

**P.C. RESOLUTION NO. 2023-780**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SITE PLAN REVIEW 2023-005, CONDITIONAL USE PERMIT NOS. 2023-003, 2023-004 AND 2023-005, SCENIC CORRIDOR PERMIT 2023-003 AND TENTATIVE TRACT MAP 2023-002 FOR A PROPOSAL TO IMPROVE A PORTION OF THE COMMONS AT CALABASAS, LOCATED AT 4799 COMMONS WAY (APN: 2068-003-021) WITHIN THE COMMERCIAL MIXED-USE ZONING DISTRICT, SCENIC CORRIDOR OVERLAY ZONE AND AFFORDABLE HOUSING OVERLAY WITH THE CONSTRUCTION OF NEW MIXED-USE BUILDINGS CONTAINING 119 HOUSING UNITS AND NEIGHBORHOOD-SERVING COMMERCIAL USES.**

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

1. Agenda reports prepared by the Community Development Department.
2. Staff presentation at the public hearings held on October 19, 2023 and November 16, 2023, before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.

6. All related documents received and/or submitted at or prior to the public hearing, including the application and all supporting materials submitted by the applicant.

**Section 2. Based on the foregoing evidence, the Planning Commission finds that:**

1. The applicant submitted an application on May 1, 2023.
2. The project application and plans were reviewed by the Development Review Committee on May 23, 2023.
3. The proposed application and plans were reviewed by the Architectural Review Panel (ARP) on June 23, 2023 and July 28, 2023, at public meetings. On July 28, 2023, the ARP recommended moving the project on to the Planning Commission with a final recommendation for the applicant to continue exploring ways to: 1) Create an engaging pedestrian atmosphere on all sides of buildings and good connectivity between open spaces, 2) Create a better connection of visual character, materials, and building massing between existing and proposed development, and 3) Soften or reduce the massing of Building A in the area near the Civic Center.
4. On July 27, 2023, the application was deemed complete and the applicant was notified.
5. Notice of the October 19, 2023 Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center and at Calabasas City Hall.
6. Notice of the October 19, 2023 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
7. Notice of the October 19, 2023 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
8. At the October 19, 2023 public hearing, the Planning Commission continued the matter to a regularly scheduled meeting on November 16, 2023.

9. The project site is currently within the Commercial Mixed-Use Zoning District, Scenic Corridor Overlay Zone and Affordable Housing Overlay Zone.
10. The land use designation for the project site under the City's adopted General Plan is Mixed Use (MU 0.95).
11. The surrounding land uses around the subject property are zoned Commercial Mixed-Use Zoning District, Scenic Corridor Overlay Zone and Affordable Housing Overlay, and Open-Space Development-Restricted.
12. Notice of Planning Commission public hearings included the notice requirements set forth in Government Code Section 65009 (b)(2).

**Section 3. In view of all of the evidence and based on the foregoing findings, the Planning Commission finds that the following permit specific findings appear viable for recommendation that the City Council itself, independently after considering all the evidence, including any new evidence and information that may become available after the Planning Commission hearings but be presented to the City Council, may find to be true. In making its recommendations to the City Council, the Planning Commission notes that the City Council must independently find each of the following findings to be true, based on the information available to the City Council at that time, and will be making that decision using the City Council's independent judgment as elected officials.**

### **FINDINGS**

The Planning Commission acknowledges that on September 28, 2021, the City Council certified a Programmatic Environmental Impact Report (PEIR) associated with the City's 2021-2029 Housing Element and other related updates to the City's General Plan Land Use, Circulation, and Safety Elements that considered 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 new commercial space. The Planning Commission further acknowledges that the PEIR considered the development of the project site (Site 11) to include 202 dwelling units and 44,393 square feet of net new commercial space, and that the proposed project is proposing a total of 119 dwelling units, the demolition of a 33,091 square foot movie theater, and construction of 24,163 square feet of new neighborhood-serving commercial space, for a net reduction of 8,928

square feet of commercial space. Finally, the Planning Commission acknowledges that a draft addendum to the PEIR was prepared pursuant to PRC § 21166 and CEQA Guidelines §§ 15162 and 15163, and recommends that the City Council consider finding as follows:

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 foregoing findings and determinations for the Addendum to the PEIR reflects the independent analysis by the City of the matters and information in the record pertaining thereto, and are the independent judgement of the City.
- E) The Planning Commission hereby identifies that the location of records with respect to the Addendum to the PEIR and other documents and materials constituting the record of proceedings with respect to the potential approval of the Addendum is the Community Development Department of the City of Calabasas, and that the Director of Community Development of the City of Calabasas is the custodian of records with respect to the Addendum and all other documents and materials constituting the record of proceedings with respect to the Addendum.

### **Site Plan Review**

The findings for a **Site Plan Review**, and which would have to be made for a project approval, are stated in Section 17.62.020 of the Calabasas Municipal Code as follows:

1. *The proposed project complies with all applicable provisions of this development code;*

The proposed project includes redevelopment of a portion of The Commons at Calabasas with the construction of 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 10% affordable units, and 24,163 square feet of neighborhood serving commercial uses. Demolition of the existing theater building and a portion of the existing surface parking lot is also proposed in order to accommodate the Project.

Overall, the proposed project meets all Development Code standards with

the exception of project height, residential parking space dimensional standards, commercial parking supply, and minimum landscape and pervious surface area.

More specifically, the City's Development Code designates the Project Site as Commercial Mixed-Use (CMU 0.95). 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 proposed 119 new residential units would result in a site density of 6.1 dwelling units per acre and the total development of The Commons including the proposed project would result in an overall FAR of 0.47. 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 10% of the units affordable to qualifying low-income families in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project is eligible to request one concession/incentive, and a waiver of any development code standards that would have the effect of physically precluding construction of the qualifying development. In this case, the applicant has requested a waiver from the height limit in the CMU zone to permit the maximum proposed building heights of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, the Project would be consistent with the permitted height.

Also under State Density Bonus law, the Project is required to provide a minimum of 164 residential parking spaces. The Project would provide a total of 270 residential parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law, resulting in a surplus of 106 residential spaces. Additionally, although the residential parking stalls, proposed at a dimension of 18 feet long by 8.5 feet wide for a standard space, and 18 feet long by 9 feet wide next to a wall or column do not meet the required Development Code dimensional requirements of 20 feet long by 9 feet wide for a standard space and 20 feet long by 11 feet wide for a space located next to a wall or column, the applicant has requested a reduction of the required dimension requirements as a concession pursuant to State Density Bonus Law and CMC Section 17.22.030. With the granting of that concession, the parking stall dimension meets the Code requirement.

Parking for both the existing commercial land uses and the new proposed commercial land uses collectively will be provided within the reconfigured surface parking lot. With the demolition of the existing 33,091 square foot theater and the construction of 24,163 square feet of new commercial

space, the Project will result in a net reduction of approximately 8,928 square feet of commercial uses. 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 commercial parking supply of 931 automobile parking spaces to be shared among the commercial uses. With the proposed project, the City's Development Code requires a total of 1,043 spaces for the entire Commons shopping center; 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 accounting of the actual parking demand. To account for the changes proposed, including a long-term reduction down to 896 parking spaces, the applicant has requested a shared parking reduction. To this end, a shared parking analysis was submitted to the City prepared by KOA Corporation.

The shared parking analysis demonstrates that the proposed parking supply of 931 spaces (with flexibility to reduce the total commercial parking supply down to 896 spaces if needed in the future) meets or exceeds the worst-case projected demand of 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 a sufficient parking supply to accommodate the anticipated parking demand of the proposed uses, and with the approval of the parking reduction, would meet the Code requirement.

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.

Lastly, existing landscape and pervious surfaces both for The Commons as a whole, and for Parcel B, the parcel on which the project is proposed, is 29.3% and 33% respectively, which is legal non-conforming. As proposed, landscaping and pervious surfaces will increase to 30.3% and 35.2% respectively. Although the project, as proposed, will not meet the minimum

landscape and pervious surface requirement of 38% of the gross site area, the proposed condition will improve with respect to the Code requirement and thus, remains legal non-conforming and therefore, consistent with the Development Code.

As demonstrated above, the Project complies with the applicable provisions of the development code, and the project meets this finding.

*2. The proposed project is consistent with the general plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;*

The Calabasas 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 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 where a density of up to 20 dwelling units per acre is allowed, and a maximum 0.47 FAR where a maximum 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.

Additionally, 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 the center's completion nearly 25 years ago, The Commons has become the de facto City center. The Project, as proposed, continues to further the City's goals and the intent of the 2030 General Plan. The Project design meets the City's General Plan goals by enhancing the town center with housing, new neighborhood-serving commercial uses, and adding pedestrian-oriented plazas and streetscape. Integrating low density residential units above the ground floor commercial space 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 town center.

Specifically, the proposed project includes development of mixed-use buildings identified in the project plans as Building A and Building B. Building B is intended to create more of a "main street" experience at The Commons. Locating Building B across from and facing Building A creates a more active, pedestrian-oriented street environment, lined with shops and restaurants. Building B is a complex of buildings, designed with four visible above-ground 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 significantly sized open space plaza complements the new plaza area providing a distinct sense of place. The applicant is offering that 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 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 has been designed to introduce a contemporary aesthetic in a way that complements the existing Commons development. The building incorporates soft earth tones that are typical of development in Calabasas and The Commons, which will help the buildings 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 50-70 feet. This ensures that the pedestrian experience will not change, and the initial step-back along with additional step-backs on higher floors will also help soften the presence of the taller Building A. Additionally, since the Building A is located with the footprint of the existing theater, it will be 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 a priority housing site within the 2021-2029 planning period, possibly providing up to 202 housing units, toward meeting 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 mostly market rate and 12 affordable housing units, meets the General Plan's housing goal for the Site, and contributes to the City's housing RHNA 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 site plan review 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 PEIR") has been prepared to evaluate potential environmental effects of the Project. The Certified PEIR 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 below the maximum scope of development analyzed for the Site in the PEIR. 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 entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of 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 existing theater building is the center's tallest building at a height of approximately 46 feet above grade. The Project proposes infill redevelopment of a portion of The Commons with the construction of new mixed-use buildings, identified as Building A and Building B on the project plans. To accommodate the Project, the existing theater building, along with a portion of the existing surface parking lot and associated landscaping would be removed.

Proposed Building A will be sited in the area of the existing theater, and includes three levels of parking beneath 5 residential levels. The roof level, at approximately 75 feet above grade, includes a residential amenity space. Rooftop amenities also include a smaller enclosed resident gym and workspace area that rise to a maximum height of approximately 85 feet above grade. Building A also includes the addition of a new, approximately 2,033 square foot commercial storefront adjacent to the existing storefront. Because Building A is situated in the area of the existing theater building, the bulk of Building A is setback approximately 50 to 70 feet back from the existing commercial storefront, and thus features a significant step-back in the massing for the residential structure, as well as additional step-backs for higher floors from the western and northern edges near the City Library and the oval lawn. Additionally, lower portions of Building A will be screened by the existing and proposed storefront development. To this end, while Building A is taller than other surrounding buildings, the significant step-back from the storefronts, screening of the lower portions of the building, and the design of higher floor step-backs will all help soften the visual appearance of the building as viewed at the pedestrian level, and tone down the scale of the building. Building A is also designed in a contemporary style intended to demonstrate an evolving city center over time, and is proposing to use colors and materials that compliment surrounding development. Use of landscaping on the podium and rooftop levels will also help to integrate Building A with its surroundings.

Building B is designed as a “complex” of four visibly-separated above-ground buildings, and is proposed across from the main drive aisle from Building B and faces Building A to create a “main street” environment. The heights of the 4 visible buildings varies, but extends up to a maximum height of 46 feet at its tallest point. The 4 buildings are also visibly separated, and include two adjacent plaza areas, as well as new walkways and landscaping that all together are intended to create a “village” feel. The separation of the buildings and varying building heights help to break up the bulk and massing, and placement of new landscape-lined walkways will not only help to soften the scale and appearance, but encourage pedestrian movement. Architecturally, the Building B complex is styled similarly to the existing center.

Overall, the proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance. 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. For all these reasons, the project meets this finding.

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

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 focused along the eastern, western and southern perimeter, along with surface parking that is mostly focused in a large area between the existing development and Calabasas Road. The 2030 General Plan identifies the project site as an ideal location for new infill development with high potential for new residential units and additional commercial square footage given the size of the site and the underutilized surface parking area.

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 Commons site is more than adequate in size and shape to accommodate the proposed Project. Additionally, with a proposed site coverage of 29% of the entire Commons site and 34% for Parcel B (the only parcel of 5 that the development is proposed on), the project is far below the City's maximum site coverage requirement of 62% for the CMU zone. Therefore, the project meets this finding.

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

The Commons shopping center is located in a portion of the City which is mostly developed and urban, and not located within a natural setting. The parcel located to the south of the center is undeveloped, and is designated as an open space parcel. Topographically, the open space parcel is the remnant of the hilly environment that existed before development of the broader Park Centre area, and rises to a height of +1,137 feet above mean sea level (MSL). The upper portions of the open space parcel are visible from areas around the center such as Calabasas Road and the 101 Freeway, as are portions of the retaining wall constructed as part of the original Commons development.

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. The open space parcel would be preserved as-is. As designed, the proposed buildings are sited and designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

Building A, the largest, and tallest, of the two proposed buildings at a maximum elevation of +1,062' above MSL, 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 rises to a maximum elevation of +1,137' above MSL. To this end, views of the upper hillside and skyline will be preserved. Additionally, Building A will screen existing views of the 46-foot-high retaining wall located behind the existing theater building.

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 and 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. Therefore, the project meets this finding.

**Conditional Use Permits.**

**Master Conditional Use Permit Amendment.** The Planning Commission recommends to the City Council that it appears, subject to confirmation by the City Council based on all information available to the City Council, including any new evidence and information that may become available after the Planning Commission hearings but be presented to the City Council, that the following findings for an amendment to the Calabasas Park Centre Master Conditional Use Permit solely for the aspects of the Master CUP governing the project site can be made.

The findings for a **Conditional Use Permit**, and which would have to be made for a project approval, are stated in Section 17.62.060 of the Calabasas Municipal Code, and are as follows:

1. 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 site is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the Master Plan Area, including the project site. The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes a number of development standards applicable to the subject property. Along with the Master Plan, development of the project site is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit that conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density of 200,000 square feet, and identifies overnight accommodations, retail uses, office uses, public uses and open space as

allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but add multi-family residential to the list of allowed uses. The General Plan and Development Code identify The Commons as Mixed-Use and Commercial Mixed Use respectively, allowing a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing Needs Allocation (RHNA).

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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. In order to align the Master Plan and the project, which is also proposing uses consistent with the General Plan and Development Code, the applicant is requesting an amendment to the Master Conditional Use Permit. As amended, the project and its proposed mix of uses will be consistent with the Master Plan, General Plan and Development Code.

Specifically in terms of compliance with the Development Code, overall, the proposed project meets all Development Code standards with the exception of project height, residential parking space dimensional standards, commercial parking supply, and minimum landscape and pervious surface area.

More specifically, the City's Development Code designates the Project Site as Commercial Mixed-Use (CMU 0.95). 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 proposed 119 new residential units would result in a site density of 6.1 dwelling units per acre and the total development of The Commons including the proposed project would result in an overall FAR of 0.47. 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 units affordable to qualifying low-income families in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project is eligible to request one concession/incentive, and a waiver of any development code standards that would have the effect of physically

precluding construction of the qualifying development. In this case, the applicant has requested a waiver from the height limit in the CMU zone to permit the maximum proposed building heights of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, the Project would be consistent with the permitted height.

Also under State Density Bonus law, the Project is required to provide a minimum of 164 residential parking spaces. The Project would provide a total of 270 residential parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law, resulting in a surplus of 106 residential spaces. Additionally, although the residential parking stalls in Building A, proposed at a dimension of 18 feet long by 8.5 feet wide for a standard space, and 18 feet long by 9 feet wide next to a wall or column do not meet the required Development Code dimensional requirements of 20 feet long by 9 feet wide for a standard space and 20 feet long by 11 feet wide for a space located next to a wall or column, the applicant has requested a reduction of the required dimension requirements as a concession pursuant to State Density Bonus Law and CMC Section 17.22.030. With the granting of that concession, the parking stall dimension meets the Code requirement.

Parking for both the existing commercial land uses and the new proposed commercial land uses collectively will be provided within the reconfigured surface parking lot. With the demolition of the existing 33,091 square foot theater and the construction of 24,163 square feet of new commercial space, the Project will result in a net reduction of approximately 8,928 square feet of commercial uses. 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 commercial parking supply of 931 automobile parking spaces to be shared among the commercial uses. With the proposed project, the City's Development Code requires a total of 1,043 spaces for the entire Commons shopping center; 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 accounting of the actual parking demand. To account for the changes proposed, including a long-term reduction down to 896 parking spaces, the applicant has requested a shared parking reduction. To this end, a shared parking analysis was submitted to the City prepared by KOA Corporation.

The shared parking analysis demonstrates that the proposed parking



supply of 931 spaces (with flexibility to reduce the total commercial parking supply down to 896 spaces if needed in the future) meets or exceeds the worst-case projected demand of 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, and with the approval of the parking reduction, would meet the Code requirement.

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.

Lastly, existing landscape and pervious surfaces both for The Commons as a whole, and for Parcel B, the parcel on which the project is proposed, is 29.3% and 33% respectively, which is legal non-conforming. As proposed, landscaping and pervious surfaces will increase to 30.3% and 35.2% respectively. Although the project, as proposed, will not meet the minimum landscape and pervious surface requirement of 38% of the gross site area, the proposed condition will improve with respect to the Code requirement and thus, remains legal non-conforming and therefore, consistent with the Development Code.

As demonstrated above, the proposed uses are either permitted or conditionally permitting within the zoning district and the project complies with the applicable provisions of the development code. Therefore, the project meets this finding.

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

The project site is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the

Master Plan Area, including The Commons (project site). The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes a number of development standards applicable to the subject property. Along with the Master Plan, development of The Commons is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit which conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density on The Commons of 200,000 square feet, and identifies overnight accommodations, retail uses, office uses, public uses and open space as allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but also includes multi-family residential use as an allowed use. The General Plan identifies The Commons as Mixed-Use, allowing a Floor Area Ratio of up to 0.95 (797,907 sq. ft.), a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing Needs Allocation (RHNA).

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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. Because the Master Conditional Use Permit identifies the maximum development density of the subject property as 200,000 square feet, and does not allow for multi-family residential development, as stated above, while the General Plan allows for housing on-site, and a development density of up to 797,907 square feet, the proposed project is in compliance with the General Plan, but not the Master Plan. In order to align the Master Plan and General Plan, the applicant is requesting an amendment to the Master Conditional Use Permit. As amended, the project and its proposed mix of uses will be consistent with the General

Plan and the applicable Park Center Master Plan.

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

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 PEIR") has been prepared to evaluate potential environmental effects of the Project. The Certified PEIR 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 below 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 location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of 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. Further to the east of the Commons are residential multi-family, retail, and office uses. West of the Commons is the Civic Center complex consisting of a public library, the Calabasas City Hall and the City's Senior Center. North of the Commons are office and retail uses, and a designated open space property is directly south of the Commons. Additionally, the General Plan has designated the properties north of the project site also as mixed-use, like the subject property.

The proposed project would add 119 multi-family apartments and 24,130 square feet of neighborhood-serving commercial uses to an existing shopping center that features neighborhood-serving commercial uses. Due to the adjacency of the development to other multi-family uses, and neighborhood-serving commercial uses that feature similar operating characteristics, the proposed project's mix of land uses will be compatible with all existing land uses that surround the property. As mentioned above, anticipated land uses commensurate with the Mixed-Use

designation north of the subject property would be compatible because the designation is identical to the Mixed-Use designation of the subject property. To this end, the project meets this finding.

**Implementing Conditional Use Permit Amendment and Restatement.** The Planning Commission recommends to the City Council that it appears, subject to confirmation by the City Council based on all information available to the City Council, including any new evidence and information that may become available after the Planning Commission hearings but be presented to the City Council, that the following findings for an amendment and restatement of the Implementing Conditional Use Permit for the Commons can be made.

The findings for a **Conditional Use Permit**, and which would have to be made for a project approval, are stated in Section 17.62.060 of the Calabasas Municipal Code, and are as follows:

5. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;

The Commons property (project site) is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the Master Plan Area, including on The Commons. The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes a number of development standards applicable to the subject property. Along with the Master Plan, development of The Commons is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit that conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density of 200,000 square feet, and identifies overnight accommodations, retail uses, office uses, public uses and open space as

allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but add multi-family residential to the list of allowed uses. The General Plan and Development Code identify The Commons as Mixed-Use and Commercial Mixed Use respectively, allowing a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing Needs Allocation (RHNA).

Consistent with the procedural requirement within the 1997 MCUP, the City Council adopted a project-specific Implementing Conditional Use Permit. The implementing Conditional Use Permit identified allowed development up to a maximum of 200,000 square feet inclusive of a 1,350-seat movie theater, a 52,000 square foot market, a 16,250 square foot drug store, and associated retail and restaurant uses. The Implementing Conditional Use Permit also identified a number of conditions relating to the development and ongoing operation of the center.

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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. In addition to the applicant request to amend the MCUP to align the project with the General Plan, Master Plan and Development Code, the applicant is also requesting to amend the Implementing Conditional Use Permit to be consistent with the proposed project specifications, specifically allowing for an increase to the maximum development density on The Commons to the proposed project size of 396,077 square feet, and including multi-family residential as an approved use on the property. Coupled with the request to amend the MCUP, if approved, the Implementing CUP will be consistent with the MCUP, the General Plan and Development Code. Additionally, since the property is zoned Commercial Mixed-Use (CMU) in the Development Code which allows a mix of residential, office, retail, and a variety of other commercial uses, the proposed addition of residential units and additional neighborhood-serving commercial uses is consistent with the permitted and conditionally permitted uses identified on the subject property.

Specifically in terms of compliance with the Development Code, overall,

the proposed project meets all Development Code standards with the exception of project height, residential parking space dimensional standards, commercial parking supply, and minimum landscape and pervious surface area.

More specifically, the City's Development Code designates The Commons as Commercial Mixed-Use (CMU 0.95). 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 proposed 119 new residential units would result in a site density of 6.1 dwelling units per acre and the total development of The Commons including the proposed project would result in an overall FAR of 0.47. 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 Commons property.

By providing 10% of the units affordable to qualifying low-income families in compliance with State Density Bonus Law and CMC Section 17.22.030, the Project is eligible to request one concession/incentive, and a waiver of any development code standards that would have the effect of physically precluding construction of the qualifying development. In this case, the applicant has requested a waiver from the height limit in the CMU zone to permit the maximum proposed building heights of 85 feet for Building A and 46 feet for Building B. With approval of the waiver, the project would be consistent with the permitted height.

Also under State Density Bonus law, the project is required to provide a minimum of 164 residential parking spaces. The project would provide a total of 270 residential parking spaces dispersed within each respective building to serve the proposed residential uses in compliance with the CMC and State Density Bonus law, resulting in a surplus of 106 residential spaces. Additionally, although the residential parking stalls, proposed at a dimension of 18 feet long by 8.5 feet wide for a standard space, and 18 feet long by 9 feet wide next to a wall or column do not meet the required Development Code dimensional requirements of 20 feet long by 9 feet wide for a standard space and 20 feet long by 11 feet wide for a space located next to a wall or column, the applicant has requested a reduction of the required dimension requirements as a concession pursuant to State Density Bonus Law and CMC Section 17.22.030. With the granting of that concession, the parking stall dimension meets the Code requirement.

Parking for both the existing commercial land uses and the new proposed commercial land uses collectively will be provided within the reconfigured surface parking lot. With the demolition of the existing 33,091 square foot

theater and the construction of 24,163 square feet of new commercial space, the project will result in a net reduction of approximately 8,928 square feet of commercial uses. 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 commercial parking supply of 931 automobile parking spaces to be shared among the commercial uses. With the proposed project, the City's Development Code requires a total of 1,043 spaces for the entire Commons shopping center; 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 accounting of the actual parking demand. To account for the changes proposed, including a long-term reduction down to 896 parking spaces, the applicant has requested a shared parking reduction. To this end, a shared parking analysis was submitted to the City prepared by KOA Corporation.

The shared parking analysis demonstrates that the proposed parking supply of 931 spaces (with flexibility to reduce the total commercial parking supply down to 896 spaces if needed in the future) meets or exceeds the worst-case projected demand of 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 enough parking to accommodate the anticipated demand for the proposed uses, and with the approval of the parking reduction, would meet the Code requirement.

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.

Lastly, existing landscape and pervious surfaces both for the center as a whole, and for Parcel B, the parcel on which the project is proposed is 29.3% and 33% respectively, which is legal non-conforming. As proposed, landscaping and pervious surfaces will increase to 30.3% and 35.2%

respectively. Although the project, as proposed, will not meet the minimum landscape and pervious surface requirement of 38% of the gross site area, the proposed condition will improve with respect to the Code requirement and thus, remains legal non-conforming and therefore, consistent with the Development Code.

As demonstrated above, the proposed uses are either permitted or conditionally permitting within the zoning district and the project complies with the applicable provisions of the development code. Therefore, the project meets this finding.

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

The Commons (project site) is located within the Park Center Master Plan area. The Master Plan, adopted in 1997, is comprised of the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines), and together, govern development within the Master Plan Area, including The Commons. The Master Plan defines the maximum allowed development density for the subject property, defines the allowable uses on the subject property, and includes a number of development standards applicable to the subject property. Along with the Master Plan, development of The Commons is also governed by the City's General Plan and Development Code. While the Master Plan, General Plan and Development Code all govern the property, the three documents are not entirely consistent with each other, largely because the General Plan and Development Code evolved through future updates, and the Master Plan was adopted in 1997 as a Conditional Use Permit which conferred rights and identified standards for the property that run with the land until revoked or amended by a future Conditional Use Permit approved by the Council.

In this case, the Master CUP identifies the maximum allowed development density on The Commons of 200,000 square feet, and identifies overnight accommodations, retail uses, office uses, public uses and open space as allowed uses within the Master Plan Area. The Guidelines reiterate the same allowable uses, but also includes multi-family residential use as an allowed use. The General Plan identifies The Commons as Mixed-Use, allowing a Floor Area Ratio of up to 0.95 (797,907 sq. ft.), a variety of office, retail, dining, entertainment and residential uses. Furthermore, the General Plan identifies The Commons as a priority housing site (Site 11) possibly contributing up to 202 units toward the City's Regional Housing



**Needs Allocation (RHNA).**

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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. Because the Master Conditional Use Permit identifies the maximum development density of the subject property as 200,000 square feet, and does not allow for multi-family residential development, as stated above, and furthermore, because the General Plan allows housing on-site with a maximum development density of up to 797,907 square feet, the proposed project is in compliance with the General Plan, but not the Master Plan. In order to align the Master Plan, General Plan, and the proposed project, the applicant is requesting an amendment to the Master Conditional Use Permit. As amended, the project and its proposed mix of uses will be consistent with the General Plan and the applicable Park Center Master Plan. With approval of the Amended MCUP, the uses proposed by the project, including the addition of multi-family apartments and more neighborhood-serving commercial uses, are consistent with the General Plan and all applicable master plans.

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

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 PEIR") has been prepared to evaluate potential environmental effects of the Project. The Certified PEIR 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 below 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.

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

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of 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. Further to the east of the Commons are residential multi-family, retail, and office uses. West of the Commons is the Civic Center complex consisting of a public library, the Calabasas City Hall and the City's Senior Center. North of the Commons are office and retail uses, and a designated open space property is directly south of the Commons. Additionally, the General Plan has designated the properties north of the project site mixed-use, like the subject property.

The proposed project would add 119 multi-family apartments and 24,130 square feet of neighborhood-serving commercial uses to an existing shopping center that features neighborhood-serving commercial uses. Due to the adjacency of the development to other multi-family uses, and neighborhood-serving commercial uses that feature identical operating characteristics, the proposed project will be compatible with all existing land uses that surround the property. As mentioned above, anticipated land uses commensurate with the Mixed-Use designation north of the subject property would be compatible because the designation is identical to the Mixed-Use designation of the subject property. To this end, the project meets this finding.

**Alcohol Sales Conditional Use Permit.** The Planning Commission recommends to the City Council that it appears, subject to confirmation by the City Council based on all information available to the City Council, including any new evidence and information that may become available after the Planning Commission hearings but be presented to the City Council, that the following findings for a Conditional Use Permit for alcohol sales within five new restaurant and/or retail spaces associated with the proposed Commons Lane project can be made.

The findings for a **Conditional Use Permit**, and which would have to be made for a project approval, are stated in Section 17.62.060 of the Calabasas Municipal Code, and are as follows:

9. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;

The Commons shopping center is within the Commercial Mixed-Use

(CMU) zoning district, and is currently improved with 218,247 square feet of 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. Currently, a number of establishments in The Commons have approved conditional use permits that allow the sale of a variety of alcoholic beverages.

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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, to include new restaurants and retail spaces. As such, the applicant has requested a conditional use permit to allow five new establishments to sell alcoholic beverages consistent with State laws governing alcohol sales.

Per CMC Section 17.11.010, Table 2-2, alcoholic beverage sales is a conditionally permitted use within the CMU Zone. Therefore, the request meets this finding.

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

In addition to the Development Code, site development and the establishment of uses on the project site are governed by the General Plan and Park Center Master Plan, which is comprised of both the Master Conditional Use Permit (MCUP) and the Park Centre Project Development and Design Guidelines (The Guidelines).

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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, to include new restaurants and retail spaces. As such, the applicant has requested a conditional use permit to allow five new establishments to sell alcoholic beverages consistent with State laws governing alcohol sales.

The General Plan's Land Use Designation for the project site is Mixed-Use 0.95, which accommodates a broad range of office, retail, visitor-serving uses, commercial services, higher-density residential uses, entertainment

and institutional uses. The MCUP allows or conditionally allows for a variety of retail uses including full-service restaurants, cafes, limited menu food service, exclusive takeout restaurants, convenience foods, bars and drinking places. Similarly, The Guidelines allow for retail establishments on the subject property.

Alcoholic beverage sales are a typical activity associated with many of the uses allowed by the General Plan and the Master Plan for the project site including, but not limited to, restaurants and (specialty) retail establishments. To this end, the sale of alcoholic beverages is consistent with the General Plan and the applicable Park Center Master Plan.

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

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 PEIR") has been prepared to evaluate potential environmental effects of the project. The Certified PEIR 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 below 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.

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

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of 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. Further to the east of the Commons are residential multi-family, retail, and office uses. West of the Commons is the Civic Center complex consisting of a public library, the Calabasas City Hall and the City's Senior Center. North of the Commons are office and retail uses, and a designated open space property is directly south of the Commons. Additionally, the General Plan has designated the properties north of the project site mixed-use, like the subject property.

The project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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, to include new restaurants and retail spaces. As such, the applicant has requested a conditional use permit to allow five new establishments to sell alcoholic beverages consistent with State laws governing alcohol sales.

The Commons shopping center currently has multiple establishments that serve alcoholic beverages as allowed by approved conditional use permits, and are subject to the State's Alcoholic and Beverage Controls rules and regulations. The requested conditional use permit is to allow five additional establishments to serve alcoholic beverages within The Commons. The five new establishments, like the existing establishments approved to serve alcoholic beverages, are required to comply with all State of California rules and regulation governing the sale and consumption of alcoholic beverages. To this end, the location and operating characteristics of the new establishments that will sell alcoholic beverages are compatible with the existing uses on-site. Similarly, some of the properties surrounding The Commons to the east and north currently have retail and restaurant uses that are approved to sell alcoholic beverages, subject to State rules and regulations. Additionally, properties to the north are zoned CMU in the Development Code, and as such, redevelopment over time will be allowed to establish similar uses to The Commons shopping center, which may also request and get approval to establish sale of alcoholic beverages that will be subject to State rules and regulations. To this end, the location and operating characteristics of the five new establishments within The Commons are compatible with off-site surrounding existing and anticipated future uses within the vicinity. Therefore, the requested use meets this finding.

### **Scenic Corridor Permit.**

The findings for a **Scenic Corridor Permit**, and which would have to be made for a project approval, are stated in Section 17.62.050 of the Calabasas Municipal Code as follows:

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

The project site is located approximately 415 feet south of the Ventura

freeway Corridor, which is identified as one of the City's designated Scenic Corridors. 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. Because a portion of the property is within 500 feet of the Ventura Freeway scenic corridor, the Scenic Corridor Development Guidelines are applicable to the proposed development.

The project proposes infill redevelopment of a portion of The Commons shopping center with construction of new mixed-use buildings (referred to herein and on the plans as 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 theater 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 zoned and restricted as open space, would not be disturbed.

The Scenic Corridor Development Guidelines encourage the following design features:

- Setting buildings back from freeways to reduce visual impact
- Stepped-back floor levels for multi-story buildings to avoid large blank facades
- Situating structures to minimize adversely impacting views
- Minimizing grading
- Landscaping to enhance, soften, or conceal development
- Cut-off light fixtures to prevent ambient illumination

Building A is proposed to be a maximum height of 85 feet and is set back approximately 800 feet from the 101 freeway, and Building B is proposed to be a max height of 46 feet and is located approximately 650 feet from the freeway. Existing buildings located between the subject site and the 101 freeway (on the north side of Calabasas Rd) will partially obstruct the new developments from view along the freeway, providing peek-a-boo views of portions of the project in areas where views are not fully obscured by existing buildings and mature landscaping. The buildings will also be terraced in height, with upper levels stepped back from the ground floor level, which serves to avoid blank facades and also to improve the street level pedestrian environment. Because Building B is located in front of Building A, it will also serve to partially screen lower portions of the taller Building A from view when viewed from Calabasas Rd or the freeway, and the existing mature landscaping in the parking lot will serve to screen and

soften views of both buildings as well.

Grading for the proposed project is limited to excavation for subterranean parking levels, and no alteration of the existing hillside at the southern portion of the property is proposed. Landscaping for the proposed project is designed to integrate with the existing landscaping at the commercial shopping center, and any mature trees that require removal to accommodate the proposed new development will be relocated where possible to an alternate on-site location, so that mature trees will remain and further enhance the proposed development. Lastly, lighting levels will comply with the City's Dark Skies ordinance, with shielded light fixtures to prevent ambient illumination. Therefore, the proposed project meets this finding.

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

The proposed project includes construction of the new Building A, with a maximum height of 85 feet and designed in a more contemporary architectural style to replace the existing theater building, and the new Building B, with a maximum height of 46 feet, proposed to be sited within the parking lot of the existing commercial center.

Design techniques from the Scenic Corridor Development Guidelines have been incorporated into the project design to minimize the visual impact of the project to the scenic corridor. These include: (a) siting of development on the already disturbed portions of The Commons, with no proposed disturbance to natural hillsides; (b) incorporation of landscaping to blend the development with its surroundings; (c) minimizing light spillover impacts; (d) the use of colors and materials for new buildings that are similar to the surrounding natural environment and existing development in The Commons, including use of earth-tone colors; and (d) use of articulation in the building design and incorporation of architectural relief elements, such as undulating building footprints, floor step-backs, window spacing, and balconies that all contribute to successfully avoid large straight, blank facades. Building heights are stepped back from the Scenic Corridor and from the nearest public roadway (Calabasas Rd), so that the tallest point of the proposed new development—the 85-foot-high portion of Building A—will be situated at the southernmost area of the development, and will serve to screen the existing approximately 46-foot-high retaining wall towards the rear of the development from view, which is currently visible above existing development onsite. Additionally, the tallest elevation of Building A at +1062.4 above Mean Sea Level (MSL) is well below the highest point of the hillside behind the site, which rises to an elevation of +1137 above MSL so that the project will not encroach into

skyline views. Although the proposed Building A is a more contemporary architectural style, the proposed color palette pulls colors used throughout the existing shopping center development, and the architectural details between floors of the building help to create visual interest and ensure compatibility with and enhancement of the scenic corridor. Building B is styled after the existing design of The Commons and utilizes a similar color palette. As a result, the proposed project meets this finding.

*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;*

The proposed project includes construction of the new Building A, with a maximum height of 85 feet and designed in a more contemporary architectural style to replace the existing theater building, and the new Building B, with a maximum height of 46 feet, proposed to be sited within the parking lot of the existing commercial center. Because of the proximity of the project site to the 101 Freeway, which is an urban scenic corridor designated by the General Plan, the site is within the Scenic Corridor overlay zone and subject to the Scenic Corridor Development guidelines.

Views of the project site from the scenic corridor are limited due to the distance from the freeway to the subject site (approx. 415' minimum), and due to the presence of existing buildings and mature landscaping along the Calabasas Road corridor. Nevertheless, the proposed project has incorporated a number of design features that will serve to enhance and beautify views from the Scenic Corridor. The subject site is already an existing developed shopping center, so the existing mature landscaping in the parking lot will serve to help screen both buildings from view of the freeway and the public right-of-way. Additionally, the applicant has indicated that any existing mature trees requiring removal to facilitate construction of Building B will be relocated to other on-site locations where possible to further enhance views of the subject site, and additional landscaping is proposed in order to integrate the new development with the existing shopping center. The height and massing of Building A, the taller of the two buildings, will be softened by utilizing undulating building footprints, window spacing, architectural detailing, earth-toned colors, and balconies, and also by incorporating podium gardens at the both first residential level and rooftop level in addition to step-backs in the facade at the upper levels and penthouse level. Additionally, the rooftop deck and mechanical screens will be coordinated and include landscaping to blur the designations between resident-occupied and mechanical areas, and to screen mechanical equipment from public roadways and the scenic



corridor. As noted, Building B is comprised of a series of four smaller visually separated 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. Both buildings include architectural elements that provide variation in the design, which serves to break up massing, and will help enhance views of the development from the Scenic Corridor. Therefore, the proposed project meets this finding.

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 proposed project includes construction of new mixed-use buildings comprising 119 new residential units and new ground floor commercial space at an existing approximately 25-acre developed shopping center. The proposed project includes construction of the new Building A, with a maximum height of 85 feet and designed in a more contemporary architectural style to replace the existing theater building, and the new Building B, with a maximum height of 46 feet, proposed to be sited within the parking lot of the existing commercial center. The upper levels of the proposed development are stepped back from the ground floor to improve the pedestrian environment and eliminate large blank facades. Additional step-backs are proposed on upper floors of Building A to ensure the new development is compatible and complementary with the existing shopping center and the neighboring Civic Center uses, which include the City Hall, the Library, and the Senior Center.

Because Building A is situated in the area of the existing theater building, the bulk of Building A is setback approximately 50 to 70 feet back from the existing commercial storefront, and thus features a significant step-back in the massing for the residential structure, with additional step-backs for higher floors on the western and northern edges from the City Library and the oval lawn. Lower portions of Building A will be screened by the existing and proposed storefront development. To this end, while Building A is taller than other surrounding buildings, the significant step-back from the storefronts, screening of the lower portions of the building, and the design of higher floor step-backs will all help soften the visual appearance of the building as viewed at the pedestrian level and from vantage points along Calabasas Rd and the 101 Freeway, a designated scenic corridor. Building A is also designed in a contemporary style intended to demonstrate an evolving city center over time, and is proposing to use colors and materials that compliment surrounding development. Use of landscaping on the podium and rooftop levels will also help to integrate Building A with its

surroundings.

Building B is designed as a “complex” of four visibly-separated above-ground buildings. Building B includes two adjacent plaza areas, as well as new walkways and landscaping that all together are intended to create a “village” feel. The separation of the buildings and varying building heights and higher-floor step-backs help to break up the bulk and massing, and placement of new landscape-lined walkways will not only help to soften the scale and appearance, but encourage pedestrian movement. Additionally, Building B serves as a transitional zone, terracing the height from Calabasas Road southwards to Building A. Building B is designed to match the architectural style, materials and detailing of The Commons’ existing buildings with minor exceptions. Roof tiles and residential facades will use similar specifications of the original center while colors and details will be compatible with the existing architecture.

Overall, the proposed buildings would be located within the existing developed area of The Commons, which serves to minimize grading and site disturbance as encouraged by the Scenic Corridor Development Guidelines. Existing mature landscaping, proposed new landscaping, and varying architectural elements on each of the proposed new buildings serve to integrate the proposed development with surrounding uses and enhance views of the site from the Scenic Corridor. For all these reasons, the project meets this finding.

### **Tentative Tract Map.**

The findings for a **Tentative Tract Map** are stated in Section 17.41.100 of the Calabasas Municipal Code. The Planning Commission would have to make the following findings for a project approval:

- 1. Is consistent with the General Plan, and any applicable specific plan, and*

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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 Commons (project site) is comprised of five adjacent legal 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 re-subdivide Parcel B into one master ground lot and six 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 Commons as Mixed Use 0.95. The General Plan allows for a variety of commercial/retail uses and multi-family residential uses, and, in this case, with the approval of an amendment to the Master Conditional Use Permit, the applicable Master Plan will also allow a mix of commercial/retail and multi-family residential uses. Under the General Plan, the MU 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 none of the findings for disapproval in subsection (D) of this section can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.*

The tentative tract map meets this finding because none of the findings in subsection (D) of this section, per the discussion below can be made.

Additionally, a proposed tentative tract map shall be denied, per Section 17.41.100, if the Planning Commission makes any of the following findings:

1. *The proposed subdivision, including its design and improvements, is not consistent with the General Plan, or any applicable specific plan;*

The proposed subdivision, including its design and improvements, is consistent with the Calabasas 2030 General Plan, for the reasons stated in Tentative Tract Map Finding No. 1 above.

***2. The site is not 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 Commons 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 already developed, generally flat, has all infrastructure installed 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.

***3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;***

The project vicinity is characterized by a concentration of commercial, residential, and institutional uses. The Commons site (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. In addition, the project would not conflict with a Habitat Conservation Plan. Further, 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.

***4. 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. Additionally, as evidenced in the Addendum to the PEIR and as further conditioned in this resolution, no significant impacts from noise, vibration, dust, pollutant emissions, and safety hazards would occur.

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.

5. *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 Commons (project site) for the purpose of providing public access and the project 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.

6. *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; or,*

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 an 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.

7. *The proposed subdivision is not consistent with all applicable provisions of this development code, the Municipal Code, or the Subdivision Map Act.*

The proposed subdivision is consistent with all applicable provisions of this development code, the Municipal Code, and the Subdivision Map Act for reasons stated elsewhere within this Resolution and because the proposed subdivision and associated tentative map conform to accepted present-day planning and engineering standards, and the subdivision design requirements of CMC Chapter 17.46.

Lastly, a proposed tentative tract map may be denied, per Section 17.41.100, if the Planning Commission makes any of the following findings:

1. *The tentative map is not in conformity with accepted planning or engineering standards;*

The Project proposes to redevelop a portion of The Commons at Calabasas with the construction of 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 Commons (project site) is comprised of five adjacent legal 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 re-subdivide Parcel B into one master ground lot and six airspace lots within both Buildings A and B to create separate lots for the parking, retail, and residential uses.

The project site is already developed and includes all necessary infrastructure including site access, utilities, stormwater collection and conveyance devices, and sanitary sewer. The project is not proposing any new roadway or intersection improvements. Additionally, grading is limited to already developed areas. The subdivider will be required to either dedicate land and construct recreational amenities, or pay required impact fees as applicable under the Quimby Act. All proposed site grading, infrastructure system upgrades, easements, lots and parcels, and utilities have been preliminarily reviewed and tentatively approved, and will require final review and approval by the City Engineer. Accordingly, the proposed subdivision and associated tentative map conform to accepted present-day panning and engineering standards, including subdivision design requirements by Chapter 17.46, as well as the City's Building Codes, and therefore, this finding cannot be made.

*2. The environmental, public services or facilities costs to the city taxpayers outweigh the advantages created by the proposed subdivision;*

The environmental impacts associated with the proposed subdivision, as documented in the Addendum to the Programmatic EIR, will remain less than significant. Public services costs for the development of the project and for on-going operations and occupation of the constructed housing units, and visitors of the commercial spaces will be borne by the owners, inhabitants and visitors of those uses and facilities, and will not be a burden to city taxpayers, and therefore, this finding cannot be made.

*3. The proposed development is not compatible with the character of the neighborhood;*

The entire Commons shopping center is approximately 25-acres, and is currently improved with 218,247 square feet of 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 existing theater building is the center's tallest building at a height of approximately 46 feet

above grade. The Project proposes infill redevelopment of a portion of The Commons with the construction of new mixed-use buildings, identified as Building A and Building B on the project plans. To accommodate the project, the existing theater building, along with a portion of the existing surface parking lot and associated landscaping would be removed.

Proposed Building A will be sited in the area of the existing theater, and includes three levels of parking beneath 5 residential levels. The roof level, at approximately 75 feet above grade, includes a residential amenity space. Rooftop amenities also include a smaller enclosed resident gym and workspace area that rise to a maximum height of approximately 85 feet above grade. Building A also includes the addition of a new, approximately 2,033 square foot commercial storefront adjacent to the existing storefront. Because Building A is situated in the area of the existing theater building, the bulk of Building A is setback approximately 50 to 70 feet back from the existing commercial storefront, and thus features a significant step-back in the massing for the residential structure, as well as additional step-backs for higher floors on the western and northern edges from the City Library and the oval lawn. Additionally, lower portions of Building A will be screened by the existing and proposed storefront development. To this end, while Building A is taller than other surrounding buildings, the significant step-back from the storefronts, screening of the lower portions of the building, and the design of higher floor step-backs will all help soften the visual appearance of the building as viewed at the pedestrian level, and tone down the scale of the building. Building A is also designed in a contemporary style intended to demonstrate an evolving city center over time, and is proposing to use colors and materials that compliment surrounding development. Use of landscaping on the podium and rooftop levels will also help to integrate Building A with its surroundings.

Building B is designed as a “complex” of four visibly-separated above ground buildings, and is proposed across from the main drive aisle from Building B and faces Building A to create a “main street” environment. The heights of the four visible buildings varies, but extends up to a maximum height of 46 feet at its tallest point. In addition to being visibly separated, the Building B complex includes two adjacent plaza areas, as well as new walkways and landscaping that all together are intended to create a “village” feel. The separation of the buildings and varying building heights help to break up the bulk and massing, and placement of new landscape-lined walkways will not only help to soften the scale and appearance, but encourage pedestrian movement. Architecturally, the Building B complex is styled similarly to the existing center.

Overall, the proposed buildings would be located within the existing



developed area of The Commons, which serves to minimize grading and site disturbance. 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. For all these reasons, the project will be compatible with the character of the neighborhood, and the finding cannot be made.

4. *The proposed development is in an area not desirable for the intensive use proposed; or,*

The approximately 25-acre property is currently improved with 218,247 square feet of 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 proposed project involves the addition of 119 new residential units and a net reduction of 8,928 square feet of commercial space, for total new site development density of 396,077 square feet. The project site is designated Mixed-Use 0.95 in the City's General Plan, which allows up to 797,907 square feet of development. Additionally, the project site is identified by the General Plan as a priority housing site possibly providing up to 202 residential units. To this end, the proposed maximum development density of 396,077 square feet and 119 residential dwelling units proposed is considerably less intense than what is anticipated by the General Plan for this area, and this finding cannot be made.

5. *A preliminary soils report or geologic hazard report indicates adverse soil or geologic conditions and the subdivider has failed to provide sufficient information, to the satisfaction of the City Engineer, Planning Commission, or City Council, that the conditions can be corrected in the plan for development.*

The project site is currently improved with a 218,247 square foot shopping center. The applicant is proposing new development of 119 residential units and a net reduction of 8,928 square feet of commercial space. In order to accommodate parking, the development will include subterranean parking structures. The applicant has submitted a soils and geologic conditions report (included in the project's Addendum to the PEIR appendix) that indicates no adverse geotechnical conditions that would significantly impact proposed development. The report indicated expansive and corrosive soils conditions that would require design considerations, but in either case, the project would need to meet Building Code standards that would mitigate any potential adverse impacts. The reports and plans have been reviewed and preliminarily approved by the

City Engineer, and are discussed in the Addendum to the PEIR. Therefore, this finding cannot be made.

**Density Bonus Findings.**

The findings for a **Density Bonus and all associated incentives/concessions** are stated in Section 17.22.030(H)(3) of the Calabasas Municipal Code. The Planning Commission would have to make the following density bonus findings for a project approval:

1. *The development project would not be a hazard or public nuisance or establish a use or development inconsistent with the goals and policies of the General Plan;*

Based on the following, the project is consistent with the goals and policies of the Calabasas 2030 General Plan; and, the project would not be a hazard or public nuisance.

The *Land Use Element* and *Housing Element* of the Calabasas 2030 General Plan (as updated and adopted for the 2021 – 2029 RHNA planning period) identify the project site for mixed-use development, to include the addition of up to 202 new multi-family housing units. In addition, General Plan policy number V-17 states: “Offer regulatory incentives and concessions, including density bonuses to offset or reduce the costs of developing affordable housing.” And furthermore, Housing Element Program 16, specifies that residential project applicants proposing to construct more than five new housing units may apply for a density bonus and additional incentives if the project provides housing units affordable for lower income households, which comprise at least 10% of the total new housing units.

The project will provide 119 total housing units, including 10% affordable housing units, consistent with the General Plan land use designation, applicable General Plan policies, and the Density Bonus program and ordinance.

*Safety Element* policy number VII-33 specifies that new development should be discouraged “where wildfire risk mitigation measures would significantly impact biological resources.” The proposed project is an infill redevelopment project, with both buildings A and B to occupy space within an existing urban landscape. No potentially impacted biological resources exist on the project site.

*Safety Element* policy number VII-38 specifies that new development should be permitted “only within areas that have adequate water resources

available, to include water pressure, on-site water storage, or fire flows.” The Programmatic Environmental Impact Report adopted for the 2021 – 2029 Housing Element update determined that adequate water resources are available to serve the project. The project includes 119 total housing units, which is only 59% of the housing units anticipated by, and analyzed for, the 2021 – 2029 Housing Element update. The amount of commercial space on the property would be reduced by the project (24,163 s.f. of new commercial space would replace approximately 33,091 s.f. of existing commercial space – a reduction of approximately 8,928 s.f.).

Also, the project will be constructed on a property which is not located within either a flood zone, liquefaction zone, or landslide hazard area. And the project will be constructed in full compliance with all California Building Code standards, inclusive of standards and requirements for fire hardening and fire suppression, seismic resistance, and emergency exiting.

Applicable *Circulation Element* policies include:

**Policy No. VI-19:** Promote pedestrian system improvements that create and sustain vibrant and active streets in major places of activity as well as providing direct connections between residential and non-residential areas.

**Policy No. VI-20:** Provide neighborhood streets that are walkable and that contribute to the physical safety and comfort of pedestrians.

**Policy No. VI-22:** Require new development in Calabasas to incorporate pedestrian-oriented circulation features, as described in the Community Design Element. Such features should include amenities that make walking not only available, but desirable.

The proposed project conforms to the General Plan Circulation Element policies because: 1) the project design includes sidewalks and pedestrian paths of travel which will directly connect residential and commercial uses, gathering spaces, and the adjacent Civic Center complex (Library, Senior Center, and City Hall); and, 2) sidewalk, driveway, and parking improvements will be constructed in conformance with all applicable federal and state safety regulations.

Regarding noise, the project site is located within a defined 65 dBA noise contour interval (see Figure VIII-2 in the General Plan Noise Element). Construction related noise generation can reach and even temporarily exceed 65 dBA.

In this case, the nearest residential land use is approximately 710 feet away from the project site, and it is blocked from the construction site by a prominent hill. Additionally, west and southwest of The Commons, the City's public library and Senior Center are located approximately 70 feet away and 350 feet away respectively from areas of proposed construction. However, incorporation of the noise mitigation measures provided in the Programmatic EIR and addendum and within the conditions of approval for the project will sufficiently address temporary noise impacts from the construction site such that noise levels or times of occurrence would not constitute a public nuisance. Such mitigation includes, but is not limited to, use of a temporary sound wall, construction equipment fitted with sound reduction components, minimizing operation of equipment simultaneously, staging equipment warm up areas away from sensitive receptors, public notification, and limitations on construction hours.

Lastly, the project site is located within a Very High Fire Hazard Severity Zone, as is the entirety of the City of Calabasas. However, new construction is required to comply with Fire Code, including use of fire-rated building materials, fire hazard reducing assemblies, and requires plan check by the Los Angeles County Fire Department to meet emergency access and water suppression system requirements.

2. *Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter, including information demonstrating that the requested incentives, concessions, or waivers will 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 and that the provision of any requested incentives, concessions, or waivers will not violate applicable state or federal law, not have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact, and will not have an adverse impact on any real property that is listed in the California Register of Historical Resources;*

The 2030 General Plan Housing Element (as updated and adopted for the 2021 – 2029 RHNA planning period) identifies the project site for as many as 202 total new housing units. Policy No. V-12 provides that new housing development projects provide affordable housing for lower- and moderate-income households in accordance with the City's inclusionary Housing ordinance. The City's Inclusionary Housing ordinance requires that at least 10 percent of the total units be affordable (ref. CMC 17.22.030).

The proposed 119-unit project falls below the maximum allowed density, and ten percent of the units (12) will be affordable to lower-income households.

Notwithstanding the fact that the project includes 12 affordable housing units (10 percent of the 119-unit total), with unit rents to be affordable to lower-income households, the project developer has elected to not seek as part of the project entitlement the allowed 20% density bonus. Application of the density bonus would otherwise have provided for 24 additional market-rate housing units, and a total unit count of 143 units. Nonetheless, to accomplish the project at a cost which will support subsidization of the twelve affordable housing units, the project developer requests the following incentives, concessions, or waivers.

- An incentive from CMC Section 17.28.070 and Table 3-12 to provide residential parking stall dimensions of 8.5 feet by 18 feet in lieu of 9 feet by 20 feet, and 9 feet by 18 feet in lieu of the standard requirement of 11 feet by 20 feet for spaces located adjacent to a wall or column.
- 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.
- Reduction in the number of required off-street parking spaces (an automatic waiver under State density bonus law).

Compliance with the City's off-street parking spaces standard and the parking stall width standards would add significant costs to the Project because it would require the Applicant to construct an additional level of parking within the parking structure to accommodate the total number of parking spaces.

Compliance with the 35-foot maximum height standard would greatly increase the project costs by forcing the project to occupy a substantially greater area of the shopping center complex. The larger footprint would require more expansive networks of structured parking, foundational infrastructure, and utilities; and the substantially larger construction site would negatively impact a significantly greater number of current business tenants.

No real property listed, or eligible for listing, in the California Register of Historic Resources is located on, or within close proximity of, the subject property.

Thus, the requested incentive would result in identifiable and actual cost reductions that provide for the necessary affordable housing production and subsidization.

*3. There are sufficient provisions to guarantee that the units will remain affordable in the future.*

The twelve affordable housing units will be deed-restricted to remain affordable to households of low-income for a minimum of fifty-five years. The deed restriction must be recorded prior to issuance of occupancy permits. Also, through on-going operation of the City's Rental Registration Program, the project developer (or successor) must prepare and submit to the City's Department of Community Development annual reports regarding the rent levels for all 119 units, including the twelve affordable housing units.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby finds that the foregoing permit specific findings appear viable for recommendation that the City Council itself, independently after considering all the evidence, including any new evidence and information that may become available after the Planning Commission hearings but be presented to the City Council, may find to be true and approve the proposed project, as described herein, subject to the following agreements and conditions.**

The PC recommends, with the caveats regarding the future independent judgment of the City Council as stated herein, that the City Council approve a **Conditional Use Permit – Master CUP Amendment (CUP-2023-003)** for a site-specific amendment to the existing Master CUP 97-12, to:

- 1) Amend the maximum allowable development density on the project site to 396,077 sq. ft. total inclusive of residential and retail uses,
- 2) Allow for residential multi-family uses (up to 119 residential units) as consistent with the underlying CMU zone and the City's Housing Element on the project site,
- 3) For the project site only, replace all the conditions of approval relative to Master CUP 97-12 with the project-specific conditions contained in the Amended Implementing CUP (CUP-2023-004), leaving all conditions of approval 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 97-12 and the new Implementing CUP-2023-004 for the Commons Site, the new Implementing CUP-2023-004 shall control, and

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

The PC recommends, with the caveats regarding the future independent judgment of the City Council as stated herein, that the City Council approve a **Conditional Use Permit – Implementing CUP Amendment and Restatement** (CUP-2023-004) for a newly amended and restated Implementing CUP for the Commons site, superseding the existing Implementing CUP 97-13 in its entirety, to:

- 1) Permit a mixed-use development totaling approximately 396,077 square feet (approximately 186,758 residential and 209,319 sq. ft. commercial), with a maximum floor area ratio (FAR) of 0.47, including:
  - a. 119 residential dwelling units (approximately 186,758 sq. ft.)
  - b. Grocery Store / Supermarket, operating 24 hours a day and including the sale of alcoholic beverages as allowed by State Law (approximately 52,000 sq. ft.)
  - c. Pharmacy, operating 24 hours a day and including drive through prescription sales and sale of alcoholic beverages as allowed by State Law (approximately 17,000 sq. ft.)
  - d. Bookstore (approximately 30,000 sq. ft.)
  - e. Retail Stores
  - f. Food and Beverage Stores
  - g. General Merchandise Stores
  - h. Financial Services
  - i. Personal Services
  - j. Fine / Casual Dining (Table Service) Restaurants (36,401 sq. ft.)
  - k. Fast Casual (Counter Service) Restaurants (20,222 sq. ft.)
- 2) Permit outdoor dining area, including:
  - a. Fine / Casual Dining (Table Service) Outdoor Dining (11,203 sq.ft.)
  - b. Fast Casual (Counter Service) Outdoor Dining (3,834 sq. ft.)
- 3) Permit a mixed-use development with residential uses in the CMU zone.

- 4) Permit restaurant space exceeding 10% of the gross leasable floor areas within a shopping center.
- 5) Allow future changes in uses for those uses listed as permitted or conditionally permitted in the CMU zone at the time of each future proposed change in use, subject to approval by the review authority as specified in the applicable provisions of the Calabasas Municipal Code, subject to the requirement that any additional residential units above the 119 residential units permitted in this project shall require approval by the Planning Commission, notwithstanding any other provision of the Calabasas Municipal Code.

The PC recommends, with the caveats regarding the future independent judgment of the City Council as stated herein, that the City Council approve a **Conditional Use Permit- Project Specific (CUP-2023-005)** for alcohol sale and on- and off-site consumption of a full line of alcoholic beverages, more specifically including the following:

- 1) In addition to the alcohol sales allowed for off-site consumption for both the grocery store/supermarket and pharmacy described above, a total of 14 restaurant and/or retail establishments are permitted to sell a full line of alcoholic beverages for on- and off-site consumption under this conditional use permit. A separate conditional use permit is required for establishment of alcoholic beverage sales for any new use above the total number listed in this CUP.

The PC recommends, with the caveats regarding the future independent judgment of the City Council as stated herein, that the City Council approve the following additional applications and other requests:

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

**Scenic Corridor Permit (SCP-2023-003)** for development located within the City-designated Scenic Corridor surrounding the 101 Ventura Freeway.

**Tentative Tract Map (TTM-2023-002)** 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** 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.

**Density Bonus Concession and Waiver of a Development Standard**, pursuant to CMC Section 17.28.070 and Government Code Section 65915, 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) for Building A.
- 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.

## **INDEMNIFICATION AGREEMENT**

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including from inverse condemnation or any other constitutional claim. Accordingly, to the fullest extent permitted by law, the applicant and property owner, and its representative(s), or its successors shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including from inverse condemnation or any other constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City

reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Community Development Department / Planning Division**

1. The proposed project shall be built in substantial conformance with the approved plans on file with the Planning Division.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to issuance of Final Certificate of Occupancy, all applicable conditions of approval and mitigation measures shall be completed to the satisfaction of the Director of Community Development.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be approved by the City Council. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
4. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the City Council. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
5. The conditions set forth in the Park Centre Master CUP and the 1997 Implementing CUP applicable to the Commons site (APNs 2068-003-020;-021;-022;-023;-024;-28) have been consolidated into this new Implementing CUP to avoid duplication, increase clarity, and ease administration. Therefore, the conditions set forth in the Park Centre Master CUP, including but not limited to the Park Centre Development and Design Guidelines, shall not apply to the Commons Site, and the only conditions regulating development and operation of the Commons Site are those set forth in this Implementing CUP.
6. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development

or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.

7. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded an affidavit of acceptance of this resolution with the Los Angeles County Recorder's Office, to be approved as to form by the City before being signed, and a certified copy of the recorded document is filed with the Community Development Department.
8. Ground and roof-mounted equipment is required to be screened from view from any public right-of-way. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls, decorative elements or a combination thereof.
9. Prior to commencement of construction, applicable building permits must be obtained from the Building and Safety Division.
10. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
11. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the CMC shall be incorporated into all plans.
12. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
13. A geotechnical and structural assessment of the condition of the existing retaining wall located to the south of the fire lane shall be provided at the time of plan check submittal to the Building and Safety Department. Project engineering consultants shall also review any wall monitoring data available.
14. Construction Activities - Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. No vehicles involved in construction of this project shall block the roadway at any time. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction. The City may approve minor adjustments to this construction schedule if the City finds those adjustments to be in the public's best interest.

**Community Development / Planning Division / Project Design Conditions**

15. For Building A, the first residential level façade adjacent to the existing library shall be set back a minimum of 10'6" from the outermost façade at grade level, as currently shown. For each ascending residential level, the façade shall be set back at least an additional 3 feet.
16. For Building A, the first residential level façade adjacent to the existing Oval Lawn shall be set back a minimum of 30 feet from the outermost façade at grade level, as currently shown. For each ascending residential level, the façade shall be set back at least an additional 5 feet.
17. The design of Building A shall be modified to complement the existing Commons design with fewer glass handrails, added trims and finish elements, with the final exterior design of Building A to be approved by the Community Development Director.
18. For Building B, the residential levels shall be set back a minimum of 12' from the edge of the face of the first-story retail along the paseos between buildings.
19. For Building B, the paseos between buildings shall be an average of 20 feet wide.
20. For Building B, architectural elements and/or show windows shall be added along the paseos between buildings to add visual interest, with the final exterior design of Building B to be approved by the Community Development Director.

**Community Development Department / Planning Division / Entitlement Expiration**

21. Pursuant to CMC Section 17.64.050, Tentative Tract Map No. \_\_\_\_\_ shall expire 48 months after the effective date unless a final map, and related bonds and improvement agreements, have been filed with the City Engineer in compliance with Chapter 17.42, or an extension of time has been granted in compliance with Section 17.41.320. The Planning Commission may grant a maximum of three, one-year extensions to the initial 48-month time limit, as provided in Section 17.41.320(A), for a maximum total of 7 years.
22. Pursuant to CMC Section 17.64.050, the subject approval shall expire upon the expiration of Tentative Map \_\_\_\_\_, unless the entitlement is exercised in accordance with CMC Section 17.64.050(A).

**Community Development Department / Planning Division / Public Art**

23. Applicant and/or property owner shall provide permanent artwork to fulfill the Art in Public Places requirement or pay an in-lieu fee of 1% to the commercial building valuation or the maximum fee of \$150,000 as required by CMC Section 17.24.020(B). The artwork shall be installed or the fee paid prior to the issuance of a Certificate of Occupancy for the commercial buildings.

**Community Development Department / Planning Division / QUIMBY**

24. The applicant shall comply with the City's Quimby Act requirements, as outlined in the Calabasas Municipal Code, prior to the issuance of Final Map Recordation and to the satisfaction of the Community Development Director. The applicant may either pay in-lieu fees or dedicate vacant land to the City, or a combination thereof. Any request for a credit toward the required fees must be reviewed and approved by the City Council.

**Community Development Department / Planning Division / LEED**

25. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code to the satisfaction of the Community Development Director. Compliance shall consist of achieving the equivalent of a "silver" rating (at a minimum) using the LEED (Leadership in Energy and Environmental Design) rating system version 2.0 developed by the United States Green Building Council for non-residential use components.

26. To demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code (a.k.a. Green Building Ordinance), the applicant shall submit two documentation packages to the Community Development Department for review in the following manner:

- a. Prior to issuance of a building or grading permit, the applicant shall submit to the Building & Safety Division, a documentation package documenting compliance with all design-related credits being sought. Review and approval of the documentation package is required prior to issuance of a building and grading permit. On a case-by-case basis, the Director may defer this submittal requirement until a later date for the following reasons: 1) If the applicant can demonstrate through the submittal of a contract that the project team includes a LEED Accredited Professional, 2) if the project team can demonstrate experience with completed development of at least one LEED rated project in California, and/or 3) the project is seeking a LEED "gold" rating or higher.
- b. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a final documentation package to the Department of Building and Safety that documents compliance with all remaining undocumented LEED credits. Review and approval of the final documentation package is required prior to the issuance of a Certificate of Occupancy LEED credits. Review and approval of the final documentation package is required prior to the issuance of a Certificate of Occupancy.

**Community Development Department / Planning Division / Lighting**

27. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Prior to the issuance of grading or building permits, a final lighting and photometric plan must be reviewed and approved by the Planning Department. The lighting and photometric plan shall indicate the type of all outdoor lighting fixtures used, light intensity, location, and the height of each light fixture. The applicant shall use methods to minimize the amount of light and glare that spills over into neighboring properties and rights-of-way, such as limiting directional lighting intensity, limiting fixture height, use of cut-off type fixtures/glare shields and using ground level lighting wherever possible. All uplighting on the roof shall be prohibited.

**Community Development Department / Planning Division / Landscaping**

28. Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with Chapter 17.26 of the Calabasas Municipal Code, to the Community Development Director for review and approval.
29. The final landscape plan shall not include the use of any new invasive plant species.
30. The applicant shall incorporate a mix of native and drought tolerant plantings that match or complement the existing tree and planting palette, subject to City approval in compliance with applicable law.
31. The open space plaza shall be planted with non-invasive drought-tolerant turf.
32. Artificial turf shall be prohibited, except in the case of significant drought conditions as established by State or local government decree under applicable law.
33. Cyprus trees shall be replaced along the existing Cyprus walkway, subject to City review and approval in compliance with applicable law.
34. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the State of California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo.
35. All landscaping is to be installed by the applicant within 90 days of occupancy to the satisfaction of the Community Development Director or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.
36. Upon completion of landscaping work and prior to requesting a landscaping inspection (for each respective development phase), the project landscape architect shall certify that all landscaping has been installed in substantial conformance with the approved landscape plans.

37. All planting within the traffic visibility area and around parking garage entrances will comply with Section 17.26.040(B)(2)(a)(i) of the CMC and shall not exceed 42" in height, as determined by the Public Works Director.

**Community Development Department / Planning Division / Housing**

38. Consistent with Chapter 17.22 of the CMC, the rental or sale of at least ten percent of the units built shall be affordable to households of low income for fifty-five years from recordation of the project's Affordability Covenant. This fifty-five-year affordable housing restriction shall be documented in an Affordability Covenant, to be reviewed and approved by the Community Development Director and City Attorney, and which must be recorded on title for all affordable units [measured as ten percent of the number of units issued building permits] prior to issuance of the first residential certificate of occupancy.

39. All private residential balconies, other private use areas, and common use areas visible to the public shall be kept in a neat and clean condition at all times. For private residential balconies or other private use areas, only items commonly used for the enjoyment of those areas such as barbeques, landscaping, patio furniture and associated items shall be allowed on them. These requirements shall be specified in leasing documents or other appropriate legal management tool. All leasing documents or other appropriate legal management documents shall be submitted to the Community Development Director for review and approval prior to the issuance of a Certificate of Occupancy.

**Community Development Department / Planning Division / Signs**

40. No modifications to the existing sign program are approved with this resolution. Any future modifications to the existing sign program shall be processed in accordance with CMC Section 17.30.050, which requires review and a decision by the Planning Commission.

**Community Development Department / Planning Division / Fees**

41. The developer is required to pay all other impact fees, including school fees, prior to issuance of building permits.

**Community Development Department / Planning Division / Programmatic EIR Mitigation**

42. The project shall comply will all applicable mitigation measures as specified in the Certified City of Calabasas General Plan Update Final Program



Environmental Impact Report dated September 2021 (Responses to Comments and Mitigation Monitoring and Reporting Program) and July 2021 (Draft Environmental Impact Report), collectively, the Final PEIR prepared for the City's 2021 – 2029 Housing Element and related General Plan Element updates.

**Community Development Department / Planning Division / Construction Noise**

43. Prior to commencement of construction, the applicant shall erect a temporary sound barrier capable of achieving at least a 15 dBA reduction at the edge of the construction site located nearest the Calabasas Library. The barrier shall be at least 15 feet in height and shall be of sufficient length to block the line of sight from the construction site to the library. The design of the temporary sound barrier shall be reviewed and approved by the Community Development Director before its installation.
44. All equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained industrial grade mufflers consistent with manufacturers' standards.
45. Whenever practicable, construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
46. All heavy-duty stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
47. All construction areas for staging and warming up equipment shall be located as far as practicable from nearby noise-sensitive receivers.
48. Portable sound enclosures capable of reducing noise levels by at least 10 dBA shall be used for all generators, air compressors, and other stationary equipment.
49. Two weeks prior to commencement of construction, notification shall be provided to off-site residential uses within 500 feet of project sites that generally discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.
50. Project applicants shall provide a non-automated telephone number for local residents to call to submit complaints associated with construction noise during all phases of construction. The project applicant shall maintain a log

of complaints and shall address complaints to minimize noise issues for neighbors.

51. The project applicant shall coordinate regularly with other project applicants and/or construction contractors of projects located within 500 feet of the project site that will have overlapping construction schedules to minimize the amount of time during which simultaneous construction activities are occurring and to avoid the simultaneous occurrence of high-noise generating activities, such as demolition and excavation.

**Community Development Department / Operational Nuisance**

52. Gas-powered landscaping tools on the west side of the Commons Way shall not operate before 7:00 a.m.
53. The applicant shall incorporate design features to minimize light and glare trespass into the residential units such as (but not limited to) window coverings, shading co-efficient in the glass, or balcony details in the residential units, subject to final review and approval by the City.

**Community Development Department / Parking**

54. Consistent with the shared parking concept adopted under the Park Centre Master Plan, all commercial parking spaces within The Commons shall continue to be made available to all users and visitors of the subject properties, which are within the defined Calabasas Park Center Master Plan Area and includes APNs: 2068-003-020,-021,-022,-023,-024,-028.
55. A reduction in the required commercial parking is approved pursuant to CMC Section 17.28.050. A minimum of 896 parking spaces shall be maintained in perpetuity for commercial visitors of the shopping center, exclusive of the residential parking spaces, subject to updates to the shared parking study as a result of standard operations and re-tenanting and subject to review by the Community Development Director.
56. All residential parking shall include electric vehicle recharging facilities consistent with the requirements contained in the California Building Code.
57. The applicant shall include language in their residential lease agreements requiring the residents of Building A and Building B to park in the residential parking areas.
58. The applicant shall include a welcome packet to new residents advising them that guests shall park underneath the residential buildings.

59. The applicant shall include language in all new lease agreements for new commercial tenants that occupy an area less than 15,000 sq. ft. that the applicant has the authority to require employees to park along the existing service road.
60. The applicant may reduce the required parking stall dimensions along the service road to allow the addition of extra parking spaces, as may be needed in the future. In the event that the applicant adds parking spaces along the service road, the property owner shall submit a Parking Layout Plan subject to review and approval of the Community Development Director, with the minimum stall dimensions as determined necessary by the City, which shall be no less than 7.5 feet wide.
61. The applicant shall stripe the existing parking spaces along the service road to make them more visible.
62. Parking structures shall provide lighting to improve visibility and safety as allowed by current regulations and as approved by the Community Development Director.
63. The applicant shall install emergency communications systems in the parking structure, to include "panic" or "alert" button features that will immediately alert the Los Angeles County Sheriffs' Department and the City of any security threat.
64. The applicant may provide a valet plan subject to review and approval by the Community Development Director. In the event that the applicant includes valet parking, the Community Development Director must approve a Valet Parking Operations Plan before the applicant can commence any valet parking operations at the Commons Site.
65. Future valet services, if approved to commence, shall be optional to guests of The Commons.
66. Tandem residential parking spaces shall be assigned to specific residences.

**Community Development Department / Utilities**

67. The applicant shall install high speed internet access capability for each residential unit, subject to payment of standard connection and service fees by each resident.

**Community Development Department / Alcoholic Beverage Sales**

68. Approved herein is the sale and dispensing of a full line of alcoholic beverages within up to five (5) new establishments, including outdoor dining areas, for on and offsite consumption. All alcohol selling establishments shall comply with all requirements of the State of California Department of Alcoholic Beverage Control (ABC) and the County of Los Angeles Sheriff's Department.
69. For restaurants with an approved outdoor customer dining area where alcoholic beverages will be served, the outdoor dining area shall be in compliance with ABC requirements. All restaurant tenants/owners shall accept the conditions of this Implementing CUP by executing the Affidavit of Acceptance provided by the City Planning Department prior to any sale of alcoholic beverages onsite.
70. Offsite alcohol sales in any new retail or commercial establishment located in Building A or Building B shall be incidental to onsite consumption sales or in connection with boutique retail tenants. Nothing in this condition affects or applies to any permitted offsite alcohol sales establishment elsewhere on the Commons Site.
71. The City reserves the right to further review of this Implementing CUP and conditions of approval should complaints be received from adjacent residents or should the number of incidents reported to the Sheriff's Department exceed the number expected in this type of development.

#### **Community Development Department/Operations**

72. **Delivery Times.** Deliveries to any permitted grocery store shall be allowed between the hours of 8:00 a.m. and 8:00 p.m. Deliveries to other businesses in the Commons Site shall be limited to 7:00 a.m. to 10:00 p.m., and should be encouraged outside the morning and afternoon peak hour traffic periods.
73. **Graffiti Removal.** Any graffiti shall be removed from the Commons Site within two (2) working days of notification to the site manager.
74. **Outdoor Storage.** Outdoor storage of merchandise shall be prohibited.
75. **Security Plan.** The applicant shall prepare and submit, prior to issuance of the first certificate of occupancy for any part of the project, a security plan that is reviewed and approved by the Los Angeles County Sheriffs' Department and the City Manager or designee. At a minimum, the security plan shall incorporate the following provisions: a 24-hour on-site security office and presence, coordinated with the City and Sheriff's Department as to communications; an interconnected alarm system for the Commons Site; and

security cameras, lighting, and other appropriate security measures for the Commons Site. The applicant and property owner must implement the approved security plan. The approved security plan shall be kept confidential, as security files for law enforcement purposes, per Government Code section 7923.600 and other applicable law.

**Public Works Department / Environmental Services**

76. The applicant must complete and submit a Local Storm Water Pollution Prevention Plan (L-SWPPP) prior to issuance of the grading permit. The SWPPP must be certified by a civil engineer licensed with the State of California. Guidance to prepare a Local SWPPP is available on city's website: <https://www.cityofcalabasas.com/government/public-works/environmental-igr-division/environmental-standards-and-compliance> Please submit a detailed site plan showing the extent of grading, proposed structures, the location of all applicable BMPs and the corresponding SWPPP fact sheet.
77. The Owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction sites:
- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  - b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  - c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
  - d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
78. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
79. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city

without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." The list of trash hauling and disposal companies is available on the city's website at <https://www.cityofcalabasas.com/government/public-works/environmental-igr-division/trash-hauling-and-disposal-companies>

80. Grading shall be prohibited from October 1<sup>st</sup> through April 15<sup>th</sup>, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operation.
81. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

#### **Public Works Department / Utilities**

82. All new utilities serving the proposed project shall be placed underground.
83. The project shall connect to an existing sewer. The applicant shall submit a design for the connection of the building sewer to the existing sewer contained within the public right of way of the adjacent street. The design size of the building sewer shall be consistent with the building drain as determined by the applicant's plumbing/mechanical engineer of record, or 6" minimum diameter, whichever is greater. The geometric, hydraulic and material design of the building sewer beyond the building envelope shall be consistent with the City of Calabasas Public Works Standards and the County of Los Angeles Private Contract Sanitary Sewer Manual.
84. The applicant shall prepare a sewer area study to verify the capacity of the existing sewer to convey the project's calculated effluent. The study shall be prepared according to the County of Los Angeles Private Contract Sanitary Sewer Manual, and shall quantitatively evaluate the capacity of the existing sewer and impacts of the project on the existing sewer. The study shall identify the limits and degree of any areas of projected deficiency, and specify

remedial measures necessary to mitigate the impact of the project's effluent, or in the case of an existing deficiency, the proportionate/fair share improvement as deemed acceptable by the City Engineer.

85. The applicant shall be responsible for the design and construction of any necessary offsite sewer improvements based on the results of the sewer area study. Alternatively, the applicant may submit funds sufficient to provide for the future improvement of affected portions of the offsite sewer main, based on the fair share proportion of the project's impact. The method and amount of such a fair share impact fee shall be approved by the City Engineer. Any fair share fees shall be submitted prior to the issuance of a Building Permit.
86. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.
87. The project shall connect to an existing water main. The applicant shall construct a water service lateral to connect the proposed project to the existing available water main.
88. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (ie: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.

#### **Public Works Department / Mapping and Related Documents**

89. The applicant shall have a tract map prepared for the project. Such map shall be prepared by a Registered Land Surveyor, licensed to practice in the State of California, or a Registered Civil Engineer, whose status allows him to practice land surveying, licensed in the State of California.
90. The tract map shall contain a title sheet that includes provisions for signatures of parties required to appear on the map, including, but not limited to, those listed in the Title Report. In addition, the cover sheet shall contain provisions for the signature of the City Surveyor, City Engineer, and the Community Development Director of the City of Calabasas.
91. The final map shall contain a plat which reflects the subject property, property lines, easements of record, any new easements proposed (which are intended to be conveyed by the final map), a metes and bounds legal description, basis of bearings, data tables and other pertinent data.

92. The final map shall be recommended for approval by the Public Works and Community Development Departments and approved by the City Council of the City of Calabasas.
93. The applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.
94. The applicant's engineer shall plot all referenced easements on the site plans, grading plans and final map.

**Public Works Department / Street Improvements**

95. The applicant shall provide line of sight analyses for the project driveways relative to adjacent street alignment and proposed landscape, graded slopes, walls and utility features to ensure adequate sight distance will be provided by the project design.
96. Prior to the Issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's driveways, to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
97. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.
98. Enhanced Paving Materials. The applicant shall install enhanced paving in motorcourts and on all walkways, using concrete or similar materials, as approved by the Public Works Department. Enhanced paving shall be designed in appropriate, visually appealing colors, textures and patterns, or interlocking pavers. All paving materials and bases are to be installed in accord with industry standards and the manufacturer's recommendations.

**Public Works Department / Grading and Geotechnical**

99. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design the proposed residential construction. The plans should include, but not limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans



shall reference the approved geotechnical report, and reflect cut, fill, compaction, over-excavation requirements contained therein. The plans shall reflect all proposed drainage facilities, including storm drains, area drains, catch basins/inlets, swales, and other drainage devices necessary for the interception, conveyance and disposal of on-site and offsite drainage consistent with the project drainage report. The plan should include all laterals and utility lines including sewers and water lines.

100. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvement including engineering calculations for all graded slopes, foundations, retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The reports should be in accordance with the County of Los Angeles standards and the Public Works Department requirements.
101. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
102. The project geotechnical engineer shall address design ground water levels for the final design-level construction plans in foundation/building permit.
103. The project geotechnical engineer shall review final plans for a perimeter wall drain and subfloor drain system for the subterranean parking level.
104. The project geotechnical engineer shall add soil/bedrock contact and dipping/bedding of the bedrock to GPI Cross Section A-A in the Geotechnical Investigation Report for the Proposed Residential Building.
105. The project geotechnical engineer shall prepare the sections (profiles) based on current and prior data for Civil Grading Plan Sections A-A' through F-F' for the final design-level construction plans in foundation/building permit.
106. The grading plans and required sections shall clarify the limits of required over- excavation based on the recommendations of the project soils engineer.
107. The project geotechnical engineer shall review the final grading plans (including limits and depth of recommended over-excavation) and comment for the final design-level construction plans in foundation/building permit.
108. The project geotechnical engineer shall update fill material requirements to include these parameters (liquid limit, plastic index, and corrosion potential,

etc.) for the final design-level construction plans in foundation/building permit.

109. The project geotechnical engineer shall provide the type of soil and geotechnical properties adopted in deriving the recommended modulus of subgrade reaction (k- value) for the final design-level construction plans in foundation/building permit
110. The detailed foundation design and plans for proposed features, reviewed by the project geotechnical engineer, shall be submitted for review by Public Works Department.
111. All plans should be signed and stamped by the geotechnical engineer, verifying compliance of grading and foundation plans including Grading Notes with geotechnical recommendations by signing and stamping the plans.
112. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
113. The applicant agrees to address and mitigate any and all geotechnical design engineering and construction issues not contained within these conditions, but associated with the proposed development that may arise during final design and/or construction.
114. The applicant shall eliminate all geologic hazards associated with this proposed development, in accordance with the recommendations of the City's geotechnical consultant and to the satisfaction of the City Engineer.
115. All new retaining and privacy walls shall be less than 6 feet in height, unless specifically approved by the City. Wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during rough grading shall be so noted on the plans and shall require the specific approval of the Public Works Department.
116. Prior to issuance of a grading permit, the applicant shall submit a surety grading improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage device.
117. Prior to issuance of a grading permit, the applicant shall submit official stamped and signed copies of the acknowledgement concerning the

employment of a registered civil engineer and technical consultants (Public Works Form K).

118. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department.
119. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for the parking garage and adjacent retaining walls. Grading plans shall provide sections as necessary to clarify the depth and grade relationships of these excavations.
120. The applicant shall provide for the control and drawdown of groundwater encountered during excavation operations. The design of such a dewatering system shall be submitted to the Public Works Department and reviewed/approved prior to the issuance of a grading permit.
121. The applicant shall provide for a means of impounding and clarifying groundwater associated with the dewatering system prior to discharge. Such a system shall be subject to review and approval by the Los Angeles Regional Water Quality Control Board (LARWQCB). Evidence of such review and approval shall be submitted to the Public Works Department prior to the issuance of a grading permit.
122. Soil Corrosivity shall be analyzed by a corrosion engineer and recommendations incorporated in the final Geotechnical Report. Specific recommendations for project concrete construction and the protection of ferrous and copper metals shall be incorporated into the final design provisions for site improvements and building components.
123. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto public streets shall be enforced. The applicant shall obtain a Haul Route permit from Public Works Department prior to starting hauling operations.
124. The grading contractor shall maintain on site at all times a means of controlling dust and other airborne particulates originating from the project site. Construction water shall be provided and applied at regular intervals so as to maintain moisture content of at least 6% in the upper strata of exposed site soils. At the discretion of the City Engineer, additional dust palliatives or other effective methods (fencing, screening) may be specified to prevent the migration of airborne dust onto adjacent properties.

125. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted in writing to the City Engineer.
126. An as-built report prepared by the geotechnical consultant must be submitted to the city for review. The report must include the results of all compaction tests as well as a map depicting the limits of over-excavation, observed geologic conditions, locations of all density tests, locations and elevations of all removal bottoms, and location and elevation of retaining wall backfill and subdrains outlets.
127. Rough Grade Report. At the completion of rough grading, the project Geotechnical Engineer shall submit a comprehensive rough grade report summarizing the required observations, verifications, related tests, and other pertinent documentation to the City Engineer for review and approval.
128. Rough Grade and Building Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade (Public Works Form O) and Building Pad (Public Works Form O) Certifications forms. The certifications shall be signed by the project Geotechnical Engineer and project Civil Engineer, as well as the Grading Contractor. The certification shall be accompanied by as-built survey were deemed necessary by the City Engineer to verify compliance with the limits and elevations required by the approved grading and drainage plans. The Rough Grade and Building Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.
129. Approval of Rough Grading. The project Rough Grade Report and Rough Grade and Building Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community Development Department, Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
130. Any variations from the approved grading plan must be reviewed and approved in advance by the Community Development Department (Planning Division) and the Public Works Department (City Engineer). Proposed variations from the approved grading plan shall be submitted by the engineer

of record. The consulting engineer shall submit three redline copies for review by the Planning Department and the City Engineer. The Community Development Director shall make the determination if the changes require a review by the Planning Commission. Any field changes made prior to the approval by the City may result in the posting of a Stop Work Order by the City Engineer. In such case, all related construction activity shall cease pending review and approval of field changes.

131. Prior to issuance of a Certificate of Occupancy (C of O), the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.
132. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P) form. The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

#### **Public Works Department / Hydrology and Drainage**

133. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions, hydrology, the design hydraulics for the proposed on-site and off-site drainage systems, including sizing of inlets, conduits, v-ditches, down drains and other structures, storm water detention and water quality mitigation measures, and associated calculations and conclusions. The drainage study shall include documentation that all building finish floor elevations will remain at least one foot above the 100-year storm recurrence interval (Q100) water surface elevation, identifying overflow pathways. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.
134. All drainage shall be sloped 5% away from all parts of the proposed building structures for a minimum of 10' measured perpendicular to the face of the building walls. Swales shall be sloped a minimum of 2%, where located within 10' of a building foundation. Swale drainage shall be intercepted and conveyed through an on-site storm drain system to an approved point of disposal.
135. The applicant's engineer shall provide for interception of off-site drainage and related sediment/debris flows from areas subject to burning. Where attenuation of sediment/debris is not contemplated, and bulk-flow inlets or

similar facilities are to be used for this purpose, the design of such facilities and related storm drain conduits shall be consistent with the requirements of the County of Los Angeles.

136. The applicant's engineer shall provide for detention of on-site storm drainage, based on either offsite storm drain capacity limitations or a 'no net increase' approach, whichever yields the greater volume of required detention. In either case the required volume shall be calculated by unit hydrograph or other approved means. Such calculations shall be included in the final drainage study.
137. The portion(s) of the site intended for detention of storm water shall be reflected on the drainage plans, and include construction details for size, shape, volume, fencing and access for maintenance. Design of the outlet works for the areas of detention shall be such that the required volume of detention is attained and the approved maximum rate of outflow is not exceeded. Details of the design of the detention areas and outlet works shall be consistent with those contained in the final drainage study.
138. The applicant's engineer shall prepare drainage plans detailing the required design of the proposed on-site and off-site storm drain systems. The design shall be consistent with the calculations contained in the final drainage study, with appropriate details to allow for plan review, inspection and construction of the required facilities. The on-site storm drain plans, along with plans for any necessary extensions of offsite storm drain systems and connection details, shall be prepared in plan and profile format, and shall be submitted to the Public Works Department for review and approval prior to the issuance of a grading permit.
139. Unless specifically approved by the City of Calabasas and the County of Los Angeles Public Works Departments, the on-site storm drainage system shall be privately owned and maintained. Drainage plans shall clarify that the on-site storm drain system is not to be maintained by either the City of Calabasas or the County of Los Angeles.
140. The applicant shall provide for the perpetual ownership and a program of regular maintenance of the on-site drainage facilities, including but not limited to the proposed storm drain pipes, catch basins, interceptor ditches, debris basins, detention facilities, water quality treatment devices, area drains, etc. The proposed program shall be submitted to the Public Works Department for approval and shall include exhibits showing the locations of facilities to be maintained, and narrative descriptions of the facilities with required frequency of maintenance.

141. The applicant's engineer shall provide for the mitigation of the project's storm water quality impacts. The applicant's engineer shall provide calculations for the sizing and location of devices intended to mitigate such impacts in accordance with the County of Los Angeles NPDES, SUSMP, and USMP requirements and the County of Los Angeles Low Impact Design (LID) Manual. Choice of best management practices (BMP's) shall be consistent with those reflected in the LID manual and in accordance with the applicant's SUSMP Exhibit. Calculations shall be submitted with the final drainage study. The locations of required water quality treatment devices shall be shown on the drainage plans. Details of the required devices shall be included in the drainage report and detailed on the project plans.

**Public Works Department / Traffic**

142. Prior to issuance of a building permit, the applicant must pay the City-wide Traffic Mitigation Fee of approximately \$119,586.00.

Addition of [119 Residential Units] x [\$1,230/Residential Unit]= \$146,370.00  
Reduction of [8,928 Square Feet] x [\$3.00/Square Foot] = (\$26,784.00)

The fee will be recalculated upon issuance of building permits with the exact number of residential units and square footage.

**Los Angeles County Fire Department**

143. Prior to the issuance of building permits, the applicant shall obtain any and all applicable permits and approvals from the Los Angeles County Fire Department.

**Section 5. All documents described in Section 1 of PC Resolution No. 2023-780 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2023-780 PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of November , 2023.



Michael Harrison  
Chairperson

ATTEST:



Michael Klein  
Community Development Director

APPROVED AS TO FORM:



City Attorney  
Matthew T. Summers

Planning Commission Resolution No. 2023-780, was adopted by the Planning Commission at a regular meeting held November 16, 2023, and that it was adopted by the following vote:

**AYES:** Chair Harrison, Vice Chair Lia, Commissioners Washburn, Mueller and Fassberg

**NOES:** None

**ABSENT:** None

**ABSTAINED:** None

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.