



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: SEPTEMBER 23, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: MICHAEL KLEIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR
GLENN MICHITSCH, SENIOR PLANNER
JACLYN RACKERBY, PLANNER**

**SUBJECT: PROPOSED MODIFICATIONS TO THE COMMONS LANE MIXED USE
PROJECT LOCATED AT 4799 COMMONS WAY, REDUCING THE
OVERALL PROJECT SIZE AND REDUCING THE NUMBER OF
RESIDENTIAL UNITS**

MEETING

DATE: OCTOBER 9, 2024

SUMMARY RECOMMENDATION:

That the City Council consider adoption of City Council Resolution No. 2024-1927, approving an overall reduction in total size and a reduction in the number of residential units for Site Plan Review 2023-005, Conditional Use Permit Nos. 2023-003, 2023-004 and 2023-005, Scenic Corridor Permit 2023-003 and Tentative Tract Map 2023-002, a mixed-use project located at 4799 Commons Way (APN: 2068-003-021) within the Commercial Mixed-Use Zoning District, Scenic Corridor Overlay Zone and Affordable Housing Overlay.

BACKGROUND:

On December 6, 2023, the City Council adopted Resolution No. 2023-1880, approving a Conditional Use Permit, Site Plan Review, Scenic Corridor Permit and Tentative Tract Map to improve a portion of the Commons at Calabasas (The Commons) Shopping Center. The approved project includes:

- Demolition of the existing 33,091 square foot (sq. ft.) theater and portions of the existing surface parking with associated landscaping.

- Construction of 210,921 sq. ft. of total new development (186,758 sq. ft. residential and 24,163 sq. ft. commercial), which includes 119 new residential apartments (including 12 affordable to low-income families) contained in new mixed-use buildings.

The applicant has submitted revised plans to begin construction drawings, reflecting a reduced overall project size and scope. The revised plans reflect the following project scope:

- Demolition of the existing 33,091 sq. ft. theater and portions of the existing surface parking with associated landscaping;
- Construction of 176,261 sq. ft. of total new development (148,850 sq. ft. residential and 27,411 sq. ft. commercial), which includes up to 80 new residential apartments (including 4 affordable to very low-income families) contained in one new mixed-use building (Building A). The plans do not include any residential units above the new commercial provided in Building B. Furthermore, the subterranean parking structures (in both new buildings) have been eliminated from the scope of work.

DISCUSSION/ANALYSIS:

City Council Resolution No. 2023-1880 approved the aforementioned project, with an allowable maximum density of 210,921 sq. ft. of new construction, inclusive of residential and retail uses. Furthermore, the entitlements permit up to 119 residential units with a commitment of providing on-site affordable housing units. The proposed revisions are consistent with the approved entitlements for the following reasons:

- The total new floor area represents an approximately 16% decrease from the approved plans;
- The commercial parking is greater than the approved plans;
- The residential parking is greater than required;
- The on-site affordable units are very low-income at 5% of the total units, as permitted by state law;
- Building B has been reduced from a three-story to a two-story building, lowering the height from 46 ft to 33 ft;
- New neighborhood serving retail uses and public outdoor common space has been preserved;
- Reducing the residential units from 119 to 80 eliminates the need for subterranean parking, significantly reducing overall construction impacts and grading activities; and
- The architecture of Building A has been refined to better compliment the style of the existing shopping center, addressing concerns raised by the Planning Commission

Notwithstanding the above analysis, while the reduced scope and size of the project falls within the limits of the approved entitlements, the proposed reduction in residential units requires “no-net-loss” findings to be adopted by the City Council pursuant to state law. The key points are as follows:

- Unit-Count Reduction and No Net Loss Finding:
 - The proposed change reduces the number of residential apartments from 119 to 80, including affordable units from 12 (10%) low-income units to 4 (5%) very low-income units.
 - This reduction requires “no net loss” findings by the City Council.
 - The City Council delegated authority to the Department of Community Development for modifications but retained its authority for substantial changes.
 - A reduction of 39 new residential units is considered substantial.

- Government Code Section 65863:
 - This code section outlines conditions for reducing residential density or allowing development at a lower density.
 - The City must adopt written findings supported by substantial evidence that:
 - The reduction aligns with the adopted general plan, including the housing element.
 - Remaining sites in the housing element can meet housing laws and accommodate the City’s share of regional housing needs.

Additionally, Government Code Section 66300 requires, and the City has made findings, showing that this reduction of land use intensity is not subject to prohibitions to changing zoning, general plan, and specific plan land use designations.

REQUESTED ACTION:

That the City Council consider adoption of City Council Resolution No. 2024-1927, approving a reduction in total project size and a reduction in the number of residential units in the approved Commons Lane Mixed Use project, and adopting the necessary “no net-loss” findings as required by CA Government Code Section 65863.

ATTACHMENTS:

- A. Resolution No. 2024-1927
- B. Revised Plans
- C. Comparison Memo from the Developer