



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT ADDENDUM
AUGUST 14, 2008

TO: Members of the Planning Commission

FROM: Maureen Tamuri, Community Development Director
Tom Bartlett, AICP, City Planner
Glenn Michitsch, Senior Planner
Michael Klein, Associate Planner

FILE NO.: General Plan Amendment No. 006-006, Zone Change No. 007-000, Development Plan No. 007-000, Tentative Tract Map No. 006-004, Development Agreement No. 007-000, Conditional Use Permit No. 600-054, Site Plan Review No. 006-054, and Oak Tree Permit No. 007-004.

PROPOSAL: Request to demolish the existing Calabasas Inn banquet facility and develop the site with a 174,413 (.7447 FAR) square-foot mixed-use project. The project more specifically consists of 79 residential condominium units along with 13,135 square feet of retail and restaurant uses. Restaurants will have an added amenity of outdoor seating, totaling about 2,000 sq. ft. for all restaurants. The three and four story complex will have a maximum height of 44.3 feet with the retail component at the ground level (on the north side of the parcel) and residential condominiums on levels one through four. The project will include 302 total parking spaces, with 57 on grade spaces and the remaining 245 spaces located in a one level subterranean structure. The project will include associated driveways, walkways, retaining walls and landscaping. Additional proposed amenities include construction of a footpath along the east side of McCoy Canyon Creek that can be used in the future as a pedestrian linkage between the Civic Center area and Old Town Calabasas should the City choose to link these areas. Applicants have also proposed that the entire complex (residential and commercial components) be smoke-free. The project includes requests for the following: (1) to amend the General Plan Land Use Designation from Business-Professional Office (B-PO) to Mixed Use (MU), (2) to amend the zoning designation from Commercial Office (CO) to Commercial Mixed Use (CMU), (3) a development agreement

to request compliance with City's inclusionary housing ordinance by purchasing four (5%) off-site market rate residential units and converting them to very low income units, (4) a vesting tentative tract map (TM# 66208) for the subdivision of the parcel for 79 residential condominium units, (5) a conditional use permit for the development of 79 multi-family units, (6) a site plan review for development of restaurant and retail uses, (7) an oak tree permit for the removal of four non-heritage coast live oak trees and the encroachment into the protected zone of twenty eight coast live oak trees, and (8) a development plan for an increase in the allowed floor area ratio from 0.2 to 0.7447.

APPLICANT: D2 Development. Inc.

RECOMMENDATION: Adopt Resolution No. 08-432 approving File Nos. CUP-600-054 and SPR-006-054; and recommend to the City Council certification of the Final Environmental Impact Report and approval of GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004, OTP-007-004 and DA-007-000 to the City Council.

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 08-432 approving File Nos. CUP-600-054 and SPR-006-054; and recommend to the City Council certification of the Environmental Impact Report and approval of GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004, OTP-007-004 and DA-007-000.

ADDENDUM:

Subsequent to the preparation of the Agenda Report and Agenda Packet, staff has discovered the following project-related items which staff believes should be added to, corrected or clarified with regard to the report. Additionally, staff has received some new public correspondence regarding the project which is attached for your information.

PROJECT CONDITIONS MODIFIED OR ADDED

Staff recommends the following new conditions or modifications be added to the conditions contained in draft Planning Commission resolution 08-432 (Exhibit A in the Agenda Report distributed 8/8/08):

LEED

Condition #27 in the draft Resolution relates to the City's requirement of the project to meet the minimum equivalent of a LEED "Silver" rating. However, the City's Code requirement pertains only to non-residential development. Because the proposed project is a mix of residential and commercial uses, the requirement pertains only to the commercial component of the project in terms of Code compliance. To this end, staff suggests the following modification to Condition #27 (new or modified text in **red**):

- 27. 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 all non-residential use components.**

Shared Driveway

A reciprocal access agreement is recorded on the northeastern corner of the subject property. Currently, the adjacent property (Raznick Building) utilizes an entrance-only driveway over this easement area. Development of the proposed project includes construction of a site access drive over the shared easement area, and as originally proposed, a modification of the easement and reconfiguration of the driveway connection to the Raznick property. It was originally thought this connection was without impact to the Raznick property. However, development of the reconfigured driveway would essentially eliminate 3 parking spaces on Raznick property, and necessitate the construction of new parking spaces that would potentially impact an existing Oak tree on the Raznick site. Since this impact was not analyzed in the project EIR, the reconfigured driveway component cannot exist as a project component without revision to the EIR. Although the driveway reconfiguration could ultimately improve the parking and access for the Raznick property, the driveway reconfiguration component has been withdrawn from the application as this time. The City's Engineering Department has confirmed that the driveway connection to the Raznick property can be left in its current location and still safely and properly function. Therefore, staff recommends the following condition be added to the draft Resolution:

Prior to the issuance of a building or grading permit, the applicant shall submit revised plans to the Community Development Director and City Engineer

demonstrating a driveway connection to the adjacent property to the East that utilizes the existing driveway in its existing configuration.

CEQA / Council Action

Since the Planning Commission has approval authority over the Site Plan Review and Conditional Use Permit applications, and is a recommending body for certification of the EIR as well as the General Plan Amendment, Zone Change, Tentative Tract Map, Development Plan, Development Agreement and Oak Tree Permit, Section 5 of the resolution should be amended in the following manner to make it clear that approval of the Site Plan Review and Conditional Use Permit is contingent upon City Council certification of the Environmental Impact Report, and approval of the remaining applications:

Section 5. In view of the all the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby approves File Nos. CUP 600-054 and SPR-006-054 subject to the agreements and conditions set forth in this Planning Commission Resolution 08-432 and on the condition that the City Council of the City of Calabasas Certify the Environmental Impact Report and approve File Nos. GPA-006-006 and ZCH-007-000, DP-007-000, TTM-006-004, OTP-007-004 and DA-007-000. All documents described in Section 1 of PC Resolution No. 08-432 are deemed incorporated by reference as set forth at length.

Footpath Easement

The applicant has proposed a footpath along the eastern property boundary of the subject site. At this point, it is proposed only as an on-site amenity for the project. However, the applicant has agreed that if the City were to construct a larger pedestrian system linking the project site to Old Town Calabasas in the future, the proposed pathway can be used as a portion of that public walkway if needed. To this end, the following condition should be added to the resolution:

If the City engages in a future project to develop a public walkway from Old Town Calabasas to the project site, the applicant shall cooperate with the City to allow linkage of the public pathway with the footpath amenity proposed on the project site to form one public walkway system. Cooperation includes dedicating any necessary easements to the City that would allow the pathway to be used as a public walkway.

Public Art

The subject application has a commercial component that is required by Code to either provide public artwork or contribute to the City's Art in Public Places Fund. Therefore, the following condition should be added to the resolution:

Prior to the issuance of any Temporary or Final Certificate of Occupancy, the applicant shall either provide public artwork or pay an in-lieu fee in accordance with the provisions of CMC Chapter 17.24.

EIR / STAFF REPORT CORRECTION:

Subsequent to the distribution of both the Environmental Impact Report (EIR) and the Agenda Report, an error was discovered in the Analysis of Alternative 3 in the EIR (Figure VI-2 on p. VI-12 and p.VI-15, Transportation/Traffic section). The analysis for Alternative 3 compared project impacts for the proposed project to a scenario where the existing General Plan and Zoning Ordinance were not amended and a 118,000 square foot general office building was developed instead. The Alternative 3 site plan submitted by the applicant included a daily vehicle trip generation of 6,120 cars per day and the EIR analysis that an office building would create a 400% increase in the number of vehicle trips over the number of vehicle trips caused by the proposed project (1,520). The 6,120 daily vehicle trip generation number is wrong. This analysis was also used in the justification of the General Plan Amendment and Zone Change on page 17 of the Agenda Report.

The correct trip generation numbers for Alternative 3 (or a 118,000 sq. ft. general office building) are 1,515 daily vehicle trips. Additionally, the proposed project's daily vehicle trip generation is actually 1,510 (not 1,520). Therefore the actual difference that a 118,000 square foot office building would produce in daily vehicle trip generation is 5 more vehicle trips than the proposed project (as spread out over a 24 hour period).

However, the conclusions in the EIR Alternatives Analysis and Agenda Report remain valid because traffic impacts are more accurately measured with peak hour traffic generation rather than daily trip generation. In this case, when comparing the proposed project to the general office alternative, the general office project yields a 300% increase in am peak hour traffic and a 63% increase in pm peak hour traffic. Therefore, development of a general office building yields a greater traffic impact than the proposed project. Exhibit A includes an errata sheet for the EIR amending the language in the EIR's alternative 3 analysis. Although an error was included in the draft EIR circulated to the public for comment, no formal amendment to the EIR is required because it did not alter the conclusions or

Planning Commission Staff Report

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mitigation measures. Consequently, the conclusions made in the Agenda Report also remain relevant because an office project developed in the same location would produce worse AM and PM peak hour traffic scenarios.

PUBLIC CORRESPONDENCE

The public correspondence attached as Exhibit B was on August 13, 2008 after distribution of the Agenda Packet.

ATTACHMENTS:

Exhibit A: EIR Errata For Alternative 3 Traffic Analysis

Exhibit B: Additional Public Correspondence

ERRATA

The traffic impact analysis for Alternative 3 contained in the Draft EIR (Page VI-16) inadvertently used erroneous traffic generation rates, resulting in factual error by overstating the magnitude of impact caused by Alternative 3. The following revision to the traffic impact analysis for Alternative 3 corrects the generation rates. None of the conclusions drawn by the analyses in the Draft EIR are affected by this correction. With respect to traffic impact, the revised analyses show that the proposed project would still have less peak hour traffic impact than Alternative 3:

Because Alternative 3 is a commercial office development, it would generate more A.M. and P.M. peak hour traffic than the proposed project, although their total average daily number of trips would be essentially the same. Specifically, the proposed project would generate approximately 1,510 daily vehicle trips while Alternative 3 would generate approximately 1,515 daily vehicle trips. However, Alternative 3 would generate approximately 214 A.M. peak hour trips compared to the 74 A.M. peak hour trips generated by the proposed project. This is approximately 300% more A.M. peak hour trips than that generated by the proposed project. Similarly, Alternative 3 would generate approximately 211 P.M. peak hour trips compared to the 133 A.M. peak hour trips generated by the proposed project. This is approximately 63% more P.M. peak hour trips than that generated by the proposed project. The proposed project would contribute to a cumulatively significant impact at the Calabaras Road(W)/U.S. 101 Southbound Ramps intersection and would be required to share the cost of the planned improvements to mitigate its cumulative impact. Because Alternative 3 would generate more A.M. and P.M. peak hour traffic than the proposed project, it is expected that its impact on the Calabaras Road(W)/U.S. 101 Southbound Ramps intersection would be proportionately increased. Alternative 3 would also be required to share the cost of the planned improvements to mitigate its cumulative impact.

August 12, 2008

Ms. Maureen Tamuri
Director Of Community Development
City Of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Re: General Plan Amendment No. 006-006, Zone Change No. 007-000,
Development Plan No. 007-000, Tentative Tract Map No. 006-004, Development
Agreement No. 007-000, Conditional Use Permit No. 600-054, Site Plan Review
No. 006-054, and Oak Tree Permit No. 007-004.

Dear Maureen:

In connection with the above referenced project, we are the adjacent landowner immediately east of the subject property.

We have the following comments on the project:

1. **Easement.** We are one of the beneficiaries of an easement in perpetuity located at the northeastern corner of the property, on which our circular entry drive exists. This easement was created for our benefit when the properties were subdivided and remains in full force and effect and has not been vacated, abandoned or modified since it was created. **Since the proposed development assumes that this easement will be vacated or modified to create a new entry driveway, we must note that any such modification of this easement would require our prior written agreement.**

2. **Lower Park Sorrento Streetscape.** We believe that the south side of Park Sorrento, between the Swim and Tennis Club and the Commons should be enhanced as a walking/retail shop area emphasizing the connectivity between the Club and the Commons. Given the existing high volume of pedestrian traffic in both directions along the south side of Park Sorrento, to and from the Commons/ Park Granada retail area and the Club and residential areas behind, this is a natural and simple street improvement which would benefit and connect those zones. Additionally, it is the front door to the residential areas behind and an auxiliary extension of the Old Town. All parties would benefit by such planning. If this opportunity is not made a part of the proposed development, it will be lost forever as the development site has a significant portion of the Park Sorrento frontage. The Developer has indicated his willingness, working with the City, to plan such a walking area, and together our two sites constitute 80% of the proposed walking area. **We propose that as part of any approval, the City require creation of a lower Park Sorrento planning group including the City, the Swim and Tennis Club, and the commercial property owners along between the Swim and Tennis Club and the Commons for the purpose of creating and implementing a new lower Park Sorrento streetscape plan.**

3. **Traffic Around Park Sorrento Curve.** Park Sorrento, in front of the proposed development, has a pronounced southeasterly curve which creates limited visibility for cars exiting onto Park Sorrento from the project site. This is already a dangerous situation as cars tend to speed around the curve and we have witnessed several traffic accidents along this portion of Park Sorrento. **We propose that as part of any approval, the City require traffic mitigation and calming devices which will reduce or eliminate these risks. In particular, the development should be designed to provide much better visibility for drivers around the curve and require signalized crosswalks at one of the major project entries.**

4. **Building Height.** Consistent with 2 and 3 above, the scale of the buildings fronting Park Sorrento should be consistent with the rest of the buildings on the street in terms of height and setback, i.e. 2 levels at Park Sorrento grade.

Thanks very much for your time and consideration, we would welcome the opportunity to meet with staff and discuss these issues in more detail.

Very Truly Yours,

Robert Raznick

Hugh Greenup

cc:

Tony Coroalles, City Manager
Planning Commission
City Council
Larry Dinovitz



October 22, 2007

Mary Ellen Waller
Feinberg & Waller
23501 Park Sorrento, #103
Calabasas, CA 91302

Dear Mary Ellen,

I just wanted to keep you apprised of the latest developments with our Village at Calabasas project. We have recently received a qualified preliminary approval from the Calabasas Park Homeowners Association (CPHA).

The first qualification of our conditional approval states the following:

- Non-visitor parking shall not be permitted at the site, and the project will have a full-time guard or parking attendant to ensure the site is only used by shoppers, residents or their visitors. The parking may be restricted to 1 or 2 hour parking to ensure that it will only be used by the project. No parking for other developments shall be permitted on-site. In addition, D2 will cooperate in opposing, with CPHA, any linkage of this project to the Old Town area of Calabasas.

While this is only one of the qualifications for approval, I will continue to negotiate with both the CPHA and the City of Calabasas to be able to provide the extra parking that you are interested in purchasing.

I will keep you informed of my progress with both the CPHA and the City. In the meantime, please feel free to contact me at (818) 222-2530 x 101 or via email: ldinovitz@d2homes.com if you wish to discuss any of the above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry', is written over the name Lawrence M. Dinovitz.

Lawrence M. Dinovitz

November 26, 2007

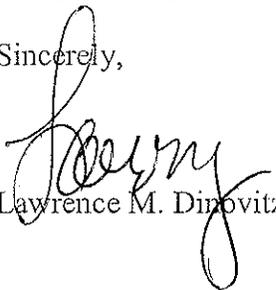
Mary Ellen Waller, Esq.
23501 Park Sorrento, Suite 103
Calabasas, CA 91302

Reg.: The Village at Calabasas.

Dear Mrs. Waller.

Please find enclosed copy of the letter that a Brookwood Property Owner has written to the CPHA. I again ask you to help us to get an approval for the additional parking for the Village at Calabasas so that we can provide extra parking to the adjoining neighbors. If you would not mind writing a similar letter I think it will be helpful. I look forward to being able to provide you with the parking you have requested.

Sincerely,



Lawrence M. Dinovitz

23500 Park Sorrento Ventures, LLC

5023 N. Parkway Calabasas.
Calabasas, CA 91302
T: 818.222.2530 F: 818.222.2536

November 26, 2007

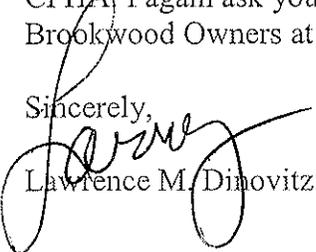
Mary Ellen Waller, Esq.
23501 Park Sorrento, Suite 103
Calabasas, CA 91302

Reg.: The Village at Calabasas.

Dear Mrs. Waller.

Please find enclosed copy of the letter that Brookwood Property Owner has written to the CPHA. I again ask you to help us to get an approval for the additional parking to the Brookwood Owners at completion.

Sincerely,


Lawrence M. Dinovitz.

November 21, 2007

Evelyn Lundin/ LUKO
P.O. Box 7727
Van Nuys, CA 91409

Calabasas Park Homeowners Association (CPHA)
23901 Calabasas Road #2004
Calabasas, CA 91302

RE: Request for additional parking availability in the "Village at Calabasas" project on Park Sorrento

Dear CPHA :

As property owners (LUKO Partnership) in the Brookwood Office Park Condominiums located at 23501 Park Sorrento suites #207 and #208, Calabasas CA 91302 located directly across the street from the proposed "Village at Calabasas" development (Calabasas Inn), **we are highly in favor of the option for the extra parking spaces in the Village project.**

Brookwood was built over 30 years ago under the County parking ratio. Historically there has been a greater need than we have available in our onsite parking with people relying on street parking both sides of Park Sorrento, and renting parking spaces across the street at the Calabasas Inn.

On Monday November 19, 2007 my daughter, Marie Lundin and I met with the developer Larry Dinovitz regarding his proposed "Village at Calabasas" project (Calabasas Inn site). At that meeting Mr. Dinovitz stated to us that street parking between the two "Village" drives will no longer be allowed on the "Village" side of the street.

Since our building has street frontage, our unit will be directly affected if the extra parking is not available. It is an absolute necessity that the extra parking spaces are provided to meet the current and future demand. Otherwise it will create a hardship and possible loss of value for the unit owners at Brookwood Office Park.

Sincerely,

Evelyn Lundin Marie Lundin

Cc file
Cc City of Calabasas
Cc Larry Dinovitz