

ORDINANCE NO. 2016-333

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING A ZONING MAP AMENDMENT ASSOCIATED WITH FILE NO. 140000011 TO CHANGE THE EXISTING PLANNED DEVELOPMENT – RESIDENTIAL MULTIFAMILY (20) – OPEN SPACE DEVELOPMENT RESTRICTED – SCENIC CORRIDOR (PD-RM20-OSDR-SC) ZONING DESIGNATION TO COMMERCIAL RETAIL – RESIDENTIAL MULTIFAMILY (20) – OPEN SPACE DEVELOPMENT RESTRICTED – SCENIC CORRIDOR – DEVELOPMENT PLAN (CR-RM20-OSDR-SC-DP) TO ACCOMMODATE THE PROPOSED DEVELOPMENT PROJECT, WHICH 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; (2) A COMMERCIAL COMPONENT CONSISTING OF A 72,872 SQUARE-FOOT, THREE-STORY HOTEL OCCUPYING APPROXIMATELY 2.91 ACRES; AND (3) PRESERVATION OF APPROXIMATELY 61.0 ACRES AS PERMANENT OPEN SPACE ON A 77-ACRE PROPERTY LOCATED AT 4790 LAS VIRGENES ROAD AT THE EASTERN TERMINUS OF AGOURA ROAD (APNS: 2069-078-009 AND 2069-078-011).

WHEREAS, the City Council of the City of Calabasas, California (“the City Council”) has considered all of the evidence including, but not limited to, the Planning Commission Resolution, Planning Division staff reports and attachments, and public testimony from Planning Commission meetings on March 16, 2016 and March 17, 2016 and City Council meetings on April 13, 2016, May 25, 2016, and May 31, 2016 before making a final decision on May 31, 2016; and

WHEREAS, the City Council finds that the Zoning Map Amendment is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan. More specifically, the project is consistent with numerous General Plan policies including but not limited to Policies: II-8, II-9, II-10, II-11, II-12, II-17, III-7, III-13, III-14, IV-2, IV-4, IV-8, IV-9, IV-13, IV-15, IV-17, IV-18, IV-21, IV-22, IV-23, IV-24, IV-27, IV-28, IV-31, IV-33, IV-36, IV-37, VI-2, VI-11, VI-14, VI-15, VI-18, VI-19, VI-21, VII-1, VII-2, VII-5, VII-6, VII-7, VII-10, VII-16, VIII-8, IX-3, IX-5, IX-6, IX-14, IX-43, IX-46, XIII-7, XIII-9, XII-13, XII-14, XII-17, and XII-29; and

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

WHEREAS, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because an Environmental Impact Report (EIR) has been prepared and outlines mitigation measures and a statement of overriding considerations, which have been adopted by the city council for the project.

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

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

1. Following a public hearing held on March 17, 2016, the Planning Commission adopted Resolution No. 2016-610 recommending to the City Council approval of File No. 140000011 and certification of adequacy of the associated Final Environmental Impact Report and adoption of a statement of overriding considerations.
2. Notice of the April 13, 2016 City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Hills/Calabasas Community Center and at Calabasas City Hall.
3. Notice of the April 13, 2016 City Council public hearing was posted in the *Calabasas Enterprise* and the *Daily News* ten (10) days prior to the hearing.
4. Notice of the April 13, 2016 City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to property owners within 500 feet of the property as shown on the latest equalized assessment roll, and was mailed or delivered at least twenty (20) days prior to the hearing to the project applicant.
5. Notice of the April 13, 2016 City Council public hearing included the information set forth in Government Code Section 65009 (b)(2).
6. Following the public hearing on April 13, 2016, the City Council continued the item to May 25, 2016.
7. Following the public hearing on May 25, 2016, the City Council continued the item to May 31, 2016.

SECTION 2. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Zoning Map Amendment associated with File No. 140000011 to change the existing PD-RM20-OSDR-SC zoning designation of a 77-acre parcel located at 4790 Las Virgenes Road to CR-RM20-OSDR-SC-DP, as shown in the attached partial zoning map "Attachment 1," to accommodate the proposed residential and commercial development. The proposed changes will modify the zoning of the commercial

portion and it will maintain the existing division of land uses between commercial and residential, totaling 16 acres, and protected open space, totaling 61 acres.

Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve a Zoning Map Amendment provided that the following findings are made:

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

The proposed amendment of the Zoning Map will 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 will remain zoned for such use. The map amendment will retain the general shape and limits of the developable area as envisioned in the General Plan, while also aligning with the contours of the land and the Canyon Oaks project outline. The City’s 2030 General Plan land use map 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. Consequently, because the open space area will remain largely unchanged in terms of broad shape, consistent with the conceptual depiction of this area in the general plan and with no diminishment of territory, complying with the General Plan’s Open Space approval, and based upon the many consistency determinations provided in the General Plan Consistency Table (Table 4.7-2 in the Final EIR incorporated herein by reference), this proposed zoning map amendment is consistent with the Calabasas 2030 General Plan. This Ordinance is not effective unless and until the associated General Plan Amendment is adopted by City Council. Accordingly, if this Ordinance becomes effective, the proposed Zoning Map Amendment will be consistent with the General Plan as provided in that Amendment.

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

The proposed amendment of the Zoning Map will 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 addition of Development Plan overlay. The remainder of the subject property (approximately 61 acres) is zoned Open Space – Development

Restricted, and will remain zoned for such use with no diminishment of territory. The map amendment will retain the general shape and limits of the area as envisioned in the General Plan, preserving all existing open space while also aligning with the contours of the land and the Canyon Oaks project outline. Once the recommended General Plan Amendment and the Zoning Map Amendment recommended below go into effect, the development will conform to General Plan and Development Code standards and procedures and will not be detrimental to public interest, health, safety, convenience, or welfare of the City. Additionally, the amendment supports a development project which will have a significantly lesser range and degree of environmental impacts (particularly a much lower number of vehicle trips on area roads), as compared to the land uses and intensity of use envisioned in the General Plan and the Las Virgenes Gateway Master Plan. The Zoning Map amendment will also accommodate a development project which will significantly improve public safety and welfare by remediating an existing ancient landslide condition on hillsides proximate to existing housing and public roads. The landslide hazard has the potential to impact not only the project site but also existing development to the west of the site. As part of the proposed project, this hazard will be remediated.

The project has been reviewed by various agencies, such as the Los Angeles County Fire Department, the Calabasas Department of Public Works, and Las Virgenes Municipal Water District, and has received preliminary approval from these agencies on the basis of compliance with applicable safety and design standards. Final building permit approval will be based upon meeting the required standards of all the necessary agencies. Therefore, the proposed project meets this finding.

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

An Environmental Impact Report (EIR) was prepared for this project. In preparing the EIR, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The EIR identifies the areas where the project may have a potential effect on the environment. With the exception of Impact AES-3 (substantial degradation of the site's visual character), all other impacts listed as potentially significant have been mitigated to levels that are no longer significant. A Mitigation, Monitoring and Reporting Program is incorporated by reference and attachment to this resolution. Regarding Impact AES-3, 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 environmental, economic, and neighborhood compatibility benefits of the proposed project, the City, as the lead agency,

has approved a Statement of Overriding Considerations with regard to aesthetic impacts.

4. *The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.*

The subject property is largely undeveloped but already substantially disturbed in the immediate area planned for the project (the proposed residential subdivision and commercial hotel). Two large storm-water detention basins are located in this area, as are several improved roads, culverts and drainage ditches, fences, and previously graded pad areas. The property was also heavily grazed for many decades. The remainder of the 77-acre subject property consists of well-vegetated hillsides characterized by an abundance of native and non-native grasses, coastal sage and oak trees. The combined total acreage is sufficient land area to accommodate the proposed project. Even after setting aside the required 61 acres of open space, the 16 acres of principal focus is ample area for the proposed hotel and 71 homes. Furthermore, the General Plan had identified this 16-acre area for development of as many as 180 housing units and 155,000 square-feet of commercial space, indicating the site is suitable for this proposed lower density project.

Potable water, recycled water, sewer, electricity, and natural gas utilities are available along the property frontage, and all connections and on-site utilities will be placed below ground, per city requirements. Furthermore, the property fronts Las Virgenes Road, a heavily travelled arterial street, to the west, with long established land uses in the vicinity including fast-food restaurants, gasoline service stations and convenience markets, a liquor store, grocery store, telecommunications switching facility, and a 48-home subdivision.

Accordingly, the site is physically suitable for the requested land use development. Additionally, the project has been reviewed by, and has received preliminary feasibility approvals from, various agencies such as the Los Angeles County Fire Department, the City of Calabasas Public Works Department, and the Las Virgenes Municipal Water District. Final building permit approval will be based upon meeting the required standards of all the necessary review agencies. Therefore, the proposed project meets this finding.

SECTION 3. Severability Clause:

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

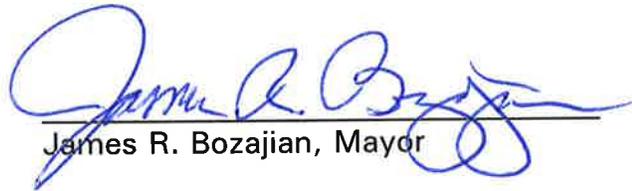
SECTION 4. Effective Date:

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

SECTION 5. Certification:

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

PASSED, APPROVED AND ADOPTED this 22nd day of June, 2016.



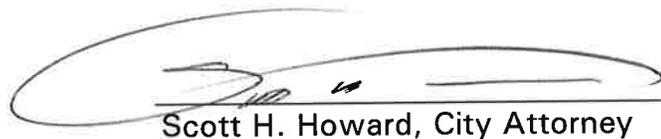
James R. Bozajian, Mayor

ATTEST:



Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:



Scott H. Howard, City Attorney

Attachment 1: Proposed Zoning Map



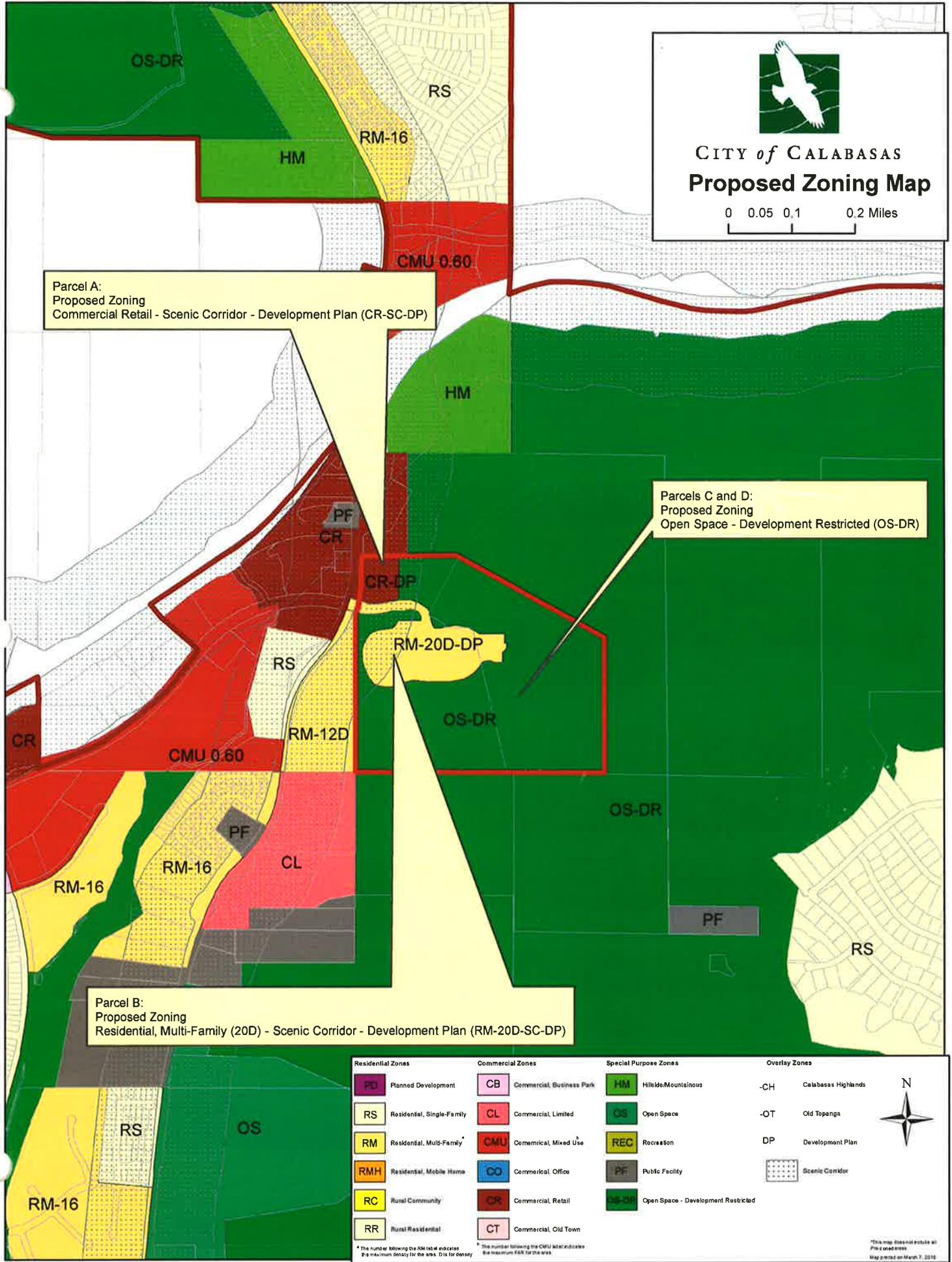
CITY of CALABASAS
Proposed Zoning Map

0 0.05 0.1 0.2 Miles

Parcel A:
 Proposed Zoning
 Commercial Retail - Scenic Corridor - Development Plan (CR-SC-DP)

Parcels C and D:
 Proposed Zoning
 Open Space - Development Restricted (OS-DR)

Parcel B:
 Proposed Zoning
 Residential, Multi-Family (20D) - Scenic Corridor - Development Plan (RM-20D-SC-DP)



Residential Zones	Commercial Zones	Special Purpose Zones	Overlay Zones
PD Planned Development	CB Commercial, Business Park	HM Hillside/Mountainous	-CH Calabasas Highlands
RS Residential, Single-Family	CL Commercial, Limited	OS Open Space	-OT Old Topanga
RM Residential, Multi-Family	CMU Commercial, Mixed Use	REC Recreation	DP Development Plan
RMH Residential, Mobile Home	CO Commercial, Office	PF Public Facility	Scenic Corridor
RC Rural Community	CR Commercial, Retail	OS-DR Open Space - Development Restricted	
RR Rural Residential	CT Commercial, Old Town		

* The number following the RM label indicates the maximum density for the area. D is for density.
 * The number following the CMU label indicates the maximum FAR for the area.



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF CALABASAS)

I, **MARICELA HERNANDEZ, MMC**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing ordinance, being **Ordinance No. 2016-333** was duly introduced and approved by the City Council of the City of Calabasas at a regular meeting held on the 31st day of May, 2016 and adopted and passed by said Council at a regular meeting held on the 22nd day of June, 2016 by the following vote:

AYES: Councilmembers Gaines, Shapiro and Weintraub.

NOES: Mayor Bozajian and Mayor pro Tem Maurer.

ABSTAIN: None.

ABSENT: None.



Maricela Hernandez, MMC
City Clerk
City of Calabasas, California