



CITY of CALABASAS

## PLANNING COMMISSION AGENDA REPORT

October 8, 2009

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**TO:** Members of the Planning Commission

**FROM:** Tom Bartlett, AICP, City Planner  
Isidro Figueroa, Planner  
Joyce Parker-Bozylinski, AICP, Project Consultant

**PROPOSAL:** Review and approval of Draft Calabasas Land Use and Development Code, Draft Zoning Map, and Negative Declaration.

**APPLICANT:** City of Calabasas

**RECOMMENDATION:** Adopt Resolution No. 09-641 recommending that the City Council approve the Draft Calabasas Land Use and Development Code, Draft Zoning Map, and Negative Declaration.

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### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. 09-641 recommending that the City Council approve the Draft Calabasas Land Use and Development Code, Draft Zoning Map, and the Negative Declaration.

### **REVIEW AUTHORITY:**

Pursuant to Chapter 17.76 of the Calabasas Land Use and Development Code, the Planning Commission is the recommending body for reviewing amendments to the Calabasas Land Use and Development Code and Zoning Map, and the City Council is the final approval body.

### **BACKGROUND:**

At the conclusion of an extensive public outreach period, which included a General Plan Advisory Committee process, the Planning Commission, on September 25, 2008, considered and recommended approval of a comprehensive update to the City's General Plan. On December 10, 2008, the City Council approved the updated General Plan. The final phase of the General Plan update project consists of updating the City's

Land Use and Development Code to make the Code consistent with the policies of the updated General Plan.

In addition, the Land Use and Development Code update also includes revisions in order to:

- Comply with Federal and State law
- Incorporate the General Plan Consistency Review Program from the City's first General Plan
- Incorporate existing code interpretations and staff clean up items that address issues that have arisen during staff's use of the Code
- Improve the organization and usability of the Code

On May 21, 2009, a Draft Land Use and Development Code was released for public review. The Planning Commission held five public workshops (June 4, June 18, July 2, July 16, and July 20, 2009) to review the Draft Land Use and Development Code. At the conclusion of these workshops and in response to feedback and direction provided by the Commission, staff prepared a new redline of the Draft Land Use and Development Code and a Negative Declaration was prepared in compliance with the California Environmental Quality Act (CEQA).

#### **STAFF ANALYSIS:**

A copy of the revised redline Draft Land Use and Development Code was released for public view and posted on the City's web page on September 3, 2009. All changes to the Draft Land Use and Development Code made since the document was released on May 21<sup>st</sup> have been highlighted in yellow to make it easier for the Commission and public to locate and identify the changes. While the vast majority of the changes have been made based upon the Planning Commission input and review, a few of the changes resulted from staff's continued refinement of the Code. And while the staff report focuses on only some of the proposed revisions to the Land Use and Development Code, staff will be prepared to discuss each of proposed revisions and answer any questions the Commission may have at the public hearing.

One item that the Commission discussed at the workshops was changing the design guidelines in Section 17.20.070 into performance standards. Staff recommends that the design guidelines stay as guidelines. While performance standards allow for more flexibility than development standards, they regulate the effect of impacts of development and should be measurable. Guidelines on the other hand are more subjective in nature. As requested by the Commission, the proposed text in Section 17.20.070 has been revised to indicate that the design guidelines shall be utilized by the Design Review Panel (Architectural Review Panel in new Code) in their review of all development. Staff believes this change addresses the original concern about the Commission's authority and expertise in utilizing the guidelines. A copy of the proposed guidelines has been distributed to the DRP, and staff will relay any comments they receive to the Commission at the hearing.

During the workshop discussion on Chapter 17.28 – *Parking and Loading*, the Commission requested a survey of medical office parking requirements of surrounding communities. This survey was completed to verify whether the proposed changes to medical parking were consistent with such standards in surrounding communities. As indicated below, the proposed change from 1 space per 150 square feet to 1 space per 200 square feet for buildings less than 20,000 square feet would be consistent with standards found in surrounding cities. However, it should be noted that none of the cities used different requirements based on the size of the building (i.e. less than 20,000 square feet and over 20,000 square feet); this distinction is unique to Calabasas.

City	Parking Requirement	Gross Square Footage
Agoura Hills	1	200
Malibu	1	150
Westlake Village	1	200
Thousand Oaks	1	200
Los Angeles	1	200

Another item discussed by the Commission was adding a new finding to the scenic corridor permit that would allow the Commission to make a finding that a project is compatible with the surrounding neighborhood. Upon further consideration of the proposed change, staff believes that the addition of this finding is not necessary because the finding requirement already exists in the updated code. The proposed changes to the Land Use and Development Code will require a site plan review permit for all construction projects requiring review by the Planning Commission. And for those construction projects located in the scenic corridor, applicants would need to obtain a scenic corridor permit in addition to the site plan review permit. A finding regarding neighborhood compatibility already exists for the site plan review permit. (Previously, under the existing code, projects obtained either a site plan review permit or a scenic corridor permit but not both.)

Staff is also recommending several changes to setbacks from ridgelines and streams. Section 17.20.150 has been revised to provide for a 50 foot horizontal and vertical setback from a significant ridgeline as identified in the General Plan. This is consistent with the setbacks required by Los Angeles County. The original 25 foot vertical setback would remain for all other ridgelines. Staff also revised the setback from a perennial or intermittent stream from 100 feet from the centerline to 100 feet from the edge of the riparian habitat or edge of stream bank if no riparian habitat is present. This is the more common method of measurement according to the biologist who works for Rincon Consultants. Additionally, the term “perennial or intermittent stream” will now be utilized instead of “blue line stream”. This change will provide a greater level of protection for the streams and watercourses in the City.

As staff noted during the workshops, staff will return to the Commission at a later date with proposed changes to Chapter 17.24 - *Art in Public Places* and Chapter 17.32 - *Oak Tree Regulations*, therefore, all previous changes proposed to those two chapters have been removed, and existing Code language will remain as-is.

Attachment F includes additional changes to the proposed definitions of Community Center, Regional and Community Center, Neighborhood as identified in Chapter 17.90-*Definitions* of the current redline version of the Draft Development Code.

### Municipal Code Revisions

As provided for in the Draft City Council Ordinance No. 2009-265 (Attachment B), adoption of the changes to the Development Code will necessitate two changes to other chapters the Municipal Code. Chapter 2.28 will need to be revised to add the call for review provisions and Chapter 2.40 will need to be revised to change the name of the Design Review Panel to Architectural Review Panel. Since these are proposed revisions to the Municipal Code (not the Development Code), no formal action on the part of the Commission is required.

### California Environmental Quality Act (CEQA) Review

In accordance with provisions of the CEQA Guidelines, a Negative Declaration (ND) was prepared for the proposed amendments. The Negative Declaration tiers off of the 2030 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in December 2008. Together, the ND and the 2030 General Plan FEIR constitute the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The ND is included as Attachment E. The ND was made available for public review from September 3 to September 23, 2009. A notice of availability was published in the newspaper, posted on the City's web page, and mailed to all homeowners associations in the City as well as to public agencies. A copy of the ND was made available on the City's web page, at the public counter and at the public library. Since the comment period ends after the distribution of the staff report, staff will provide the Planning Commission with a list of any comments received as well as responses to those comments at the public hearing.

### **REQUESTED ACTION:**

Staff recommends that the Planning Commission adopt Resolution No. 09-641 recommending that the City Council approve the Calabasas Land Use and Development Code and Zoning Map Update and the Negative Declaration.

### **Attachments:**

- A: Planning Commission Resolution 09-641
- B: Draft City Council Ordinance 2009-265
- C: Draft Land Use and Development Code
- D: Draft Zoning Map

E: Negative Declaration

F: Amended Definitions for Community Center, Regional and Community Center,  
Neighborhood