

**PLANNING COMMISSION
RESOLUTION NO. 2021-707**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.22 OF THE CALABASAS MUNICIPAL CODE, "AFFORDABLE HOUSING", TO BRING INTO CONSISTENCY WITH NEW CALIFORNIA LAW THE STANDARDS AND REQUIREMENTS FOR PROVIDING AND INCENTIVIZING AFFORDABLE HOUSING WITH DENSITY BONUSES AND OTHER STATE-MANDATED CONCESSIONS AS PART OF EITHER A RESIDENTIAL HOUSING PROJECT OR A COMMERCIAL MIXED-USE PROJECT

Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department, including the draft Ordinance No. 2021-392.
2. Staff presentation at the public hearing held on February 18, 2021 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, and/or comments from interested parties or organizations, both written and oral, received and/or submitted at, or prior to, the public hearing, supporting and/or opposing the item.
5. All related documents received or submitted at, or prior to, the public hearing.

Section 2. Based of the foregoing evidence, the Planning Commission finds that:

1. On August 31, 2020, the California State Legislature passed legislation (generally referred to as Assembly Bill 2345) amending the planning and zoning laws for the State of California regarding the provision of affordable housing through residential density bonuses, and Governor Newsome signed

AB 2345 on September 28, 2020, with the new legislation to take effect January 1, 2021; and,

2. Under the newly amended State Statutes, local governments must revise their local zoning ordinances to conform to the new state density bonus law, and the new state density bonus law otherwise preempts any local zoning ordinance provision inconsistent with the law; and,
3. It is the intent of the City to maintain its zoning ordinances in a manner consistent with California Statutory mandates and requirements; and,
4. Notice of the February 18, 2021 Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, the Agoura-Calabasas Community Center, Gelson's Market and at Calabasas City Hall; and,
5. Notice of the February 18, 2021 Planning Commission public hearing was published at least ten days prior to the hearing date in the ***Las Virgenes and Calabasas Enterprise*** newspaper; and,
6. Notice of the February 18, 2021 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to persons who had requested notice; and,
7. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Sections 65094 and 65009 (b)(2).

Section 3. In view of all of the evidence and based on the following findings, the Planning Commission concludes as follows:

FINDINGS

Section 17.76.050(B) of the Calabasas Municipal Code allows the Planning Commission to recommend, and the City Council to approve, an amendment to the Development Code, 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 to Chapter 17.22 will update the City's affordable housing requirements for density bonus, so that the affordability thresholds, density bonus amounts, and requisite concessions, incentives, and waivers align with newly enacted State law. The Calabasas 2030 General Plan, as updated on September 11, 2013 through the adoption of the 2014-2021 Housing Element Update, includes the following objective statements: 1) Assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community; and, 2) Address and

remove governmental constraints that may hinder or discourage housing development in Calabasas. The proposed amendment will assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community by increasing the number of potential new and new affordable housing units on residentially zoned and mixed-use zoned properties in the city and decreasing the per-unit development costs for new housing production. The proposed amendment will also remove governmental constraints by allowing qualified housing development projects to more easily secure development standard concessions, incentives and waivers as necessary to accomplish affordable housing production. In addition to being consistent with these General Plan objectives, the proposed amendment specifically implements the following General Plan policies, as articulated in the 2014-2021 Housing Element:

Policy V-12: Continue to require new housing development to set aside a portion of units for lower and moderate income households through the Inclusionary Housing Ordinance.

Policy V-14: Provide financial and/or regulatory incentives to facilitate the development of affordable housing.

Policy V-15: Encourage affordable housing units to be dispersed throughout a project and not grouped together in a single area.

Policy V-17: Offer regulatory incentives and concessions, including density bonuses, to offset or reduce the costs of developing affordable housing.

Accordingly, the proposed amendment is consistent with the goals, policies, and actions of the General Plan.

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

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because it updates the City's affordable housing requirements to comply with new state law, and any future residential development project that would take advantage of the updated density bonus provisions still must comply fully with all other applicable standards for site development, including but not limited to: Hillside Grading Ordinance, Scenic Corridor Overlay Ordinance and Design Guidelines, Dark Skies Ordinance, Landscaping Ordinance, Oak Tree Ordinance, Green Buildings Ordinance, and other health and safety requirements of applicable laws. Any such future project must comply fully with the provisions of the Building and Fire Codes, and would be subject to environmental review in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and must mitigate all identified significant environmental impacts. Government Code section 65915, subdivision (d)(1)(B) also recognizes the City's ability to prevent specific,

adverse impacts on public health or safety from granting requested incentives or concessions and to impose mitigation measures as needed to protect against specific, adverse impacts to public health and safety.

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

The proposed amendment is exempt from the requirement for environmental review under CEQA because: 1) the density bonus provisions promulgated through the updated Code already took effect on January 1, 2021 with preemptive authority under the new State statutes; thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084 and both Section 15002(i)(1) -- Lack of Local Jurisdictional Discretion -- and Section 15061(b)(3) -- General Rule of Exemption -- of the CEQA Guidelines, a Notice of Exemption has been prepared for this proposed amendment.

4. *The proposed amendment is internally consistent with other applicable provisions of the Development Code.*

The proposed amendment is internally consistent with other applicable provisions of the Development Code because it updates only Chapter 17.22, Affordable Housing, and all other chapters remain unaffected.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby recommends to the City Council adoption of Ordinance No. 2021-392, amending Chapter 17.22 of the Calabasas Municipal Code, "Affordable Housing", to bring into consistency with new California law the standards and requirements for providing and incentivizing affordable housing with density bonuses and other state-mandated concessions as part of either a residential housing project or a commercial mixed-use project.

Section 5. All documents described in Section 1 of PC Resolution No. 2021-707 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2021-707 PASSED, APPROVED AND ADOPTED this 18th day of February, 2021.

Wendy Fassberg, Chairperson

ATTEST:

Maureen Tamuri
Community Development Director

APPROVED AS TO FORM:

Matthew Summers
Assistant City Attorney

Planning Commission Resolution No. 2021-707, was adopted by the Planning Commission at a regular meeting held February 18, 2021, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”