

## SITE PLAN REVIEW FINDINGS

Section 17.62.060 of the Calabasas Municipal Code (“CMC”) allows the review authority to approve Site Plan Review provided that the following findings are made.

1. *That the proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code.*

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of two new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. To accommodate the Project, the existing theater building will be demolished, along with a portion of the existing surface parking lot.

The City’s General Plan designates the Project Site as Mixed-Use 0.95 and it is zoned CMU 0.95 (Commercial Mixed-Use). The CMU zone permits a variety of commercial/retail uses and multi-family residential uses. Under the CMC, the CMU zone permits a height of 35 feet, a floor area ratio (“FAR”) of 0.95, and a residential density of up to 20 dwelling units per acre. The Project’s 119 new residential units results in 6.1 dwelling units per acre and the total development of The Commons would result in a 0.47 FAR with the new buildings and existing development to remain. As such, the Project’s uses, density, and floor area ratio are consistent with the CMU zone and significantly below the maximum development permitted for the Project Site.

By providing 12 Low Income affordable units in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project is eligible for waiver of development standards and requests a waiver from the height limit in the CMU zone to permit a maximum height of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, which is necessary to physically accommodate the Project at the density proposed with the affordable units, the Project would be consistent with the permitted height.

Under State Density Bonus law, the Project is permitted to provide a minimum of 164 residential parking spaces. The Project would provide a total of up to 270 parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law.

Parking for the existing commercial land uses and the new proposed commercial uses will be provided within the reconfigured surface parking lot. The Project will result in a net reduction of approximately 8,928 square feet of commercial uses with removal of the theater which is a high parking generator. Implementation of the Project will result in the removal of 139 existing commercial automobile parking spaces and addition of eleven new commercial automobile parking spaces, resulting in a proposed total supply of 931 automobile parking spaces to be shared among the commercial uses. Looking only at the CMC, the existing and proposed commercial uses require a total of 1,043 spaces; however, parking at The Commons is shared among the tenants per a shared parking approval granted in the 1997 Implementing Conditional Use Permit for The Commons. Examining the mix of uses and the peak parking demand that each use generates provides a more accurate view of the parking demand. To account for the changes proposed, a shared parking analysis was prepared by KOA Corporation. The shared parking analysis demonstrates that the proposed parking (931 spaces) more than adequately meets the worst-case projected demand (896 spaces).

Furthermore, the worst-case scenario only occurs in December. Parking demand throughout the remainder of the year (January through November) is much lower, averaging approximately 713 spaces, which means that for the rest of the year, there will be a surplus (on average) of approximately 218 spaces. Thus, the Project provides more than enough parking to accommodate the proposed uses.

In addition, the Project would provide a total of 137 bicycle parking spaces consistent with CMC Section 17.28.030 and Table 3-11, comprised of 132 residential bicycle spaces and five bicycle spaces for the new retail and restaurant uses.

Pursuant to CMC Section 17,12,130.B.5, the Project requires and provides 17,850 square feet of community open space for the new residential units with interior common resident areas, exterior common resident areas, that include a rooftop pool deck within Building A, and private open space patios.

As demonstrated, the Project complies with the applicable provisions of the development code.

2. *The proposed use is consistent with the General Plan and any special design theme adopted by the city for the site and vicinity.*

The City's 2030 General Plan's Land Use Element designates the Project Site as Mixed-Use 0.95 which "accommodates a broad range of office, retail, visitor-serving uses, and commercial services, as well as higher density residential uses. Institutional and entertainment uses may also be accommodated. This designation is intended to provide for innovative site design and the creation of relatively high intensity, pedestrian-oriented environments with an integrated mix of uses." The Project proposes two new mixed-use buildings with residential apartments and neighborhood-serving retail and restaurant uses that would complement the existing commercial retail and restaurant uses at The Commons. The proposed intensity of development is consistent with the Mixed-Use 0.95 land use designation as the Project results in 6.1 dwelling units per acre (density of up to 20 dwelling units per acre is allowed) and a maximum 0.47 FAR (an FAR of 0.95 is allowed).

Section II.B of the 2030 General Plan (Community Structure) provides that within Old Town Calabasas and adjacent properties to the west along Calabasas Road up to Parkway Calabasas, which includes The Commons, it is the City's desire to recreate the character of the traditional small town's "downtown" within this area, emphasizing the area's function as a community gathering place. Per the General Plan, individual developments should provide a variety of plazas, as well as indoor and outdoor gathering areas that are accessible to the public and that the future redevelopment include a mix of office, retail, and residential uses and provide the impetus for creating the pedestrian-oriented "city center" and gathering place that is desired.

Furthermore, Section IX (Community Design Element) identifies The Commons as part of the City's East Village area and the General Plan notes that the vision for The Commons is to create an expanded "village" environment by including new professional offices, retail commercial uses, visitor accommodations, cultural arts facilities, and residential development connected with pedestrian spaces, plazas, and parks.

Since opening its doors to the community nearly 25 years ago, The Commons has become the *de facto* City center. The Project continues to further the City's goals and the intent of

the 2030 General Plan. The Project design is intended to enhance the town center and reflect the unique fabric of Calabasas. Integrating low density residential units above the ground floor commercial adds a 24-hour population that will contribute to the Project's vibrancy and enhance safety and security because it will bring vested community members to the center and increase the number of "eyes on the street."

### ***Building B***

Building B was inspired by the community's desire to create more of a "main street" experience at The Commons. Locating Building B across from Building A creates an active, pedestrian scale street, lined with shops and restaurants. Building B is designed with four buildings that are interspersed and connected by pedestrian paseos, flanked by landscaping at the front and rear of each building and between each building. A significant sized open space plaza complements the new "village" area providing a distinct sense of place. This open space area may be programmed for temporary community events and used organically throughout the year.

Building B has been designed to mirror The Commons architecture in terms of materiality, style, and details of the existing buildings with minor exceptions. Roof tiles and residential façades will primarily use the specifications of the original center while colors and details will match the existing architecture. Retail storefronts, doors and patio furnishings will be influenced and customized by future tenants to add to the visual interest and authenticity of the street while street trees, paving, curbs, accessories, and street lighting will match the existing sidewalks.

Additionally, Building B serves as a transitional zone, terracing the height from the village area southwards to Building A.

### ***Building A***

Although Building A has been designed to complement the existing Commons development, it intentionally introduces a timeless yet contemporary aesthetic. The building incorporates soft earth tones that are typical of Calabasas and The Commons, which allows it to blend into the surrounding topography. Landscaping along the façades also helps to conceal and soften its edges so the building blends into the hillside to the south.

Since the majority of the existing theater space is located behind the ground floor commercial space, the new residential building includes a built-in step back. As such, the residential levels of Building A will be setback from the ground floor by approximately 50-90 feet. This ensures that the pedestrian experience will not change. Additionally, since the building is located with the footprint of the existing theater, it is setback from Calabasas Road approximately 400 feet.

The Project is also consistent with the recently adopted update to the City's Housing Element. As summarized in Table V-3 and depicted in the Housing Element's Sites Map, The Commons site was identified as suitable for residential development within the 2021-2029 planning period in order to meet the City's RHNA obligations under State Law. The Housing Element noted that The Commons (Site No. 11) is the primary destination of the East Village area and is identified in the 2030 General Plan for "infill" development with high potential for new residential units. As noted in the Housing Element, with an existing FAR of just 0.20 and a large surface parking lot, the Project Site provides plenty of opportunity for

“infill” development. The Project’s proposed 119 apartment homes, comprised of market rate and affordable housing units, meets the General Plan’s housing goal for the Site, and contributes to the City’s housing goal. The inclusion of market rate and affordable housing is also consistent with the Housing and Community Design Elements of the General Plan, which designate the Site for mixed income housing.

The Project, as designed, will not negatively impact traffic conditions on City streets and will increase pedestrian and bicycle connectivity to and through the property, consistent with policies contained within the Circulation Element of the General Plan. Furthermore, the Project will not exceed the City’s noise thresholds, and will not impact utility and life safety emergency services provided by the sheriff and fire departments.

*3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).*

An Addendum to the Final Program Environmental Impact Report (PEIR) certified by the Calabasas City Council on October 13, 2021, for the 2030 General Plan Update (“Certified EIR”) has been prepared to evaluate potential environmental effects of the Project. The Certified EIR analyzed the development of the Site with up to 202 residential units and 44,393 square feet of *net new* commercial uses. The Project proposes to add 119 residential units and 24,163 square feet of commercial uses, which is within the maximum scope of development analyzed for the Site. Per CEQA Guidelines Section 15162, a subsequent EIR is not required. As shown in the Addendum, the Applicant has fully demonstrated that the Project is within the parameters analyzed in the PEIR and no new environmental analysis is required.

*4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area.*

The Project proposes infill redevelopment of a small portion of The Commons with the construction of two new mixed-use buildings. To accommodate the Project, the existing theater building along with a portion of the existing surface parking lot and associated landscaping would be removed. The Project Site is currently improved with retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses.

The Project has been designed to be compatible with and complementary to The Commons along with the neighboring uses. Overall, the Project design is intended to create a timeless, elegant town center that reflects the unique fabric of Calabasas. As discussed above in SPR Finding No 2, the design is meant to enhance The Commons while protecting and preserving the unique character that enriches the community. Paseos and open space will contribute to a more walkable and vibrant destination, enhancing the sense of place. Architectural design and details have been well thought out to complement the existing center. Landscaping and other features will provide visual interest and, also, provide space perfect for movies in the park, gathering with friends, children’s events, or enjoying a good book.

The proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would

be located within a portion of the existing surface parking lot to be demolished. The finished floor heights of each building are designed to match the existing development and grading is largely limited to excavation for subterranean parking levels which results in lower building heights and shields parking from the active uses.

A sign program would be developed for the new buildings that includes building and tenant identification signage that is visually proportionate to each building and mass and compatible with the size, scale, materials, and shape of the existing tenant signage in the Commons center.

- 5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features.*

The Project Site is comprised of five adjacent parcels that contain approximately 839,902 square feet of net lot area and is currently improved with retail and restaurant uses, distributed throughout multiple buildings along with surface parking. The area surrounding the Project Site is developed primarily with commercial and institutional uses that include City Hall, the Library, and the Senior Center. As described in the 2030 General Plan, given the size of the Site and the underutilized surface parking area, the Project Site has been identified as an ideal location for new infill development with high potential for new residential units and additional commercial square footage.

The proposed new buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. The City's General Plan designates the Project Site as Mixed-Use 0.95 and is zoned CMU 0.95 (Commercial Mixed-Use) which permits a floor area ratio of 0.95 and a residential density of 20 dwelling units per acre. The Project proposes 119 new residential units, which results in 6.1 dwelling units per acre and a 0.47 floor area ratio with the new buildings and existing development to remain. As such, the Project is well under the density that the General Plan and CMC allow for, and the Site is more than adequate in size and shape to accommodate the proposed Project.

- 6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.*

The proposed new buildings would be located within the existing developed area of The Commons site, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. An open space easement is located at the rear of Site and would be preserved as-is. As shown on the plans, the proposed buildings are thoughtfully designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible. Building A, the largest of the two proposed buildings, is setback approximately 400 feet from Calabasas Road and approximately 650 feet from the Ventura Freeway, allowing it to blend into the ascending open space hillside to the south which preserves the upper ridgeline and skyline view. Building B, which is lower in height, serves as a transitional zone, terracing the height southwards to Building A. Robust landscaping and trees would be planted that complement the existing landscaping at The Commons to create a beautiful setting that also helps to soften and screen the proposed buildings as viewed from surrounding public streets. In

addition, the architectural design of the buildings is intended to complement the existing Commons buildings and natural environment by incorporating soft earth tones typical of Calabasas.

## SCENIC CORRIDOR PERMIT FINDINGS

Section 17.62.050(D) of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Scenic Corridor Permit** provided that the following findings are made.

1. *The proposed project design complies with the scenic corridor development guidelines adopted by the council.*

The City's Scenic Corridor Overlay set forth in CMC Section 17.18.040 is intended to apply to major roadways within the City identified in the General Plan as scenic corridors, from which the traveling public may enjoy scenic views of the hill and mountain areas to the north and south of the city, and scenic views of the city itself and surrounding landscape, from the hill and mountain areas of the city. The Scenic Corridor Overlay applies to properties located within 500 feet of a road designated as a scenic corridor or proposed development located on a designated scenic corridor road and a prominent ridgeline, which defines the viewshed from the scenic corridor, or where the director determines development may have an impact upon the designated scenic corridor.

The Ventura Freeway corridor is identified as one of the City's Scenic Corridors and is located approximately 415 feet from the northerly property line of The Commons. The General Plan describes the Ventura Freeway scenic corridor as a heavily traveled, high-density corridor that encompasses much of Old Town Calabasas, Calabasas Road, and the Calabasas Grade. A small portion of The Commons is within 500 feet of Ventura Freeway scenic corridor, which is developed with surface parking and two one-story buildings occupied by a bank and restaurant. These existing uses within 500 feet of the scenic corridor are not visible due to intervening buildings located along the north side of Calabasas Road and mature vegetation. The remaining Commons buildings, including an upslope hillside located to the rear of The Commons southerly buildings, are also largely obscured from the Ventura Freeway scenic corridor by existing development and vegetation and are only visible for a brief moment to travelers along the freeway. The ridge of this hillside slope located south of The Commons is not identified in the Open Space Element of the General Plan as a significant ridgeline.

The Project proposes infill redevelopment of a portion of The Commons shopping center with construction of two mixed-use buildings (Buildings A and B) with 119 residential units and 24,163 square feet of neighborhood serving commercial uses. To accommodate the new development, the existing theatre and a portion of the surface parking lot would be demolished. As such, the proposed Project would occur on already developed land. The upslope hillside located to the rear of The Commons, which is a restricted open space easement, would not be disturbed and the minor ridgeline would remain visible momentarily from passersby's traveling on the Ventura Freeway. As set forth below, the Project complies with the following applicable Scenic Corridor Development Guidelines.

### **General Requirements for Development**

- *Development projects within the City designated Scenic Corridors shall incorporate mitigation measures designed to reduce exposure to fire hazards, seismic safety, pollutant runoff, erosion control and other natural hazards.*

The Project would comply with regulatory measures set forth in the CMC and Building Code to reduce exposure to fire hazards, seismic safety, pollutant runoff, erosion control, and other natural hazards. The Project would be required to comply with all applicable federal, state, and local regulations governing the provision of fire protection services, including adequate fire access, fire

flows, and number of hydrants required under the Fire Code and Building Code. With respect to seismic safety, the Project would comply with state and local code requirements, including the Seismic Safety Act, Seismic Hazards Mapping Act, the City's Safety Element, and Building Code that will ensure that the proposed buildings are designed and constructed in a manner that reduce seismic risk. The Project would also be required to comply with the City's Low Impact Development (LID) ordinance and implement standard erosion controls to limit stormwater runoff, which can contribute to erosion. Regarding soil erosion during Project operations, the potential is negligible since the Project Site would mostly remain fully developed, except for landscaping dispersed throughout the Project Site, which would further serve to prevent soil erosion.

- *All roofs visible from Scenic Corridors shall be surfaced with medium dark colored fire-retardant, non-glare materials, and no obtrusive equipment shall be placed thereon. This provision shall not apply to solar energy devices, if they are deemed visually compatible with adjacent surfaces.*

The majority of the roof on Building A is programmed with an outdoor pool amenity deck for the residents, with the remaining portion dedicated to rooftop mechanical equipment, which would be fully enclosed and surfaced with a medium dark color. Additionally, the rooftop deck and mechanical screens will be architecturally coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas. Mechanical equipment on Building B would also be fully screened by the surrounding roof parapets and would not be visible from the Scenic Corridor.

- *All structures within Scenic Corridors shall avoid large straight, blank facades. Upper floor levels on multi-story buildings should be stepped-back from their base, thus opening up the view corridor both vertically and horizontally.*

On Building A, the five residential levels located above the ground floor would be significantly stepped back from the ground floor's existing and proposed retail uses, which will create an appropriately pedestrian-scaled environment at the street level and provides massing relief at the upper levels. Each building contains horizontal and vertical variation in the building design supported by changes of material and detailing, which also helps to open the horizontal and vertical view corridors.

- *All structures shall be designed and situated on site to minimize adversely impacting views.*

Building A, the largest of the two proposed buildings, is setback approximately 650 feet from the Ventura Freeway, allowing it to blend into the ascending hillside to the south. The buildings will be further screened by the existing surface parking lot and existing and proposed landscaping. In addition to the significant setbacks and stepbacks, the building articulation along the facades helps to open horizontal and vertical view corridors. Additionally, the new buildings will help to screen the existing retaining wall that runs along the access road at the rear of the Project Site.

- *Vines and/or other clinging plant material shall be used to visually accent walls and fences where space may preclude the use of other larger plants.*

Landscaping is proposed along the facades of Building A that helps to conceal and soften its edges, so the building blends into the hillside to the south. The massing of Building A will be further softened by incorporating podium gardens at the first residential level and stepbacks in the facade at the upper levels and penthouse. Proposed deep balconies and shadow lines and recessed windows provide rich architectural details to increase articulation and visual interest, while providing needed residential open space. Additionally, the rooftop deck and mechanical



screens will be coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas.

- *Building setbacks from freeways and open spaces between buildings adjacent to the freeways, shall be increased to allow landscaping and reduced visual impact. Distances shall be determined by viewshed, site topography and configuration, and architectural design of the proposed structures.*

The proposed new buildings are setback from the Ventura Freeway allowing them blend into the ascending hillside to the south as viewed from the freeway. Building A will be further screened by the existing surface parking lot and existing and proposed landscaping while Building B is comprised of series of smaller structures interspersed with pedestrian pathways and lush landscaping and includes two large open space landscape plazas which would reduce the visual appearance of the new buildings from the freeway.

- *Landscaping and tree planting should visually enhance, soften, or conceal, as much as possible, developments and commercial properties within visual proximity of any Urban Zone.*

Landscaping along the facades of Building A helps to conceal and soften its edges so the building blends into the hillside to the south. In addition, Building A will be softened by incorporating podium gardens at the first residential level and stepbacks in the facade at the upper levels and penthouse. Additionally, the rooftop deck and mechanical screens will be coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas. As noted, Building B is comprised of a series of four smaller structures with pedestrian pathways and landscaping, along with two public open space plazas situated on the eastern side of Building B that includes robust landscaping.

- *Lighting standards within Urban Scenic Corridors rights-of-way shall use fixtures with cut-offs that focus the light directly onto the street and shoulders and shall be redesigned and placed in such a manner as to prevent ambient illumination beyond the boundaries of the project site.*

Lighting on the Project Site would include low-level interior lighting adjacent to buildings and along pathways for security and wayfinding purposes. In addition, lighting to accent signage, architectural features, and landscaping elements would be installed in each building. Other signage would be illuminated by means of low-level external lighting, internal halo lighting, or ambient light. These lighting sources would be similar to other lighting sources already within The Commons and would not generate artificial light levels that are out of character with the surrounding area. Illumination used for Project signage would be limited in light intensity to avoid negative lighting impacts to the nearest properties. In addition, on-site exterior lighting would be shielded or directed toward the areas to be lit to limit light spillover. Project lighting would also comply with regulatory requirements, including the requirements set forth by CALGreen and Title 24 that stipulate the use of high-performance light with appropriate light and glare control according to backlight, uplight, and glare standards.

- *All development shall include drainage system designs which result in no increase in flows and non-point source pollution control devices which remove all urban pollutants including herbicides and pesticides.*

The Project would be required to incorporate Low Impact Development (LID) techniques and stormwater control measures in compliance with the CMC, including stormwater retention and treatment features. In addition, the Project would comply with regulations in the CMC pertaining to the mitigation of erosion, sediment control and runoff as outlined in Chapter 15.11.100 and

## **Grading**

- *Grading for public and private projects shall be kept to an absolute minimum.*

The proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished while Building B would be located within a portion of the existing surface parking lot to be demolished. The finished floor heights of each building are designed to match the existing development in The Commons to remain and grading is largely limited to excavation for subterranean parking levels which results in lower building heights and shields parking from the active uses at the ground level.

## **Signage**

- *All signage should be visually proportionate to the building facade and have balance and scale with the overall building mass. Color, lettering style and size should be consistent with adjacent signs, and/or a Master Sign Program should be submitted, for projects with multiple tenants.*

A sign program would be developed for the new buildings that includes building and tenant identification signage that is visually proportionate to each building and mass and compatible with the size, scale, materials, shape of the existing tenant signage in The Commons center.

2. *The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor.*

The Scenic Corridor Development Guidelines have been incorporated into the Project design to minimize the visual impact of the project to scenic vistas. These include: (a) siting of development on the already disturbed portions of the Project Site; (b) incorporation of landscaping to blend the development with its surroundings, and to minimize light spillover impacts; (c) the use of colors and materials for new buildings that are similar to the surrounding natural environment and existing development in The Commons, including earth-tone colors; and (d) articulation of building design and incorporation of architectural relief elements, such as undulating building footprints, window spacing, and balconies that all contribute to successfully avoid large straight, blank facades.

3. *The proposed project is within an urban scenic corridor designated by the General Plan, and includes adequate design and landscaping, which serves to enhance and beautify the scenic corridor;*

Landscaping along the facades of Building A helps to conceal and soften its edges so the building blends into the hillside to the south. In addition, Building A will be softened by incorporating podium gardens at the first residential level and stepbacks in the facade at the upper levels and penthouse. Additionally, the rooftop deck and mechanical screens will be coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas. As noted, Building B is comprised of a series of four smaller structures with pedestrian pathways and landscaping, along with two public open space plazas situated on the eastern side of Building B that include robust landscaping.

4. *The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale, with existing uses,*

*development, signs, structures, and landscaping of the surrounding area;*

The Project has been designed to be compatible and complementary with the existing Commons center along with the neighboring Civic Center uses, which include the City Hall, the Library, and the Senior Center. Overall, the Project design is intended to create a town center environment that reflects the unique fabric of Calabasas accomplished through close attention to planning, scale, and architectural details. Building B was inspired by the desire to create more of a “main street” experience in The Commons. Locating Building A across from the proposed Building B would facilitate the creation of an active, multi-modal street with a pedestrian feel. Building A has intentionally been designed with a distinct yet complementary modern architectural aesthetic, while Building B has been designed to mirror The Commons architecture in terms of both materiality and style. Additionally, Building B serves as a transitional zone, terracing the height from the main street southwards to Building A. Proposed Building B is designed to match the architectural style, materials and details of The Commons’ existing buildings with minor exceptions, which will enhance the design quality and authenticity. Roof tiles and residential facades will use similar specifications of the original center while colors and details will be compatible with the existing architecture. Retail storefronts, doors, and patio furnishings will be influenced and customized by future tenants to add to the visual interest and authenticity while street trees, paving, curbs, accessories, and street lighting will match the existing sidewalks.

Although Building A has been designed to complement the existing Commons development, it intentionally introduces a timeless yet contemporary aesthetic. The building incorporates soft earth tones that are typical of Calabasas and The Commons, which allows it to blend into the surrounding topography. Landscaping along the facades also helps to conceal and soften its edges so the building blends into the hillside to the south.

The upper residential levels are setback from the retail ground level below. As a result, the residential apartments will not be visible from the sidewalk in front of the existing and new retail spaces within Building A. Pedestrian access to the ground level residential lobby entrance will be located on the existing oval landscaped garden adjacent to the City’s Civic Center.

In addition to the significant building stepbacks, the massing of Building A will be softened by incorporating podium gardens at the first residential level and stepbacks in the facade at the upper levels and penthouse. Proposed deep balconies and shadow lines and recessed windows provide rich architectural details to increase articulation and visual interest while providing needed residential open space. The color and materials palette will match the existing architecture and the structured parking is located behind the existing retail and proposed retail stores, entirely within the existing cinema footprint and screened from public view. Additionally, the rooftop deck and mechanical screens will be coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas.

## CONDITIONAL USE PERMIT FINDINGS

Section 17.62.060 of the Calabasas Municipal Code (“CMC”) allows the review authority to approve a Conditional Use Permit provided that the following findings are made.

1. *That the proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code.*

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of two new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood-serving commercial uses. To accommodate the Project, the existing theater building will be demolished along with a portion of the existing surface parking lot.

The Commons was entitled in 1997 as part of the Calabasas Park Centre, a master planned project with retail, civic, office, hotel, and residential, which comprised approximately 66 acres of land bounded by Calabasas Road to the north, Park Granada to the east and south, and Parkway Calabasas to the west (Master Site). The City granted a Master Conditional Use Permit (CUP 97-12) (Master CUP) that permitted the development of up to 900,000 square feet, including a maximum of 200,000 square feet of retail uses on the Project Site. As part of the Master Plan, the City developed draft Calabasas Park Centre Development and Design Guidelines (Master Plan Guidelines) that proposed project-wide development standards, project-specific site design guidelines, project-specific architectural design guidelines, design guidelines for signs, and height restrictions and development densities for eight planning zones. The Commons, including the Project Site, is located within Planning Zone 3 (north of vacated Park Sorrento) and Planning Zone 7 (south of vacated Park Sorrento). While the City Council did not formally approve the Master Plan Guidelines, the City has reviewed projects in the Master Plan area for substantial conformance with the Master Plan Guidelines.

The vast majority of the existing buildings and site features within The Commons were approved in 1997 with an Implementing Conditional Use Permit (No 97-13) and Site Plan Review (No 97-12) in conformance with the Master Plan and Master Plan Guidelines. Since the original approvals, minor changes have occurred, including modifications to the theater space, addition of outdoor dining areas, a new bank building, and ongoing interior and exterior improvements associated with maintenance and re-tenanting.

The Applicant requests to amend the Master CUP specific to The Commons and the Project Site only to replace the existing conditions in the Master CUP with new conditions applicable only to The Commons and Project Site that, among other things, (a) allow additional development within the Project Site for a total of up to 119 residential dwelling units and 396,077 square feet of existing commercial and proposed new residential and commercial development, (b) include the proposed residential use in the list of uses, consistent with the underlying CMU zoning and City’s Housing Element, (c) provide that, with respect to The Commons and Project Site only, the Calabasas Park Center Project Development and Design Guidelines are not applicable, (d) provide that if there are any conflicts or inconsistencies between the 1997 Master Conditional Use Permit and the new Implementing Conditional Use Permit for The Commons, the new implementing Conditional Use Permit shall control, and (e) provide that all existing buildings, structures, and uses on The Commons shall be deemed legally conforming.

In addition, the Applicant requests a new implementing CUP on the Project Site to permit a (a) mixed-use development with residential uses in the CMU zone, (b) sale and consumption of a full line of alcoholic beverages for on- or off-site consumption within five new restaurant and/or retail spaces, and (c) restaurant space exceeding 10 percent of the gross leasable floor area within a shopping center. The new implementing CUP would replace the existing CUP for The Commons and will control over the Master CUP as it pertains to The Commons.

The proposed amendment to allow additional floor area within The Commons Site is consistent with the underlying zoning for the Site. The City's General Plan designates the Project Site as Mixed Use 0.95 and it is zoned CMU 0.95 (Commercial Mixed-Use). The CMU zone permits a variety and commercial/retail uses and multi-family residential uses. Under the CMC, the CMU zone permits 35 feet in height, a floor area ratio (FAR) of 0.95, and a residential density of up to 20 dwelling units per acre. The Project's 119 new residential units results in 6.1 dwelling units per acre and the total development of The Commons would result in a 0.47 FAR with the new buildings and existing development to remain. As such, the Project's uses, density, and FAR are consistent with the CMU zone and significantly below the maximum development permitted for the Project Site.

By providing 12 Low Income affordable units in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project includes a Density Bonus waiver of development standard from the height permitted in the underlying CMU zone to permit a maximum height of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, which is necessary to physically accommodate the Project at the density proposed with the affordable units, the Project would be consistent with the permitted height.

Under State Density Bonus law, the Project is permitted to provide a minimum of 164 residential parking spaces. The Project would provide a total of up to 270 parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law.

Parking for existing commercial land uses to remain and the proposed new commercial uses will be provided within the reconfigured surface parking lot. The Project will remove 139 existing commercial automobile parking spaces and add eleven new commercial automobile parking spaces, resulting in a net loss of 128 parking spaces and a proposed total supply of 931 automobile parking spaces to be shared among the commercial uses in the Commons. Under the CMC, the existing and proposed commercial uses require a total of 1,043 spaces. A shared parking analysis prepared by KOA Corporation demonstrates the proposed commercial parking of 931 spaces exceeds the maximum worst-case projected parking demand of 896 spaces, which occurs during the afternoon peak hours on weekends in December during the holiday shopping season. The parking demand for the remaining months of the year, excluding December, ranges from 611 to 733 parking spaces. As such, the maximum parking demand of 896 parking spaces will be accommodated within the proposed supply of 931 automobile parking spaces. With a surplus of 35 parking spaces at the worst-case demand time of year, the Project provides a sufficient number of parking spaces and would not generate adverse off-site parking effects for adjacent public roadways or within the surrounding community. Moreover, outside of the peak period, the Site would provide a parking surplus ranging from 320 to 198 spaces, depending on the time of year. Thus, with approval of the shared parking, the Project provides a sufficient number of parking spaces.

Amending the Master CUP to include the residential use on the Project Site as part of a mixed-use development is consistent with the General Plan land use designation and underlying CMU zone, which permits residential uses within mixed-use projects, and as noted above, the Project Site would remain significantly below the maximum FAR and intensity permitted accounting for the new development.

With approval of the proposed amendments, the Project complies with the applicable provisions of the development code.

2. *The proposed use is consistent with the General Plan and any applicable specific plan or master plan.*

The City's 2030 General Plan's Land Use Element designates the Project Site as Mixed-Use 0.95 which "accommodates a broad range of office, retail, visitor-serving uses, and commercial services, as well as higher density residential uses. Institutional and entertainment uses may also be accommodated. This designation is intended to provide for innovative site design and the creation of relatively high intensity, pedestrian-oriented environments with an integrated mix of uses."

The Project proposes two new mixed-use buildings with residential apartments and neighborhood serving retail and restaurant uses that would complement the existing commercial retail and restaurant uses at The Commons and is consistent with the range of uses allowed by General Plan. The proposed intensity of development is consistent with the Mixed-Use 0.95 land use designation, as the Project results in a maximum 0.47 FAR.

Section II.B of the 2030 General Plan (Community Structure) provides that within Old Town Calabasas and adjacent properties to the west along Calabasas Road up to Parkway Calabasas, which includes The Commons, it is the City's desire to recreate the character of the traditional small town's "downtown" within this area, emphasizing the area's function as a community gathering place. Individual developments should provide a variety of plazas, as well as indoor and outdoor gathering areas that are accessible to the public and that the future redevelopment include a mix of office, retail, and residential uses and provide the impetus for creating the pedestrian-oriented "city center" and gathering place that is desired.

Furthermore, Section IX (Community Design Element) identifies The Commons as part of the City's East Village area and the General Plan notes that the vision for The Commons is to create an expanded "village" environment by including new professional offices, retail commercial uses, visitor accommodations, cultural arts facilities, and residential development connected with pedestrian spaces, plazas, and parks.

The Project fulfills the intent of the 2030 General Plan as the Project vision is to create a more pedestrian friendly walkable "village" like environment with appropriately scaled buildings that include a diverse array of retail, dining, and residential uses. The core principle of creating a pedestrian-friendly environment and enhancing walkability in The Commons is achieved with sidewalks and pedestrian paseos between buildings that connect to retail shops, restaurants, and open space plazas designed to accommodate occasional events, group activities and relaxation. Complementing the pedestrian experience are beautiful streetscape and landscape elements that include new mature trees, flowerbeds and other plantings, and seating and dining terraces. In addition, the goal of creating a town center that reflects the unique fabric of Calabasas is accomplished through close attention to planning, scale, and architectural details. Locating Building B across from the proposed

Building A would facilitate creation of an active, multi-modal street with a pedestrian feel that is lined with shops and restaurants on the street level with residential units above creating a distinct sense of place that contributes to the authenticity of the “main street” experience. Building B is designed with four intimate “village” buildings that are interspersed and connected by pedestrian pathways flanked by landscaping at the front and rear of each building and between each building. Generous publicly accessible open spaces are incorporated that can be programmed and/or used organically at different times and seasons that is also synergistic with and activated by the retail and restaurant spaces.

The residential components bring a unique and exciting design to the community through architectural diversity, creating a more authentic sense that the downtown has evolved over time. Significant building setbacks at the upper residential levels serve to preserve the character of The Commons and maintain the pedestrian level experience. Building A has intentionally been designed with a distinct yet complementary modern architectural aesthetic, while Building B has been designed to mirror The Commons architecture in terms of both materiality and style. Additionally, Building B serves as a transitional zone, terracing the height from the village area southwards to Building A. Proposed Building B is designed to be compatible with the architectural style, materials, and details of The Commons existing buildings with minor exceptions, which will enhance the design quality and authenticity. Roof tiles and residential façades will primarily use the specifications of the original center while colors and details will match the existing architecture. Retail storefronts, doors and patio furnishings will be influenced and customized by future tenants to add to the visual interest and authenticity of the street while street trees, paving, curbs, accessories, and street lighting will match the existing sidewalks. Building A incorporates soft earth tones that are typical of Calabasas and The Commons, which allows it to blend into the surrounding topography. Landscaping along the façades also helps to conceal and soften its edges so the building blends into the hillside to the south.

In addition, the Project is consistent with the recently adopted update to the City’s Housing Element. As summarized in Table V-3 and depicted in the Sites Map of the Housing Element, the Site was identified as suitable for residential development within the 2021-2029 planning period in order to meet the City’s RHNA obligations under State Law. The Housing Element noted that The Commons (Site No. 11) is the primary destination of the East Village area and is identified in the 2030 General Plan for “infill” development with high potential for new residential units. With a developed FAR of just 0.20 and a large surface parking lot, the site has plenty of opportunity for “infill” development. The Project’s proposed 119 residential apartment homes, comprised of market rate and affordable housing units, help to meet the General Plan’s housing goal for the Site, and contribute to the City’s obligation to meet the housing needs of the State, City, and region. The inclusion of market rate and low-income housing is also consistent with the Housing and Community Design Elements of the General Plan, which designate the Site for mixed income housing.

The Project, as designed, will not negatively impact traffic conditions on City streets, and will increase pedestrian and bicycle connectivity to and through the property, consistent with policies contained within the Circulation Element of the General Plan. Furthermore, the Project will meet the City’s noise thresholds, and will not significantly impact utility and life safety emergency services provided by the sheriff and fire departments.

3. *The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).*

An Addendum to the Final Program Environmental Impact Report (PEIR) certified by the Calabasas City Council on October 13, 2021, for the 2030 General Plan Update (“Certified EIR”) has been prepared to evaluate potential environmental effects of the Project. The Certified EIR analyzed the development of the Site with up to 202 residential units and 44,393 square feet of *net new* commercial uses. The Project proposes to add 119 residential units and 24,163 new square feet of commercial uses, which is within the scope of development analyzed for the Site. Per CEQA Guidelines Section 15162 and 15163, a subsequent or supplemental EIR is not required. As shown in the Addendum, the Project is within the parameters analyzed in the PEIR, and no new environmental analysis is required.

4. *The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.*

The Commons is currently improved with a commercial shopping center with retail and restaurant uses distributed throughout multiple buildings, including a grocery store (Ralphs), pharmacy (Rite Aid), bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. The Project proposes infill redevelopment of a small portion of The Commons with the construction of two mixed-use buildings with additional retail and restaurant uses, and new residential uses. To accommodate the Project, the existing theater building, along with a portion of the existing surface parking lot and associated landscaping, would be removed.

The Project is compatible with the land uses in the vicinity that are primarily comprised of institutional, retail, hospitality, and office uses. To the north of the Project Site, across Calabasas Road, is a two-story office building and associated parking. To the south of the Project Site is a landscaped hillside and Park Granada. West of the Project Site, across Park Sorrento, is Calabasas City Hall and Calabasas Library. Other uses in the area include hotel uses, other commercial retail stores, restaurants, and services. As noted above, the Project’s proposed new residential and commercial uses are consistent with the uses envisioned for the Site in the City’s 2030 General Plan, including the recently adopted Housing Element along with the Site’s CMU zoning. As such, the proposed uses are consistent with the land uses in the surrounding vicinity.

The Project has been designed to be compatible with and complementary to The Commons along with the neighboring uses. Overall, the Project design is intended to create a town center type environment that reflects the unique fabric of Calabasas and as envisioned by the General Plan. Central to the design is the desire to create a walkable downtown “main street” experience in The Commons with appropriately scaled buildings that include a diverse array of retail, dining, and residential uses. The core principle of creating a pedestrian-friendly environment and enhancing walkability in The Commons is achieved with sidewalks and pedestrian paseos between buildings that connect to retail shops, restaurants, and open space plazas.

Operations for the new commercial uses would be consistent with the existing retail and restaurant uses in The Commons with respect to hours of operation and security measures. With respect to the conditional use for alcohol, the sale of alcohol in conjunction with new restaurant and retail uses further enhances the desired goal of creating a mixed-use area where visitors, residents, and employees can take advantage of a range of commercial choices. A natural component of the mixed-use development would include the sale and/or dispensing of alcoholic beverages, along with the service of food. In particular, restaurants



promote pedestrian activity, and the serving of alcoholic beverages is a normal and expected component of most restaurants and greatly enjoyed by the community. Moreover, the new restaurants and/or retail spaces offering alcohol would not introduce a new use as The Commons already includes restaurants and retail uses, thus making it an ideal location for additional restaurant and retail choices that can be patronized by shoppers at The Commons, new onsite residents, the surrounding neighborhood, and community at-large.

In consideration of the location and character of the proposed operations, it is anticipated that the Project's restaurants will attract patrons primarily interested in full meal service or light snacks and accompanying alcohol and will, therefore, serve the convenience and/or general welfare of the local public. The sale of alcohol for offsite consumption would allow for a gourmet store or wine shop. The sale of alcohol will occur within a carefully controlled, first-class center operated by the well-respected and responsible owner who has a 25-year track record of successful operation at The Commons. The level of security proposed is adequate to provide a comfortable and secure experience, as well as promote a safe and orderly community for the surrounding uses.

## **VESTING TENTATIVE TRACT MAP FINDINGS**

Section 17.41.040 of the Calabasas Municipal Code (CMC) states that the City may approve a proposed Vesting Tentative Tract Map, provided that the following findings are made (per CMC 17.41.100).

1. *The City may approve a tentative map only when the City first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan.*

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of two new mixed-use buildings that contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and 24,163 square feet of neighborhood serving commercial uses. The Project Site is comprised of five adjacent parcels referred to on the proposed tentative tract map as Parcels A through E that contain approximately 839,902 square feet of net lot area (19.3 acres) and is bordered by Park Sorrento and the Calabasas Civic Center to the west, Calabasas Road to the north, and Park Granada to the east and south. The Project Site is currently improved with a variety of retail and restaurant uses, distributed throughout multiple buildings, landscaping, and surface parking.

In conjunction with the proposed Project, the applicant requests approval of a Vesting Tentative Tract Map to resubdivide Parcel B into one master ground lot and three airspace lots within both Buildings A and B to create separate lots for the parking, retail, and residential uses.

The City's General Plan designates the Project Site as Mixed Use 0.95 and it is zoned CMU 0.95 (Commercial Mixed-Use). The General Plan and corresponding CMU zone permits a variety of commercial/retail uses and multi-family residential uses with approval of a Conditional Use Permit. Under the CMC, the CMU zone permits a floor area ratio of 0.95, and a residential density of 20 dwelling units per acre. The Project proposes 119 new residential units which results in 6.1 dwelling units per acre and a 0.47 floor area ratio with the new buildings and existing development to remain. As such, the Project complies with the General Plan.

The map has been reviewed by the various City departments, who have included conditions of approval for the design and improvement of the subdivision required to be implemented prior to the recordation of the tentative map and issuance of a building permit, grading permit, or certificate of occupancy. Therefore, upon approval of the entitlement requests, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan.

2. *That in the interest of public health and safety, proposed road and intersection improvements associated with, or otherwise required, for the subdivision comply with the provisions of CMC 17.46.020.*

Vehicular access to The Commons is provided from Calabasas Road to the north, Park Granada to the east and Park Sorrento to the west. A service road serving the existing commercial buildings runs along the southern edge of the existing buildings. The existing vehicular access points would continue to serve The Commons, including the proposed new

development, and new driveway and access points are not proposed. As such, it is not anticipated that the proposed subdivision, which is limited to subdivision of Parcel B to create airspace parcels within the new buildings, would require new road and intersection improvements.

*3. The site is physically suitable for the type or density of the proposed development.*

The Project Site is currently improved with The Commons shopping center, comprised of retail and restaurant uses, distributed throughout multiple buildings, including a grocery store (Ralphs), a pharmacy (Rite Aid), a theater (temporarily operated by Regency Theatres), a bookstore (Barnes and Noble), and a mix of community-serving retail and restaurant uses. The area surrounding the Project Site is developed primarily with commercial and institutional uses that include City Hall, the Library, and the Senior Center, along with hotel and office uses.

The Project Site is generally flat and does not have unsuitable soil conditions. The proposed new buildings would be located within the existing developed area of The Commons site, which serves to minimize grading and site disturbance. Building A would be located within the footprint of the existing theater to be demolished, while Building B would be located within a portion of the existing surface parking lot to be demolished. As noted above, the City's General Plan designates the Project Site as Mixed-Use 0.95 and it is zoned CMU 0.95 (Commercial Mixed-Use), which permits a floor area ratio of 0.95 and a residential density of 20 dwelling units per acre. The Project proposes 119 new residential units, which results in 6.1 dwelling units per acre and a 0.47 floor area ratio with the new buildings and existing development to remain. As such, the Project is well below the maximum development permitted and is thus physically suitable for the type or density of the proposed development.

*4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat.*

The Project vicinity is characterized by a concentration of commercial and institutional uses. The Project Site is built out, with the exception of an open space easement at the rear of the Site, which would remain as-is, and the proposed development area does not contain riparian habitat, wetland habitat, migratory corridors, nor possess any areas of significant biological resource value. Further, the Project would not conflict with a Habitat Conservation Plan. In addition, the Project Site does not provide a natural habitat for either fish or wildlife and no water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site.

*5. The design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed subdivision and subsequent improvements are subject to the provisions of the CMC (e.g., the Fire Code, Development Code, Health and Safety Code) and the Building Code. Other health and safety-related requirements, as mandated by law, would apply where applicable to ensure that the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management) is maintained.

The Project is not located over a hazardous materials site or flood hazard area and is not located on unsuitable soil conditions or an active earthquake fault. The Project would not place any occupants or residents near a hazardous materials site or involve the use or

transport of hazardous materials or substances. The Phase I ESA did not encounter any Recognized Environmental Conditions onsite that would require mitigation. In addition, in the event that unforeseen suspect impacted soils are encountered during excavation activities, such soil will be properly profiled and managed under a conventional soil management plan that will require removal, transport, and disposal of all impacted soils in accordance with all applicable regulatory requirements and under the oversight of all governmental agencies with jurisdiction. Furthermore, the development of the Project does not propose substantial alteration to the existing topography. Regarding seismic safety, with adherence to State and City building requirements, the Project would not result in a geologic hazard. As such, no adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

6. *The design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.*

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access and the Site is served by public streets that would continue to provide vehicular access to The Commons. The Project Site does not adjoin or provide direct access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Project Site. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. *The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by this Municipal Code or the California Regional Water Quality Control Board.*

The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the CMC or the California Regional Water Quality Control Board because the Project will be served by a sanitary sewer system to be connected to existing sewer main located along the property frontage; the Project is substantially below the intensity of use (and projected sewage volumes) envisioned by the General Plan; and project wastewater generation would remain within the capacity of local wastewater facilities. Additional wastewater generated by the new development would be treated at the LVMWD Tapia Water Reclamation Facility, which has adequate capacity to accommodate the Project. The Project would be responsible for constructing onsite wastewater treatment conveyance systems and paying standard sewer connection fees, as necessary.

## DENSITY BONUS FINDINGS

Section 17.22.030 of the Calabasas Municipal Code (CMC) allows the review authority to approve Density Bonus incentives and waiver of development standards provided that the following findings are made.

The Project proposes construction of two new mixed-use buildings that contain a total of 119 residential apartments. The City's Inclusionary Housing Ordinance, codified in CMC Section 17.22.030.A, requires projects with five or more housing units to include housing that is affordable to low, very low and/or moderate income households. In compliance with CMC Section 17.22.030.B, the Applicant would provide 10 percent of the total units, for a total of 12 units, for low-income households, as defined in Health and Safety Code section 50079.5. By providing 10 percent of the total units for low-income housing, the Applicant is entitled to one Density Bonus development incentive/concession pursuant to CMC Section 17.22.030.C<sup>1</sup>. In addition to incentives/concessions, the Applicant may request waivers or reduction of a development standards per CMC 17.22.030.H(4). The Applicant requests one incentive/concession and one waiver of development standard as follows:

**Incentive:** The Applicant requests an incentive from CMC Section 17.28.070 and Table 3.12 to provide a residential parking stall dimension of 8.5 feet by 18 feet in lieu of 9 feet by 20 feet, and 9 feet by 18 feet in lieu of 11 feet by 20 feet for the spaces located next to columns, walls, or other obstructions.

**Waiver:** The Applicant requests a waiver of development standard from the height limitations in the Calabasas Park Centre Project Development and Design Guidelines and the underlying CMU zone to permit a maximum height of 85 feet for Building A and 46 feet for Building B in lieu of 35 feet permitted in the CMU zone per CMC Section 17.14.020 and Table 2-6.

Pursuant to CMC Section 17.22.030.E(2) and Section 65915(e) of the California Government Code, the City shall grant the incentive requested by the applicant unless the City finds, based on substantial evidence, that:

- 1. The incentive or concession will not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5 or for rents for the targeted units to be set at the applicable affordability levels.***

The record does not contain substantial evidence that would allow the City to make a finding that the requested incentive does not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25-percent gross income based on area median income

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<sup>1</sup> CMC Section 17.220.030.D provides that an incentive/concession is (1) A reduction in the site development standards (as defined by Government Code Section 65915 Subsection (o)(1)) or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, or (2) Other regulatory incentives or concessions proposed by the permit applicant or the city that would result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels.

thresholds dependent on affordability levels. Based on the set-aside of 10 percent of the units for low-income households, the Applicant is entitled to one incentive under both Government Code Section 65915 and the CMC. The Applicant requests an incentive from CMC Section 17.28.070 and Table 3.12 to provide a residential parking stall dimension of 8.5 feet by 18 feet in lieu of 9 feet by 20 feet, and 9 feet by 18 feet in lieu of 11 feet by 20 feet for the spaces located next to columns, walls, or other obstructions. Compliance with the City's parking stalls widths would require the Applicant to construct another level of parking to accommodate the proposed number of parking spaces, which would add significant costs to the Project. Thus, the requested incentive would result in identifiable and actual cost reductions that provide for affordable housing costs.

Pursuant to CMC Section 17.22.030.H(4) and Section 65915(e)(1) of the California Government Code, the City shall grant the waiver of development standard requested by the Applicant unless the City finds, based on substantial evidence, that:

- 2. *The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law] (Government Code Section 65915(e)(1)).***

The record does not contain substantial evidence that would allow the City to make a finding that the requested waiver of development to permit additional building height will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law] (Government Code Section 65915(e)(1)). The requested height waiver is necessary to physically accommodate the Project at the proposed density, including 12 Low Income units, and with the incentive and waiver requested. Denial of the height waiver would substantially reduce the number of overall residential units, including affordable units. Thus, the height incentive is necessary to accommodate construction of the Project at the proposed density and including the requested incentive and waiver.

- 3. *The incentive or waiver of development standard would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate income households.***

There is no substantial evidence that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

As required by CMC Section 17.22.030.B, the Project meets the eligibility criterion that is required for a density bonus incentive by providing 10 percent of the total units for low-income households, as defined in Health and Safety Code section 50079.5. The Project Site does not contain a City Historic Landmark or building listed in the California Register of Historical Resources nor do any of the surrounding properties. There is no evidence that identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentive or waiver. Therefore, there is no substantial evidence that the

Project's proposed incentive or waiver will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

## **THE COMMONS LANE CEQA FINDINGS**

On October 13, 2021, the City Council of the City of Calabasas (City) certified the Final Program Environmental Impact Report (PEIR) for the 2030 General Plan Update. The PEIR analyzed the development of 12 potential development sites for new housing projects within the City with a total of 1,305 dwelling units and 148,853 square feet of net new commercial space (EIR Project), including 202 units and 44,393 square feet of net new commercial space on the Site 11, located at 4799 Commons Way, which is currently developed with The Commons at Calabasas Shopping Center.

The Commons at Calabasas, LLC (Applicant) proposes to improve a portion of Site 11 with two new mixed-use buildings containing 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and up to 24,163 square feet of neighborhood-serving commercial uses (Current Project). To accommodate the Current Project, the existing theater building (approximately 33,091 square feet) will be demolished, along with a portion of the existing surface parking lot and associated landscaping.

The City prepared an Addendum to the PEIR (Addendum) to evaluate potential environmental effects associated with changes to the development on Site 11 as identified in the PEIR. The Addendum demonstrates that the Current Project would not result in any new or substantially increased significant environmental impacts as compared to those set forth in the PEIR. In addition, the Addendum demonstrates that there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, that would require preparation a Subsequent or Supplemental EIR pursuant to Section 15162 and 15163 of the CEQA Guidelines.

### **SECTION 1. CEQA AUTHORITY FOR AN ADDENDUM**

The Addendum addresses the changes to the EIR Project proposed under the Current Project. The PEIR included all statutory sections required by CEQA, comments received on the Draft PEIR, responses to comments on the Draft PEIR, and supporting technical appendices. CEQA establishes the type of environmental documentation required when changes to a project occur after an EIR is certified. Specifically, Section 15164(a) of the CEQA Guidelines states that:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but



none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Sections 15162 and 15163 of the CEQA Guidelines require preparation of a Subsequent or Supplemental EIR when an EIR has been certified and one or more of the following circumstances exist:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, California Public Resources Code Section 21166 states that unless one or more of the following events occur, no Subsequent or Supplemental EIR shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;

- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

As demonstrated in the Addendum, the Current Project's impacts would be less than significant and similar to or less than those of the EIR Project as identified in the PEIR. Therefore, the Current Project would not result in any new significant impacts, nor would it substantially increase the severity of any previously anticipated significant impacts set forth in the PEIR. Based on this determination, the changes proposed under the Current Project do not meet the requirements for preparation of a Subsequent or Supplemental EIR pursuant to Section 15162 and 15163 of the CEQA Guidelines.

## SECTION 2. CEQA FINDINGS

Pursuant to CEQA, the City Council serves as the lead agency with respect to the Current Project in connection with the subject City actions. Accordingly, the City Council (a) has considered the PEIR, the Addendum, and other pertinent evidence in the record, including studies, reports, and other information from qualified experts (collectively the "Environmental Documents"), and the environmental effects of the Current Project as set forth in the Environmental Documents, pursuant to CEQA Guidelines Section 15091, and (b) makes the following findings:

- A) Based on substantial evidence in the Environmental Documents and elsewhere in the record, including but not limited to oral and written testimony provided at the public hearings on the matter, (a) no Subsequent or Supplemental EIR is required pursuant to CEQA Guidelines Sections 15162 or 15163 for the Current Project, and (b) the Addendum is adequate under CEQA for approval of the subject approvals for the Current Project. The Addendum was prepared under the authority of CEQA Guidelines Section 15164(a), which requires a lead agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in CEQA Guidelines Section 15162 and 15163 calling for preparation of a Subsequent or Supplemental EIR have occurred;
- B) Changes and alterations have been required and incorporated into the Current Project that avoid or substantially lessen the significant environmental effects of the Current Project as identified in the

Environmental Documents, pursuant to CEQA Guidelines Section 15091(a)(1);

- C) There are no feasible alternatives or feasible mitigation measures (other than those measures already imposed on the Current Project and identified in the Environmental Documents) that would substantially lessen or avoid any significant environmental effect of the Current Project as set forth in the Environmental Documents, pursuant to CEQA Guidelines Section 15091.
  
- D) The Addendum reflects the independent judgment of the City.

### SECTION 3. MITIGATION MONITORING AND REPORTING PROGRAM

Consistent with Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program for the Current Project, which is incorporated herein by this reference, to mitigate or avoid significant effects of the Current Project on the environment and to ensure compliance during project implementation.

### SECTION 4. CUSTODIAN OF RECORDS

Consistent with Public Resources Code Section 21081.6(a)(2), the documents that constitute the record of proceedings for approving the Current Project are located at the City Community Development Department, 100 Civic Center Way, Calabasas, California 91302.

## SHARED PARKING REDUCTION FINDINGS

Nonresidential parking facilities may be shared if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or weekdays only, or where patrons are likely to visit more than one business establishment on a single trip.) The applicant shall provide documentation (i.e., shared parking use analysis) to the satisfaction of the review authority, substantiating the reasons for the requested shared parking reduction. Pursuant to Calabasas Municipal Code (“CMC”) Section 17.28,050.B, shared parking may be approved provided that the following findings are made.

1. *A sufficient number of spaces are provided to meet the greater parking demand of the participating uses.*

The Project proposes redevelopment of a portion of The Commons shopping center with construction of two new mixed-use buildings with 119 residential apartment units and 24,163 square feet of new commercial uses. To implement the Project, the existing theater (approximately 33,091 square feet) will be removed; therefore, there is a net reduction of approximately 8,928 square feet of commercial uses. Subterranean parking will be provided underneath each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law. Parking for existing commercial land uses and the proposed new commercial uses will be provided within the reconfigured surface parking lot. The Project will remove 139 existing commercial automobile parking spaces and add 11 new commercial automobile parking spaces, resulting in a net loss of 128 parking spaces and a proposed total supply of 931 automobile parking spaces to be shared among the commercial uses in The Commons.

Based on the stand-alone requirements of the individual commercial land uses and assuming all Project users would access/egress the Site via personal automobiles with no internal captive parking demands, and driving adjustments for alternative modes and carpooling, the Project’s commercial land uses would require a total of 1,043 parking spaces under the CMC. However, parking at The Commons is currently governed by the implementing conditional use permit granted in 1997, which approved shared parking based on a shared parking analysis which recognized that the multiple uses on the Project Site generate parking demands at different times. As such, a new shared parking analysis was prepared by KOA Corporation. As shown, it demonstrates that the proposed parking supply meets the combined maximum projected parking demand of the commercial uses. The shared parking analysis utilized models in the ULI *Shared Parking* (3rd Edition, 2020) manual, which accounts for parking demand fluctuations of the various commercial uses based on the month of the year, time-of-day, weekday versus weekend, customer/visitor versus employee splits, adjustments for mode split, average vehicle ridership, and captive market demands, which more accurately reflect actual parking demand for a shopping center as compared to the standalone CMC parking ratios.

The shared parking analysis showed that the Project’s commercial land uses are expected to have a maximum worst-case shared parking demand of approximately 896 parking spaces, which occurs during the afternoon peak hour on weekends in December during the holiday shopping season. The parking demand for the remaining months of the year, excluding December, ranges from 611 to 733 parking spaces. The maximum worst-case parking demand of 896 parking spaces will be accommodated within the proposed supply of 931 automobile parking spaces. With a surplus of 35 parking spaces at the worst-case demand time of year, the Project provides a sufficient number of parking spaces and would not generate adverse off-site parking effects for adjacent public roadways or within the surrounding community. Moreover, outside of the peak

period, the Site would provide a parking surplus ranging from 320 to 198 spaces, depending on the time of year.

2. *Evidence satisfactory to the review authority has been submitted by the parties operating the shared parking facility. The evidence shall describe the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them.*

The Commons shopping center is owned and operated by the Applicant and contains existing commercial uses to remain that include a grocery store, pharmacy, retail businesses, and restaurants, in addition to the new proposed uses. As shown in the shared parking analysis prepared by KOA and based on data in ULI's *Shared Parking* (3rd Edition, 2020) model, the existing and proposed commercial uses have varying parking demands and fluctuations based on the month of the year, time-of-day, weekday versus weekend, customer/visitor versus employee splits, adjustments for mode split, average vehicle ridership, and internal captive, which reflect the percentage of users at one component land use that are already counted as being parked for another land use at the same time (e.g., when a retail employee visits an on-site restaurant for lunch, it typically does not generate additional parking demand). The evidence set forth in the shared parking analysis demonstrates that the proposed parking supply meets the peak parking demand of the commercial uses based on the nature of each use and operational times.

3. *Additional documents, covenants, deed restrictions or other agreements as may be deemed necessary by the review authority are executed and recorded with the county recorder's office to ensure that the required parking spaces provided are maintained and used as approved for the life of the nonresidential development.*

As may be necessary, the Applicant would abide by conditions of approval or other measures to ensure that the proposed number of parking spaces would be provided and maintained for the commercial uses.