EXHIBIT F

CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
JULY 10 AND 11, 2019

TO: Members of the Planning Commission

FROM: Glenn Michitsch, Senior Planner

FILE NO.: 160003152

PROPOSAL: A request for the development of a 77-acre vacant site located at 4790 Las Virgenes Road at the eastern terminus of Agoura Road (APNs: 2069078009 and 2069078011). The proposed project includes a Planned Development on the PD-zoned portion of the property (consisting of mixed commercial retail, multi-family residences, and a community park), and multi-family residences on the RM-20 zoned portion of the site, for a total development footprint of Eleven (11) acres. The remainder of the 77-acre property (approximately 66 acres, or 86%) will be retained as open space. The residential component of the proposed project consists of 180 units (10% or 18 of the units are designated as "very low" affordable income units), within fifteen (15) 3-story buildings. The commercial component of the proposed project consists of a 5,867 square-foot retail commercial shopping center situated in two one-story buildings. The project also includes a 0.36 acre community green space (park), permanent dedication of a public trail through the site connecting with the regional trail system, permanent dedication of 66 acres of open space. Ancillary features include construction of two detention/debris basins, site access and internal roadway system with sidewalks and parkways, retaining walls, landscaping, common recreations areas, and lighting. Development of this project would require a significant amount of remedial grading to stabilize a landslide hazard area on the southern portion of the site. Requested permits include: a Site Plan Review, a Scenic Corridor Permit, a Development Plan, an Oak Tree Permit, a Vesting Tentative Tract Map (for subdivision of land and for condominium purposes), and a Conditional Use Permit. An Environmental Impact Report (EIR) has been prepared and circulated in compliance with CEQA and the CEQA Guidelines.

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OWNER: The New Home Company

APPLICANT: The New Home Company

RECOMMENDATION: Adopt Resolution No. 2019-689 recommending to the City Council approval of File No. 160003152; and certification of the Final Environmental Impact Report, with a Statement of Overriding Considerations regarding potentially significant impacts to scenic resources.

EXECUTIVE SUMMARY:

The proposal before the Planning Commission is for development of 180 multi-family residential condominium units, a 5,867 square foot retail commercial center, a 0.36 acre community green space (park), and permanent dedication of approximately 66 acres of open space on a 77-acre property. The project also includes other features normally associated with development of a mixed-use commercial/residential community such as streets, sidewalks, retaining walls, landscaping, common areas, lighting, drainage infrastructure (i.e. debris basins, slope drainage, etc.), and parking. The project is proposing public access through the site via a dedicated public trail (including development of a trailhead) and permanent preservation of 66 acres of open space (86% of the property). With the exception of slope grading and two proposed soft-bottom landscaped debris basins, all development is proposed within a clustered 11 acre "permanent" development footprint on the approximately 77-acre project site located at the intersection of Agoura Road and Las Virgenes Road. A necessary component of developing this property is grading of approximately 21.4 acres of the north-facing southern slope areas to remediate an ancient landslide hazard which is not stable (i.e. does not meet minimum slope stability factors of safety). Following remediation of the slide, this area will be restored with native vegetation and retained as a 21.4-acre portion of the proposed 66 acres of dedicated permanent open space.

Two years and nine months ago, the applicant, the New Home Company, Inc. initially applied for City approvals for construction of 205 multi-family residential condominiums and 150,000 square feet of commercial office and retail space (within a 16 acre development envelope), with a 61-acre permanent open space dedication. Although this original proposal was in conformance with the commercial and residential density requirements outlined in the City's General Plan (after application of a State-mandated density bonus for providing affordable housing), the developer was prompted by staff (through multiple reviews) and feedback from local residents to refine the project (to include a reduction of the overall density), and the result is the current proposal.

Following several rounds of City reviews and re-design efforts, the resulting project now constitutes an optimal arrangement of land uses at a reduced intensity to accomplish the following objectives: 1) Conform with the City's General Plan; 2) Provide market rate and affordable housing to meet the City's housing goals; 3) Meet the General Plan's Vision for (Calabasas') Westside; 4) Remediate a large on-site ancient landslide which poses a significant general public safety risk; 5) Protect and/or restore biological resources; 6) Increase the City's open space lands; and 7) Minimize of aesthetic impacts to the Ventura Freeway and Las Virgenes Road scenic corridors. Each of these is discussed below.

1) General Plan Conformance. As now proposed, the project will concentrate new permanent development on only 11 acres of the 16 acres designated for development by the City's General Plan on the 77-acre property, and dedicate the remaining 66 acres as permanent open space. The development area is well below the 16 acre area recommended in the Housing Element of the General Plan. Moreover, the project will protect hillsides to the extent feasible, minimize potential traffic congestion, provide needed housing, remediate a known safety hazard (landslide), protect and restore biological resources, and reduce aesthetic impacts to scenic corridors to the greatest extent possible, as communicated through the goals, policies and objectives of the General Plan. Furthermore, the project is consistent with 140 different individual policies of the General Plan, as documented within the consistency findings in Section 4.7 of the Final EIR and this staff report. Finally, the project meets the General Plan's stated housing density for this property, and proposes significantly less (96% less) commercial intensity than the General Plan allows (5,867 square feet compared to 155,000 square feet).

2) Housing. Consistent with State housing law, the City's adopted General Plan Housing Element contains policies ensuring that housing production in the City can accommodate future growth across all household income categories. Properties throughout the City have accordingly been designated in the General Plan for specified new housing totals and densities as necessary to meet the City's Regional Housing Needs Assessment (RHNA) total housing allocation of 330 housing units. The subject property is one of the specified new housing sites, and it has been zoned with both the Residential Multi-family 20 dwelling units per acre (RM-20) and Planned Development (PD) designations in order to provide 120 multi-family residential units toward the City's 142 unit lower income household category goal, and 60 units toward the City's 57 unit moderate income household category goal, for a total of 180 housing units planned for this property. The proposed project will create 180 total new housing units (including 18 reserved for very low income households), which meets the housing density planned for the site by the General Plan, consistent with the goals and policies contained in the City's Housing Element.

3) General Plan Vision. The General Plan's Community Design Element describes the design and development goals for the Westside as facilitating a "village center" concept that provides a mixed-use residential and commercial district with a distinct village feel. Generally, development in this area should provide enhanced streetscapes and public gathering spaces focused on an enhanced Las Virgenes Creek. Specific to the subject property, development should be pedestrian welcoming, provide a strong connection to the street, include high quality, iconic architecture, and be nestled into the topography with the use of contour grading techniques, terraced building forms and tuck-under parking. In addition to a residential multi-family condominium community, the project includes a commercial retail complex that proposes visitor-serving uses such as a restaurant, coffee shop/wine tasting, and retail uses with landscaped outdoor plazas and seating areas. Also, a community green space/park with recreational amenities is provided for enjoyment by the general public, as well as a dedicated public trail, and permanent preservation of 66 acres of open space. Vehicular and pedestrian connectivity between the Westside and the subject property (including through the property) is accomplished via a tree lined street system that includes parkways and sidewalks, and includes a dedicated public trail with a native landscaped trailhead entrance to transition from the urban environment to the open space areas to the east. Building architecture utilizes a uniform Monterey/Santa Barbara Mission style throughout, and is well-articulated. Development on-site is located on the lower previously disturbed portions of the property with use of contour grading techniques and native re-vegetation on slopes (including the landslide remediation slopes) to re-create a natural condition. Residential condominium complex buildings all use, tuck-under parking. For all these reasons, the project is consistent with the General Plan's Westside vision.

4) Landslide Remediation. A significant ancient landslide constitutes a large portion of the north-facing slopes 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 landslide is the only recommended method of fully mitigating the risk to public safety from a future slide, consistent with the policies contained within the General Plan's Safety Element, which require development projects to incorporate adequate mitigation measures to achieve an acceptable level of risk. Consequently, the scope, magnitude, and cost of remediating the slide directly and significantly affected every component of the project design, including the need to buttress the repaired slope by placement of a significant amount of engineered fill in the canyon bottom. Roughly 91% of grading quantities for the project are attributable to the landslide remediation work. Thus, similar percentages of air quality and biotic impacts identified in the EIR also stem from the landslide remediation. Likewise, 88% of the oak tree removals precipitate directly from the landslide repair component of the project. These impacts, while

unavoidable given that the landslide repair is a necessary component, are all mitigable to less-than-significant levels as explained throughout the EIR and later in this staff report.

5) Biological Resources. The City's General Plan emphasizes preservation and wise management of biotic resources, including maintaining biotic habitat value of riparian areas, oak woodlands, habitat linkages, and other sensitive habitats. The subject property is 77 acres in size and contains areas that are already substantially disturbed by past human activity and which are consequently less resource rich. These areas are mostly located in the westernmost portions of the canyon bottom (where the development footprint is generally mapped in the General Plan and where the proposed development footprint is located). Conversely, the relatively resource rich areas consist mostly of the undisturbed hillside areas and eastern portions of the property. An ephemeral wetland feature traverses the canyon bottom from the more undisturbed eastern portion of the site through the more disturbed western portion, and is collected by a stormwater detention/debris basin located adjacent to the Colony residential community in the western portion of the site. The site contains three small water seeps about midway through the property near the canyon bottom that contain native wetland vegetation. Finally, the property is also within a locally-mapped wildlife corridor that is approximately 1,679 acres in size, and which is approximately one mile wide at the location of the project site.

   Development is proposed within the western, flatter canyon bottom, entirely within the area designated for development by the General Plan, which is consistent with General Plan and Development Code general siting principles and, as mentioned above, contains fewer biotic resources. Nevertheless, construction within the proposed development footprint will affect a portion of an ephemeral wetland feature (drainage) with associated wetland vegetation, and necessitate the removal of five oak trees (not associated with an oak woodland). Also, as mentioned above, the project contains a significant landslide feature which requires mitigation consisting of removal and re-contouring of a considerable portion of the southern slope, an unavoidable project component that will affect upland biotic habitat including upland oak woodlands (loss of 40 additional oak trees) and native purple sage scrub habitat, and will eliminate one of the water seeps with its associated wetland habitat. Construction of a detention/debris basin east of the development footprint will eliminate a second water seep. To this end, development of the entire project will affect both upland and wetland plants and habitat, and may potentially affect wildlife species.

   Between 2010 and 2019, numerous biological surveys and updates were performed including habitat assessments, rare plant surveys, jurisdictional delineations, focused protocol surveys, and oak tree inventories between 2010 and 2019. All of these biological surveys and reports (including updates) were consulted and

referenced in the Final Environmental Impact Report. No Federal or State-listed plants or animal species were observed on-site during any of the biological surveys conducted. One Federally-listed animal species, the California red-legged-frog (CRLF) may potentially occur on the property. Eight locally-important wildlife species including the western red bat, western mastiff bat, pallid bat, hoary bat, coastal whiptail lizard, and coast horned lizard, San Diego woodrat, and American badger either have the potential to occur on-site or are expected to occur on-site, and may be affected by development. Also, five bird species protected by the California Fish and Game Code and Federal Migratory Bird Treaty Act, including Cooper's hawk, Nuttall's woodpecker, Allen's hummingbird, oak titmouse and the southern California rufous-crowned sparrow, were observed on-site, and may be affected by development activities. Locally-important plant species including Catalina mariposa lily, and Southern California black walnut are found on-site, and will, to various degrees, be impacted by development (mostly by landslide remediation). Also, six locally-important vegetation communities including Coast Live Oak Woodland (oak woodland), Cattail Marshes (wetland), Yerba Mansa Meadow (wetland), American Bulrush Marsh (wetland), Mulefat Thickets (riparian), and Arroyo Willow Thickets (riparian) occur on-site and approximately 2.83 acres of the identified 9.2 acres of these vegetation communities would be impacted by development.

Overall, while some individuals of identified sensitive plant and animal species will be impacted by development activities, development of the proposed project is not expected to critically impact any habitat, or individual plant or animal species, or negatively affect the ability of those species to sustain their populations. Furthermore, Mitigation Measures have been required for the project including both upland and wetland habitat restoration, oak tree mitigation, measures to preserve topsoil (containing Catalina mariposa lily bulbs), coordination with State and Federal agencies, pre-construction wildlife surveys for sensitive wildlife species with a catch and relocate program, and conducting protocol surveys for the CRLF prior to construction and CRLF monitoring throughout the initial ground disturbance phase. **With implementation of the mitigation measures, all potentially significant impacts will be mitigated to a less-than-significant level (See Exhibit C – Final EIR, pp.195 – 215).**

Development of the site will also permanently narrow a one mile wide (at the project site location) wildlife corridor (as mapped in the City's General Plan) by approximately 25% (0.25 miles), and temporarily disturb 24.67 acres of area within the wildlife corridor (to remediate the landslide). The land alteration would eliminate minor seasonal water sources and oak woodlands that may aid in wildlife movement. However, with the implementation of required upland and oak woodland restoration, the temporary loss of functionality of the wildlife corridor caused by landslide remediation would be restored. Therefore, the 11 acre development

footprint is the only permanent impact, which represents only a 0.7 percent reduction of the 1,679-acre wildlife corridor and is not expected to impact the overall functionality of the corridor. Furthermore, the preservation of approximately 86% of the 77-acre property as permanent open space will be beneficial to continuity of wildlife movement through this corridor. Nevertheless, the project has been conditioned to construct a new perennial water source (such as a restored wetland), or install a wildlife water source device (such as a game guzzler) to replace the lost minor water sources in an appropriate location to aid wildlife movement.

With implementation of all required mitigation measures contained in the EIR, and with conditions added to the resolution of approval, as summarized above, no significant loss of biotic resources will occur, consistent with the policies contained in the General Plan's Conservation Element.

6) Open Space. Preservation of remaining open space lands and acquisition of new land for open space remain the community's highest priority. Currently, the 77 acre privately owned parcel contains no permanently protected open space. In the City's General Plan, approximately 61 acres of the property are designated Open Space-Resource protected (OS-RP). While the designation offers some level of protection, Section 17.16.030 of the Calabasas Municipal Code allows for open space-designated lands to be re-designated for non-open space uses with 2/3rds voter approval. The proposed project is limited to an approximately 11 acre permanent development footprint, and the applicant has offered to dedicate the remaining 66 acres of the property (86%) as permanent open space through the recordation of a conservation easement, deed restriction, or other similarly appropriate legal instrument that affords permanent protection. Therefore, the project will permanently preserve approximately 5 more acres of open space than is currently designated by the General Plan, consistent with the policies contained in the General Plan's Open Space Element.

7) Aesthetic Impacts. The aesthetic goals contained in the General Plan include maintaining a high quality appearance of the existing and built environment, and to preserve and enhance the City's scenic areas including scenic corridors, hillsides, ridgelines and other scenic resources. Meeting these goals include designing new development projects in conformance with City's hillside and ridgelines standards, the Las Virgenes Gateway Master Plan, and Scenic Corridor Development Guidelines. To this end, the project developer worked with the Architectural Review Panel, staff, and community members (via community development forums) to develop an attractively designed project that minimizes impacts to the scenic corridor, and surrounding hillside areas to the maximum feasible extent.

Project design is that of a "village" concept. The project is appropriately sited off of slopes, in the lowest, flattest westernmost disturbed canyon area of the property

proximate to Las Virgenes Road. Although higher in elevation due to the need to buttress the landslide repair as described above, building pads will be "stepped" up the canyon area similar to the existing topography. A hybrid Monterey/Santa Barbara Mission style architecture is utilized throughout consistent with the Las Virgenes Gateway Master Plan. Visually, the commercial retail shopping center, which is closest to Las Virgenes Road, is proposed at one-story, with the remaining development at three stories and 35 feet in height from finished grade. The 180 multi-family residential condominiums are spread out in 15 individual buildings. Buildings are well articulated incorporating many design elements such as undulating footprints and wall planes, mansard style red-tiled pitched roofs (to hide mechanical equipment), tower elements, window treatments, earth-toned coloration, wood features, decks and balconies with iron railings, and decorative lighting fixtures. Additionally, the project proposes abundant native (mostly) landscaping both along the perimeter of and within the development to help screen, soften and break up building massing, and to prevent light spillage onto adjacent areas. To this end and as determined by the City's Architectural Review Panel, the development is consistent with the City's General Plan Design Vision, Scenic Corridor Development Guidelines and the Las Virgenes Road Gateway Master Plan.

The project was also analyzed in the EIR for potentially significant visual impacts. Visual impacts can occur from the following four reasons: alteration of views, removal of scenic resources (such as geomorphic features, trees, etc.), introduction of new light and glare, and degradation of visual character. The site is most visible from the US 101 Freeway, Las Virgenes Road, and the eastern portion of Agoura Road (looking east). In analyzing visual simulations prepared by the applicant from various vantage points along the US 101 Freeway, Las Virgenes Road, and Agoura Road, and confirmed through observation of the extensive placement of story poles to fully represent the bulk and massing of the project, it is evident that the project is sited appropriately, and "nestled" into the canyon bottom, thereby preserving hillside views. Only one location (at the intersection of Las Vigenes Road and Agoura Road) will have views of certain hillsides impacted by development. However, the project layout, including the main access road placement, will still offer peekaboo views through the development. Also, a mitigation measure requires maintaining of landscaping elements along Las Virgenes Road at a maximum of 30 feet to help preserve those views. With the added mitigation measure, the impacts to views are less-than-significant. Additionally, because the project is required to remediate the landslide, the hillsides will lose scenic features such as oak trees and biotic habitat. However, the upland and wetland restoration required will return the repaired slope to a natural looking state, including replacing the lost visual resources (oak trees and native vegetation) so that impacts to scenic resources will be less-than-significant. Furthermore, compliance with the City's Dark Skies Ordinance ensures impacts from light and glare are less-than-significant.

However, impacts to visual character of the site have been determined to be significant and unavoidable (see pages 132 - 134 of the FEIR), thereby requiring a Statement of Overriding Considerations. This is because a mostly undeveloped site is being developed (altered) with permanent development, thereby changing the existing site's character in a visually sensitive area. However, to this end, so too would most any other project developed on this property. Notwithstanding this lone negative CEQA impact determination, the project overall achieves an exceptionally high level of aesthetic quality, and visual impacts are reduced to the maximum possible extent.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project pursuant to Sections 17.62.070 (Development Plan Permit) 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 Calabasas Municipal Code stipulate that these applications shall be reviewed by the Planning Commission. However, since the Development Plan Permit and Oak Tree Permit require review and a decision by the City Council, in this case, Calabasas Municipal Code section 17.60.020 requires that the highest review authority, here the City Council, review and approve all related discretionary permits for a development project.

BACKGROUND:

The project site encompasses 77.22 acres located at 4790 Las Virgenes Road. The site is 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.

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 at least 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 a less intense development ("The Oaks of Calabasas"), commercial and institutional development slated for the western portion of the property (now the West Village site) was not constructed.

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 and more visually prominent hillside areas. The City was concerned about maintaining the integrity of the hillside areas while focusing development in the lower areas of the site and preserving a commercial, resident-serving component.

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 concentrated on the previously undisturbed portion of the property 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, and limiting placement of future development to the already disturbed, less visually prominent, and less resource intensive western, lower elevation portions of the property through the adoption of the General Plan's revised land use map. Furthermore, 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. This topic was heavily debated during the many General Plan Advisory Committee (GPAC) meeting and at both the Planning Commission and City Council public hearings held for the adoption of the 2030 General Plan.

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 and environmental impact report 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 dedication of 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.

In January 2014, The New Home Company submitted an official application to develop the site. On May 31, 2016, based in part on a Planning Commission recommendation for approval, the City Council approved the Canyon Oaks project (3-2 vote) for a project that

included a residential component consisting of 67 single-family detached homes and four affordable units within two duplex structures occupying approximately 13.03 acres; a commercial component consisting of a 72,872 square-foot, three-story hotel occupying approximately 2.91 acres; and preservation of approximately 61.0 acres as permanent open space. The project's corresponding Zoning Map Amendment (Ordinance No. 2016-333), necessary for the hotel component, was adopted on June 22, 2016. A referendum petition against the Council's action was filed by Mary Hubbard, Joe Chilco, and the Malibu Canyon Community Association on July 21, 2016 within 30 days of adoption of Ordinance No. 2016-333 as prescribed by the Elections Code (EC). On August 5, 2016, the Los Angeles County Registrar of Voters found the referendum petition to be sufficient containing enough signatures and the City Council then opted to submit the Ordinance to the voters on the November 8, 2016 Statewide General Election date. Ultimately, the referendum, known as Measure F, was defeated. As such, Section 17.60.080(A) of the CMC stipulates that whenever an application has been denied or revoked and the denial or revocation becomes final, any new application for the same or similar request shall not be accepted until after one year of the date of the denial. However, an application for a different proposed project may be submitted at any time, including within this timeframe.

In compliance with Section 17.60.080(A), The New Home Company submitted an official application for a new and different project to develop the site on October 17, 2016. The residential component of the project consisted of 205 for-sale and for-rent housing units (195 apartments/flats and 10 townhomes), eighteen of which were affordable for low-income households, which utilized the State mandated Density Bonus laws. The commercial component of the project consisted of 150,000 square feet of office and retail space. Some of the proposed commercial space was located within mixed-use buildings that included commercial space and residential units, while other commercial buildings were standalone. A total of 1,270 parking spaces were provided through a combination of parking garages and surface parking.

The proposed project was reviewed by the City's Development Review Committee on November 15, 2016. Based on the DRC and staff comments, the project was re-designed, and reduced in size and intensity to consist of a 5,867 square feet of commercial space within two buildings, 180 multi-family residences (including, initially, 27 units for households with low income), within fifteen (15) three-story buildings, and a community park for a permanent development footprint for eleven (11) acres. The remainder of the approximately 77-acre site would be retained as open space with a new public trail connecting to existing trails throughout the site, graded and restored and landscaped slopes, and two detention/debris basins. The Architectural Review Panel (ARP) reviewed the project on June 23, 2017, and with incorporated suggestions, the ARP recommended approval of the project design. The New Home Company submitted a third revision on August 2, 2017 incorporating the ARP's design recommendations. The application was deemed complete on September 1, 2017. The project was initially reviewed by the Traffic and Transportation Commission on November 28, 2017, and again on February 26, 2019

after submittal of an updated Traffic Impact Analysis, which took into consideration completion of the Lost Hills Interchange project.

In accordance with the City's then-draft Community Development Public Forum Guidelines, the applicant and property owner held two community forums. The first Forum was held on May 8, 2017 prior to submittal of the project application and the second forum was conducted on July 27, 2017. Both forums were advertised in the *Acorn*, and on the City's website. A sign was posted on-site to advertise the date and time of the Forums and a postcard was mailed to 1,825 households and business owners in the west side of Calabasas. For the second, City staff-attended Forum, approximately 39 members of the public (39 people signed in) attended. The property owner gave a powerpoint presentation followed by a presentation from planning staff, and questions and answers with the public. The public also had an opportunity to interact with staff (Planning and Public Works) and the project team (including the property owner/applicant, project manager, architect, civil engineer, geotechnical engineer, and Landscape Architect, and community outreach staff). A video of the Forum can be viewed via the following website link: (http://www.cityofcalabasas.com/projects/west-village.html).

An Initial Study (IS) and Notice of Preparation (NOP) for the environmental impact report was prepared for this project on September 1, 2017. After considering the potential environmental impacts the proposed project might have on the environment, it was determined that an Environmental Impact Report (EIR) was required. The City received 44 written responses to the NOP. In addition, the City held an EIR Scoping Meeting for the proposed project on September 14, 2017. Nineteen members of the public attended the meeting. At the scoping meeting, attendees were invited to share verbal and written comments on the EIR scope, including suggestions for analyses that should be included in the EIR and project alternatives that should be considered. In response to comments received during the scoping period, an additional issue area for Tribal Cultural Resources, was included in the Draft EIR. The DEIR was made available for public review on December 21, 2018; the review period ended on March 8, 2019. During the extended 77-day public review period, staff received a total of 5 comments from public agencies, 7 local interest groups, and 36 comments from the general public. Comments sent to staff were responded to and incorporated in the Final EIR, attached as Exhibit C.

On March 7, 2019, story poles installation was completed at the project site in accordance with the story pole plan. Also, two approximately 40 sq. ft. on-site signs were installed along the street frontage of the property in order to show the location and explain the purpose of the story poles. The signs also include a color rendering of the project, in accordance with the City's Story Pole Policies. As further required by the City's regulations, additional information is available on the City's website (http://www.cityofcalabasas.com/projects/west-village.html).

STAFF ANALYSIS:

A. Existing Site Characteristics: The subject property is comprised of two legal lots encompassing a total of 77.22 acres, and is located at 4790 Las Virgenes Road at the eastern terminus of Agoura Road (APNs: 2069078009 and 3069078011), which is approximately ¼ mile south of the 101 Freeway and on the east side of Las Virgenes Road. The site's hillside areas are largely undeveloped. However, western portions of the property have been disturbed by significant past ranching, past grading and construction, and geotechnical investigation activities, and contain infrastructure-related improvements such as two detention/debris basins and related graded and/or paved access roads constructed as part of the adjacent Shea Homes "Colony" development, and a (historical) access road (with some remnant paving and road signs) which traverses the project site west to east through the central portion of the property and through a centrally-located valley area (historically referred to as "Gun Club Road"). Gun Club Road connects to a trail system east of the subject parcel which includes the New Millennium Homes Loop Trail. Two large flat graded pads exist adjacent to and north of Gun Club Road in the western portion of the property. The first is located near Las Virgenes Road, and is 15 to 20 feet above the street level. The second is upslope and east of the first one and is approximately 50 to 55 feet above street level. These features are most likely related to past ranching and grazing activities. The pad nearer to Las Virgenes was also utilized for construction staging and earth stockpiling throughout construction of the larger (northern) detention basin created for the adjacent Colony development. Numerous drainage improvements are scattered about the site and include culverts and v ditches in addition to the two debris basins. Old trash and debris litter the pad locations and peripheral areas. The southwestern portion of the site, although to a somewhat lesser degree contains scars from past activity (in addition to the two detention basins), including numerous graded paths related to geological/geotechnical testing which occurred onsite for the numerous aforementioned unapproved entitlement applications. The remainder of the property, with the exception of "Gun Club Road" and some trails, is relatively undisturbed.

Topographically, the site contains a flatter, central canyon area with a wider mouth where the parcel meets Las Virgenes Road and gradually narrows as you travel into the property to the east. Steep hilly terrain surrounds the canyon area. Generally, northern hillside slopes are a little steeper than ones on the south side of the valley until a point approximately 1,300 feet east of Las Virgenes at which point slopes on either side of the valley are similarly steep. Although the property contains no significant ridgelines, a minor ridgeline occurs on-site in the southeastern portion of the property. Significant ridgelines do exist off-property to the north, east and south. An ephemeral drainage feature also trends west – east through the central portion of the site adjacent to and just south of "Gun Club Road" and terminates at the existing larger-of-the-two detention/debris basin.

Geologically, the site contains a mixture of engineered fill material, artificial fill material, alluvium, colluvium, colluvium mixed with artificial fill, landslide deposits, Modelo Formation and Calabasas Formation bedrock. Surface soil deposits in the Western portion of the "canyon" area, where the development footprint is currently proposed, consists mostly of engineered fill, artificial fill and alluvium. The "canyon" area further east of the proposed development footprint is mostly alluvium. Hillside areas surrounding the "canyon" consist of Modelo Formation on steeper slopes, Calabasas Formation on shallower slopes, and landslide deposits. A large ancient landslide is identified in the southern hillside areas and spans from the south - central portions of the "canyon" area to southeastern portions of the property, with a small portion extending off-site.

Hydrologic features on-site include a primary east-west aligned drainage, which is ephemeral in nature, and drains the majority of the subject property in addition to areas north, east and south of the subject property. The primary drainage feature terminates in the northernmost (and larger) debris basin. A second debris basin is located in the southwestern portion of the property south of primary debris basin which collects flow from the hillsides to the south and east. Three seeps exist on-site in the central portion of the property adjacent to the primary drainage feature; two small seeps are located north of "Gun Club Road", just east and northeast of the eastern graded pad, and a third seep is located on a steep slope southeast of and on the other side of the primary drainage from the other two seeps. All of the seeps result in no significant pooling water and rather just keep the ground saturated in wetter portions of the year.

Vegetation onsite includes a mix of both non-native and native plant communities. The disturbed western portions of the property (closer to Las Virgenes Road) in the area of the proposed development footprint include non-native and invasive Annual Brome Grasslands, Upland Mustards and Other Ruderal Forbs, and Dwarf Nettle Herbaceous Stand. The northern hillside areas contain non-native and invasive Annual Brome Grassland and Upland Mustards and Other Ruderal Forbs in the western and central portions of the property, and also the native California Brittle Bush – Ashy Buckwheat Scrub community in the eastern portions. The southern hillside areas include mostly non-native Annual Brome Grassland in the westernmost areas of the property with a smaller native community of Coyote Brush Scrub, native Purple Sage Scrub in the extreme southwest portions of the property, and a mix of native Purple Sage Scrub, native Coast Live Oak Woodland, and non-native Annual Brome Grassland in the central and eastern portions of the southern hillside areas. The two natural seeps located north of the primary drainage contain wetland-indicating vegetation communities including American Bullrush marsh, Arroyo Willow Thickets, Cattail Marshes, and Stinging Nettle Herbaceous Stand, and the seep located south of the primary drainage includes the Yerba Mansa Meadow native wetland community. The primary drainage feature which trends east – west through the project site includes the

Mulefat Thicket plant community within the western half of the property and Arroyo Willow Thickets in the eastern half of the property.

Two hundred and six (206) native oak trees are located either on the subject property or in off-site areas abutting the subject property. The majority of the oak trees (197) are located on the north-facing southern slopes, within an area associated with an identified Coast Live Oak Woodland. The remaining oak trees are located within western portions the flatter canyon area (5), and on the south-facing northern slope areas (4). Seventy-eight (78) of the oak trees are considered Heritage (≥ 24 inches diameter at breast height).

B. Applicable Land Use Policies and Zoning:

The 77.22 acre subject property contains three different land use categories (and corresponding zoning districts) under the City's 2030 General Plan and Development Code (CMC Title 17), which are: Open Space-Resource Protected (Open Space-Development Restricted) [OS – RP (OS – DR)], Residential, Multi-Family 20 du/acre (Residential Multi-Family 20 du/acre) [R – MF 20 (MF-20)], and Planned Development (Planned Development) [PD (PD)]. Each of these is explained in detail below.

OS – RP / OS – DR

Approximately 61.22 acres of the property is designated Open Space – Resource Protected (OS-RP) in the City's General Plan. The OS-RP designation is applied to land whose primary purpose is the protection of public health and safety, preservation of sensitive environmental resources, or resource management. The basic land use intensity is 1 dwelling unit per legal lot, and the maximum land use intensity is 1 dwelling unit per 160 acres or 1 dwelling unit per lot.

In order to implement the goals and policies of the General Plan regarding the OS-RP Land Use Designation, the Zoning Ordinance (and related map) break down OS-RP designated land into two individual zoning districts: Open Space (OS) and Open Space – Development Restricted (OS-DR). The corresponding 61.22 acres of the subject parcel are zoned OS-DR, allowing certain restricted non-permanent land uses and related, open space consistent activities. The OS-DR zoning district is intended for areas of the city with existing open space that have been development restricted through the use of deed restrictions, conservation easements or dedications of common open space as part of an approved subdivision, and will also accommodate publicly-owned open space land. The OS-DR zoning district per Calabasas Municipal Code (CMC) Chapter 17.11 does not allow the establishment of any permanent land uses, and allows only filming (with the approval of a Temporary Use Permit).

However, as is common with many subdivisions, land areas set aside as open space often has features commonly associated with development of those subdivisions including, but not limited to: graded slopes, retaining features, drainage structures, utilities, and trails to name a few. The Development Code does not prohibit peripheral features associated with subdivision construction in the OS-DR zone; rather, the Development Code sets up a mechanism (re-designation to OS-DR) where lands already legally set aside as open space (through conservation easements, deed restrictions or formal dedications) can have an added layer of protection and clarity that ensures establishment of future land uses will be prohibited in these areas.

The only permanent means of protecting land for conservation or open space purposes is through recorded legal instruments, such as conservation easements, deed restrictions, or similar legal instrument recorded against the property, permanently retiring development rights and binding the existing and all future owners, in accord with the provisions of Civil Code section 815.1. Recorded conservation easements, and other recorded legal instruments that permanently prohibit future development cannot, by State law, be reversed [See Civil Code section 815.2, subdivision (b)]. Conversely, lands that have been designated OS-RP in the City's General Plan, but do not have permanent conservation easements, deed restrictions or other formally recorded legal instruments to permanently preserve the land as open space and retire development rights, can, as allowed under CMC Section 17.16.030, be re-designated to any non-open space use with 2/3rds voter approval. Many of the OS – RP/OS – DR designated/zoned lands in the City do have conservation easements or other legal instruments that permanently protect those lands; however, the areas of the subject property that contain OS-RP/OS-DR designations/zoning do not have any recorded legal instrument that permanently preserves those areas as open space. The proposed project will not only retain the open space designations and zoning for all 61 acres that currently carry the open space designation and zoning, but as discussed below in detail, the applicant proposes to dedicate a conservation easement or similar legal instrument in compliance with Civil Code section 815.1 to permanently dedicate 66 acres of the site to open space.

R-MF-20

Approximately 6 acres of the site is designated Residential Multi-Family 20 (R-MF-20). R-MF-20 accommodates attached apartments, condominiums, townhomes, visitor-serving uses and duplexes. The basic land use intensity for R-MF-20 designated lands is 2 dwelling units per acre, and a maximum land use intensity of 20 dwelling per acre and/or 0.2 FAR for visitor-serving uses. To this end, the maximum number of units allowed on the 6 acre R-MF-20 designated property is 120 multi-family units.

The RM zoning district, which correlates with the R-MF land use designation in the General Plan, is intended for development of multiple-family housing developments,

including apartments, small detached single-family homes, condominiums, townhomes, duplexes, and related compatible uses. The designation of an area of land as being within the RM zoning district includes establishing a maximum density for new subdivisions, expressed as a suffix to the RM zoning map symbol (e.g., RM-10, RM-20, etc.). Here, the six acres of the subject site designated RM-20, allow up to 20 units per acre and thus a total of 120 units.

PD

The remaining approximately 10 acres of the subject parcel is designated Planned Development (PD). Planned Development applies to an area under single or common ownership that warrants detailed planning because of the presence of unique features, environmental conditions, or development constraints, and is intended to accommodate a mix of uses with special standards that address the unique features, conditions, and constraints present. For PD designated lands, the General Plan Land Use table (Table II-1) refers to the Community Design Element for guidance on the types of uses that can be accommodated on the subject property (which include office, commercial, retail/restaurant, and residential uses), and the Land Use Element for residential density and commercial intensity. Here, the Community Design, Land Use, and Housing Elements of the General Plan, together, establish the maximum land use intensity on the PD designated site as 60 multiple-family residences and 155,000 square feet of commercial (office/retail) development.

The PD zoning district allowances and requirements are synonymous with the General Plan's land use designation. The subject site is the only site in the City that contains both the PD land use designation and zoning designation.

General Plan Land Use History

The history of how the subject property came to be designated as R-MF-20, PD and OS-RP in the triangular configuration contained in the General Plan's Land Use Map is unique, and an important consideration in the review of development proposals such as this one. A detailed history of past development applications is outlined above, and points out how the land use intensity has been re-worked and de-intensified over time. The Las Virgenes Gateway Master Plan, adopted in December 1998 to help guide land use and development along Las Virgenes Road, addressed the City's vision for the subject property at the time, which included office/commercial uses at an intensity of 0.2 FAR or 50,000 sq. ft., whichever is less (with an emphasis on office use), a park visitor center and staging area, lands for a either a church, a child care center, or a school limited to approximately 350 students, and clustered detached single-family residences. This included the vision that this property would interface with and transition to protected open space, and additionally that this property could be used as an access through which people could enjoy use of the adjacent large contiguous open

space areas, publicly acquired through development of the Oaks Community by New Millennium Homes LLC (and now owned and maintained by the Mountains Recreation and Conservation Authority).

Subsequently, in 2007 – 2008, the City underwent an effort to update its General Plan, which included 17 meetings of a citizen-appointed General Plan Advisory Committee (GPAC), and multiple public hearings at both the Planning Commission and City Council. During this time, the vision, land uses, development footprint location, open space locations, and significance with respect to housing allocations to meet State mandates (based on RHNA) were discussed. Discussions included the developer at the time, the Messenger Company, in an effort to adopt a future blueprint for this site which reflected the City's (General Plan) broader goals of clustering development, preserving views of hillsides and ridgelines, and conserving sensitive biological resources, and the developer's goals to the extent consistent with the City's goals. In this case, the City recognized that clustering development within the lower lying canyon location on already-disturbed, less resource rich portions of the property was ideal to siting future development in an area to comply with the General Plan's goals, policies and objectives. In addition, the City Council decided that the land use density/intensities mentioned above were appropriate for the site.

The City's updated 2030 General Plan was formally adopted in December 2008, and set forth the City's updated Land Use Map which included the unique configuration and blend of land uses (including described land use intensities) for the subject property. As mentioned above, a majority of the site (61.22 acres) was designated for open space uses (OS-RP). Property owner (Messenger Companies at the time) input into the planning process, and especially agreement on record, was essential because on-site development rights were significantly limited by the newly adopted General Plan. Traditionally, and as also described above, the corresponding OS-DR zoning is typically placed on land already existing as open space through legal means such as recordation of a conservation easement, deed restriction and/or formal dedication. In this case, no such official legal instrument exists, or was ever recorded on the property, and the property owner ("Messinger Companies" at the time) agreed to have the land use intensity limited, and the general development envelope pre-identified.

C. Detailed Project Description:

The proposed project (Exhibit B) consists of a 188,417 square foot mixed-use development which includes all of the following:

- **180 condominium units (182,550 sq. ft.)** situated in 15 three-story, 35 foot high buildings (12 units each)
    - 162 market rate units

- 18 affordable units (10%) for very low income families
  - Includes 90 one bedroom units, 60 two bedroom units, and 30 three bedroom units
  - Includes requests for two concessions, as permitted by Government Code Section 65915(d)(2) [Affordable Housing Density Bonus Law] for 1) an increase in height for the condominium buildings and 2) an increase in height for two retaining walls

- **5,867 sq. ft. commercial complex** situated in two 1-story buildings primarily at 18' – 8" in height, but includes tower elements at 25' – 5" and 31' – 0" broken down as follows:
  - 1,174 sq. ft. coffee shop
  - 2,193 sq. ft. restaurant
  - 2,500 sq. ft. retail

- **0.36 acre community green space** for use of the general public which will include:
  - Public gathering and seating areas
  - Outdoor BBQs
  - Children's playground
  - Shade structure
  - Open lawn area

- **5,269,944 c.y. total project grading (combined cut and fill)** for both the development footprint and remediation of a landslide (consisting of removal and recompaction) to be balanced on-site with no export of earth required, and broken down as follows:
  - 459,555 c.y. grading for the development footprint
    - 218,770 c.y. cut
    - 240,785 c.y. fill
    - 22,104 c.y. net to be balanced on-site
  - 4,810,389 c.y. grading necessary to remediate unstable landslide material on the southern slopes
    - 2,403,418 c.y. cut
    - 2,406,971 c.y. fill
    - 3,553 c.y. net to be balanced onsite

- Graded area calculation:
  - 11.13 acres for the development footprint
  - 21.40 acres for the landslide remediation
  - 3.27 acres for northern slope (including the two desilting basins)
  - **35.80 acres** **total graded area**

- **395 total vehicle parking spaces** broken down as follows:
  - 354 residential parking spaces
    - Includes a parking reduction as permitted by Government Code Section 65915(p)(1) [Affordable Housing Density Bonus Law] for the provision of deed restricted affordable housing
  - 41 commercial parking spaces
  - (207 bicycle spaces – not included in above total)

- **7 Concrete Masonry Unit "CMU" Block Retaining Walls** ranging from 4 feet in height to 15 feet in height
  - Wall 1 6 feet max. height (along Las Virgenes Rd)
  - Wall 2 6 feet max. height (east of commercial bldg.)
  - Wall 3 10 feet max. height (south of bldgs. 2 & 5)
  - Wall 4 15 feet max. height (north and east of bldgs. 6 & 8)
  - Wall 5 6 feet max. height (east of bldgs. 11 & 12)
  - Wall 6 6 feet max. height (southeast of bldg. 5)
  - Wall 7 4 feet max. height (southeast of bldg. 5)

- **2 new detention/debris basins** – The existing northernmost "primary" detention/debris basin adjacent to "the Colony" development will be removed, and a new primary detention/debris basin will be constructed to the east of the proposed development. A second detention/debris basin will be constructed north of residential Building Nos. 9 and 11. Both detention/debris basin will be landscaped with aquatic adapted plant species.

- **24.67 acres of landscaping** – which includes native replanting of graded slopes (including the landslide remediation), trails, parkways, the community green space, common areas, internal street medians, and the detention/debris basins.

- **66.09 acres of open space** – which includes 41.42 acres of undisturbed open space, 21.40 acres of a landslide remediation area which will be contour graded and

replanted with native species, and the remaining open space areas (3.27 acres) consist of (non-landslide) graded slopes and the two detention/debris basins.

- **New Trail Connector** – a proposed public trail linkage through the development using sidewalks and connecting to the "Old Gun Club" road which will remain in its current alignment, and which connects to the New Millennium Homes Loop Trail and the broader regional trail system.

D. Associated Project Permits:

Vesting Tentative Tract Map: The project includes a proposal to divide and reorganize the two existing parcels comprising the subject site into 5 parcels as follows (Exhibit B, Sheet C-4):

- Parcel A – 1.19 acres for the commercial complex
- Parcel B – 9.50 acres for the residential condominium buildings
- Parcel C – 0.36 acres for the community green space
- Parcel D – 66.09 acres for open space
- Parcel E – 0.08 acres for a Las Virgenes Road street dedication

Vesting Tentative Tract Map (Condominium Purposes): The project includes a proposal to divide the airspace of Parcel B into 180 for-sale residential condominium units.

Development Plan: Per Section 17.62.070 of the CMC, a Development Plan is required for all development proposed within the PD zoning district. For this project, the Development Plan relates to the proposal of 60 multi-family residential units and the commercial complex (shopping center) on the westernmost portions of the development envelope. The Development Plan also sets the parameters for parcel area, parcel width, residential density, floor area ratio and setbacks.

Conditional Use Permit (CUP): Per Section 17.11 of the CMC, a "shopping center" is a conditionally allowed use in the PD zoning district. Section 17.90 of the CMC defines a "shopping center" as a "group of retail stores and similar complementary commercial establishments on a site, planned and built as a coordinated unit with shared pedestrian and vehicular circulation and off-street parking." The applicant is requesting a CUP for the proposed 5,867 square-foot shopping center to allow resident-serving restaurant, retail, and coffee shop uses.

Site Plan Review permit is required for new site development, inclusive of the construction of new buildings, parking areas, and other structures (Section 17.62.020 of the CMC).

An **Oak Tree Permit** is required prior to the removal, alteration, or encroachment of oak trees per Section 17.32 of the CMC. The applicant is requesting to remove 45 oak trees and encroach into the protected zone of 5 oak trees.

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 Las Virgenes Road and various vantage points from the Ventura Freeway (U.S. 101) designated scenic corridors.

E. Site Design/Building Layout: The subject site is a total of 77.22 acres in size. The entire development footprint is situated on 11.13 acres and is located entirely within a triangular-shaped 16 acre area mapped in both the City's General Plan Land Use Map and Land Use and Development Code Map as Planned Development (PD) [Land Use Designation and zone respectively] and the R-MF-20 Land Use Designation and RM-20 zone respectively.

The development footprint (as is the mapped developable land use areas) is situated within the property's flatter and lower elevation, western disturbed "canyon" area. Surrounding the "canyon" area to the north and south are steeply sloping hillsides, and the "canyon" narrows as you go west to east through the property. Of particular note is a significant mapped landslide feature located on the southern uphill slopes above the canyon. This landslide feature is significant to the site's development because it does not meet the necessary factors of safety contained in CMC Section 17.20.130 (for shear failure and seismically induced failure), and therefore presents a significant safety risk which requires mitigation and remediation to reduce that risk.

The landslide feature as also significant because it drove the overall design of the site, which included determining the best way to grade the site given that remediation of the landslide would result in excess excavation material requiring either export and significant related truck trips or balancing of the material on-site to reduce truck traffic and related climate change impacts from export truck traffic to comply with the City's existing policies requiring balanced grading. In this regard, overall proposed site grading includes remediation of the landslide material, and placement of excess excavated material in the canyon floor (to help buttress the repaired slope, and to balance grading on-site so that no export is required), creating a series of building pads which step up the canyon in elevation west to east.

The westernmost portion of the "developable" triangular shaped canyon area is within the PD-designated area. The project has sited the two commercial complex structures within the northernmost portion of the PD-designated area. The commercial pads are proposed at an elevation of 795 MSL, approximately between 15 to 20 feet in elevation above Las Virgenes Road (775-780 MSL). The bulk of the commercial buildings is proposed at a height of 18' – 8", with tower elements extending up to both 25' – 5" and

31' – 0". The commercial structures are set back 44 feet from Las Virgenes Road at its closest point. Two retaining walls are proposed in the vicinity of the commercial complex (Exhibit B, Sheet C-9). Retaining Wall 1 is located along Las Virgenes Road northwest of the commercial complex, and is a maximum 6 foot high CMU block retaining wall. Retaining Wall 2 is located northeast of the commercial complex and is a maximum 6 foot high CMU block wall.

Five (12 unit) condominium complex buildings (Building Nos. 1-5, 60 total units) are located on the southern portion of the PD-designated area, east of and adjacent to the "Colony" residential community. The proposed height of these buildings (as is true for all the residential buildings) is 35 feet above finished grade. The closest residential building to the Colony property (Building 2) is setback 40 feet from the western property line, and about 48 feet from the nearest "Colony" residence. The proposed pad elevation for these buildings is 801 MSL, which is approximately six to seven feet above the existing grade elevation in this area (excluding the detention/debris basin). Retaining Wall 3, proposed at a maximum height of 10 feet, is located just south of Building Nos. 2 and 5.

To the east of the PD designated area is the R-MF-20 designated area. Grading and development of residential buildings within the R-MF-20 designated area involve three terraced building pads, each with groups of either 3 or 4 buildings, which rise in elevation going west to east. On the westernmost terraced pad, three multi-family buildings (Building Nos. 6 – 8, 36 units) and the community green space are proposed (near the easternmost extent of the existing detention/debris basin). The proposed pad elevations for this area are at 803 feet MSL, which is approximately 6-8 feet above the existing grade at the location of the proposed community green space and Building 6. Building Nos. 7 and 8 are sited in the location of the existing southern slope area (cutting partially into the hillside), so the finished pad elevations will range from approximately 5 feet higher than the exiting grade elevation to approximately 27 feet below the existing elevation.

Four multi-family buildings (Building Nos. 9 – 12, 48 units) are located on the terraced pad just east of Building Nos. 6 – 8 and the community green space. The pad elevation supporting these four residential buildings is 825 feet MSL, which is between (approximately) 3 feet lower and 27 feet higher than the existing grades in that location. Retaining Wall 4, proposed at a maximum height of 15 feet, is located southwest of Buildings 9 – 12. Retaining Wall 4 is a "planted block" retaining wall similar to the walls along to Las Virgenes constructed for the "Colony" community, and will be landscaped to conceal the wall. Retaining Wall 5 is proposed immediately east of Building Nos. 11 and 12, and is a maximum 6 foot high CMU block wall.

The last three multi-family buildings (Building Nos. 13 – 15, 36 units) are located east of Building Nos. 9 – 12. The pad elevation for these three residential buildings is 839 feet

MSL, which is between 6 feet and 39 feet higher than the existing grade level. Retaining Walls 6 and 7, proposed at a maximum heights of 6 feet and 4 feet respectively are located southeast of Building No. 14, adjacent to the parking area.

Public amenities include a community green space and a public trail connection to the existing open space lands to the east of the site, and the regional trail system. The community green space, as mentioned above, is located central to the development, just north of residential Building No. 6 and just west of residential Building Nos. 9 and 10 (at the intersection of Streets "A" and "B". The park will include recreational amenities (as described above) and will be open to the general public. It will also serve as one point of origin for the proposed public trail connection to the public open space/trails east of the site. Trail users can begin at the park and walk east along sidewalks through the development to the existing old jeep trail (known as "Gun Club Road") which will remain in its current physical state and alignment east of the development, and remain connected to the New Millennium Homes loop trail and greater regional trail system. Trail users may also park off-property and walk through the proposed sidewalk system to access the proposed trailhead.

Access to the property will be from Las Virgenes Road via two proposed private access roads. The project's primary access roadway (Street "A") is at the intersection of Las Virgenes Road and Agoura Road, which is a signalized intersection with a crosswalk located on the southern side of the intersection. The primary access extends Agoura Road's current terminus at Las Virgenes Road into the development until it ends in a proposed cul-de-sac north of Building No. 15, and ranges from approximately 59 feet wide (which accommodates a landscaped entrance median) to 36 feet wide at the entrance to the residences. Street A (mostly) runs along the project's northern boundary and would provide direct access to the commercial complex, residential Building Nos. 9 – 15, and the community green space (public park). A secondary project access is proposed 200 feet north of the primary access, just north of the project's proposed commercial complex. The secondary access roadway directly accesses the commercial complex and connects to another internal roadway (Street "B"). Street "B" runs perpendicular to and intersects Street "A" and provides direct access to residential Building Nos. 1 – 8 and also the park. Included along the internal roadways are sidewalks and landscaped parkways that include street trees.

Proposed frontage improvements along Las Virgenes include adding a third northbound lane north and south of the Las Virgenes/Agoura Road intersection and includes a curb, gutter and sidewalk as well as a bicycle lane extension. To accommodate these improvements, 0.8 acre of the project will be dedicated to the City as permanent public right-of-way. The third lane continues north along Las Virgenes and transitions into the southbound 101 Freeway on-ramp. The added lane is proposed to improve traffic flow along northbound Las Virgenes. New crosswalks are proposed on the east and north

sides of the Las Virgenes Road/Agoura Road intersection to facilitate pedestrian movements.

The project will provide a total of 395 parking spaces (including required ADA spaces), which includes 354 residential parking spaces and 41 commercial parking spaces. The 41 commercial parking spaces are located primarily on the secondary access road, and the northeastern portion of Street "B" adjacent to the park. The parking for the residences are located within first floor parking decks in each residential building, on the internal private roads (as parallel and slant parking), and in small parking lots scattered throughout the residential building areas. Each individual building provides 12 regular parking spaces on the first floor. Two additional tandem spaces per building (30 additional spaces) are also provided (for a total of 14 spaces per building), but not counted toward the 395 total number of parking spaces for the project. With the 30 tandem spaces, the project will actually provide 425 functional spaces. Finally, the project will provide 207 bicycle spaces both as long term parking within the ground floor of the residential buildings, and short term bicycle spaces for the commercial complex.

Two landscaped detention/debris basins will be constructed to capture runoff from watersheds both east and north of the development. The primary basin will be located east of residential Building No. 15. This basin replaces the existing basin currently located east of and immediately adjacent to the "Colony" community, which will be removed. A second landscaped basin is proposed to the north of residential Building Nos. 9 and 11 and is designed to capture runoff from adjacent hillsides. Landscaping for the two basins is proposed to be aquatic adapted species that are accustomed to wetland areas.

The project will be served by the Las Virgenes Municipal Water District for potable water, reclaimed water, and sanitary sewer. Connections and service distribution for water, electrical services, natural gas, and other utilities will be accomplished 100% below ground.

F. Geology and Landslide Remediation:

The 2030 General Plan's objective with regard to geology and seismicity is to minimize the potential for loss of life, physical injury, property damage, and social disruption resulting from seismic ground shaking and other geologic events. In order to achieve that objective, the General Plan contains the following applicable policies:

VII-1 – Incorporate adequate mitigation measures into proposed development projects to achieve an acceptable level of risk from potential seismic hazards resulting from ground motion or fault rupture.

VII-2 – Emphasize prevention of physical and economic loss associated with earthquakes and other geologic disasters through early identification of potentially

hazardous conditions prior to project approval.

VII-4 – Discourage development within potential landslide areas and areas with severe soil limitation as the City's preferred management strategy, and has a higher priority than attempting to implement engineering solutions.

VII-5 – Where engineering solutions to slope stability constrains are required, implement landform grading programs so as to recreate a natural hillside appearance.

VII-6 – Prior to approval of development projects within liquefaction or landslide hazard zones depicted on Figure VII-2 or other areas identified by the City Engineer as having significant liquefaction or landslide hazards, require applicants to prepare site-specific liquefaction and/or landslide studies and mitigation. Studies shall be subject to review and approval by the City Engineer.

Additionally, per Section 17.20.130 of the City's Land Use and Development Code, new development must comply with the following performance standards pertaining to seismic and geologic hazards:

1) *Site-specific soils studies will be required to be submitted concurrent with submittal of grading and/or building permit applications to determine onsite soils and geologic conditions and meet safety standards as established by the city engineer. As part of these studies, the potential for hillside areas to become unstable when saturated at the surface and liquefying shall be investigated and mitigated.*

2) *To prevent future slope failures, new development shall be required to 1) achieve a factor of safety of 1.5 against shear failure; and 2) achieve a factor of safety of 1.1 against seismically induced slope failure.*

RJR Engineering Group, Inc. provided a series of site specific geologic and geotechnical engineering feasibility studies for the project site up through the previous Canyon Oaks Project. Geolabs provided an updated analysis for the current project proposal (2017). Geotechnical studies are included as Appendix D to the Final EIR (Exhibit C). All studies were reviewed and approved by the City's Public Works Department and the City Engineer (Exhibit G). The following evaluation is based on both RJR's previous studies and Geolabs updated 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 artificial 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 imposed geotechnical conditions, to withstand the existing geotechnical conditions.

The project site's terrain consists of slopes ranging from 1:1 (horizontal to vertical) in localized slope segments to nearly flat (30:1) in tributary canyons. Natural slopes generally range from 2:1 to 3:1. Landslide and slope stability hazard areas are found within the project area. Surficial and deep seated landslides were observed during the site investigation of the site and on the slopes immediately above the property. The most prominent feature is the deep seated landslide located on the southern slope which extends to the south-southeast off-site. Material associated with the landslide feature does not meet the City's minimum factors of safety of 1.5 against sheer failure or 1.1 against seismically-induced slope failure. The remaining features identified are primarily surficial debris flows located within existing drainages or shallow creep-affected slopes. In its present configuration, the existing landslide may be prone to re-activation in the event of a strong to severe earthquake, or oversaturation of the slope. Potential impacts that could be associated with the existing landslide include slope deformation and surficial slope instability. Left unmitigated, 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 Colony) and Las Virgenes Road, and therefore is a potentially significant impact. The location of this landslide feature is shown on Page 221 of the Final EIR (Exhibit C).

Due to the risk of an unmitigated landslide affecting the subject parcel (and subsequent development thereof), the Colony community to the west, and Las Virgenes Road, mitigation of the landslide is a preferred and necessary component of this project, as confirmed by the City Engineer. Additionally, the approach to mitigation methods and site development must go hand in hand to balance competing planning and engineering goals. These goals include stabilizing the landslide area (so that it is no longer a risk and meets the City's minimum factors of safety), and grading and site planning consistent with the City's General Plan policies of balancing earthwork on-site (General Plan Policy IV-31), and minimizing disturbance/impact to hillside areas and their attendant environmental resources. To this end, per the recommendations of the Geotechnical Engineering studies, a significant component of the proposed project involves removing and recompacting a large portion of the existing landslide material with engineered fill material (including buttressing the repaired slope) to achieve the City's minimum factors of safety of 1.5 for sheer failure and 1.1 for seismically induced slope failure. According to the project's geotechnical consultants (and agreed to by the City Engineer), removal and recompaction (using techniques specified by the geotechnical consultant) would provide sufficient support for all of the proposed slopes and structures. The City Engineer considered but rejected recommending the project alternatives that do not remediate the existing landslide as inconsistent with the City's General Plan and adopted safety and risk reduction standards. To help minimize the amount of the landslide material needing remediating on the southern slope and to help balance earthwork on-site, which will also minimize, to the extent feasible, impacts to the hillsides and biological resources present, the excavated landslide material will be

reworked to be more competent material, and placed in the canyon areas in elevated building pads. In this respect, the material placed in the canyon areas to create elevated building pads will help buttress and stabilize the reconstructed slope in a way that minimizes the landslide material removal limits, thereby preserving as much of the hillside as possible in its natural state.

An alternative methodology for developing the site without mitigating the landslide was studied as part of the EIR (Alternative #4 – Alternative Landslide Mitigation/Reduced Footprint). Alternative #4 is a design alternative that leaves the upslope landslide material in-place without any reconstruction, shifts the southern edge of the development footprint northward, and places elevated building pads at a safe elevation so that if the landslide was re-activated, the resulting slope failure would not impact on-site development. However, the Alternative #4 (Exhibit C, pp. 426-438) design methodology was ultimately rejected as unsupported by staff because although the subject project could be designed in a way to not grade the southern hillside, the landslide hazard would remain unmitigated, and therefore would remain a risk for future failure, potentially impacting drainage infrastructure remaining in the canyon bottom (i.e. the existing ephemeral drainage, and the detention/debris basin being utilized by the Colony community), and still pose a significant risk of affecting both the Colony community and Las Virgenes Road. Please see the Environmental Review/CEQA section of the staff report (below) for a more detailed discussion of project alternatives.

In addition to the prominent landslide feature discussed above, all other identified slopes deemed able to discharge runoff or debris directly onto a developed area and any other slopes that do not provide sufficient factors of safety would also 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 reviews and approves all final plans for landslide remediation prior to issuance of a grading permit.

The above-mentioned landslide remediation, as recommended by the Geotechnical Engineering consultants, and as described in Mitigation Measure GEO-3 in the Final EIR regarding landslide hazards, as confirmed by the City Engineer, will reduce impacts from landslide hazards to a less-than-significant level, and therefore, is consistent with the City's General Plan per Policy VII-1, because it is the only suitable method to provide an acceptable level of risk. Remediation of the landslide is also the best method to limit potential economic loss associated with re-activation of the landslide and damage or destruction to the adjacent Colony development and Las Virgenes Road. Additionally, the project is proposing, in conformance with Policy VII-5, to

reconstruct the (landslide) mitigated slope using contour grading techniques, including revegetating with native plants. To this end, although the project does not avoid placement of a project in a landslide prone area, as encouraged by Policy VII-4, there is no other viable option due to other significant constraints and policies, including the site's characteristics, the City's Land Use and Zoning mapping designation locations for development, and the City's safety requirements described above. Finally, the City Engineer has reviewed the proposed landslide mitigation option and agrees that removal and recompaction of the landslide material is the best option to remove the hazard.

Development on-site is also at risk from seismically induced ground shaking, liquefaction, highly erodible soils, and expansive soils. These risks are also considered potentially significant. However, with the implementation of Mitigation Measures GEO-1(a-b), GEO-2(a-b), GEO-4(a-b) and GEO-5, which require adherence to the geotechnical recommendations, adherence to the California Building Code, removal and recompaction of liquefiable soils (with monitoring), implementation of an erosion control plan, remediation of minor surficial instability, and removal and/or treatment of expansive soils, the impacts associated with development of the site are reduced to a less-than-significant level, and therefore, development is consistent with General Plan Policies VII-1 and VII-6.

G. Grading and Hillside Development: As a key objective, the City's 2030 General Plan broadly emphasizes protection of the visual qualities of hillside areas within the City, and particularly significant ridgelines. In order to reach that objective, the General Plan contains the following specific policies:

III-11 – Maintain the existing visual character of hillsides, recognizing both the visual importance of hillsides from public view areas and the importance of providing panoramic views and hillsides.

III-12 – Minimize the alternation of existing landforms and maintain the natural topographic characteristics of hillside areas, allowing only the minimal disruption required to recognize basic property rights.

II-13 – Protect the natural character of hillside areas through land sculpturing (contour grading) that blends graded slopes and terraces with the natural topography.

III-14 – Preserve all significant ridgelines and other significant topographic features such as canyons, knolls, rock outcroppings, and riparian woodlands. Exceptions may be granted to accommodate General Plan designated trails, viewpoints, and fuel modification measures needed for the protection of public health and safety.

III-15 - Preserve natural drainage courses and provide drainage in a more natural appearing conditions rather than with standard concrete box drainage channels.

III-16 – Avoid mass graded "mega-pads" for development. Smaller steps or grade changes shall be used over single large slope banks.

III-17 – Protect graded areas from wind and water erosion through slope stabilization methods (i.e. planting, walls or netting). Interim erosion control plans shall also be required.

III-18 – Prohibit new development, except for trails, on slopes of 50% or greater, unless either development is required for safety reasons or allowing such development would be more protective or ridgelines or other hillside resources.

IV-31 – Promote balanced onsite grading operations to eliminate the need for transporting soils on or offsite. In addition, promote phased grading operations instead of mass grading. The extent of clearing and grubbing operations, as well as the area being graded at any particular point in time, should be limited to the minimum necessary.

The above-listed policies emphasize protection of specific scenic features such as significant ridgelines, geologic landforms, rock outcroppoings, knolls, riparian woodlands, and natural drainage courses, and generally promotes preservation of the natural topographic characteristics of hillsides. The General Plan also requires projects to minimize grading disturbances on hillsides, and to use specific grading techniques such as contour grading, stepped building pads (in lieu of "mega pads"), balancing grading on-site to minimize soil transport, and prohibition of grading on slopes over 50% (unless required for safety purposes, increased visual protection or necessary for trail construction).

The project site does not contain any mapped or designated significant ridgelines. In fact, the nearest designated significant ridgeline is approximately one-half mile away. However, the proposed project site is unique in two ways. Topographically, the site contains a lower lying canyon area which exhibits generally flatter terrain surrounded by hillsides with moderate to steep slopes. Additionally, the site's southern hillside areas contain a significant landslide identified through geotechnical investigations. The landslide feature is an identified safety hazard, and represents a significant mass of unstable material that can and will fail if it ever were to lose its existing cohesive properties due to events such as seismic activity (earthquake), or oversaturation of the slope for example. Slope stability tests performed on the landslide material indicate factors of safety less than the code-mandated minimums of 1.5 necessary for sheer failure and 1.1 necessary for seismically induced landslides [CMC Section 17.20.130(A)(6)].

Given the site's characteristics, in order to meet the General Plan's broader objective and related policies of preserving the visual qualities of hillsides, development must be sited off of the steeper hillsides and instead placed on the flatter terrain located in the canyon bottom. Siting the development on flatter portions of the site minimizes the amount of grading required overall and preserves views of the hillsides to the greatest

extent feasible because development is kept off of the higher elevations of the site, which are more visible. Furthermore, these concepts were already considered and applied in 2008, when the City adopted the 2030 General Plan, and mapped the PD and R-MF-20 land use districts within only the lower, disturbed canyon bottom portion of the subject property.

Unfortunately, even by siting development on the canyon floor, the need to mitigate the upslope safety hazard remains necessary. The project applicant, in consultation with the City, explored two options for developing the site (with respect to the landslide). The first option included, as described above, removal and recompaction of the landslide material. The second option, also as described above (Alternative #4), included the site being designed in a way to avoid the need to remove and re-stabilize the landslide material. Alternative #4 (Modified Landslide Mitigation/Reduced Footprint) was developed and analyzed in the Environmental Impact Report (Exhibit C, pp. 426-438). In this case, however, mitigation of the landslide via removal and reconstruction of the slope, has been determined to be the most viable option to permanently mitigate the hazard and achieve the best overall (lowest) level of public safety risk. A more detailed discussion and analysis of project alternatives is located both in the EIR (Exhibit **), and in the Environmental Review/CEQA section of this staff report.

However, in order to reconstruct a stable slope and remove the safety hazard, a majority of the landslide material needs to be removed and recompacted, which, not only results in a significant amount of (necessary) grading on the southern hillsides, but the grading needs to occur in upslope areas that are less desirable due to their visibility. To this end, although the need to mitigate the landslide material causes grading in hillside locations, siting the permanent development and all buildings in the flatter canyon locations is consistent with the policies of the General Plan regarding hillside development because it minimizes disturbances to hillside areas to the maximum extent feasible, while also mitigating the landslide safety hazard. Also, the hillside grading necessary to reconstruct and mitigate the landslide is a mostly temporary hillside impact because the hillside slopes will be re-contoured, re-planted with native species, and preserved as permanent open space. Furthermore, all other hillside areas are being preserved as-is with no grading whatsoever.

Additionally, the project overall is utilizing grading techniques which are also consistent with the General Plan's policies. Since the project involves significant grading to the hillside areas to mitigate the landslide material, in order to balance grading on-site, the project is designed to place excess excavated material (as fill) into the canyon area, and proposes to do so in a series of "stepped" building pads which step up the valley west to east following the natural topography. Furthermore, the grading plan utilizes contour grading techniques for landslide mitigation areas (including a native re-vegetation of the re-worked slope) which serve to return the slope to as near to a

natural condition as feasible. For all these, reasons, the project is consistent with hillside development/grading policies contained in the General Plan.

Per CMC Section 17.20.150 of the City's Land Use and Development Code, developments proposed on a site with a natural grade greater than 10%, or that contain a ridgeline shall comply with the following applicable performance standards (with conformance noted in **bold**):

1) Grading plans that conform to the following **(conforms)**:
    a. Slopes less than 10% - grading may occur over large areas
    b. Slopes between 10% and 20% - some grading may occur, but landforms must retain their natural character. Padded building sites may be allowed, but split level designs, stacking and clustering area required
    c. Slopes between 20% and 30% - limited grading may occur provided topographic features such as ridgelines, fluffs, rock outcroppings, and natural drainage ways shall retain their natural landforms. Also, architectural/design techniques such as split level, stem walls, stacking and clustering shall be implemented
    d. Slopes between 30% and 50% - limited grading may occur if required to avoid safety hazards, environmental degradation and aesthetic impacts
    e. Slopes over 50% - grading shall be avoided except in limited areas and isolated locations
2) Grading and project design to avoid impacts to habitat linkages and wildlife corridors **(conforms)**
3) Project design to adapt to natural hillside topography and maximize view opportunities to and from a development, and preserve the hillside rather than alter it to fit the development **(conforms)**
4) Structures sited to:
    a. Fit into hillside contours **(conforms)**
    b. Retain outward views from the maximum number of units **(conforms)**; and
    c. Preserve natural hillside areas and ridgeline views from the public right-of-way **(conforms)**
5) Maximize public access to canyons, overlooks, and open space areas by providing open space easements, or other such rights-of-way **(conforms)**
6) Use of retaining structures to reduce grading as long as they do not become a dominant visual feature **(conforms)**
7) Retaining walls facing public streets should be covered with or contain materials to help blend with the natural terrain **(conforms)**
8) Avoid large retaining walls in a uniform plane, and use landscaping to screen **(conforms)**
9) Scale and massing of buildings to respect natural surroundings by minimizing bulk and mass, follow natural topography, and minimize visual intrusion on the natural landscape **(conforms)**
10) Houses not excessively tall as to dominate their surroundings **(conforms)**
11) Building forms scaled to the environmental character **(conforms)**
12) Building forms to use change of planes or use overhangs to create shadow lines **(conforms)**

13) Minimize wall surfaces with use of single story elements, setback, roof pitches, and landscaping **(conforms)**
14) Roof lines and elements to blend with the hillside or reflect naturally occurring ridgelines silhouettes and topographical variation **(conforms)**
15) Use of medium to dark colors which blend with surrounding environment **(conforms)**
16) Use of compatible architectural style, including colors and materials, to the natural setting **(conforms)**
17) Avoid exposed mechanical elements **(conforms)**
18) Slope plantings to create a gradual transition from developed areas to natural areas **(conforms)**
19) Plantings to allow view from the development while also partially screening the development **(conforms)**
20) Buildings located in the most accessible, least visually prominent, and most geologically stable portions of the site **(conforms)**

The performance standards contained in the City's Land Use and Development Code further implement the City's General Plan policies with regard grading and development in hillside areas. As mentioned above, the proposed project would not involve direct alteration to nearby ridgelines that are designated as scenic resources in the 2030 General Plan because there are no mapped or designated significant ridgelines onsite. However, because the site has a natural grade of over 10%, the site is subject to the above-listed applicable performance standards. The performance standards include preferred slope categories for grading, and a toolbox of siting and design standards intended to help projects minimize land alteration and blend into a hilly environment. Application of the standards will vary per project site depending on site specific characteristics, unique features, and type of project.

As explained above, the land use/zoning designations, topographic characteristics and the presence of the landslide feature on-site drive the proposed development scheme of remediating the landslide feature on the southern hillsides and using the excess material to fill the canyon area and buttress the remediated slope. This not only correlates with the development footprint envisioned in the General Plan, but places development on areas of the site which are already disturbed by past activities, generally less visible (from various vantage points along the scenic corridors), and less resource rich. Both the proposed grading scheme and development on the site is designed utilizing many of the identified performance standards.

The performance standards prioritize grading on less steep slopes. Although the site is complex due to its many topographic and landform features, generally the canyon floor area, where grading and development is proposed, is the flattest on the property. Proposed building pads are designed to step up the canyon west to east, following the site's natural topography. Only in small isolated areas is grading occurring on steeper slopes within the development envelope. Grading is proposed to occur on slopes with gradients up to 50% on the southern slopes in order to remediate the landslide feature, which is necessary to mitigate the hazard. However, the grading scheme for landslide

remediation is to utilize contour grading techniques so that the restored slope will appear as a natural slope. Additionally, the landscape plan utilizes native species, including many mitigation oak trees (lost due to their existing locations within the landslide mitigation limits), to re-vegetate the re-created slope to help the area further appear natural over time.

The proposed development within the development footprint also utilizes many of the stated performance standards. The site uses retaining walls to limit grading on hillside areas outside of the landslide remediation area, including Wall Nos. 1, 2, and 3 (Exhibit B, Sheet C-9) help limit grading of both the northern slopes (adjacent to the commercial complex) and southern slopes (adjacent to Building No. 2). The applicant has proposed a public trail connection through the site to the MRCA – owned open space lands east of the site which links to the regional trail system. The project limits impacts to an existing 1 mile wide wildlife corridor by limiting the development footprint to only 11 acres which permanently impacts only approximately 0.7 percent of the existing approximately 1,679 acre wildlife corridor area. Views of the surrounding significant ridgelines are protected from most right-of-way locations including along Las Virgenes Road and the 101 Freeway, which are designated scenic corridors as well as along Agoura Road. Views of some hillsides and ridgelines will be partially impacted at the intersection of Las Virgenes Road and Agoura Road. However, views at this location would be impacted by most development configurations, and the project incorporates a design where placement of the main entrance driveway offers view access through the development to help mitigate this circumstance.

The project structures also utilize various design techniques consistent with the hillside performance standards. The commercial complex, which is located closest to Las Virgenes Road (at 44'-45' away) is limited to one story (mainly 18' – 8" in height with some limited tower elements for architectural interest and massing relief. Residential buildings are designed as three story buildings, and a 35' maximum height above finished grade. However, this is largely due to the provision of off-street parking for condo owners/residents on the first floor of each residential building, which helps to limit the total development footprint because it eliminates the need for added site parking lot areas.

The buildings feature a Santa Barbara Mission/Monterrey hybrid style of design which is aesthetically pleasing, and utilizes medium to dark Spanish tile pitched roofs. Using smaller (12 unit) residential buildings as opposed to larger buildings helps break up site massing, while buildings with well-articulated features such as varying rooflines, balconies, railings, undulating wall facades, trim features and appropriate window placement help to draw shadow lines that further break up building massing and provide aesthetically pleasing design. Proposed building colors are earth-toned. Mechanical equipment is hidden behind mansard-style roofs.

The project also proposes 24.67 acres of various landscape elements and native re-vegetation to help screen and soften the appearance of the buildings and the remediated landslide area, and help blend the development with the surrounding environment. Landscaping elements have been proposed to accent every individual building, placed in designated landscape areas scattered around the development, along internal street parkways, on and around retaining walls (to screen them), along Las Virgenes Road, and within the proposed community green space. The project also includes detention/debris basins designed as wetland landscape features. Landscape near Las Virgenes Road has been conditioned to limit landscape trees that grow to a maximum 30 feet in height to help preserve views (Exhibit C, Mitigation Measure AES-1, p. 130). Furthermore, the remediated landslide area will feature native re-vegetation including replacement of oak woodlands that will be lost as part of the remediation effort. All project landscaping either proposed (or further conditioned) shall be native and/or drought tolerant, with an emphasis on native species in areas transitional to proposed open space.

To this end, the project is sited and designed to meet the City's General Plan objective and policies regarding development in hillside areas, and the performance standards within the City's Land Use and Development Code.

H. Open Space: Preservation of the remaining open space lands and acquisition of new lands for open space designation are consistently identified as the community's highest priority. Open space is a key component of the City's character, including being a scenic resource, contributing to public health and safety, providing recreational opportunities, and protecting biotic resources. The City's General Plan includes the objectives of maintaining a citywide open space system, and continuing to acquire open space lands. In order to meet these objectives, the General Plan includes the following applicable policies:

III-1 – Continue to acquire desirable lands for open space designation through dedications, purchases, and/or annexations.

III-5 – Limit and direct landform modification within areas designated as open space areas to preserve ridgelines and other significant landforms.

III-7 – Require that development within and adjacent to designated open space areas be screened with native or transitional landscaping in order to minimize the prominence of the development and emphasize natural features.

III-8 – Improve public access to designated open space areas in a way that protects environmental resources, but increases the ability of the public to enjoy and benefit from the open space.

III-10 – Ensure that deed restrictions on, and conveyances of, designated open space are properly recorded so that ownership and land management responsibilities are clear.

The City's General Plan currently designates 61.22 acres of the project site as Open Space-Resource Protected (OS-RP) land, with the remaining 16 acres of the site being designated for development (with R-MF-20 and PD land use designations). To date, no deed restrictions, conservation easements or similar legal instruments have been recorded to permanently protect the OS-RP designated lands on the site. The OS-RP land use designation (and associated OS-DR zoning designation) are meant to preserve open space lands in the City. However, notwithstanding intent, currently designated OS-RP designated areas may be re-designated to a developable land use with 2/3rds approval of the City's voters pursuant to Section 17.16.030 of the Calabasas Municipal Code. As discussed in detail below, this lack of permanent protection for the site's open spaces areas will be remediated by the dedication of 66 acres of land under a conservation easement or similar legal instrument that imposes permanent open space protections under Civil Code sections 815.1 and 815.2.

The proposed development footprint of the project (commercial complex, residential buildings and community green space) is 11.13 acres, with the remainder (66.09 acres) being offered for permanent dedication with the recordation of a conservation easement or other appropriate permanent preservation legal instrument. The 11.13-acre development footprint is clustered in the already-disturbed westernmost portion of the development site, and situated on the flatter terrain in the bottom of the canyon. As already discussed, a landslide hazard exists on the southern slopes which requires remediation in which the slope will be graded, stabilized, and excess earth placed into the canyon bottom to buttress the repaired slope and create the building pads for the project. Two detention/debris basins (one east of the development footprint, and one north of the development footprint) are proposed to capture stormflow and debris, and safely convey runoff to a larger public storm sewer system. The two basins, grading to remediate a landslide hazard, some additional minor slope grading, and revegetation and remedial native landscaping installation are part of the proposed open space dedication area. The project is also proposing public access via sidewalks through the project to connect with the publicly-owned open space areas and regional trail system to the east beyond the project site boundaries. As is more specifically discussed in Section M of this staff report, the project is proposing extensive landscaping, including transition areas of all native landscaping into the open space areas offered for dedication.

As stated, the project is offering to permanently preserve 66.09 acres of land as open space (through the recordation of a conservation easement, deed restriction, or other similarly protective and permanent legal instrument), which is 4.87 acres of open space more than is currently designated by the General Plan, which increases the City's open space lands consistent with the General Plan's objectives and General Plan Policy III-1. The proposed (and conditioned) recordation of a conservation easement (or other similarly protective and permanent legal instrument), offers permanent preservation of

the open space, which is greater than the protection currently afforded through the existing land use designation of OS-RP, consistent with Policy III-10 (See Civil Code section 815.22, subdivision (b) [permanent protection for recorded conservation easements meeting the standards of Section 815.1].). OS-RP designated lands can otherwise be re-designated to non-open space uses with 2/3rds approval of the City's voters. Clustering of the development in the westernmost (already disturbed) portions of the property limits grading and disturbance in open space areas to the maximum extent possible. Remediation of the landslide and revegetation of native landscaping of the former landslide area is mostly within the open space designated area; however, as discussed above, repair of the slope is necessary for safety, and will be contour graded and re-planted with native habitat lost due to the slope repair so that it will mimic natural adjacent contours and will regain its habitat value. Therefore, the project is consistent with Policy III-5. The proposed dedication of public access through the site to the greater regional trail system and open space areas achieves Policy III-8. Furthermore, the proposed landscape plan, which places native trees and plants along the perimeter of the development footprint and trailhead will not only transition the site from the built environment to a native open space environment, but will also help shield the development as viewed from the open space areas, consistent with Policy III-7. To this end, the project is consistent with all applicable General Plan policies, and achieves the stated objectives of the City's General Plan Open Space Element.

I. Biology: With respect to biotic resources, the broader goals of the City's General plan emphasizes preservation and wise management of significant environmental features, and the goal to both minimize the consumption of natural resources needed to support life and wise management of those resources. The stated objective of the General Plan is to preserve critical biotic resources and enhance habitat value and biotic resource diversity within the Calabasas area. In order to achieve the stated goals and objective, the General Plan contains the following policies:

IV-2 – Ensure that new developments, including roads, maintain the biotic habitat value of riparian areas, oak woodlands, habitat linkages, and other sensitive biological habitats. Specifically, the following are unacceptable biological impacts:

- *Net loss of wetlands or riparian vegetation*
- *Measurable reduction in species diversity*
- *Loss of breeding and roosting areas, foraging areas, habitat linkages, or food sources that will result in a measurable reduction in the reproductive capacity of biotic resources*

IV-3 – Require new developments on properties that include sensitive biotic habitats to cluster development in the least sensitive portions of the property and preserve and/or restore the most sensitive resources without creating urban development patterns in rural areas.

IV-5 – Maintain buffers between natural riparian areas and development in order to avoid

disturbance of riparian habitat and wildlife movement.

IV-6 – Require separation of construction activities from sensitive biological resources through the use of buffers, setbacks, and temporary protective fencing.

IV-7 – Regulate construction activities to eliminate potentially destructive practices that adversely affect environmentally sensitive areas.

IV-9 – Continue to enforce the City's Oak Tree Ordinance

In order to assess biological resources on the project site a number of biological studies were performed by Rincon Consultants, Inc., Arbor Pro (oak trees), and Carlberg Associates (oak trees) between April 2010 and March 2019. The following studies and surveys have been performed:

- Habitat Assessments (April 30, 2010 and February 24, 2012)
- Rare Plant Surveys (April 30, 2010, June 9, 2010, May 3, 2013, June 5, 2013, April – July, 2015, July 2017, and April 2019)
- Jurisdictional Delineations (July 2010, April 12, 2012, and November 2018)
- Protocol Surveys including:
    - California Gnatcatcher (March – May, 2012)
    - Least Bell's Vireo (April – July, 2012)
    - California Gnatcatcher (May – June, 2013)
    - California Gnatcatcher and Least Bell's Vireo updates (April – July 2015)
    - Bat Survey (August, 2015)
    - California Gnatcatcher (August, 2017)
    - Least Bell's Vireo (August 2017)
- Oak Tree Inventory (December, 2011, December 2013, and June 2017 (by Arbor Pro and Carlberg Associates)

The results of the above studies have been analyzed (including the potential impacts of the proposed project on biological resources, and mitigation measures) in extensive detail in Chapter 4.3 of the Final EIR (Exhibit C. p. 153). The analysis contained in the Final EIR addresses the following:

- Upland and riparian/wetland plant communities
- Wildlife
- Wildlife Corridors
- Special Status Plant Species
- Special Status Wildlife Species
- Critical Habitat
- Special Status Vegetation Communities
- Protected trees

- Potentially Jurisdictional Features

Below is a summary discussion of each of these topics; it is not intended to substitute for the full analyses and discussions within the EIR.

Upland and Riparian/Wetland Plant Communities (Habitats)

Several upland and riparian/wetland plant communities exist on the 77.22-acre property. Non-native plant communities include Annual Brome Grassland, Dwarf Nettle Herbaceous Stand, and Upland Mustards and Other Ruderal Forbs. Native plant communities include Coyote Brush Scrub, Purple Sage Scrub, California Brittle Bush – Ashy Buckwheat Scrub, Coast Live Oak Woodland, Stinging Nettle Herbaceous Stand, Cattail Marshes, Yerba Mansa Meadow, American Bulrush Marsh, Mulefat Thickets, and Arroyo Willow Thickets. There are two main areas of proposed disturbance on-site, the development footprint (not inclusive of the two detention/debris basins) and a broader remediation and disturbance area which includes the landslide repair area, the two basins and some other minor slope grading (see Exhibit C, Figure 4.3-1, p. 161). In total, 35.8 acres of the site will be disturbed. Vegetation communities within the development footprint are dominated by non-native plant communities (Annual Brome Grassland, Upland Mustards and Other Ruderal Forbs, and Dwarf Nettle). A small native community of Mulefat Thicket is associated with the primary ephemeral drainage which runs east – west through the property through the center of the development footprint. A small portion of a much larger native Purple Sage Scrub community lies within the southeastern portion of the development footprint. Within the broader disturbance area are the non-native plant communities of Annual Brome Grassland and Upland Mustards and Other Ruderal Forbs, and the native communities of Purple Sage Scrub, Coast Live Oak Woodland, Yerba Mansa Meadow, Arroyo Willow Thickets, Cattail Marshes, Mulefat Thicket, and Stinging Nettle Herbaceous Stand. None of the identified upland or riparian/wetland plant communities are listed in the California Natural Diversity Database (CNNDB) as special-status plant communities. However, six of the native plant communities identified (Coast Live Oak Woodland, Cattail Marshes, Yerba Mansa Meadow, American Bulrush Marsh, Mulefat Thickets, and Arroyo Willow Thickets) are listed as locally-important significant habitats under the City's General Plan (see Special-Status Vegetation communities' discussion below).

Wildlife

Several common animal species are associated with the project site, including birds (European starling, house finch, mockingbird, mourning dove, barn swallow, crow, killdeer, great egret, and red-tailed hawk), reptiles (gopher snake, western fence lizard), amphibians (the Pacific chorus frog and California toad) and mammals (ground squirrel, mule deer, coyote, Botta's pocket gopher, and desert cottontail. The project site also occurs within the range of the mountain lion. Mountain lions have been tacked by the

National Park Service to the west, south and north; however, no mountain lions have been tracked either on-site or within 1 mile of the project site.

A nine-quadrangle query of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNNDB) has been performed to identify any special-status wildlife species that might occur on-site. The results yielded nine special-status animal species that could have a moderate to high potential to occur on-site, given their preferred habitats, including the California red-legged frog, coastal whiptail, coast horned lizard, San Diego woodrat, American badger, western mastiff bat, palled bat, hoary bat, and the western red bat. Additionally, protocol surveys were performed to determine if there was a presence of either the Federally-threatened coastal California gnatcatcher, or the Federally- and State-endangered least Bell's vireo on the project site. Neither the coastal California Gnatcatcher, nor the least Bell's vireo were observed on-site (see expanded discussion below). Further none of the other special status species have been observed on site.

Wildlife Corridor

Wildlife corridors usually connect large habitat areas. There is no pre-defined size limit (or width) to a wildlife corridor, but such corridors are often on the scale of mountain ranges, valleys or specific ecological situations (such as vernal pools). These linkage zones may occur for many miles between prime habitat areas, and their adequacy for supporting genetic flow depend on a number of factors including the presence of resources, width of the corridor, and sufficient shelter or cover. Certain resources are needed at particular intervals to ensure that slower-moving species are able to traverse the linkage zone. More mobile species can also utilize habitat linkages that are smaller discontinuous patches of suitable habitat spaced sufficiently together.

The subject property is not part of the regionally mapped Santa Monica – Sierra Madre connection. However, the City of Calabasas General Plan contains a mapped wildlife corridor (Exhibit C - Figure 4.3-2, p.167), approximately 1,679 acres in size, extending from the southwestern portion of the City (near the Mulholland Highway and Las Virgenes Road intersection) and extending northward along and east of Las Virgenes Road connecting to areas north of the 101 Freeway (essentially helping connect the larger Santa Monica Mountains recreation area to Upper Las Virgenes Canyon (known as Ahmanson Ranch). The subject property lies within the City's mapped wildlife corridor.

The project is proposing permanent development of approximately 11 acres of the 77.22 acre property. The remaining approximately 66 acres will be permanently protected as open space through the recordation of a conservation easement, or other similarly protective and permanent legal instrument. The approximate 11 acre development footprint includes a mixed-use development clustered a triangularly-

shaped area extending from Las Virgenes Road on the western boundary to approximately 0.25 mile east. The development footprint narrows in width from west to east. Development activities would also temporarily disturb 24.67 acres within the corridor for the landslide remediation, construction of the detention/debris basins, some minor slope grading, and installation of permanent native landscaping in the landslide remediation area. However, the areas graded for landslide remediation, minor slope work, and the detention basins will be restored back to native vegetation (which includes replacement of oak trees lost in the landslide repair area functional as cover/shelter for wildlife movement) upon completion of grading. Therefore, the project is permanently impacting only 11 acres, and incrementally constricting the 1 mile wide wildlife corridor by 0.25 miles at the location of the subject property.

The project site also has resource features that may be utilized by wildlife as they move through the area, including the on-site ephemeral (seasonal) drainage and some small water seeps located midway through the site at the approximate eastern edge of the proposed development footprint. Project development and mitigation of the landslide will permanently remove the westernmost portion of the ephemeral drainage, and permanently remove two of the three seeps.

The mapped wildlife corridor, which the project site is a part of, is about a mile wide at the project property. However, the overall functional width fluctuates throughout the entire wildlife corridor with the presence of "fingers" of development along Las Virgenes Road which extend east from Las Virgenes Road up various canyons, notably at two Las Virgenes Municipal Water District properties (the site of their headquarters and their solar array site), and at both the Paxton and the Colony residential communities. These four existing (or currently under construction) developments constrict the functional width of the corridor to between 0.67 miles and 0.71 miles at those locations. Additionally, the mapped width of the wildlife corridor is 0.2 miles and 0.3 miles respectively both north and south of the subject property. In this case, the proposed project will reduce the existing width of the wildlife corridor at the location of the subject property from 1 mile wide to approximately 0.75 miles wide, and will permanently impact 11 acres of the approximated 1,670 acre wildlife corridor, which is an impact of 0.7 percent of the corridor. Additionally, the seasonal ephemeral drainage, and minor seeps (that will most likely be permanently removed) are not considered critical to overall functionality of the wildlife corridor. To this end, while width of the wildlife corridor, presence of resources on-site, and tree cover from on-site oak trees may currently facilitate wildlife movement, the permanent development (after revegetation of the landslide repair area with oak trees) of only 0.7 percent of the wildlife corridor, constricting of the wildlife corridor width (to 0.75 miles wide) and removal of minor water sources that currently exist on-site is not expected to impact the overall functionality of the wildlife corridor with the implementation of mitigation measures BIO-4(a), BIO-4(b), BIO-3(a), BIO-5 and BIO-6 identified in the Final EIR (Exhibit C, pp. 203-213). These mitigation measures require coordination and compliance with all applicable State and

Federal agency permitting requirements, mitigation of impacted riparian/wetland resources (at a 1:1 ratio for area of impact), upland restoration, wildlife permeable fencing (if used), and Oak Tree replacement (at a 1 inch : 1 inch of diameter removed ratio). Therefore, the project, with mitigation incorporated, is consistent with General Plan Policies IV-2, IV-5, IV-6, and IV-7.

Nevertheless, because the project will result in the elimination of a portion of the primary drainage and two of the three minor water seeps (which provide a resource to migrating animals), the project has been conditioned to create/install a new water source, either through implementation of restored wetland area or placement of a game guzzler, or similar device, east of the development footprint in the open space area, or an appropriate off-site area approved by the Community Development Director in consultation with a qualified biologist that will provide a water source for migrating wildlife (Exhibit A, Condition No. 74).

Special Status Plant Species

The CNDDB identified 32 special-status plant species that have been documented within a 9 quadrangle query (using the CDFW CNDDB and CNPS [California Native Plant Society] Inventory of Rare and Endangered Plants of California [2019]) of the area of the project site. Two special-status plants, the Catalina mariposa lily and southern California black walnut, were observed on-site, each with a California Rare Plant Rank (CRPR) of 4.2. The "4" refers to plants of limited distribution, which means they are on a watch list, and if the rarity or endangerment of the species changes, the status may change to one that is listed. The ".2" refers to a degree Threat Code Extension denoting that this species is fairly high risk (20% - 80% of occurrences threatened) in California. Plants with a CRPR of 4.2 are not considered rare from a statewide perspective; however, are uncommon enough, in the opinion of the CDFW, to warrant monitoring. Neither species is a federal or state endangered or threatened species, however both species are considered locally important.

Observations of the Catalina mariposa lily (in surveys performed in 2010, 2012, 2015, 2017, and 2019) were located in both the northern section of the seep-fed wetland and at the western edge of the purple sage scrub habitat (Exhibit C, Figure 4.3-1, p. 161). Southern California black walnut was also observed in the riparian and oak woodland habitat during the 2017 rare plant survey update. No Federally- or State-listed endangered or rare species, or any other special-status plant species have been observed on-site, and none are known to occur or have occurred on-site.

In November 2018, the Woolsey Fire burned a large area in and around the City of Calabasas including the entirety of the subject property. While the fire destroyed many of the identified on-site biological resources, the analysis contained within the Draft and Final EIR maintains the pre-fire baseline conditions including inclusion of all of the

species previously identified in all the rare plant surveys and updates performed for the property. However, because some rare plants have the potential to be distributed by wildfire, the City had Rincon Consultants, Inc. perform additional field surveys (performed on April 9-10, 2019 during the blooming season) to see if any not-previously-identified rare plants were distributed to the site via the Woolsey Fire. Results of the field surveys dated April 19, 2019 (Exhibit C, Appendix C. p. 170) are included in the Final EIR, and found no additional special-status species on-site other than the previously identified Catalina mariposa lily. It was noted that the populations of the Catalina mariposa had grown.

Even though no Federally- or State-listed plant species are known to occur on-site, development of the project will remove individuals of two locally-important species, the Catalina mariposa lily and Southern California black walnut. Removal of a few individuals would not reduce the populations of either species to the point that reproductive capacity would be restricted. To this end, the removal of individual species is considered a less-than-significant impact. However, with the implementation of Mitigation Measure BIO-3(a) and BIO-4(b), existing individuals of both the Catalina mariposa lily and Southern California black walnut would be preserved and/or replaced to the maximum feasible extend. Mitigation Measure BIO-3(a) involves an upland restoration plan that focuses on topsoil salvage which should result in the retention of the Catalina mariposa lily bulbs, and includes a monitoring and reporting program with measurable success criteria. Mitigation Measure BIO-4(b) involves implementation of a habitat mitigation and monitoring plan for jurisdictional waters, wetlands, and riparian habitats that is required to include Southern California black walnut trees as a major component, and also includes a mitigation monitoring and reporting program with measurable success criteria. With implementation of BIO-3 and BIO-4, the project will preserve sensitive plant biota on-site, and therefore is consistent with General Plan Policy IV-2.

Special Status Wildlife Species

A nine quadrangle query of the CDFW CNDDB identified 45 special-status animal species that have been documented in the region of the project site. Of the 45 special-status species, nine have a moderate to high potential to occur on-site given their habitat requirements (none have been observed on site), including the California red-legged frog, coastal whiptail, coast horned lizard, San Diego desert woodrat, American badger, western mastiff bat, palled bat, hoary bat, and western red bat.

Woodrat nests were identified within the survey area; however, the species of woodrat is unknown, and therefore the species may be provided protection by the CDFW. No American badgers were identified on-site during field surveys. However, the survey identified burrows created by badgers foraging in the survey area, and determined that

badgers may use the survey area to move throughout the region and stop for food, water and cover.

All of the identified special-status bat species have the potential to occur on-site including foraging in the coastal scrub and open fields, and roosting in the trees. The site lacks nursery habitat (typically consisting of tight rock crevices or tall buildings) for the western mastiff bat, but trees may provide nursery habitat for the western red bat. Protocol surveys were performed in 2015 and found no western mastiff bats or western red bats on the project site. Fifty canyon bats were observed; however, canyon bats are not a listed special-status species by CDFW or U.S. Fish and Wildlife Service (USFWS). There was also no evidence of maternity colonies (based on the presence of guano accumulations) for either the western red bat or western mastiff bat.

Federally-threatened gnatcatcher protocol surveys were also performed to determine their onsite presence. Six surveys were completed in each of 2013, 2015 and 2017. No gnatcatchers were observed on-site in each of the focused surveys. To this end, the site is considered unoccupied by the Federally-threatened gnatcatcher. Also, it is noted that gnatcatchers are absent from large portions of the Santa Monica Mountains, with only sparsely distributed occurrences limited to lower elevation fringes within this region. Furthermore, the on-site purple sage scrub habitat is dominated by purple sage and intermixed with chaparral and oak woodland habitats, which is not a preferred habitat for the gnatcatcher.

Protocol surveys were also performed for the Federally-endangered least Bell's vireo because they are known in the region, and because habitat on-site is considered marginally suitable. Eight protocol surveys were completed with no observed occurrences on-site of the least Bell's vireo bird.

During the public review process for the draft EIR, one public agency (the Santa Monica Mountains Conservancy) and a number of citizen-commenters commented that the site may provide suitable habitat to the Federally-listed California red-legged frog (CRLF). While one public agency commented on the potential that CRLFs could occur on the property, the City only received comments from one public agency that is both formally tasked with preserving water resources (including biotic value) and that has permitting authority over federal and State waters on the project site, which was the California Department of Fish and Wildlife (CDFW). CDFW's comments did not contain commentary regarding the potential for the red-legged frog occurring on-site. No draft EIR comments regarding the CRLF were received from the Army Corps of Engineers (ACOE), US Fish and Wildlife (USFWS), or Regional Water Quality Control Board (RWQCB).

Neither of the two biological assessments performed for the subject property by Rincon Consultants, Inc. indicated that suitable habitat existed on-site for the California red-

legged frog due to the absence of permanent deep water habitat. However, in April 2019, the City was contacted by the US Fish and Wildlife Service after they received calls from numerous citizens, indicating that there was public concern regarding the potential presence of the red-legged frogs on the property. Even though the public comment period was closed on the draft EIR, the City, a biologist with Rincon Consultants, Inc., and the applicant's consulting biologist from ENVICOM (to observe), met with USFWS biologist Dou-Shaun Yang on the property on April 9, 2019 for the purpose of viewing and analyzing the site's habitat potential to have red-legged frogs, out of an abundance of caution.

Biologists from Rincon and USFWS agreed that the site has a low potential for presence of the CRLF given its physical characteristics and lack of permanent deep water habitat. No red-legged frogs were observed during this visit. However, it was noted that while the CRLF has not been observed historically on the project site (and none were observed on April 19, 2019), one area, located in the existing (larger) detention/debris basin, may have the potential to provide suitable breeding habitat for the CRLF, while all other water resources did not. Additionally, it was agreed upon that although habitat on-site was marginal at best, because the CRLF was known to exist within 900 feet of the site (in Las Virgenes Creek), there was the potential for migrating CRLFs to disperse to the site. USFWS did also communicate that if the ACOE did consult with USFWS during their permitting process, that there is a high likelihood that USFWS will recommend protocol surveys be performed during their permitting process, and if any red-legged frogs or know breeding habitat were found, mitigation measures would be applied.

To this end, and because the potential is low that CRLFs are present on-site, no additional protocol surveys were deemed warranted. Furthermore, because of the rigorous requirements of both federal and State agency permitting (that typically have the applicant submit updated biotic studies), and because mitigation measures for biological pre-construction surveys and construction monitoring are required as part of Mitigation Measure BIO-1(a), the City's consulting biologists are confident that no significant impacts will occur to the California red-legged frog species. Nevertheless, to ensure construction activities minimize any potential impacts to any potential CRLFs, Mitigation Measure BIO-1(e) has been added in the Final EIR to require a biologist experienced with CRLF to monitor the site during grading activities within the top four feet of soil, where CRLF typically would be. If CRLFs are found during project construction, ground disturbing activities shall cease and the USFWS shall be consulted with to analyze and determine appropriate mitigation measures. Work may only recommence following guidance from USFWS and the City. Although no protocol surveys were deemed warranted under CEQA, nevertheless, due to the limited possibility (however low) that CRLF individuals may be present on-site, the project has been conditioned to have, prior to the commencement of any construction activity, CRLF protocol surveys conducted by a qualified biologist (see Exhibit A, Condition No.

73), and have copies of the completed protocol surveys provided to the City. If any CRLF individuals are discovered as a result of the surveys, the applicant is required to submit a mitigation plan prepared by a qualified biologist for review and approval of the Community Development Director prior to the start of any construction activity. The mitigation plan must specify mitigation measures necessary to ensure protection of CRLF individuals to the maximum feasible extent. The applicant shall also notify and report any positive CRLF survey results to all appropriate State and Federal agencies.

While no Federally- or State-listed threatened or engangered animal species were observed or detected on-site, five other species regulated by the CDFW as Special Animals were observed during the gnatcatcher and least Bell's vireo surveys including Cooper's hawk, Nuttall's woodpecker, Allen's hummingbird, oak titmouse and the southern California rufous-crowned sparrow.

Even though no Federally- or State-listed animal species were found on the property, as mentioned above, one Federally-listed species (CRLF) may potentially occur and eight locally important species (the western red bat, western mastiff bat, pallid bat, hoary bat, coastal whiptail lizard, and coast horned lizard, San Diego woodrat, and American badger), are expected to occur on-site. While it is unlikely that construction activities will affect an entire population of any of these species, injury to individuals of these species may result from construction, and therefore mitigation is warranted. Furthermore, five CDFW Special Animals (Cooper's hawk, Nuttall's woodpecker, Allen's hummingbird, oak titmouse and the southern California rufous-crowned sparrow), which are protected by the California Fish and Game Code and the Federal Migratory Bird Treaty Act, are expected to occur on the property which may be directly affected by construction activities. Direct impacts (loss of individuals) may occur to birds who are nesting on-site if removal of the vegetation occurs during the nesting/breeding season, and would be potentially significant. In order to reduce potential impacts to the Federally-listed CRLF, locally important species and CDFW Special Animals to a less-than-significant level, Mitigation Measures BIO-1(a), BIO-1(b), BIO-1(c), BIO-1(d) and BIO-1(e) are required (Exhibit C, pp. 197-200).

Mitigation BIO-1(a) requires pre-construction special-status wildlife surveys to be performed no more than one week prior to vegetation clearing and ground disturbance within the construction envelope, including in a 200 foot buffer area. Surveys will include species mapping for avoidance and relocation efforts. In addition, a contracted biologist shall conduct periodic monitoring to aid in avoiding and minimizing impacts, including capturing and relocating species to an adjacent appropriate habitat area. The CDFW and City are required to be notified if any special-status species is found on-site during pre-construction surveys or periodic monitoring. Results of pre-construction surveys and monitoring activities shall be reported to the City.

Mitigation Measure BIO-1(b) requires three pre-construction nesting bird surveys be conducted within two weeks, but no later than three days prior to any vegetation clearance. Nesting bird surveys are required to be reinitiated if land clearing activities are delayed more than one week. Surveys shall include a 500 foot buffer area around grading and land clearing limits to accommodate raptors. If any active bird nests are found, a maximum 300 foot buffer shall be established, and the nest flagged. For raptors, a buffer of between 250 – 500 feet shall be established until the nest becomes inactive. The buffer area may only be reduced upon approval of the monitoring biologist. If a special-status species is found, a 200-500 foot buffer shall be established until the nest becomes inactive, and the CDFW/USFWS shall be consulted. All active nests found shall be monitored throughout land clearing activities and construction to determine if the established buffers are adequate. Disturbance within the buffer areas may only occur once the birds have fledged. Results of pre-construction surveys and monitoring activities shall be reported to the City.

Mitigation Measure BIO-1(c) requires removal of trees and/or structures (that may contain bats) to be performed outside of maternity roosting season (October 1 and February 28), if feasible. If it is not feasible, pre-construction bat surveys and construction monitoring is required no more than 7 days prior to tree disturbance. If bats are not detected, but the specialist believes that roosting bats may be present at any time of the year, trees being removed shall be pushed down. If it is not feasible to push the tree down, the tree may be felled by a chainsaw. Trees pushed to the ground shall be first lightly pushed two to three times to activate any bats, then slowly pushed to the ground and inspected by a bat specialist.

Mitigation Measure BIO-1(d) prohibits the use of exterior rodenticides, both during construction and permanently by future residents and commercial operators. The prohibition shall be printed on the landscape plans for each residential development approved, including in the project CC&Rs. The CC&Rs shall stipulate at least one annual communication of the prohibition, with evidence of the effort provided to the Community Development Department each year by January 1st.

Mitigation BIO-1(e) requires a biologist experienced with the CRLF to monitor initial grading activities (within the top four feet of soil). If any individual CRLF is identified within the project site during project construction, ground disturbing activities shall cease immediately and the USFWS and City shall be notified and consulted to analyze and determine appropriate mitigation measures. No work shall recommence until guidance is received from both USFWA and the City.

With the implementation of BIO-1(a-e), the project will have minimized impacts to sensitive wildlife species and therefore is consistent with General Plan Policy IV-2, IV-5, IV-6 and IV-7.

Critical Habitat

Critical habitats are listed in the CNDDB. Critical habitats are specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. Critical habitat may also include areas that are not currently occupied by the species but will be needed for its recovery. Three critical habitats are mapped within a five-mile radius of the site, which is Braunton's milk vetch, Lyon's pentachaeta, and the California red-legged frog. However, no critical habitat has been identified on the project site.

Special-Status Vegetation Communities

A search of the CNDDB yielded five special-status vegetation communities within a five-mile radius. Field surveys conducted did not find any special-status vegetation communities, including no federally or state listed threatened or endangered species, on the project site itself. However, six special-status plant communities not tracked by the CNDDB, but considered a significant biotic habitat under the Calabasas General Plan Conservation Element are present on-site including Coast Live Oak Woodland (oak woodland), Cattail Marshes (wetland), Yerba Mansa Meadow (wetland), American Bulrush Marsh (wetland), Mulefat Thickets (riparian), and Arroyo Willow Thickets (riparian), and 2.83 acres of the locally-significant special-status plant communities would be affected by construction activities. Additionally, approximately 12.8 acres of purple sage scrub, a native, but not a "special-status" community, would be impacted by remediation of the landslide, but restored to pre-impact conditions as part of the native landscaping installation after the landslide remediation.

The project involves grading of approximately 35.8 acres of the 77.22 acre project site, which includes remediation of a landslide area. The project site has approximately 9.2 acres of special-status habitat. Within the project grading limits, 2.83 acres of special-status habitat would be lost (30% of the site's special-status habitat), which is considered potentially significant. However, with the implementation of Mitigation Measures BIO-3(a), BIO-4(a), BIO-4(b) and BIO-6, lost special-status plant communities including upland communities, coast live oak woodland, and both riparian and wetland communities would be replaced through upland restoration (including purple sage scrub), oak tree mitigation and wetland restoration. Measure BIO-4(b) involves implementation of a habitat mitigation and monitoring plan for jurisdictional waters, wetlands, and riparian habitats that is required to replace lost wetland and riparian species, and also includes a mitigation monitoring and reporting program with measurable success criteria. Mitigation Measure BIO-6 requires a 1:1 ratio replacement for lost inches of oak tree diameter in accordance with the City's Oak Tree Ordinance and Oak Tree Preservation and protection guidelines, which the applicant will be required to mitigate on-site, as feasible, to re-create lost oak woodlands. The

applicant's landscape plan (Exhibit B, Sheet LA-15) currently includes conceptual oak tree (woodland) mitigation.

As already mentioned, 12.8 acres of purple sage scrub habitat will be temporarily lost in order to remediate the landslide on the southern slopes. Although purple sage scrub habitat is not a special-status vegetation community, it is native, and would be considered a potentially significant impact. Through the implementation of Mitigation Measure BIO-3(a), an upland restoration plan, the lost purple sage scrub habitat would be restored to its pre-impact conditions. The plan shall focus on topsoil salvage, soil fungus, healthy soil structure, balanced soil chemistry and proper characteristics to support naturally occurring vegetation and the wildlife it supports, and functionality. The plan will also include monitoring and reporting, and include performance criteria to ensure a successful restoration program.

With the implantation of BIO-3(a), BIO-4(a), BIO-4(b) and BIO-6, impacts to special-status vegetation communities on-site would be less than significant, and the project will be consistent with General Plan Policy IV-2.

Oak Trees (Protected Trees)

Chapter 17.32 of the Calabasas Municipal Code (Oak Tree Ordinance) states that all oak trees over 2" in diameter are protected trees. The proposed construction will impact protected oak trees, and is therefore subject to the requirements of the City's Oak Tree Ordinance. In order to document and analyze impacts to oak trees, the applicant submitted an Oak Tree Report prepared by Arbor Pro dated December 19-24, 2011, and updated Oak Tree reports prepared by Carlberg Associates, dated December 2013, and June 15, 2017. The Oak Tree Reports were peer reviewed and approved by the City's environmental consultant, Rincon Consultants, for accuracy and concurrence with proposed mitigation measures, and also utilized by biologists at Rincon Consultants, Inc. to help analyze impacts to biological resources associated with oak trees, such as oak woodlands.

The principal oak tree report (available within Appendix C of the Final EIR) identifies 206 oak trees either on-site or immediately adjacent to the project site. The majority of the Oak trees (197) are located on the north-facing slopes of the southern hillside areas; however, 5 oaks are located within the flatter canyon area (development envelope), and 4 are located on south-facing northern slopes. Of these, 156 oak trees (76%) would <u>not</u> be affected by the proposal, but 50 oak trees would be affected by proposed construction activities (mainly remediation of the landslide and detention/debris basin construction). Forty-five trees would require removal, 24 of which are Heritage Oaks. An additional five trees would be partially affected (encroached upon), three of which are Heritage oaks. Of the forty-five oak tree removals, four are associated with construction within the project development footprint,

one requires removal for construction of the re-located primary detention/debris basin east of the development footprint, and the remaining 40 oak trees will require removal due to the necessary mitigation of the landslide area. As discussed below, all oak tree removals and encroachments will be mitigated under the terms of the City's oak tree ordinance.

Oak trees located within the flatter canyon portions of the site, and on the northern (south-facing) slopes exist as individual trees. However, oaks located on the southern (north-facing) slopes are part of a broader Coast Live Oak Woodland community. While Coast Live Oak Woodland is not a special-status vegetation community tracked by the CNDDB, oak woodlands are considered significant biotic habitat under the Calabasas General Plan. Additionally, as was discussed above, the site is located within a wildlife corridor mapped by the General Plan, and oak woodland habitat helps provide cover and shelter to aid in the movement of animals. Furthermore, oak trees are a scenic resource. To this end, impacts to oak trees are considered potentially significant.

Additionally, CMC Chapter 17.32 only allows removal or encroachment into the protected zone of oak trees as long as the findings can be made that their removal and/or protected zone encroachment is necessary to enable reasonable and conforming use of the site.

In this case, the development envelope for this property was somewhat pre-determined in that the allowable development boundaries contained within the General Plan and Zoning maps were drawn so that development would be limited to the flatter, less resource rich portions of the site so as to limit grading and site disturbance (which limits removal of biotic resources), and better preserve the visual qualities of the hillsides. However, the project site also contains a landslide hazard for which remediation is the most viable approach, given its safety risk, and which is located on the southern (north-facing) slopes where oak woodlands (oak trees) are located. Remediation, in this case, involves removal of the unstable landslide material and re-forming the hillside and canyon areas to help buttress the stabilized slope. Because of this, removal of forty (40) of the two-hundred and six (206) total protected oak trees is unavoidable. Removal of an additional five oak trees is unavoidable due to their location within flatter canyon areas (designated for development), and in locations that are most appropriate for development (given the site's constraints and the City's General Plan and development policies). Furthermore, encroachment into the protected zones of five oak trees (Tree #s: 43, 50, 104, 140, and 194) is unavoidable due their location just outside of either the landslide remediation area, or in the case of Tree #194, is located on a common landscape area in the "Colony" development, and will have its protected zone encroached upon by rough grading of the building pad adjacent to Building 1. For these reasons, both removal of forty-five oak trees, and encroachments into the protected zones of five additional trees is warranted and unavoidable.

Since the loss of the oak trees/oak woodland resource is considered potentially significant for its biotic and wildlife corridor functions, and is an important visual resource, the project is required to implement Mitigation Measure BIO-6 (Exhibit C, p. 210), which requires mitigation in compliance with the City's Oak Tree Ordinance and Oak Tree preservation and protection guidelines, which requires replacement at a 1:1 ratio of each oak tree diameter lost. Furthermore, since the majority of oak tree loss is occurring to biota categorized as Coast Live Oak Woodland, a significant portion of the mitigation is required to occur on the repaired southern slopes (where 40 of the oak trees will be lost) so that the disturbed area will regain its biotic functionality and scenic qualities. In this case, the loss of forty-five trees results in the loss of 1,417.5 inches of cumulative oak tree diameter. Therefore, mitigation will require the applicant to plant 1,417.5 inches of new oak trees. In order to comply with the City's required mitigation, the applicant has proposed a preliminary oak tree mitigation plan (Exhibit B, Sheet LA-15) that will plant 484 new oak trees ranging in size from 24" box trees to 72" box trees many of which are proposed for planting on the hillsides where they were removed. A final mitigation and five-year monitoring (and replacement) plan will be required to be submitted and reviewed by the City prior to implementation. With the implementation of BIO-6, impacts to oak trees will be reduced to a less-than-significant level, and the project will be in compliance with General Plan Policies IV-2, IV-9 and CMC Chapter 17.32 (Oak Trees).

Potentially Jurisdictional Features

The site contains a main ephemeral drainage which generally flows east to west through the central portion of the property, terminating in the existing primary concrete detention/debris basin in the western portion of the property, adjacent to the Colony community. The drainage originates off-site and collects flows from the steep slopes from areas surrounding the property as well as from the site itself. The channel is well defined. The primary ephemeral drainage is also partially fed by three adjacent natural springs/seeps. All three seeps are located in the same general vicinity about midway (east to west) through the property, with one being immediately adjacent to the north of the primary drainage, and the other two occurring a little further upslope (one to the north and one to the south).

Rincon Consultants, Inc. conducted an initial jurisdictional delineation in 2010 (with updates in 2012 and 2018) to determine both wetland and non-wetland waters that would fall under the jurisdiction of the Army Corps of Engineers (ACOE) pursuant to Section 404 of the Federal Clean Water Act (wetland and non-wetland waters of the US), Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Federal Clean Water Act (wetland and non-wetland waters of the US), RWQCB pursuant to Section 13263 of the State Porter-Cologne Act (waters of the State), and the California Department of Fish and Wildlife (CDFW) for streambed/banks and

associated riparian vegetation pursuant to Section 1600 et. seq. of the California Fish and Game Code. The following table summarizes jurisdictional features delineated per agency, and compares total jurisdictional area (in acres and lineal feet) found on the property to the area (in acres and lineal feet) that will be disturbed by the development:

Project Site Jurisdictional Features

Agency Jurisdiction	Aquatic Feature	Project Site		Disturbance Area	
		Acres	Linear Feet	Acre	Linear Feet
USACE	Non-Wetland Waters of the US	0.62	2,364	0.52	1,492
	Wetland Waters of the US	0.28	290	0.26	255
	TOTAL	**0.90**	**2,654**	**0.78**	**1,747**
RWQCB	Non-Wetland Waters of the US	0.62	2,364	0.52	1,492
	Wetland Waters of the US	0.28	290	0.26	255
	Waters of the State	0.04	229	0.01	128
	TOTAL	**0.94**	**2,883**	**0.79**	**1,875**
CDFW	Stream Bed and Bank, Waters of the State, Adjacent Riparian Habitat	2.62	2,962	2	1,939
	TOTAL	**2.62**	**2,962**	**2**	**1,939**

The proposed project cluster development in the western portion of the canyon area, where there is flatter terrain. However, the need to remediate the landslide and to construct stormwater infrastructure to capture storm flows expands the area of disturbance further east and up the southern slopes to nearly the property's southern and eastern boundaries. Most of the delineated waters (including the primary drainage feature, and one of the seeps) occur in the canyon bottom. The seep in the canyon bottom is located mid-way through the property near the eastern edge of the proposed development envelope. The other two seeps are located upslope and peripheral to the primary drainage in the same vicinity of the canyon-bottom seep. Jurisdictional waters will be impacted by development because both the primary drainage feature and one of the three seeps is located in the canyon bottom, and the most appropriate area to site development is clustered in the western portions of the property in the canyon bottom where flatter terrain exists. The other two seeps are located just upslope of and on either side of the primary drainage about midway through the property. Neither of the two other seeps would otherwise need to be disturbed; however, because of the need to remediate the landslide, the seep south of the primary drainage will be impacted.

Both wetland and non-wetland waters of the US fall under the jurisdiction of both the ACOE and RWQCB. In addition, the RWQCB regulates waters of the State. CDFW has jurisdiction over waters of the State as well, but also includes jurisdiction over adjacent stream banks and associated riparian vegetation. As the table above

demonstrates, 0.52 acres and 1,492 lineal feet (of the 0.62 acres and 2,364 lineal feet) of Non-Wetland Waters of the US will be impacted, 0.26 acres and 255 lineal feet (of the 0.28 acres and 290 lineal feet) of Wetland Waters of the US will be impacted, 0.01 acres and 128 lineal feet (of the 0.04 acres and 229 lineal feet) of Waters of the State will be impacted, and 2 acres and 1,939 lineal feet (of the 2.62 acres and 2,962 lineal feet) of stream bed and bank, waters of the state and adjacent riparian habitat (only under jurisdiction of CDFW) will be impacted.

The identified impacts to both wetland and non-wetland waters of the US and waters of the state (with associated stream banks and riparian vegetation) are considered potentially significant. In order to reduce the impacts to a less-than-significant level, the Final EIR requires implementation of mitigation measures BIO-4(a) and BIO-4(b). Mitigation Measure BIO-4(a) requires coordination and compliance with all applicable State and Federal agency permitting requirements. Mitigation Measure BIO-4(b) requires that any impacted wetland areas be restored (on-site to the extent feasible) at a 1:1 ratio (or as otherwise indicated by an agency, whichever is greater) through implementation of a habitat mitigation and monitoring plan (HMMP). The HMMP shall emphasize using native seeds/clippings salvaged from the site in an effort to restore as much in-kind restoration on-site as feasible and otherwise must utilize appropriate native vegetation. The plan shall be prepared by a qualified biologist or restoration ecologist, submitted for review and approval by the City, and outline a program to identify locations, quantities, mechanics of the restoration, native plant palette, planting plan, time of year planting, maintenance, and monitoring program with measurable success criteria. For any required site restoration that cannot be performed on-site, the applicant shall be required to submit an in-lieu fee to a local conservation agency such as the Santa Monica Mountains Conservancy or Mountains Restoration Trust, who uses the funds to restore in-kind wetlands in the area. With the implementation of BIO-4(a) and BIO-4(b), the project will have reduced impacts to wetland/riparian areas to a less-than-significant level, including their associated biotic resources consistent with General Plan Policy IV-2

In addition, because waters under jurisdiction of ACOE, RWQCB and CDFW will be impacted, the development will be required to obtain permits from all three agencies. The ACOE is the federal lead agency for permitting in US waters. When a project is found to impact waters of the US, applications are required to be submitted to the ACOE and RWQCB. The ACOE will consult with other federal agencies such as the United States Fish and Wildlife (USFW) as needed. State waters are governed by both the RWQCB, and CDFW, and permits will be required from each of those agencies. All three agencies, through their permitting procedures, provide an added layer of review and protection (or appropriate mitigation) when it comes to biological resource protection and/or restoration. All three agencies have permitting authority over the project, and have authority to include conditions for the project which may be even more restrictive that the City's conditions. However, proposed mitigation measures are

typically aligned with agency standards with the exception of the City's Oak Tree Ordinance, which requires far greater mitigation than State or Federal mitigation standards for oak tree removals.

Overall, the project involves development of a topographically and geotechnically challenging, resource diverse, visible property. The General Plan and Development Code contain Goals, Objectives, Policies, and Performance Standards that seek to preserve biotic resources and species diversity. General Plan Policy IV-3 requires development on properties that include sensitive biotic resources to be clustered in the least sensitive portions of the property and to preserve and/or restore the most sensitive resources. In this case of the subject property, and guided by the adopted General Plan land use and Zoning maps, the proposed development is clustered on the western portions of the property within the canyon floor area which is already disturbed by past human activity, contains the least amount of sensitive biotic resources, and which is the least visible portion of the property. Of the 16 acres identified in the General Plan as the maximum area of development, the project is proposing permanent development of only approximately 11 acres. The majority of site disturbance, and therefore disturbance to most valuable biotic resources, will occur only because reconstruction of the significant approximately 21.4-acre landslide hazard by removal and recompaction is the most viable option to permanently mitigate a significant onsite safety hazard to an acceptable risk level, and installation of the two detention/debris basins is required for stormwater runoff quantity and quality control. To this end, even though development of the site will result in the loss of on-site biotic resources, implementation of Mitigation Measures BIO-1 (a-e), BIO-3(a-b), BIO-4(a-b), BIO-5 and BIO-6 will ensure that loss of biotic resources is minimized and any loss of biotic resources is replaced at an equal or greater value, including restoration of the landslide remediation area to its pre-existing biotic value. Therefore, the project as designed and conditioned (with required mitigation measures) is consistent with General Plan Policies IV-2, IV-3, IV-5, IV-6, IV-7, and IV-9, and the performance standards contained in the City's Land Use and Development Code.

J. Site Access, Traffic, and Circulation: The City's General Plan contains a broad goal of achieving and maintaining a balanced, safe, and problem-free transportation system that provides easy and convenient access to all areas, improves traffic flows while maintaining a rural small town sense of place, protects significant environmental features, reduces dependence on single-occupant automobiles, design and operation that considers movement of people and vehicles, recognizes mobility needs of senior, youths and persons with disabilities, and preserves a sense of comfort and well-being by minimizing intrusiveness of commercial/business park and regional traffic on neighborhood streets and quality of life. Applicable General Plan objectives to achieving this broader goal include:

- Maintaining a Level of Service (LOS) C for all intersections within Calabasas

- Maintaining a Level of Service (LOS) D at freeway interchanges
- Providing transportation facilities
- Reducing reliance on the use of automobiles by promoting alternatives such as non-motorized transportation (bicycle, pedestrian) and the use of public transit
- Consideration of quality of life and protection of neighborhoods when considering roadway capacity improvements

In order to reach these objectives, the General Plan contains the following applicable policies:

VI-1 – Avoiding significant adverse impacts to sensitive environmental features and residents' quality of life are higher priorities than improving traffic levels of service.

VI-2 – Limit the intensity and traffic generation of new development in the City to that which would not compromise attainment and/or maintenance of roadway level of service standards.

VI-3 – Where (1) existing or (2) projected traffic volumes at General Plan buildout prevent a project from complying with Policy VI-2 , limit development to the basic development intensity identified in Table II-1 of the Land Use Element and identify peak hour volume-to-capacity (V/C) ratio increases equal to or greater than those delineated in Table VI-3 as significant impacts.

Table VI-3
Project Related Traffic Increases that Constitute A Significant Impact where Roadway Performance Standards are or will be Exceeded

Existing or Future Lind/Intersection LOS	*Volume to Capacity (V/C) ratio*	*Maximum Peak Hour V/C Increase*
D	*0.81 – 0.90*	*0.020*
E	*0.91 – 1.00*	*0.015*
F	*≥ 1.01*	*0.010*

VI-4 – Limit roadway and intersection capacity enhancement construction to that which will allow maintenance of the integrity of Calabasas' bicycle and pedestrian circulation systems. Prohibit roadway and intersection capacity enhancements that would create gaps in the area's bicycle and pedestrian circulation systems.

VI-7 – Promote the roadway designs that optimize safe traffic flow within established roadway configuration by minimizing turning movements, uncontrolled access, on-street parking, and frequent stops to the extent consistent with the character of adjacent land uses.

VI-12 – Facilitate capacity-enhancing improvements at road/intersections affected by

freeway diversion only to the degree that such improvement would not adversely affect environmental resources and the quality of life for Calabasas Residents.

VI-14 – Encourage bicycling by preserving existing bicycle paths, lanes, and routes, and developing new and expanded bicycle facilities that offer direct connections between residential and non-residential areas, in accordance with the Calabasas Bicycle Master Plan.

VI-15 – Ensure that parking for bicycles is available at major destinations to promote bicycle riding for commuting and recreation.

VI-18 – Promote pedestrian improvements that create and sustain vibrant and active streets in major places of activity as well as providing direct connections between residential and non-residential areas.

VI-19 – Provide neighborhood streets that are walkable and that contribute to the physical safety and comfort of pedestrians.

VI-23 – Continue to provide and improve access to environmentally friendly and convenient transit options for Calabasas residents and businesses.

VI-25 – Require new developments to provide and/or fund transit facilities (such as bus shelters and park-and-ride facilities) that ensure access to transit.

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 commercial complex, community green space and residences. Street "A" would range from 59 feet wide at the entrance to the project site to 36 feet wide at the entrance to the residential area. A secondary access driveway would be located approximately 200 feet north of Street "A". Further internal access is provided to project residences and the community green space via Street "B", which runs perpendicular to Street "A" and intersects it approximately 200' east of the Las Virgenes Road/Agoura Road intersection. Streets "A", "B" and the secondary project access all contain sidewalks to facilitate pedestrian movement internally throughout the project, and connect with Las Virgenes Road and the broader community including nearby services and shopping opportunities located immediately west of the Las Virgenes Road/Agoura Road intersection. Street "A" also provides connection through the development to the regional trail system, including development of a trailhead at the eastern terminus of Street "A". As a result, Street "A" will be open to public passage by pedestrians (and vehicles) traveling to access the public trail connections.

The project is also proposing street frontage improvements on Las Virgenes Road that include a third northbound traffic lane on Las Virgenes, both north and south of the intersection with Agoura Road which extends and transitions onto the southbound 101 freeway, and all necessary attendant street frontage improvements to improve traffic flow and complete the ultimate street standard, including bicycle lane, curb, gutter, and sidewalk. A dedication of 0.08 acres to the City is set aside to help accommodate these improvements. Additionally, new crosswalks are proposed on the eastern and northern sides of the Las Virgenes Road/Agoura Road intersections. Furthermore, a Calabasas trolley stop is proposed to expand public transit to the proposed residences and commercial complex.

Both initial (November 2017) and updated (October 2018) traffic impact analysis (TIA) were prepared by Associated Transportation Engineers (ATE) under the direction of the City (Appendix G of Exhibit C) to analyze traffic impacts associated with the project and recommend mitigations as necessary to ensure compliance with City's policies and statutes. The updated October 2018 TIA was requested due to the amount of time that had lapsed since the initial study was performed, but more importantly because the Lost Hills Bridge Interchange project was completed and the City wanted to verify and use the new baseline traffic conditions in the analysis for the West Village at Calabasas project. Both TIAs were peer reviewed by the City Engineer. Both TIAs were also reviewed by the City's Traffic and Transportation Commission on November 28, 2017 and February 26, 2019 respectively (Exhibit **), and recommendations were provided to staff. The analysis, conclusions and recommendations in the TIAs were used for analysis in Section 4.10 of the Final EIR (Exhibit C, p. 345-372). At the February 26, 2019 meeting, the Traffic and Transportation Commission made the following recommendations (Exhibit E):

- Any proposed striping plan for the project be presented to the Traffic and Transportation Commission prior to its approval;

- That the designation for the right in/right out driveway for the project (the secondary access) be as an emergency ingress/egress only; and

- To examine potential conflicts of traffic flow and street improvements on the ingress/egress to the City's Smart Park.

In response to the issues brought up at the City's Traffic and Transportation Commission, a supplemental analysis by ATE dated March 29, 2019 (Exhibit C, Appendix G) that examined the potential impact to the Las Virgenes Road/Agoura Road intersection of restricting the secondary access to only emergency vehicles was submitted to the City. The supplemental analyses demonstrates that restricting vehicular access (except emergency vehicles) would not alter the findings contained in

Section 4.10 of the Final EIR with regard to the Las Virgenes Road/Agoura Road intersection. To this end, Condition No.84 includes a requirement that the secondary driveway be restricted to only emergency vehicles.

Because traffic flow is most constrained at intersections, the flow analysis focuses on peak (AM and PM) traffic periods of critical intersections. The following critical intersections were analyzed in the TIA:

- 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
- Las Virgenes Road / Lost Hills Road

Traffic counts were collected over two consecutive weekdays in October while schools were in session. A two-day collection period (which is then averaged) was used to increase count accuracy. Industry standard only requires a one day count. Additionally, Calabasas policy requires machine counts on roadway segments over the same two day period as the hand intersection counts to verify the accuracy of the intersection counts.

The efficiency of traffic operations at an intersection is measured in terms of Level of Service (LOS). The universally accepted LOS concept for intersections is a measure of average operating conditions during an hour, and is based on the Intersection Capacity Utilization (ICU) methodology. The ICU methodology compares the amount of traffic a through or turn lane is able to process (capacity) to the level of traffic during peak hours (Volume). A Volume to Capacity (V/C) ratio (or service level) is calculated for each approach and then combined into a V/C ratio for each entire critical intersection. Service levels range from LOS A through F and 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, in the General Plan, a LOS threshold of LOS C (V/C ratio of 0.80) or better as the minimum acceptable operating standard for City roadway segments. Additionally, recognizing the inability of the City to control regional traffic issues, the City adopted a LOS D (V/C ratio of 0.90) threshold at all freeway interchanges. Staff notes that, while other traffic assessment standards exist, including vehicle miles traveled, this project is appropriately evaluated under these LOS standards as they are the City's current, General Plan adopted, traffic analysis standards.

In order to assess the impact a project has on critical intersections, a project trip generation is first calculated. The trip generation estimate 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 "Residential Condominium / Townhome" (Land Use Code #230), "High-Turnover Site-Down Restaurant" (Land Use Code #932), "Coffee / Donut Shop without Drive-Through" (Land Use Code #936), "Shopping Center" (Land Use Code #820) and "Community Park" (Land Use Code #411). Trip generation rates developed by ITE include average trips associated with specific land uses, such as trips from guests, employees and deliveries for commercial uses; and trips from residents, guests, and delivery trips associated with multi-family residential uses. The average daily trip rates include: 1) 5.81 trips per multi family unit, 2) 127.15 trips per 1,000 sq. ft. for restaurant uses, 3) 818.58 trips per 1,000 sq. ft. for Coffee Shop uses, 4) 42.70 trips per 1,000 sq. ft. for Retail (Shopping Center) and 5) 5 trips per acre for a community park. Given these rates, the estimated sub-total for the project's trip generation is 2,395 Average Daily Trips based on the applicable trip generation rates, and includes 232 A.M. peak hour trips and 173 P.M. peak hour trips.

However, given that the project provides a mix of residential and commercial land uses, the trip generation analysis further applies allowances for both internally captured trips (trips between the on-site residences, and both the commercial and park uses), and "pass by" trips (which include trips from motorists already using Las Virgenes Road for other reasons, but are lured to the commercial uses on-site). Using the ITE Manual, it is estimated that approximately 12% to 18% of the project traffic could be internal to the project site, but to be conservative, only a 5% capture rate was used in the analysis. Therefore, factoring in these adjustments, the total estimated trip generation for the project is 2,209 Average Daily Trips (the amount that is expected to impact off-site streets) and includes 209 A.M. peak hour trips and 162 P.M. peak hour trips.

In order to determine the impacts of the project at critical intersections, the existing A.M. and P.M. peak hour Levels of Service (LOS) were calculated at each of the 6 critical intersections (mentioned above) based on the updated traffic volumes collected in October 2018. The project's estimated trip generation was then factored in, and LOS impacts were analyzed in the Final EIR Exhibit C, pp. 345-372) for the following three scenarios:

- Existing Plus Project Conditions
- Opening Year (2023) Plus Project Conditions
- Cumulative Plus Project Conditions

A significant impact for an intersection can be determined if traffic added from a project lowers the LOS of any intersection from an acceptable threshold (LOS C or greater for

City intersection, and LOS D or better for freeway interchanges) to an unacceptable level of service. For intersections already operating below an acceptable LOS, an impact is considered significant if the peak hour V/C increases by 0.020 for LOS D, 0.015 for LOS E, or 0.010 for LOS F. The analysis found that one of the six analyzed intersections currently does not meet the City's acceptable thresholds. The Las Virgenes Road/Mureau Road intersection operates at LOS E during the P.M. peak hour period.

The following summarizes impacts for three future scenarios as contained in the Final EIR:

Existing Plus Project Conditions

None of the 6 critical intersections would experience a significant impact as a result of the project during either the A.M. or P.M. peak periods. It should be noted that the Las Virgenes/Mureau Road intersection, which currently operates at LOS E during the P.M. peak period, will continue to operate at a LOS E in the P.M. peak period, which is below the City's threshold, and the V/C increase does not exceed the City's threshold to trigger a significant impact. Although mitigation is not required, Mitigation Measures T-1(a) and T-1(b) are recommended to improve the traffic flow to and from the project and along Las Virgenes. T-1(a) is a recommendation for a dedicated inbound right turn lane and outbound acceleration lane to be constructed at the Las Virgenes Road/Agoura Road Intersection. T-1(b) involves implementing left turn phasing for both northbound and southbound left turn lanes along Las Virgenes Road at the Agoura Road intersection, and development of an updated traffic signal timing coordination plan.

Opening Year (2023) plus project conditions

None of the 6 critical intersections would experience a significant impact as a result of the project during either the A.M. or P.M. peak periods. It should be noted that the Las Virgenes/Mureau Road intersection, which currently operates at LOS E during the P.M. peak period, will continue to operate at a LOS E in the P.M. peak period, which is below the City's threshold, and the V/C increase does not exceed the City's threshold to trigger a significant impact. No additional mitigation measures beyond the measures described above are required or recommended.

Cumulative Plus Project

Analysis of a "cumulative plus project" scenario includes traffic generated by planned and pending projects in the project area added to the "opening year (2023) volumes. None of the 6 critical intersections would experience a significant (cumulative) impact as a result the project during either the A.M. or P.M. peak periods. It also should be

noted here that the Las Virgenes Road/Mureau Road, and U.S. 101 Southbound Ramps/Las Virgenes Road intersections under both a "cumulative" and a "cumulative plus project" scenario would both operate at LOS E, which is below the City's acceptable threshold, and the V/C increase does not exceed the City's threshold to trigger a significant impact. Thus, no additional mitigation is required. Although no additional mitigation is required, because the intersections will operate at LOS E, Mitigation Measures T-7(a) and T-7(b) are recommended. T-7(a) recommends that the northbound Las Virgenes approach to the Las Virgenes/Agoura Road intersection be re-striped to provide two through lanes and a shared through-right lane, with the third northbound lane continuing north of the intersection and transitioning onto the U.S. 101 Southbound on-ramp. Mitigation Measure T-7(b) recommends a right-turn signal overlap arrow with the westbound left-turn phase to provide enhanced operations at the Las Virgenes Road/Mureau Road intersection. With these recommended mitigation measures, intersection LOS would improve from LOS E to LOS C during the P.M. peak hour period. These two mitigation measures are required to be implemented under Condition No. 90 in Exhibit A.

The analysis in the Final EIR demonstrates that no significant impacts to project area critical intersections will occur as a result of the proposed project, consistent with General Plan Policies VI-2 and VI-3. However, even though no long term traffic impacts were found to occur, it is important to note that project construction can also impact local traffic. In this case, site improvements are expected to take from between 18 to 24 months, and project building construction is estimated to occur over 30 months. Construction involves workers driving to the site and parking, construction equipment coming to and from the site, delivery of construction material, and street improvements all of which can impact traffic flow. In order to minimize the impact from construction to local traffic, Mitigation Measure T-5 in the Final EIR requires the applicant implement a construction traffic management plan which has been reviewed and approved by the City which addresses closure information, detour plans, haul routes, staging pans, parking management and traffic control.

Additionally, the design of the project's proposed internal roadway system along with the recommended mitigations (contained in the Final EIR) will ensure adequate access to and circulation throughout the project, improve traffic conditions at local project intersections, enhance the walkability of the community by providing pedestrian connectivity to, from, and through the project via sidewalks, and maintain and enhance the bikeway system by providing connections along Las Virgenes Road, and into and through the project site. The connection through the project site to the regional trail system provides connectivity to and enhances recreational opportunities. Furthermore, none of the proposed roadway improvements (including construction of a third northbound traffic lane on Las Virgenes) or traffic mitigations adversely impact sensitive environmental features in the area because they do not involve construction in

environmentally sensitive areas. For these reasons, the project is consistent with the goals, objectives and policies contained in the General Plan.

Additionally, CMC Section 17.20.020 of the City's Land Use and Development Code, contains the following applicable performance standards pertaining to access, circulation and transportation:

1) Projects that provide new driveways shall meet the following:

    a. Access limited to the local street system
    b. Access points either with adequate separation from opposite access points, or aligned with opposite access points

2) Where an approved study requires installation or improvement, traffic signals shall meet the following:

    a. Traffic signals along a route shall be coordinated to optimize traffic
    b. Traffic signalization shall emphasizes access from neighborhood areas, and discourage through traffic
    c. Signals that include push buttons for pedestrians and bicycles
    d. Traffic signals limited to urban areas

3) Where intersection improvements are required, the intersection shall meet the following:

    a. Intersections spaced consistent with primary function of the street
    b. Intersection along arterials and collectors should not be offset
    c. Intersections may be expanded to include additional turning and through lanes to relieve congestion and improve intersection operation, so long as the intersection will continue to accommodate pedestrians and bicyclists.
    d. Collectors and local streets should intersect at right angles

4) Alternative travel mode considerations:

    a. Standard bus stop location is the far side (after the intersection)
    b. Bus stops locations should include passenger waiting area adjacent to but not interfering with the sidewalk
    c. Bicycle storage facilities provided by uses which have a demand for bicycles
    d. Trails and bicycle facilities as required by the City's Trails and Bicycle Master Plans

5) Sidewalk considerations:

    a. Sidewalks that provide direct connections to commercial, residential, schools, parks, bus stops, and other public facilities
    b. Sidewalks next to the curb should be a minimum 6 feet wide, while sidewalks away from the curb should be a minimum 5 feet wide
    c. Sidewalks should be paved with an all-weather surface

d. Sidewalks should be straight to provide a direct route. Meandering sidewalks are appropriate in areas where the natural topography or low density land uses lend themselves to informal landsacapes.

Project access is via two driveways (a main entrance at the intersection of Las Virgenes Road, and a secondary access 200 feet north. Both driveways have direct access to the local street system. The main access is aligned with Agoura Road, while the secondary access is adequate spaced 200 feet north of Agoura Road. All intersection improvements are designed to improve traffic flow conditions, and will accommodate both pedestrians and bicycles. The project is also proposing a Calabasas Trolley stop to facilitate alternative modes of transportation. The trolley stop has not yet been sited or designed, but the City engineer will review and approve the bus stop design to ensure compliance with applicable performance standards. Bicycle facilities are proposed for both the residences and for the commercial complex. Sidewalk orientation within the development is straight, with no meandering geometries. Preliminary plans have been submitted and reviewed for feasibility. However, the technical aspects and specific design parameters are typically submitted subsequent to project entitlement, and are reviewed by the City Engineer to ensure compliance with required performance standards, including access for persons with disabilities as required by the Americans with Disabilities Act and related state laws. To this end, the project has been designed and engineered to meet the performance standards, and the project is therefore consistent with CMC Section 17.20.020.

K. Parking: A key objective of the City's 2030 General Plan is to achieve a balance between the demand for parking supply and alternatives to vehicle use, and to promote alternative forms of transportation in an effort to reduce reliance on vehicular use and to ease traffic congestion. In order to reach that objective, the General Plan contains the following specific policies:

VI-11 – Maintain an adequate supply of parking to support the function of the uses parking serves, and to facilitate transportation demand management programs

VI-15 – Ensure that parking for bicycles is available at major destinations to promote bicycle riding for commuting and recreation.

In addition, Chapter 17.28 of the City's Land Use and Development Code contains standards specifying the required number of both vehicle and bicycle parking spaces and design standards for parking areas to ensure provision of adequate off-street parking so that impacts to City streets do not occur, and ensures safe vehicle movements.

A parking matrix is provided on Sheet A-4 of Exhibit B. The project proposes a total of 395 parking spaces to serve the development. Chapter 17.28 requires 41 automobile parking spaces and 2 bicycle spaces for the restaurant and retail uses associated with

the Commercial complex. The project is providing 41 vehicle parking spaces, and 9 bicycle parking spaces, which meets the requirements of Chapter 17.28 of the Calabasas Municipal Code. For the residential component, CMC Chapter 17.28 requires 390 vehicle spaces (owners and guests). However, because the project is providing 10% of the project units as deed-restricted affordable units for 55 years, per Government Code Section 65915, the City cannot impose off-street parking ratios above 1 space for zero to one bedroom units, and 2 spaces for two to three bedroom units, which yields a maximum parking requirement of 270 parking spaces. The project is proposing to provide 354 residential parking spaces, which significantly exceeds the parking requirement under State Law requirements. Furthermore, each residential building is providing two additional parking spaces as tandem spaces within the first floor of each building. Therefore, 30 additional parking spaces are available (however, not counted toward the total provided), and therefore the project will have 384 parking spaces available for the residential units. Chapter 17.28 requires 198 bicycle parking spaces for the residential component of the project. The project is proposing 198 bicycle parking spaces.

To this end, the proposed development, factoring in the reduction allowed under State Law, complies with General Plan Policy VI-11, and the City's Code parking requirements for both vehicles and bicycles. In concert with the proposed trolley stop and the internal sidewalks which provide connectivity to the broader community and the regional trail system, the provision of convenient bicycle parking facilities for both the commercial complex and the residences satisfies the General Plan's objective of providing alternatives to vehicle use, and is compliant with General Plan Policy VI-15.

L. Aesthetics and Design:

The Goal of the General plan's Community Design Element is to maintain a high quality appearance in the existing and future built environment, while protecting and preserving the hillsides, ridgelines, and open space areas that provide the visual backbone for the community and are the connecting fabric for a variety of community neighborhoods and uses. Key objectives in achieving that goal include focusing development near areas with existing development, preserving natural features, open space, and biological habitats, preserving and enhancing the visual experience with an emphasis on prominent and distinctive vistas, view corridors, and natural features, pedestrian access and connectivity, and high quality design for structures and building sites. In order to achieve these objectives, the General Plan contains the following policies that address architecture/site design and scenic corridors:

Architecture / Site Design Policies:

II-9 – Require that development be compatible with the overall residential character of the community.

II-10 – Promote an assembly of distinct neighborhoods that encompass a range of housing types that:

- *Are visually attractive and compatible in intensity, dwelling unit size, and structural design with the need to protect the surrounding natural environment: and*
- *Meet the needs and suit the small town and rural lifestyles of present and future residents.*

IX-1 – Through community input and design review, ensure that new development and redevelopment is of high quality design, aesthetically pleasing, and contributes to a positive image for the City.

IX-3 – Ensure that new development projects become assets to the community through direct contribution to the enhancement of Calabasas' visual environment.

IX-5 – Ensure that new development is aesthetically compatible with the area's natural environment and that it contributes to a positive image for the City.

IX-8 – Require that new developments establish architectural and siting design themes that are compatible with the surrounding context, including:

- *Prominent design features existing in the immediate area*
- *Setbacks from streets and adjacent properties should be in proportion to the structure and the function of the street and shall encourage pedestrian scale and uses*
- *Multi-story structures should be made less imposing by physically stepping the upper stories of the structures back from street level*

IX-10 – Within residential neighborhoods, protect neighborhood character by maintaining the mass, scale and height of structures at a size that is compatible with the size of the parcel upon which the structure is located, as well as the size of adjacent development.

IX-11 – Promote an assembly of distinct neighborhoods that encompass a range of housing types which:

- *Provide a refuge from the congestion of the adjacent metropolitan area;*
- *Are visually attractive and compatible in intensity, dwelling unit size, and structural design with the need to protect the surrounding natural environment; and*
- *Meet the needs and suit the lifestyles of current and future residents*

IX-12 – Provide appropriate transitions between different projects and between suburban and rural/semi-rural land uses through the provision of buffer areas, landscaping, and other similar treatments, such as hedges, walls, fences, berms, or landscaped open space.

IX-13 – Promote the establishment and maintenance of the following features to enhance community character:

- *Gathering, meeting and recreational places;*
- *Commercial facilities that facilitate, rather than hinder, pedestrian circulation within the facility, as well as between commercial facilities and adjacent residential neighborhoods;*
- *Development designs that enhance a feeling of being safe;*
- *Traditional, rather than trendy or "franchise" architecture that complements the natural character of Calabasas' setting;*
- *Distinctive buildings that contribute to, rather than detract from, Calabasas' character;*
- *Hillside residential development designs that feature natural rather than manmade forms and that emphasize the use of custom foundations in place of slab construction*

IX-14 – Promote lower level lighting/illumination citywide through implementation of lighting standards such as the "Dark Skies Ordinance".

IX-15 – Ensure that public improvements such as streets, sidewalks, drainage facilities, and streetlights are aesthetically pleasing and contribute to a positive image for the City. For Example:

- *Use earth-toned tinted concrete for drainage features;*
- *Provide natural-looking treatments for culverts incorporating native stone material; and*
- *Install streetlights and traffic signals that are attractive and low glare.*

IX-20 – Emphasize the use of natural materials such as wood and stone on new development in order to enhance the area's semi-rural / ranch character.

Scenic Corridor Policies:

IX-6 – Require that new development preserve views of identified scenic resources from designated corridors

IX-7 – Where applicable, enhance view corridors that are oriented toward existing or proposed community amenities, such as recreation facilities, parks, open space, or natural features

IX -43 – Require new development to be designed in a manner consistent with the Scenic Corridor Overlay Zoning requirements and the Scenic Corridor Design Guidelines

IX-44 – Preserve large areas of natural hillsides and other dominant natural environmental features visible from the Ventura Freeway

IX-46 – In collaboration with neighboring jurisdictions, ensure that new development along the Ventura Freeway does not block views of significant visual features such as designated ridgelines

Additionally, the City's adopted Scenic Corridor Development Guidelines, Land Use and Development Code, and Las Virgenes Gateway Master Plan (LVGMP) contain either standards and/or development tools to further guide design on the subject property as follows:

Scenic Corridor Development Guidelines (SCDG)

Applicable Scenic Corridor Development guidelines include:

- *All roofs visible from Scenic Corridors shall be surfaced with medium dark colored fire-retardant, non-glare materials, and no obtrusive equipment shall be placed thereon.*
- *The roofs of buildings constructed on sloping land shall be parallel to the natural topography in order to protect the line-of-sight within the view corridor. Projecting elements above roof lines shall be minimized and shall be integrated into the structure's overall design*
- *All structures within Scenic Corridors shall avoid large straight, blank facades. Upper floor levels on multi-story building should be stepped-back from their base, thus opening up the view corridor both vertically and horizontally.*
- *The color of fences and walls shall blend with the natural environment.*
- *All structures shall be designed and situated on site to minimize adversely impacting views*
- *Vines and/or other clinging plant material shall be used to visually accent walls and fences where space may preclude the use of other larger plants.*
- *Landscaping and tree planting should visually enhance, soften, or conceal, as much as possible, developments and commercial properties within visual proximity of any Urban Zone.*
- *Grading for public and private project shall be kept to an absolute minimum. All grading shall be contour grading gently sculptured and softened to blend with natural contours, and landscaped with environmentally appropriate trees and shrubs.*

Development Code Design Standards

Section 17.20.070 of the City's Development Code contains the following applicable design considerations:

1. *The size, height, bulk, and location of buildings are to be managed in relation to the size of the parcel and overall site design to avoid a crowded appearance, preserve a visual appearance of openness, and to maintain the existing low rise character of Calabasas.*
2. *New development shall be, as much as feasible, compatible with the surrounding environment and existing developments. Inclusion of gateways which create a visual sense of entry in all developments is encouraged.*

a. *Gateways or entry features should range in scale as appropriate with their importance, and may identify an entrance to the city, neighborhood, development project, or single building.*

b. *Gateways or entry features should include enriched paving, raised medians, signage, landscaping, and other features as appropriate.*

3. *All exterior wall elevations of buildings and screen walls shall have architectural treatments which enhance their appearance.*

   a. *Uniform materials and consistent style should be evident within all exterior elevations.*

   b. *Secondary accent materials and colors should be used to highlight building features and provide visual interest.*

4. *The use of transition and buffering techniques will be required where one or more of the following situations exist:*

   a. *Along the boundaries between residential and business uses;*

   b. *At the edge of areas being preserved because of their environmental sensitivity or significance.*

5. *New multi-family, commercial, office, and business park developments shall emphasize pedestrian level activities by utilizing the following techniques in addition to those discussed as part of air quality performance standards set forth in Section 17.29.030 of this development code:*

   a. *Incorporate a central plaza or main visual focus which is oriented toward pedestrians;*

   b. *Incorporate plaza areas which can be used as informal gathering places;*

   c. *Utilize "street furniture" (planters, benches, bike racks, trash receptacles) to create and enhance open spaces; and*

   d. *Within commercial, office, and business park developments, encourage architectural styles which provide covered verandas and other similar pedestrian-oriented shade features.*

Las Virgenes Gateway Master Plan (LVGMP)

The Las Virgenes Gateway Master Plan contains the following applicable guidance for design within the master plan area:

- *Design in the "Monterey" style*
- *Commercial development as a "village center" (not corporate)*
- *Residential development that is understated, low in profile, and designed to step in conformance with natural topography*
- *Generous setbacks from Las Virgenes Road*
- *Buildings oriented to the street*
- *Parking internalized, separated from the street and screened by landscape*
- *Edge landscaping provided*
- *Common vehicular access between parcels*
- *Create pedestrian spaces and connectivity*

- *Provide shade through landscaping*
- *Simple building massing, tending towards horizontal*
- *Openings for doors and windows tend towards vertical*
- *Functional roof overhangs for weather*
- *Openings recessed into wall elements*
- *Identifiable building entries, protected by a balcony, arcade, or wall recess*
- *Roof pitches ranging from 3:12 to 6:12*
- *Use of balconies to add interest*
- *Windows generally vertical...no use of mirrored glass*
- *Support facilities like trash enclosures/equipment made to disappear*
- *Use of exterior arcades, colonnades and porches for massing relief*
- *Use of chimneys and decorative vent stacks for skyline relief*
- *Use of decorative lighting, awnings, rails, iron grilles and seat walls to complement the architecture*
- *Use of decorative plaster work to add visual interest*
- *Roof elements, such as rafter tails, rain gutters and down spouts to compliment architecture*
- *Use of windows and window frames that are "substantial", with thickness, color and dimension similar to wood*
- *Landscape walls, rails and fencing compatible with building architecture*
- *Use of either stucco/plaster walls, wood siding, or stone, brick or block masonry, with appropriate detailing*
- *Use of either clay tile (Spanish, mission) or concrete tile (shake, slate)*
- *Use of either wrought iron (painted or blackened) or wood railings*
- *Sills, cornices or similar should be made of plaster, stone, or pre-cast*
- *Vent grilles, spires and similar details should be wrought iron*
- *Exposed downspouts, scuppers, flashing, and related metal work should be copper or galvanized iron*
- *Exterior colors should be earthen and muted, with limited use of intense color*
- *Aesthetic and non-obtrusive lighting*
- *Landscaping as follows:*
  - *Defines, unifies and enhances streets, gateways, bicycle lands, and other elements,*
  - *Embellishes private yards, edge conditions, circulation areas and parking lots,*
  - *Provides sufficient shade on sidewalks and open parking areas*
  - *Screens views of parking, loading and service yards*
  - *Plantings to frame, but not block views of the ridgelines*
  - *Plantings to enhance rural Southern California theme*

Analyzing project design and potential impacts to the existing community aesthetic is multifaceted, and is accomplished with substantial review and input from the City's Architectural Review Panel (ARP).

By definition, aesthetics and "impacts to aesthetics" are subjective. Something considered beautiful and aesthetically 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. An 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 and articulated 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 such 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. Ultimately, a project may be consistent with the General Plan's goals, objectives, and policies with respect to aesthetics and the scenic corridor, but found to have significant aesthetic impacts due to specific circumstances or features related to the project site's characteristics, such as location, orientation, topography, site visibility, resources, geomorphic features, and geologic conditions.

Per Chapter 2.40 of the Calabasas Municipal Code, the ARP is responsible for reviewing all projects requiring a Site Plan Review application, or that are located in the Scenic Corridor. The ARP is ultimately tasked with reviewing and providing design recommendations to the City's review bodies (Planning Commission and City Council). Within the scope of their review, the group looks at site planning and design, architectural styling, massing, detailing, landscaping (for aesthetics), and lighting fixture design/styling. In the case of projects in located in the Scenic Corridor Overlay Zone, they also look at the above elements for consistency with Scenic Corridor Design Guidelines, and within the context to protect the visual qualities of the corridor. Furthermore, in this case, since the project falls within the Las Virgenes Gateway Master Plan area, the group reviews for consistency with the design guidance provided

in the Master Plan for identified properties along Las Virgenes Road such as this property.

The Architectural Review Panel (ARP) reviewed the proposed project on June 23, 2017 (See Exhibit D). Overall, the ARP thought the site design and architectural styling including massing and articulation was well thought out. The Panel recommended approval of the project design, but with the following refinements:

1. Using some sort of decorative pavers at the entrance and at the first (main) intersection to improve visual interest.

2. Provide a landscape pallet, which complements the natural landscape in the surrounding open space areas, and which responds to the change of seasons.

3. Investigate additional screening and/or camouflage strategies for the drainage swales and ditches (in addition to colored concrete).

4. The light fixtures should be of an attractive design, particularly at the entrance and along the scenic corridor.

5. Fence design should also be responsive to the scenic corridor and the surrounding open spaces.

6. Consider roof colors of a more natural (e.g., beige or tan), rather than white, while keeping the roof color light enough to minimize heat gain (as necessary to meet sustainable development requirements).

7. Similarly, consider using darker color schemes for the exterior facades – the current color palette is too 'white.' Consider using a third color palette for the residential structures.

8. Provide additional architectural detailing to the facades, particularly for Building One, including one specific suggestion to decrease the spacing between the corbels (more corbels across the length of span).

9. The applicant should consider raising the height of the central tower feature on the commercial building (shown currently at roughly 27.5 feet) to something just below the 35' maximum allowable height.

10. Refine the chimney detailing further on the commercial building.

11. The trail feature (linkage) should have some sort of identifying marker, and/or have a design, which helps people locate the trail.

12. The building designs should incorporate glass doors and other features where possible to introduce natural light into the interior corridors.

13. The Panel further suggested that additional 3-D renderings be provided to the decision-making bodies (Planning Commission and City Council) to help the members of those bodies understand the overall visual appearances of the vehicle parking areas and how one building pad relates to other pads in the project.

Ultimately, the ARP, with the refinements listed above, found the project to be consistent with the City's aesthetic goals, objectives, policies, and standards contained in the City's General Plan. Further, the Panel found the project consistent with the design guidance contained in the City's Development Code, adopted Scenic Corridor Guidelines and Las Virgenes Gateway Master Plan.

As already discussed, the site's physical characteristics, which consist of a central, flatter canyon area (of which the westernmost portions are already disturbed by previous human activity) bounded by steep slopes to the north and south, leave only one logical place for development to be sited, which is on the westernmost already disturbed portions of the flatter canyon area. Development planning of the site was further influenced by the presence of the large landslide feature on the southern slopes that the project's geotechnical engineers, the City's geotechnical engineering consultant, and the City Engineer all agree needs to be permanently remediated by removal and recompaction of the slope. The need to remediate the slope results in a significant amount of grading, and, in balancing the landslide remediation with the General Plan's goal of balancing earthwork on-site (Policy IV-31), project engineers designed the pad areas using the excess earth from the landslide remediation to fill the canyon area and create a stepped-building-pad system that follows the natural topographic incline from west to east up the canyon. The filling of the canyon area also is used as a buttress to help stabilize the repaired slope, and thus reduces the amount of the landslide material which needs to be remediated (i.e. reduces grading to the maximum feasible extent). To this end, site planning was guided, in large part, by these on-site characteristics. Site planning, likewise, was guided by the land use mapping in the City's General Plan and Development Code (zoning map), which sited the developable portions of the property, and the areas to be preserved open space accordingly.

Given the above baseline, the project was designed to be clustered in the westernmost portions of the canyon area. Overall, the visual components of the project consist of a commercial complex, 15 residential buildings (12 units each), a community park, two detention/debris basins, a graded/repaired slope (with associated hillside drainage features), a community green space, streets, retaining walls and landscaping. The

project as a whole is designed as a "village" concept (in conformance with the LVGMP) where the development is spread out amongst several smaller buildings within the development footprint, rather than concentrated in one or a small group of buildings, with the intent of dispersing building massing. Groups of three to five residential buildings are situated on the building pads which step with the topography up the canyon.

The commercial complex (closest to / most visible from Las Virgenes Road) consists of two detached one-story buildings, the bulk of which are proposed at a height of 18' – 8" in height (but with tower elements extending to both 25' – 5" and 31' above finished grade for visual interest). The architectural styling of the commercial buildings (as is the entire project) is a blend between Monterrey and Santa Barbara Mission (consistent with the LVGMP). The buildings are located in the northwest portion of the development envelope, and oriented to the southwest toward Las Virgenes Road. The footprints of the commercial buildings are stepped back from Las Virgenes to break up horizontal building massing. Vertically, the buildings include tower elements for visual interest and to break up vertical massing. The buildings will include stucco walls in a proposed off-white color. Trim elements are a grey shade (Frazee "Womb"). Roofing material is red Spanish tile and a mansard-style roofing (to hide mechanical equipment). The buildings are well detailed with adequately-spaced windows and doors as well as smaller architectural elements such as rafter tails, decorative venting, ironwork, and lighting. Heavy wood trellises connect the two buildings. The commercial complex has a landscaped retail plaza with a proposed water fountain that faces northeast, a restaurant seating area underneath a trellis oriented toward the street, and an outdoor courtyard facing south.

The 180 residential units are situated in 15 detached buildings located both within the PD-zoned (60 units) and the RM-20-zoned (120 units) portions of the property. Each residential building contains 12 units in a three story, 35-foot maximum height building, with parking and two of the units on the first floor, and five units on both the second and third floors. Units are either 1, 2 or 3 bedrooms. All residential units have private patio or deck areas. The design theme for all the residential buildings is also a Monterrey – Santa Barbara Mission hybrid design like the commercial complex. The buildings all use an undulating footprint to break up massing, sloping mansard-style red-tiled Spanish roofs (to screen mechanical equipment), and are well articulated incorporating a well-spaced window scheme, decks with iron railings, trim elements, cantilevered upper floor sections with corbels beneath them, and decorative lighting that all work to break up building massing.

The community green space (public park) is central to the project, just southeast of the intersection of Street "A" and Street "B". The park includes walkways, a playground, an outdoor bbq and dining area, a seating area, a shade area, and will include lawn and tree landscaping.

The site will have seven retaining walls, six of which are internal to the site and one of which is situated along the project's frontage along Las Virgenes Road. One of the retaining walls (northeast of Building 6 and Building 8) is proposed as an interlocking planted block wall similar to the walls built for the Colony community along Las Virgenes where landscaping will be planted on the wall to screen it. This wall, Retaining Wall 4, is the project's tallest proposed wall at 15 feet high. All the other retaining walls are proposed as concrete block (CMU) walls, and, with the exception of Retaining Wall 1, have extensive landscape screening proposed. The internal walls will be well hidden from public views from Las Virgenes Road; however, Retaining Wall 1 will be visible due to its location along Las Virgenes Road. Retaining Wall 1, as currently designed, does not incorporate landscaping due to difficulties in providing an adequate landscape planter adjacent to the proposed sidewalk. However, Retaining Wall 1 has been conditioned to either provide landscape screening, or be designed with a natural looking appearance utilizing either rock cladding typical of stonework found in the Las Virgenes corridor, or a combination of landscaping and natural design elements, and subject to review and approval by the Director and the City Engineer.

The proposed street system includes a main project entrance (Street "A") which extends the existing terminus of Agoura Road into and along the northern portions of the development. A secondary entrance is 200 feet north of the main entrance, and extends to the southeast past the commercial complex, intersecting with Street "A", and then extending south as Street "B". Street "A" includes a planted median at the entrance and decorative pavers as an enhanced gateway feature. Per the ARP recommendations, pavers are also conditioned (Exhibit A, Condition 82) to be placed at the intersection of Street "A" and Street "B". All streets are designed with a sidewalk for pedestrian connectivity, and a landscaped parkway.

The project will incorporate two soft bottom (planted) debris / de-siltation basins. The primary basin will be located east of the residential development in the canyon area, and includes wetland landscaping. The secondary basin is located on the north side of the proposed development north of Building Nos. 9 and 11 (also with wetland landscaping). Neither basin will be visible to Las Virgenes. Both basins will incorporate wetland plant species, and therefore will function not only as on-site flood control and debris collectors, but also are designed to be wetland features.

The project includes remediation of a landslide hazard on the southern slopes. Remediation of this feature requires removal of unstable material and reconstruction of a new stabilized slope, and will include a bench drain system designed to minimize the amount of water that percolates into the repaired slope. The landslide area, and thus the landslide remediation, revegetated remediation areas, final contoured areas, and some drains, will be highly visible from multiple areas around the project including from the 101 freeway, Las Virgenes Road and Agoura Road due to its higher elevation

location. The landslide repair will utilize contour grading techniques to mimic the undulating form of natural slopes and minimize the visibility of the drainage system. The plan also includes a native re-revegetation to both restore the lost purple sage scrub and Coast Live Oak Woodland habitat, and also to further screen the bench drain system from public view. Additionally, the project includes a condition to ensure that the bench drains utilize concrete that includes integral color in an earth tone that best blends into the surrounding environment (Exhibit A, Condition 21).

Extensive landscaping is proposed all throughout the project. A total of 24.67 acres of the project site (including the development footprint and landslide repair) will be landscaped. As mentioned above, the landslide repair will include a native revegetation that will also help to screen the bench drain system required to be installed. Landscaping within the development footprint includes a mix of native and drought tolerant trees, shrubs and groundcover, and is located on slopes fronting Las Virgenes Road, in the internal street parkways, in the community green space, around the commercial complex and every residential building, on all (non-landslide repair) graded slopes, and within the two detention / de-silting basins. The extensive proposed landscaping scheme is designed to enhance the project's aesthetic design, break up building massing, transition the development from the built environment along Las Virgenes Road to the open space areas to the east, and also help screen and soften the development as viewed from the 101 Freeway, Las Virgenes Road and Agoura Road (consistent with the General Plan, Scenic Corridor Guidelines, and LVGMP).

Overall, and given the site's challenging physical characteristics and parameters imposed by the City's General Plan, the development is site planned and designed consistent with the goals, objectives and policies of the City's General, Development Code, Scenic Corridor Guidelines, and Las Virgenes Gateway master Plan. The provision of 180 well designed multi-family housing units along with a mix of neighborhood serving commercial uses promotes an assembly of distinct neighborhoods, adds to a diverse housing stock, and enhances community character (by providing more social opportunities due to the provision of visitor-serving uses such as restaurant, coffee shop and retail uses) consistent with Policy II-10, IX-11, Policy IX-13, and the LVGMP.

As described above, the development incorporates a variety of design techniques to ensure that the project is attractive, and both sited and designed in a way that is compatible with the adjacent natural (Policies: IX-5 and IX-14, Development Code, SCDG, and LVGMP) and built (Policies: II-9, II-10, IX-8, IX-10, IX-11, IX-12, IX-13, IX-14, IX-15, IX-20, Development Code, SCDG, and LVGMP) environment, and therefore, an asset to the community (Policy IX-3). Use of contoured grading techniques, stepped-building pads, a "village" theme, undulating building footprints, building articulation, tower elements, pitched mansard-style roofing (which hides mechanical equipment), earth-toned coloration for building and slope drains (conditioned), low

intensity lighting and landscaping ensures the project will be aesthetically compatible with and minimizes impacts to the surrounding natural environment. The combined use of contour grading and native revegetation both mitigates the visual impact created by the landslide repair, and transitions the project between the built environment clustered near Las Virgenes Road, and the more natural open space areas to the east. The use of stepped building pads, the "village" theme, undulating building footprints, building articulation, tower elements, pitched mansard-style roofing, and landscaping all help spread out and break up the massing of the development on-site. Building pads that step with the natural incline of the canyon slope mimic the pre-existing natural topographic incline. The proposed earth-toned color palette for the buildings (along with the conditioned earth-toned coloration for the slope drains) and landscaping that transitions from native mixed with drought tolerant ornamental landscaping near Las Virgenes to all native landscaping east of the development serves to help blend and transition the development into the adjacent natural environment. The use of low intensity lighting, consistent with the City's Dark Skies Ordinance, minimizes light intrusion on both adjacent development and the open space areas.

In terms of consistency with the adjacent built environment, the architectural styling of a Monterrey – Santa Barbara Mission is similar to the adjacent Colony community (existing), Paxton (under construction), and the commercial development along Las Virgenes that all utilize similar theming due to consistency with the LVGMP's required Monterrey style design. The proposed three-story residential buildings are a story taller than the adjacent Colony community; however, the Colony development is a different housing type because it mimics single-family housing while the proposed project is a true multi-family design with multiple units in each detached building. Additionally, use of a third story allows much of the residential parking to be internal to each building which limits the need for on-site parking lots (consistent with the LVGMP), and therefore, reduces grading and site development. To this end, although proposed structures are taller than structures in the adjacent "Colony" community, massing of the additional height is broken up through architectural detailing, use of pitched roof elements and extensive landscaping. The project's extensive use of landscaping also helps to screen visual impacts of the project on adjacent development, and blends the project with its surroundings. Therefore, the project is compatible with its surroundings.

A key objective in the City's General Plan is protection of the visual qualities of scenic corridors. Because much of the visual image of the City comes from what is seen from motor vehicles, the General Plan designates major roadways within the City, where motorists have scenic views of rugged terrain, oak woodlands, ridgelines, and canyons, as Scenic Corridors. Protection of the scenic corridors has two components: 1) ensuring that development is sited and designed in a way that preserves and enhances the visual qualities of the corridor, which addresses design features, and 2) that projects are sited and designed in a manner that preserves (i.e. does not block) views

of significant ridgelines, natural hillsides, and other scenic features within the scenic corridors to the best of their ability.

The General Plan contains policies that both ensure that new development projects incorporate design elements that enhance the scenic corridor (Policy IX-7 and IX-43), and are sited and designed to preserve views of the natural hillsides, dominant environmental features, and scenic resources from scenic roads (corridors), in this case, both the 101 Freeway and Las Virgenes Road (Policy IX-6, IX-44 and IX-46). The Scenic Corridor Design Guidelines further address design techniques to help development protect and enhance visual qualities of the scenic corridor.

With respect to project design features, General Plan Policy IX-7 requires, where feasible, enhancement of view corridors oriented toward open space and natural features. General Plan Policy IX-43, through implementation of the Scenic Corridor Development Guidelines, contains a toolbox of design techniques to help new development protect the visual qualities of the scenic corridor. Specifically, the Scenic Corridor Development Guidelines require contour grading, medium to dark colored roofs, roofs that parallel the natural topography, avoidance of large blank facades, fences and walls colored to blend with the natural environment, structures designed and situated to minimize adversely impacting views, and use of landscaping to visually enhance and soften the appearance of development, including use of vines and/or other clinging plants on walls where space may preclude use of other large plants. The contour grading techniques, stepped-pad system, the "village" theme, undulating building footprints, building articulation, tower elements, pitched mansard-style roofing (which hides mechanical equipment), earth-toned coloration for building and slope drains (conditioned), low intensity lighting and extensive landscaping are all design features proposed and/or conditioned to ensure that the development is appropriately sited and designed in a way that enhances the visual qualities of the scenic corridor to the maximum feasible extent, consistent with General Plan Policies IX-7 and IX-43.

Elevations on the project site range from 1,280 feet above mean sea level (amsl) at the eastern portion of the site to approximately 795 feet at the westernmost portions of the parcel. The elevation of Las Virgenes Road adjacent to the development is approximately 775-780 feet amsl. The site is most visually prominent when looking southeast from the U.S. 101 Freeway, looking east and north from portions of Las Virgenes Road, south of Agoura Road, and when looking east from the eastern portions of Agoura Road, although the site is also visible (to a lesser extent) from other locations such as looking northeast from the Lost Hills Bridge Overpass and looking southeast from areas along Las Virgenes Road north of Agoura Road.

To analyze impacts to views of significant ridgelines, natural hillsides, and other scenic resources, staff utilized both the visual simulations prepared by the applicant which project how a project will look from various "visible" vantage points around the project

site, and placement of story poles (that were required under the City's Story Pole Procedures) on the subject site to determine the extent to which the project will impact views. Story poles were installed and certified in accordance with the City's Story Pole Procedures on March 7, 2019. Staff viewed the project site from various vantage points along Las Virgenes Road, the 101 Freeway and Agoura Road (even though not designated a scenic roadway) to assess view impacts.

It is clear from viewing the property with the story poles erected that views of the most scenic features in the area, mostly the significant ridgelines and other natural hillsides above the project site would be preserved from all vantage points, except one. In the immediate vicinity of the intersection of Agoura Road and Las Virgenes Road, staff determined that although views of the significant ridgelines were already blocked by less significant hillside features surrounding the subject property, that some of the natural hillside views from the intersection's vicinity would be impacted (blocked) by the development. However, staff also determined that due to the existing topography (and resulting viewing angle from the roadway), and considering that remediating the landslide and using excess material to fill the canyon has the greater benefit of limiting export of excess earth and the buttressing effect to limit the extent of the required landslide remediation (a more visible impact to the hillside from more locations), that impact to some of the natural hillside views is unavoidable from that particular location, and thus, overall, the project is consistent with General Plan Policies IX-6, IX-44, and IX-46. Further, the site layout of the project does offer a view window through the project of the hillsides, looking east up the main project entrance, which serves to mitigate for some of the loss. To this end, the project is designed and conditioned to protect the scenic qualities of the scenic corridor to the maximum feasible extent.

Visual impact is also evaluated in the project's EIR, although from a slightly different context. Since the purpose of an EIR is to disclose to the public and agency decision-makers the significant environmental effects that a proposed project will have, propose mitigations that will minimize those effects, and offer reasonable alternatives, the analysis in the EIR seeks to disclose the overall visual change the project will create from the existing baseline "visual" condition. To accomplish this, the EIR identifies visual resources on-site, taking into account the site's physical attributes, its visibility, and uniqueness, and factors in identified visual resources in the City's General Plan (such as ridgelines). It then evaluates impacts to all identified visual resources based on a qualitative analysis. According to the guidelines contained in the California Environmental Quality Act (CEQA), impacts are considered significant if a project has a substantial adverse effect on a scenic vista, substantially damages scenic resources, such as trees, rock outcroppings and historic buildings within a state scenic highway, substantially degrades the existing visual character or quality of the site and its surroundings, and/or creates a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

To aid in the analysis, the EIR evaluates visual simulations of the project from various vantage points around the project site. The complete analysis is located in the Final EIR (Exhibit **, Section 4.1). In summary, the EIR found that, although development of the site would impact views from Las Virgenes Road and alter existing resources on-site (such as oak trees and other native vegetation), impacts to Las Virgenes Road and on-site resources would be reduced to a less-than-significant level with the incorporation of mitigation measures AES-1, BIO-4(a), BIO-4(b) and BIO-6. To limit future view blockage of hillside areas, Mitigation Measure AES-1 requires landscaping planted along Las Virgenes to be limited to species which do not grow taller than 30 feet. Mitigation Measures BIO-4(a), BIO-4(b), and BIO-6 require replacement of on-site resources lost such as riparian habitat, and oak woodland resource. However, the EIR found that impacts to the visual character of the site, since the project would permanently alter approximately 14.4 acres (19%) of the project site for the development footprint including the commercial and residential buildings and detention/debris basins, and temporarily impact an additional approximately 21.4 acres of the site to remediate the landslide, that a significant and unavoidable impact to the character of the project site will occur (a Class 1 impact), even though project design features are incorporated to reduce visual impact to the degree feasible.

To this end, and as described above, the EIR has correctly determined that a significant and unavoidable impact will occur to the character of the project site due to placement of permanent development on the project site and remediation of the landslide. However, development of the project site with <u>any</u> project will require the same permanent alteration of the site, and will also require mitigation of the landslide, resulting in the same Class 1 impact to the project site. In this case, though, the project, with its appropriate siting location in the least visible portions of the property, with the many proposed design features discussed above, and with the incorporation of required mitigations and project conditions, protect and enhance the visual qualities of the area to the maximum extent feasible and therefore is consistent with General plan, Development Code, SCDG, and LVGMP.

M. <u>Landscaping</u>: The City's General Plan acknowledges that the quality of landscaping and the existence of an urban forest helps determine the visual character of the built environment. Landscaping also provides many community benefits in that it beautifies and creates community character, contacts with nature, and mitigates the effects of stormwater runoff, air pollution, urban "heat island" effect, and solar heat reflection. The General Plan's objective is to create and sustain an urban forest that enhances the quality of life within Calabasas. In order to achieve this objective, the General Plan includes the following policies:

IV-10 – Preserve existing mature trees, unless they are detrimental to public health and safety.

IV-11 – Promote the planting of additional trees in urban locations. Plantings should

include replacement trees that are, or have been, removed and new trees in locations where none are currently present.

IV-13 – Expand the inventory of City street trees.

IX-12 – Provide appropriate transitions between different projects and between suburban and rural/semi-rural land uses through the provision of buffer areas, landscaping, and other similar treatments, such as hedges, walls, fences, berms, or landscaped open space.

The conceptual landscaping plans are included as Sheets LA-1 – LA-15 of Exhibit B. The project includes a total landscaped area of 24.67 acres (which includes native re-vegetation of the landslide repair, trails, parkways, graded slopes, and two detention/debris basins) and undisturbed open space of 41.42 acres. The project also includes pervious paving areas to help with stormwater infiltration and runoff. Please note that the undisturbed open space area referenced above is a portion of the 66 acres of land proposed to be dedicated as permanent, deed-restricted open space. The 66-acre total also includes the landslide remediation area, the two proposed detention/debris basins and some graded slope plantings. The project would include the use of a reclaimed/recycled municipal water line (also known as a "purple" pipe system) for all common area landscaping.

The objectives of the landscaping scheme proposed for the project include replacing lost native vegetation due to landslide mitigation grading, creating inviting spaces such as a community green space, plazas, and courtyards, creating a pleasant driving and public pedestrian experience along the project's streets and sidewalks, transitioning the development to open space areas and trail uses, and generally to both beautify the site, and enhance the scenic corridor by adding to the urban forest while helping to screen and soften the appearance of the project.

The wooded entry (or gateway) is set in oak trees behind a stone wall. A tree-lined main entry roadway leads to a community green space/park, located at the intersection of Streets "A" and "B", where tree lines streets both lead to the south and continue east. The community green space/park is designed to be a green space that introduces the community as well as a point of origin for trail users who visit the site. Continuing east, the street remains heavily wooded, through a grove of sycamore trees, and arrives at the trailhead at the terminus of Street "A". Three landscaped neighborhood plazas and community spaces are proposed in the residential area, and include seating, turf play areas, and games. Abundant landscaping is proposed along the frontage of Las Virgenes Road, and slopes visible to Las Virgenes Road to help enhance the visual qualities of the scenic corridor and to both screen the development and break up building massing. Commercial complex plazas include tree landscaping, a water fountain feature, seatwalls and other outdoor seating. The Community green space includes turf areas, trees, and park amenities. Extensive landscaping is proposed

between Building 1 and Building 2 and residences in the Colony that abut the subject property to help screen and provide a buffer between the two communities. The project provides an enhanced trailhead area which provides bench seating, trail markers, and is heavily landscaped with native oaks and sycamores. Finally, all non-landslide remediation graded slopes include landscape to beautify, and provide erosion control and slope stability.

The landscape plan's plant palette consists generally of native and drought tolerant trees and shrubs, including coast live oaks (*Quercus agrifolia*), valley oaks (*Quercus lobata*), Western sycamore (*Platanus racemosa*), sages (*Salvia spp.*), creeping boobialla (*Myoporum parvifolium*), California Lilac (*Ceonothus spp.*), and more. Both native and ornamental trees and shrubs are proposed within landscaped parkways, recreation areas, and common area landscaping. Upland (native) landscape is proposed for transition areas between the development and open spaces. The landslide remediation area includes a native re-vegetation of the repaired slope (see Exhibit **, Mitigation Measure BIO-3(a) and BIO-6). The repaired slope will have two dominant habitat types (oak woodland and purple sage scrub) restored to replace the habitat lost, strengthen the site's native landscaping and wildlife support areas, and reduce the visual impacts of the landslide remediation work.

The photo simulations included as Sheets V-0 – V-8 of Exhibit B include views from various vantage points of the proposed project and landscaping as seen from the U.S. 101 Freeway, Las Virgenes Road, and Agoura Road. Images include views as they currently exist, and simulations of the completed project with landscaping installed initially, and a projection of the view with landscaping at a 10-year maturity. The landscaping, when mature, will adequately screen and soften the appearance of the development as viewed from the 101 Freeway, Las Virgenes Road, and Agoura Road. Use of abundant landscaping between the proposed development and the existing Colony community will buffer and lessen the impact of the development on the Colony homes consistent with Policy IX-12. Additionally, the proposed upland landscaping proposed around the development envelope along with the native re-vegetation of the repaired landslide area helps to transition the development to the open space and trail areas consistent with Policy IX-12. Placement of abundant trees around the project including on Las Virgenes-facing slopes, along roadways, in community and recreation spaces, and the replacement of the oak woodland and purple sage scrub habitats on the repaired slope will not only maintain the City's urban forest, but also enhance the City's urban forest by transforming certain areas on-site that contain only non-native and invasive plant species into new urban forest, consistent with Policy IV-11 and IV-12. Additionally, as discussed in Section I, only 45 out of 206 oak trees require removal, and therefore the project is not only preserving seventy-eight percent (78%) of the site's existing urban forest, but with mitigation, will add 1,411.5 inches of new oak trees (approximated at 484 new oak trees), and therefore is consistent with Policy IX-10.

The applicant is required to comply with the State's 2015 Model Water Efficient Landscape Ordinance as well as LA County Fire Department's fuel modification requirements. 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. The final landscape plan will also require review by the City's Landscape District Manager to ensure use 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. Conditions have also been included that all project development areas that transition to open space areas use only native species, and that the final landscape plan include the use of no invasive species. Furthermore, the final landscape plan is conditioned to require review by the City's biological consultant to ensure that plant species selected will not interfere with preserved and restored native habitats. With the inclusion of these conditions, the project will be consistent with the City's General Plan.

N. Lighting: The General Plan's Community Development Design Element acknowledges that to enter the City of Calabasas from the east, visitors get a sense of leaving metropolitan Los Angeles behind, and therefore policies are included that strive to maintain a smaller town community character that derives its beauty from its natural environment. One important aspect of Calabasas' community character is the fact that the City lacks night lighting and instead has dark skies with enhanced visibility of stars at night. To this end, the General Plan contains the following policy to ensure preservation of dark skies remains a priority for the City:

> *IX-14 – Promote lower level lighting/illumination citywide through implementation of lighting standards such as the City "Dark Skies" ordinance.*

In order to implement the above policy, the City has adopted the "Dark Skies" Ordinance. The goal of the City's Dark Skies Ordinance is generally to maintain low lighting levels, prevent glare and off-site light spillage that can be a nuisance to residents, pedestrians, and motor vehicles, and prevent (especially with the presence of the adjacent wildlife corridor) disruption of wildlife movement.

The proposed lighting for the project consists of parking lot lighting, building mounted lighting, pathway lighting, roadway lighting, and recreational area lighting. All proposed lighting will be high efficiency LED fixtures. Lighting for streets and parking areas will be pole mounted at heights of 15' and 12' respectively, and utilizes full cut-off fixtures, which do not emit any illumination above a 90 degree horizontal plane (i.e. no uplight). In addition, lighting for walkways, recreational areas, pedestrian areas, and perimeter lighting is proposed as low-intensity bollard lighting. Proposed wall-mounted lighting will provide illumination to driveways internal to residential complexes and generally for residential buildings, and is low intensity and decorative.

Due to the project site's location and configuration, the proposed project would place new development between an already developed and illuminated commercial and residential area along the Las Virgenes Road corridor, and an existing open space area that functions as a wildlife corridor. The project's commercial complex and some of the residential buildings (Building Nos. 1-5) are proposed adjacent or in close proximity to Las Virgenes Road. Also, a portion of the project's residential component (Building No. 1, Building No. 2, and a residential parking lot) would be situated adjacent to and within approximately 40-45 feet of existing residences in "The Colony" community. The proposed commercial complex would be setback about 400 feet from the nearest existing residence and approximately 100 feet from the nearest proposed condominium complex. Residential buildings on the east side of the development footprint would abut the adjacent open space/wildlife corridor.

The lighting fixtures proposed for the development, as mentioned above, use low intensity illumination, and are either pole-mounted with full cut-offs, building-mounted, or are low height bollards. All are decorative in nature. Conceptual lighting and photometric plans, and light fixture cut-sheets for the proposed development have been submitted and reviewed by staff, and found to be in compliance with the City's Dark Skies Ordinance (see Sheets LT 1.00- LT 1.61 of Exhibit B). Lighting plan photometrics indicate illumination to be well directed to the areas they are intended to serve, and designed to illuminate at the minimal level necessary so that no light spillage occurs outside of the proposed development footprint. The proposed development also includes extensive landscaping between the commercial complex and Las Virgenes Road, between the proposed residential buildings (and parking areas) and "the Colony" community, and around the perimeter of the development envelope, including buffer areas between the development footprint and the surrounding open space areas. The extensive landscaping will further shield the already well directed low intensity lighting from spilling over into "the Colony" community, Las Virgenes Road and the open space areas including the wildlife corridor. Internally, project includes a community green space/park that will be illuminated by low intensity bollard lighting so as not to create nuisance lighting to adjacent proposed residences. To this end, the proposed lighting for the project is consistent with Policy IX-14. Final photometric plans shall be submitted to the City for review prior to issuance of building permits.

O. Hydrology and Drainage: Section 404 of the Federal Clean Water Act prohibits the discharge of dredged or fill materials into Water of the United State without first obtaining a permit from the US Army Corps of Engineers, in addition to applicable state, City, and other local permits. To fulfill its obligation to maintain water quality standards, the City's General Plan contains the following Policies:

IV-26 – Continue undertaking the activities necessary to fulfill the City's responsibilities as a co-permittee under the Federal Clean Water Act, including implementation of the Los Angeles County Standard Urban Stormwater Mitigation Plan. Continue to monitor

emerging technologies and techniques for minimizing water quality impacts from municipal runoff, and update the SUSMP as new Best Management Practices as established.

IV-27 – Require runoff mitigation plans as part of the application and development review process that illustrate the Best Management Practices (BMPs) to be employed to prevent pollutants from running off the project site into area waterways. BMPs include, but are not limited to, the biofiltration techniques and/or provision of subsurface filtering.

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 includes a canyon area with an existing ephemeral drainage, 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 Las Virgenes Creek watershed is considered a sub-watershed of the larger Malibu Creek watershed, which discharges into Santa Monica Bay.

Regulation of water discharge is implemented through the issuance of National Pollution Discharge Elimination System (NPDES) permits issued by the State Water Resources Control Board to local operators. The project site is in the region covered by Los Angeles County Municipal Stormwater (MS4) NPDES Permit No. CAS004001, issued by the Los Angeles Region Water Quality Control Board for discharges in the coastal watersheds of Los Angeles County. The NPDES permit requires implementation of a Standard Urban Stormwater Mitigation Plan (SUSMP). SUSMPs require the use of Best Management Practices (BMPs) to control non-point discharges associated with stormwater runoff, and require post-construction BMPs to be integrated into the site overall drainage system, reducing the potential for pollutants to enter the storm drain system. The City's process for BMP selection covers sediment control, erosion control, site management, and materials and waste management. The City requires both construction BMPs and structural BMPs. Construction BMPs include identifying drainage patterns on-site and implementing erosion and sediment control in areas with the potential to drain to surface water. These often include use of sandbags and waddles, covering stockpiled soils, using isolated areas to clean concrete trucks, etc. Structural BMPs are built into the drainage system and include mechanical filtration, separators, vegetative swales, and biofilters that reduce or eliminate long term impacts to water quality.

The proposed project would include a number of drainage improvements to accommodate the changes in site hydrology. Pages 265-266 of the Final EIR show the

project's existing on-site hydrologic conditions and pages 273-274 demonstrate proposed hydrologic conditions and drainage improvements. Based on the proposed drainage system design, the post-development run-off flow rate would be 654.1 cfs during a 50-year capital storm. When compared to existing conditions, the proposed project would incrementally decrease the flow rate by 1.9 cfs (approximately 1.6 percent).

Runoff from the impervious portions of the proposed development including building pads and streets would be collected by a series of catch basins or inlets and conveyed to the proposed storm drain system. Flows from the upper portion of the development would be directed through the storm drain system westerly and connect with an existing 96" reinforced concrete pipe under Las Virgenes Road. Flows from the lower portion of the site would be routed through the proposed storm drain westerly along Street "A", and then southerly along Las Virgenes Road, joining the existing 5-foot by 5.5-foot culvert box downstream of the existing pipe.

The existing (temporary) debris basin (Basin A as shown in Figure 4.6-1b of the Final EIR, Exhibit C, p. 266) would be relocated to the tributary canyons (east of the proposed development) to intercept the runoff from tributary areas northeast and southeast of the basin, reduce the sediment within the stormwater flow, and direct stormwater flow into to the storm drain system. The debris basin is designed to capture 14,376 cubic yards of debris, which is more than the anticipated post-development debris production. A new smaller debris basin is proposed to collect runoff form the northern and northwestern hillside area. Flow from this area would be collected by a v-ditch and directed to the basin, which would then flow into the storm drain system, and join flow from Basin A. Design capacity for the smaller basin is 504 cubic yards, which is more than the anticipated debris production of 200 cubic yards. The repaired landslide area on the southeastern slopes will contain a series of terrace drains and convey flows through down drains into the proposed storm drain system. Existing Basin B will remain in its current location and collect hillside runoff from the southern tributary area through a v-ditch. Overall, as already mentioned, the stormflow to Las Virgenes Road would decrease by 1.9 cfs, and no additional stormwater detention is needed. To this end, no detrimental downstream impacts would result.

Additionally, the project applicant has proposed a number of Low Impact Development (LID) Best Management Practices (BMPs) for water quality treatment. Modular wetland units are proposed beneath each street catch basin to intercept and treat runoff from building pads and streets. The project includes installation of 15 modular wetland devices 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 both reduce runoff rates and filter runoff so that runoff-related impacts would be less than significant. The proposed

drainage plans have been reviewed and approved for feasibility by the City's Public Works Department.

The project is also required to use construction BMPs. The applicant will be required to submit a Stormwater Pollution Prevention Plan (SWPPP), and implement construction BMPs for erosion and sedimentation control prior to construction activities. These BMPs include, but are not limited to, ensuring contractors know storm drain and creek locations and drainage patterns, washing construction equipment in contained areas, cleaning all spills and leaks properly, keeping emergency spill containment kits on-site, refueling and servicing vehicles away from creeks and drainage swales, storage of construction equipment a minimum of 100 feet from a water body, covering stockpiled soil, place trash cans liberally around the site, educating all subcontractors and laborers about proper site maintenance, applying roadwork or pavement during dry weather only, and covering storm drains and manholes in construction area when paving or applying seal coat, slurry, or fog seal. Implementation of these measures would reduce construction-related pollutant discharges into the watershed to a less-than-significant level.

P. Housing / Affordable Housing: California Housing Element law requires that each jurisdiction develop programs to meet their "fair share" of existing and future housing needs for all income groups. The "fair share" allocation concept seeks to ensure that each jurisdiction accept responsibility to provide housing not only for the needs of its own residents, but also for its projected share of regional housing growth across all income categories.

City Housing Goal

The City adopted its current Housing Element (covering the period of 2014 - 2021) in September 2013, and it includes the following two applicable objectives: 1) to provide adequate housing sites through appropriate land use and zoning designations to accommodate the needs of existing and future Calabasas residents, and 2) to assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas Community. In order to accomplish these objectives, the General Plan includes the following policies:

V-8 – Provide site opportunities for development of housing that respond to the diverse housing needs of Calabasas residents and workforce in terms of density, location and cost.

V-9 – Provide opportunities for multi-family housing and mixed use development consistent with the City's regional housing needs requirement (RHNA), as mandated by the State.

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. Only if that is not economically feasible, allow for payment of an in-lieu fee, but this is considered the less desirable alternative.

V-13 – Support the provision of affordable housing to employees in Calabasas through the Commercial/Industrial Development Impact Fee Program.

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

In the Southern California region, the Southern California Association of Governments (SCAG) is responsible for assigning regional housing needs through a Regional Housing Needs Assessment (RHNA), or the minimum number of housing units each community must plan for (considering future growth) by providing adequate sites through general plan and zoning designations. Calabasas RHNA allocation for the 2014 – 2021 cycle is 330 total units distributed as follows: 1) 44 units for extremely low income families, 2) 44 units for very low income families, 54 for low income families, 57 for moderate income families, and 131 units for above-moderate income families.

The City's current Housing Element, certified and approved by the California Department of Housing and Community Development (HCD) and adopted by the City Council for the 2014 – 2021 planning period, designates 120 units (in the RM-20 zoned portion of the property) as lower income units, and 60 units in the PD zoned portion of the property as moderate income units. In this respect, zoning designations on the subject property account for 120 of the City's 142 lower income (affordable) units allocation and 60 of the City's 57 moderate income units housing allocation. To this end, provision of 180 multi-family housing units by the project is in compliance with the General Plan Housing Element and necessary to meet the City's RHNA targets, especially with lower income households, and therefore is consistent with General Plan Policies V-8 and V-9.

Affordable Housing

In addition, to assist in meeting the City's (and State's) low income housing goals, Chapter 17.22 of the CMC (Inclusionary Housing Ordinance) requires all new residential developments with five or more dwelling units to provide affordable housing within the development. The project is proposing a total of 18 units (10%) at a 55-year deed restricted very low income category. The units are dispersed throughout the project with one being proposed in each of the 15 residential buildings, and a second affordable unit will be included in Building Nos. 1, 2 and 5. The affordable units will be deed restricted for a period of 55 years, requiring that the owner, whether the applicant or a successor entity, only sell or rent those units to persons who qualify as very-low income tenants according to the then-applicable very-low income standard for Los Angeles County as set by the state Department of Housing and Community

Development. This requirement will be enforced by an individual affordable housing deed restriction and covenant recorded on the title for each of the eighteen individual affordable units, with a right of foreclosure included for the City to take control of a unit if the affordability restrictions are broken during the 55 year restricted period. In order to support affordable housing for employees in Calabasas, for the 5,867 sq. ft. commercial complex, the applicant will be required to submit an impact fee into the City's Affordable Housing Trust Fund for use toward provision and/or preservation of affordable housing units within Calabasas (Exhibit A, Condition No. 36). To this end, the project is consistent with General Plan Policies V-12, V-13, and V-15, and the City's Inclusionary Housing Ordinance.

Affordable Housing Density Bonus and Incentives

A housing project providing at least 5% of the proposed housing units as affordable to very low income families allows the applicant to take advantage of a density bonus and other incentives by California law (Government Code Sections 65915 through 65918). In this case, the applicant is proposing 10% of the units as affordable to very low income families, which allows the applicant a density bonus of up to 32.5% above the otherwise stated maximum density in the Calabasas General Plan and property zoning. Consequently, the applicant may apply for up to 239 total residential units. The City may not impose a density limit below the bonus density allowable under State law; however, notwithstanding this fact, the applicant has elected to propose a total of only 180 units which is consistent with the maximum density limits in the City's General Plan for the project site.

The provision of affordable units allows the applicant to take advantage of other concessions and incentives guaranteed by applicable state law. Government Code Section 65915(d)(2) states that for projects providing 10% of the total units for very low income families, the applicant shall receive from the local agency two zoning concessions or incentives. In this case, the applicant has applied for the following two concessions: 1) an increase in the allowable building height for the residential buildings, and 2) an increase in the allowable height of two retaining walls. The increase in building height is needed due to the method in which the City measures height of buildings, and the project site characteristics. The City measures height from the existing or finished grade, whichever results in a lower building height. In this case, because of the need to mitigate the landslide, and in trying to balance earthwork on-site pursuant to General Plan Policy IV-31, the project requires placement of excess earthwork from the landslide remediation into the valley to form the building pads for the residences. Because the building pads will be well above the existing grades, even though the buildings are proposed at the City height limit of 35 feet, measurement is taken from the existing grade, and therefore, buildings will exceed the City's height standard. In respect to the retaining walls, additional height is needed to promote the stepped-pad concept, and to help provide site parking. In this case, Retaining Wall

Nos. 3 and 4 are proposed at 10' and 15' high respectively. Pursuant to Government Code Section 65915(d)(2), the City is required to allow these two concessions.

Pursuant to Government Code Section 65915(p)(1), the City cannot require a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

- Zero to one bedroom ▶ one onsite parking space
- Two to three bedroom ▶ two onsite parking spaces
- Four and more bedrooms ▶ two and one-half parking spaces

This rule is imposed by the state as a measure to promote the provision of additional affordable units in proposed developments and applies to any project that has at least 5% of the units reserved for 55 years for very-low income persons. Therefore, and as discussed in Section J of this staff report, the maximum parking requirement (under preemptive State law) for the proposed development (commercial and residential) is 311 vehicle spaces. The project is proposing to provide a total of 395 vehicular parking spaces, which is not only consistent with, but exceeds State law requirement by 84 spaces, and therefore, is also consistent with General Plan Policy V-9, notwithstanding the State preemption.

Q. Cultural Resources/Tribal Consultations: Local pre-history and history play a vital role in Calabasas's identity. Objectives in the City's General Plan include enhancement of community appreciation for and protection of archaeological and paleontological resources, and enhancement of community appreciation and preservation of significant historical features. In order to achieve these goals, the City's General Plan contains the following policies:

XI-1 – Ensure proper treatment of archaeological resources before development occurs as a site where such resources are present.

XI-2 – Preserve significant archaeological and paleontological resources in-site, when feasible. When avoidance of impacts is not possible, require data recovery mitigation for all significant resources. All forms of excavation in deposits of Native American origin shall be coordinated and monitored by a representative of the Chumash nation.

XI-3 – Ensure proper treatment of historic resources before development occurs at a site where such resources are present, through enforcement of the City's Historic Preservation Ordinance.

The largely undeveloped project site is located east of the intersection of Las Virgenes Road and Agoura Road about 900 feet east of Las Virgenes Creek. Two cultural resource investigations were submitted by the applicant. The initial report was completed by Historical Cultural Archaeological Resource Team (HEART), dated April

2011, and a second was completed by McKenna et al. in November 2013. A recently updated Cultural Resources Investigation was also submitted by ENVICOM dated April 2019. All reports noted that many previous studies had been performed on the subject property as well. Record searches of the property demonstrated that two cultural resource sites were mapped on the property, one pre-historic site and one historic site. However, all three reports also noted that due to past construction activities, artifacts or remnants of these sites were already either recorded and removed as part of previous studies, or destroyed by past human disturbance and/or construction activities. Additionally, all reports indicate that no evidence of archaeological, paleontological or historical resources was found on-site, and only low probably for cultural resources to be found exists. However, the reports do indicate because of the previously mapped resources, the site remains culturally sensitive and monitoring should occur throughout grading activities.

In July 2015, Assembly Bill 52 (AB 52) was enacted, adding a new resource category "tribal cultural resources" to CEQA, essentially establishing that a project that has the ability to cause a substantial adverse change in the significance of a tribal cultural resource is considered a project that may have a significant effect on the environment under CEQA. Cultural features are defined as sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. In addition to establishing tribal cultural resources as category in need of consideration, AB 52 established a formal consultation process with tribes regarding those resources that must be completed before a determination of what level of CEQA review is required. Tribes to be included in this process are ones that have formally requested notice of projects proposed within the jurisdiction of the Lead Agency. Since the passage of AB 52, and as of July 2017, no tribes had formally requested such notice. Nonetheless, as part of the Notice of Preparation process, the City prepared and mailed notice to all known individual tribes. The City received one request for a consultation from the Gabrieleno Band of Mission Indians – Kizh Nation. The City concluded its consultation on October 5, 2017.

Andrew Salas and Matt Teutimez of the Gabrieleno Band of Mission Indians – Kizh Nation indicated that the project site straddles Chumash and Gabrieleno territory and is located near traditional trade routes and trade locations used by Native people. A historical map provided indicated tribal villages near the project site including one north of the present day 101 Freeway, and that the area in general was highly utilized for ceremonial purposes. While the project site is not known to contain cultural resources, the project is considered to have the potential to uncover previously unknown cultural resources due to the largely undeveloped nature of the site and the extensive grading proposed. In this respect, impacts to tribal cultural resource are considered potentially significant.

Because of the identified sensitivity of the site to pre-historical, historical and tribal cultural resources, Mitigation Measures TCR-1(a), TCR-1(b), TCR-1(c) and TCR-1(d) identified in the Final EIR have been added to ensure protection of any currently unknown resources. These mitigation measures establish a requirement for monitoring by a qualified archaeologist during grading activities, procedures for unanticipated discovery of cultural resources, procedures for unanticipated discovery of human remains (per the protocols contained in the CEQA Guidelines Section 15064.5(e)(1), Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 [as amended by AB 2641]), and development of a Worker Environmental Awareness Program. With the implementation of these mitigation measures, potential impacts are reduced to a less-than-significant level, and the project is consistent with General Plan Policies XI-1, XI-2 and XI-3.

R. Leadership in Energy and Environmental Design (LEED): The City's General Plan Conservation Element acknowledges that conservation of energy resources is important, and includes an objective of minimizing per capita consumption of non-renewable energy resources within the City. In order to achieve this objective, the General Plan includes the following policy:

> *IV-33 – Continue to implement the City's Green Building Ordinance to achieve energy efficiency and consider establishing incentives to achieve energy efficiencies higher than those required by the Ordinance.*

Pursuant to the City's Green Building Ordinance (Chapter 17.34 of the Calabasas Municipal Code), all non-residential development proposing either new construction or an addition of over 500 square feet must develop to a LEED (Version 2.0) standard. In this case, the project is required to meet the equivalent of LEED Silver. Specifically, the commercial complex is proposing a compact facility to reduce the development footprint, pedestrian and bicycle-friendly environment with connectivity to surrounding commercial services and recreational opportunities, a new trolley stop, drought tolerant landscaping, and use of municipal reclaimed/recycled water. The proposed measures are conceptual at this point in project design. A thorough review and determination of compliance is carried out through the plan check and construction process. To ensure compliance with the City's Green Building Ordinance, a condition has been included in the project resolution that prior to the issuance of a Certificate of Occupancy, the applicant must submit documentation for review and approval of the Community Development Director, that the project meets the equivalent of the LEED Silver rating (Exhibit A, Condition Nos. 18 and 19). As conditioned, the project meets General Plan Policy IV-33.

S. Las Virgenes Gateway Master Plan and Coridor Plan Consistency: The subject site is considered a prominent parcel in both the LVGMP and the Las Virgenes Road Corridor Plan (LVRCP). Table 4.7-5 and Table 4.7-6 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, multi-family residential, and a commercial retail (restaurant/retail) component all in a "village" (detached / spread out) concept, and fosters connections via sidewalks to the nearby Las Virgenes Creek, and the open space and regional trail system to the east of the project site. The project is consistent in terms of architectural style and colors because it will be constructed in accordance with Monterey/Santa Barbara Mission style architecture, and will be colored in earth tones, and utilizing concrete S-tile, medium colored, non-glaring mansard style roofs. Additionally, the proposed plan is consistent with the landscaping standards in that extensive trees plantings will occur along street frontages. Circulation components are met by the project via the provision of bicycle and pedestrian improvements along Las Virgenes Road, enhanced transit opportunities via the proposed trolley stop, and enhanced access to Las Virgenes Creek to the west and the open space trails to the east. Furthermore, the project is consistent with the goal of preserving the environmental integrity of natural features by utilizing clustered site planning, reduced massing through a "village" concept, aesthetic building forms and architectural detailing, natural materials, and robust and well placed native and drought tolerant landscaping. As mentioned above in Section L of this staff report, the City's Architectural Review Panel reviewed the project and determined that it was consistent with the applicable standards and guidelines.

ENVIRONMENTAL REVIEW/CEQA:

The proposed project is subject to the requirements of the California Environmental Quality Act (CEQA). When deemed a "project" under CEQA, a Lead Agency (in this case, the City) must prepare an initial study to determine what impact, if any, a project may have on the environment. The City of Calabasas completed an Initial Study for the proposed project in August 2017. The Initial Study identified the following issue areas as having impacts that are "potentially significant" or "potentially significant without mitigation": aesthetics, air quality, biological resources, geology/soils greenhouse gas emissions, hydrology/water quality, land use/planning, noise, public services, and transportation/traffic.

An Environment Impact Report (EIR) must be prepared for a project when the Lead Agency determines that there is substantial evidence in the record that a proposed project may have a significant impact on the environment. In this case, based on the project's initial study, and as described above, the Lead Agency (City of Calabasas) determined that the project may have potentially significant impacts to several impact areas, and therefore, an EIR was required. The City circulated the Initial Study with a Notice of Preparation (NOP) of a Draft EIR on September 1, 2017. In addition, the City held a scoping meeting on September 14, 2017 in which 19 members of the pubic attended and were invited to

share verbal and written comments and /or suggestions for analyses that should be included in the EIR.

A draft Environmental Impact Report (EIR) was completed and circulated for public review (along with the required Notice of Availability) on December 21, 2018 to gain public input on the draft EIR. Per Section 15105 of the CEQA Guidelines, when a project requires State Clearinghouse Review (as is the case with the subject project), the minimum public review period shall be a minimum of 45 days, and a maximum of 60 days, except under unusual circumstances. The public review period officially closed on March 8, 2019 (extended to include a total of 77 days). In this case, an unusual circumstance was created by the inadvertent omission of a technical study (an updated geotechnical engineering investigation). Although technical studies are not required to be circulated as part of the draft EIR process, they are typically attached to a draft EIR as a courtesy and to promote greater transparency. Since the updated geotechnical investigation was inadvertently omitted, the City corrected the omission, and the public review period was extended 17 additional days.

During the public review process, the City received a total of 48 comment letters from both members of the public and public agencies. Per Section 15132 of the CEQA Guidelines, the City is required to prepare a Final EIR that includes the Draft EIR or a revision to the DEIR, comments received on the Draft EIR, a list of persons, organizations, and agencies that commented on the Draft EIR, and responses to comments. The Final EIR was completed and available to the public on June 21, 2019.

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 Final EIR prepared for this project is attached as Exhibit C. In preparing the Environmental Impact Report, staff independently reviewed, evaluated and exercised judgment over the project and the project's environmental impacts. In summary, the FEIR found that impacts to all identified potentially significant environmental impact issue areas

except one, aesthetics, would be less-than-significant, or less-than-significant with mitigation incorporated. Potentially significant impacts in regards to key environmental issue areas have been discussed throughout this staff report. In regards to aesthetic impacts, although the project has been situated in the most appropriate location on-site given the City's General Plan policies, and incorporates a number of design features that would reduce impacts to the visual character of the site to the greatest degree feasible, any change to the visual character of the site is considered a significant and unavoidable impact; therefore, because the project proposes to place permanent development, which includes remediation and revegetation of a significant landslide feature, on a visible, mostly undeveloped project site, an unavoidable significant impact to visual character will nonetheless occur.

This sole unavoidable significant impact triggers 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. Additionally, since the project incorporates measures that will avoid or substantially lessen significant environmental effects identified in the Final EIR, Section 15097 of the CEQA guidelines requires the Lead Agency to adopt a Mitigation Monitoring and Reporting Program to ensure that the measures that have been imposed to mitigate or avoid significant environmental effects will be carried out.

The following discussion includes an expanded analyses of aesthetic impacts, and summary analyses of: (A) alternatives (including alternatives considered and rejected and the environmentally superior alternative); (B) Mitigation Monitoring and Reporting Program; (C) public comments and responses; and (D) a Statement of Overriding Considerations.

Aesthetics

Section 4.1 of the Final EIR provides a detailed analysis of the proposed project's impacts on aesthetics. The following visual impact issue areas were analyzed in the EIR:

- *Does the project have a substantial effect on a scenic vista;*
- *Does the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;*
- *Does the project substantially degrade the existing visual character or quality of the site and its surrounding; and*
- *Does the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area*

The proposed project would be most visible to drivers along the U.S. 101 Freeway and Las Virgenes Road, both of which are designated scenic corridors, and also from portions of Agoura Road and the New Millennium Trail (within the publicly owned open space areas). Generally, the EIR concludes that the project, inclusive of the grading, building construction, landscaping and lighting will alter existing views from these locations. However, the EIR also concludes that all but one of the identified impacts are either less-than-significant, or less-than-significant with mitigation incorporated.

Scenic vistas in the vicinity of the project include ridgelines, hillsides and the open space areas. Significant ridgelines, as defined by the General Plan, are located north and east of the project site (off-property), and can be viewed from various viewpoints along U.S. 101, Las Virgenes Road, and Agoura Road. Potential impacts to scenic vistas include either the alteration and/or obstruction of a scenic vista. An analysis of visual simulations (demonstrating the project both as initially constructed, and with projected mature landscaping) prepared from various viewpoints along U.S. 101 Freeway, Las Virgenes Road and Agoura Road demonstrates that the project will not significantly block views of scenic vistas including significant ridgelines along the U.S. 101 or Agoura Road and therefore the impacts from these areas are considered less-than-significant. Similarly, although development will grade (scenic) hillside areas to remediate the landslide, and place buildings within the viewshed along the U.S. 101 Freeway, Agoura Road and Las Virgenes Road, which would alter scenic vistas, the proposed project is designed to substantially conform with the General Plan, Las Virgenes Gateway Master Plan, sighting and design standards, Scenic Corridor Development Guidelines, design considerations in the City's Municipal Code, and the City's Dark Skies Ordinance, which also reduces impacts to scenic vistas to a less-than-significant level. However, landscaping proposed along Las Virgenes Road may obscure background scenic vistas, including hillsides and ridgelines, and therefore is considered a potentially significant impact to scenic vistas. In order to reduce impacts to scenic vistas along Las Virgenes Road to less-than-significant levels, Mitigation Measure AES-1 limits landscaping planted along Las Virgenes Road to species which typically do not grow to a height in excess of 30 feet, therefore helping to preserve views of scenic vistas.

The EIR also concludes that 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 including BIO-3(a), BIO-4(a-b), and BIO-6 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.

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. The project will also alter the visual character of hillside areas due to the necessity to repair an unstable slope, which results in landform alteration, removal of native vegetation and replacement with remediated native landscaping on the restored graded slope. Minimizing that impact, use of contour grading techniques and implementation Mitigation Measures BIO-3(a) and BIO-4(a-b) will significantly restore the repaired slope to its pre-existing natural looking condition. Overall, although the project would be consistent with the General Plan and LVGMP and would generally provide attractive residential and commercial development, 19 percent of the site would be graded for residential and commercial development, and an additional 27 percent of the site would be graded to remove an existing landslide. Therefore, the change in visual character is considered significant and unavoidable.

Finally, the proposed project would introduce lighting and glare in an area that is currently vacant. However, new sources of lighting 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 to adjacent areas, including adjacent residential development, the roadway, and open space areas. Consequently no further mitigation is required.

Analysis of Project Alternatives

Per Section 15126.6 of the CEQA Guidelines, an EIR must describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the potentially significant effects of the project, and evaluate the comparative merits or the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. A reasonable range of alternatives shall include projects that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. An analysis of project alternatives is required to include a "no project" alternative which considers a comparison of impacts caused by approving a project to impacts of not approving the proposed project.

A full analysis of project alternatives is provided in Section 6.0 of the EIR. Based on the potentially significant impacts that could result from implementation of the project and the project objectives, three alternatives were prepared for analysis in addition to a "No Project" Alternative required to be analyzed under the CEQA Guidelines, as follows:

- Alternative 1: No Project

- Alternative 2: Reduced Building Heights Along Las Virgenes Rd
- Alternative 3: Mixed Use Retail and Residential Building
- Alternative 4: Modified Landslide Mitigation/Reduced Footprint

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

Alternatives Comparison

	Proposed Project	Alt 1: No Project	Alt 2: Reduced Building Heights Along LV	Alt 3: 3 Mixed Use	Alt 4: Modified Landslide Mitigation
Residential Units	180 Multi-Family	None	180 Multi-Family	190 Multi-Family	243 Multi-Family
Commercial	5,867 sf	None	5,867 sf	1,460 sf	5,000 sf
Grading (cut/fill)	2,622,188 cubic yards / 2,647,756 cubic yards	None	2,622,188 cubic yards / 2,647,756 cubic yards	2,622,188 cubic yards / 2,647,756 cubic yards	84,246 cubic yards / 10,246 cubic yards
Develoment Area (acres)	11	0	11	11	7
Open Space (acres)	66	77	66	66	70
Include Landslide Remediation	Yes	No	Yes	Yes	No
Construction Schedule	35 months	None	35 months	35 months	30 months
Residential Building Heights	3 stories	None	2 - 4 stories	3 stories	3-4 stories

Alternative 1 (the "no project" alternative), is required by CEQA for purposes of documenting a baseline and evaluating expected future conditions absent the project, and assumes that no project is 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