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CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
MARCH 16, 2016

TO: Members of the Planning Commission

FROM: Talyn Mirzakhani, Senior Planner
Krystin Rice, Associate Planner

FILE NO.: 140000011

PROPOSAL: A resolution of the Planning Commission of the City of Calabasas recommending to the City Council certification of a Final Environmental Impact Report, approval of a statement of overriding considerations, and approval of File No. 140000011, a request for development of a 77-acre vacant property located at 4790 Las Virgenes Road at the eastern terminus of Agoura Road (APNs: 2069-078-009 and 2069-078-011). The proposed project includes: (1) a residential component consisting of 67 single-family detached homes and four affordable units within two duplex structures occupying approximately 13.03 acres (16.9% of the site); (2) a commercial component consisting of a 66,516 square-foot, four-story hotel occupying approximately 2.91 acres (3.8% of the site); and (3) preservation of approximately 61.0 acres (79.3% of the site) as permanent open space. Development of this project would require a significant amount of remedial grading to stabilize an ancient landslide hazard area on the southern portion of the site. Requested permits include: General Plan Amendment, Zoning Map Amendment, Tentative Tract Map, Development Plan, Conditional Use Permit, Site Plan Review, Oak Tree Permit, and Scenic Corridor Permit. The project site is currently zoned Planned Development (PD); Residential-Multifamily, 20 units per acre (RMF (20)); Open Space-Development Restricted (OS-DR); and is within the Scenic Corridor (-SC) overlay zone.

APPLICANT: The New Home Company

OWNER: The New Home Company

EXECUTIVE SUMMARY:

The proposal before the Planning Commission is a development project consisting of a 71-home subdivision tract, a 120-room four-story hotel, and 61 acres of open space on a 77-acre property located at the intersection of Agoura Road and Las Virgenes Road. Slightly over two years ago, the applicant, the New Home Company, Inc. initially applied for City approvals for construction of a 149 home subdivision and a four-story hotel, leaving only 56 acres as open space. Although this original proposal was in conformance with the commercial and residential density requirements outlined in the City's General Plan, the developer was prompted by staff, the Architectural Review Panel, and local residents to refine the project further. Following several rounds of City reviews and re-design efforts, the resulting project now constitutes an optimal arrangement of land uses at reduced densities to accomplish multiple objectives: 1) Conformance with the City's General Plan; 2) Remediation of a large on-site ancient landslide which poses a significant general public safety risk; and 3) Minimization of aesthetic impacts to the Ventura Freeway and Las Virgenes Road scenic corridors.

- 1) General Plan Consistency. As now proposed, the project will concentrate the new development on only 16 acres of the 77-acre property, leaving 61 acres as open space – precisely the acreages recommended in the Housing Element of the General Plan. Moreover, the project will protect hillsides, minimize potential traffic congestion, provide needed housing, and increase tax revenue to the City, all of which are desirable for development projects, as communicated through the goals, policies and objectives of the General Plan. General Plan consistency findings are documented in Section 4.7 of the Final EIR and this staff report. Finally, the project is significantly less dense than the allowable density under the General Plan (57% less dense commercial and 61% less dense residential).

(See pages 37 - 40 of the staff report and Section 4.7 of the Final EIR for the detailed discussion.)

- 2) Landslide Remediation. An ancient landslide occupies approximately 39 acres of the subject property. The slide constitutes most of the north-facing slope of the large hillside located along the property's southern boundary. As is discussed at length within the Final EIR and within the body of this staff report, the landslide must be remediated as a component of the subject proposal, and -- equally important -- remediation of the slide would be required of any proposed project on this property. Consequently, the scope, magnitude, and cost of remediating the slide directly and significantly affected every component of the project design. Roughly 72% of grading quantities for the project are attributable to the landslide remediation work. Thus, the same percentage of air quality impacts and construction noise impacts identified in the EIR also stem from the landslide remediation. Likewise, 51% of the oak tree impacts precipitate directly from the landslide repair component of the

project. In summary, roughly half of the construction related impacts associated with the project stem from the landslide repair, a project component which is necessary for any project that would come forward for the property.

(See pages 8-9 and 15-16 of the staff report and Section 4.4 of the Final EIR for the detailed discussion.)

- 3) Aesthetic Impacts. With keen awareness of the importance of protecting and enhancing the City's scenic corridors, the developer worked closely with the Architectural Review Panel (over five meetings), staff, and community members (via several outreach efforts) to develop a project design that keeps the proposed hotel and home sites well below the midpoint of the most proximate hillside ridgelines and sets the hotel and single-family dwellings well back from Las Virgenes Road. The result is a project design which manages to retain on-site the huge volume of grading material from the landslide repair, while also preserving hillside views to the fullest extent possible. Also the architectural designs for the proposed structures and associated landscaping were fine-tuned to comport with not only the scenic corridor guidelines, but also the design recommendations of the Las Virgenes Road Gateway Master Plan. Finally, while the project has been determined to create a significant adverse aesthetic impact under CEQA (see pages 129 - 131 of the FEIR), thereby requiring a Statement of Overriding Considerations, so too would most any project proposing alteration of this land. Meanwhile, the Final EIR finds that all other potentially significant impacts would be mitigated to levels below significance. Consequently, the project achieves an exceptionally high level of aesthetic quality, notwithstanding the lone negative CEQA impact determination.

The developer's approach of situating the homes on pads created off of the hillside is consistent with numerous developments in comparable size within the City (i.e. The Colony, Deer Springs, The Ridge). When designing a project located near a hillside, the options include terracing into the hillside and altering hillside views or locating the homes on pads off of the hillside and altering street level views. In the case of the proposed project, a significant portion of the hillsides is zoned OS-DR, limiting development to the lower portions of the site. This major factor, along with others discussed in the body of this report, resulted in a project design that locates the homes on a pad on the lower portions of the lot, where the structures will impact foreground views, but protect background views of the hillsides and ridges.

(See pages 21-24, 34-36, and 43-44 of the staff report and Section 4.1 of the Final EIR for the detailed discussion.)

- 4) Optimal Land Use Mix. The General Plan envisioned a highly dense, walkable mixed-use "village" concept for this property. In light of current market conditions, the applicant has determined that such a project is financially infeasible, and has

instead approached the site's development with a goal of reduced intensity and impact. Having combined a commercial hotel with a single-family subdivision on a compact footprint, while also preserving the 61 acres of open space, the project is broadly consistent with the mixed-use vision of the General Plan. Meanwhile, the project will provide the City with substantial tax revenue benefits, while also reducing several project related environmental impacts by virtue of a significant density reduction. To sum up, the project balances a number of competing constraints and interests. These include landslide repair, environmental impact minimization, community compatibility, General Plan consistency, economic viability of the project, as may be achieved by the private sector.

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 2016-610, recommending to the City Council certification of the Final Environmental Impact Report (Exhibit E) and approval of all requested entitlement permits as described above, for File No. 140000011, associated with the proposed project located at 4790 Las Virgenes Road (APNs: 2069-078-009 and 2069-078-011).

REVIEW AUTHORITY:

The Planning Commission is reviewing this project pursuant to Sections 17.76.050(A) (General Plan Amendment), 17.76.050(B) (Zoning Map Amendment), 17.62.070 (Development Plan), and 17.32.010(E) (Oak Tree Permit) of the Calabasas Municipal Code, which stipulate that the Planning Commission shall render a recommendation of approval or disapproval to the City Council. Additionally, Sections 17.41.100 (Tentative Tract Map), 17.62.020 (Site Plan Review), 17.62.050 (Scenic Corridor Permit), and 17.62.060 (Conditional Use Permit) of the Municipal Code stipulate that these applications shall be reviewed by the Planning Commission.

BACKGROUND:

The project site encompasses 77.22 acres located at 4790 Las Virgenes Road. The site is located immediately east of the intersection of Las Virgenes Road and Agoura Road; the Ventura Freeway (U.S. 101) is located approximately one-quarter mile north of the project site.

The project site is largely undeveloped with some portions of the site exhibiting a high level of disturbance caused by fire clearance, previous grading, erosion control, and grazing. The predominant landform within the western portion of the site is a relatively flat

plateau located approximately 20-30 feet above the Las Virgenes Road. Two concrete-lined detention basins constructed as part of the adjacent single-family residential tract known as "The Colony" are present within the west-central portion of the site. The eastern portions of the site are predominantly hillside landforms, and an ancient landslide feature is present on the northwest facing slopes in the southeastern portion of the site. Two adjacent wetlands, fed by natural seeps, are located to the south of the main drainage, and an additional ephemeral wetland feature is located to the north of the main drainage. The project site also includes numerous vegetation communities.

Zoning and development rights for the project site pre-date the City's incorporation. In January 1991, before the City of Calabasas incorporated, the Baldwin Company obtained an entitlement through the County of Los Angeles for the development of a project called "Calabasas Park West," which included approvals for 550 homes, a church, a park, 627 acres of open space and 200,000 square-feet of commercial development on 1,276.4 acres of land, stretching from Parkway Calabasas to Las Virgenes Road. The City of Calabasas inherited this entitlement upon incorporation. While construction of the homes materialized into "The Oaks of Calabasas", commercial and institutional development slated for the western portion of the property (now the Canyon Oaks site) did not.

After the City's incorporation, the City took numerous steps over time, to de-intensify the commercial entitlements on this site. Post-incorporation, the City developed its first General Plan (1995) and Zoning Map (1998), which designated the eastern two-thirds of the 77.22 acre subject site for residential use, maintained the 200,000 square-foot commercial entitlement for the western portion of the property, and eliminated the institutional component.

In 2006, the project site was acquired by the Messenger Company, who initiated discussions with the City for a large, multi-building condominium development. The proposal was never formally submitted based on City concerns, mainly the lack of a commercial component and the developer's desire for excessive intensity of multi-story residential development in higher hillside areas. The City's concerns centered on maintaining the integrity of the hillside areas while concentrating development in the lower areas of the site.

In 2007, the City embarked on its General Plan Update, and envisioned the subject property as a mixed use of retail and commercial components, along with multi-family housing centered around a community green, all in a clustered setting to maximize open space on the site. At this time, the City reduced the site's usable/developable area to 16 acres by formally protecting the remaining acreage of the site as open space. To comply with the State's assessment of Regional Housing Needs at the time, the City elected to intensify the allowed multi-family density at this location, up to 20 units per acre as required by state law, rather than spread the allocation to less desirable sites throughout the City.

In January 2011, the Messenger Company submitted an official application for development of the subject site. In May 2011, the City circulated a Notice of Preparation (NOP) for the Messenger Development Project, which proposed a 22,000 square-foot shopping center, 158 residential units (75 single-family units and 83 multi-family units), including 8 affordable multi-family units, and neighborhood recreational facilities. The project proposed development of 25 acres (32%) of the site and dedicated approximately 53 acres (68%) to open space. The Messenger Company subsequently determined that the commercial component of the project was financially infeasible due to the economic recession, and they withdrew their application. The property was then acquired by the current owner, The New Home Company.

The New Home Company submitted an official application for the current proposal to develop the site on January 7, 2014, and submitted subsequent revisions on April 7, 2014, November 19, 2014, January 20, 2015, March 18, 2015, and July 9, 2015. The proposed project was reviewed by the Development Review Committee (DRC) on February 4, 2014, May 6, 2014, and again on December 16, 2014. The Architectural Review Panel (ARP) reviewed the project on March 7, 2014, June 27, 2014, February 6, 2015, May 29, 2015, and on July 24, 2015. The project was reviewed by the Traffic and Transportation Commission on February 24, 2015, and again, on May 26, 2015. The application was deemed complete on April 20, 2015.

In January 2015, the City's environmental consultants, Rincon Consultants, Inc., began preparing the Draft Initial Study for the proposed project. A Notice of Preparation of the Draft Environmental Impact Report (DEIR) was released on January 28, 2015; and a scoping meeting was held on February 18, 2015. The DEIR was made available for public review on July 10, 2015; the review period ended on September 1, 2015. Comments sent to Planning staff were responded to and incorporated in the Final EIR, attached as Exhibit E.

STAFF ANALYSIS:

- A. Project Evolution:** The New Home Company's first official application on January 7, 2014, consisted of a request to construct 141 single-family detached homes and eight affordable condominiums, each linked via pathways to a resident-exclusive clubhouse and amenities; and a four-story hotel. Fifty-six acres of the site was proposed as open space with a trail component. The proposal included remedial grading to repair the ancient landslide. Following staff's review of the project, it was determined that there were numerous non-conformities with the City's Land Use and Development Code and General Plan, including but not limited to: 1) a 103 parking space deficiency; 2) a hotel design incompliant with the Las Virgenes Gateway Master Plan (LVGMP) and Scenic Corridor Development Guidelines; and 3) a development footprint was far greater than that allowed by the General Plan.

The applicant submitted revised plans on April 7, 2014, for a slightly reduced-size project, which consisted of 138 single-family detached homes and eight affordable condominiums, each linked via pathways to a resident-exclusive clubhouse and amenities and the four-story hotel. Fifty-seven acres of the site was to be preserved as open space and the new trails still remained as part of the project. After staff's review of the project, it was determined that the proposal continued to include a development area far greater than what is allowed by the General Plan.

After further review by the City's DRC and ARP, the applicant resubmitted a further reduced project on November 19, 2014, which included 67 single-family homes and four affordable units within two duplexes, a smaller resident-exclusive clubhouse with limited amenities, and a four-story hotel. Approximately 61 acres of the site now was to be preserved as open space and the new trails previously proposed were eliminated due to a revised development footprint. Remedial grading of the ancient landslide remained. Although Policy VII-4 of the General Plan's Safety Element discourages development within potential landslides areas, the development potential of the site, as characterized in the General Plan itself, cannot be realized without remediation of the landslide and eradication of the safety hazard it presents. In such a situation, General Plan Policies VII-1, -2, -5, and -6 shall apply; each of these policies is incorporated into the current proposal. These policies aim to minimize the potential for physical or economic loss from ground shaking and other geological events through comprehensive hazard-mitigation programs and efforts including early identification, landform grading programs, and site-specific studies.

Staff's review of the revised project concluded that the new development footprint was now consistent with the area anticipated by the General Plan. The development proposal under review by the Commission is the optimal size project for this property. The project proposes development far below the density allowed for this particular site by the General Plan. Where the General Plan envisions up to 180 residential units and 155,000 square-feet of commercial development, in a specific vision for this site, the project proposes 71 residential units and 66,516 square-feet of commercial development, in compliance with density levels established by the General Plan. It limits development to the 16-acre developable area allowed under the General Plan; it proposes commercial development 57% less dense than what the General Plan allows and residential development 61% less dense than what the General Plan allows; and it maintains 61 acres of open space and proposes permanent protection of it.

Additional reviews were completed by the City's DRC, ARP and staff to further refine the project for compliance with the City's codes and all applicable plans, prior to arriving at the current proposal. Details of further refinement are discussed in the "Architecture" section of this staff report.

B. Project Description: The proposed project involves the development of residential and commercial uses and protection of open space areas on an undeveloped site of approximately 77 acres. Due to the unique nature of the site, there are several key components to the proposed project as a whole that dictate the ultimate development of the site. The first of these key components is the required remediation of an approximately 39-acre ancient landslide, without which any development of the site would be infeasible. As part of this component, great emphasis was placed on balancing the earthwork on site, per Policy IV-31 in the General Plan, in an attempt to minimize environmental impacts. The second key component is preservation of 61 acres of largely hillside open space on a 77.22 acre property, limiting the development to a 16-acre triangular area traversing the existing canyon on site. The third key component is proposing a project that includes the right economic mix (in terms of developer's return) to be able to remediate the landslide, thereby promoting overall safety for this site and the adjacent Colony residential development. The fourth component is meeting the General Plan's goals of maximum feasible view preservation. The proposed project accomplishes these key components while proposing a development far less dense than what the General Plan allows. In turn, environmental impacts would be greatly reduced with the proposed project, in comparison to one that proposes buildout of the General Plan's exact vision.

The project's various components are described below:

Landslide Remediation – The proposed project includes the necessary remediation of an ancient landslide on the southern portion of the site. The remediation of the landslide addresses a hazard that presents a safety risk not only for the site itself, but also for adjacent properties. Regardless of whether or not a project is constructed on this site, the landslide is a safety hazard to the site and adjacent sites. Approximately 39 acres of the project site would be graded, including grading to remediate the existing landslide. Non-remedial site grading would involve 613,183 cubic yards of cut and 569,544 cubic yards of fill, with a net of 43,639 cubic yards. Based on anticipated soil shrinkage (the reduction in bulk volume that occurs as soils are compacted), no export would be required. The project's remedial grading would reshape and terrace the land to stabilize the ancient landslide hazard area. This remedial grading would involve an estimated 1,577,899 cubic yards of cut and 1,240,185 cubic yards of fill. All 1,577,899 cubic yards would be used onsite as fill, due to soil shrinkage it would total the fill needed onsite and none would be exported. Balancing the remedial grading work on-site is key, as it significantly reduces environmental impacts that stem from hauling excessive amount of dirt off-site.

Remediation of the landslide played a pivotal role in the shaping of this project. The site has to be stabilized to eradicate the safety hazard presented by the landslide. The site then has to be graded to accommodate a commercial development pad and pads for the residential component of the project, while balancing all the earth on-site. Pad

elevation and placement was a strategic result of balancing the site and limiting development to a pre-established 16-acre area.

General Plan and Zoning Map Amendments – The current General Plan land use designations for the project site are Planned Development (PD), Residential Multiple-Family 20 units per acre (R-MF-20), and Open Space Resource Protection (OS-RP). The zoning designations are Planned Development (PD), Residential Multi-Family (RM-20), and Open Space Development Restricted (OS-DR), with a Scenic Corridor (-SC) overlay zone designation. Pursuant to the 2030 General Plan Land Use Element, the Planned Development (PD) land use designation permits a maximum of 60 multi-family dwellings units and 155,000 square-feet of commercial (office/retail) development. Pursuant to the Land Use and Development Code, properties zoned PD warrant detailed planning because of the presence of unique features, environmental conditions, or development constraints; and for this reason, the development standards for a property zoned PD are established uniquely for that site via a Development Plan. No pre-established development standards exist related to: lot area; density; FAR; and setbacks. Pursuant to the 2030 General Plan Land Use Element, the Residential-Multifamily (R-MF (20)) land use designation permits a basic land use intensity of 2 dwellings/acre up to a maximum of 20 dwellings/acre. Development is not permitted within the Open Space Resource Protection land use designation.

The project applicant is requesting approval of a General Plan amendment and zoning map amendment that would modify the existing land use and zoning map designations. The City's 2030 General Plan land use map (see Figure II-1 in Exhibit D) depicts a compact triangular development area that is widest along the western property line (fronting Las Virgenes) and narrowing as it traverses east, up the valley. The proposed development footprint follows the basic parameters of the land use plan. Furthermore, the proposed new land use and zoning maps maintain the General Plan's clear intent to protect the upper hillsides of the site from development.

Approval of the proposed project would establish a land use and zoning designation of Commercial Retail (CR) over the project's proposed hotel (approximately 3 acres). The residential component of the project site would continue to be designated R-MF-20 and zoned RM-20 (approximately 13 acres). The areas outside of the project's proposed development footprint (approximately 61 acres) are proposed for open space preservation and thus would retain the existing OS-RP land use designation and OS-DR zoning. A Development Plan (DP) overlay zoning is requested for the commercial and residential components of the site, which permits flexibility in site planning and design, in order to achieve a project of greater quality. The site would retain its Scenic Corridor (-SC) overlay zone designation. The General Plan amendment and zone change are triggered by the commercial component of the proposed project. While the existing PD zoning allows for a variety of commercial uses, including retail and office, it

does not allow for the proposed hotel use. The requested CR zoning and B-R General Plan land use designation would accommodate the proposed hotel.

Residential Component – The residential component of the proposed project would include a gated community with 67 small-lot, single-family detached homes and four affordable units within two duplexes. The affordable units are included to satisfy the City’s affordable housing requirement, as required by Section 17.22 of the Land Use and Development Code. The four affordable units shall be rented or sold at prices affordable to households with an income of up to fifty (50) percent of the County median income. Although the applicant, per State Law, is eligible for a density bonus and one concession for providing on-site affordable housing, they have not sought either one of those as part of the proposed project. The residential area would be approximately 13.03 acres and all buildings would be Monterey styled architecture. Single-family homes and duplexes would be two stories and less than 30 feet in height. The recreational facility would include a pool, spa and one-story building less than 20 feet in height. The proposed residences would be constructed on building pads adjacent to and southeast of the commercial hotel component of the project.

Commercial Component - The commercial component of the proposal would consist of a 66,516 square-foot, 120-room, four-story hotel on 2.91 acres of the project site. The hotel would have a building footprint of approximately 16,965 square-feet. Similar to the residential component, the hotel would also be designed with Monterey styled architecture. The hotel would be designed at the quality level of a “four star” facility. This hotel would be designed to achieve a LEED silver rating through a compact footprint, landscaping with native and drought-tolerant plants, and energy and water efficient design features. Included in the plans is an approximately 10-foot high sloping landscape wall (i.e. Verdura wall) that acts as a berm along Las Virgenes Road and across the length of the hotel, which would serve to screen views of the hotel from Las Virgenes Road. The existing Las Virgenes Road elevation is approximately 775 feet amsl (above mean sea level) along the project frontage. The hotel would be approximately 55 feet in height at the top of the high tower, 53 feet in height at top of the low tower, and 43 feet in height to the top of the main roof ridge. However, the hotel would be located on a building pad lowered to below existing grade (proposed pad elevation of 792 feet amsl), which in combination with the proposed sloping landscape wall, would reduce the appearance of its height from Las Virgenes to below three stories. A system of pile-supported retaining walls, required to create the building pad and ranging in height from 1-foot to 30-feet, is proposed to the north and east of the hotel pad (see Sheet C-16 of Exhibit B). Visibility of the tallest segments of these walls would be blocked by the hotel structure.

Open Space Component - Approximately 61 acres of the site of the site would be preserved as designated open space. Preservation of these 61 acres is required by the General Plan’s existing OS-RP designation for this area and this designation will be

maintained for this area. Additionally, this protection will be enhanced via a deed restriction. This area includes undisturbed open space, slopes, mitigation areas, and easement area for flood control purposes. In addition to the 61 acres, the project also provides an internal walkway system and public sidewalk linkages to afford access to existing, local trail systems surrounding the site.

Tentative Tract Map – Among the requested entitlements is a tentative tract map. The project includes a proposal to divide and reorganize the existing two parcels within the subject site into five parcels. Parcel A embodies the commercial component. Parcel B embodies the entire residential component and the private street (the continuation of Agoura Road). Parcel C is a 1.46 acre easement to the Los Angeles County Flood Control District for maintenance of the proposed debris basin. Parcel D includes open space areas, slopes, and mitigation areas. Parcel X is a 0.08 acre public street dedication along Las Virgenes Road. The proposed parcel layout is shown on Sheet C-1 of Exhibit B. A condominium map is proposed for Parcel B, with each “exclusive use area” being sold as a fee-simple “lot.” Owners will have an undivided interest in the common areas, including the proposed clubhouse.

Hydrology/Erosion Control – As part of the proposed project, a de-silting basin/detention basin is proposed in the tributary canyon upstream (east) of the primary grading boundary to intercept the upstream stormwater runoff, catch any debris, and convey the 50-year burn stormwater volume through the project site. Ultimately, the stormwater would be conveyed to the existing city storm drain system located at western property boundary. The existing temporary detention basin constructed as part of the adjacent single-family residential tract (The Colony) and located on the southwest portion of the site would be removed as part of site development.

Wetland Restoration – The proposed project also includes a wetland mitigation plan. The main drainage system on the project site conveys flows generally east to west, with smaller upland ephemeral features contributing from the surrounding hills, all discharging into Las Virgenes Creek located west of the project site via a storm drain system. Two adjacent wetlands, fed by natural seeps, are located to the south of the main drainage, and an additional ephemeral wetland feature is located to the north of the main drainage that includes two separate wetland features, also fed by natural seeps. Wetland and riparian habitats are protected on a Federal, State, and local level. Construction activities would temporarily and permanently affect regulated waters and associated riparian and wetland areas on-site. Grading required to repair the landslide and accommodate the project triggers impacts to the wetlands. Accordingly, the proposed project includes an on-site restoration of wetlands. The currently proposed conceptual mitigation plan (Page C-19, C-20 of Exhibit B) shows that up to approximately 2.1 acres of waters and wetlands could potentially be created on-site, in addition to restoration of approximately 1.67 acres of native upland scrub that is intended to provide a buffer for the newly created features on-site. The applicant is

required, per mitigation measure BIO-4(b) of the EIR, to provide as much in-kind waters and wetlands creation within the project site boundaries, as feasible, at a minimum 1:1 mitigation ratio, or as otherwise indicated by regulatory agencies during the permitting process.

Oak Tree Restoration - The proposed project also includes an oak tree restoration plan. The City of Calabasas Oak Tree Regulations (Section 17.32 of the City's Land Use and Development Code) provide for the protection and replacement of trees that have the potential to be disturbed by development. All oak tree and scrub oak habitats are considered to be "protected trees" and thus are subject to the tree protection and preservation standards of the Oak Tree Preservation and Protection Guidelines. The project's oak tree report identifies 198 oak trees on-site (Oak Tree report included in Appendix C of the Final EIR). Of these, 145 oak trees on-site would not be affected by the proposed project, but 53 oak trees would be affected by proposed construction activities (mainly due to landslide remediation and installation of a detention basin):

- Thirty-nine (39) trees would be removed 18 of which are heritage oaks; and
- Fourteen (14) trees would be partially affected (encroached upon), 11 of which are heritage oaks.

Impacts to oak trees are as shown on the proposed Oak Tree Mitigation Plan (Sheet LA-9 of Exhibit B), 410 oak trees are proposed to be planted on the graded slopes, at prominently visible locations along Las Virgenes Road, and within the areas designated for biological habitat mitigation to mitigate for the loss of 39 trees. Twenty-four of these oaks would be specimen oak trees (60-inch box trees or larger), which would be planted near the entrance to the project site on Las Virgenes Road.

Infrastructure Improvements - The final component of the proposed project relates to improvements to Las Virgenes Road. The project site's Las Virgenes Road frontage currently does not contain sidewalks. As part of the proposed project, landscaping and sidewalks would be provided along the project frontage, which would close a significant "gap" in pedestrian facilities located along the east side of Las Virgenes Road. This would also establish a link to the trail located approximately 900 feet north of the subject site. Furthermore, the project proposes to construct a pedestrian friendly network of streets within the on-site residential neighborhood in order to provide convenient non-motorized vehicle access to the on-site commercial use. In addition to these proposed street improvements, the applicant would be required to pay fair share fees for construction and implementation of City-initiated improvements to Las Virgenes Road.

- C. Site design:** The 2030 General Plan recognized the uniqueness of the site by zoning a large portion of it as Planned Development (PD), which is intended to accommodate a

mix of uses with special standards that address the unique features, conditions, and constraints present. The site constraints specific to this project site include:

- a. A pre-established 16-acre footprint on a 77-acre site, which promotes a clustered-type development;
- b. An on-site ancient landslide that must be remediated, to ensure this site and the adjacent Colony residential development's safety;
- c. The need to balance the grading earthwork on-site to eradicate the need for significant amounts of soil export, per General Plan Policy IV-31;
- d. Access to the development is permitted only through the intersection of Las Virgenes Road and Agoura Road (per the direction of the City Engineer) in order to align proposed access properly with the current T- intersection;

Project design also had to consider the following:

- a. Locating a new detention basin (to replace the existing temporary basin) in a location where it would capture runoff as close to the source as possible;
- b. Accommodating a large storm drain pipe, that must connect to an existing storm drain at Las Virgenes Road, within a relatively straight street east to west alignment across the site;
- c. Developing the site in a manner that minimizes impacts to oak trees and oak woodlands;
- d. Consistent with the clustered development goal, locating the proposed homes closer to existing residences; likewise, locating the proposed commercial component closer to existing commercial uses.

The proposed site design was developed to accommodate all of the above-mentioned constraints and factors, while staying within and reducing the allowed development density and development footprint, and while considering the site's location within a designated scenic corridor. Within the 77-acre project site, the General Plan and Zoning Map limit development to a 16-acre triangular area, the base of which is along the western property line. The proposed site plan focuses development within this 16-acre triangular area and maintains the remainder of the property as open space as required by the General Plan. Access to the project is provided via a new private street, which would be an extension of Agoura Road at its current terminus at Las Virgenes Road.

The location of the hotel was dictated by the commercial site's proximity to Las Virgenes Road, creating ease of access for both pedestrians and drivers, and siting the proposed commercial use adjacent to existing commercial uses along Las Virgenes Road. To create a large enough pad that could accommodate a 66,516 square-foot commercial structure and the associated parking lot, that portion of the site requires a significant cut and construction of extensive retaining walls. The siting, layout, and general design of the hotel was revised five times in response to ARP's comments and direction, the details of which are discussed in greater detail in the following sections. As currently proposed, the hotel maintains a 100-foot setback from the western property line (along Las Virgenes Road), and a 76-foot setback from the northern property line. Additionally, the southernmost point of the hotel is approximately 150-feet from the nearest proposed residence. Included in the hotel site plan are: parking; a porte cochere; a pool; bicycle racks; and a trash/recycle area.

The proposed gated residential community is located in the middle of the developable triangular area in an attempt to situate pads along the existing valley and off of the hillsides, consequently minimizing impacts to views of the hillsides that could result if a more "terraced" approach was proposed. Due to required remedial grading and the requirement in the General Plan to balance dirt on-site, the applicant is proposing to fill the valley with the soil from the grading, creating a plateau, on which the residential pads would be established. Pad elevations for the proposed residences range from approximately 836 feet amsl along the westernmost residential building pads to approximately 858 feet amsl at the easternmost residential building pad. Pad elevations increase from west to east in a very minimal and gradual fashion. The residences would be accessed from the new private street, the extension of Agoura Road. Gates for the community are proposed halfway up this private street. The street then leads to a loop street, along which the proposed 71 homes are situated. The loop and the layout of the homes along that loop almost exactly mimic the loop and layout of the neighboring "Colony" community. The loop, however, is rotated 90 degrees counter clockwise, in comparison to the "Colony" project, and this accommodates an almost straight street from east to west, within which the proposed storm drain can be buried. The proposed debris basin location at the easternmost tip of the residential development captures run off from the main drainage channel traversing the site and directs it into the above-mentioned proposed storm drain.

The 67 proposed small-lot single-family homes, a type of residential unit that is allowed within the RM zone, range in size from 2,730 square-feet to 3,027 square-feet, range in height from 26 feet to 28 feet, and are situated on "exclusive use areas" ranging in size from 4,163 square-feet to 6,759 square-feet. The exclusive use areas on which the two affordable duplexes are located are on opposite sides of the loop. The affordable units range in size from 865 square-feet to 1,610 square-feet. Side setbacks for the proposed residences range from 5-feet to 23.6-feet. Front setbacks range from 10-feet to 42-feet. Rear setbacks range from 5.8-feet to 34.4-feet. A minimum 10-foot

separation is maintained between structures. Per Section 17.12.145(C) of the CMC, each unit is provided with private outdoor space that exceeds the minimum requirement of 225 square-feet. The requested reduced lot sizes and setbacks (discussed in further detail in the Development Plan section of this report) accommodate a clustered development project, per the land use policies of the General Plan. Clustered development yields a more desirable and environmentally sensitive development plan, while preserving the maximum amount of open space land on this site, minimizing development on the sensitive hillsides.

A 1,346 square-foot clubhouse and community pool are located near the center of the loop, easily accessible to all of the residences. The clubhouse has a maximum height of 19.5 feet.

As mentioned previously, the subject project proposes development far below the density allowed for this particular site by the General Plan. Where the General Plan envisions up to 180 residential units and 155,000 square-feet of commercial development, in a specific vision for this site, the project proposes 71 residential units and 66,516 square-feet of commercial development, in compliance with density levels established by the General Plan. The project as a whole, inclusive of the hotel, all 71 residences, and the clubhouse, proposes a total site coverage calculation of 21.4%, based on a net site area of 74.22 acres. The proposed pervious surface calculation for the site is 70%, meaning that 70% of the site will remain permeable for proper water infiltration. The proposed 21.4% site coverage is in conformance with the maximum allowed site coverage of 55% in the RM zone and 78% in the CR zone. The proposed pervious surface of 70% is in conformance with the minimum required pervious surface of 45% in the RM zone and 22% in the CR zone. Therefore, in terms of density, site coverage, and pervious surface, the proposed project complies with applicable development standards.

- D. Geology and Landslide Stabilization:** RJR Engineering Group, Inc. provided a series of site specific geologic and geotechnical engineering feasibility studies for the project site. Geotechnical studies are included as Appendix D to the Final EIR (Exhibit E). All studies were reviewed and approved by the City's Public Works Department (Exhibit J). The following evaluation is primarily based on RJR's studies.

The project site is part of the northern edge of the Santa Monica Mountains system and thus it has experienced structural deformation and folding typical of the regional geomorphology. Overall, the Calabasas and Modelo Geologic Formations underlie the site. The site is also underlain by fill, alluvium (soil deposited by water), colluvium (soil transported by gravity), landslide debris, and sedimentary bedrock. The project site is susceptible to seismic hazards, including liquefaction and earthquake-induced landslides. Therefore, all proposed structures will incorporate appropriate design

techniques, per the California Building Code (CBC) and the City's geotechnical conditions, to withstand the existing geotechnical conditions.

Landslide and slope stability hazard areas are found within the project area, as the topographical terrain consists of natural slopes ranging from 2:1 (horizontal to vertical) up to 1:1; in tributary canyons slope gradients reach up to 1:30. Surficial and deep seated landslides were observed during the site investigation of the site and on the slopes immediately above the property. The prominent feature is the landslide located on the southern slope which extends to the south-southeast off-site. The remaining features identified are primarily surficial debris flows located within existing drainages or shallow creep affected slopes. In the present configuration, the existing landslide may be prone to re-activation in the event of a strong to severe earthquake. Potential impacts that could be associated with the existing landslide include slope deformation and surficial slope instability. The landslide hazard has the potential to impact not only the project site but also the existing development to the west of the site. The location of this landslide feature is shown on Page 219 of the Final EIR (Exhibit E).

As part of the proposed project, existing landslide materials are proposed to be removed and recompacted with engineered fill material. According to RJR's geotechnical report, this would provide sufficient support for all of the proposed slopes and structures. In addition, any slope deemed able to discharge runoff or debris directly onto a developed area and any slope that does not provide sufficient factors of safety would be removed and reconstructed using acceptable techniques for hillside construction. Slopes would be constructed in a sufficient configuration, along with an appropriate shear strength and drainage system, to achieve the appropriate performance of the slope. Essentially, this performance level would be achieved by removing on-site landslide deposits and placing properly compacted engineered fill at the appropriate buttress locations, along with appropriate benches and sub-drain infrastructure in conformance with CBC requirements. The City of Calabasas Public Works Department shall review and approve all final plans for landslide remediation prior to issuance of a grading permit.

- E. Grading and Hillside Development:** The proposed project would not involve direct alteration to nearby ridgelines that are designated as scenic resources in the 2030 General Plan. In fact, the nearest designated significant ridgeline is approximately one-half mile away. However, because of the requirement to remediate the landslide, the project does necessitate grading of approximately 39 acres of the site's natural landforms, which are marked by natural hillsides, oak trees, seep-fed wetlands, and ephemeral drainages, into pads designed to support buildings, roadways, drainage improvements, and remediated slopes. The proposed grading would involve re-contouring of the existing hillsides and filling of the existing canyon feature to create a series of building pads that range in elevation from 790 feet amsl to 858 feet amsl. Approximately 23 acres of the proposed hillside grading (more than one half of the

grading area) is required in order to remediate the existing landslide feature. The proposed grading plan (Page 63-67 of the Final EIR) has been reviewed and approved for feasibility by the City's Public Works Department.

Policy IX-44 of the 2030 General Plan Community Design Element states that it is the City's policy to "Preserve large areas of natural hillsides and other dominant natural features visible from the Ventura Freeway." The proposed project would not significantly affect views from U.S. 101 (the Ventura Freeway) because the upper portions of the hillside that can be readily viewed from U.S. 101 would not be altered. The Calabasas 2030 General Plan specifically envisions the development of the lower portions of the project site near Las Virgenes Road with a mix of commercial retail and residential uses. Given the current environmental constraints present on the project site (steep slopes, oak trees, and an existing landslide condition) site development as envisioned in the General Plan, and as proposed by the applicant, would require the removal or modification of potentially scenic resources, including oak trees, natural slopes, and native vegetation.

To mitigate for these impacts, the project's grading would contour slopes to mimic the surrounding natural landscape. When combined with the project's wetland mitigation and oak tree mitigation, the project's landscaping and contour grading would reduce the project's impacts to native vegetation and natural slopes in order to best reinstate a natural hillside look while still repairing the ancient landslide.

- F. Hydrology and Drainage: The project site is located in the upper portion of the Malibu Creek watershed, a part of the greater North Santa Monica Bay watershed management area. Specifically, the site is located in the vicinity of Las Virgenes Creek, which is the primary hydrologic feature within the western portion of Calabasas. A portion of the site sits within a natural drainage valley and thus serves as the collection point for a number of smaller natural hillside drainage channels. Storm waters flow from the eastern portions of the site to the west, through natural channels to an existing debris basin located adjacent to the "Colony" development. Site drainage is collected within an existing on-site debris basin and conveyed via reinforced concrete pipe under Las Virgenes Road and into Las Virgenes Creek.

The proposed project would include a number of drainage improvements to accommodate the changes in site hydrology. Pages 283 and 285 of the Final EIR show the project's proposed on-site hydrologic conditions and proposed drainage improvements. Based on the proposed drainage system design, the post-development run-off flow rate would be 393.27 cfs during a 50-year capital storm. When compared to existing conditions, the proposed project would incrementally increase the flow rate by 6.21 cfs (approximately 1.6 percent).

A debris basin is proposed in the tributary canyons to intercept the primary design storm runoff, catch debris, and convey the 50-year volume to the existing downslope storm drain system located adjacent to the western property line. The debris basin is proposed to capture 8,750 cubic yards of debris, as required by the Los Angeles County Public Works Debris Dams and Basins Design Manual. The proposed basin would replace the existing (and temporary) basin constructed as part of the existing residential subdivision located in the southwest portion of the site (The Colony). Storm drain lines would be extended from the existing system installed for The Colony project into the proposed tract to accommodate drainage. Overall, no detrimental downstream impacts would result.

Additionally, the project applicant has proposed a number of Low Impact Development (LID) Best Management Practices (BMPs) to promote infiltration, on-site storage and re-use, and water quality treatment. Dry well infiltration units are proposed beneath each street catch basin to intercept and treat runoff from building pads and streets. The project includes installation of 20 dry wells beneath the on-site catch basins to treat the total excess runoff volume and satisfies Los Angeles County LID requirements. Compliance with the Standard Urban Storm Water Mitigation Plan (SUSMP) and Los Angeles County LID BMPs would reduce surface runoff related impacts to the maximum extent practicable and impacts to on-site hydrology would be less than significant. The proposed drainage plans have been reviewed and approved for feasibility by the City's Public Works Department.

G. Biology: The potential impacts of the proposed project on biological resources are analyzed in extensive detail in Chapter 4.3 of the Final EIR. Per the policies of the General Plan, the project proposes mitigation of all impacts to wildlife movement and biological habitat. This section provides a summary of the following key discussions: wildlife species; wildlife movement; plant species; wetlands and riparian habitat; and oak trees.

- ***Wildlife Species:*** No Federally- or State-listed wildlife species were observed on-site during surveys conducted by Rincon Consultants, Inc. Locally important animals (including California coastal whiptail, coast horned lizard, western mastiff bat, and western red bat) are expected to occur within the site during the construction period and may potentially be affected by construction activity. Although there is a low potential to affect an entire population of one or more of these species on-site, injury to individuals of these species may result from the proposed project. As such, potential impacts to locally important wildlife species would be potentially significant unless mitigation is incorporated. Birds protected by the California Fish and Game Code (CFG) and the Federal Migratory Bird Treaty Act are expected to nest on-site. Individuals of locally important avian species (Cooper's hawk, Nuttall's woodpecker, Allen's hummingbird, oak titmouse, and southern California rufous-crowned sparrow)

were observed on-site and may potentially be affected by construction activity. Since construction may occur during the breeding season (construction proposed between April and October), potential direct and indirect impacts to protected nesting birds would be potentially significant unless mitigation is incorporated. To avoid project-related construction impacts to special-status wildlife species and protected nesting birds, the Final EIR requires implementation of two mitigation measures, BIO-1(a) and BIO-1(b), pre-construction special-status wildlife surveys and nesting bird surveys one to two weeks prior to commencement of construction activities.

- **Wildlife Movement:** The project site is not located within any mapped regional wildlife corridor or linkage (i.e. Santa Monica-Sierra Madre Connection). However, the project site is situated in the western portion of the City's mapped Wildlife Linkage and Corridor. The total width of the mapped corridor at the 77.22-acre project site is approximately 1.0 mile. The planned development would convert a portion of the site's natural areas, which contain natural hillsides, oak trees, seep-fed wetland features, and ephemeral drainages, into graded pads designed to support buildings, roadways, drainage improvements, and re-contoured and remediated slopes. In addition, a large portion of the hillside grading is required in order to remediate the existing landslide feature. The project construction/grading footprint (including the landslide repair area and all grading activity) is approximately 0.37 mile wide (39 acres); however, the permanently developed area of the site is approximately 0.25 mile wide (16 acres), since the landslide remediation area would be restored back to native vegetation.

Despite the project's proposed encroachment into the City of Calabasas Wildlife Linkage and Corridor designation, the existing open space surrounding the site (including the County of Los Angeles SEAs east of the subject corridor) would continue to provide passage for wildlife movement, and the proposed project would be generally compatible with adjacent commercial, residential, and open space land uses. Nevertheless, constriction of the City's mapped 1.0-mile-wide corridor by the project's 0.25-mile-wide permanently developed footprint (a 25 percent constriction of the corridor) is a significant, but mitigable, impact.

The combination of the project's proposed development components, the proposed landscaping and revegetation plans, mitigation of impacts to jurisdictional areas (including riparian and wetland habitats), and on-site oak tree/woodland replacement would reduce impacts to habitats considered essential for local wildlife movement and connectivity. Compliance with City standards for lighting in wildlife corridors would reduce impacts from project operation to wildlife movement and connectivity. Additionally, per Mitigation Measure BIO-5(a), the approximately 61 acres of open space proposed on-site

shall be perpetually restricted from future urban development by recordation of a deed restriction enforced by a Homeowner's Association (HOA)/Codes, Covenants, and Restrictions (CC&R) or by recordation of a conservation easement or similar instrument. Furthermore, Mitigation Measure BIO-5(b) requires that wildlife friendly fencing be used to provide permeability through and over fencing for access to adjacent habitats and to retain connectivity of the habitats on-site with the habitats off-site. Implementation of the abovementioned Mitigation Measures would reduce project impacts to wildlife corridors to a less than significant level.

- **Plant Species:** No Federally- or State-listed plant species are known to occur on-site, and the project is not expected to affect any listed plant species. However, six special-status plant communities (considered significant biotic habitats under the Calabasas General Plan Conservation Element) are present on-site. The overall construction footprint (inclusive of grading limits, slide repair, and/or fuel modification) associated with the proposed project totals 38.35 acres, 2.73 acres of which include special-status habitats. Approximately 30 percent of the special-status habitat on-site (2.73 of the 9.24 total acres) would be lost as a result of the proposed project. Implementation of measures BIO-4(a) (Agency Coordination), BIO-4(b) (Restore Jurisdictional Waters, Wetlands, Streambed/Banks, and Riparian Habitat), and BIO-6 (Oak Tree Permit) would mitigate for impacts to special-status plant communities and would reduce impacts to a less than significant level.
- **Wetlands and Riparian Habitat:** Construction activities, primarily landslide remediation and site grading, would temporarily and permanently affect regulated waters and associated riparian and wetland areas on-site. While much of the delineated jurisdictional areas on-site would be removed by the project, substantial on-site mitigation for these impacts is incorporated into the project design.

The Wetlands Mitigation Plan proposes to avoid most of the northernmost seep-fed wetland feature, and to resurface the large spring upslope on the south side of the existing access road. The resurfaced spring would provide perennial flows that would feed a newly constructed main drainage feature. The drainage feature would traverse the northern boundary of the proposed development. This newly constructed spring would be fed by the existing ground water that would be resurfaced in-place, as well as by water infiltrated via terrace drains proposed to be constructed as part of the landslide repair area. In addition to the re-created spring, two tributaries on the north side of the existing access road are proposed to drain into the newly created drainage. Both of these tributaries would be improved/restored by fine grading to broaden the areas and would also involve the installation of check dams (constructed of removed oak trees on-site

as part of the proposed development) to retain shallow underground flows which would resurface to create wet meadows. In addition, these tributary areas would include bio engineering, oak trunk weirs, and boulder clusters from on-site impacted sources to slow flows and stabilize banks. These design features have been incorporated into the proposed mitigation plan for the proposed project and are illustrated in Sheets C-19 and C-20 of Exhibit B. Regardless of the project's proposed biological mitigation plan, measures BIO-4(a) (Agency Coordination) and BIO-4(b) (Restore Jurisdictional Waters, Wetlands, and Riparian Habitats) are required to ensure that at least the minimum mitigation for impacts up to 2.27 acres of jurisdictional features are ultimately implemented.

- **Oak Trees:** As discussed in an earlier section, the project's oak tree report identifies 198 oak trees on-site. Of these, 145 oak trees on-site would not be affected by the proposed project, but 53 oak trees would be affected by proposed construction activities: 39 trees would be removed, 18 of which are heritage oaks; and 14 trees would be partially affected (encroached upon), 11 of which are heritage oaks. Implementation of Mitigation Measure BIO-6, which involves the replacement of 39 lost oak trees with 410 new individuals in accordance with a City oak tree permit, would reduce impacts to protected oak trees to a less than significant level (see Oak Tree Mitigation Plan - Sheet LA-9 of Exhibit B).

- H. Architecture and Aesthetics:** Analyzing project design and potential impacts to the existing community aesthetic is accomplished with substantial input and assistance from the City's Architectural Review Panel (ARP).

By definition, aesthetics and "impacts to aesthetics" are subjective. Something considered beautiful and artistically pleasing to one person may not be considered so by another. Similarly, an impact to a "beautiful thing", such as a view or landscape, may be substantial or not substantial, depending on one's point of view, feelings, and opinions. Furthermore, when attempting to anticipate a future change to existing aesthetic conditions, such a determination can be influenced by how the proposed changes are described or portrayed by others, as well as by any given person's own education and training, beliefs, prejudices, and feelings. The ARP is a volunteer body comprised of building and architectural professionals drawn from the local community.

Contributing factors to the aesthetic beauty of Calabasas, and particularly the City's scenic corridors, include several key natural elements, such as: rolling terrain dominated by mountain and hillside views; vegetation that includes native grasslands, sagebrush and oak trees; and a general absence of excessive nighttime lighting. However, the city's scenic corridors also benefit from aesthetic elements relating to the built environment, which include: well-designed buildings; abundant landscaping (on the various private properties, as well as within the roadway parkways

and medians), utilizing both native vegetation and ornamental plants and trees; attractive street furniture (light poles, fences, benches, etc.); and minimization or elimination of such aesthetic detractors as overhead wires, excessive signs and poles, and excessive nighttime lighting.

Given the parameters discussed above, the ARP, staff and decision-makers are challenged with evaluating aesthetics based on: 1) The General Plan, 2) the Las Virgenes Gateway Master Plan, 3) the Scenic Corridor Guidelines, 4) input and direction provided by the Architectural Review Panel members, and 5) the Environmental Impact Report. Thus, while the EIR may determine that the project creates an adverse impact to aesthetics, an entirely different determination of aesthetic impacts may be made based on the other guiding documents, principles, and inputs.

Accordingly, with regard to the subject project it is critical to understand that under CEQA and the CEQA Guidelines, a determination of significant adverse impact to aesthetics is a given, and will be the case for any project on this property due to the significant amount of grading required to stabilize the existing landslide condition, and the amount of natural habitat (i.e. oak trees and wetlands) that will be impacted as a result of the grading. This is because CEQA effectively mandates an adverse impact determination whenever a built environment replaces an un-built (or “natural”) significant environment, regardless of the comparative aesthetic qualities. Given this reality, and the fact that any development on this site will cause significant aesthetic impacts resulting from landform alteration, the proposal requires a statement of overriding considerations for this impact, discussed in detail below. Recognizing that in any form, style, or configuration the project would undoubtedly alter the existing “natural” aesthetic condition, the goal for the subject project has been to achieve the best possible aesthetic outcome for the greater community benefit. The result is an aesthetically pleasing development achieved through a balancing of desirable elements contributed from both the natural and built environments. The ARP reviewed the project very thoroughly, over five meetings (discussed in detail below), and concluded that the project achieves this goal. City staff concurs.

The proposed project design is the product of extensive deliberation among the applicant, City staff, and the City’s Architectural Review Panel (ARP) over a fifteen-month period of time. The proposed project was reviewed by the ARP on five occasions (see Exhibit F for ARP minutes). The first meeting took place on March 7, 2014. The Panel commented that the initial hotel design was too “boxy”, similar to the look of a low to mid-end corporate product and was not designed with Monterey style architecture, as is required by the Las Virgenes Gateway Master Plan. The Panel also commented that the hotel proposal did not comply with the Scenic Corridor Development Guidelines and was not compatible with other development in Calabasas. The Panel commented that the residential portion of the project was too clustered and “shoe-horned” into the site; and a greater distance was needed between

the Colony and the proposed homes. The Panel also commented that the homes looked too similar; and more stucco and roof tile color variation was needed.

The applicant returned to the Panel on June 27, 2014, with a project consisting of 138 single-family clustered homes in a grid-like pattern, eight affordable units, a resident-exclusive clubhouse and four-story hotel. The Panel posed questions to the applicant about situating the higher density clustered homes toward the rear of the project and moving the lower density homes closer to Las Virgenes Road. They also requested that the applicant make the roads within the development more meandering, with a resort-like feel, making better use of the topography.

The applicant returned to the Panel on February 6, 2015, with a further reduced project consisting of a 67 single-family homes with four affordable units within two duplexes, a smaller resident-exclusive clubhouse, and a four-story hotel. The new proposal eliminated the dense clustered-style development and grid-like street pattern for a small-lot subdivision design with meandering streets. At this meeting, the Panel stated that they appreciated and supported the quality, design, and new layout of the residential component of the project and agreed that the design of the residential component was authentic and refined, and met the intent of the applicable Design Guidelines. However, the Panel felt that the hotel design could yet benefit from further articulation and incorporation of more authentic Monterey-style design features, which included changes to roof forms and massing, more continuity among design elements, and careful detailing and enhancement of the façade along Las Virgenes Road. They commented that the hotel design should be more compatible with the residential homes so that it does not seem like it is a separate project.

The applicant returned to the Panel again on May 29, 2015, and presented them with new material samples of the revised brick and stone veneers, and roof material. The applicant also incorporated additional mature landscaping on the hill behind the Colony, per the Panel's request. The applicant stated that they hired the residential component's architect to design the exterior of the hotel to address the Panel's concern of establishing continuity between the proposed residences and the hotel, such that the entire façade of the hotel was redesigned. Nonetheless, the Panel commented that the hotel design could yet benefit from more changes to the roofline, refinement of the porte cochere wall design, introduction of accent material at the base of the building, and an increase in height of the tower element. The Panel strongly suggested that the applicant lower the hotel pad at least two feet, while raising the berm along Las Virgenes Road and placing the additional dirt at the housing pad. The Panel had no further comments on the residential portion of the project but requested the applicant return for further review of the hotel design.

The applicant returned for a fifth and final time on July 24, 2015. The Panel agreed that the applicant had successfully incorporated all of the changes that were previously

requested, resulting in a much more refined and more attractive hotel building, fitting for the scenic corridor. The Panel made a few additional suggestions including: slightly elevating the wall surrounding the pool or providing additional landscaping to soften this part of the structure and increase privacy of pool users; specifying the color of the window and providing a sample; and using a two-tile roof instead of a one-tile to match the historic authenticity of the remainder of the building. The Panel also suggested that the applicant specify the size and type of trees proposed within the berm and provide a sample of the Verdura wall at the Planning Commission public hearing, along with elevations demonstrating the impact of the Verdura wall from Las Virgenes Road (See Sheet LA-12 of Exhibit B). The Panel also asked the applicant to determine whether it was feasible to step back the planter wall and break up the 12-foot slope wall. The applicant later determined that this request was infeasible, as it would reduce the drive aisle width of the parking lot. The Panel ultimately recommended approval of the project.

- I. Site Access, Traffic, and Circulation: Access to the project site would be provided via a new private street (Street "A"), which would be an extension of Agoura Road at its current terminus at Las Virgenes Road. Prior to the City's incorporation, Agoura Road was classified as a major highway on the Los Angeles County Highway Plan. The City's current *2030 General Plan Update* reclassified Agoura Road as an arterial street "connecting the City of Calabasas with the City of Agoura Hills to the west." Agoura Road runs in an east/west direction and is oriented parallel to the U.S. 101. Street "A" would be a private street designated a local roadway and would provide access near the site's northern boundary to the proposed hotel and the residences. Street "A" would range from 36 feet wide at the entrance to the residential area to 59 feet wide at the entrance to the project site. The hotel driveway would be located on the north side of Street "A," approximately 115 feet west of the Agoura Road intersection. The project would also be required to complete all necessary frontage improvements along Las Virgenes Road to complete the ultimate street standard, including curb, gutter, and sidewalk.

Section 4.10, Traffic and Circulation, of the Final EIR analyzes the project's traffic impacts. The efficiency of traffic operations on a roadway is measured in terms of Level of Service (LOS). LOS A through F are used to rate roadway operations, with LOS A indicating very good (freeflow) operating conditions and LOS F indicating poor (congested) conditions. LOS A through LOS C are generally considered acceptable, while LOS D through LOS F indicate poor conditions. The City of Calabasas has adopted a LOS threshold of LOS C or better as the minimum acceptable operating standard for City roadway segments. Measuring traffic operation in terms of LOS is a universally accepted methodology for evaluating traffic impacts.

The trip generation for the proposed project is based on the types of land uses included in the project and trip rates published by the Institute of Transportation Engineers (ITE).

The trip generation estimates for the proposed project were developed using the corresponding ITE trip generation rates for “Single Family Detached Housing” (Land Use Code #210) and “Hotel” (Land Use Code #310). Trip generation rates developed by ITE are conservative estimates and include average trips associated with specific land uses, such as trips from guests, staff, and service people for hotel uses and service people, residents, and delivery trips associated with single family home uses. The average daily trip rate is 9.52 trips per single family homes, 8 trips per attached dwelling unit, and 8.17 trips per hotel room. The Draft EIR’s estimate of the project’s trip generation (1,650 Average Daily Traffic) is based on conservative, frequently applied trip generation rates.

The traffic impact analysis added the project’s generated trips to an estimate of existing traffic levels on area roadways. Existing average daily traffic (ADT) volumes for the study area roadway segments were collected in June 2011 during periods when the local schools were in session; thus they account for school traffic levels. A growth factor of one percent per year was applied to the 2011 volumes to develop current 2015 traffic volumes (based on input provided by Engineering staff). Additional spot counts were conducted in December 2014. These counts confirmed that the factored traffic volumes closely reflect current traffic conditions within the study area. Furthermore, new counts were collected on February 17, 2016 to reevaluate Existing and Existing + Project levels of service, after which it was determined that the addition of the project would not impact the intersections studied (see Exhibit L).

The EIR analyzes impacts to three roadway segments: Las Virgenes Road north of Agoura Road, Las Virgenes Road south of Agoura Road, and Agoura Road west of Las Virgenes Road. The EIR also analyzed impacts to six intersections: Las Virgenes Road/Mureau Road, U.S. 101 Northbound Ramps/Las Virgenes Road, U.S. 101 Southbound Ramps/Las Virgenes Road, Las Virgenes Road/Agoura Road, Lost Hills Road/Agoura Road, and Las Virgenes Road/Lost Hills Road. The EIR found that all three roadways would operate at acceptable LOS of “C” or better under existing conditions plus the project’s added traffic, buildout year (2019) conditions from existing development plus the project’s added traffic, and cumulative conditions from existing and other expected developments plus project conditions (inclusive of the proposed Rondell Hotel); therefore, the project’s impacts to roadways would be less than significant. The EIR found that all intersections except for the intersection of Las Virgenes Road/Lost Hills Road, would operate at acceptable LOS under existing plus project, buildout year (2019) plus project, and cumulative plus project conditions. Implementation of Mitigation Measure T-2, which requires payment of fair share fees for the construction and implementation of necessary improvements identified for the intersection of Las Virgenes Road/Lost Hills Road, would mitigate the project’s impacts to that intersection to a less than significant level. The EIR also found that the project’s estimated peak hour traffic levels are below the Congestion Management Program’s thresholds for freeway monitoring locations.

City has programmed improvements for roadways and intersections in the project area, scheduled to be completed within the next two years. The City has identified these improvements as feasible and is in the process of designing and implementing them. Because the project is less commercially and residentially dense than General Plan buildout of the project site, it would generate fewer trips than what could occur if the site were built out under current General Plan designations. As shown in Table 6-5 on page 391 of Section 6.0, *Alternatives*, of the Final EIR, the project would result in 6,446 fewer daily trips, 136 fewer A.M. peak hour trips, and 577 fewer P.M. peak hour trips as compared to General Plan buildout of the project site. As previously mentioned, the project proposes development far below the density allowed for this particular site by the General Plan. Overall trip generation associated with the proposed project is approximately 20 percent of the daily trips, 46 percent of the A.M. peak hour trips, and 20 percent of the P.M. peak hour trips that would result from General Plan buildout of the project site. In comparison to General Plan buildout of the project site, the proposed project would have a proportionally reduced impact to level of service (LOS) on roadways and intersections in the project area.

- J. Parking:** A parking matrix is provided on Sheet G-2 of Exhibit B. The project proposes 134 total parking spaces and 7 bicycle spaces within a surface parking lot for the hotel use. Section 17.28 of the Calabasas Municipal Code (CMC) requires 132 parking spaces and 6.6 bicycle spaces for a 120-room hotel. Therefore, the proposed parking for the hotel complies with the CMC requirement and offers two spaces more than what is required.

The project proposes a total of 285 parking spaces for the residential component of the project. This includes garage parking, spaces on driveways, guest spaces along the private streets, and one ADA space for the clubhouse. The total parking required by the CMC for the residential component is 234 spaces. Required parking is calculated using RM zoning district requirements (more restrictive than RS and appropriate for the RM zone in which the project is located). Therefore, the proposed parking for the residential component of the project complies with the CMC requirement and provides 50 more parking spaces than what is required.

- K. Landscaping:** The conceptual landscaping plans are included as Sheets LA-1 – LA-6 of Exhibit B. The project includes a total landscaped area of 11.43 acres, undisturbed open space of 36.32 acres, and a combined area of 4.7 acres for a vegetated bioswale, proposed riparian area, and a detention basin. The undisturbed open space referenced above is not the entire 61 acres of designated open space, which includes the landslide remediation area and wetland mitigation areas. The project would include a reclaimed water line accessible by both the residential and commercial components.

Landscaping would be planted along the main access roads, internal circulation paths, and the Las Virgenes Road frontage to provide a visual buffer. Landscaping is also

proposed around the hotel and residential structures, on the graded slopes, and within the proposed drainage improvements. The landscape plan's plant palette consists generally of native trees and shrubs, including coast live oaks (*Quercus agrifolia*), valley oaks (*Quercus lobata*), Western sycamore (*Platanus racemosa*), black sage (*Salvia mellifera*), white sage (*Salvia apiana*), and more. Native and ornamental trees and shrubs are proposed within landscaped parkways, recreation areas, and common area landscaping.

The photo simulations included as Sheets A-28 – A-41 of Exhibit B include the proposed project's landscaping from various views. The first seven images represent landscaping at installation; and the next seven images represent the same views, but ten years after installation. Landscaping on the berm adjacent to The Colony project (View "7") was significantly enhanced, per the request of the ARP.

The proposed conceptual landscape plan has been evaluated by the City's Landscape District Manager for inclusion of native and drought-tolerant materials, as well as by the County of Los Angeles Fire Department's Fire Prevention Unit for compliance with fuel modification requirements. The applicant is required to comply with the State's 2015 Model Water Efficient Landscape Ordinance. Per the Conditions of Approval, the applicant is required to submit a final landscaping design and documentation package to the City for review and approval by the Community Development Department prior to issuance of a grading or building permit.

- L. Lighting: The proposed lighting for the project consists of parking lot lighting, building mounted lighting, pathway lighting, roadway lighting, and recreational area lighting. The project's commercial and residential buildings are proposed adjacent to Las Virgenes Road in an area that is already developed and illuminated with existing commercial and residential land uses. The proposed hotel would be surrounded by on-site landscaping and would be setback over 400 feet from the nearest existing residence and approximately 150 feet from the nearest proposed residence to minimize impact to existing or proposed residential uses. The proposed residential development would also be surrounded by proposed landscaping. The recreational facility would be located approximately 600 feet from the nearest existing single-family dwelling units. The proposed landscaping around the perimeter of the development, the vertical and horizontal setbacks from existing development, and the surrounding hillside terrain will minimize light spillover.

Conceptual lighting and photometric plans, and light fixture cut-sheets for the proposed commercial and residential roadways and sidewalks, recreation area lighting, and hotel lighting plans have been reviewed and are in compliance with the requirements of the City's Dark Skies Ordinance that prevent light trespass and limit sky glow (see Sheets LT 1.00- LT 1.61 of Exhibit B). Final photometric plans shall be submitted to the City for review prior to issuance of building permits.

M. Associated Project Permits:

To accomplish the project, a number of permits or approvals are required: General Plan Amendment, Zoning Map Amendment, Tentative Tract Map, Conditional Use Permit, Development Plan, Scenic Corridor Permit, Oak Tree Permit, and Site Plan Review. Each of these is discussed below:

General Plan Amendment and Zoning Map Amendment: As discussed in prior sections of this report, the current General Plan land use designations for the project site are Planned Development (PD), Residential Multiple-Family 20 units per acre (R-MF-20), and Open Space Resource Protection (OS-RP). The zoning designations are Planned Development (PD), Residential Multi-Family (RM-20), and Open Space Development Restricted (OS-DR), with a Scenic Corridor (-SC) overlay zone designation. Pursuant to the 2030 General Plan Land Use Element, the Planned Development (PD) land use designation permits a maximum of 60 multi-family dwellings units and 155,000 square-feet of commercial (office/retail) development. Pursuant to the 2030 General Plan Land Use Element, the Residential Multi-Family (R-MF (20)) land use designation permits a basic land use intensity of 2 dwellings/acre up to a maximum of 20 dwellings/acre. Development is not permitted within the OS-RP land use designation.

The project applicant is requesting approval of a General Plan amendment and zoning map amendment that would modify the existing land use and zoning map designations. The City's 2030 General Plan land use map (see Figure II-1 in Exhibit D) depicts a compact triangular development area that is widest along the western property line (fronting Las Virgenes) and narrowing as it traverses east, up the valley. The proposed development footprint follows these basic parameters of the land use plan, proposing a wider development area along the western property line, narrowing as it traverses east across the valley, and preserving the remaining 61 acres of hillside as open space. Furthermore, the proposed new land use and zoning maps maintain the General Plan's clear intent to protect the upper hillsides of the site from development.

Approval of the proposed project would establish a land use and zoning designation of Business Retail (BR) and Commercial Retail (CR) over the project's proposed hotel (approximately 3 acres). The residential component of the project site would retain its R-MF-20 land use designation and RM-20 zoning (approximately 13 acres). The areas outside of the project's proposed development footprint (approximately 61 acres) are proposed for open space preservation and thus would retain the existing OS-RP designation and OS-DR zoning. A Development Plan (DP) overlay zoning district would be applied to the commercial and residential components of the site, which would provide flexibility in site planning and design, and would consequently produce a project of greater quality. The proposed land use map and zoning map are attached as Exhibits G and H, respectively. The General Plan amendment and zoning map amendment are

triggered by the commercial component of the proposed project. While the existing PD zoning allows for a variety of commercial uses, including retail and office, it does not allow for the proposed hotel use. The requested CR zoning and B-R land use designation would accommodate the proposed hotel.

The proposed amendment of the Zoning Map would re-designate approximately 16 acres of land from Planned Development and Residential Multi-Family (20 units/acre) to Commercial Retail and Residential Multi-Family (20 units/acre) plus the addition of a Development Plan overlay. The remainder of the subject property (approximately 61 acres) is zoned Open Space – Development Restricted, and would remain zoned for such use with no diminishment of territory. As described above, the map amendment would retain the general shape and limits of the area as envisioned in the General Plan’s conceptual maps, while also aligning with the contours of the land and the Canyon Oaks project outline.

The proposed project would place a 66,516 square-foot commercial structure (the proposed hotel) in the same area where the General Plan currently allows up to 155,000 square-feet of commercial development. Similarly, the proposed project would place 71 residential units, in the same area where the General Plan currently allows up to 180 residential units. Therefore, the requested General Plan amendment and zoning map amendment would not create significant impacts with respect to land use compatibility.

Vesting Tentative Tract Map: The project includes a proposal to divide and reorganize the existing two parcels within the subject site into five parcels. Parcel A embodies the commercial component. Parcel B embodies the entire residential component and the private street (the continuation of Agoura Road). Parcel C is a 1.46 acre easement to the Los Angeles County Flood Control District for maintenance of the proposed debris basin. Parcel D includes open space areas, slopes, and mitigation areas. Parcel X is a 0.08 acre public street dedication along Las Virgenes Road. The vesting tentative tract map details are provided in the three sheets following Sheet A-41 of Exhibit B.

A condominium map is proposed within Parcel B. The individual “exclusive use areas” are identified on Sheets C-5 – C-7 of Exhibit B. The applicant proposes fee-simple ownership of each “exclusive use area”, where the homeowner will own the building (the house), the land and airspace within the individual “exclusive use area”, and an undivided interest in all common areas. The residential subdivision is designed to comply with the City’s Subdivision Design and Improvement standards (CMC Section 17.46), with the exception of the “Length of Loop” requirement (17.46.020(C)(5)), which is discussed in further detail as part of the Development Plan discussion. The proposed Tentative Tract Map has been reviewed for compliance by the City’s Department of Public Works.

Conditional Use Permit (CUP): Per Section 17.11 of the CMC, a “neighborhood community center” is a conditionally allowed use in the RM zoning district. Section 17.90 of the CMC defines “neighborhood community center” as:

One or more buildings and associated structures and site improvements used for recreational, social, educational, and cultural activities, owned by a mutual benefit non-profit entity, such as a homeowners association, and not a public benefit non-profit entity, located in the same neighborhood as and operated solely for the benefit of the membership of the organization or the residents of the common interest development or neighborhood it serves. A neighborhood community center is accessory to a residential development and cannot be operated as a for-profit commercial business entity. Uses may include kitchen, classrooms, exercise areas, playgrounds, meeting rooms, multi-purpose rooms and swimming pools open to all residents of the common interest development or neighborhood and their guests for recreational uses such as tennis, basketball, soccer, and swimming, community events, and resident-hosted parties and gatherings.

The proposed residential clubhouse is categorized as a “neighborhood community center;” hence, it requires approval of a CUP. These clubhouse-type facilities are common among gated residential communities. The proposed clubhouse is fairly small and accommodates only a clubroom, restrooms, and an outdoor pool. At the City Council’s discretion, the applicant may receive a certain amount of Quimby Act required recreational amenities impact fee credit for recreational areas provided as part of the clubhouse facility. The key with granting a CUP for this particular use in a gated community such as the one proposed, is to limit the use exclusively to residents and their guests and prohibit for-profit commercial activity. The Conditions of Approval provided in Exhibit A include a condition restricting the use of the clubhouse to residents and their guests and prohibiting any for-profit commercial activity.

Section 17.11 of the CMC also requires a CUP for hotels in the CR zone. The applicant is requesting a CUP for the proposed 66,516 square-foot, 120-room, four-story hotel, in conjunction with the request to re-zone a portion of the property to CR. According to the applicant, the hotel would be designed at the quality level of a “four star” facility catering to business and leisure travelers. This hotel would be designed to achieve a LEED silver rating through a compact footprint, landscaping with native and drought-tolerant plants, and energy and water efficient design features. Conditions related to the proposed hotel use are included in Exhibit A.

Development Plan (DP): Per Section 17.18.030 of the CMC, the -DP overlay zoning district is intended to provide for maximum flexibility in site planning and design for residential, commercial, and mixed-use projects. The -DP overlay zoning district may be applied where site characteristics and environmental resources, adjacent land uses, or other community conditions may be benefited by accommodations in site

planning or the design of structures that could not otherwise be accomplished through the development standards required by the primary zoning district. Development plans are encouraged to produce projects of equal or greater quality than that normally resulting from more traditional development, particularly for larger, multi-use projects such as this proposal. A -DP overlay district may be considered only when the resultant development pattern (when compared to that which would otherwise be accomplished without the overlay) will be more conformant with the policies of the General Plan and more effective in implementation of applicable General Plan policies.

Per Section 17.62.070 of the CMC:

Development plan approval is required for the following: (i) all development proposed on a site that is subject to a development plan DP overlay zoning district, (ii) all development proposed within the PD zoning district, (iii) to establish setbacks for projects in the PF, REC and OS zoning districts, (iv) to modify the standards for multi-family projects pursuant to Section 17.12.145, (v) to increase the allowed height in the CR zones, (vi) to establish a parcel width and depth less than required by [Section 17.46.070](#) and (vii) subdivisions that propose a cluster development project pursuant to [17.18.030\(F\)](#). Development plans may also be utilized to modify development standards as set forth in this Title.

Prior to the adoption of the 2030 General Plan, the eastern two-thirds of the 77.22 acre subject site was designated for residential use, and the balance of the property (the western portion) maintained an entitlement for 200,000 square-feet of commercial development. No portion of the 77.22 acre of the subject site was officially designated as protected open space. In 2008, as a result of a very thorough General Plan update process, the City Council designated the majority of the subject property as Open Space – Resource Protection (OS-RP). The intent was to concentrate development on a 16-acre triangular area centered on the valley that traverses through the property, while preserving the remaining 61 acres. The 16 developable acres were designated as Planned Development (PD) and Residential Multiple-Family 20 units per acre (R-MF-20). The PD designation provides the property owner flexibility in development standards in order to accommodate the permitted density (180 multi-family units and 155,000 square-feet of commercial) on a much smaller footprint than what was allowed under the previous General Plan. Although the applicant is now seeking to change the zoning of the commercial component of the project to CR, the request of a Development Plan overlay zone maintains the same regulatory approach, and is in keeping with the intent of the General Plan to cluster development toward the front, avoiding the hillsides, and with a mix of residential and commercial uses. This mechanism will continue to allow clustered development, within the parameters established by the General Plan, and on a limited segment of the property.

To accommodate a clustered development that would minimize development area, maximize open space, and reduce environmental impacts per the policies in the General Plan, flexibility in the following development standards is necessary and is sought via the request for a Development Plan:

- 1. Height (of the hotel) above 35-feet** – In the CR zone (zoning proposed as part of project), a height of over 35-feet is allowed via approval of a Development Plan. The proposed hotel would be approximately 55 feet in height at the top of the high tower, 53 feet in height at top of the low tower, and 43 feet in height to the top of the main roof ridge. Included in the plans is an approximately 10-foot high landscaped berm along Las Virgenes Road and across the length of the hotel, which would serve to screen views of the hotel from Las Virgenes Road. The hotel would be located on a building pad lowered to below existing grade, which in combination with the proposed berm, would reduce the appearance of its height from Las Virgenes to below three stories. In the final iteration of the project, the applicant lowered the pad elevation of the hotel per the request of the ARP, who felt that the combination of the proposed berm and a lowered pad elevation would minimize the aesthetic impacts of a four-story building as viewed from Las Virgenes Road.

The additional height allows the developer to construct a hotel with 120 rooms, a café, a fitness room, and a parking lot that accommodates the required parking spaces. Per the applicant, 120 is the standard room count required to operate an economically sustainable hotel of this class. Site constraints, including the limited 16-acre footprint, prohibit the applicant from expanding the building footprint while maintaining a 120-room count. Limiting the hotel's footprint by allowing added height benefits the City by minimizing the impacts that would stem from a larger footprint and more spread-out development on the site.

- 2. Height of walls exceeding 6-feet** – Per Section 17.20.100 of the CMC, walls are limited to a height of six feet. Sheet C-16 of Exhibit B identifies four wall systems proposed at heights greater than 6-feet. Wall 1-A is the proposed vegetated wall along Las Virgenes Road in front of the hotel, and proposes a maximum height of 10-feet. This 10-foot vegetated wall serves as a landscaped berm that blocks views of the first level of the proposed hotel. Wall 2-A is a pile supported vertical retaining wall extending from behind the proposed hotel to the northeastern corner of the hotel. This wall ranges in height from 10-feet to a maximum height of 30-feet. Wall 3-A is also a pile supported vertical retaining wall, and is situated along the northern edge of the hotel pad. This wall ranges in height from 0.5-feet at its lowest point to 30-feet at its highest point. Wall-2A and Wall 3-A make up the system of walls necessary to create a building pad on this portion of the developable 16-acre area. The tallest segments of these walls would be blocked by the bulk of the proposed hotel. Wall 4-A is situated along the northern side of Street "A" just before it curves

into the residential area. This wall is also a pile supported vertical wall, and in ranges in height from 2-feet to 10-feet.

- 3. Height of entry gate and pool fence** – Per Section 17.20.100(B)(1)(c) of the CMC, entry features are limited to a height of 8-feet. The proposed entry feature for the residential community is located on Street “A” approximately 490 feet from the entrance to the project site at Las Virgenes Road. The entry feature includes a 9-foot tall gate and 9- to 12-foot tall wall components (as shown on Sheet LA-4 of Exhibit B).

Per Section 17.20.100 of the CMC, fences are limited to a height of six feet. The gate located around the pool of the hotel has a proposed height of 7’9” and is composed of a combination of fencing and pilasters. This particular component of the project was redesigned multiple times at the request of the ARP to increase the privacy of the pool users. The version shown on Sheet A-23 of Exhibit B is the final version and the version the ARP was satisfied with.

- 4. Lot size of the residential “exclusive use areas”** – Per Section 17.13.020 of the CMC, the minimum required lot width in the RM zone is 50-feet. Lot widths within the proposed residential tract for the market-rate units range from 39.4–feet to 100–feet. Lot widths for the duplexes range from 29.7–feet to 64.7–feet. Additionally, the minimum required lot area is 5,000 square-feet. The proposed “exclusive use areas” range from 4,163 square-feet to 6,759 square feet. Therefore, the proposed minimum lot width is 29.7–feet and the proposed minimum lot area is 4,163 square-feet.

- 5. Residential setbacks** – Per Section 17.13.020 of the CMC, the required minimum setbacks in the RM zone are as follows:

- Front: 20-feet
- Side: 10-feet
- Rear: 20-feet
- Distance Between Structures: 20-feet

The proposed minimum setbacks are as follows:

- Front: 10-feet
- Side: 5-feet

- Rear: 5.8-feet
- Distance Between Structures: 10-feet

6. Residential driveway width – Per Section 17.28.080(C)(2) of the CMC, the required minimum width of a driveway in the RM zone is 25-feet. In comparison, the required minimum width for a driveway in the RS zone is 18-feet within 20-feet of the garage entrance, and the remaining portions of the driveway shall be a minimum width of 12-feet. The RM requirement is significantly larger because it considers a more typical multi-family development (i.e. driveways with two-way traffic leading to apartment buildings). The proposed minimum driveway width within the residential tract is 16-feet.

7. Length of loop within residential tract – Per Section 17.46.020(C)(5) of the CMC, the maximum length of a loop street in a proposed new subdivision shall be 1,200 feet. The proposed length of the loop street within the residential tract is 1,904-feet. The City's Public Works Department and the County of Los Angeles Fire Department have reviewed and preliminarily approved it with the proposed length.

The Development Plan, as requested above, results in a clustered residential development that is compatible with the existing community in terms of unit-type, design, and quality, while offering a density that is far below the allowed residential density established by the General Plan. Additionally, the requested Development Plan allows for a commercial component that is 88,484 sq. ft. smaller than what is allowed by the General Plan, yet proposes a use that will yield significant transient occupancy tax revenue for the benefit of the City and thus the entire community. Furthermore, the reduced density of the proposed project generates reduced environmental impacts in the areas of aesthetics, biology, air quality, greenhouse gas emissions, noise, and traffic, when compared to the density of development allowed by the General Plan, and as discussed in detail in the "Environmental Review" section of this report.

Scenic Corridor Permit: A Scenic Corridor Permit is required for construction or site development within the Scenic Corridor Overlay Zone (Section 17.62.050 of the CMC). The project site is visible from various vantage points along the Las Virgenes Road and Ventura Freeway (U.S. 101) designated scenic corridors. Due to its location within designated scenic corridors, the project is required to comply with the City's Scenic Corridor Development Guidelines. The proposed grading and the addition of buildings on this site would change the visual character of the scenic corridor; however, the design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. A detailed discussion of proposed impacts on the scenic corridor is included in the Aesthetics section of the EIR (Section 4.1).

To aid with City review of the project's proposed impacts on both the Ventura Freeway and the Las Virgenes Road scenic corridors, the applicant provided two sets of photo simulations from seven vantage points. These photo simulations are included as Sheets A-28 – A-41 of Exhibit B. The first seven images represent landscaping at installation; and the next seven images represent the same views, but ten years after installation of the landscaping.

The photo simulations show that some of the proposed residences and the upper portions of the graded and landscaped slopes would be the most visible elements seen from the Ventura Freeway between the Lost Hills Road and Las Virgenes Road interchange. Views of actual structures and graded slopes within the project's development footprint would be at least partially obscured by the existing development present between the Ventura Freeway and Las Virgenes Road. The proposed hotel is four stories tall and is one to three stories taller than the surrounding buildings. Nonetheless, because the ridgelines in the immediate area are at an elevation of between 1,000 feet and 1,200 feet amsl (roughly 110 to 310 feet above the tallest portions of the proposed new structures, which are 30 foot residences on top of building pads located at 860 feet amsl elevation), ridgeline views from the Ventura Freeway would not be obscured by the proposed project and foreground views of the project would be generally similar to those of existing commercial and residential development as seen from the Ventura Freeway.

The photo simulations show the extent to which the project's four-story hotel and residential structures, roadway improvements, and ornamental landscaping would be visible in the foreground view along the project's Las Virgenes Road frontage and the foreground view from the Las Virgenes Road/Agoura Road intersection after development and ten years in the future. Existing views from Las Virgenes Road contain open space in the foreground and middleground and hills and ridgelines in the background; future views would contain landscaping and development in the foreground and middleground and hills and ridgelines in the background. Ornamental and native landscaping would be used throughout the project area and is generally concentrated around the perimeter of the commercial and residential land uses as well as along the project's Las Virgenes Road frontage. As a result, the proposed landscaping would screen portions of the development area from Las Virgenes Road. From all four viewpoints along Las Virgenes Road, views of the ridgelines behind the project site would still be available; however, foreground views would be impacted (meaning changed) by the proposed development. Views of the southern portion of the proposed homes, from Las Virgenes Road, would be blocked almost entirely by the existing homes at The Colony.

To further aid the City's review of the project's proposed impacts on the scenic corridors, and as required by the City's Story Poles Policy, the applicant installed a series of story poles on the project site, depicting the entire hotel building outline and

roofline, and portions of the residential component. The story pole plan and photos of the installed story poles are provided as Exhibit I. As exhibited by the story pole photos, the proposed structures are concentrated on the lower portions of the site, impacting foreground views, but maintaining background views of the prominent hillsides and the significant ridgeline located approximately one mile east of the project site. The story poles also show that a significant break in development occurs between the hotel and the proposed residential structures, demonstrating preservation of a key view of the background hillsides from the intersection of Las Virgenes and Agoura Road.

Incorporation of the following design elements contributes to the project's compliance with the Scenic Corridor Development Guidelines:

- The project's grading would contour slopes to mimic the surrounding natural landscape. When combined with the project's wetland mitigation and oak tree mitigation, the project's landscaping and contour grading aim to minimize visual impact to scenic resources;
- The use of on-site landscaping around the perimeter of the site development boundary, the vertical and horizontal setbacks from existing development, and the surrounding hillside terrain would physically minimize light spillover impacts on the adjacent residential development. Additionally, the project would comply with the stringent lighting impact reduction requirements of the City's Dark Skies Ordinance;
- The installation of dense landscaping along the proposed berm on Las Virgenes Road buffers views of the proposed development. The significant amount of overall landscaping proposed as part of the project also reduces the visual impact of the proposed project on the viewshed;
- The use of earth-tone colors, medium to dark colored/non-glare roofs, and brick and stone accents for the hotel and residential structures contributes to maintaining compatibility with existing views;
- Articulation of design and incorporation of architectural relief elements in the design of the hotel and residences successfully avoid large straight, blank facades.

Five iterations of the project were reviewed by the City's ARP, prior to their July 24, 2015 meeting, where the Panel determined that the project complies with the Scenic Corridor Development Guidelines, and, accordingly, offered a recommendation of approval to the Planning Commission.

Oak Tree Permit: The City of Calabasas Oak Tree Ordinance requires procurement of an oak tree permit prior to the removal, altering, etc. of oak trees conforming to the criteria described in the ordinance. The goal of the ordinance is to protect oak trees

within the City and avoid their removal unless replacement is granted in conjunction with the oak tree permit conditions. The ordinance also provides for the establishment of an oak tree mitigation program. All oak tree and scrub oak habitats are considered to be “protected trees” and thus are subject to the tree protection and preservation standards of the Oak Tree Preservation and Protection Guidelines.

The oak tree report (available within Appendix C of the Final EIR) identifies 198 oak trees on-site. Of these, 145 oak trees on-site would not be affected by the proposed project, but 53 oak trees would be affected by proposed construction activities (mainly remediation of landslide and debris basin construction): 39 trees would be removed 18 of which are heritage oaks; and 14 trees would be partially affected (encroached upon), 11 of which are heritage oaks. For this reason, the project is required to obtain an oak tree permit.

As shown on the proposed Oak Tree Mitigation Plan (Sheet LA-9 of Exhibit B), 410 oak trees are proposed to be planted on the graded slopes, at prominently visible locations along Las Virgenes Road, and within the areas designated for biological habitat mitigation. Twenty-four of these oaks would be specimen oak trees (60-inch box trees or larger), which would be planted near the entrance to the project site on Las Virgenes Road.

Per Mitigation Measure Bio-6, a City-approved oak tree consultant shall prepare a report after the conclusion of grading and construction and then prepare oak tree monitoring reports annually for the next five years based on bi-annual site visits/oak monitoring. The reports shall include a summary of conditions and certification of compliance with all conditions of the permit, including but not limited to, minimum tree replacement numbers, establishment goals, and the health of all replaced, remaining, or relocated trees.

Site Plan Review: A Site Plan Review permit is required for new site development or construction in the scenic corridor (Section 17.62.020 of the CMC). The Site Plan Review process ensures that site development, the exterior appearance of structures, landscaping, grading, and other improvements, are designed to minimize adverse aesthetic and environmental impacts on the site and its surroundings. As described in the preceding “Architecture” and “Scenic Corridor Permit” sections, the design of the project, inclusive of building design, landscaping, and grading, has significantly evolved since the first iteration of the project in January 2014. Numerous changes in site and building design contributed to a proposed final product that is in conformance with the Scenic Corridor Development Guidelines.

- N. General Plan Consistency:** As discussed previously, a General Plan amendment and corresponding zoning map amendment are needed to establish a land use and zoning designation of Commercial Retail (CR) over the project’s proposed hotel

(approximately 3 acres). The residential component of the project site would continue to be designated R-MF-20 and zoned RM-20 (approximately 13 acres). The areas outside of the project's proposed development footprint (approximately 61 acres) are proposed for open space preservation and thus would retain the existing Open Space Resource Protection land use designation. The City's 2030 General Plan land use map (see Figure II-1 in Exhibit D) depicts a compact triangular development area that is widest along the western property line (fronting Las Virgenes) and narrowing as it traverses east, up the valley. The proposed development footprint follows these basic parameters of the land use plan, proposing a wider development area along the western property line, narrowing as it traverses east across the valley, and preserving the remaining 61 acres of hillside as open space. Furthermore, the proposed new land use and zoning maps maintain the General Plan's clear intent to protect the upper hillsides of the site from development. Additionally, the proposed project proposes a significantly reduced overall residential and commercial development density than is envisioned for the project site in the 2030 General Plan. Where the General Plan envisions up to 180 residential units and 155,000 square-feet of commercial development, in a specific vision for this site, the project proposes 71 residential units and 66,516 square-feet of commercial development. Notwithstanding a requirement for a General Plan amendment and zone change, the project is compatible with adjacent commercial, residential, and open space land uses and with the General Plan's anticipated development and mix of land uses for this site.

The ultimate determination of whether the proposed project is consistent with the General Plan lies with the decision-making bodies (Planning Commission and City Council). To aid in the determination of consistency, Table 4.7-2 of the Final EIR contains a discussion of the proposed project's consistency with applicable goals, objectives and policies of the City of Calabasas 2030 General Plan. The Table lists 125 General Plan policies, and provides a discussion of consistency for each group of policies. The following is a summary of some of the policies discussed within that Table.

The proposed project is consistent with policies within the **Land Use Element** of the General Plan because it:

- Limits development to the allowed 16-acre footprint, emphasizing retention of the natural environment setting over expansion of urban areas;
- Proposes development that is compatible with the overall residential character of the community;
- Proposes a variety of housing types that are visually attractive;
- Proposes a commercial component that contributes to a sound economic base; and

- Proposes 61 acres of protected open space.

The proposed project is consistent with policies within the **Open Space Element** of the General Plan because it:

- Proposes 61 acres of protected open space;
- Proposes landscaping along the project frontage and throughout the project site, which would screen the project from the Las Virgenes Scenic Corridor and from other significant visual vantage points;
- Preserves views of significant ridgelines; and
- Mitigates all impacts to wildlife movement and biological habits.

The proposed project is consistent with policies within the **Conservation Element** of the General Plan because it:

- Mitigates all impacts to wildlife movement and biological habits;
- Locates a hotel and residences near public transportation (including a new trolley stop for the free of charge Calabasas Trolley), thus minimizing reliance on single occupant vehicle travel by providing opportunities for use of public transportation;
- Ensures that construction activity complies with applicable South Coast Air Quality Management District rules and policies;
- Proposes the use of drought-tolerant plants and efficient landscape irrigation design;
- Proposes the use of BMPs during site grading and construction to control temporary erosion and offsite deposition of soils;
- Proposes balanced onsite grading operations to eliminate the need for transporting soils on or offsite; and
- Proposes site and building design that minimize energy use.

The proposed project is consistent with policies within the **Circulation Element** of the General Plan because it:

- Proposes traffic impacts that are less than significant;

- Proposes construction of bike lanes and sidewalks along Las Virgenes Road; and
- Provides adequate parking for the proposed development.

The proposed project is consistent with policies within the **Safety Element** of the General Plan because it:

- Proposes an engineered solution to a slope stability constraint that implements a landform grading program designed to recreate a natural hillside appearance while remediating an existing, problematic ancient landslide.

The proposed project is consistent with policies within the **Community Design Element** of the General Plan because it:

- Focuses new development in and near areas that already contain existing development;
- Proposes architecture and landscaping that complement and blend well with the character of the adjacent commercial and residential land uses;
- Proposes lower level lighting/illumination in compliance with the Dark Skies Ordinance; and
- Integrates sustainable practices in site planning, building form, materials, and landscaping.

Per the above discussion, and with implementation of mitigation measures identified throughout the EIR, the proposed project would be generally consistent with applicable policies of the City's 2030 General Plan.

O. Las Virgenes Gateway Master Plan and Corridor Plan Consistency:

The subject site is considered a prominent parcel in both the LVGMP and the Las Virgenes Road Corridor Plan (LVRCP). Table 4.7-4 of the Final EIR contains a matrix of the proposed project's consistency with the goals and policies of these documents. This discussion includes a summary of some of the categories discussed within that table.

The proposed project is consistent with the land use objectives of these plans because it contains a mix of land uses, including open space, single-family residential and duplexes, and a commercial retail (hotel) component, and fosters connections via sidewalks to the nearby Las Virgenes Creek. The project is also consistent in terms of

architectural style and colors in because it will be constructed in accordance with Monterey/Spanish style architecture, and will be colored in earth tones, with concrete S-tile, medium colored, non-glaring roofs. Furthermore, the project is consistent with the goal of integrating sustainable practices into the proposed design, including site planning, building form, materials, and landscaping in that the proposed project's development footprint is limited, will comply with CalGreen standards, provide drought tolerant landscaping, and be "solar ready".

P. Southern California Association of Governments (SCAG) Consistency:

The proposed project is located within the jurisdiction of (SCAG). To coordinate regional planning efforts, SCAG has created a Regional Comprehensive Plan and Guide as a frame work for decision-making for the next 20 years, which includes a set of broad goals, for the region and identifies strategies designed to guide local decision-making. Recognizing that the proposed project is potentially regionally significant, its consistency with SCAG policies was analyzed. Table 4.7-3 of the Final EIR contains a discussion of the proposed project's consistency with applicable goals, policies, and principles of these SCAG documents including:

- "Support local plans to increase density of future development located at strategic points along the regional commuter rail, transit systems, and activity centers." *The project involves development of a vacant site where existing public transportation includes a shuttle and trolley service, and a proposed trolley stop;*
- "Develop well-managed viable ecosystems or known habitats of rare, threatened and endangered special, including wetlands." *Compliance with BIO mitigation measures will require natural habitat restoration, non-restrictive fencing permitting the passage of wildlife, and perpetual restriction of future development within these area to be consistent with this policy;*
- "Encourage efforts of local jurisdictions in the implementation of programs that increase the supply and quality of housing and provide affordable housing as evaluated in the Regional Housing Needs Assessment." *The project would increase the number of single-family residences and duplexes in the City.*
- "Enable prosperity for all people." *The project provides a mix of single-family and multi-family housing types to meet the needs of various income levels.*

Per the discussion above, the proposed project is consistent with all applicable goals, policies, and principles of SCAG.

ENVIRONMENTAL REVIEW/CEQA:

The proposed project is subject to the requirements of the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) was prepared to evaluate the environmental effects of implementation of the proposed project. Per Section 15121 of the CEQA Guidelines, the purpose of an EIR is to serve as an informational document that:

...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project...

The EIR for this project was prepared as a Project EIR pursuant to Section 15161 of the CEQA Guidelines. A Project EIR is appropriate for a specific development project. As stated in the CEQA Guidelines:

This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.

The City of Calabasas prepared an Initial Study for the proposed project that was completed and circulated with a Notice of Preparation (NOP) of a Draft EIR on January 28, 2015. The Initial Study identified the following issues areas as having impacts that are “potentially significant” or “potentially significant without mitigation” and therefore require additional analysis in an EIR: aesthetics, air quality, biological resources, geology/soils, greenhouse gas emissions, hydrology/water quality, land use/planning, noise, public services, and traffic/transportation. The City held a scoping meeting for the EIR on February 18, 2015. The EIR addresses the issues identified within the Initial Study and/or NOP responses which could potentially be significantly impacted by the project.

An EIR must be prepared for a project when one or more of the identified potentially significant impacts are determined to be unmitigable or unavoidable. Although the proposed project design features would reduce impacts to the visual character of the site to the degree feasible, aesthetic impacts would still be significant and unavoidable because it is a large and highly visible project site that requires significant grading for remediation of a landslide. This sole unavoidable significant impact triggers a full EIR and preparation of a Statement of Overriding Considerations, which sets forth the specific reasons supporting the decision to approve the project. The Statement of Overriding Considerations will be discussed in further detail later in this Section. The City Council must certify the EIR and adopt the Statement of Overriding Considerations before approving the project.

The following discussion includes a summary of analyses of: (A) potential project impacts and proposed mitigation; (B) alternatives; (C) Mitigation Monitoring and Reporting Program; (D) public comments and responses; and (E) a Statement of Overriding Considerations.

Please consult the Final EIR for details.

A. Project Impacts and Mitigation:

- ***Aesthetics***- Section 4.1 of the EIR provides a detailed analysis of the proposed project's impacts on aesthetics. The Draft EIR concluded that the proposed project would alter existing views from the U.S. 101 Freeway, Las Virgenes Road, Agoura Road, and the surrounding General Plan designated open space areas. It also concluded that impacts to scenic views from Las Virgenes, a designated scenic corridor, would be potentially significant unless mitigation is incorporated. Adherence to architectural standards, landscape standards, and sign standards of the Las Virgenes Gateway Master Plan and Design Guidelines would reduce impacts to Las Virgenes Road; however, Mitigation Measure AES-1 is incorporated to reduce this impact to a less than significant level. Per the Las Virgenes Road Corridor Design Plan and the Scenic Corridor Guidelines, the project includes dense landscaping along Las Virgenes Road to screen views of the proposed hotel. Mitigation Measure AES-1 ensures that any vegetation included on the landscaping Plan along Las Virgenes Road be species that do not typically grow to a height that would exceed 30 feet. This prevents excessively tall trees from blocking views of the background hillsides, while continuing to use landscaping to buffer development views.

Proposed site grading and development would alter existing scenic resources on the project site. The modification of natural slopes and removal of on-site oak trees and other native vegetation would impact scenic resources. The combination of the project's landscaping, wetland mitigation, remedial grading plan, oak tree mitigation plans, and biological mitigation measures requiring on-site riparian habitat replacement and oak tree replacement would reduce impacts related to alteration of scenic resources to a less than significant level.

The proposed project would introduce lighting and glare in an area that is currently vacant. However, new sources of lighting and glare are required to comply with the City's Dark Skies Ordinance. Additionally, architectural plans for the proposed buildings minimize the use of bright colors, reflective building materials, and unshielded building-mounted lighting on all exterior elevations. Furthermore, on-site landscaping around the perimeter of the site development boundary, the vertical and horizontal setbacks from existing development, and the surrounding hillside terrain would physically minimize light spillover impacts on the adjacent residential development. No further mitigation is required.

As previously mentioned, the sole unavoidable environmental impact is that the project would substantially degrade the existing visual character or quality of the site and its surroundings, by replacing the existing foreground views of a natural

site with foreground views of development and landscaping. Although the project would be consistent with the General Plan and LVGMP and would generally provide attractive residential and commercial development, 26 percent of the site would be graded for residential and commercial development, and an additional 25 percent of the site would be graded to remove an existing landslide. Therefore, the change in visual character is significant and unavoidable.

- **Air Quality-** Section 4.2 of the EIR provides a detailed analysis of the proposed project's impacts on air quality. The EIR identified one air-quality related project impact as potentially significant unless mitigation is incorporated. This impact relates to project construction generating a temporary increase in air pollutant emissions for ozone precursors NO_x and ROG, as well as CO, SO_x, and fugitive dust (PM). Construction emissions of NO_x would exceed SCAQMD construction thresholds. In addition, construction-related emissions of NO_x, PM₁₀, and PM_{2.5} would exceed SCAQMD localized significance thresholds. Mitigation Measures AQ-1(a) (dust control measures) and AQ-1(b) (construction equipment controls) are required to reduce emissions of NO_x, PM₁₀, and PM_{2.5} during construction to less than significant levels.

- **Biological Resources-** Section 4.3 of the EIR provides a detailed analysis of the proposed project's impacts on biological resources. No Federally- or State-listed wildlife species are known to occur on-site, and the project is not expected to affect any listed species or their habitat. No Federally-designated critical habitat for listed wildlife species is mapped within the project site, and no critical habitat would be affected by the project. Locally special-status animals are expected to occur within the site during the construction period and may potentially be affected by construction activity. In addition, since construction may occur during the bird breeding season in order to avoid the rainy season, the proposed project could directly or indirectly affect protected nesting birds, including five CDFW Species of Special Concern. To avoid project-related construction impacts to special-status wildlife species and protected nesting birds, the project is required to incorporate the following mitigation measures: BIO-1(a) (Pre-construction Special-Status Wildlife Surveys and Construction Monitoring); BIO-1(b) (Conduct Nesting Bird Surveys, Establish Active Nest Avoidance Buffers, and Monitor Active Nests); BIO-1(c) (Pre-construction Bat Surveys and Construction Monitoring); and BIO-1(d) (Rodenticide prohibition).

Special-status plant communities are present within the project site, and would be affected by construction activities/development. In addition, approximately 12.8 acres of purple sage scrub (not a special-status plant community) would be affected as a result of landslide remediation, and restored to pre-impact conditions or better. To mitigate for impacts to purple sage scrub, an upland restoration plan (URP) (BIO-3) shall be prepared by a qualified

biologist/restoration ecologist, with a primary focus on topsoil salvage to maintain important elements required for a healthy ecosystem. Implementation of measures BIO-3 (upland restoration), BIO-4(a) (agency coordination), BIO-4(b) (restoration of jurisdictional waters, wetlands, and riparian habitats), and BIO-6 (oak tree replacement) would reduce impacts to special-status plant communities to a less than significant level.

Construction activities would temporarily and permanently affect regulated waters and associated riparian and wetland areas on-site. Mitigation Measures BIO-4(a) (agency coordination) and 4(b) (restoration of jurisdictional waters, wetlands, and riparian habitats) are required to ensure that the minimum mitigation for impacts to jurisdictional features are ultimately implemented.

The proposed project would preserve approximately 61 acres of permanent open space, but would result in an approximate quarter-mile wide permanently developed area that would reduce habitat within the City of Calabasas mapped Wildlife Linkage and Corridor and incrementally reduce its function as a wildlife movement corridor. The proposed project would also remove parts of a drainage feature and oak woodland, which are important local wildlife movement features. The combination of the project's proposed development components, the proposed landscaping and revegetation plans, and mitigation measures BIO-4(a) (agency coordination) and BIO-4(b) for mitigating impacts to jurisdictional areas (including riparian and wetland habitats), and BIO-6 requiring on-site oak tree/woodland replacement would reduce impacts to habitats that are essential for local wildlife movement and connectivity. Compliance with City standards for lighting in wildlife corridors would reduce impacts from project operation to wildlife movement and connectivity. Implementation of measures BIO-4(a) (agency coordination), BIO-4(b) (restoration of jurisdictional waters, wetlands, and riparian habitats), BIO-6 (oak tree replacement), BIO-5(a) (protect remaining open space and restored areas), and BIO-5(b) (wildlife friendly fencing) would reduce project impacts to wildlife corridors to a less than significant level. Additionally, by focusing the project on the developable 16-acres along an already developed corridor, 61 acres would remain open to wildlife movement.

Development of the proposed project would affect 53 oak trees (including removal of 35 individual coast live oak (*Quercus agrifolia*) and 4 valley oak (*Q. lobata*) trees and encroachment onto 13 coast live oaks and 1 valley oak that are protected under the City of Calabasas Oak Tree Ordinance. Mitigation Measure BIO-6 (oak tree replacement) is required to mitigate potentially significant impacts related to removal of and encroachment into the protected zone of on-site oak trees.

- **Geology-** Section 4.4 of the EIR provides a detailed analysis of the proposed

project's impacts on geology. Seismically-induced ground shaking could damage structures and infrastructure, resulting in loss of property or risk to human safety. However, the design and construction of the proposed residential and commercial structures would be required to comply with applicable provisions of the Calabasas Municipal Code and California Building Code (CBC). All aspects of the proposed development project would be required to comply with applicable requirements of the Calabasas Municipal Code and CBC. Additionally, Mitigation Measures GEO-1(a) (geotechnical recommendations) and GEO-1(b) (building design) are required to reduce impacts to the greatest degree feasible. Any structure built in California is susceptible to failure as a result of seismically induced ground acceleration. However, the potential for structural failure due to seismic ground shaking would be reduced to a less than significant level with implementation of measures GEO-1(a) and (b).

Future seismic or other natural events could result in liquefaction of soils within the project area. Specifically, the lower-lying regions of the project site containing alluvial soils would be most susceptible to liquefaction hazards. Implementation of Mitigation Measures GEO-2(a) (removal and replacement of liquefiable soils), GEO-2(b) (long-term settlement risk reduction), and GEO-2(c) (final plan review and approval) would reduce impacts related to seismically induced liquefaction to acceptable engineering standards. Thus, impacts related to liquefaction would be reduced to a less than significant level.

The slope stability analysis prepared for the project site concluded that on-site existing slopes are likely subject to seismically induced landslides. Mitigation Measure GEO-3 (landslide removal and recompaction) is required to reduce the potential impact resulting from seismically included landslides to a less than significant level.

Portions of the project site are underlain by highly erodible soils and relatively steep slopes. Implementation of measures GEO-4(a) (erosion control) and GEO-4(b) (slope stabilization) would reduce slope stability and erosion impacts to a less than significant level.

The project site is located in an area underlain by expansive soils that would expose on-site development to the potential for damage. Implementation of Measure GEO-5 (expansive soil removal and/or treatment) would reduce impacts related to soil expansion to a less than significant level.

- **Greenhouse Gas Emissions-** Section 4.5 of the EIR provides a detailed analysis of the proposed project's impacts on greenhouse gas (GHG) emissions. The project would generate short-term as well as long-term GHG emissions. However, GHG emissions would not exceed recommended SCAQMD

significance thresholds and would be about 30 percent lower than what would be generated under post-construction, operational conditions. Therefore, emissions would not hinder or delay achievement of state GHG reduction targets established by AB 32 and impacts would be less than significant. Furthermore, the proposed project would be consistent with the Climate Action Team GHG reduction strategies, AB 32, the SCAG RTP/SCS, and the City of Calabasas General Plan. Impacts related to consistency with GHG plans and policies would therefore be less than significant, with no mitigation necessary.

- **Hydrology and Water Quality-** Section 4.6 of the EIR provides a detailed analysis of the proposed project's impacts on hydrology and water quality. During construction activities, the soil surface would be subject to erosion and temporary sedimentation and discharges of various pollutants to the downstream watershed. However, the federal Clean Water Act requires development of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of appropriate best management practices (BMPs), which would effectively reduce construction-related watershed pollutants. Therefore, impacts are considered less than significant. Additionally, the proposed project would alter the existing drainage of the project site. However, compliance with current regulatory requirements would ensure that no increase in peak storm water flows would occur. Therefore, project implementation would not increase peak runoff levels or cause an exceedance of the capacity of existing or planned storm water drainage systems. Impacts related to hydrological changes would be less than significant. Project features and the requirements of the Los Angeles County Flood Control District would reduce peak flow volumes and rate in the local storm water drainage system and reduce impacts to a less than significant level; therefore, no mitigation is necessary. In addition, implementation of Mitigation Measure BIO-4(a) (agency coordination) requires coordination with agencies and acquisition of all applicable permits for the construction and long-term maintenance of the debris basin.

Long-term project operation could adversely affect the quality of surface runoff because of increased pollutant loading, including such pollutants as oil, pesticides, and herbicides. Compliance with existing regulatory requirements (federal, State and City) would reduce potential surface runoff impacts to a less than significant level. Therefore, no mitigation is necessary.

- **Land Use and Planning-** Section 4.7 of the EIR provides a detailed analysis of the proposed project's impacts on land use and planning. The proposed project would require a General Plan amendment and zone change, but would be generally compatible with adjacent commercial, residential, and open space land uses. Compatibility impacts associated with the proposed project would be less than significant. The project would place single family residential development

adjacent to the existing single family development to the south-southwest. Project grading to remediate the existing landslide would encroach into areas currently designated Open Space Resource Protection; however, as discussed in Section 4.3, Biological Resources, implementation of recommended measures would reduce visual changes and wildlife movement impacts related to this encroachment to below a level of significance. Further, this land will be restored and permanently protected by its OS-RP designation and the proposed deed restriction. Therefore, the requested General Plan amendment and zone change would not create significant impacts with respect to land use compatibility.

With implementation of mitigation measures identified throughout this EIR, the proposed project would be generally consistent with applicable policies of the City's 2030 General Plan and SCAG's adopted Regional Transportation Plan/Sustainable Communities Strategy. The project would potentially be inconsistent with the grading and biology goals and policies of the General Plan. The grading proposed as a part of the project would be required in order to remediate an existing landslide area. The project would ensure the stability of the hillside. With the mitigation measures recommended in this EIR, the proposed project's impacts related to consistency with City and regional land use policies would be less than significant.

- **Noise and Vibration-** Section 4.8 of the EIR provides a detailed analysis of the proposed project's impacts on noise and vibration. Project construction would expose nearby receptors to a temporary increase in noise. However, noise levels during construction would be limited to the daytime pursuant to the City's Municipal Code and construction noise levels would be temporary and intermittent. On-site construction-related noise impacts would comply with the City's Noise Ordinance and impacts would be less than significant. Nevertheless, Mitigation Measures N-1(a) through N-1(d) are recommended to reduce the incremental increase in noise levels using standard best practices. These mitigation measures include: notification to off-site residential uses; temporary acoustic shelters for air compressors and generators; equipment mufflers; and staging areas for warming up equipment.

Project construction would expose nearby sensitive receptors to a temporary increase in vibration. However, vibration levels during construction would be limited to the daytime pursuant to the City's Municipal Code and would not exceed FTA vibration thresholds for buildings. No mitigation would be required. Recommended measures N-1(a) through N-1(d) would minimize construction-related noise and vibration.

Project-generated traffic would incrementally increase noise levels on roads in

the project site vicinity. However, the increase of up to 0.4 dBA would not noticeably change noise conditions for sensitive receptors in the project area or exceed the operational roadway noise exposure thresholds. No mitigation is required. Impacts would be less than significant without mitigation.

The proposed project includes sensitive receptors that would be exposed to noise from area roads and onsite activity. With the incorporation of Mitigation Measure N-4 (design requirements to achieve acceptable interior noise level), noise impacts associated with traffic on the proposed hotel would be reduced to a less than significant level.

Operation of the proposed project would not expose on-site nor off-site sensitive receptors to ambient noise levels that exceed the normally acceptable range for exterior noise. Operational impacts to exterior noise levels at on-site and off-site sensitive receptors would be less than significant, with no mitigation required.

- **Public Services-** Section 4.9 of the EIR provides a detailed analysis of the proposed project's impacts on public services. Buildout of the proposed project would generate an estimated 40 students within the Las Virgenes Unified School District (LVUSD). This project has the potential to cause an exceedance of capacity at Calabasas High School. However, impacts would be less than significant without mitigation. The applicant would be required to pay state-mandated school impact fees to fund the development of new LVUSD school facilities to accommodate project-generated students.
- **Traffic and Circulation-** Section 4.10 of the EIR provides a detailed analysis of the proposed project's impacts on traffic and circulation. The proposed project would generate 1,650 new average daily trips, including 116 A.M. peak hour trips and 142 P.M. peak hour trips. Roadway segments would operate above City thresholds (LOS C) with existing + project traffic volumes. This impact would be less than significant. Mitigation would not be required.

Project-generated traffic would increase traffic volumes and incrementally reduce levels of service at each of the six study intersections. Project-generated traffic would exceed LOS standards and result in a volume-to-capacity V/C increase above City thresholds for the Las Virgenes Road/Lost Hills Road intersection under existing + project conditions. Impacts to study area intersections would be potentially significant unless mitigation is incorporated. Implementation of Mitigation Measure T-2 (Las Virgenes Road/Lost Hills Road Traffic Impact Fees) would reduce impacts related to the LOS for the intersection of Las Virgenes Road/Lost Hills Road to a less than significant level.

Project-generated traffic would increase traffic volumes and incrementally

reduce levels of service at each of the six study intersections. Project-generated traffic would exceed LOS standards and result in a V/C increase above adopted thresholds for the intersection at Las Virgenes Road / Lost Hills Road under opening year (2019) + project conditions. Impacts to study area intersections would be Class II, potentially significant unless mitigation is incorporated. Mitigation Measure T-2, described above, would reduce impacts related to the LOS for the Las Virgenes Road/Lost Hills Road intersection to a less than significant level.

Traffic generated by the proposed project would add 29 A.M. and 35 P.M. peak hour trips to northbound U.S. 101 and 42 A.M. and 50 P.M. peak hour trips to southbound U.S. 101. Project generated trips along U.S. 101 would be below the Congestion Management Program (CMP) thresholds for freeway monitoring locations. Impacts would therefore be less than significant with no mitigation required.

Under summer beach traffic conditions, project impacts to the Las Virgenes Road/Malibu Canyon Road corridor would be less than significant. Mitigation would not be required.

Construction of the Lost Hills Road/U.S. 101 Interchange Improvement Project and the proposed project would overlap. Construction impacts to area roadways would be potentially significant unless mitigation is incorporated. Implementation of Mitigation Measure T-10 (construction management plan) would reduce construction impacts to a less than significant level.

- **Other Impacts and Mitigation-** Section 5.0 of the EIR includes analyses of project impacts as they relate to population growth, energy, and water supply. The EIR determined that no significant environmental impacts would occur in these areas and no mitigation is required. A detailed discussion of water-supply concerns is provided in a following section of this staff report.
- **Cumulative Impacts-** Cumulative impacts are defined as two or more individual events that, when evaluated together, are significant or would compound other environmental impacts. Cumulative impacts are changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. A list of nearby projects considered in this EIR for the purpose of evaluating potential cumulative impacts is available in Table 3-1, Section 3.0, Environmental Setting of the EIR. Cumulative impacts specific to any given environmental category are discussed at the end of each subsection of the EIR.

Cumulative aesthetic impacts: The visual impacts of the proposed project, the

Paxton Calabasas project, the Rondell Oasis Hotel project, and other planned development projects were anticipated by City of Calabasas 2030 General Plan and the General Plan EIR. In addition, the Paxton Calabasas project, the Rondell Oasis Hotel project, and the proposed project are generally consistent with the intent of the 2030 General Plan, which is to focus development along the east side of Las Virgenes Road while preserving the views of the significant ridgelines. To help ensure that future development on the project site would not extend further up slope, which would have much more substantial aesthetic impacts to the U.S. 101 Scenic Corridor and the Las Virgenes Scenic Corridor, the proposed project has designated the portions of the site outside of the building construction footprint as open space. In addition, the parcels immediately surrounding the project site are designated Open Space – Resource Protection (OS-RP). This land use re-designation effectively prohibited development upon significant ridgelines and other scenic features located within the U.S. 101 and Las Virgenes Scenic Corridors. Therefore, the project's contribution to cumulative land use impacts would not be cumulatively considerable.

Cumulative air quality impacts: Each individual project in the project area would generate emissions during construction and operation. Neither the proposed project nor the related projects are part of an ongoing regulatory program or are contemplated in a Program EIR. The SCAQMD therefore recommends that project-specific air quality impacts be used to determine the potential cumulative impacts to regional air quality. As discussed under Impact AQ-2 in the Final EIR, the proposed project would contribute to an increase in cumulative daily operational emissions; however, emissions would not exceed the SCAQMD thresholds. Additionally, the proposed project itself would not generate emissions that exceed the SCAQMD's operational thresholds and the project is consistent with the regional Air Quality Management Plan. Therefore, the project's contribution to cumulative regional long term air quality impacts would not be cumulatively considerable.

Cumulative biological resources impacts: Two conditions apply to determine the cumulative effect of a project: first, the overall effect on biological resources caused by existing and known or forecasted projects must be considered significant under the significance thresholds discussed above; and second, the project must have a "cumulatively considerable" contribution to that effect. The cumulative contribution of the approved and proposed projects will not result in significant fragmentation of open space in the project vicinity. As such, no additional loss of habitats or special-status species are expected, and the subject proposed project combined with the projects approved and pending creates no cumulative contribution of urban expansion into natural areas or isolation of open space within the vicinity. Mitigation measures have been

developed to address potentially significant project impacts to below a level of significance. Consequently, the effects of the proposed project would not be cumulatively considerable.

Cumulative geology impacts: Proposed, pending and future development projects would increase development within the City of Calabasas. Such development would expose new residents and property to potential risks from seismic hazards in the area. The proposed project would incrementally contribute to these cumulative impacts. However, geologic hazards are site-specific and individual developments would not create additive impacts that would affect geologic conditions on other sites. Moreover, development projects would be subject to CEQA review on a case-by-case basis and would be required to comply with applicable provisions of the Municipal Code and CBC. The proposed project itself would reduce landslide hazards for existing development in the project site vicinity by implementing a remedial grading program to address existing poor soils and landslide hazards. Potential impacts from future development would be addressed on a case-by-case basis and appropriate mitigation would be designed to mitigate impacts resulting from individual projects. Therefore, cumulative impacts would be less than significant.

Cumulative greenhouse gas emissions impacts: Cumulative development in Calabasas, including development facilitated by the proposed project, would add dwelling units and non-residential development that would generate GHGs from vehicle trips and other sources. Analyses of GHGs are cumulative in nature, as they affect the accumulation of greenhouse gases in the atmosphere. Projects falling below the impact thresholds discussed above would have a less than significant impact, both individually and cumulatively. Emissions associated with the proposed project would be less than significant and the project's contribution to cumulative impacts is therefore also cumulatively less than significant.

Cumulative hydrology and water quality impacts: The proposed project, along with the nearby Paxton Calabasas project and the Rondell Oasis Hotel project, would incrementally increase impervious surface area in the local watershed, thereby increasing the amount of surface water entering area drainages. Compared to pre-development conditions, this could cumulatively contribute to the risk of flooding at the proposed project site and in downstream areas. However, individual projects would provide their own water detention facilities to mitigate peak flows and downstream flooding. Project-specific mitigation measures on all new development would reduce cumulative impacts to a less than significant level. Cumulative development has the potential to increase the discharge of urban pollutants to surface and groundwater. Storm runoff concentrations of oil, grease, heavy metals, and debris could increase as the amount of urban development increases in the watershed. To reduce or

eliminate increased flooding risks and pollution risk, water quality requirements of the Regional Water Quality Control Board, the County of Los Angeles, and the City of Calabasas would mitigate any adverse impacts resulting from new development. Cumulative impacts would therefore be less than significant, assuming implementation of applicable regulatory requirements on all new development.

Cumulative land use and planning impacts: Cumulative development in and around the project area in accordance with the City's General Plan will incrementally modify existing, undeveloped land and the general setting of the area, continuing the trend toward suburbanization. One such project, Paxton Calabasas, is under construction south of the project site also along the east side of Las Virgenes Road and another proposed project, Rondell Oasis Hotel, would be developed north of the project site also along the east side of Las Virgenes Road. The Rondell Oasis Hotel project, Paxton Calabasas project and the proposed project are all generally consistent with the intent of the 2030 General Plan to focus development in the lower portions of the area along the east side of Las Virgenes Road while preserving ridgelines and the wildlife corridor. A total of approximately 484,767 sf of commercial development could be developed in the City throughout the duration of the planning period according to the 2030 General Plan EIR and a total of 306 residential units could be developed according to the 2014-2021 Housing Element Update. Planned cumulative development would incrementally increase overall development intensity throughout the City to the level of development anticipated in the General Plan, while incrementally reducing the amount of undeveloped land and increasing the potential for compatibility conflicts related to issues such as noise, lighting, and traffic. However, similar to the proposed project, impacts associated with individual projects can be addressed on a case-by-case basis. Moreover, because the project's impacts related to compatibility can be reduced to below a level of significance, the project's contribution to cumulative land use impacts would not be cumulatively considerable.

Regarding noise and vibration, cumulative development in the City would continue to increase traffic and traffic-related noise along area roadways. Cumulative traffic increases may create significant impacts to noise sensitive land uses adjacent to major roadways. The proposed project would incrementally contribute to cumulative traffic noise increases in the area. However, the anticipated increase would not be audible to nearby sensitive receptors and would not exceed thresholds. Therefore, the overall increase in noise due to project and cumulative traffic would be less than significant.

Regarding traffic, cumulative conditions include the traffic generated by planned and pending projects in the study area added to the opening year (2019)

volumes based on the distribution percentages presented in existing traffic studies and environmental documents completed for these projects. This analysis assumes that the segment of Las Virgenes Road south of Agoura Road will be widened to 4-lanes prior to occupancy of the project. All roadway segments are forecast to operate at LOS B or better with cumulative + project traffic volumes. Cumulative impacts to local roadway segments would be less than significant. The only intersection that would operate below the City's LOS standards (see Table 4.10-4) is Las Virgenes Road/Lost Hills Road during the A.M. peak hour, which would operate at LOS F. The project would generate a significant cumulative impact to this location as it would increase the V/C by the City's adopted impact threshold (0.010). The remaining intersections would operate acceptably in the LOS A-D range with Cumulative+ Project volumes. As discussed in the "Planned Improvement" subsection of the Setting, the City has identified and programmed an improvement for the intersection to provide a new southbound merge lane to allow the southbound approach to be re-striped to provide one left-turn lane, one through lane, and one through plus right-turn lane and the eastbound approach to be re-striped to provide one left plus through lane and dual right-turn lanes. Therefore, Mitigation Measure T-2 would also reduce cumulative traffic impacts at the intersection of Las Virgenes Road/Lost Hills Road to less than significant.

B. Mitigation Monitoring and Reporting Program (MMRP):

In 1989, State Legislature added to CEQA a requirement that a public agency, in approving feasible mitigation measures contained in EIRs and negative declarations, must also adopt a mitigation monitoring and reporting program. Such a program is to be designed to ensure compliance with the changes to a project which were required by the public agency in order to reduce or avoid significant environmental effects. For each project, for which a MMRP is required by this title and adopted by the approving body, full compliance with the adopted program for the project shall be a condition of approval of the project. The MMRP for this project is included as an attachment to the resolution of approval (Exhibit A), which also includes a condition of approval requiring the applicant to comply with all mitigation measures within the MMRP.

C. Alternatives:

The full Alternatives Analysis is provided in Section 6.0 of the EIR. EIR's provide analysis of alternatives, when there are specific alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic objectives of the project. Based on the potentially significant impacts that could result from implementation of the project and the project objectives, three alternatives were chosen for analysis:

- Alternative 1: No Project
- Alternative 2: 2030 General Plan Buildout
- Alternative 3: Three Story Hotel/Surface Parking

The following table provides a comparison of the proposed project and the three alternatives:

Alternatives Comparison

	Proposed Project	Alt 1: No Project	Alt 2: GP Buildout	Alt 3: 3 Story Hotel
Residential Units	67 Single Family 4 Multi Family	None	180 Multi Family	67 Single Family 4 Multi Family
Commercial	66,516 sf Hotel	None	155,000 sf of commercial space	66,300 sf Hotel
Grading (cut/fill)	613,183 cubic feet/ 569,544 cubic feet	None	590,800 cubic feet/ 670,400 cubic feet	613,183 cubic feet/ 569,544 cubic feet
Include Landslide Remediation	Yes	No	Yes	Yes
Construction Schedule	39 months	None	42 months	39 months

Alternative 1 (the “no project” alternative), is required by CEQA for purposes of documenting a baseline, and assumes that the proposed project is not constructed on the 77 acre site. It assumes that the largely undeveloped site would continue in its current condition and that the existing grading, dirt roadways and abandoned structures at the site would remain. No change in environmental conditions would occur under this alternative because no development would occur and site conditions would not change. This alternative would avoid the proposed project’s significant and unavoidable impacts related to changes in visual character as well as significant, but mitigable impacts related to scenic views and in the areas of air quality, biological resources, geology, noise and traffic. No significant impacts would occur under this alternative and none of the mitigation measures recommended for the proposed project would apply. This alternative would not, however, include remediation of the existing onsite landslide area so the potential for a landslide to affect adjacent properties would be greater under the no project alternative than under the proposed project. The “no project” alternative is not realistic in this case because the site is vacant, but slated for development (the City has not identified the property for acquisition as open space).

While Alternative 1’s impacts would be less than those of the proposed project, the “no project” alternative does not preclude the future development of the site. Furthermore, this alternative does not fulfill the applicant’s stated objectives for the project, nor does it meet the 2030 General Plan objectives for the project

site.

Alternative 2 (General Plan Buildout) involves the development of commercial and multi-family residential structures as envisioned for the West Village Planned Development and Multi-family Residential areas in the 2030 General Plan. Development of the site under this alternative would include up to 155,000 square-feet of commercial development and 180 multi-family residential units, neighborhood green space and roadways on an approximately 16-acre development area. This alternative would also include landslide remediation similar to what would occur under the proposed project.

Alternative 2 would result in a greater aesthetic impact (change in visual character) than the proposed project due to the greater density. Due to the longer duration of site preparation and grading that would be required for this alternative, it would result in higher emissions and noise levels than the proposed project. Long-term air pollutant emissions would also be greater under this alternative due to the increase in development when compared to the proposed project. With incorporation of mitigation measures, potential air quality impacts can be reduced to a less than significant level.

Impacts to biological resources associated with Alternative 2 would be broadly similar to those associated with the proposed project (both have the same 16-acre development footprint), with the exception of impacts to the wildlife corridor, which would be slightly worse with Alternative 2 because, the development would be more intense next to the corridor. The same biological mitigation measures would be required in this scenario, to reduce impacts to less than significant.

Alternative 2 would have essentially the same geology and hydrology impacts when compared to the proposed project. The same mitigation measures required for the project would apply to reduce impacts to below a level of significance. The increase in residential units and commercial area associated with this alternative would generate more GHG emissions than would be generated under the proposed project. Unlike the proposed project, this alternative would require mitigation to reduce impacts to below a level of significance. Such mitigation could include additional measures to reduce GHG emissions produced by the project directly (e.g., use of solar panels or additional energy conservation measures) or the purchase of GHG off sets.

Buildout of the site under Alternative 2 would not exceed the maximum allowed area of office/commercial uses within the Planned Development zone or the maximum allowed residential density in the RM-20 zone. In addition, a General Plan Amendment would not be required to accommodate development of this

alternative at the site, as this alternative does not include a hotel. Therefore, impacts with respect to the alternative's consistency with the City's applicable land use designations would be similar to those of the proposed project and less than significant. Alternative 2 would create increased impacts related to noise and would require mitigation measures, similar to those applied to the proposed project. Due to the increased density of Alternative 2, public schools would experience a greater impact than expected to experience with the proposed project. Nevertheless, similar to the proposed project, impacts to schools would be less than significant after the payment of statutory impact fees.

Alternative 2 includes more commercial area than the proposed project (155,000 sf of commercial space versus a 66,516 sf hotel) as well as an increased number of residential units (180 units versus 71 units). This alternative would generate an estimated 6,466 additional average daily traffic trips, 136 additional A.M. peak hour trips and 577 additional P.M. peak hour trips compared to the proposed project. The increased number of trips generated by this alternative when compared to the proposed project would further exacerbate LOS issues at the Las Virgenes Road/Lost Hills Road intersection, which is currently operating at LOS E and would operate at LOS F under the 2019 and cumulative scenario. This would result in potentially significant impacts to local roadways both on its own and cumulatively. Because this alternative would be consistent with both the 2030 General Plan and zoning designations for the site, improvements to Las Virgenes Road are expected to alleviate this alternative's impact to this intersection both on its own and under the cumulative scenario. Therefore, implementation of Mitigation Measure T-2, which requires the payment of fair share fees for construction and implementation of necessary improvements identified for the intersection of Las Virgenes Road/Lost Hills Road, would reduce this alternative's impacts to a less than significant level.

Alternative 3 would involve the same amount of residential development, 67 small lot single family residences and two duplexes (four units), as the proposed project. This alternative would include the construction of a three-story hotel instead of the project proposed four-story hotel. The remediation and stabilization of the landslide, street configuration and access, and open space areas would be the same as the proposed project. The hotel building would have a footprint of 22,100 sf in a three-story structure, which is 5,135 sf larger than the proposed project. The hotel would accommodate 111 rooms and less meeting space than the proposed four-story, 120-room hotel. The purpose of this alternative is to address potential aesthetic concerns related to the development of a four-story building on-site that were raised by several commenters at the EIR scoping meeting.

As with the proposed project, Alternative 3 would concentrate site development

within the portions of the property that are lower in elevation. Unlike the proposed project, the three-story elevation of this alternative's hotel component would be similar to commercial development in the vicinity, which includes buildings that range from one to three stories in height. While the height would be reduced, the overall massing and intensity of the hotel component of this alternative would be similar to the proposed project. The impact to views from Las Virgenes Road to designated significant ridgelines and other rolling hillsides would be incrementally lessened, but would remain potentially significant. This alternative would require the landslide remediation that would result in changes to the landscape of the area. The overall change in visual character at the site resulting from this alternative would be similar to that of the proposed project since the overall development footprint would be similar. As with the proposed project, although development would be visually compatible with that of nearby developments, the change in visual character would be significant and unavoidable, still requiring a Statement of Overriding Considerations. The aesthetic mitigation measures required for the proposed project would apply to Alternative 3 in order to reduce impacts to levels below significant.

Alternative 3 would have essentially the same air quality, biological resources, geology, hydrology, land use, and public services impacts when compared to the proposed project. The same mitigation measures required for the project would apply to reduce impacts to below a level of significance.

Alternative 3 would generate incrementally fewer GHG emissions than would the proposed project. Similar to the proposed project, impacts would be less than significant. Similar to the proposed project, this alternative would introduce a new sensitive receptor, the hotel, within the noise contours of Las Virgenes Road and U.S. 101, potentially exposing new visitors to ambient noise levels that exceed the normally acceptable range for interior noise. Mitigation Measure N-4 would also apply to this alternative in order to reduce impacts to less than significant. Construction noise and vibration associated with this alternative would be similar to that generated by the proposed project and would be potentially significant and would require mitigation.

Alternative 3 would reduce average daily trips by 73 and A.M. and P.M. peak hour trips by five, in comparison to the proposed project. Nevertheless, this alternative would result in potentially significant impacts to local roadways both on its own and under cumulative conditions. Implementation of Mitigation Measure T-2, which requires the payment of fair share fees for construction and implementation of necessary improvements identified for the intersection of Las Virgenes Road/Lost Hills Road, would reduce this alternative's impacts to a less than significant level.

CEQA requires that an environmentally superior alternative is identified in the EIR. The No Project Alternative (Alternative 1) is considered environmentally superior because it would eliminate nearly all of the anticipated environmental effects of the project. However, this alternative would not accomplish any of the objectives of the proposed project, including: developing low intensity single family homes, providing commercial opportunities, removing the landslide hazard condition, and providing additional housing. Of the remaining two alternatives, neither is environmentally superior to the proposed project; however, the Three Story Hotel/Surface Parking Alternative (Alternative 3) is environmentally superior to the 2030 General Plan Buildout Alternative (Alternative 2). This is primarily because Alternative 3 would involve a less intensive development than Alternative 2. However, Alternative 3 would have the same development footprint as the project and the three-story hotel would not substantially reduce the overall impact of the project with respect to scenic vistas and changes in visual character. As a result, Alternative 3 would not reduce the significant and unavoidable aesthetics impacts associated with the project and its overall impacts would be about the same as those of the proposed project.

Rejected Alternatives - During the preparation of the EIR, consideration was given to six additional project alternatives, but they were rejected. Furthermore, two additional potential alternatives were analyzed in the Final EIR in response to a comment letter from the Santa Monica Mountains Conservancy. These two alternatives were also rejected, as neither alternative would feasibly attain most of the project objectives of the site, and neither would address the existing landslide condition, which would remain a hazard to existing development along Las Virgenes and Agoura Road. The eight total alternatives considered but rejected include:

- i. No Landslide Repair Alternative
- ii. No Landslide Repair Modified Access Road Alternative
- iii. No Landslide Repair Modified All Residential Units Alternative
- iv. Proposed Project with a Three-Story Hotel and Underground Parking Alternative
- v. All Residential Alternative
- vi. All Residential Project with Park Alternative
- vii. No Landslide Repair Modified 12,500 SF Residential Lots Alternative
- viii. No Landslide Repair Modified 5,000 SF Residential Lots Alternative

These eight alternatives and the reasons they were eliminated from consideration are discussed in detail in Section 6.4 of the EIR.

D. Public Comments and Responses to the Draft EIR:

In accordance with Section 15088 of the CEQA Guidelines, the City of Calabasas, as the lead agency, reviewed the comments received on the Draft EIR for the Canyon Oaks Project and prepared written responses to the written comments received. The Draft EIR was circulated for a 53-day public review period that began on July 10, 2015 and concluded on September 1, 2015. A total of 49 letters were received in response to the Draft EIR. The letters and individual responses are provided in Section 8 of the Final EIR.

Many comments that the City received addressed similar topics. For these comments, Global Responses were prepared and referred to within responses, where applicable. This section of the staff report summarizes the Global Responses prepared to address the main concerns expressed in the comment letters.

- **Global Response 1/Traffic:** A number of commenters stated concerns that the project would exacerbate traffic impacts in the area of the project site. The trip generation estimates for the proposed project were developed using the corresponding ITE trip generation rates for “Single Family Detached Housing” (Land Use Code #210) and “Hotel” (Land Use Code #310). The average daily trip rate is 9.52 trips per single family homes, 8 trips per attached dwelling unit, and 8.17 trips per hotel room. The Draft EIR’s estimate of the project’s trip generation (1,650 Average Daily Traffic) is based on conservative, frequently applied trip generation rates.

The EIR analyzes impacts to three roadway segments: Las Virgenes Road north of Agoura Road, Las Virgenes Road south of Agoura Road, and Agoura Road west of Las Virgenes Road. The Draft EIR also analyzed impacts to six intersections: Las Virgenes Road/Mureau Road, U.S. 101 Northbound Ramps/Las Virgenes Road, U.S. 101 Southbound Ramps/Las Virgenes Road, Las Virgenes Road/Agoura Road, Lost Hills Road/Agoura Road, and Las Virgenes Road/Lost Hills Road. The Draft EIR found that all three roadways would operate at acceptable LOS under existing plus project, buildout year (2019) plus project, and cumulative plus project conditions; therefore, the project’s impacts to roadways would be less than significant. The Draft EIR found that all intersections except for the intersection of Las Virgenes Road/Lost Hills Road, would operate at acceptable LOS under existing plus project, buildout year (2019) plus project, and cumulative plus project conditions. Implementation of Mitigation Measure T-2, which requires payment of fair share fees for the construction and implementation of necessary improvements identified for the intersection of Las Virgenes Road/Lost Hills Road, would mitigate the project’s impacts to that intersection to a less than

significant level.

Because the project is less commercially and residentially dense than General Plan buildout of the project site, it would generate fewer trips than what could occur if the site were built out under current General Plan designations. In comparison to General Plan buildout of the project site, the proposed project would have a proportionally reduced impact to level of service (LOS) on roadways and intersections in the project area.

- **Global Response 2/Drought:** A number of commenters stated concerns about the project's impacts to water supplies, particularly in light of statewide drought conditions. In light of the historic drought that California is currently experiencing, the project's impact on water supplies was discussed in Section 5.0, Other CEQA Issues, of the EIR. LVMWD stated that the Draft EIR thoroughly analyzed the potential impacts of the project on water and sewer services. LVMWD's water conservation measures have been updated since the Draft EIR was circulated; therefore, Page 381 in Section 5.4, Other CEQA, of the EIR has been revised to include updated irrigation measures. This minor change does not require recirculation of the EIR. The LVMWD has not issued a moratorium on development; therefore, the City does not have the authority to cease giving entitlements based on drought conditions. In addition, the project includes less commercial and residential density than General Plan buildout of the project site. The project would demand approximately 15,444 fewer gallons per day, or 17 fewer acre-feet per year of water than General Plan buildout of the project site.

- **Global Response 3/Views:** A number of commenters suggested that the project would negatively affect aesthetics and viewsheds. Commenters also expressed concern that the hotel would violate height restrictions and block significant views. The EIR found that the project would substantially degrade the visual character of the project site due to the grading and development of a currently undeveloped site and that this impact would be significant and unavoidable. However, the EIR found that impacts to other aesthetic impacts, including significant views, scenic resources, and light and glare, would be less than significant or less than significant with mitigation.

The ARP has reviewed the proposed project and refined it to minimize its visual impact. With their requested refinements, the ARP

determined that the project as currently proposed is consistent with the design guidelines of the General Plan, the Scenic Corridor Design Guidelines, and the Las Virgenes Gateway Master Plan and Design Guidelines.

Current zoning for the project site limits the height of buildings to 35 feet. The applicant is requesting a zone change to Commercial Retail for the hotel component of the project, which allows for buildings greater than 35 feet in height through a Development Plan, which the applicant is also requesting. If both of these requested actions are approved, the project would not be in violation of City height restrictions.

- **Global Response 4/Plan Compliance:** A number of commenters stated concerns that the project is inconsistent with the City's General Plan, the Scenic Corridor Design Guidelines, and the Las Virgenes Gateway Master Plan and Design Guidelines. Section 4.7, Land Use and Planning, of the EIR analyzes the project's consistency with applicable plans, including the General Plan, the Scenic Corridor Design Guidelines, and the Las Virgenes Gateway Master Plan and Design Guidelines. Impact LU-2 of the EIR found that with implementation of the mitigation measures identified throughout the Draft EIR, the proposed project would be generally consistent with applicable land use plans and policies, including the General Plan, the Scenic Corridor Design Guidelines, and the Las Virgenes Gateway Master Plan and Design Guidelines.

The existing General Plan designations for the project site are Planned Development (PD), Residential-Multiple Family 20 (R-MF-20), and Open Space-Resource Protection (OS-RP). The PD designation does not allow for hotel uses. The applicant is requesting a General Plan amendment to change the project site's land use designation to Business-Retail/RMF-20/OSRP; hotels are an allowed use in Business-Retail designations. If these amendments are approved, the project would not be in violation of the General Plan. The Calabasas 2030 General Plan specifically envisions the development of the lower portions of the project site near Las Virgenes Road with a mix of commercial retail and residential uses and the creation of a walkable village. It is acknowledged that the proposed project does not include the retail village envisioned for the project site in the General Plan. However, because the project includes substantially less overall development than is currently allowed under the General Plan, it would have fewer environmental

impacts than would a project built in accordance with the current General Plan land use designations.

The project would be consistent with the Las Virgenes Gateway Master Plan's policies on community design elements, site development limits, the scenic corridor, architectural styles and colors, lighting, sustainable practices, space transitions, and community character. Additionally, the ARP has reviewed the project and found it consistent with the design guidelines of the General Plan, the Scenic Corridor Design Guidelines, and the Las Virgenes Gateway Master Plan and Design Guidelines.

- **Global Response 5/Economics:** A number of commenters state concerns that the proposed hotel was not economically feasible and would result in urban blight. Commenters specifically state concern about the project's potential impacts to the Good Nite Inn. Kallenberger Jones & Co. prepared a market study for the proposed project on behalf of the project applicant in October 2015 (see Exhibit K). The Natelson Dale Group, Inc. (TNDG) conducted an independent peer review of the project applicant's hotel market study on behalf of the City in December of 2015 (see Exhibit K). The purpose of the peer review was to verify the reasonableness of the Kallenberger Jones & Co. study's methodology and conclusions, and to assess the extent to which the market study addresses commenters' concern that the project would result in physical effects, such as urban blight. TNDG considered the market study's geographic market area, data sources, inventory of competitive existing hotels, discussion of site-specific attributes, methodology for forecasting future growth, overall documentation, and defensibility of assumptions. The peer review found that the overall methodology of the market study is sound, well documented and consistent with industry standards.

The market study determined that overall occupancy rates in the geographic market area are healthy and have steadily increased over the past six years. At nearly 84%, the current overall occupancy rate for the evaluated market area suggests that there is significant residual demand for new facilities. The peer review determined that the market study projects a realistic stabilized occupancy rate and ADR for the project and, based on its data and analysis, confirms market demand for the proposed project.

The peer review also analyzed the project's potential impacts as they relate to urban decay. The proposed project would not cause the

closure of any existing hotels and, therefore, would not result in urban decay. Based on the data and analysis provided, the market study projected that the “competitive set” of potentially impacted hotels in the market area would maintain a sustained average occupancy rate of 75% or higher during each year of the forecast horizon, even after taking into consideration the market impact of the proposed project and other pending hotel developments. Given that this projected occupancy rate is well above the industry-standard equilibrium occupancy of approximately 70%, the peer review determined that projected growth in hotel demand would be sufficient to support the proposed project and other anticipated hotel projects without causing any existing hotel(s) to close.

With regard to potential impacts on existing hotels, the peer review indicated that Good Nite Inn and the proposed project would not be in the same “competitive set” of hotels as the proposed project because the Good Nite Inn is classified as an “economy” hotel, whereas the proposed project is classified as an “upper midscale,” “upscale,” or “upper upscale” hotel. Based on this distinction, the peer review determined that the Good Nite Inn would serve a different market segment than would be served by the proposed project.

- **Global Response 6/Alternatives:** Commenters expressed concerns that the Draft EIR’s conclusions that the project alternatives are not feasible are based on subjective opinion and do not include the evidence, such as economic analysis. Pursuant to CEQA Guidelines Section 15131, “Economic or social effects of a project shall not be treated as significant effects on the environment.” Therefore, it is not the purpose of the Draft EIR to evaluate the economic effects of the project, except as they relate to physical effects, such as blight. In Section 15126, the CEQA Guidelines state that “An EIR shall describe a range of reasonable alternatives to the project...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” Therefore, economic viability analysis can assist in evaluating whether a potential alternative could feasibly attain project objectives and financial factors may be a reason that an alternative can be found infeasible.

In December 2015, the TNDG prepared an analysis of the financial feasibility of the original six alternatives that were considered, but rejected in the Draft EIR based on indications of impracticality or infeasibility (see Exhibit K). The TNDG analysis did not consider

factors other than financial feasibility, and thus did not analyze the All Residential Alternative and the All Residential Project with Park Alternative.

TNDG determined that Alternatives listed 1 through 5 would be financially infeasible based on their percent return on cost, which, as shown in Table 8-2, would be either negative or below what a prudent investor would accept for these types of projects. The alternative listed as 6, Proposed Project with a Three-Story Hotel and Underground Parking Alternative, would have a percent return on cost of 26.4 percent; however, TNDG determined that although it would be theoretically feasible, the return on the alternative would be considerably below that of the proposed project, and given the considerable costs (including discounted future receipts) involved in the passage of time from when project costs begin to be incurred to the conclusion of sales or the achievement of full operating revenues in the case of the hotel, would likely be infeasible by prevailing real estate investment standards.

- **Global Response 7/Mitigations:** A number of commenters expressed concern that none of the alternatives would reduce environmental impacts to below a level of significance and, therefore, are inadequate. In Section 15126, the CEQA Guidelines state that “An EIR shall describe a range of reasonable alternatives to the project...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” Section 6.0, Alternatives, includes three alternatives: No Project, 2030 General Plan Buildout, and Three Story Hotel/Surface Parking. The CEQA-required No Project Alternative would avoid the proposed project’s significant and unavoidable impacts related to changes in visual character as well as significant, but mitigable impacts related to scenic views and in the areas of air quality, biological resources, geology, noise and traffic. No significant impacts would occur under this alternative and none of the mitigation measures recommended for the proposed project would apply. The Three Story Hotel/Surface Parking Alternative would reduce the height of the hotel, thus reducing but not eliminating the overall impact of the project with respect to scenic vistas and changes to visual character.

During the preparation of the Draft EIR, consideration was given to three alternatives that would have reduced visual character impacts, but these were rejected. Two new alternatives were considered in

response to a letter from the Santa Monica Mountains Conservancy, but these were ultimately also rejected. In summary, these alternatives were rejected because access to the site would not align with Agoura Road, creating potential traffic safety issues; the onsite landslide would remain a hazard to existing development along Las Virgenes and Agoura roads, as well as to the roadways themselves; because they would require costly features and be financially infeasible and impracticable; and because they would not attain most of the project objectives, which include development of a mix of commercial and residential land uses as provided for by the General Plan and remediating the existing ancient landslide.

E. Statement of Overriding Considerations:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. Under CEQA Guidelines Section 15093, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable," and the lead agency must make a statement of overriding considerations.

The analysis of aesthetics in the EIR determined that the proposed project would degrade the visual character of the site. Although the project is consistent with the Las Virgenes Gateway Master Plan and Las Virgenes Corridor Design Plan and would generally provide attractive residential and commercial development that is visually compatible with other development along Las Virgenes Road, 26 percent (20.4 acres) of the site would be graded for residential and commercial development and an additional 25 percent of the site (18.6 acres) would be graded to remove an existing landslide. The change in visual character (as compared to existing conditions of an undeveloped site) would therefore be a significant and unavoidable impact. Mitigation measures beyond the proposed design features intended to minimize the project's visual impact are not available, as essentially any development on this site would cause a significant aesthetic impact and landscaping can only be used to hide some of the proposed development.

Site development as envisioned in the General Plan would require the removal or modification of potentially scenic resources, including oak trees, natural slopes, and native vegetation. Accordingly, regardless of what project is proposed on the project site, the landslide would have to be remediated and the site stabilized for development, triggering the loss of riparian and oak habitats

and creating a significant impact to the visual character of the site. The Alternatives Analysis in the EIR states that the General Plan Buildout of the site would also result in a change in visual character that is significant and unavoidable. In fact, the impact would actually be greater, compared to the proposed project, because the General Plan Buildout alternative proposes denser development.

In the case of the proposed project, all feasible mitigation measures have been considered and incorporated to lessen impacts to the visual character of the site to the extent feasible. The impact is acknowledged, but based on the benefits of the proposed project, a statement of overriding considerations is recommended. The most significant benefit of the proposed project is that it proposes development of a commercial and residential project that is far below the density allowed by the General Plan. Additionally, where the General Plan allows typical multi-family structures (apartment buildings, townhomes, attached multi-level condos, etc.), the proposed project includes detached residential development that is far more compatible with the neighboring residential community in terms of site design, building design, and architecture. As mentioned previously in this staff report, the proposed project is optimal in size and approach.

Another significant benefit of the proposed project, derived from the fact that the project proposes less dense development than what is allowed in the General Plan, is reduced environmental impacts in several other impacts areas including: aesthetics, biological resources, greenhouse gas emissions, and traffic.

Furthermore, the City shall consider the economic benefits of the proposed project. The applicant's hotel market study, for which the Natelson Dale Group, Inc. (TNDG) conducted an independent peer review, confirms market demand for the proposed project based on data and analysis. The City would receive significant transient occupancy tax revenue from operation of this hotel, an economic benefit that merits consideration when opting to override an unavoidable visual impact. Although the General Plan envisions a village-like atmosphere with a mix of retail and office uses in the place of the hotel, it is important to note that one new retail and office shopping center, approximately 0.6 miles west of the project site along Agoura Road, is currently struggling to maintain tenants. Furthermore, a second large retail and office center is near completion on Las Virgenes Road, approximately 1.2 miles north of the project site, and will also soon be seeking retail and office tenants.

For the reasons stated above, it is appropriate, in the case of this specific project, to make a statement of overriding consideration for the unavoidable and significant aesthetic impact on the visual character of the site.

REQUIRED FINDINGS:

The findings required in Sections 17.76.050(A) (General Plan Amendment), 17.76.050(B) (Zoning Map Amendment), 17.41.100 (Tentative Tract Map), 17.62.070 (Development Plan), 17.62.020 (Site Plan Review), 17.62.050 (Scenic Corridor Permit), 17.62.060 (Conditional Use Permit), 17.32.010(E) (Oak Tree Permit) of the CMC, and the required EIR findings are contained in the Resolution No. 2016-610, attached as Exhibit A.

CONDITIONS OF APPROVAL:

See conditions contained in Resolution No. 2016-610, attached as Exhibit A.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

February 4, 2014	Significant modifications and additional information requested.
May 6, 2014	Minor modifications and additional information requested.
December 16, 2014	Minor modifications and additional information requested.

Architectural Review Panel (ARP):

March 7, 2014	Panel requested the applicant redesign the hotel and cluster development of the residences.
June 27, 2014	Panel requested further changes to the hotel design and residences.
February 6, 2015	Panel requested minor changes to landscaping and accent material for the residential portion of the project. Panel also requested minor changes to the hotel design.
May 29, 2015	No further comments on residential portion of project. Minor modifications requested pertaining to the hotel.
July 24, 2015	Panel recommended approval of the project.

Traffic and Transportation Commission (TTC):

February 24, 2015	Canyon Oaks Traffic Impact Study approved with minor modifications.
May 26, 2015	Modified Canyon Oaks Traffic Impact Study approved.

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution No. 2016-610
- Exhibit B: Plans (architectural, civil, landscape, and lighting)
- Exhibit C: Draft City Council Ordinance No. 2016-333
- Exhibit D: General Plan Figures II-1 and IX-2
- Exhibit E: Final EIR
- Exhibit F: ARP Minutes
- Exhibit G: Proposed Land Use Map
- Exhibit H: Proposed Zoning Map
- Exhibit I: Story Pole Plan and Photos
- Exhibit J: Geotechnical Feasibility Approval
- Exhibit K: Market study and memorandums from the Natelson Dale Group
- Exhibit L: March 8, 2016 ATE Memorandum- Supplemental Traffic Analysis

TECHNICAL APPENDIX

Location Map:



Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Vacant Lot	PD-RMF-OSDR-SC	PD-RM-OSDR
West	The Colony Homes	RMF-SC	RMF
East	Vacant Land	OS-DR	OS-DR
North	Mobile Gas Station	CR-SC	B-R
Northwest	Commercial Retail	CR-SC	B-R
South	Vacant Land	OS-DR	OS-DR