with 119 residential units and 24,163 square feet of neighborhood serving commercial uses. To accommodate the new development, the existing theater and a portion of the surface parking lot would be demolished. As such, the proposed project would occur on already developed land. The upslope hillside located to the rear of The Commons, which is zoned and restricted as open space, would not be disturbed.

The Scenic Corridor Development Guidelines encourage the following design features:

- Setting buildings back from freeways to reduce visual impact
- Stepped-back floor levels for multi-story buildings to avoid large blank facades

- Situating structures to minimize adversely impacting views
- Minimizing grading
- Landscaping to enhance, soften, or conceal development
- Cut-off light fixtures to prevent ambient illumination

Building A is proposed to be a maximum height of 85 feet and is set back approximately 800 feet from the 101 freeway, and Building B is proposed to be a max height of 46 feet and is located approximately 650 feet from the freeway. Existing buildings located between the subject site and the 101 freeway (on the north side of Calabasas Rd) will partially obstruct the new developments from view along the freeway, providing peek-a-boo views of portions of the project in areas where views are not fully obscured by existing buildings and mature landscaping. The buildings will also be terraced in height, with upper levels stepped back from the ground floor level, which serves to avoid blank facades and also to improve the street level pedestrian environment. Because Building B is located in front of Building A, it will also serve to partially screen lower portions of the taller Building A from view when viewed from Calabasas Rd or the freeway, and the existing mature landscaping in the parking lot will serve to screen and soften views of both buildings as well.

Grading for the proposed project is limited to excavation for subterranean parking levels, and no alteration of the existing hillside at the southern portion of the property is proposed. Landscaping for the proposed project is designed to integrate with the existing landscaping at the commercial shopping center, and any mature trees that require removal to accommodate the proposed new development will be relocated where possible to an alternate on-site location, so that mature trees will remain and further enhance the proposed development. Lastly, lighting levels will comply with the City's Dark Skies ordinance, with shielded light fixtures to prevent ambient illumination. Therefore, the proposed project meets this finding.

2. The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor;

The proposed project includes construction of the new Building A, with a maximum height of 85 feet and designed in a more contemporary architectural style to replace the existing theater building, and the new Building B, with a maximum height of 46 feet, proposed to be sited within the parking lot of the existing commercial center.

Design techniques from the Scenic Corridor Development Guidelines have been incorporated into the project design to minimize the visual impact of

the project to the scenic corridor. These include: (a) siting of development on the already disturbed portions of The Commons, with no proposed disturbance to natural hillsides; (b) incorporation of landscaping to blend the development with its surroundings; (c) minimizing light spillover impacts; (d) the use of colors and materials for new buildings that are similar to the surrounding natural environment and existing development in The Commons, including use of earth-tone colors; and (d) use of articulation in the building design and incorporation of architectural relief elements, such as undulating building footprints, floor step-backs, window spacing, and balconies that all contribute to successfully avoid large straight, blank facades. Building heights are stepped back from the Scenic Corridor and from the nearest public roadway (Calabasas Rd), so that the tallest point of the proposed new development—the 85-foot-high portion of Building A—will be situated at the southernmost area of the development, and will serve to screen the existing approximately 46-foot-high retaining wall towards the rear of the development from view, which is currently visible above existing development onsite. Additionally, the tallest elevation of Building A at +1062.4 above Mean Sea Level (MSL) is well below the highest point of the hillside behind the site, which rises to an elevation of +1137 above MSL so that the project will not encroach into skyline views. Although the proposed Building A is a more contemporary architectural style, the proposed color palette pulls colors used throughout the existing shopping center development, and the architectural details between floors of the building help to create visual interest and ensure compatibility with and enhancement of the scenic corridor. Building B is styled after the existing design of The Commons and utilizes a similar color palette. As a result, the proposed project meets this finding.

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;

The proposed project includes construction of the new Building A, with a maximum height of 85 feet and designed in a more contemporary architectural style to replace the existing theater building, and the new Building B, with a maximum height of 46 feet, proposed to be sited within the parking lot of the existing commercial center. Because of the proximity of the project site to the 101 Freeway, which is an urban scenic corridor designated by the General Plan, the site is within the Scenic Corridor overlay zone and subject to the Scenic Corridor Development guidelines.

Views of the project site from the scenic corridor are limited due to the distance from the freeway to the subject site (approx. 415' minimum), and

due to the presence of existing buildings and mature landscaping along the Calabasas Road corridor. Nevertheless, the proposed project has incorporated a number of design features that will serve to enhance and beautify views from the Scenic Corridor. The subject site is already an existing developed shopping center, so the existing mature landscaping in the parking lot will serve to help screen both buildings from view of the freeway and the public right-of-way. Additionally, the applicant has indicated that any existing mature trees requiring removal to facilitate construction of Building B will be relocated to other on-site locations where possible to further enhance views of the subject site, and additional landscaping is proposed in order to integrate the new development with the existing shopping center. The height and massing of Building A, the taller of the two buildings, will be softened by utilizing undulating building footprints, window spacing, architectural detailing, earth-toned colors, and balconies, and also by incorporating podium gardens at the both first residential level and rooftop level in addition to step-backs in the facade at the upper levels and penthouse level. Additionally, the rooftop deck and mechanical screens will be coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas, and to screen mechanical equipment from public roadways and the scenic corridor. As noted, Building B is comprised of a series of four smaller visually separated structures with pedestrian pathways and landscaping, along with two public open space plazas situated on the eastern side of Building B that include robust landscaping. Both buildings include architectural elements that provide variation in the design, which serves to break up massing, and will help enhance views of the development from the Scenic Corridor. Therefore, the proposed project meets this finding.

4. *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 proposed project includes construction of new mixed-use buildings comprising 119 new residential units and new ground floor commercial space at an existing approximately 25-acre developed shopping center. The proposed project includes construction of the new Building A, with a maximum height of 85 feet and designed in a more contemporary architectural style to replace the existing theater building, and the new Building B, with a maximum height of 46 feet, proposed to be sited within the parking lot of the existing commercial center. The upper levels of the proposed development are stepped back from the ground floor to improve the pedestrian environment and eliminate large blank facades. Additional step-backs are proposed on upper floors of Building A to ensure the new

development is compatible and complementary with the existing shopping center and the neighboring Civic Center uses, which include the City Hall, the Library, and the Senior Center.

Because Building A is situated in the area of the existing theater building, the bulk of Building A is setback approximately 50 to 70 feet back from the existing commercial storefront, and thus features a significant step-back in the massing for the residential structure, with additional step-backs for higher floors on the western and northern edges from the City Library and the oval lawn. Lower portions of Building A will be screened by the existing and proposed storefront development. To this end, while Building A is taller than other surrounding buildings, the significant step-back from the storefronts, screening of the lower portions of the building, and the design of higher floor step-backs will all help soften the visual appearance of the building as viewed at the pedestrian level and from vantage points along Calabasas Rd and the 101 Freeway, a designated scenic corridor. Building A is also designed in a contemporary style intended to demonstrate an evolving city center over time, and is proposing to use colors and materials that compliment surrounding development. Use of landscaping on the podium and rooftop levels will also help to integrate Building A with its surroundings.

Building B is designed as a “complex” of four visibly-separated above-ground buildings. Building B includes two adjacent plaza areas, as well as new walkways and landscaping that all together are intended to create a “village” feel. The separation of the buildings and varying building heights and higher-floor step-backs help to break up the bulk and massing, and placement of new landscape-lined walkways will not only help to soften the scale and appearance, but encourage pedestrian movement. Additionally, Building B serves as a transitional zone, terracing the height from Calabasas Road southwards to Building A. Building B is designed to match the architectural style, materials and detailing of The Commons’ existing buildings with minor exceptions. Roof tiles and residential facades will use similar specifications of the original center while colors and details will be compatible with the existing architecture.

Overall, the proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance as encouraged by the Scenic Corridor Development Guidelines. Existing mature landscaping, proposed new landscaping, and varying architectural elements on each of the proposed new buildings serve to integrate the proposed development with surrounding uses and enhance views of the site from the Scenic Corridor. For all these reasons, the project meets this finding.

Tentative Tract Map.

The findings for a **Tentative Tract Map** are stated in Section 17.41.100 of the Calabasas Municipal Code. The City Council hereby makes the following findings for the project approval:

1. Is consistent with the General Plan, and any applicable specific plan, and

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. The Commons (project site) is comprised of five adjacent legal parcels referred to on the proposed tentative tract map as Parcels A through E that contain approximately 839,902 square feet of net lot area (19.3 acres) and is bordered by Park Sorrento and the Calabasas Civic Center to the west, Calabasas Road to the north, and Park Granada to the east and south. The Project Site is currently improved with a variety of retail and restaurant uses, distributed throughout multiple buildings, landscaping, and surface parking.

In conjunction with the proposed Project, the applicant requests approval of a Vesting Tentative Tract Map to re-subdivide Parcel B into one master ground lot and six airspace lots within both Buildings A and B to create separate lots for the parking, retail, and residential uses.

The City's General Plan designates The Commons as Mixed Use 0.95. The General Plan allows for a variety of commercial/retail uses and multi-family residential uses, and, in this case, with the approval of an amendment to the Master Conditional Use Permit, the applicable Master Plan will also allow a mix of commercial/retail and multi-family residential uses. Under the General Plan, the MU zone permits a floor area ratio of 0.95, and a residential density of 20 dwelling units per acre. The project proposes 119 new residential units which results in 6.1 dwelling units per acre and a 0.47 floor area ratio with the new buildings and existing development to remain. As such, the project complies with the General Plan. The project also meets the General Plan's objectives and policies as demonstrated in Exhibit A (General Plan Objectives and Policies Consistency Analysis), attached to this resolution.

The map has been reviewed by the various City departments, who have included conditions of approval for the design and improvement of the subdivision required to be implemented prior to the recordation of the

tentative map and issuance of a building permit, grading permit, or certificate of occupancy. Therefore, upon approval of the entitlement requests, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan.

2. *That none of the findings for disapproval in subsection (D) of this section can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.*

The tentative tract map meets this finding because none of the findings in subsection (D) of this section, per the discussion below can be made.

Additionally, a proposed tentative tract map shall be denied, per Section 17.41.100, if the City Council makes any of the following findings:

1. *The proposed subdivision, including its design and improvements, is not consistent with the General Plan, or any applicable specific plan;*

The proposed subdivision, including its design and improvements, is consistent with the Calabasas 2030 General Plan, for the reasons stated in Tentative Tract Map Finding No. 1 above. The project also meets the General Plan's objectives and policies as demonstrated in Exhibit A (General Plan Objectives and Policies Consistency Analysis), attached to this resolution.

2. *The site is not physically suitable for the type or density of the proposed development;*

The Project Site is currently improved with The Commons shopping center, comprised of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), a pharmacy (Rite Aid), a theater (temporarily operated by Regency Theatres), a bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. The area surrounding The Commons is developed primarily with commercial and institutional uses that include City Hall, the Library, and the Senior Center, along with hotel and office uses.

The Project Site is already developed, generally flat, has all infrastructure installed and does not have unsuitable soil conditions. The proposed new buildings would be located within the existing developed area of The Commons site, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. As noted above, the City's General Plan designates the Project Site as Mixed-Use 0.95 and it is zoned CMU 0.95 (Commercial Mixed-Use), which permits a floor area ratio of 0.95

and a residential density of 20 dwelling units per acre. The project proposes 119 new residential units, which results in 6.1 dwelling units per acre and a 0.47 floor area ratio with the new buildings and existing development to remain. As such, the project is well below the maximum development permitted and is thus physically suitable for the type or density of the proposed development.

3. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;*

The project vicinity is characterized by a concentration of commercial, residential, and institutional uses. The Commons site (project site) is built out, with the exception of an open space easement at the rear of the Site, which would remain as-is, and the proposed development area does not contain riparian habitat, wetland habitat, migratory corridors, nor possess any areas of significant biological resource value. In addition, the project would not conflict with a Habitat Conservation Plan. Further, the project site does not provide a natural habitat for either fish or wildlife and no water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site.

4. *The design of the subdivision or type of improvements is likely to cause serious public health problems;*

The proposed subdivision and subsequent improvements are subject to the provisions of the CMC (e.g., the Fire Code, Development Code, Health and Safety Code) and the Building Code. Other health and safety-related requirements, as mandated by law, would apply where applicable to ensure that the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management) is maintained. Additionally, as evidenced in the Addendum to the PEIR and as further conditioned in this resolution, no significant impacts from noise, vibration, dust, pollutant emissions, and safety hazards would occur.

The project is not located over a hazardous materials site or flood hazard area and is not located on unsuitable soil conditions or an active earthquake fault. The Project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. The Phase I ESA did not encounter any Recognized Environmental Conditions onsite that would require mitigation. In addition, in the event that unforeseen suspect impacted soils are encountered during excavation activities, such soil will be properly profiled and managed under a conventional soil management plan that will require removal, transport, and disposal of all impacted soils in accordance with all applicable regulatory requirements and under the oversight of all governmental agencies with

jurisdiction. Furthermore, the development of the project does not propose substantial alteration to the existing topography. Regarding seismic safety, with adherence to State and City building requirements, the project would not result in a geologic hazard. As such, no adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

5. *The design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision;*

There are no recorded instruments identifying easements encumbering The Commons (project site) for the purpose of providing public access and the project site is served by public streets that would continue to provide vehicular access to The Commons. The project site does not adjoin or provide direct access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Project Site. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

6. *The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by this Municipal Code or the California Regional Water Quality Control Board; or,*

The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the CMC or the California Regional Water Quality Control Board because the project will be served by a sanitary sewer system to be connected to an existing sewer main located along the property frontage; the project is substantially below the intensity of use (and projected sewage volumes) envisioned by the General Plan; and project wastewater generation would remain within the capacity of local wastewater facilities. Additional wastewater generated by the new development would be treated at the LVMWD Tapia Water Reclamation Facility, which has adequate capacity to accommodate the project. The project would be responsible for constructing onsite wastewater treatment conveyance systems and paying standard sewer connection fees, as necessary.

7. *The proposed subdivision is not consistent with all applicable provisions of this development code, the Municipal Code, or the Subdivision Map Act.*

The proposed subdivision is consistent with all applicable provisions of this development code, the Municipal Code, and the Subdivision Map Act for

reasons stated elsewhere within this Resolution and because the proposed subdivision and associated tentative map conform to accepted present-day planning and engineering standards, and the subdivision design requirements of CMC Chapter 17.46.

Lastly, a proposed tentative tract map may be denied, per Section 17.41.100, if the City Council makes any of the following findings:

1. *The tentative map is not in conformity with accepted planning or engineering standards;*

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of new mixed-use buildings that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. The Commons (project site) is comprised of five adjacent legal parcels referred to on the proposed tentative tract map as Parcels A through E that contain approximately 839,902 square feet of net lot area (19.3 acres) and is bordered by Park Sorrento and the Calabasas Civic Center to the west, Calabasas Road to the north, and Park Granada to the east and south. The Project Site is currently improved with a variety of retail and restaurant uses, distributed throughout multiple buildings, landscaping, and surface parking.

In conjunction with the proposed project, the applicant requests approval of a Vesting Tentative Tract Map to re-subdivide Parcel B into one master ground lot and six airspace lots within both Buildings A and B to create separate lots for the parking, retail, and residential uses.

The project site is already developed and includes all necessary infrastructure including site access, utilities, stormwater collection and conveyance devices, and sanitary sewer. The project is not proposing any new roadway or intersection improvements. Additionally, grading is limited to already developed areas. The subdivider will be required to either dedicate land and construct recreational amenities, or pay required impact fees as applicable under the Quimby Act. All proposed site grading, infrastructure system upgrades, easements, lots and parcels, and utilities have been preliminarily reviewed and tentatively approved, and will require final review and approval by the City Engineer. Accordingly, the proposed subdivision and associated tentative map conform to accepted present-day planning and engineering standards, including subdivision design requirements by Chapter 17.46, as well as the City's Building Codes, and therefore, this finding cannot be made.

2. The environmental, public services or facilities costs to the city taxpayers outweigh the advantages created by the proposed subdivision;

The environmental impacts associated with the proposed subdivision, as documented in the Addendum to the Programmatic EIR, will remain less than significant. Public services costs for the development of the project and for on-going operations and occupation of the constructed housing units, and visitors of the commercial spaces will be borne by the owners, inhabitants and visitors of those uses and facilities, and will not be a burden to city taxpayers, and therefore, this finding cannot be made.

3. The proposed development is not compatible with the character of the neighborhood;

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. The existing theater building is the center's tallest building at a height of approximately 46 feet above grade. The Project proposes infill redevelopment of a portion of The Commons with the construction of new mixed-use buildings, identified as Building A and Building B on the project plans. To accommodate the project, the existing theater building, along with a portion of the existing surface parking lot and associated landscaping would be removed.

Proposed Building A will be sited in the area of the existing theater, and includes three levels of parking beneath 5 residential levels. The roof level, at approximately 75 feet above grade, includes a residential amenity space. Rooftop amenities also include a smaller enclosed resident gym and workspace area that rise to a maximum height of approximately 85 feet above grade. Building A also includes the addition of a new, approximately 2,033 square foot commercial storefront adjacent to the existing storefront. Because Building A is situated in the area of the existing theater building, the bulk of Building A is setback approximately 50 to 70 feet back from the existing commercial storefront, and thus features a significant step-back in the massing for the residential structure, as well as additional step-backs for higher floors on the western and northern edges from the City Library and the oval lawn. Additionally, lower portions of Building A will be screened by the existing and proposed storefront development. To this end, while Building A is taller than other surrounding buildings, the significant step-back from the storefronts, screening of the lower portions of the building, and the design of higher floor step-backs will all help soften the visual appearance of the building as viewed at the pedestrian level, and tone down the scale of the building. Building A is also designed in a

contemporary style intended to demonstrate an evolving city center over time, and is proposing to use colors and materials that compliment surrounding development. Use of landscaping on the podium and rooftop levels will also help to integrate Building A with its surroundings.

Building B is designed as a “complex” of four visibly-separated above ground buildings, and is proposed across from the main drive aisle from Building B and faces Building A to create a “main street” environment. The heights of the four visible buildings varies, but extends up to a maximum height of 46 feet at its tallest point. In addition to being visibly separated, the Building B complex includes two adjacent plaza areas, as well as new walkways and landscaping that all together are intended to create a “village” feel. The separation of the buildings and varying building heights help to break up the bulk and massing, and placement of new landscape-lined walkways will not only help to soften the scale and appearance, but encourage pedestrian movement. Architecturally, the Building B complex is styled similarly to the existing center.

Overall, the proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. The finished floor heights of each building are designed to match the existing development and grading is largely limited to excavation for subterranean parking levels which results in lower building heights and shields parking from the active uses. For all these reasons, the project will be compatible with the character of the neighborhood, and the finding cannot be made.

4. *The proposed development is in an area not desirable for the intensive use proposed; or,*

The approximately 25-acre property is currently improved with 218,247 square feet of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. The proposed project involves the addition of 119 new residential units and a net reduction of 8,928 square feet of commercial space, for total new site development density of 396,077 square feet. The project site is designated Mixed-Use 0.95 in the City’s General Plan, which allows up to 797,907 square feet of development. Additionally, the project site is identified by the General Plan as a priority housing site possibly providing up to 202 residential units. To this end, the proposed maximum development density of 396,077 square feet and 119 residential dwelling units proposed is considerably less intense than what is anticipated by the General Plan for this area, and this finding cannot be made.

5. *A preliminary soils report or geologic hazard report indicates adverse soil or geologic conditions and the subdivider has failed to provide sufficient information, to the satisfaction of the City Engineer, Planning Commission, or City Council, that the conditions can be corrected in the plan for development.*

The project site is currently improved with a 218,247 square foot shopping center. The applicant is proposing new development of 119 residential units and a net reduction of 8,928 square feet of commercial space. In order to accommodate parking, the development will include subterranean parking structures. The applicant has submitted a soils and geologic conditions report (included in the project's Addendum to the PEIR appendix) that indicates no adverse geotechnical conditions that would significantly impact proposed development. The report indicated expansive and corrosive soils conditions that would require design considerations, but in either case, the project would need to meet Building Code standards that would mitigate any potential adverse impacts. The reports and plans have been reviewed and preliminarily approved by the City Engineer, and are discussed in the Addendum to the PEIR. Therefore, this finding cannot be made.

Density Bonus Findings.

The findings for a **Density Bonus and all associated incentives/concessions** are stated in Section 17.22.030(H)(3) of the Calabasas Municipal Code. The City Council hereby makes the following density bonus findings for the project approval:

1. *The development project would not be a hazard or public nuisance or establish a use or development inconsistent with the goals and policies of the General Plan;*

Based on the following findings, the project is consistent with the goals and policies of the Calabasas 2030 General Plan; and, the project would not be a hazard or public nuisance. The project also meets the General Plan's objectives and policies as demonstrated in Exhibit A (General Plan Objectives and Policies Consistency Analysis), attached to this resolution.

The *Land Use Element* and *Housing Element* of the Calabasas 2030 General Plan (as updated and adopted for the 2021 – 2029 RHNA planning period) identify the project site for mixed-use development, to include the addition of up to 202 new multi-family housing units. In addition, General Plan policy number V-17 states: "Offer regulatory incentives and concessions, including density bonuses to offset or reduce the costs of developing affordable housing." And furthermore, Housing Element Program 16,

specifies that residential project applicants proposing to construct more than five new housing units may apply for a density bonus and additional incentives if the project provides housing units affordable for lower income households, which comprise at least 10% of the total new housing units.

The project will provide 119 total housing units, including 10% affordable housing units, consistent with the General Plan land use designation, applicable General Plan policies, and the Density Bonus program and ordinance.

Safety Element policy number VII-33 specifies that new development should be discouraged “where wildfire risk mitigation measures would significantly impact biological resources.” The proposed project is an infill redevelopment project, with both buildings A and B to occupy space within an existing urban landscape. No potentially impacted biological resources exist on the project site.

Safety Element policy number VII-38 specifies that new development should be permitted “only within areas that have adequate water resources available, to include water pressure, on-site water storage, or fire flows.” The Programmatic Environmental Impact Report adopted for the 2021 – 2029 Housing Element update determined that adequate water resources are available to serve the project. The project includes 119 total housing units, which is only 59% of the housing units anticipated by, and analyzed for, the 2021 – 2029 Housing Element update. The amount of commercial space on the property would be reduced by the project (24,163 s.f. of new commercial space would replace approximately 33,091 s.f. of existing commercial space – a reduction of approximately 8,928 s.f.).

Also, the project will be constructed on a property which is not located within either a flood zone, liquefaction zone, or landslide hazard area. And the project will be constructed in full compliance with all California Building Code standards, inclusive of standards and requirements for fire hardening and fire suppression, seismic resistance, and emergency exiting.

Applicable *Circulation Element* policies include:

Policy No. VI-19: Promote pedestrian system improvements that create and sustain vibrant and active streets in major places of activity as well as providing direct connections between residential and non-residential areas.

Policy No. VI-20: Provide neighborhood streets that are walkable and that contribute to the physical safety and comfort of pedestrians.

Policy No. VI-22: Require new development in Calabasas to incorporate pedestrian-oriented circulation features, as described in the Community Design Element. Such features should include amenities that make walking not only available, but desirable.

The proposed project conforms to the General Plan Circulation Element policies because: 1) the project design includes sidewalks and pedestrian paths of travel which will directly connect residential and commercial uses, gathering spaces, and the adjacent Civic Center complex (Library, Senior Center, and City Hall); and, 2) sidewalk, driveway, and parking improvements will be constructed in conformance with all applicable federal and state safety regulations.

Regarding noise, the project site is located within a defined 65 dBA noise contour interval (see Figure VIII-2 in the General Plan Noise Element). Construction related noise generation can reach and even temporarily exceed 65 dBA.

In this case, the nearest residential land use is approximately 710 feet away from the project site, and it is blocked from the construction site by a prominent hill. Additionally, west and southwest of The Commons, the City's public library and Senior Center are located approximately 70 feet away and 350 feet away respectively from areas of proposed construction. However, incorporation of the noise mitigation measures provided in the Programmatic EIR and addendum and within the conditions of approval for the project will sufficiently address temporary noise impacts from the construction site such that noise levels or times of occurrence would not constitute a public nuisance. Such mitigation includes, but it not limited to, use of a temporary sound wall, construction equipment fitted with sound reduction components, minimizing operation of equipment simultaneously, staging equipment warm up areas away from sensitive receptors, public notification, and limitations on construction hours.

Lastly, the project site is located within a Very High Fire Hazard Severity Zone, as is the entirety of the City of Calabasas. However, new construction is required is comply with Fire Code, including use of fire-rated building materials, fire hazard reducing assemblies, and requires plan check by the Los Angeles County Fire Department to meet emergency access and water suppression system requirements.

2. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter, including information

demonstrating that the requested incentives, concessions, or waivers will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels and that the provision of any requested incentives, concessions, or waivers will not violate applicable state or federal law, not have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact, and will not have an adverse impact on any real property that is listed in the California Register of Historical Resources;

The 2030 General Plan Housing Element (as updated and adopted for the 2021 – 2029 RHNA planning period) identifies the project site for as many as 202 total new housing units. Policy No. V-12 provides that new housing development projects provide affordable housing for lower- and moderate-income households in accordance with the City's inclusionary Housing ordinance. The City's Inclusionary Housing ordinance requires that at least 10 percent of the total units be affordable (ref. CMC 17.22.030). The proposed 119-unit project falls below the maximum allowed density, and ten percent of the units (12) will be affordable to lower-income households.

Notwithstanding the fact that the project includes 12 affordable housing units (10 percent of the 119-unit total), with unit rents to be affordable to lower-income households, the project developer has elected to not seek as part of the project entitlement the allowed 20% density bonus. Application of the density bonus would otherwise have provided for 24 additional market-rate housing units, and a total unit count of 143 units. Nonetheless, to accomplish the project at a cost which will support subsidization of the twelve affordable housing units, the project developer requests the following incentives, concessions, or waivers.

- An incentive from CMC Section 17.28.070 and Table 3-12 to provide residential parking stall dimensions of 8.5 feet by 18 feet in lieu of 9 feet by 20 feet, and 9 feet by 18 feet in lieu of the standard requirement of 11 feet by 20 feet for spaces located adjacent to a wall or column.
- Waiver of Development Standard to permit a maximum 85-foot building height for Building A and a maximum 46-foot building height for Building B in lieu of the standard 35 feet maximum permitted in the CMU zone per CMC Section 17.14.020 and Table 2-6.
- Reduction in the number of required off-street parking spaces (an automatic waiver under State density bonus law).

Compliance with the City's off-street parking spaces standard and the parking stall width standards would add significant costs to the Project because it would require the Applicant to construct an additional level of parking within the parking structure to accommodate the total number of parking spaces.

Compliance with the 35-foot maximum height standard, for which a waiver is requested, would physically preclude the project from being built with the proposed incentives and concessions because a shorter, but wider series of buildings could not be built at the proposed density. The larger footprint would also require more expansive networks of structured parking, foundational infrastructure, and utilities; and the substantially larger construction site would negatively impact a significantly greater number of current business tenants.

No real property listed, or eligible for listing, in the California Register of Historic Resources is located on, or within close proximity of, the subject property.

Thus, the requested incentive would result in identifiable and actual cost reductions that provide for the necessary affordable housing production and subsidization.

3. There are sufficient provisions to guarantee that the units will remain affordable in the future.

The twelve affordable housing units will be deed-restricted to remain affordable to households of low-income for a minimum of fifty-five years. The deed restriction must be recorded prior to issuance of occupancy permits. Also, through on-going operation of the City's Rental Registration Program, the project developer (or successor) must prepare and submit to the City's Department of Community Development annual reports regarding the rent levels for all 119 units, including the twelve affordable housing units.

The City Council finds that the findings by which a density bonus incentive, concession, or waiver can be denied under Government Code section 65915 cannot be made, for the reasons stated above, and because the City Council finds that the granting of the requested incentives, concessions, and waivers will not result in a specific adverse impact on public health or safety nor adversely impact any real property listed or eligible for listing in the California Register of Historical Resources. The City Council further finds that the approval of the height limit waiver is not contrary to state or federal law.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby approves File Nos. SPR-2023-005, CUP-2023-003, CUP-2023-004, CUP-2023-005, SCP-2023-003 and TTM-2023-002, said actions further described as follows, and subject to the following agreements and conditions:

The City Council approves a **Conditional Use Permit – Master CUP Amendment** (CUP-2023-003) for a site-specific amendment to the existing Master CUP 97-12, to:

- 1) Amend the maximum allowable development density on the project site to 396,077 sq. ft. total inclusive of residential and retail uses,
- 2) Allow for residential multi-family uses (up to 119 residential units) as consistent with the underlying CMU zone and the City’s Housing Element on the project site,
- 3) For the project site only, replace all the conditions of approval relative to Master CUP 97-12 with the project-specific conditions contained set forth below, leaving all conditions of approval in full force and effect for all other properties in the Master Plan Area,
- 4) Provide that, with respect to the Commons Site only, (i) the Calabasas Park Centre Design and Development Guidelines are not applicable, and (ii) if there are any conflicts or inconsistencies between the 1997 Master CUP 97-12 and the new Implementing CUP-2023-004 for the Commons Site, the new Implementing CUP-2023-004 shall control, and
- 5) Provide that all existing buildings, structures, and uses on the Commons Site shall be deemed legally conforming.

The City Council approves a **Conditional Use Permit – Implementing CUP Amendment and Restatement** (CUP-2023-004) for a newly amended and restated Implementing CUP for the Commons site, superseding the existing Implementing CUP 97-13 in its entirety, to:

- 1) Permit a mixed-use development totaling approximately 396,077 square feet (approximately 186,758 residential and 209,319 sq. ft. commercial), with a maximum floor area ratio (FAR) of 0.47, including:
 - a. 119 residential dwelling units (approximately 186,758 sq. ft.)
 - b. Grocery Store / Supermarket, operating 24 hours a day and including the sale of alcoholic beverages as allowed by State Law (approximately 52,000 sq. ft.)

- c. Pharmacy, operating 24 hours a day and including drive through prescription sales and sale of alcoholic beverages as allowed by State Law (approximately 17,000 sq. ft.)
 - d. Bookstore (approximately 30,000 sq. ft.)
 - e. Retail Stores
 - f. Food and Beverage Stores
 - g. General Merchandise Stores
 - h. Financial Services
 - i. Personal Services
 - j. Fine / Casual Dining (Table Service) Restaurants (36,401 sq. ft.)
 - k. Fast Casual (Counter Service) Restaurants (20,222 sq. ft.)
- 2) Permit outdoor dining area, including:
- a. Fine / Casual Dining (Table Service) Outdoor Dining (11,203 sq. ft.)
 - b. Fast Casual (Counter Service) Outdoor Dining (3,834 sq. ft.)
- 3) Permit a mixed-use development with residential uses in the CMU zone.
- 4) Permit restaurant space exceeding 10% of the gross leasable floor areas within a shopping center.
- 5) Allow future changes in uses for those uses listed as permitted or conditionally permitted in the CMU zone at the time of each future proposed change in use, subject to approval by the review authority as specified in the applicable provisions of the Calabasas Municipal Code, subject to the requirement that any additional residential units above the 119 residential units permitted in this project shall require approval by the Planning Commission, notwithstanding any other provision of the Calabasas Municipal Code.

The City Council approves a **Conditional Use Permit- Project Specific** (CUP-2023-005) for alcohol sale and on- and off-site consumption of a full line of alcoholic beverages, more specifically including the following:

- 1) In addition to the alcohol sales allowed for off-site consumption for both the grocery store/supermarket and pharmacy described above, a total of 14 restaurant and/or retail establishments are permitted to sell a full line of alcoholic beverages for on- and off-site consumption under this conditional use permit. A separate conditional use permit is required for establishment of alcoholic beverage sales for any new use above the total number listed in this CUP.

The City Council approves the following additional applications and other requests:

Site Plan Review (SPR-2023-005) for the demolition of one existing building totaling approximately 33,091 sq. ft., construction of new buildings totaling approximately 210,921 sq. ft., including associated landscaping and pedestrian improvements in the CMU zone.

Scenic Corridor Permit (SCP-2023-003) for development located within the City-designated Scenic Corridor surrounding the 101 Ventura Freeway.

Tentative Tract Map (TTM-2023-002) for the subdivision of one parcel into one master ground-floor and six airspace lots that encompasses the entire project site.

Other Requests

Shared Parking Reduction to reduce the commercial parking requirement from 1,043 spaces to 896 spaces, a 14.1% reduction. This is separate from the 270 proposed residential parking spaces.

Density Bonus Incentive, Concession and Waiver of a Development Standard, pursuant to CMC Section 17.28.070 and Government Code Section 65915, for the following:

- 1) An incentive/concession from CMC Section 17.28.070 and Table 3-12 to provide a residential parking stall dimension of 8.5 feet by 18 feet in lieu of the standard 9 feet by 20 feet, and 9 feet by 18 feet in lieu of the standard 11 feet by 20 feet (located next to a wall or column) for Building A.
- 2) A waiver of Development Standards to permit a maximum 85-foot building height for Building A and a maximum 46-foot building height for Building B in lieu of the standard 35 feet maximum permitted in the CMU zone per CMC Section 17.14.020 and Table 2-6.

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 this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including from inverse condemnation or any other constitutional

claim. Accordingly, to the fullest extent permitted by law, the applicant and property owner, and its representative(s), or its successors 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 this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including from inverse condemnation or any other constitutional claim. The applicant and property owner, and its representative(s), or its successors 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.

CONDITIONS OF APPROVAL

Community Development Department / Planning Division

1. The proposed project shall be built in substantial conformance 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 issuance of Final Certificate of Occupancy, all applicable conditions of approval and mitigation measures 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. Project changes considered substantial by the Planning staff and any project change that increases the size of the project or buildings in any dimension must be approved by the City Council. Except as provided herein, 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 City Council. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

5. The conditions set forth in the Park Centre Master CUP and the 1997 Implementing CUP applicable to the Commons site (APNs 2068-003-020; -021; -022; -023; -024; -28) have been consolidated into this new Implementing CUP to avoid duplication, increase clarity, and ease administration. Therefore, the conditions set forth in the Park Centre Master CUP, including but not limited to the Park Centre Development and Design Guidelines, shall not apply to the Commons Site, and the only conditions regulating development and operation of the Commons Site are those set forth in this Implementing CUP.
6. 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.
7. 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, to be approved as to form by the City before being signed, and a certified copy of the recorded document is filed with the Community Development Department.
8. Ground and roof-mounted equipment is required to be screened from view from any public right-of-way. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls, decorative elements or a combination thereof.
9. Prior to commencement of construction, applicable building permits must be obtained from the Building and Safety Division.
10. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
11. 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.

- 12. 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.

- 13. A geotechnical and structural assessment of the condition of the existing retaining wall located to the south of the fire lane shall be provided at the time of plan check submittal to the Building and Safety Department. Project engineering consultants shall also review any wall monitoring data available.

- 14. Construction Activities - Hours of construction activity shall be limited to:
 - 7:00 a.m. to 6:00 p.m., Monday through Friday

 - 8:00 a.m. to 5:00 p.m., SaturdayStacking 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. The City may approve minor adjustments to this construction schedule if the City finds those adjustments to be in the public's best interest.

Community Development / Planning Division / Project Design Conditions

- 15. For Building A, the first residential level façade adjacent to the existing library shall be set back a minimum of 10'6" from the outermost façade at grade level, as currently shown. For each ascending residential level, the façade shall be set back at least an additional 3 feet.

- 16. For Building A, the first residential level façade adjacent to the existing Oval Lawn shall be set back a minimum of 30 feet from the outermost façade at grade level, as currently shown. For each ascending residential level, the façade shall be set back at least an additional 5 feet.

- 17. The design of Building A shall be modified to complement the existing Commons design with fewer glass handrails, added trims and finish

elements, with the final exterior design of Building A to be approved by the Community Development Director.

18. For Building B, the residential levels shall be set back a minimum of 12' from the edge of the face of the first-story retail along the paseos between buildings.
19. For Building B, the paseos between buildings shall be an average of 20 feet wide.
20. For Building B, architectural elements and/or show windows shall be added along the paseos between buildings to add visual interest, with the final exterior design of Building B to be approved by the Community Development Director.

Community Development Department / Planning Division / Entitlement Expiration

21. Pursuant to CMC Section 17.64.050, Tentative Tract Map No. 84104 shall expire 48 months after the effective date unless a final map, and related bonds and improvement agreements, have been filed with the City Engineer in compliance with Chapter 17.42, or an extension of time has been granted in compliance with Section 17.41.320. The Planning Commission may grant a maximum of three, one- year extensions to the initial 48-month time limit, as provided in Section 17.41.320(A), for a maximum total of 7 years.
22. Pursuant to CMC Section 17.64.050, the subject approval shall expire upon the expiration of Tentative Map 84104, unless the entitlement is exercised in accordance with CMC Section 17.64.050(A).

Community Development Department / Planning Division / Public Art

23. Applicant and/or property owner shall provide permanent artwork to fulfill the Art in Public Places requirement or pay an in-lieu fee of 1% to the commercial building valuation or the maximum fee of \$150,000 as required by CMC Section 17.24.020(B). The artwork shall be installed or the fee paid prior to the issuance of a Certificate of Occupancy for the commercial buildings.

Community Development Department / Planning Division / QUIMBY

24. The applicant shall comply with the City's Quimby Act requirements, as outlined in the Calabasas Municipal Code, prior to the issuance of Final Map Recordation and to the satisfaction of the Community Development Director. The applicant may either pay in-lieu fees or dedicate vacant land to the City,

or a combination thereof. Any request for a credit toward the required fees must be reviewed and approved by the City Council.

Community Development Department / Planning Division / LEED

25. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code to the satisfaction of the Community Development Director. Compliance shall consist of achieving the equivalent of a “silver” rating (at a minimum) using the LEED (Leadership in Energy and Environmental Design) rating system version 2.0 developed by the United States Green Building Council for non-residential use components.
26. To demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code (a.k.a. Green Building Ordinance), the applicant shall submit two documentation packages to the Community Development Department for review in the following manner:
 - a. Prior to issuance of a building or grading permit, the applicant shall submit to the Building & Safety Division, a documentation package documenting compliance with all design-related credits being sought. Review and approval of the documentation package is required prior to issuance of a building and grading permit. On a case-by-case basis, the Director may defer this submittal requirement until a later date for the following reasons: 1) If the applicant can demonstrate through the submittal of a contract that the project team includes a LEED Accredited Professional, 2) if the project team can demonstrate experience with completed development of at least one LEED rated project in California, and/or 3) the project is seeking a LEED “gold” rating or higher.
 - b. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a final documentation package to the Department of Building and Safety that documents compliance with all remaining undocumented LEED credits. Review and approval of the final documentation package is required prior to the issuance of a Certificate of Occupancy LEED credits. Review and approval of the final documentation package is required prior to the issuance of a Certificate of Occupancy.

Community Development Department / Planning Division / Lighting

27. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Prior to the issuance of grading or building permits, a final lighting and photometric plan must be reviewed and approved by the Planning Department. The lighting

and photometric plan shall indicate the type of all outdoor lighting fixtures used, light intensity, location, and the height of each light fixture. The applicant shall use methods to minimize the amount of light and glare that spills over into neighboring properties and rights-of-way, such as limiting directional lighting intensity, limiting fixture height, use of cut-off type fixtures/glare shields and using ground level lighting wherever possible. All uplighting on the roof shall be prohibited.

Community Development Department / Planning Division / Landscaping

28. Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with Chapter 17.26 of the Calabasas Municipal Code, to the Community Development Director for review and approval.
29. The final landscape plan shall not include the use of any new invasive plant species.
30. The applicant shall incorporate a mix of native and drought tolerant plantings that match or complement the existing tree and planting palette, subject to City approval in compliance with applicable law.
31. The open space plaza shall be planted with non-invasive drought-tolerant turf.
32. Artificial turf shall be prohibited, except in the case of significant drought conditions as established by State or local government decree under applicable law.
33. Cyprus trees shall be replaced along the existing Cyprus walkway, subject to City review and approval in compliance with applicable law.
34. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the State of California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo.
35. All landscaping is to be installed by the applicant within 90 days of occupancy to the satisfaction of the Community Development Director or his designee.

All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.

36. Upon completion of landscaping work and prior to requesting a landscaping inspection (for each respective development phase), the project landscape architect shall certify that all landscaping has been installed in substantial conformance with the approved landscape plans.
37. All planting within the traffic visibility area and around parking garage entrances will comply with Section 17.26.040(B)(2)(a)(i) of the CMC and shall not exceed 42" in height, as determined by the Public Works Director.

Community Development Department / Planning Division / Housing

38. Consistent with Chapter 17.22 of the CMC, the rental or sale of at least ten percent of the units built shall be affordable to households of low income for fifty-five years from recordation of the project's Affordability Covenant. This fifty-five-year affordable housing restriction shall be documented in an Affordability Covenant, to be reviewed and approved by the Community Development Director and City Attorney, and which must be recorded on title for all affordable units [measured as ten percent of the number of units issued building permits] prior to issuance of the first residential certificate of occupancy.
39. All private residential balconies, other private use areas, and common use areas visible to the public shall be kept in a neat and clean condition at all times. For private residential balconies or other private use areas, only items commonly used for the enjoyment of those areas such as barbeques, landscaping, patio furniture and associated items shall be allowed on them. These requirements shall be specified in leasing documents or other appropriate legal management tool. All leasing documents or other appropriate legal management documents shall be submitted to the Community Development Director for review and approval prior to the issuance of a Certificate of Occupancy.

Community Development Department / Planning Division / Signs

40. No modifications to the existing sign program are approved with this resolution. Any future modifications to the existing sign program shall be processed in accordance with CMC Section 17.30.050, which requires review and a decision by the Planning Commission.

Community Development Department / Planning Division / Fees

41. The developer is required to pay all other impact fees, including school fees, prior to issuance of building permits.

Community Development Department / Planning Division / Programmatic EIR Mitigation

42. The project shall comply will all applicable mitigation measures as specified in the Certified City of Calabasas General Plan Update Final Program Environmental Impact Report dated September 2021 (Responses to Comments and Mitigation Monitoring and Reporting Program) and July 2021 (Draft Environmental Impact Report), collectively, the Final PEIR prepared for the City's 2021 – 2029 Housing Element and related General Plan Element updates.

Community Development Department / Planning Division / Construction Noise

43. Prior to commencement of construction, the applicant shall erect a temporary sound barrier capable of achieving at least a 15 dBA reduction at the edge of the construction site located nearest the Calabasas Library. The barrier shall be at least 15' feet in height and shall be of sufficient length to block the line of sight from the construction site to the library. The design of the temporary sound barrier shall be reviewed and approved by the Community Development Director before its installation.
44. All equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained industrial grade mufflers consistent with manufacturers' standards.
45. Whenever practicable, construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
46. All heavy-duty stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
47. All construction areas for staging and warming up equipment shall be located as far as practicable from nearby noise-sensitive receivers.
48. Portable sound enclosures capable of reducing noise levels by at least 10 dBA shall be used for all generators, air compressors, and other stationary equipment.

49. Two weeks prior to commencement of construction, notification shall be provided to off-site residential uses within 500 feet of project sites that generally discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.
50. Project applicants shall provide a non-automated telephone number for local residents to call to submit complaints associated with construction noise during all phases of construction. The project applicant shall maintain a log of complaints and shall address complaints to minimize noise issues for neighbors.
51. The project applicant shall coordinate regularly with other project applicants and/or construction contractors of projects located within 500 feet of the project site that will have overlapping construction schedules to minimize the amount of time during which simultaneous construction activities are occurring and to avoid the simultaneous occurrence of high-noise generating activities, such as demolition and excavation.

Community Development Department / Operational Nuisance

52. Gas-powered landscaping tools on the west side of the Commons Way shall not operate before 7:00 a.m.
53. The applicant shall incorporate design features to minimize light and glare trespass into the residential units such as (but not limited to) window coverings, shading co-efficient in the glass, or balcony details in the residential units, subject to final review and approval by the City.

Community Development Department / Parking

54. Consistent with the shared parking concept adopted under the Park Centre Master Plan, all commercial parking spaces within The Commons shall continue to be made available to all users and visitors of the subject properties, which are within the defined Calabasas Park Center Master Plan Area and includes APNs: 2068-003-020, -021, -022, -023,-024, -028.
55. A reduction in the required commercial parking is approved pursuant to CMC Section 17.28.050. A minimum of 896 parking spaces shall be maintained in perpetuity for commercial visitors of the shopping center, exclusive of the residential parking spaces, subject to updates to the shared parking study as a result of standard operations and re-tenanting and subject to review by the Community Development Director.

56. All residential parking shall include electric vehicle recharging facilities consistent with the requirements contained in the California Building Code.
57. The applicant shall include language in their residential lease agreements requiring the residents of Building A and Building B to park in the residential parking areas.
58. The applicant shall include a welcome packet to new residents advising them that guests shall park underneath the residential buildings.
59. The applicant shall include language in all new lease agreements for new commercial tenants that occupy an area less than 15,000 sq. ft. that the applicant has the authority to require employees to park along the existing service road.
60. The applicant may reduce the required parking stall dimensions along the service road to allow the addition of extra parking spaces, as may be needed in the future. In the event that the applicant adds parking spaces along the service road, the property owner shall submit a Parking Layout Plan subject to review and approval of the Community Development Director, with the minimum stall dimensions as determined necessary by the City, which shall be no less than 7.5 feet wide.
61. The applicant shall stripe the existing parking spaces along the service road to make them more visible.
62. Parking structures shall provide lighting to improve visibility and safety as allowed by current regulations and as approved by the Community Development Director.
63. The applicant shall install emergency communications systems in the parking structure, to include "panic" or "alert" button features that will immediately alert the Los Angeles County Sheriffs' Department and the City of any security threat.
64. The applicant may provide a valet plan subject to review and approval by the Community Development Director. In the event that the applicant includes valet parking, the Community Development Director must approve a Valet Parking Operations Plan before the applicant can commence any valet parking operations at the Commons Site.
65. Future valet services, if approved to commence, shall be optional to guests of The Commons.

66. Tandem residential parking spaces shall be assigned to specific residences.

Community Development Department / Utilities

67. The applicant shall install high speed internet access capability for each residential unit, subject to payment of standard connection and service fees by each resident.

Community Development Department / Alcoholic Beverage Sales

68. Approved herein is the sale and dispensing of a full line of alcoholic beverages within up to five (5) new establishments, including outdoor dining areas, for on and offsite consumption. All alcohol selling establishments shall comply with all requirements of the State of California Department of Alcoholic Beverage Control (ABC) and the County of Los Angeles Sheriff's Department.

69. For restaurants with an approved outdoor customer dining area where alcoholic beverages will be served, the outdoor dining area shall be in compliance with ABC requirements. All restaurant tenants/owners shall accept the conditions of this Implementing CUP by executing the Affidavit of Acceptance provided by the City Planning Department prior to any sale of alcoholic beverages onsite.

70. Offsite alcohol sales in any new retail or commercial establishment located in Building A or Building B shall be incidental to onsite consumption sales or in connection with boutique retail tenants. Nothing in this condition affects or applies to any permitted offsite alcohol sales establishment elsewhere on the Commons Site.

71. The City reserves the right to further review of this Implementing CUP and conditions of approval should complaints be received from adjacent residents or should the number of incidents reported to the Sheriff's Department exceed the number expected in this type of development.

Community Development Department/Operations

72. Delivery Times. Deliveries to any permitted grocery store shall be allowed between the hours of 8:00 a.m. and 8:00 p.m. Deliveries to other businesses in the Commons Site shall be limited to 7:00 a.m. to 10:00 p.m., and should be encouraged outside the morning and afternoon peak hour traffic periods.

73. Graffiti Removal. Any graffiti shall be removed from the Commons Site within two (2) working days of notification to the site manager.

74. Outdoor Storage. Outdoor storage of merchandise shall be prohibited.

75. Security Plan. The applicant shall prepare and submit, prior to issuance of the first certificate of occupancy for any part of the project, a security plan that is reviewed and approved by the Los Angeles County Sheriffs' Department and the City Manager or designee. At a minimum, the security plan shall incorporate the following provisions: a 24-hour on-site security office and presence, coordinated with the City and Sheriff's Department as to communications; an interconnected alarm system for the Commons Site; and security cameras, lighting, and other appropriate security measures for the Commons Site. The applicant and property owner must implement the approved security plan. The approved security plan shall be kept confidential, as security files for law enforcement purposes, per Government Code section 7923.600 and other applicable law.

Public Works Department / Environmental Services

76. The applicant must complete and submit a Local Storm Water Pollution Prevention Plan (L-SWPPP) prior to issuance of the grading permit. The SWPPP must be certified by a civil engineer licensed with the State of California. Guidance to prepare a Local SWPPP is available on city's website: <https://www.cityofcalabasas.com/government/public-works/environmental-igr-division/environmental-standards-and-compliance> Please submit a detailed site plan showing the extent of grading, proposed structures, the location of all applicable BMPs and the corresponding SWPPP fact sheet.

77. The Owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction sites:

- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
- b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
- c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
- d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

78. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
79. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." The list of trash hauling and disposal companies is available on the city's website at <https://www.cityofcalabasas.com/government/public-works/environmental-igr-division/trash-hauling-and-disposal-companies>
80. Grading shall be prohibited from October 1st through April 15th, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operation.
81. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

Public Works Department / Utilities

82. All new utilities serving the proposed project shall be placed underground.
83. The project shall connect to an existing sewer. The applicant shall submit a design for the connection of the building sewer to the existing sewer contained within the public right of way of the adjacent street. The design size of the building sewer shall be consistent with the building drain as determined by the applicant's plumbing/mechanical engineer of record, or 6" minimum diameter, whichever is greater. The geometric, hydraulic and material design of the building sewer beyond the building envelope shall be

consistent with the City of Calabasas Public Works Standards and the County of Los Angeles Private Contract Sanitary Sewer Manual.

84. The applicant shall prepare a sewer area study to verify the capacity of the existing sewer to convey the project's calculated effluent. The study shall be prepared according to the County of Los Angeles Private Contract Sanitary Sewer Manual, and shall quantitatively evaluate the capacity of the existing sewer and impacts of the project on the existing sewer. The study shall identify the limits and degree of any areas of projected deficiency, and specify remedial measures necessary to mitigate the impact of the project's effluent, or in the case of an existing deficiency, the proportionate/fair share improvement as deemed acceptable by the City Engineer.
85. The applicant shall be responsible for the design and construction of any necessary offsite sewer improvements based on the results of the sewer area study. Alternatively, the applicant may submit funds sufficient to provide for the future improvement of affected portions of the offsite sewer main, based on the fair share proportion of the project's impact. The method and amount of such a fair share impact fee shall be approved by the City Engineer. Any fair share fees shall be submitted prior to the issuance of a Building Permit.
86. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.
87. The project shall connect to an existing water main. The applicant shall construct a water service lateral to connect the proposed project to the existing available water main.
88. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (ie: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.

Public Works Department / Mapping and Related Documents

89. The applicant shall have a tract map prepared for the project. Such map shall be prepared by a Registered Land Surveyor, licensed to practice in the State of California, or a Registered Civil Engineer, whose status allows him to practice land surveying, licensed in the State of California.
90. The tract map shall contain a title sheet that includes provisions for signatures of parties required to appear on the map, including, but not limited to, those

listed in the Title Report. In addition, the cover sheet shall contain provisions for the signature of the City Surveyor, City Engineer, and the Community Development Director of the City of Calabasas.

91. The final map shall contain a plat which reflects the subject property, property lines, easements of record, any new easements proposed (which are intended to be conveyed by the final map), a metes and bounds legal description, basis of bearings, data tables and other pertinent data.
92. The final map shall be recommended for approval by the Public Works and Community Development Departments and approved by the City Council of the City of Calabasas.
93. The applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.
94. The applicant's engineer shall plot all referenced easements on the site plans, grading plans and final map.

Public Works Department / Street Improvements

95. The applicant shall provide line of sight analyses for the project driveways relative to adjacent street alignment and proposed landscape, graded slopes, walls and utility features to ensure adequate sight distance will be provided by the project design.
96. Prior to the Issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's driveways, to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
97. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.
98. Enhanced Paving Materials. The applicant shall install enhanced paving in motorcourts and on all walkways, using concrete or similar materials, as approved by the Public Works Department. Enhanced paving shall be designed in appropriate, visually appealing colors, textures and patterns, or interlocking pavers. All paving materials and bases are to be installed in accord with industry standards and the manufacturer's recommendations.

Public Works Department / Grading and Geotechnical

99. 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 the proposed residential construction. The plans should include, but not 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, 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 plan should include all laterals and utility lines including sewers and water lines.
100. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvement including engineering calculations for all graded slopes, foundations, retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The reports should be in accordance with the County of Los Angeles standards and the Public Works Department requirements.
101. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
102. The project geotechnical engineer shall address design ground water levels for the final design-level construction plans in foundation/building permit.
103. The project geotechnical engineer shall review final plans for a perimeter wall drain and subfloor drain system for the subterranean parking level.
104. The project geotechnical engineer shall add soil/bedrock contact and dipping/bedding of the bedrock to GPI Cross Section A-A in the Geotechnical Investigation Report for the Proposed Residential Building.
105. The project geotechnical engineer shall prepare the sections (profiles) based on current and prior data for Civil Grading Plan Sections A-A' through F-F' for the final design-level construction plans in foundation/building permit.

106. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
107. The project geotechnical engineer shall review the final grading plans (including limits and depth of recommended over-excavation) and comment for the final design-level construction plans in foundation/building permit.
108. The project geotechnical engineer shall update fill material requirements to include these parameters (liquid limit, plastic index, and corrosion potential, etc.) for the final design-level construction plans in foundation/building permit.
109. The project geotechnical engineer shall provide the type of soil and geotechnical properties adopted in deriving the recommended modulus of subgrade reaction (k- value) for the final design-level construction plans in foundation/building permit
110. The detailed foundation design and plans for proposed features, reviewed by the project geotechnical engineer, shall be submitted for review by Public Works Department.
111. All plans should be signed and stamped by the geotechnical engineer, verifying compliance of grading and foundation plans including Grading Notes with geotechnical recommendations by signing and stamping the plans.
112. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
113. 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.
114. The applicant shall eliminate all geologic hazards associated with this proposed development, in accordance with the recommendations of the City's geotechnical consultant and to the satisfaction of the City Engineer.
115. All new retaining and privacy walls shall be less than 6 feet in height, unless specifically approved by the City. Wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during rough grading shall be so noted on the plans and shall require the specific approval of the Public Works Department.

116. 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 device.
117. 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).
118. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department.
119. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for the parking garage and adjacent retaining walls. Grading plans shall provide sections as necessary to clarify the depth and grade relationships of these excavations.
120. The applicant shall provide for the control and drawdown of groundwater encountered during excavation operations. The design of such a dewatering system shall be submitted to the Public Works Department and reviewed/approved prior to the issuance of a grading permit.
121. The applicant shall provide for a means of impounding and clarifying groundwater associated with the dewatering system prior to discharge. Such a system shall be subject to review and approval by the Los Angeles Regional Water Quality Control Board (LARWQCB). Evidence of such review and approval shall be submitted to the Public Works Department prior to the issuance of a grading permit.
122. Soil Corrosivity shall be analyzed by a corrosion engineer and recommendations incorporated in the final Geotechnical Report. Specific recommendations for project concrete construction and the protection of ferrous and copper metals shall be incorporated into the final design provisions for site improvements and building components.
123. 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 applicant shall obtain a Haul Route permit from Public Works Department prior to starting hauling operations.
124. The grading contractor shall maintain on site at all times a means of controlling dust and other airborne particulates originating from the project site.

Construction water shall be provided and applied at regular intervals so as to maintain moisture content of at least 6% in the upper strata of exposed site soils. At the discretion of the City Engineer, additional dust palliatives or other effective methods (fencing, screening) may be specified to prevent the migration of airborne dust onto adjacent properties.

125. 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. 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 in writing to the City Engineer.
126. An as-built report prepared by the geotechnical consultant must be submitted to the city for review. The report must include the results of all compaction tests as well as a map depicting the limits of over-excavation, observed geologic conditions, locations of all density tests, locations and elevations of all removal bottoms, and location and elevation of retaining wall backfill and subdrains outlets.
127. Rough Grade Report. At the completion of rough grading, the project Geotechnical Engineer shall submit a comprehensive rough grade report summarizing the required observations, verifications, related tests, and other pertinent documentation to the City Engineer for review and approval.
128. Rough Grade and Building Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade (Public Works Form O) and Building Pad (Public Works Form O) Certifications forms. The certifications shall be signed by the project Geotechnical Engineer and project Civil Engineer, as well as the Grading Contractor. The certification shall be accompanied by as-built survey were deemed necessary by the City Engineer to verify compliance with the limits and elevations required by the approved grading and drainage plans. The Rough Grade and Building Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.
129. Approval of Rough Grading. The project Rough Grade Report and Rough Grade and Building Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community Development Department, Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**

130. Any variations from the approved grading plan must be reviewed and approved in advance by the Community Development Department (Planning Division) and the Public Works Department (City Engineer). Proposed variations from the approved grading plan shall be submitted by the engineer of record. The consulting engineer shall submit three redline copies for review by the Planning Department and the City Engineer. The Community Development Director shall make the determination if the changes require a review by the Planning Commission. Any field changes made prior to the approval by the City may result in the posting of a Stop Work Order by the City Engineer. In such case, all related construction activity shall cease pending review and approval of field changes.
131. Prior to issuance of a Certificate of Occupancy (C of O), the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.
132. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P) form. The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

Public Works Department / Hydrology and Drainage

133. 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 report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions, hydrology, the design hydraulics for the proposed on-site and off-site drainage systems, including sizing of inlets, conduits, v-ditches, down drains and other structures, storm water detention and water quality mitigation measures, and associated calculations and conclusions. The drainage study shall include documentation that all building finish floor elevations will remain at least one foot above the 100-year storm recurrence interval (Q100) water surface elevation, identifying overflow pathways. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.
134. All drainage shall be sloped 5% away from all parts of the proposed building structures for a minimum of 10' measured perpendicular to the face of the building walls. Swales shall be sloped a minimum of 2%, where located within 10' of a building foundation. Swale drainage shall be intercepted and conveyed through an on-site storm drain system to an approved point of disposal.

135. The applicant's engineer shall provide for interception of off-site drainage and related sediment/debris flows from areas subject to burning. Where attenuation of sediment/debris is not contemplated, and bulk-flow inlets or similar facilities are to be used for this purpose, the design of such facilities and related storm drain conduits shall be consistent with the requirements of the County of Los Angeles.
136. The applicant's engineer shall provide for detention of on-site storm drainage, based on either offsite storm drain capacity limitations or a 'no net increase' approach, whichever yields the greater volume of required detention. In either case the required volume shall be calculated by unit hydrograph or other approved means. Such calculations shall be included in the final drainage study.
137. The portion(s) of the site intended for detention of storm water shall be reflected on the drainage plans, and include construction details for size, shape, volume, fencing and access for maintenance. Design of the outlet works for the areas of detention shall be such that the required volume of detention is attained and the approved maximum rate of outflow is not exceeded. Details of the design of the detention areas and outlet works shall be consistent with those contained in the final drainage study.
138. The applicant's engineer shall prepare drainage plans detailing the required design of the proposed on-site and off-site storm drain systems. The design shall be consistent with the calculations contained in the final drainage study, with appropriate details to allow for plan review, inspection and construction of the required facilities. The on-site storm drain plans, along with plans for any necessary extensions of offsite storm drain systems and connection details, shall be prepared in plan and profile format, and shall be submitted to the Public Works Department for review and approval prior to the issuance of a grading permit.
139. Unless specifically approved by the City of Calabasas and the County of Los Angeles Public Works Departments, the on-site storm drainage system shall be privately owned and maintained. Drainage plans shall clarify that the on-site storm drain system is not to be maintained by either the City of Calabasas or the County of Los Angeles.
140. The applicant shall provide for the perpetual ownership and a program of regular maintenance of the on-site drainage facilities, including but not limited to the proposed storm drain pipes, catch basins, interceptor ditches, debris basins, detention facilities, water quality treatment devices, area drains, etc. The proposed program shall be submitted to the Public Works Department for

approval and shall include exhibits showing the locations of facilities to be maintained, and narrative descriptions of the facilities with required frequency of maintenance.

141. The applicant's engineer shall provide for the mitigation of the project's storm water quality impacts. The applicant's engineer shall provide calculations for the sizing and location of devices intended to mitigate such impacts in accordance with the County of Los Angeles NPDES, SUSMP, and USMP requirements and the County of Los Angeles Low Impact Design (LID) Manual. Choice of best management practices (BMP's) shall be consistent with those reflected in the LID manual and in accordance with the applicant's SUSMP Exhibit. Calculations shall be submitted with the final drainage study. The locations of required water quality treatment devices shall be shown on the drainage plans. Details of the required devices shall be included in the drainage report and detailed on the project plans.

Public Works Department / Traffic

142. Prior to issuance of a building permit, the applicant must pay the City-wide Traffic Mitigation Fee of approximately \$119,586.00.

Addition of [119 Residential Units] x [\$1,230/Residential Unit] = \$146,370.00
Reduction of [8,928 Square Feet] x [\$3.00/Square Foot] = (\$26,784.00)

The fee will be recalculated upon issuance of building permits with the exact number of residential units and square footage.


Los Angeles County Fire Department

143. Prior to the issuance of building permits, the applicant shall obtain any and all applicable permits and approvals from the Los Angeles County Fire Department.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves File No(s). SPR-2023-005, CUP-2023-003, -004, and -005, SCP-2023-003, and TTM-2023-002 and approves the associated EIR addendum. All documents described in Section 1 of City Council Resolution No. 2023-1880 are deemed incorporated by reference as set forth at length.

The City Clerk shall certify the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 6th day of December 2023.



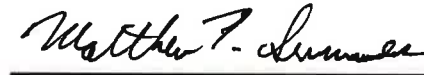
David J. Shapiro, Mayor

ATTEST:

APPROVED AS TO FORM:



Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk



Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
City Attorney

EXHIBIT A

GENERAL PLAN OBJECTIVES AND POLICIES CONSISTENCY ANALYSIS

In the text below, standard text are excerpts from the City's General Plan and *italicized text* are additional findings made by the City Council via Resolution

LAND USE ELEMENT

Community Structure

Objectives

- ❖ Maintain Calabasas as a predominantly residential community with commercial, office, and business park uses playing a secondary, supporting role.
- ❖ Maintain a well-designed, high quality, and functional mix of open space, urban and rural residential, and supporting commercial and business park land uses which reflects local community values and integrates the resolution of other general plan issues into a cohesive pattern.

Policies

II-8 Emphasize retention of Calabasas' natural environmental setting, neighborhood character, and scenic features as a priority over the expansion of urban areas.

II-9 Require that development be compatible with the overall residential character of the community.

II-10 Promote an assembly of distinct neighborhoods that encompass a range of housing types that:

- Are visually attractive and compatible in intensity, dwelling unit size, and structural design with the need to protect the surrounding natural environment; and
- Meet the needs and suit the small town and rural lifestyles of present and future residents.

II-11 Promote a mix of diverse retail and service commercial, office, and business park areas that:

- Meet the retail and service needs of Calabasas citizens;
- Provide jobs for residents of all skill and education levels; and
- Contribute to a sound local economic base; and

- Are visually attractive and compatible in number, intensity, building scale, and architectural design with the community's natural environment and character.

II-14 Limit approval of new discretionary development projects to those that can be integrated into the community, providing for the protection of existing neighborhoods, desirable non-residential land uses, and open space.

II-15 Discretionary development projects are permitted the basic development intensity of their site as indicated on the General Plan Land Use Map (Figure II-1) and General Plan Land Use Districts table (Table II-1) if the proposed project is consistent with General Plan goals, objectives, approaches, and relevant policies and performance standards. Development intensities greater than the basic development intensity outlined in Table II-1 may be permitted, up to the maximum development intensity identified in Table II-1, only if the impacts of the proposed development are less than those identified in "Maximum Acceptable Development Impacts" table in the Municipal Code where specifically noted in Table II-1.

II-19 As housing redevelopment opportunities may arise for existing commercial properties located within the same underlying land use designation as the specifically identified AHO sites; and where such properties would be adjacent to, or otherwise in close proximity to, the AHO designated sites; strong consideration should be given to expansion of the AHO to include these properties. Such consideration shall be on a case-by-case basis, require City Council approval after appropriate noticed public hearings and community input, and would be predicated on the ability for any such property redevelopment proposal to address the City's affordable housing needs in a manner found to be consistent with the purposes and policies of the Housing Element.

The Project proposes to improve a portion of The Commons shopping center that is developed with a variety of retail and restaurant uses distributed throughout multiple buildings along with surface parking. The Project proposes construction of two new mixed-use buildings (referred to herein as Buildings A and B) that contain 210,921 square feet of total new floor area with 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood-serving commercial uses. To accommodate the Project, the existing theater building will be demolished, along with a portion of the existing surface parking lot and associated landscaping.

The proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance.

Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. The finished floor heights of each building are designed to match the existing development in The Commons to remain and grading is largely limited to excavation for subterranean parking levels which results in lower building heights and shields parking from the active uses at the ground level.

Section II.B of the 2030 General Plan (Community Structure) provides that within Old Town Calabasas and adjacent properties to the west along Calabasas Road up to Parkway Calabasas, which includes The Commons, it is the City's desire to recreate the character of the traditional small town's "downtown" within this area, emphasizing the area's function as a community gathering place. Individual developments should provide a variety of plazas, as well as indoor and outdoor gathering areas that are accessible to the public and that the future redevelopment include a mix of office, retail, and residential uses and provide the impetus for creating the pedestrian-oriented "city center" and gathering place that is desired. Furthermore, Section IX (Community Design Element) identifies The Commons as part of the City's East Village area and the General Plan notes that the vision for the Commons is to create an expanded "village" environment by including new professional offices, retail commercial uses, visitor accommodations, cultural arts facilities, and residential development connected with pedestrian spaces, plazas, and parks.

The Project fulfills the intent of the 2030 General Plan by creating a more pedestrian friendly walkable "village" like environment with appropriately scaled buildings that include a diverse array of retail, dining, and residential uses. The core principles of creating a pedestrian-friendly environment and enhancing walkability in The Commons is achieved with sidewalks and pedestrian paseos between buildings that connect to retail shops, restaurants, and open space plazas designed to accommodate occasional events, group activities, and relaxation. Complementing the pedestrian experience are pedestrian friendly streetscape and landscape elements that include new mature trees, flowerbeds, and other plantings, along with seating and dining terraces. In addition, the goal of creating a town center that reflects the unique fabric of Calabasas is accomplished through close attention to planning, scale, and architectural details. Locating Building B across from the proposed Building A would facilitate creation of an active, multi-modal street with a pedestrian feel that is lined with shops and restaurants on the street level with residential units above creating a distinct sense of place that contributes to the authenticity of the "main street" experience. Building B is designed with four intimate "village" buildings that are interspersed and connected by pedestrian pathways flanked by landscaping at the front and rear of each building and

between each building. Generous publicly accessible open spaces are incorporated that can be programmed and/or used organically at different times and seasons that is also synergistic with and activated by the retail and restaurant spaces.

The residential components bring a unique and exciting design to the community through architectural diversity, creating a more authentic sense that the downtown has evolved over time. Significant building setbacks at the upper residential levels on Building A serve to preserve the character of The Commons and maintain the pedestrian level experience. Building A has intentionally been designed with a distinct yet complementary modern architectural aesthetic while Building B has been designed to mirror the Commons architecture in terms of both materiality and style. Additionally, Building B serves as a transitional zone, terracing the height from the village area southwards to Building A. Proposed Building B is designed to be compatible with the architectural style, materials, and details of The Commons existing buildings with minor exceptions, which will enhance the design quality and authenticity. Roof tiles and residential façades will primarily use the specifications of the original center while colors and details will match the existing architecture. Retail storefronts, doors and patio furnishings will be influenced and customized by future tenants to add to the visual interest and authenticity of the street while street trees, paving, curbs, accessories, and street lighting will match the existing sidewalks. Building A incorporates soft earth tones that are typical of Calabasas and The Commons, which allows it to blend into the surrounding topography. Landscaping along the façades also helps to conceal and soften its edges so the building blends into the hillside to the south.

The General Plan designates the Project Site as Mixed Use 0.95 and it is zoned CMU 0.95 (Commercial Mixed-Use). The CMU zone permits a variety and commercial/retail uses and multi-family residential uses. Under the CMC, the CMU zone permits 35 feet in height, a floor area ratio (FAR) of 0.95, and a residential density of up to 20 dwelling units per acre. The Project's 119 new residential units results in 6.1 dwelling units per acre and the total development of The Commons would result in a 0.47 FAR with the new buildings and existing development to remain. As such, the Project's uses, density, and FAR are consistent with the CMU zone and significantly below the maximum development permitted for the Project Site. By providing 12 Low Income affordable units in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project includes a Density Bonus waiver of development standard from the height permitted in the underlying CMU zone to permit a maximum height of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, which is necessary to physically accommodate

the Project at the density proposed with the affordable units, the Project would be consistent with the permitted height.

The Project would add new retail/restaurant uses that increase The Commons diverse mix of retail uses that meet the retail and service needs of Calabasas citizens, provide jobs for residents of various skill and education levels, contribute to a sound local economic base, and as described above, are visually attractive and compatible in number, intensity, building scale, and architectural design with the community's natural environment and character.

While Policy 11-19 is directed at the City and the Project would not utilize the AHO for additional development rights, the Project would support this policy by providing market rate and deed-restricted affordable housing on an existing commercial property located with the AHO overlay, consistent with the AHO overlay's goals of increasing affordable housing via in-fill development and avoiding development of open space lands.

CONSERVATION ELEMENT

Biotic Resources

Objective

- ❖ Preserve critical biotic resources and enhance habitat value and biotic resource diversity within the Calabasas area.

Policies

IV-2 Ensure that new developments, including roads, maintain the biotic habitat value of riparian areas, oak woodlands, habitat linkages, and other sensitive biological habitats. Specifically, the following are unacceptable biological impacts:

- Net loss of wetlands or riparian vegetation
- Measurable reduction in species diversity
- Loss of breeding and roosting areas, foraging areas, habitat linkages, or food sources that will result in a measurable reduction in the reproductive capacity of biotic resources.

The Project proposes redevelopment of a portion of The Commons, an existing shopping center with surface parking, and there would be no ground disturbance of currently unpaved areas. There is no riparian habitat, sensitive natural community, habitat linkages, or sensitive biological habitats on the Project Site. Vegetation removal would be limited to existing ornamental landscaping located within the redeveloped portion of the Project Site and all

existing oaks would be preserved. As such, the Project would not impact biotic resources and other sensitive biological habitats.

Urban Forestry

Objective

- ❖ Create and sustain an urban forest that enhances the quality of life within Calabasas.

Policies

IV-10 Preserve existing mature trees, unless they are detrimental to public health and safety.

IV-11 Promote the planting of additional trees in urban locations. Plantings should include replacement of trees that are, or have been, removed and new trees in locations where none are currently present.

As noted above, vegetation removal would be limited to existing ornamental landscaping located within the redeveloped portion of the Project Site, and all existing oaks on the Project Site would be preserved. The Project includes a robust landscape plan with streetscape and landscape elements that include new trees, flowerbeds and other plantings at the front and rear of each building and between each building. New trees would also be planted in the reconfigured surface parking area. In addition, generous publicly accessible open spaces are incorporated with landscaped lawns that can be programmed and/or used organically at different times and seasons that is also synergistic with and activated by the retail and restaurant spaces.

Air Quality

Objectives

- ❖ Achieve and maintain air quality levels that meet or exceed Federal and State standards by achieving consistency of General Plan policies and subsequent new development projects with the South Coast Air Quality Management Plan (AQMP) and the air quality provisions of the Regional Transportation Plan (RTP) prepared by the Southern California Association of Governments (SCAG).
- ❖ Reduce greenhouse gas emissions to 1990 levels as stipulated in the California Global Warming Solutions Act (AB 32).

Policies

IV-14 Minimize reliance on single occupant vehicle travel and reduce the number of vehicles on City streets during peak travel hours by maintaining transportation demand management programs in commercial and business

park developments consistent with the South Coast Air Quality Management Plan.

IV-15 Minimize the need for vehicular travel through incorporation of transit and other transportation alternatives such as walking and bicycling into the design of new commercial, office, and business park developments.

IV-17 Ensure that construction activity within Calabasas complies with applicable South Coast Air Quality Management District rules and policies.

IV-18 Minimize emissions of air pollutants, including greenhouse gases, generated by electricity and natural gas consumption through implementation of the energy conservation policies in subchapter IV.F and the solid waste recycling policies listed in subchapter IV.G.

As demonstrated in the Addendum to the Calabasas 2030 General Plan Update PEIR prepared for the Project, emissions resulting from short-term construction impacts and long-term operation of the Project will not exceed the SCAQMD regional and local thresholds of significance, which were developed to determine the emission levels at which significant contributions to air quality violations could occur.

The Project is required to comply with the California Building Energy Efficiency Standards and CALGreen, which would reduce energy consumption. Furthermore, the Project's housing units would be opted by default into the Clean Power Alliance, which would supply electricity from 100 percent clean, renewable energy. In addition, the Project would be required to comply with the City's recycling and green waste requirements for multi-family residential land uses set forth in Calabasas Municipal Code (CMC) Chapters 8.16.500(C), 8.16.500(D) and 8.16.500(G), which would maximize the recycling and solid waste diversion. These factors would minimize GHG emissions associated with electricity and natural gas consumption as well as solid waste disposal.

Furthermore, per capita GHG emissions associated with the Project would not exceed the locally-applicable, project-specific threshold that was determined based on the GHG reduction target contained in SB 32, which is more stringent than the GHG reduction target contained in AB 32. The Project also conforms with the goals, objectives, and policies set forth in SCAG's RTP/SCS (Connect SoCal). Connect SoCal prioritizes growth near destinations and mobility options that facilitate multimodal access to work, educational, and other destinations. Additionally, Connect SoCal encourages infill development. The Project represents ideal infill development within an existing shopping center located near transportation and within biking and walking distance of existing residential and other commercial development. The Project Site is located

within 0.25 mile of bus stops for LA Metro Line 161, which provides service to Canoga Park, Woodland Hills, Hidden Hills, and Agoura Hills and is also located near the City's Old Town Calabasas Park & Ride Lot and a City Trolley stop. Bicycle parking would be installed for residents, visitors, and employees of the Project in compliance with the City's Development Code and the Project Site provides direct connections to nearby existing pedestrian, bicycle, and transit facilities. The streets surrounding the Project Site are improved with sidewalks and Class II Bicycle Lanes are provided on streets bordering the Project Site, including Calabasas Road and Park Granada. Therefore, the Project would emphasize a land use pattern that facilitates multimodal access to work and other destinations, planned growth near existing transit corridors, infill and redevelopment of underutilized land to accommodate new growth and increase connectivity in existing neighborhoods, and design and transportation options to reduce reliance on single occupancy passenger automobiles.

Water Resources

Objectives

- ❖ Minimize water consumption by existing and new development through an emphasis on drought-tolerant planting techniques, use of water-efficient plumbing, and water reclamation.
- ❖ Limit development in Calabasas to levels that are within the service capabilities of the Las Virgenes Municipal Water District.
- ❖ Meet National Pollution Discharge Elimination System (NPDES) water quality standards for runoff from developed areas.

Policies

IV-22 Ensure that new buildings are designed to minimize domestic water use based on the requirements of the City's Green Building Ordinance and consider establishing incentives to achieve greater water use efficiencies than are required by the Ordinance.

IV-23 Promote the use of drought-tolerant plants and efficient landscape irrigation design in existing developed areas and as part of new public and private development approvals.

IV-24 Where reclaimed water service is or can be made available, promote the use of dual water systems on new development to facilitate the use reclaimed wastewater for landscape irrigation.

IV-26 Continue undertaking the activities necessary to fulfill the City's responsibilities as a co-permittee under the Federal Clean Water Act, including implementation of the Los Angeles County Standard Urban Stormwater

Mitigation Plan. Continue to monitor emerging technologies and techniques for minimizing water quality impacts from municipal runoff and update the SUSMP as new Best Management Practices are established.

IV-27 Require runoff mitigation plans as part of the application and development review process that illustrate the Best Management Practices (BMPs) to be employed to prevent pollutants from running off the project site into area waterways. BMPs may include, but are not limited to, the use of biofiltration techniques and/or provision of subsurface filtering.

IV-28 Continue to require the use of BMPs during site grading and construction to control temporary erosion and offsite deposition of soils.

As concluded in the EIR Addendum, the Project would be served by existing and planned LVMWD supplies and is not anticipated to require major LVMWD treatment or distribution facility improvements. The Project would be required to incorporate Low Impact Development (LID) techniques and stormwater control measures as outlined under Calabasas Municipal Code (CMC) Chapter 8.28.16 O(D-F), including stormwater retention and treatment features. The LID control measures would include storm drain system stenciling and signage, divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability, and direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

Furthermore, the Project would be required to adhere to existing stormwater management regulations, including preparation of a SWPPP and management of rainfall at the source by infiltrating stormwater as close to the source as practicable. Per NPDES requirements, post-construction peak runoff must be maintained at or below pre-project levels and the CMC requires implementation of Best Management Practices (BMPs) to control the volume, rate, and potential pollutant load of stormwater runoff from project sites as a requirement of the MS4 General Permit. The CMC also sets forth requirements and BMPs pertaining to the mitigation of erosion, sediment control and runoff as outlined in Chapter 15.11.100 and Chapter 15.11.08. Furthermore, the City's LID ordinance outlined in Chapter 8.28.160 aims to specifically reduce the amount of surface runoff and aid in groundwater recharge through techniques such as infiltration, evapotranspiration, bioretention and/or rainfall harvest in accordance with the requirements set forth in the MS4 permit and the LID standards manual. As a result, the Project would not require or result in the relocation or construction of new or expanded stormwater drainage facilities.

Furthermore, the Project's would incorporate drought-tolerant plantings to help minimize water consumption and the Project would comply with the California

Plumbing Code and CalGreen which requires installation of low flow fixtures and toilets to further reduce water use.

Soil Conservation and Preservation

Objective

- ❖ Avoid potentially significant impacts relating to soil erosion through the application of appropriate soil management techniques.

Policies

IV-30 Require the use of best management practices for soil erosion control as part of any grading activity or natural landform alteration. Additionally, require erosion control measures prior to grading operations commencement.

IV-31 Promote balanced onsite grading operations to eliminate the need for transporting soils on or offsite. In addition, promote phased grading operations instead of mass grading. The extent of clearing and grubbing operations, as well as the area being graded at any particular point in time, should be limited to the minimum necessary.

V-32 Regulate construction activities to eliminate potentially destructive practices that remove topsoil or place soils in areas intended to be preserved in open space, as well as practices such as dumping of construction wastes in unauthorized areas, washing out concrete trucks and spreading lime-laden water.

The Project proposes infill redevelopment of a small portion of The Commons with the construction of two new mixed-use buildings. To accommodate the Project, the existing theater building along with a portion of the existing surface parking lot and associated landscaping would be removed. The proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. The finished floor heights of each building are designed to match the existing development and grading is largely limited to excavation for subterranean parking levels, which results in lower building heights and shields parking from the active uses.

The Project would be required to comply with state and local water quality regulations designed to control erosion and protect water quality during construction. This includes compliance with the requirements of the State Water Resources Board (SWRCB) Construction General Permit, which requires preparation and implementation of a Storm Water Pollution Prevention Plan

(SWPPP). The SWPPP will include erosion and sediment control Best Management Practices (BMPs) that would meet or exceed measures required by the Construction General Permit. Implementation of the required SWPPP would reduce the potential for eroded soil and any contaminants attached to that soil that could contaminate a waterbody following a storm event.

Energy Resources

Objective

- ❖ Minimize per capita consumption of non-renewable energy resources within Calabasas through promotion of efficient land use patterns, reductions in vehicle miles traveled, incorporation of best management practices for energy conservation into new and existing development, and increased use of alternative sources of energy.

Policies

IV-33 Continue to implement the City's Green Building Ordinance to achieve energy efficiency and consider establishing incentives to achieve energy efficiencies higher than those required by the Ordinance.

IV-34 Promote community/neighborhood designs that minimize energy use. For example:

- Identify and implement programs to facilitate safe and pleasant pedestrian circulation.
- Establish and maintain a communitywide system of bicycle lanes and coordinate the development of a regional bicycle system with neighboring jurisdictions.
- Promote the development of fueling facilities for alternative fuel vehicles.
- Promote development and redevelopment of mixed use designs that allow residents to live near where they work and shop.

IV-35 Promote site designs that minimize energy use. For example:

- Develop building groups or clusters with plazas or open areas that promote exterior accessibility and enjoyment within a protected environment.
- Construct internal circulation roadways at the minimum widths necessary for safe circulation to minimize solar reflection and heat radiation.

- Where possible, locate reflective surfaces on the north and east side of buildings to minimize potential heat gain and reflection to adjacent buildings.
- Use light-colored pavement to reduce the urban “heat island” effect.
- Orient the maximum amount of non-reflective glass possible toward the south to maximize solar access.
- Incorporate the use of broad, deciduous trees in landscaping plans, especially near buildings and in and around large expanses of parking lots or other paved areas.

IV-36 Promote building designs that minimize energy use. For example:

- Use appropriate building shapes and locations to promote maximum feasible solar access to individual units.
- Design individual buildings to maximize natural internal lighting through the use of court wells, interior patio areas, and building architecture.
- Promote light colored roofs to reduce the urban heat island effect, unless a passive heating system is incorporated with a darker roof.
- Use canopies and overhangs to shade windows during summer months while allowing for reflection of direct sunlight during winter months.
- Install windows and vents in commercial and industrial buildings to provide the opportunity for natural ventilation.
- Incorporate deciduous vines on walls, trellises and canopies to shade south and west facing walls to cool them in summer months.

IV-39 Promote the use of alternative energy sources such as solar energy, cogeneration, and non-fossil fuels. Ways in which alternative energy can be promoted include, but are not limited to, incorporation of solar panels on structures and provision of fueling stations for alternative fuel vehicles.

The Project would comply with state and local regulations, including the California Building Energy Efficiency Standards and CALGreen, related to the provision of electric vehicle supply equipment for parking spaces and incorporation of solar power generation and storage equipment into new buildings.

The Project would promote site and community/neighborhood designs that minimize energy use by creating a mix of uses where new residents can walk to the new and existing neighborhood serving retail uses in The Commons and workers can live in the new residential units. The buildings include balconies and open space recreation amenities which provide residents with access to light and ventilation.

In addition, the Project creates a pedestrian-friendly environment and enhances walkability in The Commons. Pedestrian pathways are provided along the perimeter of the buildings to separate pedestrian and vehicular traffic. Striped crosswalks are provided within the Project Site to provide safe pedestrian crossings throughout. The existing pedestrian pathway fronting the movie theater would be maintained with the construction of Building A. Building B would face the existing commercial uses and is located across the drive aisle from proposed Building A to create a new pedestrian-oriented "main street" within The Commons (Commons Lane) lined with small-scale shops and restaurants in a mixed-use format creating a distinct sense of place. Pedestrian pathways flanked by landscaping would be provided at the front and rear of each of Building B's buildings and between each building to create a pedestrian oriented environment.

Bicycle parking would be installed for residents, visitors, and employees of the Project in compliance with the City's Development Code and the Project Site provides direct connections to nearby existing pedestrian, bicycle, and transit facilities. The streets surrounding the Project Site are improved with sidewalks and Class II Bicycle Lanes are provided on streets bordering the Project Site, including Calabasas Road and Park Granada. Therefore, the Project would emphasize an efficient land use pattern that facilitates multimodal access to work and other destinations, planned growth near existing transit corridors, infill and redevelopment of underutilized land to accommodate new growth and increase connectivity in existing neighborhoods, and design and transportation options to reduce reliance on single occupancy passenger automobiles.

Solid Waste Management

Objective

Minimize the amount of solid waste generated within Calabasas and maximize participation in source reduction, recycling, and composting activities.

Policies

IV-41 Continue to meet or exceed state requirements for the diversion of solid waste from landfills.

IV-42 Adhere to the following hierarchy of integrated solid waste management options:

- Recognize source reduction as the waste management option of choice.
- Exhaust source reduction, recycling, and composting possibilities before resorting to landfilling of solid wastes.

IV-45 Ensure that adequate landfill capacity is available to meet the City's future solid waste disposal needs.

As the Project consists of an infill site that would be redeveloped, soil from the grading would be reused onsite where feasible. Any soil that is not used onsite would be exported either to another construction site or to a landfill for use as daily cover. Handling of all debris and waste generated during construction of the Project would be subject to CalGreen requirements and the California Integrated Waste Management Act of 1989 (AB 939) requirements for salvaging, recycling, and reuse of materials from construction activity.

In addition, Project would be required to comply with federal, state, and local statutes and regulations related to solid waste, including AB 939, Calabasas General Plan Policies IV-41, IV-43, IV-44, and IV-45, the City's Resolution No. 2008-1111, and CMC Chapters 8.16.500(C-D, G). Therefore, based on the above regulatory regulations, the Project would minimize the amount of solid waste generated.

HOUSING ELEMENT

Residential Sites Analysis

East Village – The approximately 80-acre mixed use area along both sides of Calabasas Road provides an opportunity for redevelopment and intensification of existing uses to create a mix of office, retail, and residential uses to complement the uses in Old Town Calabasas and to provide the impetus for creating a pedestrian-oriented "city center" and gathering place.

Housing Opportunity Site Description

Site 11 is a 25-acre property is made up of 6 parcels and is developed with the Commons Shopping Center. The 220,000 square-foot shopping center includes a mix of high-end retail, dining, entertainment, surface parking and public spaces. While the shopping center remains very popular, it was constructed in 1998 and is in need of updating. The property owner has met with the City multiple times to discuss their interest in accomplishing major updates and renovations to include new multi-family residential units consistent with the mixed-use zoning district of the site. Furthermore, the Commons Shopping Center is the primary destination of the East Village area, and is identified in the 2030 General Plan for "infill" development with high potential for new residential units. With a developed FAR of just 0.20 and a large surface parking lot, the site has plenty of opportunity for "infill" development. The property owner is proposing to develop on only the extreme southwestern portion of the Commons property -- entirely within an area currently developed with commercial uses and surface parking. Three acres of

open space is located immediately south of the planned development site but is not an impediment to the planned development and will not be affected in any way. Also, a high-pressure natural gas line terminates at the far northeastern portion of the overall property, but the gas line is more than 400 feet away from the planned development site and does not present an impediment to the planned multifamily housing development on the subject site.

Development of Affordable Housing

Objective

- ❖ Assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community.

Policies

Policy V-12 Continue to require new housing development to set-aside a portion of units for lower and moderate-income households through the Inclusionary Housing Ordinance. Only if inclusion of affordable housing units within the new project is not economically feasible, allow for payment of an in-lieu fee, but this is considered the less desirable alternative.

Policy V-15 Encourage affordable housing units to be dispersed throughout a project, and not grouped together in a single area.

Policy V-16 Encourage use of sustainable and green building design in new and existing housing to reduce energy and water consumption.

The Project is consistent with the recently adopted update to the City's Housing Element. As summarized in Table V-3 and depicted in the Sites Map of the Housing Element, the Project Site was identified as suitable for residential development within the 2021-2029 planning period in order to meet the City's RHNA obligations under state law. The Housing Element noted that The Commons (Site No. 11) is the primary destination of the East Village area and is identified in the 2030 General Plan for "infill" development with high potential for new residential units. With a developed FAR of just 0.20 and a large surface parking lot, the site has plenty of opportunity for "infill" development.

The Project's proposed 119 residential apartments, comprised of market rate and affordable housing units in a mix of unit types, help to meet the General Plan's housing goal for the Site, and contribute to the City's obligation to meet the housing needs of the State, City, and region. The inclusion of market rate and low-income housing is also consistent with the Housing and Community

Design Elements of the General Plan, which designate the Site for mixed income housing.

The City's Inclusionary Housing Ordinance, codified in CMC Section 17.22.030.A, requires projects with five or more housing units to include housing that is affordable to low, very low and/or moderate income households. In compliance with CMC Section 17.22.030.B, the Project would provide 10 percent of the total units, for a total of 12 units, for low-income households, as defined in Health and Safety Code section 50079.5.

As discussed above, the Project would comply with CalGreen and include sustainable building features to reduce energy and water consumption including providing space to accommodate future rooftop solar panels and incorporating energy and water efficient appliances and fixtures.

CIRCULATION ELEMENT

Objectives

- ❖ Where it is feasible to do so in a manner consistent with the non-circulation policies of the General Plan, achieve and maintain level of service (LOS) C for all intersections and roadway links within the City except as indicated on Figure VI-1.
- ❖ Where it is feasible to do so in a manner consistent with the non-circulation policies of the General Plan and recognizing that regional traffic issues beyond Calabasas' control make maintaining LOS C at freeway interchanges unrealistic, achieve and maintain LOS D at freeway interchanges within Calabasas.
- ❖ Reduce reliance on the use of automobiles by promoting alternatives such as nonmotorized transportation (bicycle, pedestrian) and the use of public transit.
- ❖ Achieve a balance between the demand for and supply of parking, recognizing the desirability and availability of alternatives to the single occupant automobile.

Policies

VI-2 Limit the intensity and traffic generation of new development in the City to that which would not compromise attainment and/or maintenance of roadway level of service standards.

VI-11 Maintain an adequate supply of parking to support the function of the uses parking serves, and to facilitate transportation demand management programs.

VI-15 Ensure that parking for bicycles is available at major destinations to promote bicycle riding for commuting and recreation.

VI-21 Require new development in Calabasas to incorporate pedestrian-oriented circulation features, as described in the Community Design Element. Such features should include amenities that make walking not only available, but desirable.

VI-22 As commercial and mixed use districts redevelop over time, consider redesigning roadways in these areas to improve pedestrian circulation (possible re-design options include, but are not limited to, roadway narrowing, crosswalk enhancements, streetscape treatments that buffer pedestrians from traffic, and widened sidewalks). Roadways should be re-designed only if the re-design would not create unacceptable levels of service or unsafe conditions for vehicular traffic.

A Local Transportation Assessment (LTA) was prepared to provide a non-CEQA evaluation of the Project. Per the City's LTS Guidelines, an LOS analysis was prepared to include 10 study intersections to determine changes in operations following construction and occupancy of the Project. Application of the operations criteria from the City indicate that none of the 10 study intersections would exceed the operations criteria with the addition of the forecast Project traffic. Accordingly, no transportation improvement measures are required or recommended for the study intersections.

In addition, the Project would provide bicycle parking for residents, guests, and employees that have connectivity to the surrounding bicycle and pedestrian networks. Class II Bicycle Lanes are provided on streets bordering the Project Site, including Calabasas Road and Park Granada. The presence of existing Class II Bicycle Lanes on streets fronting the Project Site along with bicycle parking facilities to be provided in conformance with the City's Development Code make biking a viable mode of transportation for residents, employees, and visitors of the Project.

Public sidewalks are currently provided on all streets fronting the Project Site. Direct pedestrian connections from public sidewalks to the Project Site are provided from the two driveways along the south side of Calabasas Road, the driveway along the west side of Park Granada (opposite Park Sorrento), and a pedestrian path located at the northwesterly portion of the Project Site at the southwest corner of the Park Granada / Calabasas Road intersection. Additionally, a pedestrian connection from the adjacent Calabasas Civic Center is provided at the westerly edge of the Project Site. The Project would not alter existing pedestrian infrastructure within the public right-of-way.

Internal to the Project Site, pedestrian pathways are provided along the perimeter of the buildings to separate pedestrian and vehicular traffic. Striped crosswalks are provided within the Project Site to provide safe pedestrian crossings throughout. The existing pedestrian pathway fronting the movie theater would be maintained with the construction of Building A. Building B would face the existing commercial uses and is located across the drive aisle from proposed Building A to create a new pedestrian-oriented "main street" within The Commons (Commons Lane) lined with small-scale shops and restaurants in a mixed-use format creating a distinct sense of place. Pedestrian pathways flanked by landscaping would be provided at the front and rear of each of Building B's buildings and between each Building B building to create a pedestrian oriented environment.

With respect to internal circulation, traffic calming measures and safety improvements will be installed along Commons Lane to create a pedestrian-first, multi-modal complete street. All existing and new sidewalks will be a minimum of 15 feet in width to provide a safe, comfortable pedestrian experience. The existing striped crosswalks will be improved with special paving to alert motorists of the crosswalk. Crosswalks and intersections along Commons Lane will be raised to reinforce to motorists that they are approaching a crosswalk. Stop signs will be installed at all approaches along Commons Lane to reinforce the pedestrian-first nature of the street. At the intersection of Commons Way and Commons Lane, corner extensions will be installed (pending Fire Department approval) to reduce the speed at which motorists can make right-turn movements at pedestrian crossings. At the mid-block crossing between Buildings A and B, as well as the Building A vehicular access point, the mid-block narrowing features will be installed (pending Fire Department approval) to reduce the speed of vehicular traffic.

Subterranean parking will be provided underneath each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus Law (Government Code Section 65915). Parking for existing commercial land uses and the proposed new commercial uses will be provided within the reconfigured surface parking lot. The Project will remove 139 existing commercial automobile parking spaces and add 11 new commercial automobile parking spaces, resulting in a net loss of 128 parking spaces and a proposed total supply of 931 automobile parking spaces to be shared among the commercial uses in The Commons. The shared parking analysis prepared for the Project showed that the commercial land uses are expected to have a maximum worst-case shared parking demand of approximately 896 parking spaces, which occurs during the afternoon peak hour on weekends in December during the holiday shopping season. The parking demand for the

remaining months of the year, excluding December, ranges from 611 to 733 parking spaces. The maximum worst-case parking demand of 896 parking spaces will be accommodated within the proposed supply of 931 automobile parking spaces. With a surplus of 35 parking spaces at the worst-case demand time of year, the Project provides a sufficient number of parking spaces and would not generate adverse off-site parking effects for adjacent public roadways or within the surrounding community. Moreover, outside of the peak period, the Site would provide a parking surplus ranging from 320 to 198 spaces, depending on the time of year.

Transit

Relevant Objective

Continue to provide a local transit system that meets the changing needs of the community and provides access to the employment centers, commercial areas, parks, and other gathering places for all City residents.

Policies

VI-25 Require new developments to provide and/or fund transit facilities (such as bus shelters and park-and-ride facilities) that ensure access to transit.

The Project represents ideal infill development within an existing shopping center located near transportation and within biking and walking distance of existing residential and other commercial development. The Project Site is located within 0.25 mile of a bus stop for LA Metro Line 161, which provides service to Canoga Park, Woodland Hills, Hidden Hills, and Agoura Hills. In addition, the City's Old Town Calabasas Park & Ride Lot is located 0.25 away from the Site and a City trolley stop is located approximately 200 feet from the Site.

SAFETY ELEMENT

Geology and Seismicity

Objective

Minimize the potential for loss of life, physical injury, property damage, and social disruption resulting from seismic ground shaking and other geologic events.

Policies

VII-1 Incorporate adequate mitigation measures into proposed development projects to achieve an acceptable level of risk from potential seismic hazards resulting from ground motion or fault rupture.

VII-2 Emphasize prevention of physical and economic loss associated with earthquakes and other geologic disasters through early identification of potentially hazardous conditions prior to project approval.

The Project Site is located within an existing developed shopping center and parking lot. There are no active faults in the area. As such, the potential for surface rupture is low, and the development of the Project would not exacerbate the potential for surface rupture. Similarly, with respect to seismic ground shaking and liquefaction, proper engineering, including compliance with the California Building Code with City of Calabasas amendments, the City of Calabasas Municipal Code, and the policies in the General Plan Safety Element, would minimize the risk to life and property.

Stormwater Management and Flooding

Objective

- ❖ Minimize the potential for loss of life, physical injury, property damage, and social disruption resulting from flooding.

Policies

VII-7 Incorporate adequate mitigation measures into proposed development projects to achieve an acceptable level of risk from potential flooding hazards.

VII-10 For discretionary development projects, limit new impervious surfaces to those that will not individually or cumulatively increase harmful runoff into natural stream channels downstream.

The is not located in a flood hazard zone (see Figure 4.8-2 in the General Plan Update PEIR). Runoff would connect to the existing storm drain system and would not change the preexisting condition of entering the existing underground detention system located in the northeast corner of the Site. Runoff would have approximately 3,900 square feet less impervious area than the existing site condition. In addition, the landscaping that would be developed with the Project would decrease the amount of impervious surface compared to what currently exists.

The Project would comply with state and local water quality regulations designed to control erosion and protect water quality during construction, including the installation of silt fences to trap sediments, slope stabilization, and regular sweeping of construction sites to control dust. Development would adhere to existing regulatory requirements that instruct stormwater management, including management of rainfall at the source by infiltrating stormwater as close to the source as practicable. Per NPDES requirements, post-construction peak runoff must be maintained at or below pre-project

levels. As such, compliance with local standards and regulations would not result in harmful runoff.

Fire Hazard

Objective

- ❖ Minimize the potential for loss of life, physical injury, property damage, and social disruption resulting from urban and wildland fires.

Policies

VII-14 Discourage development and encourage sensitive siting of structures within hazardous fire areas as higher priorities than attempting to implement fuel modification techniques that would adversely affect significant biological resources.

VII-15 Require design and siting of new development within areas subject to wildfires in a manner that minimizes the threat of loss from wildland fire.

VII-16 Ensure that new development is designed so as to facilitate access by firefighting equipment and to maintain adequate evacuation routes.

VII-17 Do not permit development within areas that do not have adequate water pressure or fire flows until sufficient pressure and fire flows can be reliably provided.

The proposed Project would adhere to standard requirements set forth by the City Municipal Code (CMC) and the California Building Code (CBC), including sprinkler and alarm requirements. As discussed in the EIR Addendum, the existing fire protection service is expected to meet the City's needs through 2030. The Project applicant would also be required to pay standard development impact mitigation fees and comply with the Fire Code and LACFD standards.

Hazardous Materials

Objective

- ❖ Protect life and property from potential short- and long-term adverse effects associated with the transportation, storage, treatment, and disposal of hazardous materials within Calabasas.

Policies

VII-21 Manage activities within Calabasas involving the transport, use, store or dispose of hazardous materials in a responsible manner that protects public health, safety, and the environment.

VII-24 Enforce the requirement that industrial facilities and construction sites have adequate Hazardous Materials Handling and Spill Response Plans to ensure that the goals of pollutant control are consistent with the City's public safety needs and the General Plan's water quality objectives.

The Project would be developed within an existing shopping center and parking lot and would comply with existing applicable regulations and programs and implementation of General Plan policies that minimize risks from routine transport, use, and disposal of hazardous materials, including potential hazards from the accidental release of hazardous materials. Additionally, oversight by the appropriate federal, State, and local agencies and compliance by new development with applicable regulations related to the handling and storage of hazardous materials during operation would minimize the risk of the public's potential exposure to these materials.

NOISE ELEMENT

Objective

- ❖ Achieve and maintain noise compatible land use relationships consistent with the nature and character of individual land uses.

Policies

VIII-1 Use the Land Use Compatibility for Community Noise Environments matrix (Figure VIII-3) to determine the compatibility of land use when evaluating proposed new land uses in the City. The matrix shall be used as a guide to assist in determining the acceptability of noise for existing or proposed land use.

In this matrix, the degree of acceptability is categorized by noise exposures that are normally acceptable, conditionally acceptable, normally unacceptable and clearly unacceptable. Action on proposed projects shall be guided according to the degree of land use/noise acceptability as follows.

- **Normally Acceptable:** The potential for project approval should not be encumbered by land use/noise compatibility issues.
- **Conditionally Acceptable:** The potential for project approval should not be encumbered by land use/noise compatibility issues, provided the applicant has included measures or conditions that are acceptable to the Planning Commission or appropriate planning authority and ultimately result in land use/noise compatibility.
- **Normally Unacceptable:** The potential for project denial will be considered likely as a result of land use/noise incompatibility, unless extraordinary circumstances are present that do not involve adjacent

properties or uses. Overriding project benefits cannot be utilized to justify extraordinary circumstances.

- Clearly Unacceptable: If a project falls into this category, it shall not be approved due to land use/noise compatibility issues.

VIII-2 If a proposed development project that will create or affect existing noise sensitive land uses is proposed in a location that is within a 60 dBA or greater CNEL noise contour, as determined by independent experts or consultants hired by the City, require that the project applicant demonstrate that, unless mitigation is available: (1) the project will not generate noise exceeding the "normally acceptable" range for existing uses on adjacent properties; and (2) adjacent influences will not generate ambient noise on the project site that exceeds the "normally acceptable" range for the proposed use.

VIII-3 Locate and design noise-sensitive land uses and noise generators in such a manner that noise objectives will be maintained.

VIII-4 Emphasize the following as the City's preferred noise management strategies, and as higher priorities than construction of noise barriers:

- Avoiding placement of noise-sensitive uses within noisy areas
- Increased setbacks from noise sources
- Building orientation that shields noise sensitive portions of a project from noise sources
- Use of sound attenuating architectural design and building features

VIII-8 Use noise standards in the review of proposed developments to determine whether the proposal promotes acceptable noise compatible land uses both during construction and subsequently.

Traffic noise levels with Project are presented in the EIR Addendum (Table III.J-2, Offsite Roadway Noise Levels). A significant impact on noise levels from project operations would occur if the project causes the ambient noise level at the property line of affected uses to increase by 3 dBA in CNEL to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase in CNEL. As shown in Table III.J-2, the Project would not generate sufficient traffic to cause an audible increase (i.e., 3 dBA or greater) in noise levels during operation. Parking lot noise would be contained within a structure and would not exceed ambient levels.

The Project would include stationary mechanical equipment typical of residential development, such as air conditioning and HVAC equipment. The City has adopted specific standards for noise associated with projects in CMC

Chapter 17.20.160, including limitations on exterior and interior noise levels and limitations on noise generated within known wildlife nesting or migration areas and natural open space. In addition, CMC Chapter 9.28.010 prohibits the creation of nuisance noise. Compliance with the requirements of the City's Noise Ordinance would ensure that impacts from stationary equipment would not be significant.

In addition to traffic and HVAC noise sources, the Project could include a rooftop pool deck on Building A that could involve gatherings of residents and guests and speaker noise. The Project's various outdoor amenities on the rooftop could include a swimming pool and spa, fitness room and workroom/meeting area for residents. Sound generated from the rooftop facilities would be associated with two primary sources: 1) people talking; and 2) sound system speakers. An additional potential noise source associated with outdoor uses would include the use of outdoor sound systems (e.g., ambient music broadcast through an outdoor mounted speaker system). The sound from outdoor sound systems, if used, would potentially be heard by people in the immediate vicinity of the outdoor areas. As part of the Project, the sound system used in the outdoor areas would be designed so as not to exceed noise level of 80 dBA L_{eq} at a distance of 25 feet (approximately 89 dBA L_{eq} at 10 feet) in order to remain within the allowable maximum noise level for residential areas of 50 dBA. This level of sound emanating from an amplified system would generally be louder than and mask any noise associated with people talking. As such, these sources would represent a combined source level no greater than 81 dBA L_{eq} at 25 feet. As shown in Table III.J-3 (Estimated Exterior Noise at Sensitive Receptors from Outdoor Rooftop Activity), distances from the center of the rooftop to nearby sensitive receptors would range from approximately 260 feet to the nearest receptor (Calabasas Library [Sensitive Receptor 1]) and approximately 1,450 feet to the most distant receptor (Parkway Calabasas Residential area [Sensitive Receptor 5]). As shown in Table III.J-3, levels that would be experienced at the sensitive receptors from outdoor activity at the Project would be below the applicable City Exterior Noise Level Standards. Accordingly, rooftop deck activities would not generate significant noise-related impacts.

COMMUNITY DESIGN ELEMENT

Citywide Community Design

Objectives

- ❖ Focus new development in and near areas that already contain existing development.
- ❖ Preserve significant natural features, designated open space, and biological habitats.

- ❖ Preserve and enhance a pleasant visual experience for residents and visitors, emphasizing prominent and distinctive vistas, view corridors, and natural features.
- ❖ Create pedestrian access and connectivity opportunities as well as human-scaled gathering places.
- ❖ Promote high quality design for structures and building sites.

Policies

IX-1 Through community input and design review, ensure that new development and redevelopment is of high quality design, is aesthetically pleasing, and contributes to a positive image for the City.

IX-3 Ensure that new development projects become assets to the community through direct contribution to the enhancement of Calabasas' visual environment.

IX-5 Ensure that new development is aesthetically compatible with the area's natural environment and that it contributes to a positive image for the City.

IX-6 Require that new developments preserve views of identified scenic resources from designated corridors.

IX-8 Require that new developments establish architectural and siting design themes that are compatible with the surrounding context, including:

- Prominent design features existing in the immediate area (i.e., trees, landforms, historic landmarks);
- Existing and planned development, buildings and structures; and
- The natural environment (i.e., hillsides, washes, native vegetation, community landscaping).

IX-9 Require that new developments create pleasing transitions to surrounding development. For example, where applicable:

- The bulk of new structures should be compatible with the area's environment and with adjacent development;
- Setbacks from streets and adjacent properties should be in proportion to the structure and the function of the street and shall encourage pedestrian scale and uses (for example, zero setbacks from property lines and street right-of-way are appropriate within Old Town); and

- Multi-story structures should be made less imposing by physically stepping the upper stories of the structures back from street level.

IX-11 Promote an assembly of distinct neighborhoods that encompass a range of housing types which:

- Provide a refuge from the congestion of the adjacent metropolitan area;
- Are visually attractive and compatible in intensity, dwelling unit size, and structural design with the need to protect the surrounding natural environment; and
- Meet the needs and suit the lifestyles of current and future residents.

IX-13 Promote the establishment and maintenance of the following features to enhance community character:

- Gathering, meeting, and recreational places;
- Commercial facilities that facilitate, rather than hinder, pedestrian circulation within the facility, as well as between commercial facilities and adjacent residential neighborhoods;
- Development designs that enhance a feeling of being safe
- Traditional, rather than trendy or "franchise" architecture that complements the natural character of Calabasas' setting;
- Distinctive buildings that contribute to, rather than detract from, Calabasas' character;
- Hillside residential development designs that feature natural rather than manmade forms and that emphasize the use of custom foundations in place of slab construction;
- House sizes and flat pad areas in hillside areas that are consistent with the natural character and setting; and
- Community entry statements and landscaping that accurately portray community character.

IX-14 Promote lower-level lighting/illumination citywide through implementation of lighting standards such as the City's "Dark Skies" ordinance.

IX-16 Integrate sustainable practices into the design of developments, including site planning, building form, materials, and landscaping.

Neighborhoods - East Village

Relevant Objective

Revitalize the Craftsman's Corner area and enhance The Commons area by creating an expanded village environment that includes new retail commercial, visitor accommodations, and residential development with limited new professional offices and cultural arts facilities connected through pedestrian spaces, plazas, and parks.

Relevant Policies

IX-25 Facilitate the establishment of a "downtown" district for Calabasas Road east of Parkway Calabasas emphasizing a pedestrian-oriented mix of retail, office and residential uses as well as pedestrian connections to adjacent residential areas.

IX-26 Use The Commons as a successful example for the quality of design and public spaces.

IX-28 Reduce the visibility of parking areas from public rights-of-way using appropriate building placement, landscaping, and other design techniques.

X-31 Establish parking strategies such as shared parking facilities or establishing parking districts to increase efficiency and enable redevelopment of selected areas.

The proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. The finished floor heights of each building are designed to match the existing development in The Commons to remain and grading is largely limited to excavation for subterranean parking levels which results in lower building heights and shields parking from the active uses at the ground level.

The Project fulfills the intent of the 2030 General Plan by creating a more pedestrian friendly walkable "village" like environment with appropriately scaled buildings that include a diverse array of retail, dining, and residential uses. The Project has been designed to be compatible and complementary with the existing Commons center along with the neighboring Civic Center uses, which include City Hall, the Library, and Senior Center. Overall, the Project design is intended to create a town center environment that reflects the unique fabric of Calabasas accomplished through close attention to planning, scale, and architectural details. Building B was inspired by the desire to create more of a "main street" experience in The Commons. Locating Building A across from the proposed Building B would facilitate the creation of an active, multi-modal street with a pedestrian feel. Building A has intentionally been designed

with a distinct yet complementary modern architectural aesthetic, while Building B has been designed to mirror The Commons architecture in terms of both materiality and style. Additionally, Building B serves as a transitional zone, terracing the height from the main street southwards to Building A. Proposed Building B is designed to match the architectural style, materials, and details of The Commons' existing buildings with minor exceptions, which will enhance the design quality and authenticity. Roof tiles and residential facades will use similar specifications of the original center while colors and details will be compatible with the existing architecture. Retail storefronts, doors, and patio furnishings will be influenced and customized by future tenants to add to the visual interest and authenticity while street trees, paving, curbs, accessories, and street lighting will match the existing sidewalks.

Although Building A has been designed to complement the existing Commons development, it intentionally introduces a timeless yet contemporary aesthetic. The building incorporates soft earth tones that are typical of Calabasas and The Commons, which allows it to blend into the surrounding topography. Landscaping along the facades also helps to conceal and soften its edges so the building blends into the hillside to the south.

The upper residential levels are setback from the retail ground level below. As a result, the residential apartments will not be visible from the sidewalk in front of the existing and new retail spaces within Building A. Pedestrian access to the ground level residential lobby entrance will be located on the existing oval landscaped garden adjacent to the City's Civic Center.

In addition to the significant building step-backs, the massing of Building A will be softened by incorporating podium gardens at the first residential level and step-backs in the facade at the upper levels and penthouse. Proposed deep balconies and shadow lines and recessed windows provide rich architectural details to increase articulation and visual interest while providing needed residential open space. The color and materials palette will match the existing architecture and the structured parking is located behind the existing retail and proposed retail stores, entirely within the existing cinema footprint and screened from public view. Additionally, the rooftop deck and mechanical screens will be coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas.

The core principles of creating a pedestrian-friendly environment and enhancing walkability in The Commons is achieved with sidewalks and pedestrian paseos between buildings that connect to retail shops, restaurants, and open space plazas designed to accommodate occasional events, group activities and relaxation. Complementing the pedestrian experience are pedestrian friendly streetscape and landscape elements that include new

mature trees, flowerbeds and other plantings, and seating and dining terraces. Generous publicly accessible open spaces are incorporated that can be programmed and/or used organically at different times and seasons that is also synergistic with and activated by the retail and restaurant spaces.

Scenic Corridors

Objective

- ❖ Protect and enhance public views from scenic corridors within the community.

Policies

IX-43 Require new development to be designed in a manner consistent with the Scenic Corridor Overlay Zoning requirements and the Scenic Corridor Design Guidelines.

IX-46 In collaboration with neighboring jurisdictions, ensure that new development along the Ventura Freeway does not block views of significant visual features such as designated ridgelines.

The City's Scenic Corridor Overlay set forth in CMC Section 17.18.040 is intended to apply to major roadways within the City identified in the General Plan as scenic corridors, from which the traveling public may enjoy scenic views of the hill and mountain areas to the north and south of the city, and scenic views of the City itself and surrounding landscape, from the hill and mountain areas of the City. The Scenic Corridor Overlay applies to properties located within 500 feet of a road designated as a scenic corridor or proposed development located on a designated scenic corridor road and a prominent ridgeline, which defines the viewshed from the scenic corridor, or where the director determines development may have an impact upon the designated scenic corridor.

The Ventura Freeway corridor is identified as one of the City's Scenic Corridors and is located approximately 415 feet from the northerly property line of The Commons. The General Plan describes the Ventura Freeway scenic corridor as a heavily traveled, high-density corridor that encompasses much of Old Town Calabasas, Calabasas Road, and the Calabasas Grade. A small portion of The Commons is within 500 feet of the Ventura Freeway scenic corridor which is developed with surface parking and two one-story buildings occupied by a bank and restaurant. These existing uses within 500 feet of the scenic corridor are not visible due to intervening buildings located along the north side of Calabasas Road and mature vegetation. The remaining Commons buildings, including an upslope hillside located to the rear of The Commons southerly buildings, are also largely obscured from the Ventura Freeway scenic corridor

by existing development and vegetation and are only visible for a brief moment to travelers along the freeway. The ridge of this hillside slope located south of The Commons is not identified in the Open Space Element of the General Plan as a significant ridgeline.

The Project would comply with the City's Scenic Corridors Development Guidelines by incorporating mitigation measures designed to reduce exposure to fire hazards, seismic safety, pollutant runoff, erosion control and other natural hazards, incorporating medium dark colored roofs, and stepping back the upper levels on Building A from the ground level which will create an appropriately pedestrian-scaled environment at the street level and provides massing relief at the upper levels. In addition, Building A, the largest of the two proposed buildings, is setback approximately 650 feet from the Ventura Freeway allowing it to blend into the ascending hillside to the south. The buildings will be further screened by the existing surface parking lot and existing and proposed landscaping. In addition to the significant setbacks and step-backs, the building articulation along the facades helps to open the horizontal and vertical view corridors. Additionally, the new buildings will help to screen the existing retaining wall that runs along the access road at the rear of the Project Site.

Lighting on the Project Site would include low-level interior lighting adjacent to buildings and along pathways for security and wayfinding purposes. In addition, lighting to accent signage, architectural features, and landscaping elements would be installed in each building. Other signage would be illuminated by means of low-level external lighting, internal halo lighting, or ambient light. These lighting sources would be similar to other lighting sources already within the Commons and would not generate artificial light levels that are out of character with the surrounding area. Illumination used for Project signage would be limited in light intensity to avoid negative lighting impacts to the nearest properties. In addition, on-site exterior lighting would be shielded or directed toward the areas to be lit to limit light spillover. Project lighting would also comply with regulatory requirements, including the requirements set forth by CALGreen and Title 24 that stipulate the use of high-performance light with appropriate light and glare control according to backlight, uplight, and glare standards.

CULTURAL RESOURCES ELEMENT

Objectives

- ❖ Enhance community appreciation for the importance of archaeological and paleontological resources.
- ❖ Protect significant archaeological and paleontological resources.

Policies

Pre-historic Resources

XI-1 Ensure proper treatment of archaeological resources before development occurs at a site where such resources are present.

XI-2 Preserve significant archeological and paleontological resources in-situ, when feasible. When avoidance of impacts is not possible, require data recovery mitigation for all significant resources. All forms of excavation in deposits of Native American origin shall be coordinated and monitored by representatives of the Chumash nation.

The Project Site is located within an existing shopping center and parking lot and there would be no ground disturbance of currently unpaved areas (grading and excavation would only occur on currently paved areas that were previously graded). While it is possible that during development archaeological and paleontological resources could be encountered during grading and excavation, the likelihood of unidentified cultural resources is low given the Site's prior disturbance. The Project would be required to incorporate mitigation measures that require pre-construction surveys and monitoring on-site during construction to ensure that if cultural resources are encountered during ground-disturbing activities, proper procedures will be followed to avoid any impacts.

SERVICES, INFRASTRUCTURE & TECHNOLOGY ELEMENT

Fiscal Management

Objectives

- ❖ Maintain a stable stream of municipal income that is adequate to provide the level of municipal services desired by Calabasas residents and businesses.
- ❖ Require developers to pay for all of the infrastructure, public facilities, and service costs that they create.

Policies

XII-1 Facilitate retail and service businesses in those sectors patronized by the local population and travelers along the Ventura Freeway.

XII-2 Facilitate attractive retail development in Old Town, Calabasas Road, Agoura Road, and Ventura Freeway interchanges at Parkway Calabasas, Las Virgenes Road, and Lost Hills Road.

XII-5 Ensure that the scale of commercial development in the City is compatible with surrounding neighborhoods.

XII-7 Require developers to construct and/or pay for the new onsite capital improvements required to serve the new development. Also, require that new development:

- Is phased so as to ensure that facility and service demands associated with new development do not exceed capital facility capacities;
- Does not adversely affect the level of service provided to existing development; and
- Does not increase the cost of providing public services to existing residents and businesses.

Municipal Services

Objectives

- ❖ Ensure that local police and fire services meet the needs of the community.
- ❖ Provide convenient library facilities that meet the community's needs.
- ❖ Coordinate development activity with the provision of municipal services and facilities in a manner that:
 - Maintains defined performance standards.
 - Eliminates gaps in service provision to new development.
 - Realizes cost efficiencies.
 - Achieves an equitable sharing of the cost of municipal services and facilities based on the principle that new development is to pay for itself, both in terms of capital facilities and ongoing operations and maintenance

Policies

XII-13 Direct new development to areas with adequate existing municipal facilities and services, areas where adequate facilities and services and facilities are committed, or areas where municipal facilities and services can be economically extended consistent with the master plans of area service providers.

XII-14 Coordinate land development review with the master planning efforts of area service providers to facilitate the provision of adequate services and facilities. New development shall pay its own way.

The Project proposes improvement to the existing Commons shopping center that is already served by existing municipal facilities and services. Additional

property taxes would be collected from the new residential use on the Project Site that would be used to support the City's budget for fire protection services. Additionally, the Project would be required to comply with all applicable federal, State, and local regulations governing the provision of fire protection services, including adequate fire access, fire flows, and number of hydrants. Similar to the above, the payment of additional property taxes and sales taxes to the City would be used to support the City's budget for police protection services.

Educational Services

Objectives

- ❖ Promote access for Calabasas residents to high quality local educational services by facilitating the acquisition of school sites and the construction of adequate school facilities to serve the needs of Calabasas residents and working with Las Virgenes Unified School District to promote cooperative educational programs.
- ❖ Engage cooperative school/public facility planning, which will ensure provision of adequate school facilities and quality educational programs in a manner consistent with the goals and strategies of the Calabasas General Plan with respect to facility location, use type, timing, funding, recreational and social joint use programs, and the creation of an overall sense of community.

Policies

XII-17 Require new development to provide full mitigation for school impacts, subject to the provisions of State law that limit the City's ability to require school mitigation.

The Project would be required to pay school mitigation fees to the Las Virgenes Municipal School District to offset the potential impacts resulting from the development of new multi-family residential dwellings. The payment of these fees are deemed conclusively under state law to be full mitigation for the Project's school impacts.

Water Service and Infrastructure

Objective

Assure that water supply infrastructure is adequate to meet projected needs and is provided in a manner that supports water dependent resources, enhances recreational opportunities, and preserves and enhances riparian habitats, water quality, and the environment.

Policies

XII-20 Coordinate land development review with the master planning efforts of the LVMWD to facilitate provision of adequate services and facilities.

XII-21 Direct new development to areas with adequate existing water facilities and services, areas that have adequate facilities and services committed, or areas where facilities and services can be economically extended consistent with the LVMWD's master plan.

XII-23 Support conservation and efficient water use in an effort to minimize the need for new water sources.

Wastewater Service and Infrastructure

Objective

Assure that wastewater management infrastructure is adequate to meet projected needs and are provided in a manner that supports water dependent resources, enhances recreational opportunities, and preserves and enhances riparian habitats, water quality, and the environment.

Policies

XII-25 Coordinate land development review with the master planning efforts of the LVMWD and TSD to facilitate provision of adequate sewer services and facilities.

XII-26 Direct new development to areas with adequate existing sewer facilities and services, areas where adequate facilities and services and facilities are committed, or areas where services and facilities can be economically extended consistent with the LVMWD and TSD master plans of area service providers.

XII-27 Promote the design of wastewater systems that minimize inflow and infiltration.

Storm Drains

Objective

Promote effective stormwater management to minimize flood hazards and to protect slopes, streams, and wetlands from erosion and sedimentation to avoid the degradation of environmental quality, wildlife habitat, and natural system aesthetics.

Policies

XII-29 Employ appropriate stormwater management practices to prevent stormwater problems from urban runoff, which may include flooding, erosion, or stream channel scouring in natural drainage systems. These practices at a minimum will include the collection, control and treatment of stormwater

runoff at a rate and quantity that prevents damage to both man-made and natural drainage systems.

XII-30 Promote natural stormwater control mechanisms such as engineered and City-approved detention/retention basins and drainage swales to manage stormwater runoff.

XII-31 Encourage the use of semi-pervious or pervious surfaces and other low-impact development techniques to minimize stormwater runoff from individual sites.

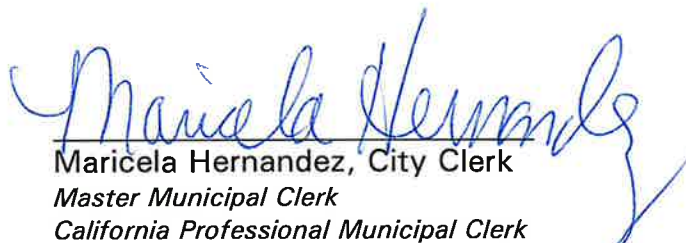
XII-32 Prevent water quality degradation through implementation of Best Management Practices and educational programs to reduce pollution entering surface waters.

The Project's proposed water and wastewater infrastructure would connect to existing water and wastewater infrastructure already in place. The Project would be required to comply with the City's Urban Stormwater Mitigation Plan during construction and operation of the proposed project. Stormwater runoff from impermeable portions of the Project Site would be collected by catch basins or inlets and be conveyed to the proposed storm drain system. The proposed project would be subject to applicable water conservation requirements contained in the City's Model Water Efficient Landscape Ordinance, which requires preparation of a Landscape Documentation Package, including a Water Efficient Landscape Worksheet, water budget calculations, and irrigation design plan to ensure efficient water conservation. The California Green Building Standards Code would also apply to the Project and would require water-efficient plumbing fixtures, including showerheads and toilets. In addition, a portion of the Project would be designed to achieve a LEED-equivalent silver rating or better, consistent with the City's Green Building Ordinance, which would ensure water efficient use.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF CALABASAS)

I, **MARICELA HERNANDEZ, MMC, CPMC** City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing resolution, being **Resolution No. 2023-1880** was duly adopted by the City Council of the City of Calabasas, at their special meeting held on December 6, 2023, and that it was adopted by the following vote, to wit:

- AYES: Mayor Shapiro, Mayor pro Tem Weintraub, Councilmembers Albrecht Bozajian and Kraut.
- NOES: None.
- ABSTAIN: None.
- ABSENT: None


Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk
City of Calabasas, California