

West Village Project

(File No. 160003152)

Responses to Questions and Issues Raised



CITY *of* CALABASAS

Planning Commission

April 21, 2021

Wildfire Impacts - Addressed in the EIR

- Project site is located in a Very High Fire Hazard Severity Zone
- Impacts related to wildfires are addressed in Section VIII of the EIR Initial Study, *Hazards and Hazardous Materials*, (*Appendix A of Amended FEIR*)
 - No evidence that the project would contribute to the critical fire environment because: 1) the project site adjoins existing urban development along the Las Virgenes Road and would not increase ignition sources; 2) the project minimizes the length of the urban-wildland interface by clustering development on a smaller footprint; and, 3) the project creates a fuel modification buffer which presently does not exist.
 - Project required to comply with standard fire protection requirements in the Los Angeles County Fire Code, Calabasas Municipal Code and California Building Code.
 - Project required to comply with the fuel modification requirements of the Los Angeles County Fire Department, including 1) fuel modification approval, 2) clearance for construction, and 3) final inspection and approval.



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Emergency Evacuation Addressed in EIR

Emergency evacuation issues addressed in Section VIII, *Hazardous and Hazardous Materials*, of the EIR Initial Study (*Appendix A of Amended FEIR*), and in Topical Response E in the Responses to Comments of the Original Final EIR

- Project site located 0.25 mile from U.S. 101, the primary evacuation route for the site. Project residents and employees would be able to quickly access freeway from the site
- Project site also located opposite Agoura Road, a secondary evacuation route providing access to recently-improved Lost Hills Road / 101 interchange.



Emergency Evacuation

- Project would be required to comply with Very High Fire Severity Zone standards set forth in the Calabasas Municipal Code and California Building Code and the Los Angeles County Fire Code with respect to fire safety and evacuation.
- City has adopted an emergency operations plan (EOP) that includes evacuation protocol, which has been reviewed and approved by the California Emergency Management Agency
- Assistant Fire Chief Drew Smith of the Los Angeles County Fire Department is in attendance and available to respond to questions.



Transportation System Improvements Facilitate Emergency Evacuation

- Project frontage improvements include the addition of a third northbound lane and sidewalks on Las Virgenes Road north and south of the project site
- Mitigation Measure T-7(b) in Section 4.10, *Traffic and Circulation*, of the Amended Final EIR also requires the construction of an additional lane to the US 101 Southbound on-ramp
- These improvements would:
 - Improve vehicle and pedestrian capacity and flows along the Las Virgenes Road corridor and particularly at the Las Virgenes Road / Agoura Road intersection;
 - Benefit both emergency access and the functional evacuation capacity of Las Virgenes Road



Traffic & Transportation Impacts

- Project impacts evaluated based on thresholds and policies established in the City's General Plan Circulation Element
- The ITE 10th Edition was used for all trip generation rate data obtained through traffic studies conducted at hundreds of multi-family sites and are correlated to development density
- Project traffic study included updated cumulative analysis of all approved and pending projects located in the study area
- Paxton project was included in cumulative analysis using the ITE "Multi-Family Housing" trip generation rate – this land use trip generation rate includes apartments, condominiums, and townhomes (e.i., no rate difference between owner-occupied vs. renter occupied units)



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Traffic & Transportation Impacts

- The Project Traffic Study found that the project would not exceed City thresholds for traffic impacts
- Nonetheless, the amended Final EIR contains several advisory mitigation measures to improve traffic in Las Virgenes Road corridor:
 1. Las Virgenes Road widening for new northbound lane (Mitigation Measure T-1[a])
 2. Las Virgenes Road/Agoura Road Project improvements (Mitigation Measure T-1[b])
 3. Las Virgenes Road/US 101 Southbound Ramps improvements (Mitigation Measure T-7[a])
 4. Las Virgenes Road/Mureau Road Improvements (Mitigation Measure T-7[b])

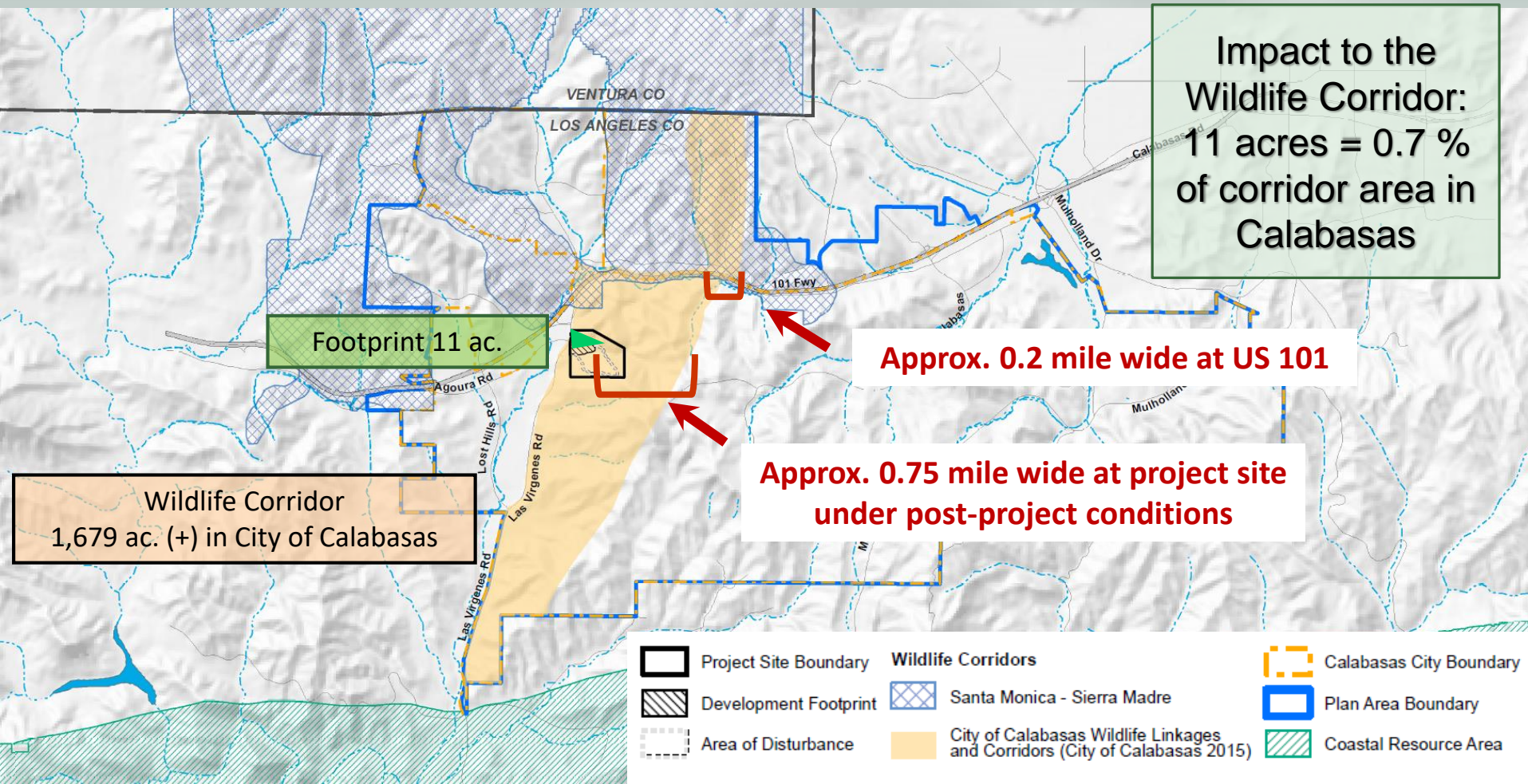


Traffic & Transportation Impacts

- Amended Final EIR for the Project contains an updated traffic study.
- Traffic study was prepared in accordance with City's standards and methodologies and reviewed by City staff
- Study incorporated updated trip generation data for the project
- Baseline traffic estimates utilized pre-COVID-19 traffic counts (2018) that were increased by an annual 1% growth rate to represent Year 2020 and 2025 conditions
 - The 1% growth rate is based on the regional growth rate estimated in the 2010 Congestion Management Program (CMP) for Los Angeles County (this is conservative - the CMP estimates the annual growth rate of Calabasas to be less than 1%)



Project Site in Relation to Wildlife Corridor



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Minimal Wildlife Corridor Impacts

- Impacts addressed and mitigated in the Amended Final EIR in Section 4.3, *Biological Resources*, under Impact BIO-5 (*pages 173 through 176*)
- Project would reduce the width of the corridor by 25% (0.25 mile) at the location of the 11-acre project site (*page 175 of Amended Final EIR*)
- Despite encroachment into the 1,679-acre Wildlife Linkage and Corridor, the open space surrounding the site would continue to provide passage for wildlife movement. (*ref. page 175*)
- Mitigation Measure BIO-5 requires wildlife-friendly fencing to allow for wildlife movement (as required by CMC Section 17.20.100[H]) (*ref page 175*)
- Project also must comply with CMC 17.27.030 to limit lighting spillover.
- *NOTE: In its analysis of potential impacts to wildlife corridors, the General Plan EIR focused almost exclusively on the same location as the project site, and determined impacts to wildlife corridors were less than significant.*



Surveys of Biological Resources

- 15 biological resources surveys have been completed at the project site between 2010 and 2020, including:
 - Multiple habitat assessments
 - Multiple rare plant surveys (April, May, June, and July)
 - Multiple California gnatcatcher protocol surveys
 - Multiple Least bell's vireo protocol surveys
 - Bat survey
- Surveys included habitat assessments for all special status species (including California red-legged frog, mountain lion, and American badger)
- **No individuals of special status species were observed during the surveys**
 - Nonetheless, mitigation has been identified for species with potential to occur
- The project site consists of 45% non-native vegetation communities (disturbed land), and 55% native vegetation communities.



Impacts to Wetlands

- Addressed and mitigated in the Amended Final EIR in Section 4.3, *Biological Resources*, under Impact BIO-4 (pages 170 through 173)
- Development on and adjacent to wetlands is allowed under the law.
- The project must obtain appropriate regulatory permits, and project impacts and mitigation requirements would be authorized by the applicable Federal and State agencies, including:
 - USACE - Section 404 permit;
 - RWQCB - Section 401 Water Quality Certification; and,
 - CDFW - Section 1602 Lake and Streambed Alteration Agreement
- *These permits are evaluated and issued by the respective agencies prior to the grading stage, not prior to project entitlement.*



Reasonable Range of Alternatives

- CEQA Guidelines Section 15126.6(a) states: “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.”
- As part of the recirculated EIR, the City considered new alternatives and re-assessed the alternatives previously proposed for the project. In particular, the City focused on reducing the aesthetic impact of the project.
- The four alternatives evaluated in the EIR represent a reasonable range of alternatives for a property constrained by its siting and location adjacent to a Scenic Corridor.



Environmentally Superior Alternative

- The City has no requirement to approve an environmentally superior alternative over the proposed project. (*CEQA Guidelines Section 15042-15043.*)
- CEQA requires only that an EIR identify which alternative is environmentally superior.
- CEQA Guidelines Section 15126.6(e)(2) states: “If the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.”
- In this case, Alternative 5 has been identified as environmentally superior.



Housing Laws and RHNA

Housing Accountability Act and the No Net Loss Law:

- Although there are legal risks associated with passing a denial resolution of the project, neither the Housing Accountability Act nor the No Net Loss Law compel the City to approve the project.
- Instead, both the Housing Accountability Act and the No Net Loss Law impose requirements on the City to reach certain findings if it decides to deny the project.

Housing Element Update and 6th Cycle of RHNA

A project denial will force the City to decide whether to:

- Include the site in the next Housing Element - as a 20 d.u. per acre (minimum) multi-family zoned property which must allow for any project with 20% affordable units via “by right” ministerial review and approval; or,
- Not include the site in the next Housing Element update, choosing instead to densify other areas of the City to replace the lost housing capacity.



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General Plan and Development Code Consistency

- Staff's analysis has not changed -- we find that the proposed project consistent with 140 relevant policies in the General Plan, and compliant with all standards in the Development Code, as previously stated and documented in previous reports to the Commission.
- Consistency with the General Plan and Development Code was analyzed extensively in the project EIR and the Planning Commission staff report, and was further discussed in staff's presentation for the July 10 and 11, 2019 public hearings.
- In particular, the proposed project is consistent with General Plan policies and Development Code standards related to:
 - Remedial grading and landslide repair in open space areas
 - Resource Conservation; and
 - Hillside Development



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General Plan – Grading and Improvements in Open Space

General Plan policies do not prohibit landslide repair, grading, infrastructure and utilities in open space (*ref. particularly General Plan policies III-2, III-5, III-7*)

- Policy # III-2: “Limit the permitted density of development within lands designated as open space to that which is consistent with the community’s environmental values and that will avoid significant impacts to sensitive environmental features...”
- Policy # III-5: “Limit and direct landform modification within areas designated as open space to preserve ridgelines and other significant landforms.”
- Policy # III-7 : “Require that development within and adjacent to designated open space areas be screened with native or transitional landscaping in order to minimize the prominence of the development and emphasize natural features.”



OS-DR Zoning and Measure 'O'

- Approx. 61 acres zoned OS-DR; the project will provide for approx. 66 acres.
- OS-DR zoning prohibits the establishment of permanent human occupancy type land uses, but does not prohibit all forms of development. For example, permissible uses and activities within the OS-DR zone include:
 - Trails, pathways, and emergency access
 - Grading of slopes to stabilize
 - Utilities, drainage systems, and other infrastructure
- Measure O (CMC 17.16.030) applies only when lands designated OS-R or OS-RP are proposed to be changed to new uses through an amendment to the General Plan, thereby requiring approval by a minimum two-thirds of the City's voters. Example: a change from OS-RP to B-R (Business-Retail)
- Measure 'O' does not apply because the proposed project is not re-designating any portion of the property from OS-RP to any other land use category.



General Plan – Hillsides & Safety

General Plan policies most relevant to hillside protection include:

- Open Space Element policies III-12, III-13, III-16 and III-18, which require hillside development to minimize landform alteration, use contour grading techniques, avoid mass graded “mega-pads”, and prohibit development on slopes over 50% unless required for trails or safety.
- Safety Element policy VII-1, which states: “Incorporate adequate mitigation measures into proposed development projects to achieve an acceptable level of risk from potential seismic hazards resulting from ground motion or a fault rupture.”

Therefore, the project is consistent with the General Plan’s relevant hillside development policies.

