



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
OCTOBER 19, 2023

TO: Members of the Planning Commission

FROM: Glenn Michitsch, Senior Planner
Jaclyn Rackerby, Planner
Carolyn Groves, Consulting Planner

FILE NO(s): SPR-2023-005, CUP-2023-003, -004 and -005, SCP-2023-003, and TTM-2023-002

PROPOSAL: Request for a Site Plan Review, (3) Conditional Use Permits, a Scenic Corridor Permit and a Tentative Tract Map for a proposal to improve a portion of The Commons at Calabasas (“The Commons”), 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 two new mixed-use buildings. The project’s new mixed-use buildings (referred to on the plans as Buildings A and B) contain 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and up to 24,163 square feet of neighborhood-serving commercial uses. To accommodate the Project, the existing theater building (approximately 33,091 square feet) will be demolished, along with a portion of the existing surface parking lot and associated landscaping.

The project site comprises five adjacent parcels [APNs: 2068-003-020, -021, -022, -023, & 024]. Development will be limited to Parcel B [APN 2068-003-021].

APPLICANT: The Commons at Calabasas, LLC (Chris Robertson)

RECOMMENDATION: That the Commission direct staff to prepare a resolution to either: 1) recommend approval of the project and

associated applications to the City Council, or 2) recommend denial of the project and associated applications to the City Council for File Nos. SPR-2023-005, CUP-2023-003, -004 and -005, SCP-2023-003, and TTM-2023-002.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because CMC Sections 17.62.020 (Site Plan Review), 17.62.050 (Scenic Corridor Permit), 17.62.060 (Conditional Use Permit) and 17.41.100 (Tentative Tract Map) of the Calabasas Municipal Code stipulate that these applications shall be reviewed by the Planning Commission. However, General Provision No. 26 of Master Conditional Use Permit 97-12 for the site commonly referred to as the Calabasas Park Centre stipulates that the addition of any new land uses (not already identified in the Master CUP) requires an amendment of the Master Conditional Use Permit, which requires approval by the City Council. Additionally, General Provision No. 17 of Master Conditional Use Permit No. 97-12 stipulates that all individual project proposals shall obtain an Implementing Condition Use Permit that is to be reviewed by the Planning Commission, and a recommendation forwarded to the City Council for approval. To that end, the Planning Commission shall review the subject project applications and forward a recommendation to the City Council.

BACKGROUND:

The City approved a Master Conditional Use Permit for the development of the Calabasas Park Centre in 1997, a master planned project inclusive of retail, civic center, offices, overnight accommodations (hotel or bed and breakfast), residential land uses and open space, comprised of approximately 66 acres of land bound by Calabasas Rd to the north, Park Granada to the south and east, and Parkway Calabasas to the west. Consistent with the Master CUP, the City subsequently approved the development of the Commons Shopping Center in 1997, via an Implementing Conditional Use Permit (CUP No. 97-13) and a Site Plan Review (SPR No. 97-12). The approval—City Council Resolution No. 97-477—permitted construction of a 200,000 square-foot shopping center on approximately 26 acres of land, located between Calabasas Rd, Park Granada, and Civic Center Way. Following the initial City approvals and construction process, The Commons completed construction and opened to the public in 1998.

Twenty-five years after the shopping center's opening, on May 1, 2023, an application was submitted on behalf of the property owner(s) to improve a portion of the Commons Shopping Center with the construction of two new mixed-use buildings, containing 210,921 square feet of total new floor area with up to 119 residential units, including 12 affordable units, and up to 24,163 square feet of commercial uses. To accommodate the new construction, the proposed project also includes demolition of the existing theater building (approximately 33,091 square feet) along with a portion of the existing surface parking lot and associated landscaping. The project site is located at 4799 Commons Way (APN: 2068-003-021), within the Commercial Mixed-Use Zoning District, Scenic Corridor (-SC) overlay zone, and Affordable Housing Overlay.

The proposed project was reviewed by the City's Development Review Committee on May 23, 2023. The project was also initially reviewed by the City's Architectural Review Panel on June 23, 2023 in accordance with Section 2.40.040 of the CMC, and continued to the ARP meeting of July 28, 2023. On July 27, 2023, the project application and plans were deemed complete by Staff. Subsequently, at the July 28, 2023 meeting, the ARP reviewed the completed application and motioned to move the project forward to the Planning Commission, with their final recommendations from the meeting. Additionally, in accordance with the City's Story Pole Procedures, a modification to the standard story pole requirements was requested by the applicant, and reviewed by Planning Commission on June 15th, 2023 and July 6, 2023. Modifications to the story pole requirements were approved by the City Council on August 9, 2023. Following the City Council's approval, the modified story poles were installed on September 19, 2023. Additionally, the applicant placed signs at the northeastern and northwestern corners of the Commons shopping center, kiosks around the pedestrian walkway areas of the center, and at the Civic Center Plaza all with a rendering and a QR code that linked viewers to a website containing an Augmented Reality (AR) tool to the public visualize the location and massing of the proposed buildings. The AR project simulations can be viewed at <https://thecommonslane.com/experience-the-plan/>.

STAFF ANALYSIS:

A. Existing Site/Building Layout: The project site is located at 4799 Commons Way (APNs: 2068-003-021, 2068-003-020, 2068-003-022, 2068-003-023, and 2068-003-024), within the Commercial Mixed-Use zoning district, Scenic Corridor (-SC) overlay zone, and Affordable Housing Overlay zone (AHO). The site is located in the eastern portion of the City, located on the south side of Calabasas Rd,

between Park Granada to the east and Civic Center Way to the west. The property is comprised of five different parcels that make up the shopping center, for a total gross lot area of 24.93 acres (19.3 acre net lot size). The property is currently improved with a shopping center containing a variety of retail and restaurant uses distributed between multiple buildings on the site, inclusive of a 52,000 square-foot grocery store (Ralphs), 17,000 square-foot pharmacy (Rite Aid), approx. 34,000 square-foot theater (Regency Theatres), and 30,000 square-foot bookstore (Barnes and Noble), for a total of 218,247 square feet. In addition to the commercial buildings, the site is also improved with a surface parking lot of 1,059 parking spaces, outdoor dining areas, mature trees and robust landscaping, and water features which exist at the northeastern and southwestern corners of the property. To the south of the commercial buildings, there is a retaining wall of approximately 46' at its maximum height separating the shopping center from the surrounding hillside, and a portion of the hillside is included within the property's boundaries.

The main entry to the property is via the main driveway at Calabasas Rd and Commons Way, approximately halfway between Park Granada and Civic Center Way, which dead ends in the middle of the shopping center in front of Polacheck's Jewelers. There are three additional access points for customers of the shopping center; off of the roundabout at Civic Center Way, a secondary driveway off of Calabasas Rd to the west of the site's main driveway, and at the intersection of Park Granada and Park Sorrento on the east side of the property. Additionally, a fifth driveway further south along Park Granada provides access to the rear of the buildings, serves as a fire lane/service road for emergency vehicles, provides access to some additional parking areas located in the rear of the center, and provides loading access for portions of the Commons and the City's library. Furthermore, two recorded easements exist over the length of the rear access driveway between Park Granada and terminating in the area between the back of the exiting theatre building and the property's western boundary (just east of the City Library) for both reciprocal emergency access (Fire Lane) and loading access for the City's Library. The rear access driveway also connects through to the City's Civic Center, but a gate was installed to restrict through traffic from Park Granada to the Civic Center complex due to delivery trucks using the City's main driveway as a loop roadway for their deliveries to the Commons.

Although the shopping center is comprised of five parcels, only one of the parcels—Parcel B—will be modified as a result of the proposed project. Parcel B is approximately 8.4 acres, contains 502 surface parking spaces, and is

comprised of 5 separate buildings; Building F (Paper Source, Sees Candies, Chicos, Elysewalker, Vacant Space, Rolex, Polacheck's, and Lululemon), Building G (Barnes and Noble), Building H (Fresh Brothers, Feature, Sephora, Jeni's Ice Creams), Building I (Theatre), and Building J (Marmalades, Wink, and Dry Bar). Each building is comprised of multiple different commercial tenants in one building, with the exception of Building G, Barnes and Noble, and Building I, the 34,825 square-foot theater. The entrance to the theater is flanked by other commercial buildings on either side, and as demonstrated by the existing site plan within the project plans attached as Exhibit A, past the entrance the theater building expands to the east and west, so that the bulk of the total theater building is situated over 50 feet away from the existing pedestrian walkway, behind the existing retail and restaurant spaces within the adjacent Buildings H and J. The theater building—Building I—is the tallest of the existing buildings within the shopping center, at an elevation of approximately 1,017.72 ft. at its highest point (approximately 46 feet above grade). The height of the theater building partially screens the retaining wall at the rear of the project site. The top of the retaining wall is at an elevation of approximately 1,036.35 ft. at the top of the wall (45'11" above a 20' higher existing finished grade).

B. Overall Regulatory Framework:

The regulatory framework governing the project site is unique. Typically, most sites throughout Calabasas are governed by the General Plan, the Development Code, and all the overriding Federal and State laws that typically would apply to such issues as water quality, air quality, environmental protection, housing, historic preservation, etc. The subject parcel is part of what is referred to as the Park Centre Master Plan area. In 1997, the City Council approved a Master Conditional Use Permit (MCUP)[Exhibit G] for the land bounded by Parkway Calabasas on the west, Calabasas Road on the north, and Park Granada on the south and east. The MCUP approved the maximum development density and the allowed mix of uses for the entire master plan area. The MCUP also identified a procedural framework for future approval of specific projects (to be approved through implementing conditional use permits), and identified a number of conditions that applied to development throughout the entire master plan area.

The MCUP also identifies that development in the master plan area is to be further regulated by the "Calabasas Park Centre Design and Development Guidelines" (The Guidelines)[Exhibit I]. The Calabasas Park Centre Design and Development Guidelines, like the name suggests, contains various development

standards and guidelines that apply both to the entire Master Plan area, and to specifically identified sub-areas within the larger Master plan area (planning zones). The Guidelines regulate features throughout the Master Plan area such as land use, vehicular circulation, parking, streetscape, building setbacks, architecture, and subdivision, and features within the sub-areas (planning zones) such as site planning, on-site circulation, parking design, and landscaping. The subject property is located within Planning Zones #3 and #7 (see map exhibit in Exhibit I). To date, The Guidelines were never formally adopted by City Council; however, the draft version that was recommended for approval by the Planning Commission on October 23, 1997 (by PC Resolution 97-73) has been accepted as the official document that regulates development and design throughout the master plan area, and has been relied on as a guideline for other past development approvals by the City Council in the master plan area. To this end, the Park Centre Master Plan area is governed by the tandem of the MCUP and The Guidelines (The Master Plan), and is also subject to the City's General Plan, Housing Element, and Development Code. Development and established uses on the project site are also required to comply with the Implementing CUP unless amended by a future CUP. The implementing CUP pertains to the specific development of the Commons Shopping Center as it was approved in December 1997.

Along with the Master Plan, the City's General Plan, Housing Element, Development Code as well as applicable Federal and State laws govern development in Calabasas. The disposition of the General Plan and Development Code to the Master Plan is unique. The MCUP, is a conditional use permit, and so when adopted and recorded, the approvals and provisions contained in it run with the land until modified by future CUPs, or until termination of the CUP. In this respect, when exercised, the various allowances and provisions within the MCUP and Implementing CUP are considered valid and apply until amended or terminated by the City Council. The General Plan and Development Code are legislative, and as such make up the policy and law of the City. CUPs can still be enforced, even if less strict than later General Plan or zoning enactments, as part of the original approval's requirements – effectively akin to an agreement that the property owner can enjoy the benefit of the CUP, subject to its limits. However, any CUP, including the Park Centre Master Plan MCUP and its implementing CUPs can be modified, if approved by the Council, as requested here. Policies and codes not in conflict with previous CUP approvals are still applied to future projects. Policies and codes that are in conflict with the CUPs do not apply; however, since the General Plan and Development Code are the policy and law of the City, the City must carefully

consider all requests to amend the CUPs to allow development claimed as consistent with the adopted General Plan, Housing Element, and Development Code, in light of applicable law governing certain qualifying housing projects. Any proposed denial of such a request requires further analysis under the Housing Accountability Act.

C. Master CUP/Implementing CUP:

Master CUP

On October 22, 1997, City Council adopted Resolution No. 97-471 approving Master CUP No. 97-12 (Exhibit G), permitting the construction of a mixed-use development over 67 acres at Calabasas Park Centre with a base density of 750,000 sq ft and a maximum of 900,000 sq ft, including a maximum of 200,000 sq. ft. of retail commercial uses allowed. The Resolution specifies that development in the Master Plan Area covered by the Master CUP will be further regulated by the Calabasas Park Centre Master Plan, which consists of the Calabasas Park Centre Design and Development Guidelines (The Guidelines)[Exhibit I] and two Illustrative Site Plans, and that the entire Master Plan Area is zoned Commercial Mixed Use (CMU), which allows for a FAR ranging from 0.2 to 1.0.

In their action, City Council found that there was no existing public gathering place in the City, and that the Master Plan Area was one of the few large commercial areas in the City that presented unique opportunities for development of a central public space with urban amenities that would add value to the property and also benefit the entire community. A Final Supplemental Environmental Impact Report (FSEIR) was prepared for the project which contained conditions of approval designed to mitigate potential impacts associated with community character, vehicular access, parking, and loading. Specifically, to community character, the FSEIR conditioned that the retail center "...must be compatible with the surrounding character of the area and provide a transition between 'Old Town' and the office/commercial development west of the Master Plan Area".

Additional conditions of approval for the Master CUP included measures for screening rooftop equipment, encouraging abundant landscaping, preventing light spillover beyond property boundaries, and mitigating traffic impacts. One condition of approval of the Master CUP specified that the maximum permitted buildable square footage (exclusive of Civic uses) shall be limited by the number of vehicle trips generated to a maximum of 15,665 Average Daily Trips (ADT),

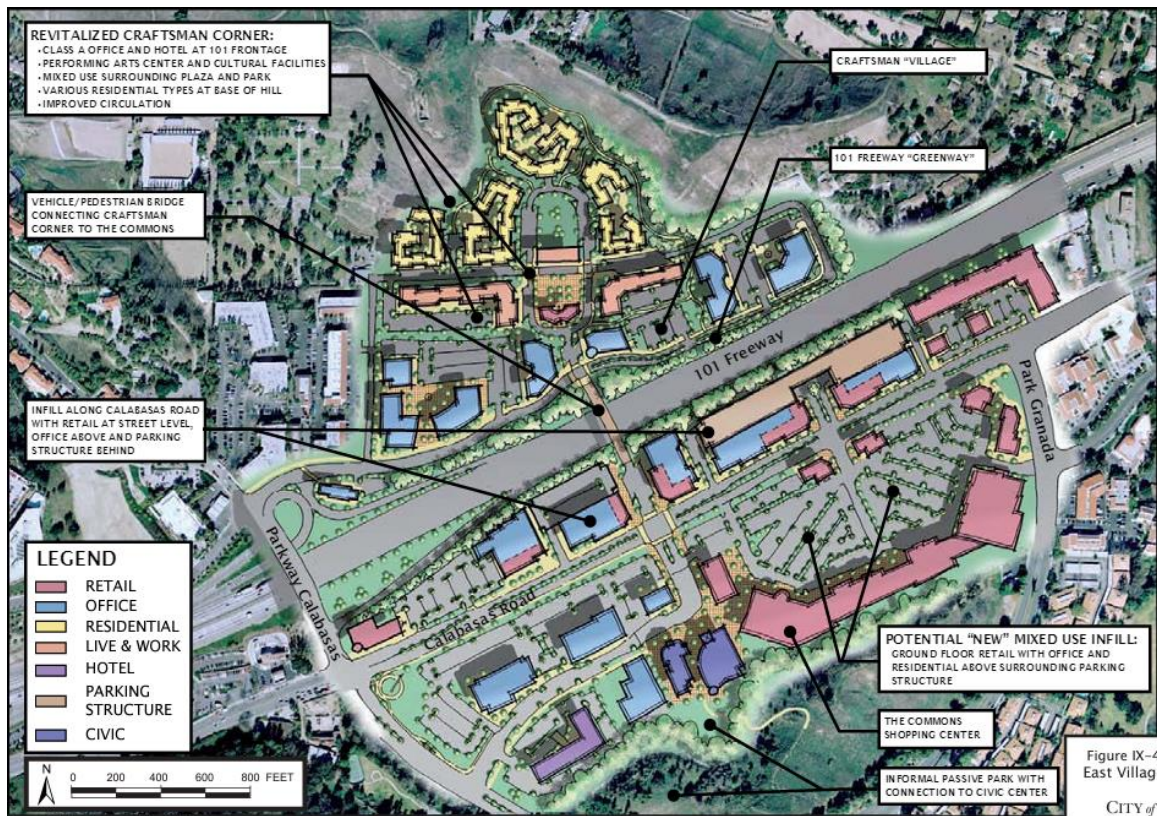
above which Level of Service (LOS) studies would be needed to determine if there were any additional impacts to local area roadways. The Resolution also specifies that any uses not specifically defined in the Master CUP may be approved only through an amendment to that permit. Furthermore, individual project proposals shall obtain an Implementing CUP and Site Plan Review approval by way of a recommendation by the Planning Commission and approval by the City Council. All projects within the Master Plan Area must be developed in a manner consistent with the General Plan and the City Development Code, as supplemented by The Guidelines.

Implementing CUP

On December 17, 1997, City Council adopted Resolution No. 97-477 approving CUP No. 97-13 and SPR No. 97-12 (Exhibit H), permitting the construction of a retail center up to 200,000 sq. ft. over approx. 26 acres located on the eastern portion of the Calabasas Park Centre. This Implementing CUP included designs for a 51,000 sq. ft. market, a 16,250 sq. ft. drug store with drive-through prescriptions, a 27,000 sq. ft. book store, a 1,350-seat cinema, and associated restaurant and retail uses. The Implementing CUP also allowed for a shared parking reduction pursuant to CMC Section 17.28.050. A Mitigated Negative Declaration (MND) was prepared for the project which contained conditions of approval designed to mitigate potential impacts associated with grading and landform alteration, construction parking and traffic, on-site vehicle speeds and traffic control, hazardous materials and pollution, construction equipment maintenance and technology, retail delivery times, lighting, construction noise, and ADA compliance. Additional conditions of approval of the Implementing CUP based on compliance with the Master CUP, City Development Code, and Park Centre Design and Development Guidelines included measures for limiting the maximum retail use area, providing additional parking for any building area over 194,000 sq. ft., limiting ADT, developing a security plan, paying in-lieu affordable housing fees, providing art in public places, dedicating open space, defining allowable signs, undergrounding utilities, screening of trash enclosures and mechanical equipment, providing street amenities (furniture), designing development to be visually compatible, providing adequate restroom facilities, finalizing landscape and maintenance plans, screening and landscaping of parking areas, minimizing water usage, finalizing lighting plans, and finalizing recycling plans. The Implementing CUP mirrored the Master CUP in defining uses allowed within the subject area by right as well as those allowed through approval of a CUP.

D. General Plan / East Village Concept:

As part of the 2030 General Plan adoption in 2008 (and affirmed by the recent adoption of the 2021 – 2029 Housing Element Update), it was recognized that the 80-acre mixed use area along both sides of Calabasas Rd known as East Village provides an opportunity for redevelopment and intensification of existing uses to create a mix of office, retail, and residential uses to complement the uses in Old Town Calabasas and provide the impetus for creating a pedestrian-oriented “city center” and gathering place. East Village is made up of four distinct areas, including Calabasas Park, Old Town Calabasas, The Commons, and Craftsman’s Corner. As further detailed in the General Plan, The Commons shopping center is identified as the primary destination of the East Village area, with a high potential for new residential units. As described in the Community Design Element of the General Plan, the vision for The Commons and surrounding area 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. In Figure IX-4, which shows specific visioning for portions of East Village, The Commons is identified as potential “new” mixed-use infill, suitable for ground floor retail with office and residential uses above/surrounding a parking structure.



E. Project Description:

The proposed project involves the demolition of the existing theater building (33,091 sq. ft.) as well as a section of the existing surface parking lot and landscaping. In this location, two new mixed-use buildings will be constructed: Building A is a 159,947 sq. ft., 85-ft tall structure with subterranean parking, 2,033 sq. ft. of retail space on the first floor, and five levels of residential uses with up to 101 apartment units (including 12 affordable) totaling 157,914 sq. ft.; Building B is a 50,974 sq. ft., 46-ft tall mixed-use complex with subterranean parking, 22,130 sq. ft. of retail space on the first floor, and up to two levels of residential uses with 18 apartment units totaling 28,844 sq. ft.. The project site will also be improved with pedestrian walkways, landscaping and outdoor gathering space (see also Exhibits A [project plans] and F [applicant's project description]).

Building A

Building A is proposed to be located at the site of the existing movie theater, which would be demolished. The proposed new building will have a total of eight levels. The majority of the building is 75' tall, with a portion of it reaching

a maximum height of 85 ft., excluding elevator overruns and mechanical equipment. The lowest floor (B1) is entirely subterranean, and will include only parking. The ground floor level (P1) contains parking behind existing and proposed retail uses and a lobby/office area for building residents. There would be at-grade access to this level from the front of the building, but the rear portion of this level would be below grade due to rising topography toward the rear of the development. The first level, which is mostly above grade, level (P2), contains parking and resident amenity areas, but also will be located behind existing and proposed retail uses. This level would also have at-grade access in the southwest portion of the rear of the building. The top five levels (R1 – R5) includes only residential uses. A rooftop resident amenity space including a pool is also proposed.

As described above, the new retail uses in Building A would total 2,033 sq. ft. on the ground floor (located in front of the 8-level residential building), and the residential uses, located behind the residential storefront, would total 157,914 sq. ft. spread between five upper floors (R1 – R5). The proposed residential units include 24 one-bedroom units, 67 two-bedroom units, and 10 three-bedroom units. Of the 101 apartments units proposed in Building A, 12 units (10%) would be designated as affordable to qualifying low-income families. Resident amenity spaces spread throughout levels P1 and P2 include a lobby, mail room, staff office, lounge, trash enclosure, and storage. The rooftop resident amenity area would include a pool and pool deck, fitness room, work room, restrooms, landscaping, and outdoor seating. The fitness room and club room/work room are situated on top of the roof amenity level, which is at approximately 75' high, and rises to Building A's maximum proposed height of 85 feet (+1062.4 feet MSL @ top of parapet).

The front portion of the existing theater building entrance is 60 ft wide and flanked on either side by retail spaces. Upon demolition, the area of the theater storefront will be replaced at level P1 with one new retail space of 2,033 sq ft and a vehicular driveway allowing access to the parking located behind the retail storefront on levels B1, P1, and P2. The existing retail on either side of the theater would not be impacted by the proposed project. In addition to this front-facing resident and pedestrian entrance to Building A, there would be two additional entrances. On level P1, there will be a pedestrian entrance to a resident lobby located at the northwestern corner of the building, near the entrance to the neighboring Civic Center. On level P2, there will be one pedestrian entrance and one vehicular entrance to a parking/trash enclosure area located at the rear of the building, connected to the rear access road and adjacent to the rear of the

library.

A total of 225 vehicle parking spaces and 112 bicycle parking spaces are proposed within Building A: Level B1 would have 77 vehicular spaces; level P1 would have 71 vehicular spaces and 70 bicycle spaces; and level P2 would have 77 vehicular spaces and 42 bicycle spaces.

Building B

Building B is proposed to be located in a portion of the existing surface parking lot directly across the drive aisle from Building A. The building would consist of four above-ground sub-structures (as referenced on the project plans, herein referenced as B1, B2, B3 and B4), three of which (B2 - B4) are connected to each other through a common subterranean parking level. In other words, Building B will appear above grade as four separate buildings connected by pedestrian pathways, and below grade, buildings B2 – B4, as one continuous building. Building B1 is entirely separated from B2 – B4. Collectively, the Building B complex will have a total of four levels, three of which will be visible above ground. The building would have a total maximum height of 46 feet measured to the top of the Mansard on Building B3. The lowest level (B1) will be mostly subterranean, except for a small portion immediately adjacent to Commons Way, and will contain vehicular and bicycle parking, and trash enclosures. The ground floor level (01) will contain retail and restaurant uses. The upper two levels (02 and 03) will have residential units. There are no rooftop areas or resident amenities proposed for Building B.

Building B1 is a one-story structure (approx. 23 ft. tall) with 2,603 sq ft of ground floor (level 01) restaurant use with a 1,448 sq. ft. outdoor dining patio. Building B2 is a three-story structure (approx. 42. ft tall) with 6,576 sq. ft. of retail space divided amongst six tenants on the ground floor (level 01), and 11,364 sq. ft. of residential space divided amongst four units on level 02 and four units on level 03. Building B3 is a three-story structure (approx. 46 ft. tall) with 6,319 sq. ft. of retail space divided amongst five tenants on the ground floor (level 01), 2,105 sq. ft. of restaurant space for one tenant on the ground floor (level 01), and 12,382 sq ft of residential space divided amongst five units on level 02 and two units on level 03. Building B4 is a two-story structure (approx. 41 ft. tall) with 4,527 sq. ft. of ground floor (level 01) restaurant use with a 925 sq. ft. outdoor dining patio, and 5,098 sq. ft. of residential space divided amongst three units on level 02. Buildings B2 and B3 will be connected by elevated pedestrian walkways on levels 02 and 03.

Vehicular access to the subterranean parking garage is taken from an at-grade entry located at the northeastern corner of Building B4, adjacent to Commons Way. Pedestrian access to the ground floor retail uses of all four sub-structures would be taken from individual entries to each tenant space, scattered around the street-facing perimeter of each building. Pedestrian access to the upper floor residential uses in Buildings B2, B3, and B4 would be taken from small designated ground-floor vestibules (and there are no residential uses proposed in Building B1).

Building B level B1 (subterranean parking floor) includes a total of 45 vehicular parking spaces and 20 bicycle parking spaces.

Site Improvements

Pedestrian pathways flanked by landscaping are proposed at the front and rear of each building and between buildings, which is intended to facilitate pedestrian movement and create a pedestrian-oriented environment. Adjacent to Building B3 and B4 are two proposed public open space plazas that (as proposed) may be programmed and/or used organically at different times and seasons and interact with the retail and restaurants uses abutting these public spaces.

The 24.93-acre project site currently has 318,038 square feet of landscaping. The entire shopping center is currently 29.3% landscaped/pervious, and the particular parcel that the project will be located on, Parcel B, is currently 33% pervious. The proposed project includes alterations to the existing hardscaped areas, such that the total shopping center will include 329,257 square feet of landscaping (30.3% landscaped/pervious) and landscape and pervious surfaces on Parcel B will be increased to 35.2%.

Commercial Parking

As proposed by the applicant, commercial parking on-site will be reduced from 1,059 existing spaces to 931 spaces, a reduction of 128 commercial parking spaces. This is separate from the 270 proposed residential parking spaces.

- F. Requested Applications / Other Requests: As part of the subject application, the applicant has requested six approvals, as listed and described below.

Applications

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

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

- 1) Amend the maximum allowable development density on the project site to 396,077 sq. ft. total,
- 2) Amend the Master CUP to allow residential uses (up to 119 residential units) as consistent with the underlying CMU zone and the City's Housing Element on the project site,
- 3) Replace all the conditions of approval relative to the Master CUP with project-specific conditions in the Implementing CUP (leaving all conditions in full force and effect for all other properties in the Master Plan Area),
- 4) Provide that, with respect to the Commons Site only, (i) the Calaberas Park Centre Design and Development Guidelines are not applicable, and (ii) if there are any conflicts or inconsistencies between the 1997 Master CUP and the new Implementing CUP for the Commons Site, the new Implementing CUP shall control, and
- 5) Provide that all existing buildings, structures, and uses on the Commons Site shall be deemed legally conforming.

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

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

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

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

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

Other Requests

Shared Parking Reduction is requested to reduce the commercial parking requirement from 1,043 spaces to 931 spaces, a 10.7% 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, is requested for the following:

- 1) An incentive from CMC Section 17.28.070 and Table 3-12 to provide a residential parking stall dimension of 8.5 feet by 18 feet in lieu of the standard 9 feet by 20 feet, and 9 feet by 18 feet in lieu of the standard 11 feet by 20 feet (located next to a wall or column)
- 2) A waiver of Development Standard to permit a maximum 85-foot building height for Building A and a maximum 46-foot building height for Building B in lieu of the standard 35 feet maximum permitted in the CMU zone per CMC Section 17.14.020 and Table 2-6.

G. Housing: The following provides a discussion of the regulatory framework as it applies to provision of housing, and provides a brief analysis of the proposed project within that framework:

Regulatory Framework

1. The Calabasas 2030 General Plan Housing Element (as amended and adopted in 2022) identifies the subject property as a priority future housing site (Site No. 11). The property is identified as possibly contributing up to 202 housing units towards the City's Regional Housing Needs Allocation (RHNA). (*ref. Appendix C3 in the General Plan Housing*

Element

<https://www.cityofcalabasas.com/home/showpublisheddocument/2689/638318354590470000>

2. Zoning for the property is Commercial Mixed-use (CMU), with a maximum allowable floor area ratio (FAR) of 0.95, and an allowable maximum residential density of 24 units per acre. In addition, the property falls within the City's Affordable Housing Overlay (AHO) zone, which permits a residential density maximum of 40 units per acre for projects meeting certain affordability levels (ref. CMC section 17.22.025). However, in this case the AHO is not relevant because the applicant did not apply to develop the project under the AHO overlay zone.
3. Under State law (Cal. Gov. Code sections 65302, 65913, and 65915, et seq.), and Calabasas Municipal Code section 17.22.020, housing projects which provide for certain levels of affordability may qualify for a density bonus, if certain findings can be made. Using a graduating scale, density bonus percentages increase commensurate with greater percentages of affordable housing units and/or greater affordability levels. However, in this case, the applicant is not requesting a density increase, but they are seeking a concession and a waiver from zoning standards.

Project Housing Analysis

The proposed project includes 119 total new housing units on a 24.93-acre development site, which is approximately 4.77 units per acre. The default maximum allowable density in the CMU zoning district is 24 units per acre.

Twelve of the 119 units (ten percent) will be affordable to lower-income households. By deed restriction, the affordable housing units within the proposed project will be restricted to occupation by low-income households for 55 years, commensurate with the requirements of Cal. Gov. Code section 65915(c)(1)(A). Providing ten percent affordable housing units may qualify the project for a density bonus of up to 20%, if certain findings can be made (ref. Cal. Gov. Code sections 65915(b)(1)(A) and 65915(f)(1). Furthermore, the project developer may seek the full amount, or any smaller amount, of the applicable bonus. In this case the developer has requested a density bonus of zero percent (0%).

Also within the density bonus law are provisions requiring local governments to grant concessions or incentives to the local jurisdiction's applicable zoning

standards when certain percentages of affordable housing units are proposed, if certain findings can be made. The number of concessions or incentives that must be accommodated increases commensurate with the housing affordability levels and the percentage of affordable units to be provided. With ten percent of the proposed new housing units to be affordable to low-income households, the developer in this case may request one concession, in addition to an automatic (e.g., State-mandated) off-street parking concession. Projects that have qualified for the State's Density Bonus Law may also request waivers of any development standard that would have the effect of physically precluding construction of the qualifying development, if certain findings can be made.

The project developer seeks City approval under the state density bonus law of a waiver of the City's maximum allowable building height standard. Under the Calabasas Municipal Code, the maximum allowable building height in the CMU zoning district is 35 feet. Respectively, the maximum allowed building heights stated in The Guidelines is 35 feet for development within Planning Zone #3 (Building B), and 50 feet for development within Planning Zone #7 (Building A). The proposed Building A will top out at approximately 85 feet, and Building B will reach a maximum height of approximately 46 feet.

In regard to off-street parking, the number of residential parking spaces to be provided will exceed the state's minimum number required, but the applicant proposes stall dimensions which are slightly smaller than the standard specifications. Stalls of 18 feet in length and 8.5 feet in width are proposed instead of 20-foot length and 9-foot width, and stalls of 18-foot length and 9-foot width are proposed adjacent to parking structure columns (20-foot length and 11-foot width required) [see discussion in Section K below].

If the City were to deny the applicant's requested incentives, concessions, and waivers, certain findings would need to be made under state law to support that denial.

- H. Architecture/Building Design/Architectural Review Panel:** Per Master Conditional Use Permit 97-12, both "areawide" and "project-specific" architectural design standards are identified in the Park Centre Master Plan Development and Design Guidelines (The Guidelines).

From an areawide perspective, The Guidelines identify that the architectural styles of individual buildings should complement the architectural style of the entire master plan area, that architecture shall be of a consistent quality and

character, and that it shall not promote a “theme park” image. Examples of typical areawide characteristics listed in The Guidelines include:

- Stucco surfaces which predominate over openings
- Low pitched tile roofs
- Closely related to the outdoors through the use of French doors, terraces and pergolas
- Use of decorative ironwork for windows, doors, balconies, and roof supports
- Use of glazed and unglazed tile as accents in walls and on floors, and
- Rich cast concrete or terra-cotta ornament

The Guidelines also provide general guidance for design elements or subject areas not specifically addressed in the Guidelines including asking the following questions in consideration of the proposed design:

- Will the proposed design maintain or enhance the existing character of the Calabasas Park Center Master Plan Area?
- Is the design compatible with the established high-quality image?
- Does the design seem appropriate to the spirit and identity of Calabasas Park Centre?

Finally, the areawide standards discourage the use of “franchise” or “corporate” architectural styles associated with chain-type restaurants or stores.

Regarding building height, areawide standards encourage buildings to reflect a sensitivity to the elevated topography and dominant ridgeline associated with the open space feature in the southern Master Plan area and the lower density commercial and residential uses located east of the Master Plan Area, encourages lower buildings, as possible, to be located in the within the lower-lying, more exposed portions of the site in the northern portion of the Master Plan Area, adjacent to the intersection of Calabasas Road and Park Granada, and buildings located along the eastern and western edges of the Master Plan Area to be stepped toward the center and rear of developments, and to include vertical setbacks and articulation to soften the visual impact and perception of building height and massing across the master plan area. Furthermore, towers, steeples and other similar vertical elements are encouraged within the retail center to enhance the visual identity, and consistent with the Master CUP, no buildings should extend above a height of 1,100 feet above mean sea level.

The Guidelines contain several project-specific architectural design guidelines which can be found in Exhibit I, pages 27 – 29. The overall design theme challenges applicants to provide innovative designs that exhibit outstanding architectural features consistent with the architectural theme of the project. Specifically listed design themes include:

- Building massing sensitive to pedestrian scale
- Avoiding large blank walls
- Consistent architectural treatment on all elevations
- Distinctive treatment of separate parts of the façade
- Providing protection from the weather
- Architectural detail used to identify building entry and define space
- Recessed entrances
- Enhanced window treatments
- Windows on the ground floor
- Simply-shaped roof forms
- Use of clay flat tile, S-tile or barrel tile roof cladding for visible roofs
- Use of rain gutters for all descending roof termination points, and use of downspouts compatible with the architectural style of the building.
- Screening of rooftop mechanical equipment
- Use of high-quality building materials
- Alternative roof materials to be compatible with overall intent of The Guidelines
- Discourage use of reflective materials; and
- Basic color scheme of earth tones or lighter colors and shades, and naturally pigmented finishes preferred

The Commons Shopping Center was built (completed) in 1998. The original architectural design theme was Italianate. Building façades are highly articulated, with broken building planes, ample fenestration, moldings, arches, columns, cornices, cupolas, balconies, awnings, trellises, cladding, and differentiated earth toned coloration. With the exception of the movie theatre, rooflines are mostly mansard style to screen flat roofs (and mechanical equipment) beyond and use red multicolored C-tile for visible rooflines. The movie theatre building (aside from the marquee) is setback from the retail storefronts, and generally is flat roofed, and not as well articulated as the storefront elevations. In recent years, the Commons has been slowly evolving as new developments are approved. This is evident with renovations associated with (Porto Villa in the northwest portion of the center) and Crossroads Kitchen

(in the northeast portion of the center) that have introduced some more modern elements and lighter coloration into the center's design.

The project proposes two new mixed-use buildings (Building A and Building B) situated across from and facing each other to create a "main street" element. Building A is comprised of a single multi-story structure and is setback from the retail storefront, in the same location as the existing movie theatre. Building B consists of four (4) separated buildings (as viewed above ground) located in a cluster north of Building A in an area that is currently utilized as surface parking and landscaping. The project also includes new plazas and greenspace that can be programmed for community events throughout the year.

The applicant explains their architectural vision in the attached project description (Exhibit F). Additionally, Exhibit A contains the project plans that demonstrates project layout, design, architectural features, colors, and materials. Specifically, Building A architectural elevations and color and materials board can be found on Plan Sheets A216 – A218, and Building B architectural elevations and color and materials board can be found on Plan Sheets A309 – A314.

The project was reviewed by the Architectural Review Panel (ARP) on two occasions, June 23, 2023 and again on July 28, 2023. At the June 23, 2023 meeting, the ARP made the following initial comments / recommendations:

- *The Panel acknowledged that the Commons is the heart of the City, and views the project site as an opportunity to provide amenities to the public in the form of public gathering spaces, and as such, recommends that the project seek to maximize provision of public open spaces to maintain a town square feel.*
- *The Panel expressed confidence in Caruso's ability to design and implement projects well.*
- *Panel members expressed a concern that the "main street" area between buildings A and B may be too congested with both pedestrians and cars, and suggested the applicant explore closing off the proposed "main street" to cars.*
- *The Panel likes the design of Building B with lower buildings that are spread out with green space and walkways in between.*

- *The Panel generally shared a concern that Building A was too large and out of character with surrounding buildings, and suggested the applicant explore reducing some of the mass of that Building A and spreading out the lost area around the project site more, similar to the way Building B was designed.*
- *The Panel commented that the colors and materials represented two distinct languages, Umbrian for Building B, and “Modern Starship” feel for the larger Building A, but had no concerns with colors or materials.*
- *The Panel suggested providing 3-dimensional renderings or use of a physical model to better demonstrate scale, massing and façade articulation for review purposes.*

At the July 28, 2023 ARP meeting, the applicant responded to a number of the Panel’s comments, including reviewing a number of proposed traffic calming design features that were incorporated into the project in response to the Panel’s concern regarding the interaction of pedestrians and automobiles in the “main street” area. Following discussion, the ARP issued the following final recommendation:

- *Create an engaging pedestrian atmosphere on all sides of buildings and good connectivity between open spaces*
- *Create a better connection of visual character, materials, and building massing between existing and proposed development*
- *Soften or reduce the massing of Building A in the area near the Civic Center*

I. Scenic Corridor: The subject site is surrounded by Calabasas Rd to the north, Civic Center Way to the west, and Park Granada to the east. Beyond Calabasas Rd to the north is the 101 freeway, which is a designated scenic roadway, and therefore the project site is located within an urban Scenic Corridor by the General Plan. Because portions of the subject property are within 500 feet of the 101 freeway, the site is within the Scenic Corridor Overlay Zone. As demonstrated by the project plans attached as Exhibit A, the tallest of the proposed buildings, Building A, has a maximum height of 85 feet (to the top of the rooftop residential amenity space) and will be situated in the same location as the existing theater building (that is proposed to be demolished as part of this

project), towards the southernmost property line at the rear of the site. The second building, Building B, has a maximum height of 46 feet and will be situated within the existing parking lot, north of Building A's proposed location (between Building A and the 101 Freeway). Building A is located approximately 800 feet from the 101 Freeway, and Building B is located approximately 650 feet from the 101 Freeway.

The objective of the City's General Plan in relation to Scenic Corridors is to protect and enhance public views from them. Policies in the City's General Plan require new development to be designed consistent with overlay zone standards and the Scenic Corridor Design Guidelines. Therefore, the Scenic Corridor Development Guidelines are applicable to the subject site due to the site's location within the Scenic Corridor Overlay Zone. The Scenic Corridor guidelines encourage stepped-back floor levels for multi-story buildings to avoid large blank facades, siting structures to minimize adversely impacting views, and setting buildings back from freeways to reduce visual impact. However, in addition to the Scenic Corridor Development Guidelines, project design is also dictated by the Calabasas Park Centre Project Development and Design Guidelines (as also explained in Section H above), which sets project-specific site design and architectural design guidelines for development within the master plan area. The Design Guidelines encourage varied building heights, distinctive treatments for separate parts of a building façade, avoiding large blank walls, and providing building massing sensitive to pedestrian scale.

Although the site is located within the Scenic Corridor Overlay Zone, the distance from the 101 freeway to the proposed buildings, as well as existing topographical variation, presence of existing developments along Calabasas Rd, and existing mature landscaping will serve to partially screen the new development from view from the Scenic Corridor. However, due to the height of the proposed new buildings, there is expected to be some limited visibility and peek-a-boo views of at least portions of the project from the freeway in areas where it will not be fully obscured from view by the above-mentioned existing conditions.

Additionally, although not a designated Scenic Corridor, Calabasas Rd is the nearest public right-of-way to the project site from which the development will have the most visibility. Building B, at a maximum height of 46 feet, will be set back approximately 250 feet from the road, and Building A, at a maximum height of 85 feet, will be set back approximately 400 feet from the road, behind Building B. The development will be more visible from Calabasas Road than the 101 Freeway; however, similarly, from this vantage point as well, the distance

between the road and the proposed buildings, as well as the mature landscaping in the existing surface parking lot, will serve to reduce visibility of the buildings from the right-of-way, but just not to the extent as visibility will be reduced from the 101 Freeway. Due to the elevation difference and the terraced heights of the proposed buildings when viewed from both Calabasas Road and the 101 Freeway, Building B will also at least partially obscure Building A from view.

- J. Traffic/Circulation:** The proposed project site (Parcel B as identified on the project plans) is a portion of the larger Commons shopping center property, which is comprised of five legal parcels and is currently developed with a retail shopping center that includes a movie theater, two banks (one under construction), a grocery store, a pharmacy (Rite Aid), a book store (Barnes and Noble), restaurants, and retail uses. The center is generally located between Civic Center Way on the west, Calabasas Road on the north, and Park Granada on the east. The site has five access points: two on Parkway Calabasas, one on Civic Center Way, and two on Park Granada. Visitors of the Commons generally use the accesses on Calabasas Road, Civic Center Way, and the northernmost access on Park Granada. The southern access on Park Granada is generally used more for employee access and parking, as a loading access for the City's library, and as a fire department access and Fire Lane. Class II bike lanes are provided on Calabasas Road, Park Granada and Parkway Calabasas, and are connected to a broader bicycle route system. Bicycle parking (bike racks) is provided internally at the Commons. Public sidewalks exist on all streets surrounding the site, and there are connections between the internal sidewalk system and public sidewalks providing pedestrian access and connectivity to and throughout the site. There is also an internal direct pedestrian access between the subject site and the Civic Center property adjacent to the west. Two transit facilities (bus/shuttle stops) that serve the center are located on Park Granada (one on either side of Park Granada), between Calabasas Road and Park Sorrento. These transit facilities are served by Calabasas Shuttle Lines 1 and 2, Commuter Express 423 (Downtown LA to Thousand Oaks), and Metro 161 (Thousand Oaks Transit Center to Canoga G Line [Orange] station). Seven other transit facilities are situated along Park Granada, Parkway Calabasas and Park Sorrento that also serve the broader Park Centre master plan area.

Project Access / Circulation

As mentioned above, access to the site is provided via one driveway along Civic Center Way, two along Calabasas Road, and two along Park Granada. Each mixed-use building is designed with structured parking for its residents. Access

for the residents of Building A is provided via a driveway located approximately where the existing movie theatre marquee is located. Access for Building B's residents is located off of Commons Way, the shopping center's main entrance off of Calabasas Road. Control arms are proposed for both parking structure entrances to control the flow of traffic in and out of parking, and the applicant is proposing the use of audio/visual technology to warn motorists, bicyclists, and pedestrians of vehicles exiting the parking structures. The project is proposing no changes to internal driveways or drive aisles, so the internal vehicle circulation pattern will not change.

Pedestrians have access (including ADA access) to the Commons in several locations including at all project driveway locations along Civic Center Way, Calabasas Road and Park Granada, and directly from the Civic Center property. An existing walkway system is aligned in a linear fashion along the storefronts throughout the center, with crosswalks at all drive aisle crossing locations. Two walkways internal to the project site are located within the surface parking areas (one on the east side and one on the west side of Commons Way). The proposed project will not generally alter existing pedestrian movements around the shopping center. The applicant is proposing street and walkway improvements, including a 15 foot width for all existing and new sidewalks, enhanced paving at all pedestrian crossings, raised crossings and intersections, on-street parking, stop signs installed at all approaches, corner curb extensions at the intersection of Commons Way and Commons Lane, mid-block curb narrowing features at all pedestrian crossings and at the vehicle entrance of Building A, bollards at the Building A vehicle entrance, enhanced signage for driver awareness, and vehicle control arms along with the use of audio and/or visual alerting systems at both parking structure entrances/exits (see Exhibit L).

Traffic Impact Analysis

Regional access to the site is via the US-101 freeway. Northbound and southbound off-ramps are provided at Parkway Calabasas. Northbound on- and off-ramps are approximately 0.6-miles northwest of the project site, while southbound on- and off-ramps are located approximately 0.7 miles west of the project site. Immediate access to the project site is provided by Calabasas Road, Civic Center Way, Commons Way, Park Granada, Park Sorrento, and Commons Way roadways. Parkway Calabasas, Calabasas Road and Park Granada are classified as arterial roadways, Park Sorrento (east of Park Granada) is classified as a collector roadway, and Park Sorrento (east of Parkway Calabasas, Civic Center Way and Commons Way) are local streets. Public Transit services, as

already mentioned, are provided by the Calabasas Shuttle, LA County Metropolitan Transit Authority (Metro) and LA Department of Transportation (LADOT).

The project site was originally approved via Master Conditional Use Permit No. 97-12. The Master Conditional Use Permit essentially approved a master plan for the entire Park Centre area (of which this parcel is a part of), with a maximum allowed development density of 900,000 sq. ft. inclusive of a 200,000 sq. ft. maximum size retail component (and exclusive of civic uses), and a variety of allowed uses including overnight lodging, retail uses, office uses, public uses, and open space. As a part of that approval, the Master Conditional Use Permit studied traffic impacts of the Master Plan on local area intersections, and based on those studies, capped the total average daily trips (ADT) for the Park Centre Master Plan Area at a maximum of 15,665 ADT (relative to the approved maximum development density of 900,000 sq. ft.) calculated using the Institute of Transportation Engineers (ITE) 5th Edition Trip Generation Manual. Additionally, the Master CUP states any project that would increase total ADT over the cap would need to provide additional Level of Service (LOS) analysis to study the potential increased impacts to local area intersections. To date, the entire Park Centre Master Plan area includes 542,735 sq. ft. of development, which would increase to 719,891 sq. ft. with the addition of this project.

The proposed project includes removal of the existing 33,091 sq. ft. movie theatre, and the construction of 24,163 sq. ft. of new restaurant and retail space (a net reduction of 8,928 sq. ft. commercial space), and the addition of 186,758 sq. ft. (119 units) of new residential construction, for an overall combined development total within the Commons Shopping Center of 396,077 sq. ft.

Based on this project description, staff worked with the applicant to determine the total ADT for the Park Centre Master Plan area (with the inclusion of the proposed project) to compare against the maximum cap of 15,665 ADT. Staff determined that using ITE's 5th Edition Trip Generation Manual (as required by the Master CUP), the project increased ADT to 17,009, which exceeded the 15,665 ADT cap. However, since transportation engineers now use the 11th Edition of the ITE Trip Generation Manual to determine ADT (which utilizes trip generation rates more reflective of our current driving patterns), staff also ran the ADT calculation based on 11th Edition Trip Generation Manual, and calculated that total ADT, inclusive of the proposed project, is 12,161 ADT, which is below the cap total of 15,665 ADT. Nevertheless, staff still required the applicant to submit a Local Transportation Assessment (LTA) that included an

original LOS analysis for local area intersections consistent with the conditions in the Master CUP.

Responsive to the City's request, the applicant submitted a Transportation Impact Analysis (TIA) prepared by Linscott, Law and Greenspan, the most recent version of which is dated July 21, 2023 (see Exhibit D, Appendix I). The TIA, in addition to including a Local Transportation Assessment (a.k.a. a LOS Study), studied project trip generation (including AM/PM peak hour trips and total daily trips), consistency with local programs/plans/ordinances/policies, conducted a CEQA-related VMT analysis, contained an emergency access assessment, and a freeway safety analysis (Queueing). The submitted TIA has been reviewed and accepted as accurate by the City's Public Works Department.

Local Transportation Assessment (LTA)

In coordination with City staff, the following ten local area intersections were evaluated during the weekday morning (AM – 6:30am to 8:30am) and afternoon (PM – 4:00pm to 6:00pm) commute periods (note: Caltrans intersections were evaluated using Caltrans methodologies including an AM peak period of 7am to 9am:

1. US-101 Freeway Southbound Ramps / Calabasas Road
2. US-101 Freeway Northbound Ramps / Ventura Boulevard
3. Parkway Calabasas / Calabasas Road
4. Parkway Calabasas / Park Sorrento
5. Parkway Calabasas / Park Granada
6. Civic Center Way / Calabasas Road
7. Commons Way / Calabasas Road
8. Park Granada / Calabasas Road
9. Park Granada / Park Sorrento
10. US-101 Freeway Southbound Ramps / Calabasas Road (west of Valley Circle Boulevard)

Traffic counts for the study consisted of peak hour manual counts (two days) at each evaluated area intersection and a 24-hour machine count conducted Wednesday September 28, 2022 on Calabasas Road, between Park Granada and the eastern City boundary for additional average daily traffic (ADT) data for that roadway segment. Trip generation was calculated using a combination of rates published in the ITE Trip Generation Manual and the LA Department of

Transportation (LADOT) Transportation Assessment Guidelines (for affordable housing).

The latest version of the Highway Capacity Manual (HCM) is currently the preferred methodology to analyze signalized intersections. Level of Service (LOS) ratings for intersections are based on the average control delay expressed in seconds per vehicle. The HCM methodology accounts for vehicular volumes, lane geometries, signal phasing, signal timings, bicycle and pedestrian volumes, upstream bottlenecks impacting travel flows, and the distribution of travel flows throughout the peak hour (peak hour factor). The Service levels range from LOS A through F and are used to rate roadway operations, with LOS A indicating excellent operating conditions and LOS F indicating failure conditions. While VMT analysis is required to analyze traffic impacts under CEQA, a goal of the General Plan's recently updated Circulation Element is to continue use of LOS analysis to determine potentially significant, non-CEQA, traffic impacts to provide information to the public, and to identify appropriate traffic system improvements and project-specific mitigation measures or off-setting improvements for traffic-related impacts. To this end, the City's General Plan continues to require LOS analysis, and directs the City to adopt new thresholds. However, the City is currently in the process of adopting new thresholds, and as such, has none formally adopted; rather, the City's Public Works Department currently utilizes thresholds contained in the Traffic Study Guidelines which include identification of a significant impact if the project-related delay exceeds 5 seconds at an area intersection. This threshold matches previous thresholds adopted by the City Council.

In order to assess the impact a project has on critical intersections, a project trip generation is first calculated. The trip generation estimate for the proposed project is based on the types of land uses included in the project and trip rates published by the Institute of Transportation Engineers (ITE). The trip generation estimates for the proposed project were developed using the corresponding ITE trip generation rates for "Apartments - Multifamily Housing [Mid-Rise]" (Land Use Code #221), "Apartments - Multi Family [Low-Rise]" (Land Use Code #220 - for Building B), "Retail" (Land Use Code #820), "Fine Dining Restaurant" (Land Use Code #931), "Fast Casual Restaurant" (Land Use Code #930), and "Café - High Turnover Sit Down" (Land Use Code #932). LA Department of Transportation Affordable Housing (Family) trip generation rates were used to calculate trip generation for the affordable housing component because they use local data that is more accurate to that use. Based on the identified trip generation rates, the estimated sub-total for the project's trip generation

inclusive of the removal of the movie theatre, and credit applied for internal capture trips (which are trips between the on-site residences and the commercial uses on-site) is 630 Average Daily Trips, and includes 76 AM peak hour trips and 89 PM peak hour trips.

However, an additional allowance is given for pass-by trips, which include drivers that stop by the center on their way to another destination because they are attracted there by one of the uses and represent an existing trip on the network. Therefore, factoring in this adjustment, the total estimated trip generation for the project is 437 Average Daily Trips (the amount that is expected to impact off-site streets) and includes 69 AM peak hour trips and 65 PM peak hour trips.

In order to determine the impacts of the project at critical intersections, the existing AM and PM peak hour Levels of Service (LOS) were calculated at each of the 10 critical intersections (listed above) using the 6th Edition of the Highway Capacity Manual (HCM) based on the collected traffic volume data. The project's estimated trip generation was then factored in, and LOS calculations were analyzed in the LTA (see Exhibit D, Appendix I) for the following three scenarios, consistent with the methodology identified in the City's Traffic Study Guidelines:

- Existing 2022 Conditions
- Opening Year (2027) Baseline Conditions
- Opening Year 2027 Baseline Conditions Plus Project

The following summarizes the analysis contained in the LTA for the three scenarios:

Existing 2022 Conditions

Calculations for the Existing 2022 Conditions analyze intersection conditions as they exist now. Existing conditions indicate that all study intersections operate at a Level of Service D or better during weekday AM and PM peak hours.

Opening Year (2027) Baseline Conditions

Opening year baseline conditions include a calculation of the existing 2022 conditions plus an added 1% annual growth factor between the existing conditions year (2022) and the projected opening year (2027), and also adding in contributing traffic from all related projects, which are all the future area

projects that are in some level of project review or permitting, soon to be under construction or under construction. Based on these calculations, one of the area intersections, the Parkway Calabasas / Calabasas Road intersection is forecast to have a change in its PM Peak Level of Service from LOS D to LOS E. All others are expected to operate at the same Level of Service, LOS D or better.

Opening Year (2027) Baseline Conditions Plus Project

Opening Year (2027) with project indicates the projected impact of the project on area intersections given the projected opening year, and with the predicted cumulative impact of related projects and the 1% annual growth factor included (i.e. the impact of the project on conditions as they will exist the opening year of the project). The study found that the project is not expected to exceed the operations criteria at any of the 10 critical intersections during either the AM or PM peak periods. Based on the calculations, the report states that no transportation improvement measures are required or recommended related to the proposed project.

Vehicles Miles Traveled (VMT) Analysis

Pursuant to SB 743, all analysis for traffic impacts under the California Environmental Quality Act are required to be evaluated under Vehicle Miles Traveled (VMT) methodology. Vehicle miles traveled relates to the measurement of miles traveled by vehicles within a specified region and for a specified period of time. After passage of SB 743, the State Office of Planning and Research (OPR) issued updates to the CEQA Guidelines, and a technical advisory, and comprehensive updates were certified and adopted by the California Natural Resources Agency in December 2018.

The City's policy is in line with the new CEQA Guidelines, and the State's OPR technical advisory methodology. Under Section 15064.3, VMT that exceeds an applicable threshold of significance may indicate a significant impact. Conversely, projects within ½ mile of an existing major transit stop or a stop along an existing high-quality transit corridor are presumed to have a less than significant impact. Additionally, projects that decrease VMT in the project area compared to existing conditions should be considered to have a less than significant impact. Accordingly, the City implemented significance screening criteria to assess whether project VMT creates a significant impact, or whether no further evaluation is necessary. To this end, if a project meets one of the following three screening criteria, the project is presumed to have a less-than-

significant VMT impact and no further evaluation is necessary as to traffic impacts under CEQA.

The three screening criteria include:

- 1) Project Size and Type – land use projects that generate less than 110 daily trips, local-serving retail projects (defined as commercial projects with local-serving commercial uses less than 50,000 sq. ft. each), and neighborhood/local-serving parks and schools are presumed to have a less than significant impact.
- 2) Low VMT Area – Residential and office projects located within a Low VMT Area (defined as areas that have VMT per capita or per employee 15% below baseline VMT) may be presumed to have a less than significant impact absent substantial evidence to the contrary. Other employment-related and mixed-use land use projects may be screened if the project can reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to existing land uses within the Low VMT Area.
- 3) Projects within a Transportation Priority Area (TPA), defined as areas within ½ mile from an existing High-Quality Transit Corridor stop or ½ mile around an existing major transit stop such as a Metrolink station or regional bus service stop. The City does not currently have any TPAs.

The analysis found in the TIA confirms that the project is presumed to have a less than significant impact for the following reasons: 1) the 24,163 sq. ft. commercial component proposes uses considered local serving, and falls below the 50,000 sq. ft. threshold per Screening Criteria 1 above, and 2) the project site is located in a low VMT generating area for residential projects, and therefore the residential component is screened out per Screening Criteria 2 above.

Queuing / Freeway Safety

The purpose of a freeway safety analysis is to ensure that a new project will not lead to unsafe conditions that affect the State highway system. A project that adds new automobile, bicycle or pedestrian trips to State roadways, modifies access to State roadways, or affects the safety of connections to or travel on State roadways warrant analysis. The State utilizes screening criteria to determine whether a project could lead to an unsafe condition and therefore, warrant further analysis. In this case, the project screens out of needing further analysis because the project

would not add more than 25 or more trips to any nearby freeway off-ramp serving the project Site in either the morning or afternoon peak. In this case, the project would add only four (4) net new trips to the US-101 Southbound off-ramp at Parkway Calabasas, eight (8) net new trips to the US-101 Northbound off-ramp at Parkway Calabasas, and one (1) net new trip to the US-101 Southbound off-ramp at Mulholland Drive – Valley Circle during the AM peak hour (see Exhibit D, Appendix I, page 50). Similarly, the project would add only eight (8) net new trips to the US-101 Southbound off-ramp at Parkway Calabasas, fourteen (14) net new trips to the US-101 Northbound off-ramp at Parkway Calabasas, and two (2) net new trips to the US-101 Southbound off-ramp at Mulholland Drive – Valley Circle during the PM peak hour.

Consistency with Local Programs, Plans, Ordinances and Policies

For CEQA review purposes, the TIA analyzed consistency with local programs, plans, ordinances and policies, including Connect SoCal, First Last Mile Plan, Calabasas General Plan Circulation Element, Calabasas General Plan Safety Element, and the Calabasas Bicycle Master Plan. The analysis found the proposed project to be consistent with all these plans. For more detailed analysis, please see Exhibit D, Appendix I, page 36.

K. Parking: The regulatory framework for the parking is twofold. Shared Parking for the Park Centre Master Plan area is governed by provisions contained within the Park Centre Master Plan (comprised of both the Master Conditional Use Permit and Park Centre Project Development and Design Guidelines – Exhibits G and I respectively), and CMC Title 17 (Development Code). Provisions in the Park Centre Master Plan (redundantly) require parking to be consistent with CMC Chapter 17.28 (Parking) of the City’s Development Code. It also contains provisions for on-street parking credits which do not apply to this development proposal as the applicant is not requesting credit for on-street parking. Provisions contained in the Park Centre Development and Design Guidelines reiterate that parking is subject to CMC Chapter 17.28, discusses the establishment of shared parking, uses eligible for “areawide” shared parking, standards for “areawide” shared parking, and on-street parking.

As already mentioned, the project site is currently developed with a 218,247 square foot retail shopping center that includes a movie theater, two banks (one under construction), a grocery store, a pharmacy (Rite Aid), a book store (Barnes and Noble), both fast casual and fine dining restaurants, and retail uses. The center currently includes 1,059 surface parking stalls, the majority of which (968

spaces) are located between the existing development and Commons Way. Ninety-one (91) of the parking spaces are located behind (south of) the existing development, and are accessed from the southernmost driveway located on Park Granada. Additionally, the project site is part of the larger Park Centre Master Planned area which also includes the Cruzan office buildings, the Hilton Garden Inn hotel, Calabasas Civic Center (containing Calabasas City Hall, Library and Senior Center), and a parcel owned by Cruzan that is developed with a surface parking lot (adjacent to Calabasas City Hall to the west). The 1997 Park Center Master Plan approved a shared use concept whereby all the parking spaces located in the master plan area were to be shared by users of all the properties. This shared parking requirement has consistently been recognized and enforced by the City and the other property owners within the Master Plan area. Additionally, over time, street parking has been added to Park Sorrento, Civic Center Way, and Calabasas Road to increase parking capacity in the area.

The proposed project involves demolition of the existing 33,091 sq. ft. movie theatre, and construction of two mixed-use buildings (Building A and Building B) that collectively include 119 residential apartment units (12 of which are designated as affordable units), 24,163 sq. ft. of new restaurant and retail space, and a community plaza. To this end, the proposed project will add 119 residential units, but result in a net reduction of 8,928 sq. ft. of commercial space. Building A, with 101 proposed residential units, will provide 225 spaces exclusively for its residents within three (3) parking floors (one subterranean, one ground level, and one above grade), and Building B, with 18 proposed residential units, will provide 45 parking spaces exclusively for its residents within one (1) subterranean parking floor. The project is proposing a total of 931 commercial-serving parking spaces, which is a net reduction of 128 spaces from the existing parking total of 1,059. To accommodate this reduction, the applicant is requesting approval of a shared parking reduction. Please note that per Government Code Section 65915 (State Density Bonus Law), the applicant is also requesting a concession for the reduction of the parking stall dimensions for the residential parking spaces in Building A. The typical required parking stall dimensions are 9' x 20' for a standard space or 11' x 20' when located next to a wall or column. In this case, the applicant has proposed typical parking stall dimensions of 8' – 6" x 18' and 9' x 18' when located next to a wall or column.

Although Calabasas has its own defined parking rates for multi-family housing, the required residential parking rates for the subject project are based on Government Code Section 65915 (Density Bonus), which sets required parking rates for projects that qualify under the State's Density Bonus Law, if the

necessary findings for approval are made. The proposed project includes 10% of the new housing units (12 units) as affordable to low-income households, and therefore, the project qualifies for the State Density Bonus Law's default parking rates, if the necessary findings for approval are made. To evaluate commercial parking, the applicant submitted a parking assessment prepared by KOA Corporation dated July 12, 2023 (Exhibit K). The parking assessment calculated what the current parking requirement would be for the commercial component of the project as integrated with the larger center (i.e. the City's Code Requirement), the requirement for residential parking based on Government Code requirements, and also included a shared parking analysis to identify the actual commercial parking demand based on the off-setting peak demand of multiple uses coexisting within the same property or area using the Shared Parking Calculation Model developed by Urban Land Institute's International Council of Shopping Centers, and National Parking Association and included as part of the 3rd edition of *Shared Parking*.

A summary of calculations of the residential parking requirement under the State's Density Bonus Law as proposed by the applicant, and the number of spaces proposed by the applicant for consideration as to possible approval by the City is below in Table 1:

Table 1

RESIDENTIAL

BUILDING A

RESIDENTIAL PARKING REQUIRED

(GOVERNMENT CODE SECTION 65915 DENSITY BONUS)

1 BEDROOM: UNIT COUNT (18) X RATIO (1)	18 STALLS
1 BEDROOM - A: UNIT COUNT (6) X RATIO (1)	6 STALLS
2 BEDROOM: UNIT COUNT (61) X RATIO (1.5)	92 STALLS
2 BEDROOM - A: UNIT COUNT (6) X RATIO (1.5)	9 STALLS
3 BEDROOM: UNIT COUNT (10) X RATIO (1.5)	15 STALLS
<u>TOTAL REQUIRED:</u>	<u>140 STALLS</u>

RESIDENTIAL PARKING PROVIDED

STANDARD STALLS:	187 STALLS
TANDEM STALLS:	33 STALLS
ADA STALLS:	5 STALLS
<u>TOTAL PROVIDED:</u>	<u>225 STALLS</u>

BUILDING B

RESIDENTIAL PARKING REQUIRED

(GOVERNMENT CODE SECTION 65915 DENSITY BONUS)

1-BEDROOM: UNIT COUNT (6) X RATIO (1)	6 STALLS
2-BEDROOM: UNIT COUNT (12) X RATIO (1.5)	18 STALLS
<u>TOTAL REQUIRED:</u>	<u>24 STALLS</u>

RESIDENTIAL PARKING PROVIDED

STANDARD STALLS:	44 STALLS
ADA STALLS:	1 STALL
<u>TOTAL PROVIDED:</u>	<u>45 STALLS</u>

TOTAL RESIDENTIAL PARKING PROVIDED

STANDARD STALLS:	231 STALLS
TANDEM STALLS:	33 STALLS
ADA STALLS:	6 STALLS
<u>TOTAL PROVIDED FOR BLDG A & B:</u>	<u>270 STALLS</u>

Based on the residential parking summary, Building A requires 140 parking spaces, and the proposed project is providing 225 spaces, a surplus of 85 parking spaces if the required density bonus findings can be made. Similarly, Building B requires 24 parking spaces, and the proposed project is providing 45 spaces, a surplus of 21 parking spaces if the required density bonus findings can be made.

A summary of the calculations for the City’s commercial parking requirement, the actual parking demand based on the shared parking analysis, and the number of spaces, all as proposed by the applicant, is listed below in Table 2:

Table 2

COMMERCIAL

STAND ALONE CODE REQUIRED COMMERCIAL PARKING

DESCRIPTION / LAND USE	SIZE	PARKING RATIO	STAND-ALONE SPACES
SHOPPING CENTER	173,628 sf	1/250 sf	695
FINE / CASUAL DINING RESTAURANT	22,945 sf	1/100 sf	229
FINE / CASUAL DINING OUTDOOR DINING AREA	8,983 sf	1/250 sf	36
FAST CASUAL / FAST FOOD RESTAURANT	12,746 sf	1/180 sf	71
FAST CASUAL / FAST FOOD OUTDOOR DINING AREA	2,880 sf	1/250 sf	12
TOTAL			1,043

COMMERCIAL PARKING REQUIRED PER SHARED PARKING STUDY 896 STALLS

COMMERCIAL SURFACE PARKING PROVIDED

TOTAL EXISTING:	1,059 STALLS
TOTAL TO BE REMOVED:	139 STALLS
TOTAL NEW SPACES:	11 STALLS
TOTAL PROVIDED:	931 STALLS

Based on the commercial parking summary, the Code-required parking spaces for the commercial component (for the entire Commons shopping center) as modified by the proposed project is 1,043 spaces. The applicant's submitted shared parking analysis indicates a maximum demand of 896 spaces in the peak month of December. As indicated above, the number of parking spaces provided for the commercial component of the Commons, as modified by the proposed project, is 931 spaces, which would provide a surplus of 35 spaces over the projected maximum parking demand which would occur in December.

The proposed 931 parking spaces represents a reduction of 112 parking spaces (or 10.7%) of the 1,043 parking spaces required by Code. Since the project is proposing less parking than required by Code, per CMC Section 17.28.050(B), the applicant is requesting a shared parking reduction. Section 17.28.050 allows the review authority to approve shared parking only if:

- 1) A sufficient number of spaces are provided to meet the greater parking demand of the participating uses;
- 2) Evidence satisfactory to the review authority has been submitted by the parties operating the share parking facility. The evidence shall describe the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and

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

Evidence relevant to the shared parking reduction request is included in the applicant’s parking assessment (Exhibit K), and in the applicant’s submitted findings (Exhibit B).

The bicycle parking requirement is governed by CMC Section 17.28.040, Table 3-11. Table 3 includes a summary of the City Code requirement and the number of new bicycle spaces proposed as part of the project:

Table 3
BICYCLE PARKING REQUIREMENT

PER BY CALABASAS MUNICIPAL CODE 17.28.040 TABLE 3-11

RESIDENTIAL

BASED ON MULTIFAMILY REQUIREMENTS LISTED IN TABLE 3-11

BUILDING A: RESIDENTIAL BIKE PARKING REQUIRED	
RESIDENTIAL: UNIT COUNT (101) X RATIO (1)	101 SPACES
GUEST: UNIT COUNT (101) X RATIO (1/10)	11 SPACES
RESIDENTIAL BIKE PARKING REQUIRED	112 SPACES
BUILDING A: RESIDENTIAL BICYCLE PARKING PROVIDED	
	112 SPACES
BUILDING B: RESIDENTIAL BIKE PARKING REQUIRED	
RESIDENTIAL: UNIT COUNT (18) X RATIO (1)	18 SPACES
GUEST: UNIT COUNT (18) X RATIO (1/10)	2 SPACES
RESIDENTIAL BIKE PARKING REQUIRED	20 SPACES
BUILDING B: RESIDENTIAL BICYCLE PARKING PROVIDED	
	20 SPACES

COMMERCIAL

BASED ON NUMBER OF VEHICLE PARKING SPACES REQUIRED FOR SHOPPING CENTER LISTED IN TABLE 3-11

BUILDING A: COMMERCIAL BICYCLE PARKING REQUIRED	
5% OF REQUIRED VEHICLE SPACES: 2,033 SF / 250 X 5%	1 SPACE
BUILDING A: COMMERCIAL BICYCLE PARKING PROVIDED	
	1 SPACE
BUILDING B: COMMERCIAL BICYCLE PARKING REQUIRED	
5% OF REQUIRED VEHICLE SPACES: 22,130 SF / 250 X 5%	4 SPACE
BUILDING B: COMMERCIAL BICYCLE PARKING PROVIDED	
	4 SPACE

As indicated in the summary above, Building A requires 112 bicycle spaces for its residents and guests, Building B requires 20 spaces for its residents and guests, and 5 additional bicycle spaces are required for the proposed commercial space. The applicant's plans indicate that the project will provide the Code requirement. The bicycle spaces for Building A are provided in lockable facilities located on Parking Levels P1 and P2 (Exhibit A, Sheet A202 and A203). Bicycle spaces for Building B are provided within a lockable facility located within Building B's subterranean parking level (Exhibit A, Sheet A301). The added bicycle spaces for the commercial component are located just south of Building B, on the north side of the "main street", near Building B-2 (see plan note reference 3 on Exhibit A, Sheet L201).

- L. Landscaping: The proposed landscaping is depicted on Sheets L100-L404 of the plans attached as Exhibit A. The 24.93-acre site is already developed with a commercial shopping center of 218,247 square feet, inclusive of 318,038 square feet of landscaping. The existing shopping center is currently 29.3% landscaped/pervious, and the particular parcel that the project will be located on, Parcel B, is currently 33% landscaped/pervious. The existing site is considered legal nonconforming in regards to landscaping and pervious surfaces, as it was developed in 1998 prior to adoption of the City's first Development Code (CMC Title 17), which sets a 38% minimum pervious/landscaped area requirement for the Commercial Mixed-Use (CMU) zoning district. As a result, the proposed project includes alterations to the existing hardscaped areas to improve the existing nonconforming condition. With the proposed project, the entire shopping center will include 329,257 square feet of landscaping (30.3% landscaped/pervious) and Parcel B will be 35.2% pervious as a result of the proposed improvements.

The Calabasas Park Centre Master Plan Design Guidelines encourage a consistent landscaping theme throughout the master plan area, and the Implementing CUP for the Commons emphasizes a focus on native and drought-tolerant plantings. The design guidelines also encourage landscaping that complements the architecture of buildings, and provides transition/buffer landscape areas between pedestrians and vehicle traffic. The applicant proposes non-invasive drought tolerant plantings as shown in the proposed plant palette (Exhibit A, Sheets L304-L305). Additionally, landscaping is proposed around all pathways and between pedestrian and vehicle areas. If the Council approves the project, staff suggests including a condition that a final landscaping package be submitted to the City for review prior to issuance of Building permits (see Condition No. 21 in Exhibit E – Draft Conditions of Approval).

M. Lighting/Dark Skies: Following the 1998 construction of the Commons shopping center, the City adopted a “Dark Skies” Ordinance (Chapter 17.27 of the CMC), applicable to all new commercial projects, which aims to generally maintain low lighting levels, prevent glare, and prevent off-site spillage to prevent nuisances to residences, pedestrians, motor vehicles, and minimize disruption of wildlife movement.

The proposed project would place a new 50,974 square-foot building (Building B) within the parking lot of an existing developed commercial shopping center, in addition to demolition of the existing theater building and replacement construction of a 159,947 square-foot building (Building A) in the same location. The proposed lighting plan associated with the construction of both new buildings is demonstrated on Sheets E101-E103 of the plans attached as Exhibit A.

The Calabasas Park Centre Master Plan Design Guidelines encourage appropriate lighting levels in parking areas and public spaces to maintain physical security. The Design Guidelines also stipulate that lighting should be decorative, architecturally compatible with buildings, low-glare, and energy efficient. Additionally, the Implementing CUP for the Commons also encourages shielded/decorative lighting fixtures within parking and pedestrian areas, and minimizing any pole heights over 15’.

All existing parking lot lighting is to remain. Heights of new light poles will not to exceed 15’ in height. Small pathways will be illuminated with residential-scale low bollards. At proposed new building balconies, sconces, surface mounts, or downlights are proposed. Proposed fixtures are depicted on Sheet E104. Staff has included a recommended condition, if the Council approves the project, that Final photometric plans shall be submitted to the City for review prior to issuance of Building permits (see Condition No. 20 in Exhibit E – Draft Conditions of Approval).

N. Art in Public Places: In accordance with Chapter 17.24 of the Calabasas Municipal Code, any construction or reconstruction of commercial buildings within the City is required to include the installation of artwork, or to provide an in-lieu fee based on project valuation where installation of art is impractical, not to exceed an amount of \$150,000. Additionally, the Calabasas Park Centre Master Plan Area Design Guidelines (The Guidelines) requires individual projects within the plan area to provide public art. In compliance with the City’s

ordinance and the Guidelines, artwork for the present project, if approved, will be selected and installed prior to issuance of a Certificate of occupancy, or the applicant will be required to pay a fee in-lieu of providing art (see Condition No. 16 in Exhibit E – Draft Conditions of Approval).

- O. Quimby:** Section 17.50.030 of the Calabasas Municipal Code, authorized by the provisions of Government Code Section 66477 (the Quimby Act), requires dedication of land or payment of in-lieu fees to off-set impacts to the City’s parks and recreational facilities in conjunction with the approval of a tentative tract map/residential subdivision of more than four parcels. In conjunction with the proposed project, the applicant is proposing the subdivision of Parcel B into one master ground lot and six airspace lots. Therefore, if approved, in compliance with the City’s ordinance and state law, as a condition of project approval, payment of Quimby fees will be required (see Condition No. 17 in Exhibit E – Draft Conditions of Approval).

P. City Property/Easement Considerations:

There are two considerations for either City-owned land or City-held easements that would be impacted by the proposed project design.

Consideration #1

Currently, two recorded easements (between the City and The Commons at Calabasas, LLC), one for a loading area (with access thereto) and a second for a fire road exist over portions of the southern Park Granada driveway between Park Granada and the subject property’s western boundary area abutting the City’s property (just east of the Library). Both easements are overlain in exactly the same location and configuration. These easements came to fruition because during the construction of City Hall and the Library, the parties discovered that utilities serving the Commons Shopping Center existed over portions of the City’s property near the Library. In exchange for the City granting an easement to the utility companies so the utilities would have access over the City’s property to maintain utilities for the Commons Shopping Center as needed, the Commons at Calabasas, LLC agreed to grant to the City an easement for pedestrian and vehicular access down the southern driveway for loading purposes. That driveway is currently used today for deliveries to the Calabasas Library. Additionally, both parties mutually agreed to the Fire Road easement in the same location, and as required by the LA County Fire Department. The easement is plotted on Exhibit A, Plan Sheet A100 (Overall Existing Site Plan),

and the impact to its future configuration can be seen on Exhibit A, Plan Sheet A101 (Proposed Overall Site Plan). The project, as proposed, would require modifying the configuration of that easement to construct the southwestern portion of Building A. To this end, the City Council would have to agree to that modification.

Consideration #2

Currently, the City maintains a small parking area consisting of one loading space and approximately nine (9) automobile parking spaces immediately adjacent to the library (to the east). These spaces are mostly on the City's property, but extend 2 to 3 feet onto The Commons at Calabasas, LLC property over the jointly held loading/Fire Road easement, and are currently unstriped. As mentioned above, the driveway and the loading space are currently used for library deliveries. The automobile spaces are mostly used to park City-owned vehicles. Development of Building A would likewise block access to the City's loading space and about six (6) of the existing nine (9) other parking spaces. Again, as mentioned above, if the Council were to approve the project, a part of that approval would be for the Council to agree to a modification and reconfiguration of that area to maintain a functional loading space. The project plans demonstrate enough area to recapture a loading space, and currently propose a new walkway around proposed Building A to the loading access ramp to the City Library. Recapturing a commercial loading space requires an area 15' wide by 25' long, which would essentially take up two automobile spaces. To that end, if the City Council were to agree with this easement modification and approve the project, staff suggests requiring a condition that requires The Commons at Calabasas, LLC to relocate eight (8) automobile spaces at their expense to a mutually agreeable area either on City property or The Commons at Calabasas, LLC property to the benefit of the City.

REQUIRED FINDINGS:

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;
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;

3. The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);
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;
5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and
6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

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;
2. The proposed use is consistent with the General Plan and an applicable specific plan or 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
4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

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

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 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
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.

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;
2. The site is not 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;
4. The design of the subdivision or type of improvements is 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;
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,
7. The proposed subdivision is not consistent with all applicable provisions of this development code, the Municipal Code, or the Subdivision Map Act.

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;
2. The environmental, public services or facilities costs to the city taxpayers outweigh the advantages created by the proposed subdivision;
3. The proposed development is not compatible with the character of the neighborhood;
4. The proposed development is in an area not desirable for the intensive use proposed; or,
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 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 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;
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;
3. In the event that the city does not grant at least one financial concession

or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives will not 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

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

Additionally, per Section 17.32.030(E)(2), the City shall grant proposed incentives or concessions requested by the permit applicant unless the city makes a written finding, based upon substantial evidence, of either of the following:

1. The incentive or concession will not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5 or for rents for the targeted units to be set at the applicable affordability levels; or
2. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate income households.

The applicant's proposed justification for the findings listed above is attached as Exhibit B. Staff takes no position on the veracity of the applicant's proposed findings.

REQUESTED COMMISSION ACTION:

Staff requests the Commission conduct the public hearing, and then direct staff to prepare a resolution recommending to the City Council that the City Council either approve or deny the project application, as supported by the findings.

ENVIRONMENTAL REVIEW:

An Addendum (Exhibit D) was prepared pursuant to CEQA Guidelines § 15164(a), which allows a lead agency to prepare an addendum to a previously certified EIR if some changes or additions to the previously certified EIR are necessary but none

of the conditions described in CEQA Guidelines § 15162 requiring preparation of a subsequent EIR are present. CEQA Guidelines § 15162 states that no subsequent EIR shall be prepared unless one or more of the following occurs:

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

Public Resources Code (PRC) § 21166 provides that unless one or more of the conditions set forth are met, no subsequent or supplemental environmental impact report is required.

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, Safety Elements (use the following link to access the Certified Final PEIR:

<https://www.cityofcalabasas.com/home/showpublisheddocument/21710/638326303390420191>). The PEIR 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 net new commercial space, including 202 units and 44,393 square feet of net new commercial space on the Site 11 (the subject property) which is currently developed with the Commons Shopping Center (“the EIR Project”).

The Addendum describes the proposed modifications to the EIR Project in connection with the subject project, which consists of the proposed demolition of the existing 33,091 square-foot movie theater and the development of Site 11 with 24,163 square feet of ground-floor commercial space (a net reduction of 8,928 sq. ft.) and up to 119 multi-family residential units, including 12 Low Income units (referred to as the “Current Project” in the Addendum). The Addendum provides a comparison of the potential environmental effects associated with those modifications to the impacts of for each of the environmental issue areas evaluated in the PEIR. The analysis demonstrates that the proposed modifications evaluated in the Addendum would not result in conditions meeting the criteria set forth in CEQA Guidelines § 15162. Therefore, pursuant to PRC § 21166 and CEQA Guidelines §§ 15162 and 15163, preparation of a subsequent or supplemental EIR may not be required, if the Council concurs in this assessment.

CONDITIONS OF APPROVAL:

If the City Council directs Staff to prepare a Council resolution of approval, potential project conditions of approval, which are attached in preliminary draft form as Exhibit E, would be incorporated into an approval resolution.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

May 23, 2023

In accordance with Section 17.70.040 of the CMC, the proposed project was reviewed by the City’s Development Review Committee on May 23, 2023. At the meeting, the following topics were discussed between Staff and the applicant:

- Building A’s interaction with the Civic Center/Library Facility
- Parking space dimensions
- Trash management

- Mechanical equipment/rooftop equipment locations and screening
- Loading areas
- Parking garage queueing/vehicle movement
- Parking study/traffic analysis

Following the discussion at the DRC meeting, the applicant subsequently provided additional information and revised plans to address the topics raised at the meeting.

Architectural Review Panel (ARP):

June 23, 2023

In accordance with Section 2.40.040 of the CMC, the proposed project was reviewed by the City's Architectural Review Panel on June 23, 2023. The Panel made the following comments, suggestions and recommendations to the applicants:

- The Panel acknowledged that the Commons is the heart of the City, and views the project site as an opportunity to provide amenities to the public in the form of public gathering spaces, and as such, recommends that the project seek to maximize provision of public open spaces to maintain a town square feel.
- The Panel expressed confidence in Caruso's ability to design and implement projects well.
- Panel members expressed a concern that the "main street" area between buildings A and B may be too congested with both pedestrians and cars, and suggested the applicant explore closing off the proposed "main street" to cars.
- The Panel likes the design of Building B with lower buildings that are spread out with green space and walkways in between.
- The Panel generally shared a concern that Building A was too large and out of character with surrounding buildings, and suggested the applicant explore reducing some of the mass of Building A and spreading out the lost area around the project site more, similar to the way

Building B was designed.

- The Panel commented that the colors and materials represented two distinct languages, Umbrian for Building B, and “Modern Starship” feel for the larger Building A, but had no concerns with colors or materials.
- The Panel suggested providing 3-dimensional renderings or use of a physical model to better demonstrate scale, massing and façade articulation for review purposes.

The Panel motioned to continue the item to a future ARP meeting, to allow the architect to address the ARP’s comments/suggestions.

July 28, 2023

At the ARP meeting on July 28, 2023, the applicant presented their additional information and responses to the Panel’s comments/questions raised at the June 23, 2023 meeting. The Panel asked questions of the applicant/architect, and made the following final recommendations:

- Create an engaging pedestrian atmosphere on all sides of buildings and good connectivity between open spaces
- Create a better connection of visual character, materials, and building massing between existing and proposed development
- Soften or reduce the massing of Building A in the area near the Civic Center

The Panel motioned to move the project forward to the Planning Commission with the above recommendations.

Story Poles:

June 15, 2023; July 6, 2023; August 9, 2023

On June 6, 2023, the applicant submitted a letter of story pole feasibility, proposing an alternative approach to the traditional story pole requirement due to site constraints and safety concerns. In accordance with the City’s Story Pole Procedures, when it is not feasible to depict 100% of the mass with story poles, the Planning Commission shall consider the evidence

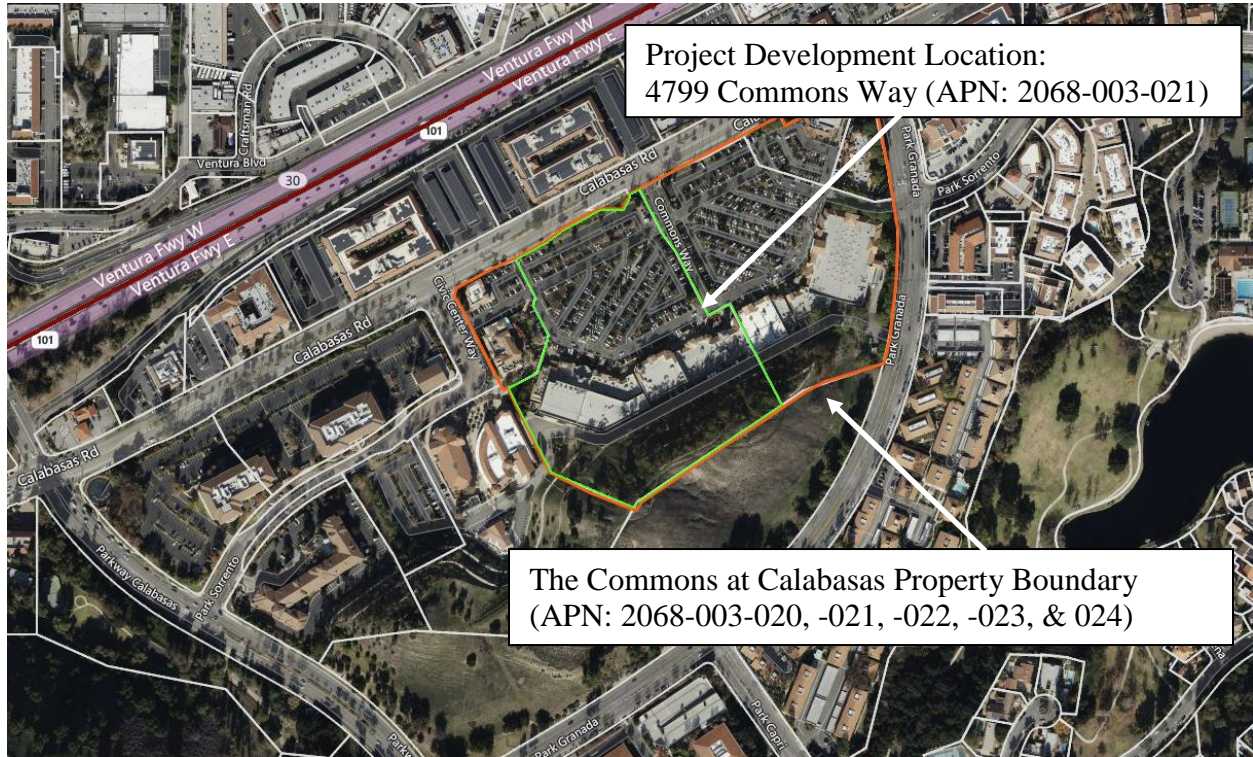
provided and make a determination whether to a) approve the alternative approach as proposed, b) approve an alternative approach with modifications, or c) waive the story pole requirement altogether. The applicant's request for a modified story pole plan was reviewed by the Planning Commission on June 15, 2023 and July 6, 2023. On August 9, 2023, the City Council approved the request for a modified story pole plan, inclusive of four poles to be installed demonstrating building height, an Augmented Reality (AR) tool to visualize the location and massing of the proposed buildings, signage/kiosks throughout the Commons and on the project's website, and a representative available at the Civic Center during set hours to assist the public with general questions regarding the story poles and accessing the AR tool. Following the City Council's approval, the poles and AR tool were subsequently installed on September 19, 2023.

ATTACHMENTS:

- Exhibit A: Applicant's Proposed Project Plans
- Exhibit B: Applicant's Proposed Findings / Justification
- Exhibit C: Applicant's Proposed General Plan Consistency Analysis
- Exhibit D: Draft Addendum To The Certified PEIR For The City's 2021-2029 Housing Element and Related Land Use Element, Circulation Element and Safety Element Updates (with Appendices on a Flash Drive)
- Exhibit E: Preliminary Draft Conditions of Approval
- Exhibit F: Applicant's Proposed Project Description
- Exhibit G: 1997 Master Conditional Use Permit
- Exhibit H: 1997 Implementing Conditional Use Permit
- Exhibit I: 1997 Calabasas Park Centre Project Development and Design Guidelines
- Exhibit J: ARP Minutes
- Exhibit K: Applicant's Proposed Shared Parking Analysis
- Exhibit L: Applicant's Proposed "Main Street" Traffic Calming Features
- Exhibit M: Site Photos (Provided by the Applicant)
- Exhibit N: Public Comments

TECHNICAL APPENDIX

Location Map:



Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Shopping Center	CMU-AHO-SC	MU 0.95
West	Civic Center	CMU-SC	MU 0.95
East	Shopping Center	CMU-AHO-SC	MU 0.95
North	Office Building	CMU-SC	MU 0.95
South	Vacant Land	OS-DR	OS-DR