

ORDINANCE NO. 2008-255

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING ZONE CHANGE NO. 007-000 TO CHANGE THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM COMMERCIAL OFFICE TO COMMERCIAL MIXED USE TO ACCOMMODATE THE DEVELOPMENT OF A 174,413 SQUARE-FOOT MIXED USE PROJECT, WHICH CONSISTS OF 79 RESIDENTIAL CONDOMINIUM UNITS AND 13,135 SQUARE FEET OF RETAIL/RESTAURANT USES, LOCATED AT 23500 PARK SORRENTO.

WHEREAS, the City Council of the City of Calabasas, California ("the City Council") has considered all of the evidence including, but not limited to, the City Planning Commission Resolution, Planning Division staff reports and attachments, and public testimony before making a final decision on September 10, 2008; and

WHEREAS, the City Council finds that the Zone Change is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan; and

WHEREAS, the City Council finds that the Zone Change will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because of the mitigation measures outlined in the Environmental Impact Report approved for the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the foregoing the City Council finds:

1. Notice of the September 10, 2008 City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's Market and at Calabasas City Hall.
2. Notice of the September 10, 2008 City Council public hearing was posted in the *Acorn* ten (10) days prior to the hearing.
3. Notice of the September 10, 2008 City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to the property owners.
4. Notice of the September 10, 2008 City Council public hearing included the information set forth in Government Code Section 65009 (b)(2).

6. Following a public hearing on August 14, 2008, the Planning Commission approved Resolution No. 08-432 recommending City Council to certify an Environmental Impact Report and approve GPA-006-006; OTP-007-004; TTM-006-004; DP-007-000, DA-007-000; AND ZCH-007-000.

SECTION 2. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves Zone Change No. 007-000 to change the zoning of 23500 Park Sorrento, from Business-Office to Commercial-Mixed Use for the purpose of accommodating a 174,413 square-foot mixed use project, which includes 79 residential condominium units and 13,135 square feet of retail/restaurant uses.

Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve a **Zone Change** provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment of the subject site from Commercial Office (CO) to Commercial Mixed Use (CMU) is consistent with the goals, policies, and actions of the General Plan per the attached General Plan Consistency Review Table. Given these circumstances, the proposed project meets this finding.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

Once the general plan amendment and zone change go into effect to allow for residential condos and retail to be built within the Commercial Mixed Use zoning district, the proposed development will conform to General Plan and Development Code standards. The change in zoning designation to Mixed Use will not be detrimental to public interest, health, safety, convenience, or welfare, but rather help enhance public safety, health, interest, convenience and welfare by creating a more social, service-oriented, convenient and walkable community. Furthermore, the project has been reviewed by various agencies, such as the Los Angeles County Fire Department and Las Virgenes Municipal Water District and has received preliminary approval. Final building permit approval will be based upon meeting the required standards of all the necessary agencies. Given these circumstances, the propose project meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

A Final Environmental Impact Report (EIR) has been prepared in compliance with the City's adopted CEQA guidelines. Furthermore, the City Council has certified the final EIR concurrently with this application. The EIR analyzes the proposed zone change and finds no significant environmental impacts.

SECTION 3. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

SECTION 5. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 10TH day of September, 2008.

Mary Sue Maurer, Mayor

ATTEST:

Gwen Peirce, City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney