



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
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.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62.020 and Section 17.62.050 of the Calabasas Municipal Code stipulate that the Planning Commission is the decision making body for Conditional Use Permits and Site Plan Reviews. Furthermore, Section 17.62.060, Section 17.68.030, Section 17.26.070, Section 17.41.040 and Chapter 17.76 of the Calabasas Municipal Code stipulate that the Planning Commission shall make a recommendation to the City Council on General Plan Amendments, Zone Changes, Development Plans, Development Agreements, Oak Tree Permits and Tentative Tract Maps.

BACKGROUND:

The project site is a 5.43 acre irregularly shaped lot located at 23500 Park Sorrento, adjacent to the Calabasas Lake and Tennis and Swim Center. The site is currently developed with the two-story, wood-frame Calabasas Inn, which currently functions as a restaurant, wedding and banquet facility. The Calabasas Inn structure is located in the central portion of the site, an asphalt parking lot is located on the northern portion of the site, and a manicured lawn with landscape trees is located behind the structure to the south. McCoy Canyon Creek, a perennial stream, trends through the property along the southeast property line. The project site consists of gently sloping grounds at an elevation of approximately 950-feet above sea level. Slopes along the southeast portion of the site descend approximately 15 feet at a 2:1 grade to McCoy Canyon Creek. Access to the project site is available from Park Sorrento via a driveway located at the northwest corner of the site. The adjacent property to the east has an easement for ingress/egress over the northeastern portion of the subject property which is used as its primary means of ingress.

The subject site is zoned Commercial Office (CO) and has a general plan designation of Business Professional (B-PO). Multi-family residential and mixed uses are not permitted in the CO zone (except for 100% senior multi-family use); therefore, the applicant is requesting a zone change and general plan amendment to allow for the approval of the proposed mixed-use project through a Conditional Use Permit and Site Plan Review process.

The application was originally submitted on March 17, 2006, for the construction of a 270,000 square-foot mixed use project to include 15,000 square feet of retail, a 4,500 square –foot senior center and 122 residential condominiums. Throughout the development review process the final design has changed numerous times and has been downscaled into the current proposal. The project was reviewed by the Development Review Committee (DRC) on May, 16, 2006 and December 5, 2006. The Design Review Panel (DRP) reviewed the project on June 22, 2007 and July 27, 2007. The DRP recommended approval of the project design on July 27, 2007. In addition, the City Council and Planning Commission held a joint preliminary scoping meeting on July 5, 2006, to review and discuss the proposed concept for the redevelopment of the Calabasas Inn site, and provide preliminary guidance to staff regarding the scope of environmental review under CEQA.

An Initial Study was prepared for this project, and after considering the potential environmental impacts the proposed project might have on the environment, it was determined that an Environmental Impact Report (EIR) was required. A Notice of Preparation (NOP) for an EIR was prepared for the proposed project and distributed for agency and public review on November 8, 2007. A Public Scoping meeting was held at the

project site on November 28, 2007 to gather public input from the public regarding the scope of analysis for the EIR. The major points raised during the public scoping meeting were as follows:

1. Parking - The existing site serves as overflow parking for adjacent offices along Park Sorrento. Tenants in those offices and residents along Park Sorrento are concerned that the proposed project will displace parking spaces currently on the Calabasas Inn site and move them to the street, worsening an existing unfavorable parking situation along Park Sorrento.
2. Traffic – There are concerns that the proposed project will increase Traffic along Park Sorrento. The driveway alignment needs to be slightly re-aligned to allow for smooth ingress and egress to the project site.
3. Height – Residents are concerned that the height of the proposed building is out of context with the surrounding office buildings.
4. Biology – Residents acknowledged the potential for a biologically diverse riparian zone that should be well analyzed and protected.

A Draft Environmental Impact Report (DEIR) was prepared and circulated for public review and comment on April 7, 2008. The Public review period ended on May 21, 2008. The EIR has been posted on the City's webpage from the beginning of the comment period and remains posted. Comments sent to the planning department were responded to and are incorporated into the Final EIR, along with the Mitigation Monitoring and Reporting Program (MMRP). Copies of both the Draft EIR and Final EIR were distributed to Commissioners prior to distribution of this agenda packet.

CRITICAL ISSUES:

The critical issues, which are explained in the analysis below, are as follows:

- Site Design/Building Layout
- Traffic and Circulation
- Parking
- Architecture/DRP
- Geology
- Biology/Oak Trees
- Affordable Housing/Development Agreement
- LEED
- General Plan/Zoning Amendments
- Building Height
- Building Size

STAFF ANALYSIS:

A. Site Design/Building Layout: The proposed project consists of a mixed use development with 79 residential condominium units and 13,135 square feet of restaurant and retail uses. The restaurant and retail uses will be located on the ground level situated off of Park Sorrento. The proximity of the retail uses to Park Sorrento will encourage pedestrian friendly shopping. Outdoor dining and patio areas will also be provided adjacent to the two restaurants and one bakery. The residential units will be located on floors one through four, with the ground floor units situated towards the rear of the property. There will be a one level subterranean parking structure below all three buildings that will provide the majority of residential, commercial and guest parking. Additional commercial parking will be located on grade adjacent to the commercial uses. The proposed site design is intended to keep commercial patrons towards the front of the property, while residential owners will have access to the rear of the property and use of the Calabasas Lake and Tennis and Swim Center. It is also important to note that the project is designed to utilize the existing developed/disturbed areas of the project site, and not to encroach into any undisturbed portions of the site.

Although connected by a subterranean garage, the proposed project consists of three buildings. The intent is to create an open, village feel with several smaller buildings rather than one large building. All three buildings feature open air landscaped atriums and are connected by bridges that allow residents to access the residential portion of the project without having to enter the public commercial areas. The residential units range in size from 800 – 2,972 square feet with one to three bedrooms. All residential units have private balconies that comply with the City's minimum requirement for private outdoor space as outlined in section 17.32.130(c) of the CMC. The residential units will have direct elevator access to the subterranean parking garage, and separate gated parking. Furthermore, the residential units can be accessed from the ground floor via a private lobby entrance. As a result, the residential component of this project has been designed to provide adequate separation from the commercial component.

Trash and recyclable materials for the condominium units will be disposed of through trash chutes located on each floor in each building, adjacent to the residential elevators.

The trash and recyclable materials will be collected from bins located in the subterranean garage, within a walled trash enclosure. Trash and recyclable materials will be scheduled for pick-up once a week (by a City-approved solid waste hauler), or as needed by special vehicles and disposed of at an off-site location. A separate walled trash enclosure for the commercial tenants will be located at ground level on the east side of building one. The trash enclosures will provide grease traps as needed, and drain to the sewer system through approved mechanical systems.

The proposed project meets the setback, site coverage, and pervious surface requirements for the CMU zone (see technical appendix below). At 44'-3", the proposed building exceeds the City's height limit, but is being requested as a concession for providing affordable housing. Additional floor area ratio (FAR) is proposed under a PD overlay, increasing the allowed FAR from 0.2 to 0.7447, which is consistent with the General Plan maximum allowed FAR for the Mixed-Use land use designation of 1.0. Project plans are attached as Exhibit B.

- B. Circulation/Traffic:** The subject site will be accessed via two driveways along Park Sorrento. The western driveway is the main entrance which allows circulation to the on-grade commercial parking and the subterranean parking structure. Exiting can take place either from the eastern or western driveway. The eastern driveway will also provide an alternate entrance to the commercial parking and includes a designated 51-foot loading/unloading area. Additionally, the eastern adjacent property maintains a reciprocal access easement and existing driveway over the northeastern corner of the subject parcel. The project proposes to reconfigure this easement and relocate the access to the adjacent parcel to an area approximately 100 feet south of Park Sorrento (and off of the eastern driveway). Both project driveways will provide access to emergency vehicles. An additional fire truck lane extends from the eastern driveway around the building. This additional fire truck access will be gated and equipped with a fire department approved knox box so that only emergency vehicles may enter this area.

The applicant has submitted a traffic and circulation study, prepared by Associated Transportation Engineers, to determine the potential traffic and circulation impacts associated with the proposed mixed-use project. The street network included in the study extends from just west of Parkway Calabasas on the west to Mulholland Drive on the east; and from Ventura Boulevard on the north to Park Sienna on the south. Regional access to the site from the north is provided by US Highway 101 via the interchanges at Parkway Calabasas and Valley Circle/Mulholland Drive. Regional access from the south is provided by Old Topanga Canyon Road and Mulholland Highway. The primary arterials in the study area include Calabasas Road, Parkway Calabasas and Mulholland Drive. Park Sorrento, serving the project site, is a collector road that serves primarily residential areas between Park Granada and Park Ora, and several offices near Park Granada.

The traffic and circulation study analyzed project related impacts on the intersections within the above mentioned study-area street network. The analysis is based on a 2009 traffic forecast, which looks at the 2006 volumes plus a related projects and growth factor projection. The study determined the anticipated levels of service (LOS) at each intersection during A.M and P.M. peak hours. The data indicates that the Calabasas Road (W)/US 101 Southbound Ramps intersection is forecast to operate at level LOS D

and the Valley Circle Boulevard/US 101 Northbound Ramps intersection is forecast to operate at LOS F during A.M. peak hours. The data also indicated that the Calabasas Road (W)/US 101 Southbound Ramps intersection and the Calabasas Road/Mulholland Drive intersection are forecast to operate at LOS D during P.M. peak hours. The remaining intersections are expected to operate at LOS C or better during A.M. and P.M. peak hours (and LOS B or better at intersections that directly affect residences and businesses adjacent to the project site). According to the study, development of the proposed project would not exceed the City of Calabasas or City of Los Angeles impact thresholds at the above mentioned intersections. As a result, the proposed project will not generate significant impacts during the A.M. or P.M. peak hour based on applicable impact criteria.

The traffic and circulation study includes an analysis of cumulative traffic conditions on the intersections of the study-area street network. The analysis utilizes the traffic forecast generated for the project and adds the traffic generated by other future projects which may be constructed in the study area. The Calabasas Road (W)/101 Southbound Ramps intersection (across from the Volvo Dealership) is expected to exceed the City of Calabasas traffic impact threshold for this intersection. The remaining study-area intersections are not expected to generate unacceptable cumulative project related impacts. In response to the increase traffic at the Calabasas Road (W)/101 Southbound Ramps intersection, the City is programming improvements to this intersection. In order to mitigate its cumulative impact, it is recommended that the project is conditioned to contribute its fair share to the cost of improvements of this intersection.

Park Sorrento is 64 feet wide from curb to curb and contains one travel lane in each direction, a median two-way shared left-turn lane, and parallel parking on both sides of the road. According the traffic study, the project is expected to generate 30 inbound and 40 outbound A.M. peak hour trips, and 79 inbound and 54 outbound P.M. peak hour trips at both driveways (cumulatively). The driveways are expected to operate at LOS B or better during the A.M. and P.M. peak hours. Based on the roadway configuration, traffic volumes on Park Sorrento, and the projected traffic volume generated by the site, it was determined that the driveway connections would operate acceptably.

ATE completed a sight distance analysis at the proposed driveway locations on Park Sorrento. Using the Caltrans Highway Design Manual, ATE established that the minimum required stopping distance for an intersection on a roadway with a speed of 35 mph is 250 feet. At the proposed western driveway, the sight distance looking west towards Park Granada is over 400 feet. However, the sight distance looking east would be limited by cars parked along the south side of Park Sorrento. Similarly, at the proposed eastern driveway, the sight distance looking to the east is 260 feet; however,

the sight distance looking west is limited to 120 feet by on-street parking. Therefore, it is recommended that on-street parking be prohibited along the south side of Park Sorrento between the two driveway locations. This would increase sight distance from both driveways in both directions to over 250 feet, which is consistent with Caltrans standard for minimum stopping distance for roadways with 35 mph speed. In order to mitigate for the loss of six (6) street parking spaces, staff recommends that the applicant be required to provide six (6) additional onsite parking spaces (available to the general public for any purpose), for a revised project total of 308 parking spaces.

Because the proposed project includes a request for a zone change from CO (Commercial Office) to CMU (Commercial – Mixed Use), the traffic and circulation study includes a comparative trip generation analysis of the project site assuming buildout under the current zoning designation versus the trips generated by the proposed project. The buildout analysis for the CO zoning district assumes 50% floor area ratio (FAR), which would yield ~118,000 square feet of office building area (as approximated in the Traffic Study and used for analysis purposes). Based on the data provided, the proposed mixed use project would generate 1,510 average daily trips (ADT) versus 1,515 ADT for a ~118,000 square-foot office, resulting in 5 less ADT, 140 less A.M. peak hour trips, and 78 less P.M. peak hour trips than the existing CO zoning designation (figures based on Appendix K-3 of the FEIR, Addendum to the Traffic and Circulation Study dated November 26, 2007). To this end, the proposed mixed-use project is a more desirable alternative from a traffic perspective because it will have significantly less of an impact on traffic during the peak hours than a new office would.

The Traffic and Transportation Department retained the services of Alliance JB, a consultant traffic engineering firm, to review the project's traffic and circulation study. Based on ATE's response to comments from Alliance JB, the Traffic and Transportation Department is satisfied with the information provided in the study. On August 28, 2007, the Traffic and Transportation Committee (TTC) reviewed the application and associated traffic study, and recommended that the Planning Commission adopt the following conditions of approval (please see Exhibit E, minutes from the August 28, 2007 TTC meeting):

1. Village of Calabasas project will pay its fair share of the cost for improvements at the intersection of Calabasas Road and the southbound US 101 offramps.
2. That the Village of Calabasas project will provide and maintain sight lines consistent with stopping distance requirements as outlined in the Caltrans Design manual.
3. That the Village of Calabasas project will install signs and/or curb paint restricting street parking between the project driveways.

4. Village of Calabasas must pay its fair share of possible costs of the signalization at Calabasas Road and El Canon if that signal were to go forward.
5. Village at Calabasas be obligated to pay a citywide traffic mitigation fee which is at \$1230 per unit and \$3.00 per square foot of retail.
6. That the Planning Commission considers this project in light of a chronic, stubborn parking shortage in the vicinity of this project. This should be a specific point of the Planning Commission.

C. Parking: The proposed mixed use project includes 79 residential condominium units and 13,135 square feet of retail/restaurant uses including additional outdoor dining areas. Based the parking requirements of section 17.28.040 of the CMC the proposed project is required to provide 302 total parking spaces (see table below). The applicant is proposing to provide 57 of these as surface level parking spaces and the remaining 245 spaces in a one-level subterranean parking structure located beneath the buildings. The surface level parking spaces will be used exclusively for self parking for the commercial component. Also, there will be 59 commercial, 26 guest and 160 residential parking spaces in the subterranean garage. The parking garage will include one ramp located in the center of the property. The residential parking spaces will be separated from the commercial and guest parking by an unmanned gate. The layout of parking stalls and aisle widths conform to the requirements established by section 17.28.070 of the CMC. Therefore, the proposed project meets the City's parking requirements.

Description / Area	Area (sf) / Number of Units	City Code	Required # of Parking Spaces	Parking Spaces Provided
Shops (General Merchandise)	6,034	1 space / 200 sq ft	30	30
Bakery (Take out only)	2,300	1 space / 180 sq ft	13	13
Outdoor Dining (Counter Service)	583	5 spaces; plus 1 space / 100 sq ft	11	11
Restaurant (Table Service)	4,801	1 space / 100 sq ft	48	48
Outdoor Dining (Table Service)	1,417	1 space / 100 sq ft	14	14
One Bedroom Residential Units	18	1.5 spaces / unit	27	27
Two Bedroom Residential Units	40	2 spaces / unit	80	80
Three Bedroom Residential Units	21	2.5 spaces / unit	52.5	53
Residential Guest Parking		1 space / 3 units	26	26
Total Required Parking Spaces			302	302

As outlined above, the proposed project will provide the required number of parking spaces per City Code. By complying with the City's parking requirement, the proposed project will have adequate parking to accommodate the users of the facility without spillover to the public streets.

Taking a broader look at areawide parking resources, the commercial (northwestern) portion of Park Sorrento exhibits a high volume of public street parking usage. This is mainly due to several adjacent facilities (permitted and constructed prior to the City's incorporation) containing parking deficiencies. To compensate for this general shortage, office tenants and patrons have utilized street parking resources and, more recently, leased spaces at the project site to serve their parking needs. With development of the Calabasas Inn site, parking spacing leasing opportunities will be lost, and additionally, as mentioned above, 6 street spaces will be lost to ensure safe egress from the proposed project. Because of the recognized value of the street parking, the applicant is required to mitigate the loss of these 6 spaces by providing 6 additional spaces on the project site that will be unrestricted public parking spaces in perpetuity.

- D. Architecture/DRP:** The existing Calabasas Inn site is currently developed with a one to two-story wood frame banquet facility located in the center of the property, an asphalt parking lot in the front of the property and manicured landscape in the rear. The existing parking lot is not easily noticeable to the causal driver, but can be seen by those who look for it. The site is surrounded by one to three story office buildings varying in architectural styles, and a one-story telecommunications switching facility. The proposed four-story complex will substantially alter the aesthetics of the site; however, the proposed project is attractively designed and well landscaped. As a result, the proposed project should be a visual benefit to the community. Furthermore, the project will not have a significant impact on any public or private views, or on a broader level, any scenic vistas from or near the project site.

The proposed mixed-use project has been designed to incorporate Santa Barbara Mission Style architecture, which is consistent with other buildings within the City. Some design elements include: mansard roof design incorporating skylights and rustic finishes, attractive balconies/patio with glass/metal railings, stone-clad first floor colonnade, and large atriums between buildings with lush landscaping. The commercial and outdoor dining areas include attractive glass/plaster/stone entryways, fountains and sculptures. Overall, the architecture is intended to provide the neighborhood with an upscale pedestrian friendly shopping environment, and high-end residential living.

The project was reviewed by the Design Review Panel (DRP) on June 22, 2007, and was provided with the following comments:

1. Panel obtained consensus that the project's exterior design (Santa Barbara Mission Style) is good.
2. Project massing is generally too bulky, recommendation to step back the corners of the building either by eliminating a unit or placing decks at the corners of the building.
3. A more prominent (and inviting) pedestrian entrance should be brought from Park Sorrento into the development.

After having made minor modifications to address the above mentioned comments, the application was reviewed by the DRP on July 27, 2007. The DRP found that the changes made by the applicant adequately addressed their comments from the prior meeting, and recommended that the project be approved from a design perspective.

- E. Geology: A preliminary geotechnical report for the proposed project was prepared by Earth Systems Southern California in 2007 to analyze the potential geology and soils impact associated with the proposed project. The field exploration for the project site was conducted on January 13, 2006, and consisted of samplings from seven hollow-stem auger test borings to depths of approximately 15 to 50 feet below the existing surface, samplings from two 24-inch diameter bucket-auger borings to a depth of 33 to 42 feet. A groundwater monitoring well was also installed in one of the hollow-stem auger borings. Please see appendix H of the FEIR for a more detailed explanation of the field exploration and methodologies.

Based on the field exploration and sampling data, the following subsurface conditions were observed. Artificial fill was observed throughout the majority of the property and was observed as deep as 10 feet. Bedrock was encountered in all borings at depths ranging from near surface to 21 feet below grade. As a result, it is recommended that all artificial fill and near surface soils (within a minimum of two feet below proposed finished grade) be removed and recompacted for slab support. Either conventional spread footings or cast-in-place pier foundation may be used to support the proposed structures. All footings will bear in the underlying competent bedrock. Although the eastern portion of the site is located within a defined liquefaction hazard zone, the potential for liquefaction induced damage is negligible because the bases of the structures are to be entirely in bedrock.

- F. Biology/Oak Trees: An assessment of biological resources on the proposed project site was conducted by Land Design Consultants. The general purpose of the biological report is to provide a description of existing biological conditions on the site, determine the potential for sensitive plant and animal species and sensitive habitats to occur on the site, identify potential impacts to biological resources that may occur as a result of the project, and provide avoidance and mitigation measures to reduce potential impacts.

The 5.43-acre project site is currently occupied by the Calabasas Inn and surrounded by a tennis club, residential and commercial complexes. Approximately 2.87 acres (52.9 percent) of the subject site has been developed. The developed areas consist of one building, access roads, a parking lot, and sidewalks. Landscaped areas associated with the existing Calabasas Inn occupy 1.72 acres (31.6 percent) of the subject site. The landscaping consists primarily of lawn areas north and south of the building. McCoy Creek, a perennial watercourse, is located in the southern and eastern portions of the subject site. Part of the stream is bordered on the north by a concrete bank and lacks vegetation within the channel. Southern Coast live oak riparian forest is the only sensitive habitat that occurs onsite; this habitat occupies 0.76 acres (14 percent) of the subject site and is located along McCoy Creek. McCoy Creek connects to Arroyo Calabasas, which is a tributary to the Los Angeles River. Portions of the riparian/wetland area also fall under the jurisdiction of the United States Army Corps of Engineers (Corps) and the California Department of Fish and Game (CDFG).

Most wildlife found onsite during the survey are common, widespread, and highly adaptable. However, four (4) sensitive wildlife species may occur or are known to occur on the site. The four species include the oak titmouse and Nuttall's woodpecker, both believed to be year round residents of the site; and the white and the rufous hummingbird, both believed to be transients and not residents of the site. Direct impacts to these species could result from construction impacts and loss of habitat. It is expected that the loss of habitat will be negligible because these species can relocate to other portions of the site or utilize new mitigation southern coast live oak forest as required by EIR Mitigation Measure D-1 (see below). Furthermore, implementation of EIR Mitigation Measure D-4, which includes preconstruction surveys and setbacks from occupied nests, would reduce potential impacts of wildlife to less-than-significant levels. For non-sensitive species, EIR Mitigation Measure D-3 requires the trapping and relocation of all reptiles within the impacted area to off-site.

The project development would permanently impact 0.04 acres (5.2 percent) of southern coast live oak riparian forest habitat. Implementation of EIR Mitigation Measure D-1, involving the establishment of a new oak forest onsite at a 1:1 replacement ratio totaling 0.04 acres to an onsite open space area, and fencing off oaks that fall within 20 feet of the construction area, will reduce this impact to a less than significant level.

There are 174 oak trees with a DBH greater than one inch within the project construction zone. Based on the conceptual site plan, 113 would remain unaffected by the proposed project, twenty-four (24) would have their protected zones permanently encroached upon by structure development, four (4) would have their protected zones encroached upon by the proposed footpath, twenty-nine (29) would potentially have encroachments within their protected zones (if a future extended creekside footpath

were ever developed on-site) and four (4) would be removed (Exhibit F). None of the twenty-one (21) on-site Heritage oak trees on-site would be removed for the proposed project, however, ten (10) Heritage oak trees would be permanently encroached within their protected zones, and five (5) would potentially be encroached upon. Implementation of Mitigation Measure D-1, which includes protective measures during and after construction, and an inch for inch replacement of removed oak trees, would reduce potential impacts to less-than-significant levels.

The City's Oak Tree Ordinance requires one inch of oak tree diameter to be planted for each inch of tree removed. As a result, the applicant is required to plant the inch for inch replacement on the project site or an approved off-site location; therefore, the proposed project is in conformance with the City's Oak Tree Ordinance. According to section 17.26.070(D)(4)(b) of the CMC, the Planning Commission shall forward a recommendation to the City Council regarding any oak tree permit for a project that requires Council consideration of a development project approval. Accordingly, staff requests that the Planning Commission forward a favorable recommendation to the City Council.

The City's arborist, James Dean, has reviewed the Oak Tree Report, and his comments are on file with the Planning Department. Mr. Dean concurs with the findings and recommendation of the Oak Tree Report, and recommends approval of the permit (see Exhibit G).

Projects located within 500 feet of native vegetation are required to maintain fuel management zones by the LA County Fire Department. The City requires submittal of approved fuel modification plans that demonstrate fuel modification activity in relation to any proposed project. Submittal of these plans to the City are important not only for safety reasons, but they demonstrate the extent that fuel modification required by the Fire Department may affect adjacent habitat areas. For administrative reasons, at the time of review for the subject application, the Fire Department would not accept a fuel modification for review. Because of this, it is not known what impacts may occur due to Fire Department mandated brush clearance. However, due to no historic brush clearance requirements, the location of the project site in a relatively irrigated, developed area, and the adjacency to vegetation associated with a wetland, there are no anticipated fuel modification requirements believed to create significant impacts to the adjacent wetland/riparian areas. However, as extra protection, EIR Mitigation Measure D-4 requires any required fuel modification activity be performed outside of the breeding season for nesting birds.

- G. Affordable Housing/Development Agreement:** Chapter 17.22 of the CMC requires all new residential development with 5 or more dwelling units to provide affordable housing within the development. If it is not feasible for the applicant to incorporate affordable

housing units within the development, the applicant may request that the City Council allow the developer to satisfy the requirement off-site or pay an in-lieu fee. Both of these options require entering into a development agreement with the City which requires City Council approval. Furthermore, projects that incorporate affordable housing are also eligible under State law for a density bonus and at least one incentive (or concession) based on the number and type of affordable housing provided. Section 17.22.020(B)(2) allows for up to a 20% density bonus when 5% of the total project units are dedicated as very low income units (meaning they are sold at prices affordable to households with an income of up to 50% of the county median income). Because the proposed project includes the construction of 79 residential units, the applicant is required to provide at least 4 (5% of 79 units) very low income units to satisfy the City's affordable housing requirements and qualify for the density bonus and incentive described above.

Section 17.22.040(D) allows the applicant to convert market rate housing to affordable housing through a "buy down" mechanism, and establishing restrictive covenants, provided that the alternative is carried out through a Development Agreement. The applicant is proposing to provide four (4) very-low income for sale housing units through the purchase of existing off-site condominiums near the project site at current market rate, and then selling those units to qualified individuals, couples or families at a reduced rate established by the City's affordable housing requirements. The provision of very low income housing will be set forth in a Development Agreement between the City and the developer (D2). If approved, the proposed purchase and buy down of off-site units for affordable units will satisfy the City's inclusionary housing requirement. However, provision of units off-site does not help the City in meeting our Regional Housing Needs Assessment (RHNA) goals. In order for units to count towards our RHNA goals, the units would have to be new units provided on-site, or must be provided through a buy down program for off-site rental units.

Because the applicant is providing 5% of the total number of proposed units as affordable units (off-site), and pursuant to State law, the developer has requested that the City relax its development standard with regard to building height.

- H. **LEED:** Buildings have a profound effect on the environment. For example, in the United States buildings use one-third of our total energy, two-thirds of our electricity, and one-eighth of our water. In an effort to minimize our effect on the local, regional and global environment, the Calabasas City Council adopted Ordinance No. 2003-185 establishing sustainable development practices for all non-residential development. Section 17.34 of the CMC requires all new or reconstructed non-residential development to meet LEED (Leadership in Energy and Environmental Design) (version 2.0) standards.

Developed by the United States Green Building Council (USGBC), the LEED rating system is a nationally accepted benchmark for the design, construction and operation of high performance green buildings. Green buildings bring together an array of practices and techniques to reduce the impacts of buildings on the environment and human health. Green design not only makes a positive impact on public health and the environment, it also reduces operating costs, enhances building marketability, increases occupant productivity, and helps create a sustainable community. The LEED rating system focuses on the following project component areas:

- Site Development
- Water Efficiency
- Energy Efficiency
- Materials Selection
- Indoor Environmental Quality
- Innovation and Design

The LEED rating system is based on both prerequisite (required) project components and elective credits or points that when added up correspond to the following ratings:

- Certified (26 - 32 points)
- Silver (33 – 38 points)
- Gold (39 – 51 points)
- Platinum (52 – 69 points)

A LEED point is earned credit related to one of the components areas listed above. Points are earned through documentation and submittal to the City for review. Some points can be demonstrated through design documentation (i.e. by submitting the applicable portion of construction plans or by using maps and/or other drawings to demonstrate compliance), and some points are related to the actual construction of the building and must be either field verified through inspections, certifications, or by submitting invoices or contractor submittals from subcontractors specifying the products used or purchased, or construction methods employed.

According to section 17.34.010(B) of the CMC, the development of non-residential structures exceeding 5,000 square feet shall be subject to the Calabasas Green Building Ordinance and shall be required to achieve at minimum the equivalent of a “Silver” rating under the LEED for New Construction (version 2.0) rating system. This project is unique in that it is a mixed-use development that combined both residential and non-residential uses within the same structure. Nevertheless, the commercial component of this project is 13,135 square feet, thus the commercial component must achieve a “Silver” rating. The applicant has provided the City with a LEED version 2.0

checklist and narrative demonstrating how they intend to achieve a “Silver” rating (see Exhibit K). Some of the more notable LEED project components are:

- Subterranean parking and use of landscape shading (to reduce heat island effect)
- Water efficient native and drought tolerant landscaping (reduce water need)
- Low flow/flush fixtures (reduce water need)
- Solar Power to run water heaters (reduce power need)
- Reuse of materials from the existing Calabasas Inn structure
- Recycled content materials
- Construction Indoor Air Quality Management (construction and pre-occupancy)
- Low Voc Materials (paints, adhesives/sealants, carpet, composite wood)
- System controls (for thermal comfort)
- Green Cleaning

- I. General Plan/Zoning Amendments: The subject site is currently zoned Commercial Office (CO) and has a Business – Professional Office (B-PO) General Plan land use designation. The CO zoning district permits general business offices, medical, professional, real estate, financial, and other offices, and similar related compatible uses. Furthermore, an all senior residential complex is conditionally permitted within the CO zoning district. The allowable land use intensity for this zone ranges from a minimum of 0.2 to a maximum of 0.5 FAR.

The proposed project includes the construction of a 174,413 square-foot mixed-use development with 79 residential (non-age restricted) condominium units and 13,135 square feet of retail/restaurant uses (plus about 2,000 sq. ft. of outdoor dining space). To implement the project objectives, the applicant has filed an application for a General Plan Amendment to change the existing designation from B-PO to Mixed Use (MU), and an application for a Zone Change from Commercial Office (CO) to Commercial Mixed Use (CMU). The requested General Plan Amendment and Zone Change is necessary to accommodate both the housing and retail components of the proposed project.

The Mixed Use land use designation is intended to promote innovative site design and creation of urban, pedestrian-oriented developments by permitting a broad range of office, retail, other commercial uses and high intensity residential uses within an integrated, multi-use setting. The City’s General Plan includes a basic land use intensity for Mixed Use of 0.2 FAR which may be increased to a maximum land use intensity of 1.0 FAR.

Although amending the General Plan/Zoning designation to Mixed Use will allow potential development intensities greater than the current CO designation (0.2 – 0.5 FAR), the proposed amendment (with the proposed development) will remain

compatible with the surrounding area (Exhibit H). The shift to a Mixed Use designation will also promote a more ecological and pedestrian friendly project than would otherwise be allowed. Living spaces in closer proximity to necessary services, shopping opportunities, working spaces and public transit reduce the need for vehicle trips, promotes healthier living through encouragement to walk, and creates new social spaces within an area slowly emerging as the City’s central core. It also is consistent with the City’s existing and continuously reinforced “green” goals and initiatives which encourage using less resources and being more efficient.

Furthermore, an (approx.) 117,000 square-foot office building would have a greater environmental impact on the surrounding area than the proposed 174,413 square-foot mixed use project. For example, a 117,000 square-foot office building would require 468 parking spaces (or 166 more parking spaces than the proposed project) to be located in either a standalone parking garage or larger subterranean structure, either of which would be more intense than the single-level subterranean parking garage for the proposed project. The office building would require a minimum of 45,550 more cubic yards of dirt export. Additionally, an office building would result in increased traffic volumes and impact to the area (an estimated increase from 1,520 vehicle trips to 6,120 vehicle trips per day). To this end, an office building built consistent with the existing General Plan and zoning designations could result in a development with increased impacts without providing the ecological and social benefits that granting the proposed amendments to the General Plan and zoning designations could provide such as reduced vehicle needs, additional retail/restaurant amenities or affordable housing for the area.

The area surrounding the subject site is designated for a variety of land uses including retail, office, commercial, recreation, open space and public facilities. Within a 500-foot radius, the surrounding land uses are as follows:

<u>Direction</u>	<u>Land Use Designation</u>	<u>Zoning</u>
North	B-OT (Business – Old Town) BR (Commercial Retail)	CT (Commercial Old Town) CR (Commercial Retail)
South	B-PO (Business Professional Office) OS-RP (Open Space – Protected) R-MF (Residential Multi Family)	CO (Commercial Office) OS (Open Space) RM (Residential Multi Family)
East	PF-R (Public Facilities-Recreational) B-PO (Business Professional Office) R-SF (Residential Single-Family)	PF (Public Facilities) CO (Commercial Office) RS (Residential Single-Family)

West	B-PO (Business Professional Office)	CO (Commercial Office)
	PF-R (Public Facilities-Recreational)	PF (Public Facilities)
	BR (Commercial Retail)	CR (Commercial Retail)
	MU (Mixed Use)	CMU (Commercial Mixed Use)

Because there is a variety of land use designations within a close proximity to the subject site, the proposed General Plan amendment from B-PO to MU is an appropriate designation for the area. A MU land use designation will allow for a pedestrian oriented mixed use development that will serve the existing neighborhood. Upscale restaurant and retail uses will be frequented by local office tenants and residents, as well as on-site residential owners. As a result, the proposed mixed use development meets the following objectives outlined in the General Plan as features which enhance community character:

- Provisions of gathering, meeting, and recreational places;
- Pedestrian-oriented uses within a mixed use context in and adjacent to Old Town;
- Design of commercial facilities which facilitate, rather than hinder, pedestrian circulation within the facility, as well as between commercial facilities and adjacent residential neighborhoods.

Given the above mentioned circumstances, the requested General Plan amendment from B-PO to MU and zone change from CO to CMU is consistent with the goals and policies of the General Plan, and is therefore appropriate for the subject site.

- J. Building Height:** The proposed mixed-use project includes three separate buildings with varying heights. The tallest point of the proposed buildings is 44.3 feet above grade, which exceeds the City's 35-foot height limit. Other portions of the building range in height from 26.4 feet to 43.5 feet above grade. In order to minimize the visual impact of a 44.3-foot tall building, the tallest points are located in the center of the project and are therefore less visible to the public.

The applicant is requesting an increase in height as the one concession for complying with the City's affordable housing requirement. In accordance with section 17.22.030(c) an eligible project shall receive one incentive for providing at least 5 percent of the total units for very low income households. A reduction in parcel development standards is an allowed type of incentive, provided that the incentive does not have a specific adverse impact upon health, safety or the physical environment and there is no feasible method to mitigate such impacts. The requested height increase will not have an adverse impact upon health, safety or the physical environment.

In addition, many structures in the vicinity of the proposed development already exceed the City's maximum 35 foot height requirement (projects approved both before and after the incorporation of the City). Please refer to Exhibit I for a table of buildings in the vicinity that exceed the City's maximum height requirement. Some notable examples are the Hilton Garden Inn, the Kilroy office complex and substantial portions of Calabasas Square (the three story office building directly across from the project site). In addition, the applicant has requested approval of a development plan for a Planned Development Overlay Zone for the subject site for an increase in FAR. Even if the affordable housing concession mentioned above and in Section G of this staff report could not be supported through pro forma evidence that the concession is necessary to provide affordable housing, the height characteristics of development in the general vicinity support increases in height over the 35 foot maximum allowed by code, and can be supported through a relaxation of the height standard through a Planned Development Overlay Zone. The applicant has submitted pro forma calculations to the department, which are currently being analyzed. Results of that analysis will be available at the time of the hearing.

- K. Building Size:** The proposed 174,413 square-foot mixed-use project has a Floor Area Ratio (FAR) of 0.7447, which is greater than the maximum allowed FAR of 0.2 for the CMU zoning district. As a result, the applicant has filed an application for a Planned Development (PD) Overlay in order to allow for the requested increase in FAR. The purpose of the PD Overlay is to provide maximum flexibility in site planning and design for residential, commercial and mixed-use projects. The PD Overlay may be applied where site characteristics, adjacent land uses or other community conditions may be benefited by accommodations in site planning that could not otherwise be accomplished through the development standards required in the primary zoning district. Planned Developments are encouraged to produce projects of equal or greater quality that would otherwise be feasible through traditional zoning. Approval of a development plan with a PD Overlay district may include specific modifications to the City's development standards normally required by the zoning district, such as FAR.

The request for a PD Overlay zone in order to increase the allowed FAR for the site (under the proposed CMU zoning) from 0.2 to 0.7447 is necessary for the development of a viable mixed use project. The current (CO) zone allows for a FAR of 0.5, which could accommodate, by Code, either a 117,100 square-foot (0.5 FAR) office building, or a 158,085 (0.675 FAR) square-foot senior residential complex (assuming the project qualifies for a 35% density bonus for providing affordable housing). As a result, the requested increase in FAR is comparable in size to a project likely to occur (without a land use designation and zone change); however, it includes an additional net increase of 16,328 square feet, or 0.07 FAR, over the maximum potential build out of the site under the current zoning district. Allowing the additional ~16,000 square feet transforms a potential 100% residential development with no social benefit into a

development that includes retail and restaurant uses, thus making the project a true mixed use development.

A comparison with the development of a possible 117,100 office building yields a little different result. As noted above, a scenario that does not amend the land use designations and proposes a 117,100 square foot office building would result in a significantly smaller building (about 57,000 sq. ft. smaller). However, as mentioned in Section I of this staff report, a commercial office building produces a project with more grading, greater parking needs, and 400% more traffic than the proposed project. More cars in the area also create more noise and greater adverse air quality impacts. Similar to the 100% senior residential example above, an office project would not create additional social gathering spaces or provide more restaurants, retail, and services to the area.

As designed, the proposed mixed use project will promote a healthy pedestrian friendly project adjacent to the Commons and Old Town Calabasas. As a result, a mixed use/pedestrian friendly project in this section of the City is a benefit to the surrounding neighborhood by providing additional retail services and social gathering spaces for local residents and office tenants.

Additionally, since the Mixed Use General Plan land use designation has a maximum land use intensity of 1.0 FAR, a 0.7447 FAR is consistent with the land use intensities allowed under the proposed General Plan designation for the subject site. Given these circumstances, the requested PD Overlay Zone to allow a 0.7447 FAR, is appropriate for this site.

REQUIRED FINDINGS:

The findings required in Section 17.62.050(E), 17.62.020(E), 17.26.070(E), 17.76.050(A), 17.76.050(B), 17.62.060(D), and 17.41.100(D) of the Calabasas Municipal Code for Conditional Use Permits, Site Plan Reviews, Oak Tree Permits, General Plan Amendments, Zone Changes, Development Plans, and Tentative Tract Maps are contained in the resolution attached as Exhibit A.

ENVIRONMENTAL REVIEW:

A Final Environmental Impact Report (FEIR) was prepared for this project and is attached as Exhibit C. In preparing the FEIR, staff independently reviewed, evaluated and exercised judgment over the project and the project's environmental impacts.

CONDITIONS OF APPROVAL:

See conditions contained in the resolution attached as Exhibit A.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

May 16, 2006	Comments provided by various agencies, requests for revisions were made.
December 5, 2006	Comments provided by various agencies.

Design Review Panel (DRP):

June 22, 2007	Overall architecture is good; however, bulk and massing may be an issue. Provide a more inviting pedestrian entrance.
July 27, 2007	Previous comments were addressed.

Preliminary Scoping Meeting:

July 5, 2006	No action.
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EIR Scoping Meeting:

November 28, 2007	Public comments received.
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ATTACHMENTS:

Exhibit A:	Planning Commission Resolution No. 08-432
Exhibit B:	Site Plans and Elevations
Exhibit C:	Color and Materials Exhibit
Exhibit D:	Photographs of site and surrounding area
Exhibit E:	Traffic and Transportation Commission Minutes of August 28, 2007
Exhibit F:	Oak Tree Impact Map
Exhibit G:	Oak Tree Review Letters
Exhibit H:	Floor Area Ratio Comparison Table
Exhibit I:	Height Comparison Table
Exhibit J:	Non-CEQA Public Correspondence
Exhibit K:	LEED Checklist and Narrative
Exhibit L:	Final Environmental Impact Report

TECHNICAL APPENDIX

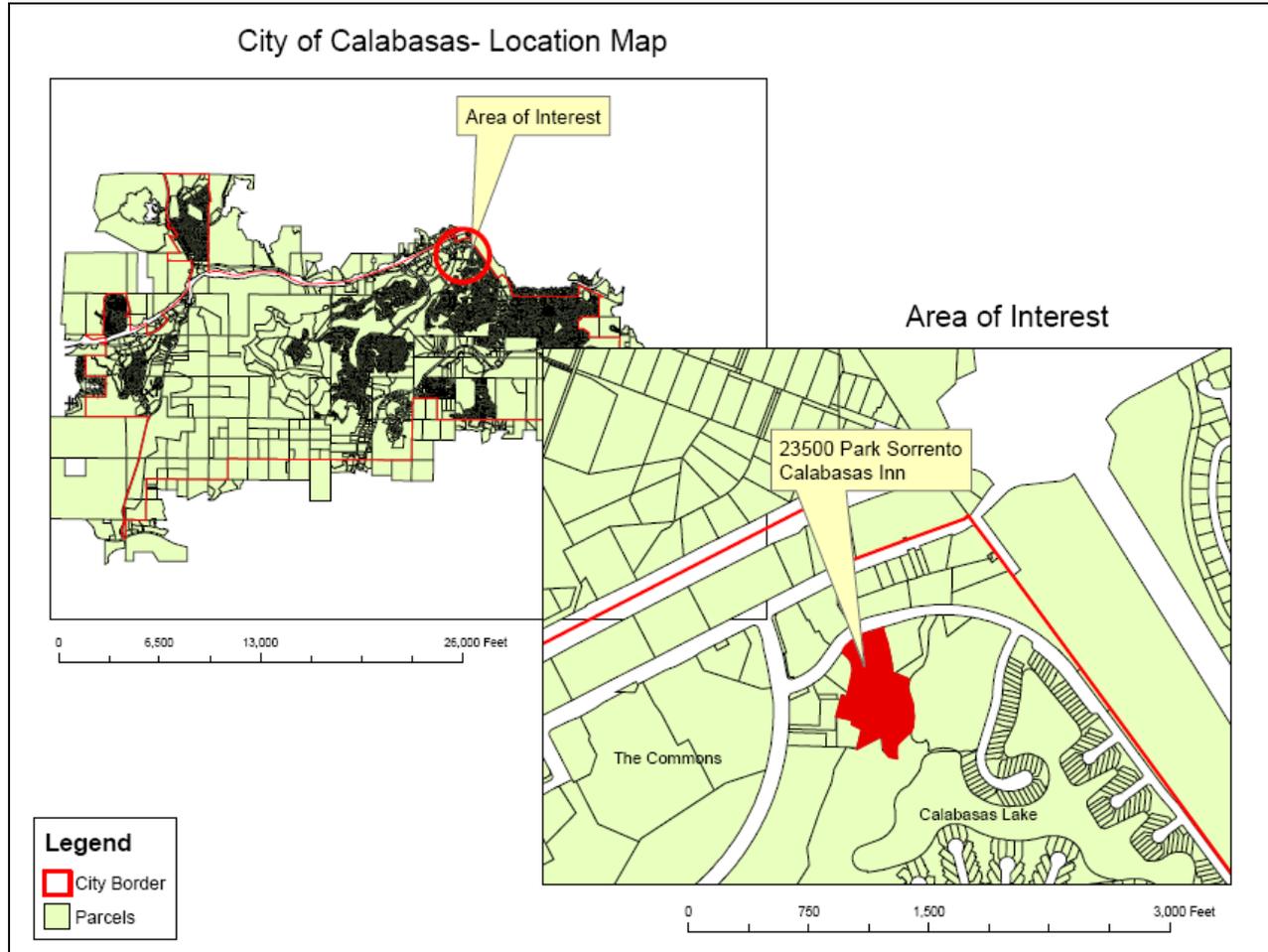
Planning Commission Staff Report

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.

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Location Map:



Items shown in Italics in the Development Standards section below are identified as issues which are further analyzed in the Staff Analysis section of the staff report

Development Standards (CMU):

Lot Size:	236,636	Sq. Ft.
Floor Area:		
Proposed:	174,413	Sq. Ft.
<i>Floor Area Ratio (FAR):</i>	<i>0.7371</i>	
Setbacks:		
Front:	20	Ft.

Code Limit Meets Code

<i>0.2</i>	<i>No</i>
10 Ft.	Yes

Planning Commission Staff Report

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Development Standards (CMU):				Code Limit	Meets Code
Rear:	68	Ft.		None	Yes
Side:	45	Ft.		None	Yes
Side:	12	Ft.		None	Yes
<i>Height:</i>	<i>44.3</i>	<i>Ft.</i>		<i>35 Ft.</i>	<i>No</i>

Pervious Surface:

Proposed: 106,216 Sq. Ft. 44.9 % 38% Min. Yes

Site Coverage:

Proposed: 135,678 Sq. Ft. 57.3 % 62% Max. Yes

Residential Density:

Proposed: 14.5 Units/Acre 19.2 (With 20% density bonus) Yes

Parking Calculations

of Spaces Provided: 308

of Spaces Required: 302

Proposed Color Palette:

- Body Color: Smooth Stucco Finish, Expo Stucco, 259 Portico
- Trim Color: Stucco Trim, Sherwin Williams, 6109 Hopsack
- Trim Color: Wood Trim, Sherwin Williams, 6083 Sable
- Accent Color: Decorative Metal, Sherwin Williams, 7047 Porpoise
- Accent Color: Stone, Eldorado, Santa Barbara Ashlar
- Accent Color: Aluminum Storefront, Sherwin Williams, 6223 Stillwater
- Accent Color: Fabric Awning, Sunbrella, Linen Tweed
- Accent Color: Prefab Pipes, Sherwin Williams, 6062 Rugged Brown
- Roof: 'S' Tile Roof, Eagle, Santa Barbara Blend

Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Banquet Facility	CO (Commercial Office)	B-PO (Business-Professional)

Planning Commission Staff Report

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.

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			Office)
West	Telecom Switching Facility	PF (Public Facility)	PF-R (Public Facility-Recreational)
	Office	CO (Commercial Office)	B-PO (Business-Professional Office)
East	Office	CO (Commercial Office)	B-PO (Business-Professional Office)
	Swim Center	REC (Recreation)	PF-R (Public Facility-Recreational)
North	Office	CT (Commercial Old Town)	B-OT (Business-Old Town)
South	Calabasas Lake	OS (Open Space)	OS-RP (Open Space-Resource Protected)