



Approved by City Manager:

## CITY of CALABASAS

### CITY COUNCIL AGENDA REPORT

**DATE:** NOVEMBER 29, 2023

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** MICHAEL KLEIN, COMMUNITY DEVELOPMENT DIRECTOR, AICP  
GLENN MICHITSCH, SENIOR PLANNER  
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**SUBJECT:** CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 2023-1880, APPROVING AN ADDENDUM TO A CERTIFIED FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT, AND APPROVING FILE NOS. SPR-2023-005, CUP-2023-003, -004 AND -005, SCP-2023-003 AND TTM-2023-002, A REQUEST TO IMPROVE A PORTION OF THE COMMONS AT CALABASAS ("THE COMMONS") WITH A MIXED-USE DEVELOPMENT LOCATED AT 4799 COMMONS WAY (APN: 2068-003-021), WITHIN THE COMMERCIAL MIXED USE (CMU) ZONING DISTRICT, SCENIC CORRIDOR (SC) AND AFFORDABLE HOUSING (AH) OVERLAY ZONES. THE PROPOSED PROJECT INCLUDES:

- (1) DEMOLITION OF AN EXISTING 33,091 SQUARE-FOOT MOVIE THEATER, AND PORTIONS OF THE EXISTING SURFACE PARKING AND ASSOCIATED LANDSCAPING; AND
- (2) CONSTRUCTION OF 210,921 SQUARE FEET OF TOTAL NEW FLOOR AREA CONSISTING OF 119 MULTIFAMILY HOUSING UNITS, INCLUDING 12 UNITS (10%) AFFORDABLE TO LOW INCOME TENANTS, AND 24,163 SQUARE FEET OF NEW RESTAURANT AND RETAIL SPACE WITHIN NEW MIXED-USE BUILDINGS (IDENTIFIED AS BUILDING A AND BUILDING B).

THE PROJECT SITE COMPRISES FIVE ADJACENT PARCELS [WITH 6 APNS: 2068-003-020, -021, -022, -023 & -028]. DEVELOPMENT WILL BE LIMITED TO ONE OF THE PARCELS, PARCEL B [APN: 2068-003-021].

**MEETING DATE:** DECEMBER 6, 2023

## **SUMMARY RECOMMENDATION:**

That the City Council consider adoption of City Council Resolution No. 2023-1880, approving the project, the addendum to the Programmatic Environmental Impact Report, and all associated project applications, as recommended by the Planning Commission.

## **BACKGROUND:**

Applications for the current project were submitted on May 1, 2023. A comprehensive description of the subject project, its history, and detailed analyses are provided in the October 19, 2023 Planning Commission staff report which is attached hereto as Attachment F, and the staff report along with all exhibits are available on the City's Website at <https://www.cityofcalabasas.com/Home/Components/Calendar/Event/6145/17?curm=10&cury=2023>, under Public Meetings/Planning Commission.

The Planning Commission held two public hearings for the subject project on October 19, 2023 and November 16, 2023. At the October 19, 2023 meeting, the Planning Commission heard presentations by staff followed by the applicant, asked questions, discussed a number of issues/concerns, and approved a motion directing staff to prepare and bring back a resolution recommending to the City Council approval of the project, for Commission consideration at the November 16, 2023 meeting. The Commission further directed staff to work with the applicant on addressing the project issues/concerns that were discussed at the meeting. At the November 16, 2023 Planning Commission meeting, the Commission reviewed new information submitted by both the applicant and staff (including draft PC Resolution No. 2023-780), continued deliberations, and approved PC Resolution No. 2023-780 recommending approval of the project to the City Council by a vote of 5 to 0. The Planning Commission also directed staff to convey additional project comments and concerns via this staff report, as stated herein and in detail in Attachment C. The staff report for the November 16, 2023 Planning Commission meeting is located in Attachment G, and the staff report along with all exhibits are available at <https://www.cityofcalabasas.com/Home/Components/Calendar/Event/6147/17?curm=11&cury=2023> under Public Meeting/Planning Commission. Archived videos of both the October 19, 2023 and November 16, 2023 Planning Commission meetings can be found at [https://calabasas.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=7595](https://calabasas.granicus.com/MediaPlayer.php?view_id=4&clip_id=7595) (October 19, 2023) and [https://calabasas.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=7614](https://calabasas.granicus.com/MediaPlayer.php?view_id=4&clip_id=7614) (November 16, 2023) respectively.

To avoid repetition, this report focuses only on summarizing the project description, identifying the required entitlements and corresponding requests, summarizing an evolution of the project, and summarizing the Planning Commission deliberations and actions. As mentioned above, a detailed discussion of the project is contained in the October 19, 2023 Planning Commission Staff Report and Exhibits.

## **DISCUSSION/ANALYSIS:**

### **A. Summary Project Description**

The following is a summary of the project description. Please see Attachment F (Planning Commission staff report), Attachment D (project plans), and Attachment E (applicant's project description) for more detailed descriptions and depictions of the project. The proposed project involves the following components:

- Demolition of the existing 33,091 sq. ft. theater and portions of the existing surface parking with associated landscaping
- Construction of 210,921 sq. ft. of total new development (186,758 sq. ft. residential and 24,163 sq. ft. commercial), which includes 119 new residential apartments (including 12 affordable to low-income families) contained in new mixed-use buildings (herein described as Building A and Building B), further broken down as follows:

#### Building A (159,947 sq. ft.)

- A 157,914 sq. ft. residential component featuring 101 residential units (mix of 1-to-3-bedroom units), including 12 units (10%) affordable to low-income families
- A 2,033 sq. ft. ground floor commercial component (1 new retail space in line with the existing retail spaces)
- Comprised of one level of parking below existing grade and two levels of parking above existing grade, with five levels of residential units above the parking, and a small indoor amenity space on the roof. The proposed building includes a maximum height of 75 feet at the roof amenity area, and 85 feet at the top of the indoor amenity level, for a total of eight levels above existing grade.
- Rooftop residential amenity space, with outdoor pool, pool deck, bar, seating areas and landscaping, and indoor fitness room and club room/work room
- 225 residential vehicle parking spaces and 112 bicycle parking spaces located within 3 parking levels (one subterranean and two above grade)
- Added landscaping

Building B (50,974 sq. ft.)

- A 22,130 sq. ft. commercial component including ground floor restaurant and retail space
- A 28,844 sq. ft. residential component including 18 residential units situated over portions of the ground floor commercial space
- Building B is a complex of four visually-detached buildings (B-1, B-2, B-3 and B-4), 3 of which are situated over one floor of subterranean parking
- 45 residential vehicle parking spaces and 20 bicycle parking spaces located within a one-level subterranean parking structure located beneath Buildings B-2 through B-4)
- Comprised of up to three building levels, with a maximum height of 46 feet at Building B-2
- Two new landscaped open space plazas located next to Buildings B-3 and B-4 that may be programmed for events
- Enhanced pedestrian walkways with landscaping around the Building B complex
- 931 total commercial parking spaces for The Commons (reduced from 1,059 spaces currently existing, and from 1,043 that would be required by the CMC based on this project) [see Attachment F, Section K and Attachment J for parking discussion]
- Buildings A and B are designed to face each other to create a pedestrian-oriented “main street”

**B. Requests**

The applicant has requested six approvals along with some additional requests as follows:

*Applications*

**Site Plan Review** (SPR-2023-005) is requested for the demolition of one existing building totaling 33,091 sq. ft., construction of new buildings totaling 210,921 sq. ft., and associated landscaping and pedestrian improvements in the CMU zone.

**Conditional Use Permit** (CUP-2023-003) is requested for a site-specific amendment to the existing Master CUP 97-12 to accomplish all of the following:

- 1) Amend the maximum allowable development density on the project site to 396,077 sq. ft. total,

2) Amend the Master CUP to allow residential uses (up to 119 residential units) as consistent with the underlying CMU zone and the City's Housing Element on the project site,

3) Replace all the conditions of approval relative to the Master CUP with project-specific conditions in the Resolution (leaving all existing conditions in full force and effect for all other properties in the Master Plan Area),

4) Provide that, with respect to the Commons Site only, (i) the Calabasas Park Centre Design and Development Guidelines are not applicable, and (ii) if there are any conflicts or inconsistencies between the 1997 Master CUP and the new Implementing CUP for the Commons Site, the new Implementing CUP shall control, and

5) Provide that all existing buildings, structures, and uses on the Commons Site shall be deemed legally conforming.

**Conditional Use Permit** (CUP-2023-004) is requested for a new Implementing CUP for the Commons site, superseding the existing Implementing CUP 97-13 in its entirety, for the following:

- 1) Permit up to 119 residential dwelling units and 396,077 square feet of existing commercial and proposed new residential and commercial development,
- 2) Permit a mixed-use development with residential uses in the CMU zone,
- 3) Permit restaurant space exceeding 10% of the gross leasable floor areas within a shopping center.

**Conditional Use Permit** (CUP-2023-005) is requested for alcohol sale and on- and off-site consumption of a full line of alcoholic beverages within five new restaurant and/or retail spaces.

**Scenic Corridor Permit** (SCP-2023-003) is requested for development located within the City-designated Scenic Corridor surrounding the Ventura Freeway.

**Tentative Tract Map** (TTM-2023-002) is requested for the subdivision of one parcel into one master ground-floor and six airspace lots that encompasses the entire project site.

*Other Requests*

**Shared Parking Reduction** is requested to reduce the commercial parking requirement from 1,043 spaces to 896 spaces, a 14.1% reduction. This is

separate from the 270 proposed residential parking spaces. Please note that this request is for long-term flexibility. The project, as currently proposed, would provide 931 commercial parking spaces.

**Density Bonus Concession and Waiver of a Development Standard**, pursuant to CMC Section 17.28.070 and Government Code Section 65915, is requested for the following:

- 1) 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 the standard 9 feet by 20 feet, and 9 feet by 18 feet in lieu of the standard 11 feet by 20 feet (located next to a wall or column)
- 2) A waiver of Development Standard to permit a maximum 85-foot building height for Building A and a maximum 46-foot building height for Building B in lieu of the standard 35 feet maximum permitted in the CMU zone per CMC Section 17.14.020 and Table 2-6.

### **C. Project Evolution**

Applications for this project were submitted in May 2023, since then the project has been reviewed by staff, the Development Review Committee, the Architectural Review Panel (twice), and the Planning Commission (twice). While the overall mixed-use concept and scope of the project has not changed throughout the process, the applicant has responded to various concerns that have been raised as a result of the various reviews, including making the following modifications:

- As a result of a concern from the Architectural Review Panel regarding the height and massing of Building A, the applicant revised the location of the indoor fitness room and work room (on the roof level) eastward away from the Civic Center property by approximately 50 feet (see Attachment D, Sheet A208 – Building A Roof Plan).
- Also, in relation to the concern about the height and massing of Building A, the applicant volunteered two conditions at the Planning Commission’s October 19, 2023 public meeting that would require additional building step backs for each ascending level of Building A adjacent to both the Calabasas Library and the oval shaped lawn area to increase the separation between the library and Building A, and reduce massing (see Attachment K). The two volunteered conditions have been incorporated into draft City Council Resolution No. 2023-1880 as Condition Nos. 15 and 16 (Attachment A)

- As a result of a concern from the Architectural Review Panel about safe pedestrian movement within the “main street” feature, the applicant proposed several pedestrian safety and traffic calming features, including a 15 foot width for all existing and new sidewalks, enhanced paving at all pedestrian crossings, raised crossings and intersections, on-street parking, stop signs installed at all approaches, corner curb extensions at the intersection of Commons Way and Commons Lane, mid-block curb narrowing features at all pedestrian crossings and at the vehicle entrance of Building A, bollards at the Building A vehicle entrance, enhanced signage for driver awareness, and vehicle control arms along with the use of audio and/or visual alerting systems at both parking structure entrances/exits (see Attachment N)
- As a result of a number of concerns raised by the Planning Commission at the October 19, 2023 meeting, the applicant volunteered to add 26 conditions of approval to address the Planning Commission’s various concerns (which include the two referenced above). These will be discussed further in Section D below.

#### **D. Planning Commission Deliberations**

As mentioned above, the Planning Commission reviewed the subject project at the October 19, 2023 and November 16, 2023 public meetings. At the October 19, 2023, a number of project-related issues were discussed in relation to green building, lighting, landscaping, site planning and design, parking, and utilities. At the conclusion of the meeting, the Planning Commission approved a motion directing staff to prepare a resolution recommending approval of the project to the City Council, and further directed staff to work with the applicant on addressing the various issues raised at the meeting. In response, staff met with the applicant, and subsequently, the applicant developed a matrix of responses to each issue raised, and further offered 26 voluntary conditions of approval to help address the issues/concerns discussed. The responses and voluntary conditions were discussed at the November 16, 2023 Planning Commission meeting. Following discussion, the Planning Commission voted 5-0 to adopt Planning Commission Resolution No. 2023-780 (with all 26 voluntary conditions of approval incorporated) recommending approval of the project to the City Council, with further clear direction that lingering concerns were to be forwarded to the City Council for further consideration. To that end, staff prepared a matrix of all the issues discussed, summary responses from both the applicant and staff, and the result of the discussion (i.e. whether the issue was satisfied, or if concerns remain). The staff-prepared matrix is included as Attachment C.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The processing of this application was paid for by the developer via Planning application fees, as established by the current fee schedule. The developer will be subject to applicable Development Impact Fees and Building Permit Review and Issuance Fees, plus other fees under the proposed Resolution and applicable law, if the project is approved by the City Council.

**REQUESTED ACTION:**

- 1) At the recommendation of the Planning Commission, consider adopting City Council Resolution No. 2023-1880, approving the addendum to the Programmatic Environmental Impact Report, the project and all associated entitlements and requests as-is, or with adjustments to findings and/or conditions of approval as desired; and
- 2) If the City Council decides to adopt City Council Resolution No. 2023-1880, approving the project, the Council should further authorize the City Manager to negotiate appropriate compensation from the applicant in return for voluntary adjustments to existing easements benefiting the City for parking stall loading and Fire Lane access, the loss of approximately 8 parking spaces located behind the Calabasas Library, and reconfiguration of the parking/loading area behind the library to re-accommodate a loading space for the library (see discussion in Attachment F, Section P, pp. 39-40).

Or

- 3) Direct staff to prepare a resolution denying the project, to be considered at a future City Council meeting.



**ATTACHMENTS:**

- Attachment A:** Draft City Council Resolution No. 2023-1880
- Attachment B:** Planning Commission Resolution No. 2023-780
- Attachment C:** Planning Commission Project Issue Matrix
- Attachment D:** Project Plans
- Attachment E:** Applicant’s Project Description
- Attachment F:** Planning Commission Staff Report from October 19, 2023 (to view associated exhibits, please visit <https://www.cityofcalabasas.com/Home/Components/Calendar/Event/6145/17?curm = 10&cury = 2023>).
- Attachment G:** Planning Commission Staff Report from November 16, 2023 (to view associated exhibits, please visit <https://www.cityofcalabasas.com/Home/Components/Calendar/Event/6147/17?curm = 11&cury = 2023>).
- Attachment H:** Planning Commission Minutes from October 19, 2023 and Draft Planning Commission Minutes from November 16, 2023
- Attachment I:** Draft Addendum to The Certified PEIR For The City’s 2021-2029 Housing Element and Related Land Use Element, Circulation Element and Safety Element Updates (with Appendices on a Flash Drive)
- Attachment J:** Applicant’s Proposed Shared Parking Analysis By KOA
- Attachment K:** Applicant’s Project Diagram Illustrating Application of Additional Step-back Condition of Approval for Building A
- Attachment L:** Applicant’s Findings
- Attachment M:** Applicant’s Proposed General Plan Consistency Analysis
- Attachment N:** Applicant’s Proposed “Main Street” Traffic Calming Features
- Attachment O:** Public Correspondence