



**CITY *of* CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE:** July 10, 2006

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** GEOFFREY STARNS, SENIOR PLANNER  
TALYN MIRZAKHANIAN, ASSOCIATE PLANNER

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2006-1038, REQUESTING A CONDITIONAL USE PERMIT, SITE PLAN, AND TENTATIVE TRACT MAP TO CONSTRUCT A 60 UNIT SENIOR CONDOMINIUM DEVELOPMENT FOR PROPERTY LOCATED AT 26705 MALIBU HILLS ROAD (APN: 2064-004-051) WITHIN THE CB (COMMERCIAL-BUSINESS PARK) ZONING DISTRICT.

**MEETING DATE:** July 19, 2006

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**SUMMARY RECOMMENDATION:**

That the City Council adopt Resolution No. 2006-1038, approving the Negative Declaration and File No(s). CUP-600-004, SPR-006-053, OAK-006-021, and TM6-000-003.

**BACKGROUND:**

The proposed 60 unit Senior Condominium development is located at 26705 Malibu Hills Road, on an existing parcel at the easterly terminus of Malibu Hills Road. The property is located in the Commercial, Business Park (CB) zone and has a General Plan land use designation of Business-Business Park (B-BP). Senior residential projects are permitted in the CB zone through a Conditional Use Permit process per Section 17.14.020 of the Land Use and Development Code. Currently, there is an unused asphalt surfaced parking lot on a portion of the property, but the remainder of the property is vacant.

The proposal includes 90,076 square-feet of new structures, comprised of 70,824 square-feet of residential living units and an approximately 2,200 square foot community building. The living units range in floor area from 900 square-feet to 1,354 square-feet. The proposal also includes a pool, a courtyard, and a subterranean parking garage.

The application was first submitted on March 15, 2006. On April 4, 2006, the proposed project was reviewed by the Development Review Committee (DRC), whose comments were then forwarded to the applicant. The applicant resubmitted revised plans on April 19, 2006. On April 28, 2006 the Design Review Panel (DRP) reviewed this project and commented that they were satisfied with the architectural style and colors and materials proposed for project. They recommended the stone veneer used on the community building and the building entrance be continued along the base of the remainder of the main building facade. On May 2, 2006 a second DRC meeting was held, and comments from the various departments were immediately forwarded to the applicant. On May 20, 2006, the applicant re-submitted plans, having addressed both the DRC's comments and the DRP's aesthetic recommendation. On June 22, 2006 the Planning Commission held a public hearing on the project. After a lengthy discussion and a revision to the resolution, (letter O of the Discussion/Analysis section of the report) the Commission recommended, with a 5-0 vote, that the City Council approve the project.

## **DISCUSSION/ANALYSIS:**

The key issues related to this project are discussed below:

**A. Site Design/Building Layout:** The main residential building is a three-story structure with a central courtyard. Inside this structure are the 60, one- and two-bedroom condominiums and the main lobby. To the east of the main structure is the community building for use by residents of the development. To the north of the community building is a pool and sun deck for the residents.

The building is set back 27 feet from the western property line, a minimum of 67 feet from the northern property line, a minimum of 60 feet from the eastern property line, and a minimum of 75 feet from the northernmost property line. The majority of the property is immediately surrounded by the parking lots of various neighboring office buildings. Along the southern property line, however, are the Steeplechase condominiums. There is a minimum distance of 130 feet between the proposed structure and the existing Steeplechase condominiums, and the proposed landscaping will act as a buffer between the

proposed structure and the existing condominiums. In addition, the community building, which is has the lowest height of the two buildings, is the closest to the existing condominiums, thereby reducing the visual impact.

The development is enclosed on the east, west and south by six foot high wrought iron fences and pilasters and block walls. It is enclosed along the north side by a combination of wrought iron fencing and a retaining wall that exceeds the City's height limit of six feet. This retaining wall will be screened from view by the main building. The Community development Director has approved the height of the retaining wall per Section 17.20.090 of the Land Use and Development Code.

- B. Site Access/Circulation:** The project site is accessed from Malibu Hills Road. The main driveway, at the terminus of Malibu Hills Road., leads to the surface parking lot and the 37,754 square-foot subterranean garage. This roadway ends in a hammerhead turnaround in the easternmost corner of the lot. The guest parking spaces are located within the first 155 feet of the entrance, after which there is a gate for resident access only.

The site also has a second driveway entrance near the westernmost property line that will have an emergency access gate to be used only by the fire and police departments. No residents, guests, deliveries, or other persons can access the property from this driveway. It terminates in a hammerhead near the rear of the property and is designed with the appropriate turning radius and width for fire department access. The proposed landscaping will provide a buffer between the parking lot/roadway and the structures. The gate will be locked with a Knox box type lock.

- C. Density and FAR:** The Land Use and Development Code does not identify a requirement for residential density in the CB zone. The maximum allowable Floor Area Ratio (FAR) for the CB zoning district is 0.6. For this 120,661 square-foot parcel, an FAR of 0.6 would allow 72,396 square-feet of development. Per Section 17.22.030 of the Land Use and Development Code, a residential project that provides a minimum of fifty percent of the total number of proposed units for senior citizens is entitled to a twenty-five percent density bonus. Because there is no required density (units per acre) for projects in this zoning district, the 25% density bonus was applied to the FAR, increasing it from 0.6 to 0.75. This allowed an additional maximum of 18,099 square feet of development, for a total of 90,495 square-feet maximum. The project is proposing an FAR of 0.74.

#### **D. Additional Development Standards**

The proposed project meets all required development standards for the CB zone including site coverage, setbacks, permeability requirements, parking requirements, and height limits. The building has a height of 35', but the elevator shaft and stair tower extend to a height of 42', per a height exemption allowed by Section 17.20.120 of the Land Use and Development Code. See the technical appendix on Page 7 for a detailed analysis of development standards.

- E. Parking:** Section 17.28.040 of the Land Use and Development Code requires 1.5 spaces per unit, one of which shall be covered, for one-bedroom units; 2 spaces per unit, with one of two being covered, for two-bedroom units; and one guest space per three units. The project proposes three, one-bedroom units and fifty-seven, two-bedroom units, requiring a total of 139 spaces. With the 37,754 square-foot parking garage and the surface parking lot, the total parking spaces being provided is 140. Ninety-two of these parking spaces, plus three of five handicapped spaces are located in the subterranean parking garage. The project is also providing spaces for bicycle storage on the ground floor. Therefore, the project complies with the City's parking requirements for this use.
- F. Architecture:** The proposed structures have been designed with Monterrey architecture, using clay roof tiles and a white façade that is accented with a light stone veneer, mosaic tiles, earth-toned ceramic tiles and wrought iron balcony railings (see Attachment D for color rendering). The project was reviewed by the Design Review Panel on April 28, 2006. In general, the Panel was very pleased with the design of this project as well as the colors and materials. They recommended for the stone veneer used on the community building and the building entrance to be continued along the base of the remainder of the building facade. The applicant accepted this recommendation, and has reflected the change in the color renderings provided.
- G. Landscaping:** As proposed, the project will provide 35,840 square-feet of landscaping. In the CB zone, it is required to provide a minimum of 28% permeable surface, and the project proposes to provide 29.7%.

A greenbelt is provided along the rear of the property. A variety of trees are proposed along the east, west and north property lines, creating a buffer between that project site and the surrounding uses. Refer to Sheet 3 of 13 of the plans (Exhibit B) for an overview of the proposed vegetation on the site. Prior to issuance of building permits, a final landscape plan, including Calabasas standard water-use calculations, will need to be provided.

- H. Utilities (drainage, sewer): The Las Virgenes Municipal Water District has provided documentation that the project lies wholly within their boundaries. Accordingly, they are the purveyor of both potable, recycled water and sewage treatment to this site. They had the opportunity to comment on the project and did not express any concerns about the proposed project having any impact on the local water system.

The Public Works Department will require the parkway drains to be relocated on-site prior to issuance of building permits. The property owner will be required to maintain the parkway drains, not the City.

- I. Geology: The project is required to submit a final geotechnical report prior to issuance of building permits. The Public Works Department has reviewed the preliminary geotechnical report, and did not find it necessary to require the final geotechnical report prior to Planning approval.
- J. Lighting: Section 17.27.030 of the Municipal Code limits the average lighting value in parking lots to 0.2 footcandles. Per the provided Site Lighting Analysis (last sheet of Exhibit B), the average lighting value proposed is not over 0.2 footcandles; therefore, it meets the average lighting value requirement.
- K. Oak trees: Three “planted” *Quercus agrifolia* (Coast Live Oak) were identified on the site per an Oak Tree Report by Richard W. Campbell, dated May 15, 2006 (Exhibit F). None of the trees on the site are heritage oak trees. Proposed impacts to two of the oak trees adjacent to construction are moderate to none. Oak tree KOT-1 is expected to be moderately impacted by a proposed retaining wall, but is to remain protected in place, with some minor pruning for pedestrian clearance. Oak tree KOT-3 is not expected to be impacted. One of the oak trees, KOT-2, is in direct conflict with the proposed facility grading and driveway access; and, is proposed to be removed. The City’s Oak Tree Consultant has reviewed the Oak Tree Report and recommends approval of the Oak Tree Permit based on the evaluation, protection measures, and mitigation measures proposed.
- L. Affordable Housing Requirements: Chapter 17.22 of the Calabasas Land Use and Development Code requires any residential project proposing to construct 10 or more units to provide units that are restricted as affordable to persons of Moderate, Low, and/or Very Low income households. However, the Code also allows housing constructed for a special needs group of any income level, to satisfy the affordability requirements. The project is proposing a senior project, which is identified as a special needs group in Section 17.22.020 of the Land Use and Development Code. Furthermore, senior housing was identified as

being needed in the City at the housing workshop held in October 2005. Therefore no affordable units are required as part of the proposed project.

- M. Traffic Impacts:** A traffic analysis was prepared for the project which showed that the total number of trips each day would be 590 fewer than if a 72,400 square foot (0.6 FAR) office building would be constructed. The peak hours trips would be reduce by 107 trips in the AM and 101 in the PM. Traffic studies for other projects identified a potential need for a signal at Lost Hills Road and Malibu Hills Road. Even though this project would reduce traffic from what was analyzed in the General Plan, this project is still required to pay fees to the bridge and thoroughfare district as a condition of approval to help mitigate any cumulative traffic impacts.
- N. Environmental Review:** A Negative Declaration was prepared for this project. In preparing the Negative Declaration, staff independently reviewed, evaluated and exercised judgment over the project and the project's environmental impacts. The Negative Declaration, contained in Attachment F, identified the several areas where the project may have a potential effect on the environment. The majority of these areas were found to be at a level of "less than significant" due to standard conditions of approval required by the City. The remainder were determined to be at a level of "less than significant" due to studies completed for the project or previous review under the City's General Plan Final Environmental Impact Report (FEIR) The identified areas are discussed below:

**1. Transportation/Traffic**

**Discussion of Effects:** The General Plan considered that this site would be constructed with an office building. A new traffic study was completed and it was determined that Senior Housing would generate significantly fewer trips than an office building of similar size, which would be permitted in the zoning district.

During construction, some additional traffic will occur due to the construction equipment used on the site primarily during the grading and foundation stages of construction. However this traffic is temporary in nature and anticipated to be minor. In addition, a standard condition of approval requires any staging of vehicles on public streets to have a traffic control plan be approved by the City. Therefore, the impacts are anticipated to be at a level of Less than Significant.

**Mitigation Measures:**

None Required

## 2. Noise

**Discussion of Effects:** Normal activities associated with the project are unlikely to increase ambient noise levels. During construction, some vibration will occur due to the construction equipment used on the site primarily during grading and foundation stages of construction. However, this vibration is temporary in nature and anticipated to be minor. Temporary construction activities will also minimally impact ambient noise levels. All construction machinery will be maintained according to industry standards to help minimize the impacts. In addition, the project is subject to the construction activity limitations required in the General Plan to limit the impact of construction on surrounding neighbors. The General Plan FEIR determined that due to these limitations that any impacts were less than significant. Therefore the impacts are anticipated to be at a level of Less than Significant.

**Mitigation Measures:**

None Required

## 3. Biological Resources

**Discussion of Effects:** The project site is an infill site in a developed area and it is surrounded by existing development. Furthermore, the project site is not located within an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Therefore, no adverse impacts are anticipated.

The City of Calabasas does have an ordinance in place to protect Oak Trees. The applicant is proposing to remove 1 oak tree and encroach into the protected zone of another oak tree. The Oak tree report, including the mitigation proposed, is consistent with the City of Calabasas' Oak Tree Ordinance. The project is in conformance with all requirements of the ordinance, including any mitigation measures for removal of the trees. Therefore, no adverse environmental impacts are anticipated and no further mitigation is required.

**Mitigation Measures:**

None Required

#### 4. Population/Housing

**Discussion of Effects:** The project site is an infill site in a developed area and it is surrounded by existing development. The project is proposing only 60 units and will be age restricted for seniors. The surrounding area, to the south and east, is mostly multi-family development with some single-family development, totaling over well over 1,000 units. In addition, the number of units proposed in the general plan is higher than the expected build-out, due to the reduction in the number of units in other approved projects. Therefore, the 60 units proposed by this project is not a substantial amount; thus the impacts are less than significant.

The project site is currently vacant. Therefore, no existing housing will be displaced and no adverse impacts are anticipated.

**Mitigation Measures:**

None Required

- O. Changes from Planning Commission:** A concern was raised by the Planning Commission in regards to the mitigation of dust during construction. The City requires all construction to comply with the requirements of the City's NPDES (National Pollutant Discharge Elimination System) permit. One of those requirements is approval of an erosion control plan which includes control and limitation of fugitive dust. Therefore any impacts from dust will be mitigated.

The Commission also incorporated a portion of an agreement between the applicant and Cypress Land Co. (which owns the property to the North of the project site) which addressed concerns Cypress Land had regarding the project.

- P. Findings:** The findings required in Sections 17.62.050, 17.62.020, 17.26.070 and 17.41.100 of the Calabasas Municipal Code for a Conditional Use Permit, Site Plan Review, Oak Tree Permit and Tentative Tract Map, respectively, are contained in the resolution attached as Attachment A. Staff believes that the project, as designed and conditioned in the resolution, meets the required findings for a Conditional Use Permit, Site Plan Review, Oak Tree Permit and Tentative Tract Map.
- Q. Conditions of Approval:** See conditions contained in the resolution attached as Attachment A.

**FISCAL IMPACT/SOURCE OF FUNDING:**

None

**REQUESTED ACTION:**

That the City Council adopt Resolution No. 2006-1038 and approve the Negative Declaration and File No(s). CUP-600-004, SPR-006-053, OAK-006-021, and TM6-000-003.

**ATTACHMENTS:**

- A: Resolution No. 2006-1038
- B: Planning Commission Resolution No. 06-351
- C: Site plans and elevations
- D: Color elevation and materials palette
- E: Photographs of the site and surrounding area
- F: Negative Declaration
- G: Oak Tree Report