



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
APRIL 15 AND 21, 2021

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 easement through the site connecting with open space lands to the east, and 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 recreation 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.

OWNER: The New Home Company

APPLICANT: The New Home Company

RECOMMENDATION: Adopt Resolution No. 2021-713 recommending to the City Council approval of File No. 160003152; and certification of the Amended Final Environmental Impact Report, with a Statement of Overriding Considerations regarding potentially significant impacts to scenic resources.

EXECUTIVE SUMMARY:

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 Planning Commission previously reviewed this project at public hearings held on July 10, 2019, July 11, 2019, and July 18, 2019 (Exhibits F, G and H). Archived video recordings of the public hearings, all the staff reports and attachments, and all environmental review documents (including the Original Draft EIR, Original Final EIR, Amended Draft EIR, and Amended Final EIR) are available for viewing and/or downloading at <https://www.cityofcalabasas.com/our-city/current-projects/west-village-at-calabasas>. At those prior meetings, staff presented the project to the Commission, answered questions from the Commissioners, the Commission conducted a public hearing and received oral and written testimony, the Commission considered the reports, testimony, and evidence and deliberated on the proposal; and, the Commission rendered the following decision:

- 1) Passed a motion by a 3-2 vote directing staff to prepare and bring back for the

Commission's consideration and adoption a resolution recommending to the City Council denial of the project as proposed, and further not recommending certification of the Environmental Impact Report (EIR); and,

- 2) The Planning Commission added a recommendation that, in light of the recommendation for denial, the applicant may bring back for consideration by the Planning Commission any proposed project alternative.

Subsequent to the public hearings, the applicant informed staff of their decision to follow the recommendation of the Planning Commission to further explore whether Alternative 4, or a variation of it, could be safely and feasibly developed, together with any proposed additional alternative. For this effort, the applicant hired an independent geotechnical consultant, Leighton and Associates, Inc., to review all of the geotechnical information gathered to date and make recommendations on feasibility of project alternatives. The applicant also had their project oak tree specialist re-survey the oak trees on the property to document the post-Woolsey Fire conditions. Furthermore, due to the time delay resulting from the applicant's decision to explore other alternatives, staff informed the applicant that updates to both the traffic impact analysis (including performing a Vehicle Miles Traveled [VMT] analysis) and to on-site biological conditions would need to be accomplished. To this end, because of the applicant's decision to explore project alternatives as recommended by the Planning Commission, and with the understanding that either a new project design, or new technical information would be submitted for further Planning Commission consideration, staff deferred submission of the proposed project denial resolution until such time as such new information could be submitted and analyzed for consideration by the Commission at the same time, thereby fulfilling both parts of the Commission's July 18, 2019 direction.

Ultimately, the applicant submitted the following new information to the City:

- 1) A third party geotechnical review performed by Leighton and Associates, Inc. providing geotechnical feasibility and recommendations for all project alternatives (Exhibit D, Appendix H);
- 2) A post-Woolsey Fire oak tree assessment documenting the updated conditions of on-site oak trees (Exhibit I); and
- 3) A new project alternative, Alternative 5 (Exhibit E)

Additionally, Rincon Consultants, Inc., the City's environmental consultant for the West Village at Calabasas Project, submitted the following updated/new studies at the request of the City:

- 4) An updated traffic impact analysis (TIA)[Exhibit D, Appendix G];

- 5) A VMT traffic analysis (prepared consistent with new State California Environmental Quality Act [CEQA] requirements, and State Office of Planning and Research technical advisory guidance) [Exhibit D, Appendix G];
- 6) An updated biological assessment of the current on-site biological conditions (Exhibit D, Appendix I); and
- 7) A peer review of Leighton and Associates, Inc. submitted third party geotechnical review performed by LGC Valley, Inc. (Exhibit D, Appendix H).

Based on a review of the submitted new and updated information, Planning staff determined that a limited scope amendment to the project's Original Final EIR was required under CEQA.

The Amended Draft EIR (referred to as the "Recirculated Draft EIR" in the Amended EIR) was circulated for a for a 52-day public review period that began on September 22, 2020 and ended on November 13, 2020, and included revisions to three sections of the EIR including Section 3, *Environmental Setting*, Section 4.10, *Traffic and Circulation*, and Section 6, *Alternatives*. Commenters were asked to comment on only the revised sections. The City received 25 comment letters, and released the Amended Final EIR to the public on March 11, 2021 that included responses to all submitted comments.

For background and clarity, the Original Final EIR was completed and presented to the Planning Commission for consideration at the July 10, 11 and 18, 2019 public hearings. The Original Final EIR included a number of technical studies (attached as appendices) upon which the analysis in the Original Final EIR was based. Subsequent to the 2019 Planning Commission public hearings, both updated and new technical information (including an updated TIA, a VMT analysis, and the independent geotechnical review by Leighton and Associated, Inc.) and a new project alternative were performed by and/or submitted to the City that constituted "significant new information". Based on the submittal of "significant new information", Planning staff determined that a focused amendment to the EIR was required. A draft of the "amended" EIR was prepared that included only the amended sections of the EIR (and not any of the non-amended portions), and was circulated for public review as required by CEQA. Comments on the amended draft EIR were received by the City, and responses to the comments were prepared accordingly. To this end, the new Amended Final EIR that is under consideration is a combination of the previous Original Final EIR along with the "amended" sections inserted (with ~~striketroughs~~ and underlines), and also includes the original "responses to comments" and "responses to comments" on the Amended Draft EIR (both separately bound), and the entirety of this document is known as and referred to throughout this staff report as the "Amended Final EIR" and is attached as Exhibit D.

STAFF ANALYSIS:

The staff reports prepared for the July 10th, 11th and 18th, 2019 Planning Commission hearings (Exhibits F and G) include a very detailed analysis of the currently proposed project and all critical issue areas including a detailed CEQA analysis. All of the staff reports with their original attachments are available for viewing and/or downloading at <https://www.cityofcalabasas.com/our-city/current-projects/west-village-at-calabasas>.

Because the proposed project has not changed, the following analysis focuses on only critical issues arising from new information and updated technical analyses submitted and/or performed subsequent to the prior Planning Commission public hearings of July 10th, 11th, and 18th, 2019.

- A. Alternative 4 / Geotechnical Issues:** In concert with the City's 2030 General Plan Land Use and Housing Elements, which define a specific on-site development footprint boundary, and specify allowed land use types and intensities for the project site, on-site geology and geotechnical conditions play an important role in consideration of the general approach to development of the project site. The presence of a large unstable landslide mass on the property's southern slope is well documented in all previous geotechnical studies performed for the subject property. Additionally, the project site is located in a mapped landslide hazard area in the City's General Plan (General Plan, Figure VII-2) and is also specifically identified in the City's General Plan EIR (Section 4.5, *Geology, Impact GEO-3*, Exhibit G), as a site where relatively intense development could occur within or adjacent to an identified landslide hazard zone. General Plan Policies, VII-1, VII-2 and VII-6 seek to reduce risk of physical and economic loss through site specific studies, hazard identification and adequate mitigation. The current development proposal, which was reviewed by the Planning Commission on July 10, 11, and 18, 2019, proposed to implement a permanent grading mitigation solution consistent with the General Plan policies. Project geotechnical consultants (with concurrence by the City Engineer) proposed to mitigate the landslide mass by removing those unstable soil layers, as well as the unconsolidated and compressible material underneath the proposed project footprint. The excavated material would then be replaced as engineered and properly compacted landforms – a permanently stable buttressed slope, and competent building pads. The reconstituted building pads would safely accommodate not only optimal building foundation designs, but also the necessary ancillary development features, such as roadways, sidewalks, hardscape elements, and other accessory structures without settlement issues. The proposal also includes implementation of contour grading techniques (to mimic natural looking slopes), slope drains (v-diches colored to aesthetically blend into the hillside), and upland restoration landscaping to replace lost native vegetation and visually restore the repaired hillside condition.

In the Original Final EIR (2019), Alternative 4 was identified as a theoretically possible alternative development scheme that would shift development to the north and leave a buffer zone where the landslide, if reactivated, would have an area to flow into without affecting on-site development. Alternative 4 is designed to be situated on a smaller 7-acre development footprint (compared to the currently-proposed 11 acre development footprint), and would consist of 230 for-sale/for-rent residential units and 5,000 square feet of commercial space located in two mixed-use buildings, four apartment buildings with tuck-under parking, and one larger multi-level condominium complex with podium-style parking. It was noted at the time that Alternative 4 was not preferred by staff because of ongoing risk of a future landslide failure that could still impact on-site development and drainage infrastructure, and potentially effect surrounding off-site development and infrastructure from debris and mudflows. Nevertheless, Alternative 4, although not fully vetted, remained potentially viable as a project alternative in the EIR. Because of the theoretical viability of Alternate #4, and that the alternative would, in theory, not require grading of the hillside and therefore could result in a measurable reduction to biological and visual impacts, the Planning Commission approved a motion to recommend denial of the project, and further recommended that the applicant explore the feasibility of developing Alternative 4, or some variation of it, together with any other desired project alternatives, and bring a the project or an alternative back for further Planning Commission review and consideration.

As mentioned above, the applicant agreed to pursue the Planning Commission's recommendation, and hired an independent geotechnical consultant, Leighton and Associates, Inc., to review all of the geotechnical information gathered to date to see if Alternative 4, or a version of it, could be designed and accomplished safely and feasibly. Leighton's findings and recommendations are included in their report entitled "Geotechnical 3rd Party Review of Development Alternatives, Proposed West Village Project, Tentative Tract 71546, City of Calabasas, Los Angeles County, California" (dated March 5, 2020 and revised March 31, 2020) [Exhibit D, Appendix H], and discussed in detail below. To get another independent geotechnical engineering perspective, the City contracted with LGC Valley, Inc. for a peer review of the proposed project and alternatives, including all previous geotechnical reports submitted to date and including the 2020 Leighton and Associates, Inc. report. LGC Valley, Inc. issued a report with their findings on May 8, 2020 [Exhibit D, Appendix H]. In their peer review, LGC Valley generally concurred with the findings and recommendations contained in the Leighton and Associates report. The findings in the Leighton and Associates, Inc. report were also reviewed by the City's consulting engineering geotechnical reviewer, Ross Khiabani of Willdan Geotechnical, who also concurred with the findings (Exhibit N).

The scope of assessment and analysis for both the Leighton and Associates, Inc. report and the LGC Valley, Inc. peer review report focused on geologic considerations with regard to the following:

- 1) The existing geotechnical condition of the site and associated risks of Alternative 1 (no project development);
- 2) Geotechnical feasibility of Alternative 4 with no landslide mitigation (i.e. left in place); and
- 3) Geotechnical feasibility of Alternative 5, a new project alternative developed by the applicant utilizing the same landslide grading mitigation strategy as the currently proposed project, but with on-site development configured differently to reduce visual impact.

Alternative 1 – No Project

Alternative 1 assumes that the site is left in an undeveloped state. In their report, Leighton notes that the landslide mass in its current condition has a calculated factor of safety less than the recommended minimum, which is 1.5 for static conditions and 1.1 for pseudostatic conditions. A factor of safety is a calculation that demonstrates a ratio of the resisting forces (i.e. friction, cohesion, material competency, etc.) to the driving forces (i.e. shaking, water loading, weight loading, etc.). When a factor of safety falls below 1.0 it means that the driving forces are stronger than the resisting forces, and the mass will move in the direction of the weaker resisting force (i.e. the slope fails).

Leighton's conclusion, looking at the slide mass data, is that in a best-case scenario, which is under drained conditions (i.e. no water present in the slide mass), strong ground shaking caused by an earthquake would cause the slide to move on the magnitude of several feet in generally a northwest direction (toward Las Virgenes Road and the Colony). Additionally, Leighton notes that an increase in the water (pore) pressure would further reduce the factor of safety, potentially inducing mass landslide movement from less substantial ground shaking and/or wet weather conditions. Furthermore, the landslide movement could possibly block the natural channel traversing the site, and that during wet weather conditions, surficial instability could impact surrounding developed areas and detention basins, and alter site hydrology in a way that could ultimately result in flooding and mudflow impacts to Las Virgenes Road and surrounding (down-flow) developments.

Alternative 4 – Modified Landslide Remediation with Reduced Footprint

Alternative 4 as described in the Original Final EIR is an alternative project design that proposes no landslide remediation, and would instead place development within a reduced footprint (7 acres opposed to 11 acres), and shift development to the north (away from the landslide) to provide a buffer area that, in theory, is large enough to buffer the effects of a future landslide. This project alternative was preferred by the

Planning Commission since no grading of the southern hillside would occur, and thus would result in reduced impacts to biological and visual resources. Since no landslide remediation is proposed with Alternative 4, the same landslide principals and analysis described above for Alternative 1 apply.

Leighton's conclusion is that due to the proximity of the development, large scale mass movement of the landslide is expected to result in damage to structures and infrastructure, and may also threaten the safety of the occupants. Leighton further concludes that it is difficult to predict the extent of slide failure and ultimate runout (i.e. furthest extent of slide limits) due to significant uncertainties with regard to predicting the failure location and slide runout distance. Additionally, due to the relatively young age of the landslide, surficial (shallower-depth) sliding and sloughing is expected. Leighton notes that the frequency, extent and potential effect are difficult to predict, but potential consequences would range from ongoing maintenance, to needed repair of failed slopes, to a surficial failure large enough to damage property and be life threatening for people caught in mudflows. Furthermore, re-activation of the slide mass would likely block the naturally occurring drainage channel which could divert water flows and result in flooding and erosion to the development. Ultimately, because no mitigation measures will have been implemented, Leighton cannot recommend Alternative 4 because of the uncertainty in predicting landslide behavior, and the risks of property damage and loss of life are too high without any measures to reduce slope instability.

Modified Alternative 4 – Best-Case Design

Because Alternative 4 with no landslide remediation is concluded to be infeasible, Leighton sought alternative ways that Alternative 4 might be designed to improve safety risks while maintaining feasibility. Note that there are three important geotechnical factors that have to be considered with respect to safety, feasibility and project design: 1) gross (static) stability and seismic stability, 2) surficial stability, and 3) material/building pad competency. Gross and seismic stability relates to overall slope stability of the landslide mass to the point where a large-scale, deep-seeded landslide would resist failure on the slide plane (i.e. the point of weakness where the unstable material rests on top of the competent material underneath). Surficial stability addresses capacities to resist soil sliding and/or sloughing at shallower depths due to other variable proximate weaknesses and applied driving forces. Material and building pad competency addresses the ultimate finished earth density upon which development is placed. Competent material is earth compacted to a density that is stable and resists settlement. Design specifications of building foundations and site work (such as streets, sidewalks, streets, utilities and other infrastructure, swimming pools, etc.) take into account the competency of underlying material.

Leighton developed a best-case design scenario for a development using the Alternative 4 footprint and reducing overall safety risk as much as possible without implementing the graded landslide remediation as is proposed with the current project design. The geotechnical factor that involves the most risk (and the most devastating consequences) is the gross and seismic stability. In order to reach the necessary 1.5 factor of safety for gross and seismic stability, Leighton developed a preliminary design concept that utilizes an array of approximately 454 drilled caisson shafts. These caisson shafts would stabilize the gross and seismic stability of the landslide to prevent a large-scale event. Caissons basically are large cylindrical concrete piles reinforced with steel rebar placed vertically into the ground. The 454 caissons would be spaced ten to twelve feet on-center, with each caisson being a minimum of five to six feet in diameter and drilled to a depth ranging from approximately 100 to 185 feet. The caissons would be placed in rows throughout the landslide area. Fifteen to twenty foot wide roads, consisting of one main access road and multiple secondary roadways, would have to be graded for construction access along with necessary back cuts for slope safety and to serve as a working platform for drilling of the caissons. Total grading for caisson installation is estimated at 127,055 c.y., and, except for the spoils resulting from drilling the holes for the caissons (approximately 55,855 c.y.), would be restored upon completion and re-landscaped. The nearly 56,000 c.y. of spoil material would need to be exported, or deposited elsewhere on the project site. The cost to install this system is estimated to be approximately \$113.7 million, which amounts to more than twelve times the estimated cost of \$9.32 million for the excavated, re-engineered, recompacted, and contour-graded landslide mitigation design currently proposed.

Although the drilled caisson shaft system would achieve the minimum required factor of safety for gross and seismic stability, it would not resolve the above-described surficial stability issues along with their potential range of consequences. Construction of diversion walls, debris basins and other debris and flood control improvements would be necessary, and would require diligent, ongoing cleanout, maintenance and repair, as well as the necessary repair to failed slopes as they occur over time. Additionally, since this alternative would not remove and re-compact compressible landslide material underlying the development footprint, buildings would not be situated on competent building pad material, and thus would need to be constructed using pile (caisson) foundation systems that would be required to bear on competent bedrock. Other site development (i.e. streets, sidewalks, parking areas, swimming pools, etc.) would need to be designed to account for settlement and may need continual maintenance and repair of cracking over time.

From an environmental impact perspective, construction of the best-case version of Alternative 4 would disturb approximately 9 acres as opposed to 21.4 acres. Thirty-four (34) oak trees would be impacted, compared to 45 oak trees that would be impacted with graded landslide mitigation. Of the 34 impacted oak trees, 30 would be removed

(20 Heritage trees) and 4 would be encroached upon (4 Heritage trees). Please note that the Alternative 4 oak tree impact analysis used a post-Woolsey Fire condition in which several of the pre-fire documented oak trees were damaged or destroyed by the fire. Construction of Alternative 4 (with the caissons) would affect the same vegetation community types as with the graded landslide mitigation, which include Annual Brome Grasslands, Purple Sage Scrub, and Coast Live Oak Woodlands, except that the total amount of affected area would be reduced.

Ultimately, after review of the updated geotechnical conclusions and the best-case design scheme for Alternative 4, Alternative 4 was recommended for rejection for the following reasons:

- 1) The best-case design of Alternative 4 would still be geotechnically unsafe and unsound because the southern slope would remain superficially unstable, and the development structures would not be situated on competent building pads;
- 2) Implementation of the drilled caisson shaft system would still result in temporary impacts to scenic resources and visual character (i.e. disturbance of natural slopes and native vegetation), and biological resources due to the temporary grading and back cut required for access and construction of the drilled caissons;
- 3) The best-case Alternative 4 design would result in the export of an estimated 55,855 c.y. of material (approximately 2,793 truck trips), compared to the proposed project, which balances earthwork on-site (resulting in no soil export or import truck trips);
- 4) The best-case Alternative 4 design would not be economically feasible due to the substantially higher cost of constructing the array of caissons -- estimated to be approximately \$113.7 Million, compared to the estimated cost of \$9.32 Million for the proposed permanent graded landslide mitigation strategy recommended by geotechnical experts; and,
- 5) The best-case Alternative 4 design would not achieve the identified project goals of:
 - (a) designing and developing a project that is financially viable and functionally compatible with site conditions, adjacent uses and the environment,
 - (b) creating a new pocket park for enhanced recreational opportunities in the City's west side, and
 - (c) fully mitigating the on-site landslide condition by stabilizing the southern slope and balancing the earthwork on-site.

B. Oak Trees/Woolsey Fire: The original oak tree assessment for the proposed project was prepared by Arbor Pro dated December 19-24, 2011, and updated reports were submitted by Carlberg Associates, dated December 2013, and June 15, 2017. The June 15, 2017 oak tree assessment report by Carlberg Associates contains the most updated baseline oak tree data, and was used in the Original Final EIR's analysis of

oak tree impacts (Exhibit D, Appendix C). The baseline oak tree assessments surveyed and documented oak trees on and in close proximity to the project site and identified impacts to the oak trees from project development. As summarized in the agenda report for the June 10 and 11, 2019 Planning Commission meetings (Exhibit F, p.49), the project originally had 206 oak trees either on-site or immediately adjacent to the project site. The majority of the oak trees (197) were located on the north-facing slopes of the southern hillside areas; however, 5 oaks were located within the flatter canyon area (development envelope), and 4 are located on south-facing northern slopes. Of these, 156 oak trees (76%) would not be affected by the proposal, but 50 oak trees, as originally sited, would be affected by proposed construction activities (mainly remediation of the landslide and construction of the detention/debris basin). Of the 50 affected oak trees, 45 oak trees would require removal (24 of which are Heritage oaks) and 5 oak trees would be encroached upon (3 of which are Heritage oaks). Of the 45 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 proposed landslide mitigation. Most of the 40 oak trees located within the proposed landslide remediation area are also identified as part of an oak woodland area.

In November 2018, after the circulation period for the Original Draft EIR, the Woolsey Fire severely burned the entire project site. Although on-site resources including oak trees were either severely diminished or destroyed altogether, the project EIR conservatively analyzed project impacts to on-site resources as if the fire had not impacted the biological resources (including the oak trees) (i.e. assumed all resources still existed in their pre-fire state) and required mitigation for identified project impacts accordingly.

Consistent with the City's Oak Tree Ordinance and the City's Oak Tree Preservation and Protection Guidelines, the Original Final EIR (June 2019) identified required mitigation for the removal of the 45 oak trees (estimated at 1417.5 inches of oak tree diameter) consisting of 1 inch of new oak tree plantings for each inch removed. An oak tree mitigation plan will be required to be submitted to the City for review and approval to ensure full remediation of all oak trees removed.

In deliberations held in the public hearings on July 10, 11 and 18, 2019, Planning Commissioners noted preservation of the oak woodland resources on the southern slopes (within the landslide area) as one of the reasons for their recommendation for the applicant to explore feasibility for development of Alternative 4 (or a variation of it). Alternative 4, as noted above, is the project alternative that, in theory, would not grade the southern hillside to remediate the landslide, and thus would preserve the biological resources, including the oak woodland resources, that exist on the slope.

Subsequent to the Planning Commission hearings, the applicant submitted a post-Woolsey Fire oak tree evaluation dated September 24, 2019, performed by Carlberg and Associates, to document the impact the Woolsey Fire had on the evaluated oak trees (Exhibit I). The assessments in that report were peer reviewed by biologists at Rincon Consultants, Inc., the City's environment consultant, who concurred with the accuracy of the post-Woolsey Fire oak tree conditions documented in the Carlberg Associates report (Exhibit J). The Carlberg Associates assessment of the 206 oak trees on, or in the vicinity of, the project site found the following:

- 8 oak trees sustained MINOR fire damage
- 21 oak trees sustained MODERATE fire damage
- 177 oak trees sustained SEVERE fire damage
 - 20 of the severely damaged oak trees were no longer present; they were burned to ash or charred stumps, and showed no sign of basal sprouting from the root stock;
 - 27 of the severely damaged oak trees were found standing dead or collapsed dead, and showed no sign of basal sprouting from the root stock;
 - 15 of the severely damaged oak trees were found standing dead or collapsed dead, but had basal sprouting from the root stock; and
 - The remaining 115 severely damaged oak trees were found to have some epicormic growth (i.e. growth of new shoots in response to damage or stress) in their crowns.

Further, regarding the 40 oak trees that would need to be removed due to the proposed landslide remediation, the report noted the following assessments:

- All 40 oak trees are among the 115 trees which sustained SEVERE fire damage
- 2 of the 40 oak trees are dead
- 6 of the 40 oak trees have been killed above ground but are sprouting from the root stock
- 17 of the 40 oak trees were noted as having structural damage

The post-Woolsey Fire oak tree assessments demonstrate that the majority of the oak resources on-site and in the vicinity of the subject property have been severely impacted by the fire. Furthermore, the 40 oak trees located on the southern slope that would require removal to remediate the landslide have all been severely damaged. The arborist noted that long-term recovery of the oaks will vary from tree to tree. Trees that have been moderately to severely burned may recover canopies over time; however,

they may also be structurally compromised, and are more susceptible to insects and disease.

Even though the November 2018 Woolsey Fire had severely degraded the project site's oak tree resources, the Original draft EIR was prepared prior to the Woolsey Fire, and circulated for public review in December 2018, just after the Woolsey Fire. Nevertheless, the impact analysis and recommended required mitigation contained in the Original Draft EIR, and which was ultimately maintained in the Original Final EIR released to the public in June 2019 was based on pre-fire oak tree conditions. Doing so provided the most conservative approach to analyzing impacts to and providing mitigation for oak resources lost due to development of the project. The March 2021 Amended Final EIR (Exhibit D), discussed below in Section F of this agenda report, maintains the same approach, and continues to recommend required mitigation based on a pre-fire condition of the oak tree resources, which will result in more robust mitigation program than one based on a post-Woolsey Fire condition. Furthermore, in light of the severely damaged oak tree resources described above, the required mitigation of an estimated 1,417.5 inches of oak tree diameter that otherwise would have been lost as a result of project development will expeditiously and robustly restore oak resources on the project site (including the hillsides), providing resources helpful to wildlife movement through the resultant hillside permanent open space areas. Also of note, the 2021 Amended Final EIR now clarifies that the oak tree mitigation program must be designed in a way to functionally restore an equal amount of lost oak woodland habitat as that lost due to project development, a distinction that was unclear in the 2019 Original Final EIR.

- C. Biology:** Biological impacts were analyzed as part of the 2019 Original Final EIR. Several biological studies, focused protocol surveys, jurisdictional wetland delineations and updates were submitted between 2010 and 2019 and were used to assess potential impacts to biological resources in the 2019 Original Final EIR. Due to the time delays that resulted from the applicant exploring the feasibility of developing Alternative 4, or a version of it, the City determined that it was appropriate to re-survey the biological resources on-site so that any changes in conditions could be documented and re-evaluated as part of the Amended EIR. Biologists from Rincon Consultants re-surveyed the site on April 10, 2020, and submitted their findings in a report dated April 27, 2020 (Exhibit D, Appendix I). The report concluded that biological conditions [other than oak trees] were found to be substantially similar in extent and species composition to the conditions analyzed in the 2019 Original Final EIR. Therefore, no substantive changes were made to the Biological Impacts Section of the EIR, nor did the Biological Impacts Section of the EIR have to be re-circulated as part of the Amended EIR.
- D. Traffic Impacts Updates / Vehicle Miles Traveled (VMT) Analysis:** Impacts to traffic and circulation were originally analyzed as part of the 2019 Original Final EIR. The traffic impact analysis (TIA) was prepared in 2018 by Associated Transportation Engineers

(ATE), and was prepared under the direction of the City, with review by the City's Traffic and Transportation Commission. The study analyzed traffic impacts associated with the project and recommended mitigations as necessary to ensure compliance with City's policies and statutes. The TIA analyzed traffic impacts using the Level of Service (LOS) methodology required by the City's General Plan. Because traffic flow is most constrained at intersections, the flow analysis focused on peak (AM and PM) traffic periods of the following critical intersections:

- Las Virgenes Road / Mureau Road
- U.S. 101 Northbound Ramps / Las Virgenes Road
- U.S. 101 Southbound Ramps / Las Virgenes Road
- Las Virgenes Road / Agoura Road
- Lost Hills Road / Agoura Road
- Las Virgenes Road / Lost Hills Road

As calculated by the 2018 TIA, the total estimated trip generation for the project (adjusted for pass-by and internal capture trips) was found to be 2,209 Average Daily Trips (i.e. the added number of vehicle trips on the nearby roadway system over a 24-hour period) and includes 209 A.M. peak hour trips and 162 P.M. peak hour trips. Peak hour impacts for the above-listed critical intersections were studied for the following scenarios:

- Existing Plus Project Conditions
- Opening Year Plus Project Conditions
- Cumulative Plus Project Conditions

The analysis found that the anticipated contribution of traffic by the project would not significantly impact (i.e. impair the flow beyond identified thresholds) any of the 6 critical intersections for any of the three scenarios listed above. However, the Original Final EIR listed recommended mitigation measures T-1(a), T-1 (b), T-7 (a) and T-7 (b) that would nevertheless improve traffic flow conditions, to include any contributions from the project.

- Mitigation Measure 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.
- Mitigation Measure 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.
- Mitigation Measure T-7(a) recommends that the northbound Las Virgenes

approach to the Las Virgenes/Agoura Road intersection be re-stripped 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 implementation of these recommended traffic mitigation measures, general traffic flow conditions would be improved at the Las Virgenes/Mureau Road, Las Virgenes/Agoura Road, and the 101 Southbound/Las Virgenes Road intersections, including accommodating contributions from the project.

As mentioned above, the applicant followed the Planning Commission's recommendation to study the feasibility of developing Alternative 4, or a version of it, which resulted in the preparation of an Amendment to the EIR. Because the time delays to study the feasibility of Alternative 4 pushed back the project's anticipated opening year to 2025, the City updated the TIA to document the projected growth in traffic volumes, and analyze whether any impact thresholds might now be exceeded as a result, and therefore possibly necessitate added mitigations. Additionally, in 2013, Senate Bill 743 was signed into law requiring for all CEQA documents prepared after July 1, 2020 a new method of traffic impact analysis called Vehicle Miles Traveled (VMT) Analysis. Because the draft EIR was circulated for public review prior to the law taking effect, VMT analysis is not required to be included in the analysis. However, because the Amended EIR was prepared spanning the July 1, 2020 effective date of the new law, and although still not technically required, the City determined it was appropriate to include a VMT analysis along with the update to the TIA in the Amended EIR (Exhibit D, Appendix G).

The updated TIA was performed in July 2020 by Associated Transportation Engineers (ATE). However, because COVID-19 social distancing requirements forced business and school closures, normal traffic patterns were altered. Thus, the update could not be performed in the traditional way, which normally requires performing new baseline traffic counts. Instead, the updated TIA used the baseline traffic volume counts from the 2018 TIA and applied a conservative 1% growth factor developed from the 2010 Congestion Management Program from Los Angeles County to calculate a set of new estimated 2020 baseline traffic volumes.

The updated TIA also recalculated the project trip generation estimate based on the updated 10th edition ITE Manual, which was originally published in September 2017, and re-released with updates in October 2017. As re-calculated, the total estimated trip generation for the project, adjusted to account for both internal capture and pass-by trips, was found to be 2,103 Average Daily Trips and includes 187 A.M.

peak hour trips and 142 P.M. peak hour trips. It is important to note that the ITE Manual's 10th addition included some minor changes to the traffic generation rates that were used in calculating the project's trip generation estimate. Those changes resulted in slightly lower projected trip generation amounts. Ultimately, the TIA found that applying the project's recalculated estimated trip generation to the 6 critical intersections, even with the growth factor applied, did not create any new significant impacts to any of the 6 critical intersections. Therefore, all of the analysis, conclusions and recommended mitigations still apply, and no new mitigation measures were required.

The updated TIA also included the added new State-mandated VMT analysis, which was performed by Fehr and Peers and dated June 4, 2020 (Exhibit D, Appendix G). Basically, VMT is an analysis of vehicles miles traveled per day by occupants of a dwelling unit or by occupants/visitors to a non-residential use with their personal vehicles (opposed to using public transit or other modes such as bicycling or walking). VMT-based measurements and analysis focus on traffic congestion caused by frequency of trips and distance between destinations. The State Office of Planning and Research (OPR) states that reducing vehicle miles traveled better addresses regional traffic because it addresses congestion at its source. VMT analysis is a tool meant to drive land use planning efforts to place residences, shopping destinations, and workplaces closer together, and in closer proximity to alternative modes of transportation to reduce time spent and miles driven in personal vehicles. The State has an ultimate goal of reducing Green House Gases (GHGs) by 80% by the year 2050, and VMT analysis is meant to help California reach that goal, in part, by reducing small duty (commuter) vehicles miles traveled as a whole.

The City is in the process of developing its own VMT standards (the work is being done by the Public Works Department, with reviews by the Traffic and Transportation Commission, for ultimate adoption by the City Council), but the City's VMT standards have not yet been finalized and adopted. In the absence of locally adopted standards, OPR has released a Technical Advisory to help local jurisdictions implement VMT standards. Fehr and Peers utilized the OPR Technical Advisory to develop standards that could be used for VMT analysis in Calabasas for this project. VMT analysis begins with developing local baseline VMT metrics and impact thresholds specifically for Calabasas. A project is then evaluated under three VMT screening options to determine if it will have a VMT impact and warrant further VMT analysis. Finally, VMT analysis concludes with a determination of cumulative impact.

Baseline VMT metrics were formulated using SCAGs 2016 Regional Transportation Plan/Sustainable Communities Strategy because it was found to be a good travel demand model that utilizes several travel behavior metrics such as vehicle trips and

trip lengths that can be used to calculate VMT. Baseline VMT metrics are calculated as per capita values, and focus on the following three categories: 1) total VMT, 2) home-based VMT, and 3) home-based work VMT. To achieve the State's goal of an 80% reduction in greenhouse gases (GHG) by 2050, the State Air Resources Board in conjunction with OPR guidance has determined that a 16.8% reduction in baseline VMT is needed to satisfy the State's goal. For Calabasas, baseline VMT has been determined to be 39.7 for total VMT, 20.1 for home based VMT and 23.6 for home-based work VMT. Therefore, to achieve the 16.8% reduction target, this project needs to demonstrate a maximum VMT of 33, 16.9 and 19.6 respectively for total VMT, home-based VMT and home-based work VMT. To this end, if the projected VMT for the proposed project does not meet any of the reduction targets, then the project would be expected to have a potentially significant impact, and mitigation measures would be required.

To help with project analysis, and in conjunction with OPR guidance, the City of Calabasas also developed screening criteria. If certain criteria are met, a project can be presumed to meet VMT goals, and thus is screened from needing additional detailed VMT analysis. Per OPR guidance, projects may be screened out based on size (up to 50,000 sq. ft. of visitor-serving commercial uses), location in a mapped low VMT area, and/or are in close proximity to a major transit stop. Additionally, various components of a project may be screened out if they meet the screening criteria individually. The proposed project's VMT-generating uses include a commercial component of 5,876 square feet of visitor-serving restaurant and retail uses, and a residential component of 180 multi-family units. The City does not have a major transit stop within ½ mile of the project site, so the project cannot be screened out using that criteria. However, the commercial component falls far under the 50,000 sq. ft. threshold, and therefore does meet the screening criteria, thereby not requiring further analysis. Additionally, since the mapped traffic analysis zone (TAZ) that the project is located in has a VMT of 15.3, which is 24% below the City's baseline VMT per capita target of 16.7 (i.e. a low residential VMT area), the residential component is screened out due to its location in a low residential VMT area, and therefore, does not warrant further analysis. Because both the commercial and residential components meet screening criteria thresholds, the entire project is presumed to meet VMT targets, and therefore will contribute to meeting State GHG reduction goals.

For cumulative conditions, OPR guidance states that projects that are below VMT impact thresholds and do not have an impact under baseline conditions also do not have a cumulative impact as long as they are aligned with the State's long-term environmental goals such as reducing GHG emissions and regional plans such as the SCAG RTP/SCS. As mentioned above, the project is screened out from further VMT analysis (i.e. has a negative VMT impact) based on the small size of the commercial component and due to the project's location in a low VMT area. The

project aligns with the State's long-term goals by minimizing the number and length of vehicle trips with its mix of land uses (residences along with locally-serving commercial uses). Furthermore, the project is aligned with the SCAG RTP/SCS because it places housing development in a TAZ that is forecasted to have an increase in population but a decrease in VMT per capita in the future year 2040. Therefore, the project does not have a cumulatively considerable contribution.

- E. Housing / Affordable Housing:** As was stated in the staff report for the July 10 and 11, 2019 Planning Commission hearings (Exhibit F, Section P, p.86), the project site is designated in the City's General Plan (and is correspondingly zoned in the Land Use and Development Code) to accommodate 180 multi-family residential units. This particular site is one of only three identified vacant multi-family designated sites in the General Plan's (2014-2021) Housing Element Sites Inventory. Consistent with the General Plan Land Use and Housing Elements, the applicant is proposing 180 multi-family residential condominium units, including a total of 18 affordable units (10%) at a 55-year deed-restricted very low income category.

State Law Considerations – Housing Accountability Act

The Housing Accountability Act (Cal. Gov. Code section 65589.5) was originally enacted in 1982 to address local opposition to growth and change which often led communities to deny, or reduce the density of, projects on properties where housing had already been planned by the local jurisdiction. The Act was amended in 2017, 2018 and 2019 to strengthen several of its provisions.

The law basically requires that local jurisdictions not deny, reduce the density of, or render infeasible a housing project that is consistent with applicable, objective general plan, zoning and subdivision standards and criteria, including design review standards in effect at the time the application is deemed complete. An action to deny a housing project, reduce the density of the housing project, or to render infeasible the housing project may not occur unless the local jurisdiction can find, supported by a preponderance of the evidence on the record, that both of the following conditions exist:

- 1) The housing development project, if approved or developed at a lower density, would have a specific, adverse impact upon the public health or safety; and
- 2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. ("Feasible method" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.)

As already mentioned above, the proposed project includes development of 180 residential units (including 18 affordable to very low income families) within a mixed-use development that also includes 5,867 square feet of commercial space, which is consistent with the 180 residential units allowed under the General Plan's Land Use and the Housing Elements. The project also meets the State's definition of a housing project because the residential component encompasses over 2/3rds of the project area within a mixed-use development. Additionally, the project meets all of the City's objective Development Code standards, with the only exceptions being concessions and statutory requirements allowed under the State's Density Bonus Law. The density bonus concessions include: 1) building heights exceeding the 35-foot maximum allowable limit; 2) retaining wall heights exceeding the maximum allowable limit; and 3) a statutory reduced parking allowance. As proposed, the approval of the project qualifies with the Housing Accountability Act.

As previously recommended by the Planning Commission by oral motion, the denial of the project would also be consistent with the Housing Accountability Act. The necessary findings to support denial of the project under the Housing Accountability Act due to an unmitigable adverse impact on public health and safety are contained in the proposed Planning Commission Resolution No. 2021-714 recommending denial of the project to the City Council, Exhibit B.

State Law Considerations – No Net Loss Law

Govt. Code § 65863 requires each local jurisdiction to ensure that its housing element can accommodate, at all times throughout the planning period, its remaining unmet share of the regional allocated housing need. The law further states that local jurisdictions cannot, through administrative, quasi-judicial, legislative, or other action, reduce, require, or permit the reduction of, residential density for any parcel to, or allow development of any parcel at, a lower residential density, unless the local jurisdiction makes the following two written findings supported by substantial evidence:

- 1) The reduction is consistent with the General Plan, including the Housing Element; and
- 2) The remaining sites identified within the Housing Element are adequate to meet the requirements of Govt. Code § 65583.2 (i.e. suitable for residential development as defined by the State) and to accommodate the jurisdiction's share of regional housing need. This finding is required to include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

As described in the City's General Plan 2014-2021 Housing Element, the City's Regional Housing Need Allocation is 330 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 subject property has been identified in the City's Housing Element as providing 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, for a total unit count of 180 toward the City's (very low, low and moderate) RHNA allocation.

The City's Housing Element includes a sites inventory and a determination of the total residential unit potential in the City in comparison to the required RHNA allocation. The sites inventory consists of four categories, including:

- Residential projects with entitlements
- Vacant Residential Sites
- Underutilized multi-family and mixed-use sites
- Second Units (a.k.a. ADUs)

Based on the above four categories, the City's total residential unit potential is 747 total units, further broken down as follows: 1) 331 very low/low, 2) 171 moderate, and 3) 245 above moderate. To this end, the City's sites inventory and calculated residential unit potential indicate the City currently has a buffer of very low, low and moderate income residential units should findings under the No Net Loss Law need to be made. The City has sufficient remaining available sites as designated in its 2014-2021 Housing Element to still have zoned for adequate capacity to meet its remaining 5th Cycle Housing Element (2014-2021) RHNA obligations, even without the West Village Site. The necessary findings to this effect are contained in the proposed Planning Commission Resolution No. 2021-714 recommending denial of the project to the City Council, Exhibit B.

State Law Considerations – Sixth Cycle RHNA (2021 – 2029) and Housing Element

The City is currently in the process of preparing its 6th Cycle Housing Element (2021 – 2029), and the qualifying criteria for housing site identification and unit potential have been modified substantially and are much more strict than for the 5th Cycle, 2014 – 2021 Housing Element. Therefore, please be aware that denial of the project or approval of any reduced number of residential units for the project will greatly impact the City's ability to meet RHNA requirements in the 6th Cycle Housing Element. The City is currently in the process of preparing its next housing element. Discussions have already been held at the Planning Commission and City Council regarding potential sites to include in the next housing element sites inventory and strategies for meeting the City's next required RHNA allocation. Additionally, the

City has begun preparation of a draft Environmental Impact Report as is required for this effort. While the City has yet to complete the public hearing process on the 6th cycle housing element, implementation of new housing laws (including modifications to qualification criteria for identifying sites to meet RHNA) and decisions made on this project site will have an impact on certification of our next housing element.

Of note, the subject property has been identified in the City's last two housing elements specifically as a site planned and zoned for 180 new multi-family housing units, to include 120 units toward the City's 141-unit very low and low income RHNA allocation, and 60 units toward the City's 57-unit moderate income RHNA allocation. If the City denies this project, then seeks to continue to list this site in its next, 6th Cycle Housing Element, staff expects HCD will require that the project be allowed to be developed, by right, with at least 20% of its units for affordable housing. The California Department of Housing and Community Development (HCD) has submitted letters providing further explanation of the agency's position (Exhibit P). Alternatively, the City could not include this site in the 6th Cycle (2021-2029) Housing Element, and will need to zone other sites or upzone other sites as needed to replace that lost housing capacity.

- F. CEQA / Amendment to the Final EIR / MMRP / Responses to Comments:** The Original Final EIR for the proposed project was reviewed by the Planning Commission in public hearings held on July 10, 11, and 18, 2021. At the conclusion of the July 18, 2019 meeting, the Planning Commission voted to direct staff to bring back a resolution recommending denial of the project, and not recommending certification of the EIR to the City Council, and further encouraged the applicant to study the feasibility of other project alternatives. In short, Alternative 4 was identified in the Original Final EIR as a project alternative that would not implement a grading mitigation strategy on the southern hillside to repair the identified landslide, and rather would shift development to the north and place it on a reduced footprint to allow for a buffer area that would theoretically protect the development should the landslide re-activate. The applicant followed the Planning Commission's recommendation and submitted supplemental information addressing the geologic feasibility of Alternative 4 (as explained in preceding sections of this report), and also submitted a newly developed project alternative (Alternative 5), which is discussed below. Due to the submittal of new project alternatives information, and associated studies and reviews which protracted the overall project and environmental impacts review period, the planned opening date for the project had to be adjusted to a later date. This triggered the need for updates to the traffic impact analysis. Based on all of the foregoing, City staff determined that a focused Amended EIR was required under CEQA.

In accordance with CEQA (Public Resources Code Section 21091, draft Amendments to Section 3, *Environmental Setting*, Section 4.10, *Traffic and Circulation*, and Section 6, *Alternatives*, were prepared and circulated for a 52-day public review period from

September 22, 2020 through November 13, 2020. Per Section 15088.5(f)(2) of the *CEQA Guidelines*, reviewers were asked to focus their comments only on the modified and recirculated sections of the EIR. During the public review process, the City received a total of 25 comment letters, both from public agencies and members of the public. 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 Amended Final EIR includes all of the required components, and was completed and made available to the public on March 11, 2021. The Amended Final EIR prepared for this project is attached as Exhibit D.

In preparing the Amended Environmental Impact Report, staff independently reviewed, evaluated and exercised judgment over the project and the project's environmental impacts. As in the Original Final EIR, in summary, the Amended Final EIR also found that all identified environmental impacts, potentially significant or otherwise, except one - aesthetics, would remain less-than-significant, or less-than-significant with mitigation incorporated. All potentially significant impacts in regards to key environmental issue areas have been discussed in detail throughout the original project staff report for the July 10 and 11, 2019 public hearings, and throughout this staff report. 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, the change to the visual character of the site remains a significant and unavoidable impact; therefore, because the project proposes to place permanent development, 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 is discussed in further detail in the original staff report for the July 10 and 11, 2019 public hearings (Exhibit F, p. 119). Ultimately, the City Council must certify the EIR and adopt the Statement of Overriding Considerations before approving the project, if it is to be approved. Additionally, since the project incorporates measures that will avoid or substantially lessen significant environmental effects identified in the Final Amended 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.

Due to the limited scope of the amendments to the FEIR, and because the prior staff reports (Exhibits F and G) extensively discussed environmental impact areas analyzed in the FEIR, the summary analysis below focuses on only the amendments to the Original Final EIR (specifically the sections pertaining to Traffic and Circulation, and

Alternatives), and responses to the most critical issues of concern brought up by both public agencies and public commenters.

Traffic and Circulation

Impacts related to traffic and circulation are discussed in detail in Section D (in this staff report) above. In summary, based on an updated Traffic Impact Analysis and an added Vehicle Miles Traveled (VMT) Analysis, there was no change in the findings, conclusions and recommended mitigation measures associated with impacts to traffic and circulation in the Amended Final EIR.

EIR Alternatives

The Original Final EIR contained a detailed alternatives analysis. The following four alternatives were evaluated:

- 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

As discussed in detail in Section A of this staff report, Alternative 4 (the alternative that the Planning Commission recommended the applicant explore the feasibility of in lieu of the proposed project), was further evaluated by independent geotechnical consultants (Leighton and Associates, Inc.). Leighton's findings and conclusions were peer reviewed by another independent geotechnical consultant, LGC Valley, Inc, hired by the City. Leighton's findings and conclusions were also reviewed by the City's primary geotechnical reviewer, Wildan Geotechnical. All three geotechnical consultants agree that there is no version of Alternative 4 that can be prudently recommended from a geotechnical perspective. The best-case design, utilizing an array of approximately 454 drilled caisson shafts, would still leave any project site development at risk for damage caused by surficial landslides, flooding and mudflows, and would cause a host of ongoing maintenance issues such as the ongoing need to maintain and repair flood and debris control features that would need to be constructed, would require ongoing repair of hillsides as they fail, and would require ongoing repair of on-site flatwork and accessory features (i.e. streets, sidewalks, parking lots, swimming pools, etc.) due to ongoing settlement issues for development not being sited on competent building pads. Additionally, unmitigated surficial instability would still leave City streets and down flow existing private development at risk of damage from flooding and mudflows. Furthermore, the array of drilled caissons, at a cost of \$113.7 million (compared to the estimated cost of \$9.32 million for the permanent landslide solution) still would result in the temporary loss of biological resources and temporary impacts to scenic resources caused by the grading required to construct the caisson array (similar to the proposed project). Ultimately it was determined that no

version of Alternative 4 could be developed without ongoing risk to life and property both on-site and off-site, and no benefit was gained from a resource conservation perspective for an added cost estimated to be \$104.38 million. For all these reasons, Alternative 4, previously thought to be a potentially viable alternative, has now been deemed infeasible and is fully rejected. In its place, the applicant has submitted a new project alternative (Alternative 5) which is included in the alternatives analysis for the Amended EIR, and is described and analyzed in detail below. Detailed descriptions of Alternatives 1, 2 and 3 can be found in the Amended Final EIR (Exhibit D, pp. 381 - 403), and are also summarized in the prior staff report for the July 10 and 11 Planning Commission meetings (Exhibit F, p.96)

With the rejection of Alternate 4, the Amended EIR contains a revised alternatives analysis comparing the following four (4) evaluated alternatives:

- Alternative 1: No Project
- Alternative 2: Reduced Building Heights Along Las Virgenes Rd
- Alternative 3: Mixed Use Retail and Residential Building
- Alternative 5: Reduced and Modified Layout (*New*)

Alternatives Comparison

	Proposed Project	Alt 1: No Project	Alt 2: Reduced Building Heights Along LV	Alt 3: 3 Mixed Use	Alt 5: Reduced and Modified Layout
Residential Units	180 Multi-Family	None	180 Multi-Family	190 Multi-Family	146 Multi-Family
Commercial	5,867 sf	None	5,867 sf	1,460 sf	5,867 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	2,633,300 cubic yards / 2,640,517 cubic yards
Development Area (acres)	11	0	11	11	11
Open Space (acres)	66	77	66	66	66
Include Landslide Remediation	Yes	No	Yes	Yes	Yes

Construction Schedule	46 months	None	46 months	46 months	46 months
Residential Building Heights	3 stories	None	2 - 4 stories	3 stories	3 stories

Alternative 5 and Comparative Impact Analysis

Within the same development footprint as the proposed project, Alternative 5 proposes to reconfigure the multi-family residences into 22 three-story buildings consisting of townhomes and stacked flats, and shifts development to an area approximately 65 feet away from the western property boundary (located near Las Virgenes Road and the Colony). The number of residential units would be decreased to 146, and, similar to the proposed project, provide 10% of the units (15) as affordable to very low income families. A green space/landscape buffer is proposed in between the newly configured residences and both the Colony and Las Virgenes Road. The alternative would provide a recreation center and pool for residents. Pocket parks, green spaces, and a trail dedication to provide access through the site to public lands to the east will be provided, similar to the proposed project. Parking on the project site would be a combination of tuck-under parking for the townhomes and flats, and surface parking throughout the rest of the development. Building pad elevations would range from 803 feet above mean seal level (AMSL) in the western portion of the site to 839 feet AMSL in the eastern portion of the site. Comparatively, building pads would be similar in elevation to the proposed project in the western and eastern portions of the development footprint area, but building pads would be up to 9 feet lower in the central portion. This alternative includes minor modifications to the retaining walls, and, like the proposed project, will balance earthwork on-site, thereby requiring no import or export of soil.

Alternative 5 is generally designed to reduce visual impacts to the scenic corridor by shifting development away from Las Virgenes. It also has a secondary benefit of shifting development away from residences in the Colony. Visually, like the proposed project, this alternative would concentrate development on approximately 11 acres within the lower portions of the site, while leaving the balance of the 77-acre property as open space. However, since development is pushed 15 feet further east than the proposed project, impacts to the foreground views would be incrementally less. As with the proposed project, Mitigation Measure AES-1 would continue to be required to limit vegetation heights along Las Virgenes to a maximum of 30 feet. Alternative 5 utilizes the same graded landslide remediation method as the proposed project, which will result in the temporary loss of scenic resources such as oak trees, other native vegetation, and natural slopes. However, implementation of the design standards in the Las Virgenes Gateway Master Plan, Las Virgenes Corridor Plan, and implementation of Mitigation Measures BIO-3(a), BIO-4(a), BIO-4(b), BIO-4(c), and BIO-6 will reduce impacts to on-site visual resources to less-than-

significant levels.

By meeting the architectural design standards and providing landscaping consistent with the Las Virgenes Gateway Master Plan and Las Virgenes Corridor Guidelines, the design of Alternative 5 would be visually compatible with the surrounding development, similar to the proposed project. Alternative 5 expands the green space and landscaping buffer area near Las Virgenes Road. As with the current project, this alternative would still require repair of the landslide which would alter the natural landscape of the north-facing hillside area, and the new buildings and related infrastructure would permanently change approximately 14% of the project site from an undeveloped character to a residential and commercial development. Therefore, although the overall visual impact would be incrementally less than the proposed project by shifting development away from the Scenic Corridor and by increasing the landscaping buffer area, the change in visual character would still be considered significant and unavoidable, and still require a Statement of Overriding Considerations for a significant, unavoidable aesthetic impact.

Like the proposed project, this alternative would be required to meet the City's Dark Skies Ordinance, limiting light and glare, and therefore, impacts from light and glare would be less-than-significant.

Regarding Air Quality, Alternative 5 proposes the same commercial area, but fewer residential units (from 180 to 146). Running the same air quality model (using the same assumptions) as the proposed project demonstrates that daily construction-related emissions would be less than or equal to the proposed project for all criteria pollutants, and would not exceed the South Coast Air Quality Management District's (SCAQMD) significance thresholds. As with the proposed project, Alternative 5 would have to comply with SCAQMD Rule 1113 and Mitigation Measure AQ-1 for dust control. Likewise, long-term operational emissions (attributable to vehicle trips, use of natural gas, consumer products, architectural coatings, and landscape equipment) would be less than or equal to the proposed project, and would not exceed any ACAQMD thresholds. Related to vehicle-related emissions, SCAQMD requires a CO hot spot analysis if a project would either lower the Level of Service of a local intersection to a LOS D or worse or degrade an intersection already existing at a LOS D or worse by 2%. Since this alternative will generate 185 fewer daily trips than the proposed project, and the proposed project did not significantly impact any area intersection, then this alternative would not require a CO hot spot analysis. Finally, this alternative will reduce the anticipated number of residents by 19 percent compared to the proposed project. Therefore, as with the proposed project, Alternative 5 is consistent with the population projections on which the SCAQMD's Air Quality Management Plan (AQMP) is based, and impacts with consistency with the AQMP are less-than-significant.

Alternative 5 would generate fewer total GHG (approximately 325 MT less CO₂e) than the proposed project. However, the GHG per service population would be 4.8 MT of CO₂e

which is 0.1 MT greater than that of the proposed project because this alternative will have proportionally less of a decrease in total GHG emissions than the decrease in service population. Nevertheless, per capita GHG emissions for this alternative would still exceed the threshold of 3.2 MT of CO₂e per person per year, and similar to the proposed project, would require implementation of Mitigation Measure GHG-1.

Alternative 5 would reduce average daily trips by 185, including 12 fewer A.M. and 15 fewer P.M. peak-hour trips, in comparison to the proposed project. This alternative would incrementally lessen impacts to local roadways, which is already considered less-than-significant under the proposed project. Improvements to the project frontage and updates to signal phasing and timing would still be recommended to enhance circulation near the project site, as suggested for the proposed project by Mitigation Measures T-1(a-b).

Since Alternative 5 includes the same amount of commercial area and fewer residential units (146 compared to 180), the project would result in less water consumption, wastewater generation and less solid waste generation than the proposed project. Specifically, Alternative 5 would reduce total water demand by 0.59 acre-feet per year, or about 528 gallons of water per day compared with the proposed project, total wastewater generation by 440 gallons compared to the proposed project, and total solid waste generation by 0.07 tons per day compared with the proposed project, and impacts to water supply, wastewater generation and solid waste generation would remain less-than-significant.

Finally, for Alternative 5, impacts relating to biology, geology and soils, hydrology and water quality, land use, noise and vibration, public services, and tribal cultural resources would all be similar to the proposed project, and the same mitigation measures would apply to reduce impacts to a less-than-significant level.

Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative is identified in the EIR. Please see Exhibit D, Table 6-18, on p. 436, for an impacts comparison of all the project alternatives. The No Project Alternative (Alternative 1) is considered environmentally superior because it would eliminate nearly all of the anticipated environmental effects of the project. However, this alternative would not accomplish any of the City's previously adopted policies and objectives for the site, as articulated in the General Plan. The No Project Alternative fails to: create new multi-family residential housing units; provide affordable housing; establish a "village center" for the western end of the City; remove and/or remediate the landslide hazard condition; or establish a trail linkage to the open space area and regional trail system. Moreover, by not remediating the landslide hazard, this alternative would expose structures and people to safety hazards associated with landslide and surficial failures.

Of the remaining three alternatives, Alternative 5, the Reduced and Modified Residential Layout is the most environmentally superior alternative, primarily because development is set back farther from Las Virgenes Road and the Colony, and because the alternative has a reduced residential density (with associated reductions in impacts to traffic, air quality, etc.). Overall, this alternative would lessen, but not eliminate, the significant and unavoidable aesthetic impact to visual character. Additionally, the reduced residential density incrementally lessens impacts to air quality, GHG emissions, noise, traffic, public services, tribal cultural resources, and utilities compared to the proposed project. Alternative 5 also permanently repairs the landslide hazard on the property (same as the project).

Alternative 2 (Reduced Building Heights along Las Virgenes) and Alternative 3 (Mixed Use Building) would meet project objectives and would achieve some improvements to several identified environmental impacts, but to a lesser extent than Alternate 5. Alternative 2 would incrementally lessen the project's impact to the significant and unavoidable impact to visual character. Alternative 3 would reduce impacts to air pollutant and GHG emissions, traffic, and utilities, but would also create a potentially significant impact of inconsistency with the AQMP due to increased population density.

Mitigation Monitoring and Reporting Program

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

Agency and Public Comments, and Responses to Comments - Critical Issues

An Amended Draft EIR containing amendments to Section 3, *Environmental Setting*, Section 4.10, *Traffic and Circulation*, and Section 6, *Alternatives*, of the Original EIR was prepared and circulated for a 52-day public review from September 22, 2020 through November 13, 2020. Reviewers of the Amended Draft EIR were asked to respond to only the recirculated portions of the EIR. During that time, the City received 25 comments from public agencies and members of the public. Contrary to the limitation on scope, as just mentioned, a number of the submitted comments related to sections of the Original Final EIR that were not amended and recirculated. Pursuant to CEQA Guidelines 15088.5(F)2, the City is required to respond to only comments on the recirculated portions of the Amended Draft EIR. However, in an effort to be as responsive as possible to community

and stakeholder concerns on CEQA related issues, the City nevertheless prepared responses to certain comments that addressed EIR sections which had not been amended and recirculated. Exhibit D (Responses to Comments dated March 2021) contains all the submitted comments on the Amended Draft EIR, and contains the City's detailed responses to those comments.

The following summarizes the most critical issues brought up by commenters and the City's responses.

Mountain Lion

Several commenters, including the California Department of Fish and Wildlife (CDFW), raised concerns that by increasing human presence, traffic, noise, and artificial lighting and by reducing the width of the existing wildlife corridor the project could impact the Mountain Lion, a species that is now designated as a "candidate" species for future listing under the State Endangered Species Act,. CDFW in particular suggested several extra mitigation measures, including setting aside 11 acres of replacement habitat, pre-construction surveys for natal dens, and consultation with CDFW for incidental take permits if a take cannot be avoided (pursuant to Fish & Game Code, § 2080 *et seq.*).

Response 1.2 in the "Responses to Comments" document (individually bound) dated March 2021 (Exhibit D, Responses to Comments dated March 2021, p.46) provides a detailed response to concerns brought up regarding the Mountain Lion. In summary, potential impacts to the Mountain Lion were already addressed in the Original Final EIR, and comments made do not present any new information. Mountain Lions have been tracked to the west, south, and north by the National Park Service, but never on or within 1 mile of the project site. Additionally, no new evidence has been presented to suggest that any Mountain Lion(s) has/have been or are present on the project site. Furthermore, the project site has not been identified in the Santa Monica-Sierra Madre Connection wildlife linkage study as a "least cost corridor" (i.e., best potential route) for mountain lion movement (Penrod et. al, 2006). The western portion of the site, where development is proposed, is adjacent to developed portions of the corridor where human activity, roads and highways, noise, and artificial light already occur, and thus Mountain Lion are not likely to be present. Also, no evidence of Mountain Lion (i.e. tracks, scat or dens) has been observed in recent site surveys. To this end, the suggestion that Mountain Lion is present on the project site is speculative, and no nexus exists to require mitigation for impacts to Mountain Lion, including requiring preservation of replacement habitat.

Nevertheless, the proposed project is sited and designed to minimize impacts to and prevent fragmentation of the wildlife corridor in general, including the Mountain Lion in the event that the species would at some future time track in the area. Of the 77-acre property, the proposed project is sited and clustered on the already disturbed 11-acre western portion of the property, close to existing developed areas and a well-travelled

arterial roadway. The remaining 66 acres of the property will be preserved in perpetuity by formal conveyance through a permanent conservation easement to the City or other appropriate entity, as legally practicable. This will thereby preserve those 66 acres, in part, for use as mountain lion habitat. The project is also required to use wildlife-friendly fencing to promote wildlife movement, and is required to meet the Dark Skies Ordinance to ensure that light and glare are limited and do not trespass into the open space areas. Additionally, the project includes a significant landslide repair of approximately 24 acres on the southern hillsides; however, the portions of the project site disturbed by the repair of the landslide are required to be restored through an upland restoration program that will restore native plant communities, including purple sage scrub habitat, and oak woodlands that, although severely degraded by the Woolsey Fire, will be restored in kind. Notwithstanding the foregoing, in response to the concerns by CDFW and other commenters, Mitigation Measure BIO-1(a) has now been clarified to include specific reference to Mountain Lion and natal dens in regard to implementation of pre-construction wildlife surveys. The following clarifications were accomplished as well:

- Expansion of pre-construction surveys to include one daytime and one nighttime survey;
- Monitoring to include Mountain Lion natal dens;
- Clarification of the requirement that animal handlers possess a valid scientific handling permit;
- Review and approval of an animal relocation plan by the City;
- Procedures if dead or injured animals are found in the course of work;
- Consultation with CDFW in the event of a dead or injured animal is found (pursuant to Fish & Game Code, § 2080 *et seq.* regarding incidental take);
- Implementation of a worker awareness program

Additionally, minor clarifications have been made to BIO-1(d) (regarding prohibition of rodenticides) to define second generation rodenticides, and enhance a resident awareness program (required through the CC&Rs and implemented through the HOA) that includes distribution of education material.

Crotch's Bumble Bee

CDFW raised concerns that suitable habitat for Crotch's Bumble Bee, also a candidate species for future listing on the State's Endangered Species Act, may be present on the subject site and could be impacted by the project, including temporary or permanent loss of suitable nesting and foraging habitat; death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success. CDFW suggests several mitigations including pre-construction surveys and consultation with CDFW in case incidental take cannot be avoided (pursuant to Fish & Game Code, § 2080 *et seq.*).

Response 1.3 in the “Responses to Comments” document (individually bound) dated March 2021 (Exhibit D, p.50) provides a detailed response to concerns brought up regarding the Crotch’s Bumble Bee. In summary, the biological surveys completed to date have not found suitable habitat for Crotch’s Bumble Bee, and no individuals of the species have been identified on-site. The 11 acres within the development footprint has been disturbed by past development and is dominated mostly by non-native grasslands that do not support a rich population of flowering plants, including milkweeds, lupines, sages, clarkias, poppies, and wild buckwheats, in which the species is known to forage. Purple Sage Scrub community in the landslide remediation area may provide suitable foraging habitat; however, to date, no occurrences have been documented within 5 miles of the project site. To this end, the species is not expected to occur on-site, and the comment regarding potential impacts to the population is speculative. Nevertheless, like with the Mountain Lion (above), Mitigation Measure BIO-1(a) has added clarifying language to ensure that pre-construction surveys are conducted to identify the species should it happen to occur on-site, and monitoring and reporting procedures included in BIO-1(a) would apply. Furthermore, the project will be required to implement Mitigation Measure BIO-3(a), an upland restoration plan that will replace all of the Purple Sage Scrub community lost due to the landslide repair. For these reasons, impacts are not expected to occur to Crotch’s Bumble Bee.

Catalina Mariposa Lilly

CDFW raised concerns that the landslide remediation could result in significant unmitigated impacts to the Catalina Mariposa Lilly, and that the project may result in the loss of a genetically diverse locally substantial population of this species.

Response 1.9 in the “Responses to Comments” document (individually bound) dated March 2021 (Exhibit D, p.61) provides a detailed response to concerns brought up regarding the Catalina Mariposa Lilly. In summary, as stated in Section 4.3, *Biological Resources*, the proposed project will result in the removal of some Catalina Mariposa Lilly that is found on the 77-acre property. The Catalina Mariposa Lilly (*Calochortus catalinae*) species is generally known to occur between the Los Angeles area and San Luis Obispo, and where these plant communities exist, bulbs are abundant. Therefore, removal of some individuals is not expected to reduce the population (neither locally nor cumulatively/regionally) to the point where its reproductive capacity would be restricted. Nevertheless, implementation of the Upland Restoration Plan required by Mitigation Measure BIO-3(a) requires the salvage of topsoil, where the Mariposa Lilly bulbs exist, and therefore implementation will benefit the species by incidentally retaining individuals in suitable soil conditions.

Oak Trees

CDFW comments in their letter that the EIR does not provide for adequate mitigation of impacts to oak trees and oak woodlands because the EIR does not identify mitigation via an ecosystem-based mitigation plan.

Impacts to oak trees and required oak tree mitigations are discussed in detail in Section B in this report, and in Response 1.10 in the “Responses to Comments” document (individually bound) dated March 2021 (Exhibit D, p.62). In summary, the project is expected to impact 45 oak trees mostly within the landslide repair area. Mitigation Measure BIO-6, consistent with the City’s Oak Tree Ordinance, requires mitigation of oak trees using a 1:1 ratio for every inch of oak tree diameter removed. In November 2018, the Woolsey Fire burned the property in its entirety, destroying or severely damaging many of the oak trees. Nonetheless, the EIR conservatively addresses impacts to oak trees by using the pre-Woolsey Fire condition of the oak trees as a baseline. Therefore, removal of the 45 oak trees will result in the loss of about 1,417.5 inches of oak tree diameter. Additionally, 40 of the oak trees that are proposed to be removed on the southern hillside area are associated with existing oak woodlands (approximately 1.9 acres). Mitigation Measure BIO-6 requires replacement of the 1,417.5 inches of oak tree diameter as mitigation for the loss of oak trees. Responsive to the commenter, Mitigation Measure BIO-6 has included clarifying language that the mitigation plan will restore an amount of oak woodland habitat equal to what would have been lost (per the pre-Wolsey Fire approach), and that replacement oak trees will be placed in a mosaic pattern of oak groupings, consistent with oak woodlands.

Purple Sage Scrub / Grasslands

CDFW raised concerns that topsoil salvage would not effectively restore the Purple Sage Scrub community successfully, and suggested that the EIR did not mitigate for impacts to annual brome grasslands.

Response 1.11 in the “Responses to Comments” document (individually bound) dated March 2021 (Exhibit D, p.64) provides a detailed response to concerns brought up regarding Purple Sage Scrub and grasslands. In summary, neither the Purple Sage Scrub community nor the annual brome grassland (*Bromus [diandrus, hordeaceus]* – *Brachypodium distachyon* Herbaceous Semi-Natural Alliance) communities are considered sensitive plant communities; therefore, impacts to those communities are not significant from a CEQA perspective. However, the Purple Sage Scrub community is dominant in the landslide remediation area, and supports the Catalina Mariposa Lilly (discussed above). Existing annual brome grasslands on-site is intermixed with abundant non-native, invasive plant species. Mitigation Measure BIO-3(a) includes an Upland Restoration Plan that includes restoration of native upland plant communities, including Purple Sage Scrub at a 1:1 ratio, and includes topsoil salvage to preserve optimal soil conditions for the

restoration. Annual brome grassland is considered an upland plant community, and therefore will receive incidental benefit of restoring some of the grassland community. Additionally, since on-site grasslands currently are mixed with non-native species, mitigation will biologically upgrade the native plant communities by eliminating the non-native species which compete for resources. To this end, the identified mitigation approach is adequate and no additional mitigation is necessary.

Range of Alternatives Evaluated / Alternative Project Locations

Several commenters, including CDFW, raised concerns that the alternatives evaluated in the EIR are too similar, and that the alternatives analysis did not include alternative sites.

Response 1.12 in the “Responses to Comments” document (individually bound) dated March 2021 (Exhibit D, p.65) provides in-depth detail with regard to alternatives analyses, including requirements under CEQA law and supporting court cases. Section 15126.6(a) of the CEQA Guidelines requires that a “reasonable range of potentially feasible 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 significant effects of the project.” be evaluated in the EIR. This range of alternatives should be presented in order to “foster informed decision making and public participation” and that the nature and scope of the alternatives studied in an EIR is governed by the “rule of reason.”

In compliance with this requirement, the Amended Final EIR contains a range of reasonable alternatives to the proposed project, but which would still accomplish the project’s fundamental objectives, including the provision of housing at densities consistent with the General Plan Land Use designation for this site. In developing the additional, fifth alternative, staff focused on considering an alternative that would reduce the one, significant unavoidable environmental impact to aesthetic resources. As completed, the Amended Final EIR evaluated four alternatives (including the required “no project” alternative) for the project site. Alternative 1 is the “no project” alternative, which is an alternative required by CEQA. Alternative 2 reconfigures the residences, removes Building 1 (which is near Las Virgenes Road), and replaces that area with landscaping, and reduces Building 2 (also near Las Virgenes Road) by one floor. The lost units are recaptured by adding a fourth floor to four other residential buildings interior to the development. Alternative 3 proposes to reconfigure the commercial building into a mixed-use building, thereby reducing the amount of commercial area, and adding 10 additional residential units. Finally, Alternative 5 reconfigures the residential portion of the development into 22 three-story buildings, and reduces the number of units to 146 from 180. The alternative also pushes development 15 feet further away from Las Virgenes Road and the adjacent Colony community. Ultimately, the four alternatives evaluated in the EIR represent a reasonable range of alternatives for a property constrained by a narrowly defined development envelope, sloping topography, substantial geotechnical hazards, and that is

adjacent to a Scenic Corridor.

Alternative 4 / Geology

Several commenters suggested that the landslide, in its current condition, is not a hazard, and that Alternative 4 is feasible and can be safely constructed.

Section A (above) of this staff report extensively discusses the geotechnical issues and remediation concepts associated with the existing landslide, and the particular issues pertaining to Alternative 4. Since the July 2019 Planning Commission hearings, all of the geotechnical data for the project site along with the proposed project and project alternatives have been reviewed by a third party independent geotechnical consultant, Leighton and Associates, Inc., who submitted a report outlining their findings and conclusions. Leighton's report has been peer reviewed by both the City's geotechnical reviewer, Wildan Geotechnical, and by another independent geotechnical consultant hired by the City, LGC Valley, Inc.. Both Wildan Geotechnical, and LGC Valley, Inc. concur with the findings and conclusions contained in Leighton's independent analysis.

All geotechnical studies done to date have identified a large landslide mass on the southern slopes of the property that does not meet the required minimum factors of safety, meaning that the landslide mass, as it exists today, is not stable. Leighton notes in its report that, in a drained state (i.e. no water existing in the slide mass), strong ground shaking could induce a landslide that would move on the order of several feet. Additionally, the infiltration of enough water could also re-activate the slide mass. Consequences of a landslide on the parcel as it exists today (in an unimproved state) would alter site hydrology patterns by potentially blocking the existing unnamed drainage on-site, filling the detention basin, and causing flooding and mudflow conditions, and resultant damages to City streets and down flow development.

Leighton also reviewed the feasibility of developing the site with Alternative 4 (or a version of it), an alternative project design that does not remediate the landslide, and instead shifts development north (away from the slide) to leave a buffer area into which the landslide mass, should it reactivate, could theoretically flow and not affect the development. Based on the existing landslide conditions, Leighton concluded that due to the unpredictability of the "runout" (i.e. the distance the slide would travel and area it would cover), that development of Alternative 4, without mitigation, is not prudent due to the risk of life and property from a large scale event. Furthermore, since the landslide will not have been remediated in any way, any on-site development and its occupants, absent landslide mitigation, will also be at risk from hazardous flooding and mudflow conditions should a slide occur in wet weather conditions. For those reasons, development of Alternative 4, as originally described in the Original Final EIR is not recommended.

Leighton also explored design alternatives in an effort to achieve a variation of Alternative 4

that would at least incorporate measures to prevent a catastrophic landslide failure and allow for development on a portion of the property. Leighton came up with a best-case design approach that would utilize a large array of drilled caisson shafts (at a cost of \$113.7 million) to improve the gross stability of the site to the required 1.5 factor of safety necessary for development to be considered safe. Caissons would be installed in rows throughout the slide area, and accessed by a graded main temporary access road and several secondary roads along the caisson alignment, accompanied by necessary back-cuts to serve as safe drilling platforms. Leighton found that while the gross and seismic stability would improve to the necessary factor of safety of 1.5, the slide mass area would remain surficially unstable. The remaining surficial instability would create the need to construct diversion walls, debris basins, and other flood and debris control improvements that would need to be meticulously maintained and repaired over time, as well as the necessary repairs to failed slopes as they occur over time. Additionally, since compressible slide debris underlying the development would not be removed and compacted, development would not be sited on competent material. Because of this, buildings in the valley would need to be placed on caisson foundations bearing in bedrock, and other site flatwork such as streets, sidewalks, parking areas, infrastructure, and other amenities such as swimming pools would both need to be designed to resist settlement, and be subject to ongoing settlement issues over time such as cracking, etc. For these reasons, Alternative 4, even with caissons to improve gross and seismic stability, is not recommended from a geotechnical and safety standpoint.

Ultimately, staff recommends the rejection of the original design of Alternative 4 because the risk of loss of life and property from an unmitigated landslide is too great for any development on-site, and presents significant risk for off-site development. Additionally, staff further recommends the rejection of the best-case design approach for Alternative 4, because it was determined to be infeasible for many reasons, including that:

- development would still be geotechnically unsafe and unsound because the southern slope would remain surficially unstable, and the development would not be situated on competent building pads;
- installation of the drilled caisson system would still result in temporary impacts to scenic resources and visual character;
- the project would require export of nearly 56,000 c.y. of earth (compared to the proposed project which balances earthwork on-site);
- the project would not be economically feasible because the array of drilled caissons is estimated at a cost of \$113.7 million (compared to \$9.32 million for a permanent, safe solution); and
- the project does not fulfil the project objectives of: (a) designing and developing a project that is financially viable and functionally compatible with site conditions, adjacent uses and the environment, (b) creating a new pocket park for enhanced

recreational opportunities in the City's west side, and (c) fully mitigating the on-site landslide condition by stabilizing the southern slope and balancing the earthwork on-site.

Trails / Impacts

The Santa Monica Mountains Conservancy expressed a concern that that project would establish a new trailhead without consideration of ecological impacts to MRCA owned lands to the east or strains on their services.

The project includes a public trail easement, which would provide for a potential future connection along the former "Gun Club Road," which generally runs in an east-west alignment throughout the project site, ultimately connecting through open space lands to the east to the existing New Millennium Trail. The project would not create a new trail within the MRCA open space area, but instead, would include an extended public trail easement dedication through the project site connecting to the adjacent Santa Monica Mountains Conservancy property to the east, which contains an existing but unofficial trail that connects to the existing New Millennium Trail. The on-site public trail easement dedication would enhance access to the existing off-site MRCA-owned open space lands and the existing but unofficial trail; however, there are already existing trailheads approximately 500 feet north of the project site for the Anza Calabash Canyon Loop Trail and approximately 0.8 mile to the south of the project site at the Calabasas Bark Park for the Bark Park Trail, both of which connect to the New Millennium Trail. As such, the project's on-site public trail easement dedication would not be expected to substantially increase use of existing off-site unofficial trails and would not change their intended use. Furthermore, should MRCA choose at some future date to officially designate the unofficial trail to the east of the project site as an official public trail, the potential environmental impacts of that change in designation would be required to be analyzed as required under CEQA, with appropriate mitigations applied as appropriate if and when required by applicable law. Additionally, trail users would be required to comply with all applicable MRCA rules governing the use of trails as outlined in the MRCA Park Ordinance, which are intended to protect the biological resources of MRCA open space and minimize impacts to MRCA services. These rules include prohibiting travel off of authorized or official trails, altering or creating new trails, engaging in disruptive conduct, littering, dumping, and allowing dogs off-leash. Therefore, the on-site public trail easement dedication would not result in adverse impacts to biological resources or MRCA services.

STAFF RECOMMENDATION:

The motion that was approved by the Planning Commission on July 18, 2019 was to prepare and bring back a resolution recommending to the City Council, denial of the proposed project, not certifying the EIR, and further directing the applicant to bring back any project alternative it wished for further evaluation. As mentioned above, staff deferred

bringing the draft resolution recommending denial of the project back because the applicant had indicated their intent to implement the Planning Commission's direction by first evaluating additional alternatives. The requested denial resolution responsive to the Planning Commission's action on July 18, 2019 is attached as Exhibit B.

However, in consideration of the new information submitted by the applicant, and as verified through geotechnical consultants' peer review, staff recommends Alternative 4, or any variation of it (i.e. meaning any project that does not implement a permanent grading mitigation solution) is not feasible and therefore be rejected. Accordingly, staff recommends that the Planning Commission re-evaluate its prior decision in light of the new geotechnical findings, and recommend approval of the project as proposed because it is fully consistent with the General Plan, including providing all of the housing specified in the City's 2014 – 2021 Housing Element for this site, and fully mitigates all significant environmental impacts to the greatest feasible extent.

PLANNING COMMISSION OPTIONS AND REQUIRED FINDINGS:

Project Denial:

The findings necessary to support a recommendation to the City Council for denial of the project are contained in Resolution No. 2021-714, attached as Exhibit B.

Project Approval:

The findings for a recommendation of approval, as required in CMC Sections 17.41.100 (Vesting Tentative Tract Map), 17.62.070 (Development Plan Permit), 17.62.020 (Site Plan Review), 17.62.050 (Scenic Corridor Permit), 17.62.060 (Conditional Use Permit), 17.32.010(E) (Oak Tee Permit), and the required CEQA/EIR findings are contained in Resolution No. 2021-713 attached as Exhibit A.

CONDITIONS OF APPROVAL:

See conditions contained in Resolution No. 2021-713 attached as Exhibit A.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

November 15, 2016

Minor modifications and additional information requested.

Architectural Review Panel (ARP):

June 23, 2017

Panel recommended approval of the project.

Traffic and Transportation Commission (TTC):

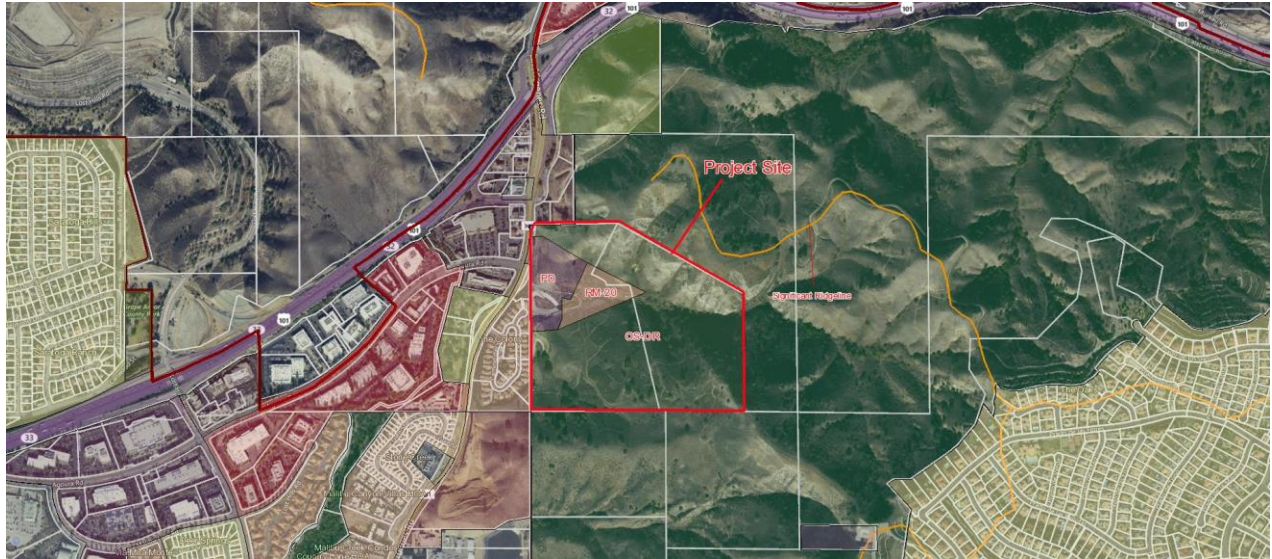
November 28, 2017	Recommended approval of the traffic study.
February 26, 2019	Recommended approval of the updated traffic study
July 28, 2020	Recommended approval of the updated traffic study and VMT Analysis

ATTACHMENTS:

Exhibit A: Planning Commission Resolution No. 2021-713 [Approval Recommendation]
Exhibit B: Planning Commission Resolution No. 2021-714 [Denial Recommendation]
Exhibit C: Project Plans (architectural, civil, landscape, and lighting)
Exhibit D: Amended Final EIR
Exhibit E: Alternative 5 Narrative, Site Plan, and Massing Diagrams
Exhibit F: PC Agenda Report for July 10 and 11, 2019
Exhibit G: PC Agenda Report for July 18, 2019 (including an excerpt from the City's General Plan EIR Section 4.5, *Geology, Impact GEO-3*)
Exhibit H: PC Meeting Minutes for July 10, 11 and 18, 2019
Exhibit I: Post Woolsey Fire Oak Tree Assessment
Exhibit J: Peer Review of the Post Woolsey Fire Oak Tree Assessment
Exhibit K: Architectural Review Panel (ARP) Minutes
Exhibit L: Traffic and Transportation Commission Minutes
Exhibit M: Story Pole Plan and Photos
Exhibit N: Geotechnical Review Documents
Exhibit O: Los Angeles County Fire Dept. Review/Approval
Exhibit P: California Housing and Community Development (HCD) Correspondence
Exhibit Q: Written Public Comments

TECHNICAL APPENDIX

Location Map:



Surrounding Properties:

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