



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: MAY 5, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: GLENN MICHITSCH, SENIOR PLANNER

SUBJECT: CONSIDERATION OF A RESOLUTION CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, APPROVING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING FILE NO. 160003152, A REQUEST FOR DEVELOPMENT OF A 77-ACRE VACANT PROPERTY LOCATED AT 4790 LAS VIRGENES ROAD AT THE EASTERN TERMINUS OF AGOURA ROAD (APNS: 2069-078-009 AND 2069-078-011). THE PROPOSED PROJECT INCLUDES:

- (1) PRESERVATION OF APPROXIMATELY 66.0 ACRES (86% OF THE PROPERTY) AS PERMANENT OPEN SPACE;**
- (2) MULTIFAMILY HOUSING (135 TOTAL UNITS IF APPROVED VIA RESOLUTION NO. 2021-1731; OR, 180 TOTAL UNITS IF APPROVED VIA RESOLUTION NO. 2021-1733), WITH A COMMUNITY GREEN SPACE (PARK), OCCUPYING APPROXIMATELY 9.5 ACRES (12.5% OF THE PROPERTY);**
- (3) A 5,867 SQUARE-FOOT RETAIL COMMERCIAL SHOPPING CENTER SITUATED IN TWO ONE-STORY BUILDINGS OCCUPYING APPROXIMATELY 1.19 ACRES (1.5 %) OF THE PROPERTY; AND,**
- (4) PERMANENT DEDICATION OF A PUBLIC TRAIL EASEMENT THROUGH THE PROPERTY CONNECTING TO OPEN SPACE LANDS TO THE EAST.**

THE PROPOSED PROJECT ALSO INCLUDES THE FOLLOWING ANCILLARY FEATURES: TWO DETENTION/DEBRIS BASINS, SITE ACCESS AND INTERNAL ROADWAY SYSTEM WITH SIDEWALKS AND PARKWAYS, RETAINING WALLS, LANDSCAPING, COMMON RECREATION AREAS, PARKING LOTS, 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: VESTING TENTATIVE TRACT MAP (FOR SUBDIVISION OF LAND AND FOR CONDOMINIUM PURPOSES), DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, SITE PLAN REVIEW, OAK TREE PERMIT, AND SCENIC CORRIDOR PERMIT. THE 77-ACRE PROPERTY IS ZONED PLANNED DEVELOPMENT (PD); RESIDENTIAL-MULTIFAMILY, 20 UNITS PER ACRE (RMF (20)); OPEN SPACE - DEVELOPMENT RESTRICTED (OS-DR); AND IS WITHIN THE SCENIC CORRIDOR (SC) OVERLAY ZONE.

MEETING MAY 12, 2021
DATE:

SUMMARY RECOMMENDATION:

That the City Council adopt either:

1) City Council Resolution No. 2021-1733 (Attachment A), certifying the Final Environmental Impact Report (Exhibit D of Attachment D) and approving all requested entitlement permits as described above, for File No. 160003152, associated with the proposed project located at 4790 Las Virgenes Road (APNs: 2069-078-009 and 2069-078-011) for the project, as proposed at 180 residential units; or

2) City Council Resolution No. 2021-1731 certifying the Final Environmental Impact Report (Exhibit D of Attachment D) and approving all requested entitlement permits as described above, for File No. 160003152, associated with the proposed project located at 4790 Las Virgenes Road (APNs: 2069-078-009 and 2069-078-011), at a reduced, 135 unit scale, as modified by the recommendation of the Planning Commission as presented in Planning Commission Resolution No. 2021-713 (Attachment C).

BACKGROUND:

On May 31, 2016, the City Council approved the Canyon Oaks project which included 67 single-family detached homes and four affordable units within two duplex structures on approximately 13.03 acres; a 72,872 square-foot, three-story hotel on approximately 2.91 acres; and preservation of approximately 61.0 acres as permanent open space. Subsequently, on November 8, 2016, the Canyon Oaks project entitlements were effectively rescinded when Calabasas voters successfully passed Measure F, a referendum to reverse the approved amendments to the General Plan and Development Code.

Applications for the current project were submitted in October 2016. As first submitted, the project included 205 for-sale and for-rent housing units (apartments and townhomes) and 150,000 square feet of commercial office and retail space, but was later re-designed and reduced in size to the 180 condominium units and 5,867 square feet of retail commercial space (within an 11 acre footprint) that is currently proposed in response to issues raised by staff and by members of the Development Review Committee (DRC).

A comprehensive description of the subject project, its history, and exhaustive analyses are provided in the project's Amended Final EIR and Planning Commission staff reports and exhibits, which are attached hereto as Attachment D, and are also available on the City's Website at <https://www.cityofcalabasas.com/our-city/current-projects/west-village-at-calabasas>. To avoid repetition, this report focuses only on project alternatives, on the Planning Commission deliberations and actions, and decision options.

The Planning Commission held two sets of public hearings for the subject project. The first set of hearings were held on July 10, 11, and 18, 2019. During the 2019 Planning Commission hearings, public comments, as well as questions posed by the Commission, focused primarily on: visual and biological impacts; traffic; and geotechnical issues / landslide repair. Following the three days of public hearings and deliberation, the Planning Commission voted to recommend that the City Council not certify the EIR, and to deny the proposed project as set forth in "draft" Planning Commission Resolution No. 2021-714 (Attachment D, Exhibit B). The Planning Commission further recommended that the applicant explore a project alternative (Alternative 4) identified in the Original Final EIR, thought to be a viable alternative at the time, which did not implement a graded landslide mitigation solution (in an effort to preserve hillside visual and biotic resources), and instead focused on siting development within a portion of the property that might be safe if the landslide were re-activated. Further, the applicant was invited to bring back any project alternative for further review.

Alternative 4 Deemed Infeasible

The applicant followed the recommendation of the Planning Commission and hired another geotechnical consultant (Leighton and Associates, Inc.) to review the entire body of geotechnical analyses submitted to date and independently assess the nature of the landslide and the viability of identified project alternatives, including Alternative 4, the Planning Commission's preferred alternative. Leighton's findings and conclusions (Attachment D, Exhibit D, Appendix H) were subsequently submitted to the City along with another project alternative (Alternative 5) [Attachment D, Exhibit E] that was similar to the proposed project, but with only 146 units, and reconfigured to provide additional visual relief to the Scenic

Corridor. The applicant also submitted an updated oak tree assessment identifying the post-Woolsey Fire conditions of oak resources on-site for informational purposes.

Relevant to the Planning Commission's recommendation, Leighton's review thoroughly analyzed Alternative 4 and concluded that the risks to life and property from gross, seismic, and surficial instability were too high for Alternative 4 (or any variation that did not implement slope stabilization measures) to be feasible. Leighton also developed a best-case design in the spirit of Alternative 4 using an array of drilled caisson shafts (at an estimated cost of \$113.7 million) to improve gross and seismic stability of the landslide material a 1.5 factor of safety as required by CMC Section 17.20.130. Caisson installation would also require approximately 127,000 cubic yards of grading (for temporary roads, worker safety, and to create drilling platforms) and result in the export of 55,855 cubic yards of earth (or approximately 2,793 truck trips). However, since no removal and re-compaction of the landslide material would be performed, even the best-case design would not solve ongoing issues with surficial instability such as shallower depth sliding, sloughing, and erosion, etc.. Additionally, since no properly engineered graded pads would be created, buildings on-site would need to utilize caisson foundation systems, and other site development such as streets, sidewalks, parking areas, swimming pools, and other site features would be subject to issues with settlement of underlying compressible material (i.e. cracking). For these reasons, Alternative 5 was submitted because Leighton found Alternative 4 (and the best-case version of Alternative 4) infeasible. The City had Leighton's findings and conclusions peer reviewed by both Willdan Geotechnical (the City's normal geotechnical review consultant) [Attachment D, Exhibit N], and by another geotechnical consultant hired by the City (LGC Valley, Inc.) [Attachment D, Exhibit D, Appendix H] who both concurred with the findings in Leighton's report.

Amended EIR

Based on the new information submitted, City staff determined that amendments to the EIR were required under CEQA; accordingly an Amended EIR was prepared and re-circulated for public review (see Attachment D, Exhibit D). To summarize, Alternative 4 was rejected as a viable alternative due to high risk; the identified best-case variation of Alternative 4 was rejected as a viable alternative due to high risk, expense, and impacts to visual and biotic resources similar to the proposed project; and Alternative 5 was included in a new modified alternatives analysis. Additionally, due to delays in the project anticipated opening date having to be postponed (as necessary to accommodate the additional reviews and analyses), and to keep technical information current, the Amended EIR included updated traffic impact analyses and a new Vehicle Miles Traveled (VMT) analysis.

The Amended Final EIR, including responses to comments received during the re-circulation period, was brought back to the second set of Planning Commission public hearings held on April 15 and 21, 2021. By a 3-2 vote, the Planning Commission adopted Planning Commission Resolution 2021-713 (Attachment C) recommending certification of the Amended Final EIR, adoption of a statement of overriding considerations, and approval of a modified project alternative that reduces the total residential unit count to 135 units and reconfigures the residential structures in a way that further reduces the visual impact of the project from the Scenic Corridor (Las Virgenes Road).

DISCUSSION/ANALYSIS:

A. Alternative 5

Alternative 5 was submitted by the applicant to replace the previously identified, and now rejected (for the reasons mentioned above) Alternative 4. Within the same 11 acre development footprint, and with the same identified landslide repair method as the current project (and Alternatives 2 and 3 identified in the Amended Final EIR), Alternative 5 reconfigures the multi-family residences into 22 three story buildings (as townhomes and stacked flats), reduces the total residential unit count to 146 (keeping 10% as affordable to very low income category), and shifts development 15 feet further east away from Las Virgenes Road and the Colony. Alternative 5 does not include a community park, but a green space/landscape buffer is added between the residential buildings and Las Virgenes Road. This alternative also provides a pool and recreation facility for residents. Furthermore, Alternative 5 would include pocket parks and other green spaces, and the dedication of trail access through the site like the proposed project. Building pad heights are similar to the currently proposed project.

As discussed in the Amended Final EIR, Alternative 5 is designed to further reduce visual impacts from the Scenic Corridor. (i.e. the one identified significant and unavoidable impact in the Amended Final EIR) by placing development further from the roadway and enhancing landscaping between the development and roadway. In terms of other environmental impacts, the lesser unit count reduces impacts to air quality, GHG emissions, noise, traffic, public services and utilities compared to the proposed project. For these reasons, Alternative 5 is considered the environmentally superior alternative of all project alternatives considered in the EIR, with the exception of Alternative 1 (the no project alternative), which does not satisfy any of the project goals.

B. Project as Proposed and Approved by Planning Commission

As detailed in the Planning Commission staff reports, the project, as proposed, concentrates new permanent development on only 11 acres of the 16-acre General-Plan-defined development footprint of the 77-acre property. Therefore, 66 acres will be left as permanent open space – 5 more acres of permanent open space than is identified in the General Plan. With implementation of the required mitigation measures stated in the project's Final Amended EIR, the project's design satisfies the General Plan's goals of protecting hillsides (to the greatest extent feasible), not significantly impacting area roadways and intersections, and providing housing. The project would fully implement the City's 2014 Housing Element by providing 100% of the allowed residential density (180 units including 18 affordable to very low income families), while keeping the commercial component small (5,867 sq. ft. compared to 155,000 sq. ft. allowed under the General Plan). As described in detail in the project's Amended Final EIR, and staff's analyses in the staff reports, a significant portion of the project's impacts are temporary in nature (i.e. will be off-set by the mitigations required in the EIR), and attributed to the necessary permanent remediation of the landslide feature (a necessary mitigation method now concurred with by three separate geotechnical experts) that occupies approximately 21.4 acres of the subject property, and; the scope, magnitude, and cost of which directly and significantly affect every component of the project design. Nevertheless, grading of the natural hillside for stabilization of the landslide, coupled with the establishment of the proposed permanent development on a currently vacant site, resulted in a conclusion in the Amended Final EIR that the project would create a change in the visual character of the site that is significant and unavoidable, thereby requiring a Statement of Overriding Considerations. It is important to note, however, that any project proposing alteration of this land would likely result in a significant and unavoidable visual impact. Refer to the Planning Commission staff reports (Attachment D) for thorough details regarding the proposed project and potential impacts.

In their final vote (3-2) to recommend certifying the Amended Final EIR, adopting a statement of overriding considerations, and approving a development on the subject site, the Planning Commission recognized that remediation of the landslide was an unfortunate, yet necessary element of any project that was to be built on the project site, but that additional improvements to the project design could be implemented to further reduce visual impacts to the Scenic Corridor (Las Virgenes Road). To accomplish this, the Planning Commission's recommendation is for the development of Alternative 5, but that the project's residential density be reduced to 135 total units and specifically reconfigured in a way that further reduces visual impacts to the Scenic Corridor.

C. Range of City Council Options

Option 1: Approve Proposed 180-unit Project. Because of the Planning Commission's recommendation, there are two projects formally on the table, and other options beyond that. The project, as proposed by the applicant, includes the following components:

- 180 residential condominiums (including 18 affordable to very low income families)
- 5,867 sq. ft. retail commercial space
- 0.36 acre community green space (park)
- Permanent dedication of a trail easement through the project to publicly owned open space lands to the east
- Permanent dedication of approximately 66 acres of open space
- Ancillary infrastructure and features including 2 detention / debris basins (one primary and one secondary), internal roadway system with sidewalks and parkways, retaining walls, landscaping, common recreation areas and lighting
- Sizeable remedial grading to stabilize a landslide hazard

Adoption of City Council Resolution 2021-1733 (Attachment B) certifies the Amended Final EIR, adopts a statement of overriding considerations, and approves the project, as currently proposed by the applicant.

Option 2: Approve 135-unit Reduced Scale Project. An amended project, as modified by the recommendation of the Planning Commission, includes the following:

- 135 residential condominiums (including 14 affordable to very low income families), reconfigured to further reduce visual impacts
- 5,867 sq. ft. retail commercial space
- Green space / landscape buffer area
- Permanent dedication of a trail easement through the project to publicly owned open space lands to the east
- Permanent dedication of approximately 66 acres of open space
- Ancillary infrastructure and features including 2 detention / debris basins (one primary and one secondary), internal roadway system with sidewalks and parkways, retaining walls, landscaping, common recreation areas and lighting
- Sizeable remedial grading to stabilize a landslide hazard

Adoption of City Council Resolution 2021-1731 (Attachment A) certifies the Amended Final EIR, adopts a statement of overriding considerations, and

approves the project at a reduced, 135-unit scale, as modified by the Planning Commission's recommendation.

Option 3: Disapprove the Project. The City Council could also adopt a resolution disapproving the proposed project, consistent with the draft resolution of denial prepared for the Planning Commission (Attachment D, Exhibit B).

Other Options: The City Council could also consider any other project alternatives with similar features including a residential unit count of 180 units or less, a commercial component of 5,867 sq. ft. or less, or combined reduction thereof, developed on a similar 11 acre development footprint, without the need for further amendments to the project's Amended Final EIR.

FISCAL IMPACT/SOURCE OF FUNDING:

The processing of this application was paid for by the developer via Planning application fees, as established by the current fee schedule. If approved, all development, mitigation, and landslide repair costs are borne by the applicant. No negative fiscal impacts or City costs are associated with this project, if approved.

The project, as proposed by the applicant for 180 condominiums (including 18 units affordable to very low income families and 5,867 sq. ft. of retail commercial space, is expected to produce approximately \$110,000 per year in additional property tax and \$25,000 in sales tax for the benefit of the City.

The project, as recommended for approval by the Planning Commission at 135 condominiums and 5,867 sq. ft. of retail commercial space, is expected to produce approximately \$100,000 per year in property tax and \$25,000 in sales tax for the benefit of the City.

Comparatively, development of the site, as envisioned in the General Plan (the "Village" concept) for 180 residential units and 155,000 sq. ft. of commercial (office/retail), would produce approximately \$35,000 per year in property tax for the benefit of the City; however, a sales tax estimate is undeterminable because estimates would vary greatly depending on the mix of uses, and specific revenue generating potential.

REQUESTED ACTION:

Option 1

That the City Council adopt City Council Resolution No. 2021-1733 (Attachment B), certifying the Final Environmental Impact Report, adopting a statement of overriding considerations, and approving File No. 160003151, a request for development of a 77-acre vacant property located at 4790 Las Virgenes Road at the eastern terminus of Agoura Road (APNs: 2069-078-009 and 2069-078-011) and inclusive of: (1) a residential component consisting of **180 multi-family condominiums** (including 18 units affordable to very low income families); (2) a commercial component consisting of 5,867 sq. ft. of commercial retail space); (3) a 0.36 acre community green space (park); (4) permanent dedication of a trail access easement through the site and connecting to open space lands to the east; and (5) preservation of approximately 66.0 acres (86% of the site) as permanent open space.

Option 2

That the City Council adopt City Council Resolution No. 2021-1731 (Attachment A), certifying the Final Environmental Impact Report, adopting a statement of overriding considerations, and approving File No. 160003151, a request for development of a 77-acre vacant property (as amended by the Planning Commission's recommendation) located at 4790 Las Virgenes Road at the eastern terminus of Agoura Road (APNs: 2069-078-009 and 2069-078-011) and inclusive of: (1) a residential component consisting of **135 multi-family condominiums** (including 14 units affordable to very low income families); (2) a commercial component consisting of 5,867 sq. ft. of commercial retail space); (3) a green space (park); (4) permanent dedication of a trail access easement through the site and connecting to open space lands to the east; and (5) preservation of approximately 66.0 acres (86% of the site) as permanent open space.

ATTACHMENTS:

- Attachment A:** City Council Resolution No. 2021-1731 (135 Units - As Recommended by the Planning Commission)
- Attachment B:** City Council Resolution No. 2016-1733 (180 Units – As Proposed)
- Attachment C:** Planning Commission Resolution No. 2021-713
- Attachment D:** Planning Commission Staff Report and Associated Exhibits A-Q
- Attachment E:** Draft Planning Commission Minutes from July 10, 11 and 18, 2019
- Attachment F:** Public Correspondence