

P.C. RESOLUTION NO. 2022-742

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL ADDING CHAPTERS 17.82 (URBAN LOT SPLITS) AND 17.84 (MINISTERIAL DESIGN REVIEW PERMITS) TO TITLE 17 (LAND USE AND DEVELOPMENT) OF THE CALABASAS MUNICIPAL CODE.

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed into law Senate Bill (SB) 9, the “California Housing Opportunity and More Efficiency (HOME) Act”;

WHEREAS, SB 9 adds Sections 65852.21 and 66411.7 to the Government Code and took effect January 1, 2022;

WHEREAS, SB 9 requires cities to magisterially approve a parcel map for an urban lot split and/or a proposed housing development containing a maximum of two residential units within a single-family residential zone meeting certain state standards;

WHEREAS, SB 9 allows cities to establish objective zoning standards, objective subdivision standards, and objective design review standards, if those standards do not conflict with state law, and if those standards do not have the effect of “physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet,” among other restrictions; and

WHEREAS, the City desires to establish certain objective zoning, subdivision, and design review standards as allowed by the City’s constitutional powers and state law governing SB 9 projects to promote the orderly subdivision of parcels and development of housing under SB 9.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CALABASAS RESOLVES AS FOLLOWS:

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

1. Agenda reports prepared by the Community Development Department, including the draft of Ordinance No. 2022-398.

2. Staff presentation at the public hearing held on May 19, 2022, before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the request.
5. Testimony and/or comments from interested parties or organizations submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

SECTION 2. Based upon the foregoing the Planning Commission finds:

1. Notice of the May 19, 2022, Planning Commission public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's Market and at Calabasas City Hall.
2. Notice of the May 19, 2022, Planning Commission public hearing was posted in the *Acorn* ten (10) days prior to the hearings.
3. Notice of the May 19, 2022, Planning Commission public hearing included the information set forth in Government Code Section 65009, subdivision (b)(2).

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

FINDINGS

Section 17.76.030 of the Calabasas Municipal Code allows the Planning Commission to recommend the City Council's approval of the proposed text amendment below, provided the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan.*

The proposed amendment is consistent with General Plan Objective V.D to provide adequate housing sites through appropriate land use and zoning designations to accommodate the needs of existing and future Calabasas residents. Specifically, it is consistent with Policy V-8 to provide site

opportunities for development of housing that respond to the diverse housing needs of Calabasas residents and workforce in terms of density, location and cost as well as Policy V-9 to provide opportunities for additional housing. As a result, the proposed amendment meets this finding.

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

The proposed development code amendment promotes affordable and multi-generational housing within the City, provides an alternative source of income for homeowners, and helps the City satisfy its Regional Housing Needs Allocation. As a result, the proposed amendment meets this finding.

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

The Planning Commission has considered all the evidence in the record, including the staff reports, the testimony received during the public hearing on the matter held by the City Council, and hereby determines that this Ordinance is statutorily exempt pursuant to Government Code section 65852.21, subdivision (j), and Government Code section 66411.7, subdivision (n). The City Council finds the adoption of this Ordinance is not a project for purposes of the California Environmental Quality Act (CEQA) and is statutorily exempt. Further, this Ordinance is not subject to CEQA because it does not involve exercise of a discretionary power under 14 CCR section 15060, subdivision (c)(1) as the ordinance is adopted in response to a state mandate. As a result, the proposed amendment meets this finding.

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

The proposed amendment creates two new Chapters, 17.82 and 17.84 in consistent with state law. The new Chapters do not conflict with any other provisions of the Development Code, therefore, the proposed amendment meets this finding.

SECTION 4. In view of all the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby adopts this Resolution recommending to the City Council approval of Ordinance No. 2022-398 (Attachment A to this resolution), amending the City of Calabasas Land Use and Development Code.

PASSED, APPROVED AND ADOPTED this 19th day of May 2022.

Wendy Fassberg,
Chair

ATTEST:

Michael Klein, AICP
Community Development Director

APPROVED AS TO FORM:

Matthew Summers
Colantuono, Highsmith & Whatley, PC
City Attorney

Planning Commission Resolution No. 2022-742, was adopted by the Planning Commission at a regular meeting held May 19, 2022, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the California Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”