

From: Gilian Neiditch <worksalright39@gmail.com>
Sent: Sunday, June 16, 2019 2:39 PM
To: Gilian Neiditch
Subject: No to West Village Project

Hello,

Please, consider voting no on the West Village Project.

The 180 home development will demolish and take hills down to street level. Not only will you put in 15, three-story buildings, which will obstruct views, even from the 101, but you will also take at least 4 years to build, while polluting our air and increasing density beyond normalcy.

You intend to pave over essential wetlands and natural springs, which means our birdlife will take an irreversible hit... and you'll literally fill in the existing canyon, which means we'll probably need to change our city logo, because this canyon is hawks' habitat for nesting....Then you'll bulldoze and convert 20 acres of protected open space into landscaped, manufactured slopes. Our community is standing up and say No to destroying the south side of this ancient Scenic Corridor. Who on the City Council can I count on to do the right thing?

Warner Center is a nightmare. I don't know who approved that project but there's no infrastructure to support a stadium and 1500 MORE luxury apartments. There's already horrible traffic at the Topanga Canyon exit. When does it end? How far away does one have to move to avoid this overutilization of land? Who on the City Council is voting to approve tripling our traffic congestion? It's unconscionable, because it's all about destruction and demolition, only to worsen quality of life.....

Where are the roads and freeways for these people to drive on? Where will their kids go to school? Where will the city dump the sewage?

We overwhelmingly voted no on Measure F, over 7400 voted No to development here of a hotel.....Never before have we had more demolition and development be approved, than by the city council of the last 8 years. There isn't 1 person who thinks it's a good idea to put 15 buildings here. Changes were made to the way zoning works for this area; which allowed this developer to get this far in approval process. Other than corruption, there's no way for me to explain this?

Is anyone listening to the residents? We don't want this!

Gilian

From: Stephanie Abronson <slabronson@gmail.com> **On Behalf Of** Stephanie Abronson
Sent: Sunday, June 23, 2019 4:00 PM
To: dshapiro@cityofcalabasas.com.; gmitchitsch@cityofcalabasas.com; info <info@cityofcalabasas.com>; info@cityofcalabasas.com.
Cc: edelman@smmc.ca.gov; edmiston@smmc.ca.gov; skei@smmc.ca.gov; david_szymanski@nps.gov; mrca@lamountains.ccsend.com; ezeziel@mountainstrust.org; info@rcdsmm.org; helsleyn@gmail.com; mail@smmtc.org; Timothy Lippman <TLippman@bos.lacounty.gov>; Nicole Englund <NEnglund@bos.lacounty.gov>; Sheila@bos.lacounty.gov; Senator Henry Stern <Henry.Stern@sen.ca.gov>; Richard Bloom <josh.kurpies@asm.ca.gov>
Subject: New Home-West Village Editorial Letter 6-23-2019.docx

I would greatly appreciate a reply from you regarding the City of Calabasas and the New Home Company – West Village at Calabasas.

Thank you,

~~Stephanie Abronson

543 Cold Canyon Rd.

Monte Nido, CA 91302-2206

An Open Letter to the People – Projects planned in Calabasas

NEW HOME Company – WEST VILLAGE AT CALABASAS -- EDITORIAL LETTER - June 23, 2019

The long game: We are looking to you for help. We must look together with an eye to the future.

Do you think that the new building projects that are planned in the City of Calabasas are none of our business?

This is a grave misunderstanding. If you live in Calabasas you may not realize that new development will, without a doubt, have an impact on you, your family, and our local community. Large scale projects cause more traffic congestion, impact wildlife negatively and cause definite changes to the natural landscape.

Please remember that the City of Calabasas guaranteed certain lands as Open Space to be left untouched by development. These lands are comprised of hundreds of heritage Oaks and Sycamores. These lands are wildlife corridors so that inbreeding does not take place and slowly, cruelly destroys the animals that are left. This Open Space that is left for our heritage trees, springs and streams where the wild ones' drink is critical to our ecology. This Open Space is a buffer of nature meant to save our souls. This Open Space has a wonderful network of multi-use trails for we humans to recharge our bodies and minds. The Las Virgenes Scenic Corridor is quietly losing to more and more development, and quietly filling the coffers of the City of Calabasas. Unless we all make an effort to save this Open Space.

Here is what the City of Calabasas promised everyone and not just the folks who live within the City:

- “The open space shall be generally configured as large, contiguous areas of undisturbed native habitat...”; manufactured slopes cannot be counted as open space [Code 17.20.055(A)9]
- “Development should preserve the hillside rather than alter the hillside to fit the development” [Code 17.20.150(B)3]
- All development in a Scenic Corridor “shall comply with all applicable Performance Standards for Hillside Development... and any applicable master plans.” [Code 17.18.040(D)]
- Development “shall respect natural surroundings and... follow natural topography” [Code 17.20.150(B)12] (Performance Standards for Hillside Development)
- “Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading.” [17.20.150(B)] (Performance Standards for Hillside Development)

One thing the City did not promise for the multitude of interconnecting and multi-use trails that run through the City of Calabasas. They did not promise or plan for dedicated parking areas at trailheads for large vehicles like school buses, horse trailers, or for any other trail users. The list of trails includes the Juan Bautista de Anza National Historic Trail that crosses the border in Mexico near Nogales, Arizona, extending to San Francisco, California. The Upper Las Virgenes Canyon Open Space Preserve -- this trail access point is at the north dead end of Las Virgenes Road. This trail leads to Simi Valley and to Cheesebro National Park in Agoura. Next the Don Wallace connector trail dedicated by members of your City Council has no dedicated parking areas or for that matter a safe entrance for equestrian use.

The Millennial Trail connected to the Anza National Historic trail, and leading around the Dog Park, connects to De Anza Park, to the Las Virgenes View Trail, which leads to King Gillette Ranch and Malibu Creek State Park, then up and over the mountains to Malibu and to the 67-mile Backbone Trail from Pt. Mugu in Oxnard to Will Rogers State Park in the City of Los Angeles. We’re connected to maybe 250 or more miles of local trails. Dedicated parking areas (including areas for horse trailers and school buses) for trail access are critical in order for the trails to be enjoyed by all. No parking areas = no trail access.

As a result, these trails are negatively impacted. Everyone involved in the building of these trails worked hard to create them for recreational use for the public. Many if not all builders were/are hikers and equestrians. Many of these trails have been used for over 50 years. A dedicated Trail Head, including safe access for horse trailers and school buses, and all trail users in the West Village at Calabasas Project is a critical piece in this puzzle of development within the City of Calabasas.

What is going on? Where?

Up at the 101 freeway east/west corridor, we’ve all watched the masses of buildings go in over many years. Yes, people need jobs where they live. There are lots of homes here, too, that bump into the open spaces and into the City of Agoura Hills, so these folks also need services, fire service, markets, fuel, water. These are done deals with the City of Calabasas. BUT, amazingly, there is still open space, and the Calabasas City Council has their covetous eyes zeroing in on this space, as does the developer/owner of the land parcel located at the intersection of Las Virgenes and Agoura Roads.

At Las Virgenes Road and the freeway ramp is the proposed Rondell Oasis Hotel. If built, this hotel will likely block the view plus access to the Juan Bautista de Anza National Historic Trail - a grave oversight. The City is proposing a well needed Park & Ride lot for commuters. This P&R is merely a parking lot designed with no room for large vehicles, such as school buses and horse trailers, which may bring riders and children to learn about the heritage of this trail. This land is located on the north side of the Mobil Service Station. Rondell road is that dirt strip with the traffic signal just before the east bound freeway ramp.

On the south side of this same Mobil Service Station is the New Home Company property, with the super tall story poles (rising as much as 60 feet into the air), showing the buildings intended for the West Village at Calabasas development. The signage and poles are at the intersection of Las Virgenes Road and Agoura Road which ends here in a "T" carrying huge amounts of traffic every day, seven days a week.

Now imagine another **WOOLSEY FIRE storm**. CalFire has assigned the City of Calabasas its highest **Fire Danger Rating = Very High Fire Hazard Severity Zone. This is a Health and Safety Issue which should be brought to the attention of CalFire!**

All the above affects everyone! This may sound like "the boy who cried wolf" but take time to really think about this. Where might YOU be when (not if) the next major fire storm rages through this area. Will you perhaps be in its path?

- If Las Virgenes Road is a County Designated Disaster Route, meaning all inbound lanes must remain open for emergency vehicles, how will you escape?
- The 101 freeway is the only designated route for emergency evacuation. How is that going to be improved, knowing that the Woolsey Fire Storm jumped the 101 in many places between Valley Circle/Mulholland Hwy. and Agoura Hills? What safe alternate routes are available for you, your animals, and your children?
- When the freeway is closed, Agoura and Mureau Roads are clogged with overflow traffic. There is no way out except possibly Las Virgenes Road and Mulholland Hwy., maybe!
- The original Traffic study for this West Village project used an old formula that does not reflect the growth in this portion of the City. A newer methodology for this critical Traffic study can be used, if elected; it becomes the new standard in 2020. Are you frustrated by the creeping traffic on all the roadways in the City?
- Two projects recently approved by the City, the Rondell Oasis Hotel (see paragraph 4 above) and the Paxton apartments currently under construction by A.W. Wright Middle School will overburden an already congested intersection. West Village at Calabasas will make it even worse.

In closing: West Village at Calabasas violates Protected Open Space creating artificial and manufactured hills and slopes that will be compacted with a high clay content soil, and when packed will cause rainwater to not soak into the soil to feed new plantings but will run off. Clay and water make a heavy sludge that will flow into the tributaries that end in Las Virgenes Creek. This sludge will make its way down the creek to the Santa Monica Bay. Have you seen the Bay when all the Santa Monica Mountains streams bring this type of sludge, those big brown patches going hundreds of feet into the ocean? Don't you think that has an effect on our local sea life?

What about the air we breathe? Don't you think that this development will create harmful air pollution from the dust and exhaust fumes from the graders and trucks on Albertson's market, other businesses and neighbors who live or work nearby? There were serious complaints from the folks living across from the Paxton apartments which incurred only a fraction of the soil movement onsite that will come with the West Village at Calabasas grading of approximately 2.6 million cubic yards. And this grading will probably go on for several years. This grading will obliterate wetlands, natural springs and wildlife habitats.

You can have an impact! You can influence and sway the local government decision-makers regarding West Village at Calabasas. Tell the City Council to reduce the number and height of buildings to properly fit the property frontage on Las Virgenes Road; to remove the buildings blocking the views of existing homes at The Colony of Calabasas; note that there is a lot of empty commercial space available across the street.

Don't allow more damage to happen to this irreplaceable and wondrous Open Space. Once it is gone, it is gone forever. The City of Calabasas promotes this statement on their website www.cityofcalabasas.com:

**City of Calabasas, the gateway to
the Santa Monica Mountains National Recreation Area
in northern Los Angeles County.**

Let us hold them to it!
With sincere regard,



Stephanie Abronson

Stephanie@abronson.com

543 Cold Canyon Rd.
Monte Nido, CA 91302-2206

P.S. Kindly provide a copy for each member of the Calabasas City Council and Planning Commission

Here's what you can do! Share this letter. Talk to your friends and neighbors.

Write/email to the following. Be sure to add -- Subject: File # 160003152, New Home Co., West Village

****Mayor David J. Shapiro, City of Calabasas, 100 Civic Center Way, Calabasas, CA 91302;**

dshapiro@cityofcalabasas.com.

****And to: Glenn Mitchitsch, City of Calabasas, Community Development Department, Planning Division, 100 Civic Center Way, 1st Floor, Calabasas, CA 91302; gmitchitsch@cityofcalabasas.com;**

info@cityofcalabasas.com

Continued next page →

****And to the Planning Commission, Dennis Washburn, *Chair*, City of Calabasas, 100 Civic Center Way, Calabasas, CA 91302; info@cityofcalabasas.com.**

****CalFire -- Thom Porter, Director, California Department of Forestry and Fire Protection, 1416 9th St. P.O. 944246, Sacramento, CA 94244-2460; 916. 653. 7772; <http://www.osfm.fire.ca.gov>; and to State Fire Marshal Dennis Mathisen, 2251 Harvard St., PO 944246, Sacramento, CA 94244-2460; 916.568.3800. http://calfire.ca.gov/fire_prevention/fire_prevention**

Make your voice also heard by:

****Santa Monica Mountains Conservancy, Joe Edmiston, Executive Director, 5750 Ramirez Canyon Rd, Malibu, CA 90265; (310) 589-3200; Email: edmiston@smmc.ca.gov; copy to Paul Edelman, MRCA Chief of Natural Resources and Planning, 5750 Ramirez Canyon Rd, Malibu, CA 90265, Email: edelman@smmc.ca.gov; and to Rorie Skei skei@smmc.ca.gov**

David Szymanski, Superintendent, Santa Monica Mtns. Nat'l Rec. Area, 401 West Hillcrest Dr, Thousand Oaks, California 91360-4207; 805) 370-2300; Email: david_szymanski@nps.gov

Mountains Recreation & Conservation Authority, George Lange, Chair, 570 W. Avenue 26, Suite 100, Los Angeles, CA 90065; (323) 221-9944; Email: mrca@lamountains.ccsend.com

Mountains Restoration Trust, Ezekiel Schlais, Executive Director, 23075 Mulholland Highway, Calabasas, CA 91302; 530-492-0241; Email: ezekiel@mountainstrust.org

Resource Conservation District of the SMMtns, R.C. Brody, President, Nancy Helsley, Treasurer, Beth Burnam, Director, 540 S. Topanga Canyon Blvd., Topanga, CA 90290 • 818-597-8627; Email: info@rcdsmm.org ; copy to Nancy Helsley helsleyn@gmail.com

Santa Monica Mtns Trails Council, Ruth Gerson, President, P.O. Box 345, Agoura Hills, CA 91301; (818) 222-4531; Email: mail@smmtc.org

Talk to or write:

Sheila Kuehl, L.A. County Supervisor, Third District, Suite #100 26600 Agoura Rd, Calabasas, CA 91302; (818) 880-9416; Email: Sheila@bos.lacounty.gov

Get in touch with:

Senator Henry Stern, California District 27, Calabasas District Office, 5016 N. Parkway Calabasas, Suite 222 Calabasas, CA 91302; Phone: (818) 876-3352; Phone: (805) 815-3917; Phone: (661) 263-2628; Phone: (310) 830-1961; Email: Henry.Stern@sen.ca.gov

Assemblyman Richard Bloom, 50th Assembly District, Local office: 2800 28th Street, Suite 150, Santa Monica, CA 90405; and State Capitol, P.O. Box 942849, Sacramento, CA 94249-0050; Tel: (916) 319-2050; Fax: (916) 319-2150; Email c/o Josh.kurpies@asm.ca.gov

-30-

From: Luresa G Byrne <byrne1o1@pacbell.net>
Sent: Thursday, June 20, 2019 1:34 PM
To: info <info@cityofcalabasas.com>
Subject: Attn:Planning Commission and City Council

Dear City Council Members and associated staff,

There is overwhelming public interest and concern regarding the West Village at Calabasas project located at the intersection of Las Virgenes and Agoura Roads.

It is my understanding that the Lead Agency of this proposal is obligated to provide stakeholders with ample/reasonable time to review and access pertinent

information regarding the impacts to our city this project brings. Many impacts are significant and many are permanent and detrimental to the lifestyle and character of this area. I want to be an involved party who is heard on this destruction of our neighborhoods.

After viewing the archive video of the Planning Commission meeting of last week, I get the feeling that *we the people* are not being considered. I have grave concerns about efforts to limit the public's time for comments or concerns at the upcoming Public Hearings scheduled for July 10th & 11th. If a large number of speakers from the public take time to write, or to attend meetings to speak, every effort should be made to accommodate them.

Limiting the speaking time without allowing for group presentations (ceding minutes, etc...) and forcing working parents to attend 2 nights of hearings and lengthy Staff Reports in order to have 2 minutes to speak about something that is potentially going to change the area forever.....it just doesn't seem like the "right" thing to do. I hope you will seriously consider how these exclusionary actions will negatively affect the residents you regularly ask to come out and get involved in the City's future growth and evolution.

Civic involvement in a respectful and educated manner is what the Calabasas Coalition has always pursued. We will continue to be an active, relentless, and respectful group of residents with a vested interest in building a sustainable and environmentally sound community. Calabasas is a place where people can thrive. We all know that protecting the natural resources within these mountains is the only thing that will ensure a future for any of us.

Please, I respectfully request that you reserve the second night of the Planning Commission Public Hearings on West Village at Calabasas to speakers from the public only. Doing so will serve the resident's interests and it will make clear to the public where and when their concerns will be addressed.

Sincerely,

Luresa Poe Byrne, M.A.

-----Original Message-----

From: Denise Miller <deniseymiller@icloud.com>

Sent: Wednesday, June 19, 2019 9:45 AM

To: info <info@cityofcalabasas.com>

Subject: West village at Calabasas project att planning commission

I am appalled at the scope of this project. The excessive grading, size, traffic, wildfire concerns and LAWS of the city of Calabasas should be considered.

For me the tragedy is that we as citizens feel at war and hated for trying to be sure the right thing is done.

Planning commission please DO YOUR JOB.

I will continue to "nag" you as I have been told that is most effective approach. My apologies in advance.

Sincerely,

Denise Y Miller

4341 Willow Glen St

Sent from my iPhone

Glenn Michitsch

From: John Suwara <johsuwa@yahoo.com>
Sent: Tuesday, July 2, 2019 11:58 AM
To: info
Cc: Maricela Hernandez; Glenn Michitsch
Subject: Planning Commission July 10th and 11th Hearing re West Village at Calabasas.
Attachments: PC FINAL West Village at Calabasas EIR Comments - Planning Commission 7-2-2019.pdf

Hello,

Thank you for the opportunity to submit The Calabasas Coalition Report for the West Village at Calabasas. It is attached to this email.

Please include the report in the early packet that is provided this week to members of the Planning Commission.

Also please send us a receipt that you received the report and that it is included in the Public Record for the West Village at Calabasas.

John

The Calabasas Coalition™



"Voices of the Community"

**Email: Info@thecalabasascoalition.org
www.thecalabasascoalition.org**

July 2, 2019

City of Calabasas Planning Commissioners
City of Calabasas
100 Civic Way
Calabasas, CA 91302

Re: West Village at Calabasas EIR Comments - Calabasas Planning Commission.

Dear Commissioners Washburn, Kraut, Mueller, Fassberg, Harrison and Sikand

Thank you for the opportunity to present this report. This is the combined effort of people who have lived in Calabasas for many years and care deeply about the special natural beauty of Calabasas.

We thank you for your service on the Planning Commission. You are in a unique position to make decisions regarding the planning and control of future construction, growth and development. We believe that responsible development should balance demands for growth with the need to protect open space and the environment. The City's vision that new development fit in rather than replace the area's unique natural features has been codified into law and contained in the Calabasas Land Use and Development Codes. Codes that apply are discussed in the report.

This vision of responsible development and protection of open space is also evidenced by City Council members unanimously supporting ballot arguments for Measure D. In turn, at the ballot box, voters passed Measure D by a greater than 90% majority showing the support of city residents for open space protection. Ironically, the EIR states that Measure D does not protect open space, but approving this project will. That doesn't make any sense!

The voting public again agreed with this vision with Measure F that rejected the previous project that had been approved for this site. In November 2016, Measure F resulted in 64.8% voting against to only 35.1% voting for the project. Every precinct in the city agreed. They did not want hillsides destroyed by bulldozers that turned them into manufactured slopes.

The Woolsey Fire awakened us to the fact that there is a "New Normal". Wildfires are expected to be more frequent and more devastating. This was especially evident on the west side where homes were totally lost or damaged. Building new homes adjacent to open space plus adding hundreds of additional cars to already overburdened streets is a public safety issue that must be considered.

Thank you for your consideration.

Sincerely,

John Suwara
for The Calabasas Coalition

The Calabasas Coalition™



"Voices of the Community"

Email: Info@thecalabasascoalition.org

www.thecalabasascoalition.org

As an introduction to the Calabasas Coalition report, we have compiled a synopsis of codes applicable to the proposed project.

The full text of the codes follows the synopsis; our report provides supporting documentation.

APPLICABLE CALABASAS MUNICIPAL LAND USE CODES
(“Document”)

This Document in its entirety is made a part of and incorporated into the West Village at Calabasas EIR Comments - Calabasas Planning Commission dated July 2, 2019.

The following is a synopsis of applicable codes. The full codes are at the end of this document.

- 17.90.20** Development means any grading or construction activity or alteration of the land, its terrain contour or vegetation”
- 17.20.070(C)** Proposed development in a scenic corridor shall comply with Scenic Corridor Guidelines.
- 17.20.150(C)1** Buildings should be located in the most geologically stable portion or portions of a site
- 17.18.040(A)** The purpose of -SC zoning is to protect an important economic and cultural base of the city by preventing destruction of the natural beauty and environment of the city; safeguard open spaces.
- 17.18.040(D)** All development in -SC zoning shall comply with Performance Standards for Hillside Development and any applicable specific plan, master plan, corridor design plan or design guidelines.
- 17.20.050(A)** The following Performance Standards for Biotic Resources shall apply to all development:
1. Disturbances of biotic resources shall be avoided, to the extent feasible as determined by the review authority.
 2. Vegetative resources which contribute to habitat carrying capacity and other significant biotic features are to be preserved in their existing location and condition.
 3. The significant impacts identified in Table 6-2 in Chapter 17.60 shall be avoided, to the extent feasible as determined by the review authority.
- 17.20.055(A)** Topography and preservation of open space shall be balanced to determine location of lots. Open space shall be generally configured as large, contiguous areas of undisturbed native habitat. The set aside calculation should not include landscaping, manufactured slopes, or other artificially landscaped features but may include habitat restoration areas.
- 17.20.150(A)** All development shall comply with applicable hillside development performance standards of this chapter, including, but not limited to standards for hillside development addressing grading.
- 17.20.150(B)1** Performance Standards for Hillside Development. Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading. The intent of this section is to limit the amount of grading on the steeper portions of a lot.
- 17.20.150(B)2** Grading and project design shall address and avoid impacts to habitat linkages and wildlife corridors.
- 17.20.150(B)3** A development should preserve the hillside rather than alter it to fit the development
- 17.20.150(B)6** Structures shall be sited in a manner that will
- (a) Fit into hillside contours and the form of the terrain;
 - (b). Retain outward views from units and maintain the natural character of the hillside; and
 - (c). Preserve natural hillside areas and ridgelines views from the public right-of-way
- 17.20.150(B)12** The overall scale/massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which (i) minimize bulk and mass, (ii) follow natural topography, and (iii) minimize visual intrusion on the natural landscape.
- 17.13.020(A)4** Densities greater than the minimum may be permitted only if impacts of the proposed development are less than those in Table 6-2.

Full Text of Applicable Calabasas Municipal Land Use Codes

- 17.90.20** Development means any grading or construction activity or alteration of the land, its terrain contour or vegetation, including the addition to, erection, expansion, or alteration of existing structures.”
- 17.20.070(C)** “Proposed development and new land uses within a scenic corridor designated by the -SC overlay zoning district shall comply with the city’s Scenic Corridor Development Guidelines”.
- 17.20.150(C)1** General Siting Principles. Buildings should be located in the most accessible, least visually prominent, and most geologically stable portion or portions of a site. Buildings should be located in the least visually prominent locations of a property, on open, grassy hillsides, where the prominence of buildings should be minimized by placing them in locations where they will be screened by existing vegetation, rock outcroppings, or depressions in topography.
- 17.18.040(A)** Purpose. The purpose of the -SC overlay zoning district is to protect an important economic and cultural base of the city by preventing the destruction of the natural beauty and environment of the city; to safeguard and enhance property values; to protect public and private investment, buildings and open spaces; and to protect and enhance the public health, safety, and welfare.
- 17.18.040(D)** Development Standards. All development within the -SC overlay zoning district shall comply with all applicable provisions of the Performance Standards for Hillside. Development and Urban Design Standards of Chapter 17.20, the Scenic Corridor Development Guidelines adopted by the council, all applicable provisions of this development code, and any applicable specific plan, master plan corridor design plan or design guidelines.
- 17.20.050(A)** Biotic resource protection. The following Performance Standards for Biotic Resources shall apply to all development projects:
1. Disturbances of biotic resources shall be avoided, to the extent feasible as determined by the review authority.
 2. Vegetative resources which contribute to habitat carrying capacity (vegetative species diversity, faunal resting areas, foraging areas and food sources) and other significant biotic features are to be preserved in their existing location and condition.
 3. The significant impacts identified in Table 6-2 in Chapter 17.60 shall be avoided, to the extent feasible as determined by the review authority.
- 17.20.055** Cluster development Standards.
- A. Cluster Development Standards for HM and RR Zones. In accordance with General Plan policies, clustered development standards allow for superior subdivision design in situations where sensitive or significant natural features warrant preservation or conservation. By adhering to the following standards, clustered development will generally result in the preservation of a greater amount of open space with fewer impacts to the environment, including reduced site grading and a reduced development footprint, fewer oak tree impacts, fewer biological impacts, and minimization of the urban-wildland interface. Accordingly, the following standards apply to all clustered development projects:
5. Where an average slope for a project exceeds twenty (20) percent, dwelling units should be clustered together on the more level portions of a site and steeper areas should be preserved in a natural state.
 7. The following factors, among other relevant factors, shall be balanced to determine the location of lots: topography and efficiency of access, preservation of open space, need for secondary access, geologic hazards and constraints, visual impacts, and conservation of natural resources and landscape features.

9. The open space shall be generally configured as large, contiguous areas of undisturbed native habitat capable of serving the various purposes of such open space, including view preservation of the natural areas, habitat preservation and wildlife corridor preservation. The open space set aside calculation should not include lawns, landscaping, manufactured slopes, or other artificially landscaped features but may include habitat restoration areas.

17.20.150(A) Performance Standards. All development shall comply with the applicable performance standards of this chapter. These include, but are not limited to the performance standards for hillside development addressing grading, project site planning, architectural design, landscape treatment and slope maintenance, and hazards (seismic, geologic and fire).

17.20.150(B) Performance Standards for Hillside Development. Grading and project design shall conform to the city's grading ordinance (Title 15) and the following standards:

1. Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading. To this end, grading plans shall conform to the following guidelines:

a. Slopes less than ten (10) percent: For property on slopes less than ten (10) percent, redistribution of earth over large areas may be permitted.

b. Slopes between ten (10) and twenty (20) percent: Some grading may occur on property on slopes between ten (10) and twenty (20) percent, but landforms must retain their natural character. Padded building sites may be allowed, but split level designs, stacking and clustering are required to mitigate the need for large padded building areas.

c. Slopes between twenty (20) and thirty (30) percent: Limited grading may occur on property on slopes between twenty (20) and thirty (30) percent; however, major topographic features including ridge lines, bluffs, rock outcroppings, and natural drainage ways shall retain their natural landforms. Special hillside architectural and design techniques shall be required in order to conform to the natural land form, by using techniques such as split level foundations of greater than eighteen (18) inches, stem walls, stacking and clustering.

d. Slopes between thirty (30) and fifty (50) percent: Development and limited grading can occur on property on slopes between thirty (30) and fifty (50) percent, but only if it can be clearly demonstrated that safety hazards, environmental degradation, and aesthetic impacts will be avoided. Variable setbacks and building structural techniques (e.g., stepped or post and beam foundations) is required for development and limited grading on these properties. Structures shall blend with the natural environment through their shape, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations.

e. Slopes greater than fifty (50) percent: Except in areas limited in size and in isolated locations development in areas with slopes greater than fifty (50) percent shall be avoided.

The intent of this section is to limit the amount of grading on the steeper portions of a lot. In order to ensure compliance with the intent of this section, the director may require a slope analysis to determine areas and subareas of different slope conditions

17.20.150(B)2: Grading and project design shall address and avoid impacts to habitat linkages and wildlife corridors.

17.20.150(B)3 Overall project design and layout shall adapt to the natural hillside topography and maximize view opportunities to and from a development. A development should preserve the hillside rather than alter it to fit the development.

17.20.150(B)6 Structures shall be sited in a manner that will

- a. Fit into hillside contours and the form of the terrain;
- b. Retain outward views from the maximum number of units and maintain the natural character of the hillside; and,
- c. Preserve natural hillside areas and ridgelines views from the public right-of-way.

17.20.150(B)12: The overall scale and massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which (i) minimize bulk and mass, (ii) follow natural topography, and (iii) minimize visual intrusion on the natural landscape.

17.13.020(A)4: Residential district general development standard. Densities greater than the minimum may be permitted up to the maximum *only if the impacts of the proposed development are less than those identified in Table 6-2 (Development Impacts of Individual Development Projects) in Chapter 17.60 and are consistent with the performance standards in Chapter 17.20.*

Table 6-2 Development Impacts of Individual Development Projects	
Issue	Development Impact
Preservation of Open Space	A new discretionary development project that would prevent the city from achieving (i) its open space objective of 4,000 acres of designated natural open space within the city limits, or (ii) an open space network of protected areas with a high degree of visual and physical continuity.
Hillside Management	Discretionary development projects that are not in compliance with hillside grading performance standards.
Biotic Resources	A discretionary development project that results in a net loss of habitat value in an area mapped as a significant ecological area, wildlife linkage or corridor on General Plan Conservation Element Figure IV-1, or that is otherwise identified as an area containing any biological species or habitat identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Figure IV-1 is to be updated periodically. The construction of channelized flood control works, debris basins, and retention/detention facilities within a perennial or intermittent stream or wetlands area and any net loss of wetland area.
Air Quality	<ul style="list-style-type: none"> • A discretionary development project that: Interferes with attainment of Federal or State ambient air quality standards, hinders attainment of the greenhouse gas emission reduction objectives of AB 32, or is inconsistent with the AQMP. • Causes a violation of the State's one hour or eight hour standard for carbon monoxide (CO).
Water Resources	<ul style="list-style-type: none"> • A discretionary development project that: Involves an amendment to the zoning map that increases water consumption beyond water supplies available from the Las Virgenes Municipal Water District. • Fails to incorporate best management practices in plumbing fixtures or is inconsistent with the city's Water Efficient Landscape Criteria. • Is located in an area for which providing reclaimed water supplies is feasible, and could legally use reclaimed water supplies, but is not designed for such use. <ul style="list-style-type: none"> • Is inconsistent with applicable NPDES permit requirements.

Soil Conservation	A discretionary development project where grading or subsequent operations result in deposits of soils on public streets or on downstream properties at a rate greater than natural erosion. Employment of "best management practices" and compliance with applicable NPDES requirements are presumed to reduce the impacts of a development to a less than significant level.
Energy Conservation	A discretionary development project that does not meet all applicable Title 24, California Code of Regulations and Calabasas Green Building Ordinance energy conservation requirements, and, in addition, does not employ best management practices for passive energy conservation.
Solid Waste Management	A discretionary development project inconsistent with the city's Source Reduction and Recycling Element.
Mineral Resources	Any extraction of mineral resources for off-site use that is inconsistent with the hillside management provisions of the General Plan.
Seismic, Geologic, Flooding, and Fire Hazards	<ul style="list-style-type: none"> • A discretionary development project that does not meet Title 15 of this Code. • Placement of a discretionary development project within a FEMA 100-year flood zone unless FEMA issues a letter of map revision indicating that the site has been removed from the 100-year flood zone. • Placement of development adjacent to a creek that has shown evidence of past erosion unless a hydrology study indicates that the project will not be subject to erosion-related damage and will not create further downstream erosion.
Noise	<ul style="list-style-type: none"> • A discretionary development project that: Would create noise in excess of the standards outlined in the Calabasas Noise Ordinance. • Is located in an area that currently exceeds or will exceed the "normally acceptable" range for the proposed use, as outlined on Figure VIII-3 of the General Plan Noise Element, unless mitigation can either reduce exterior noise levels to the normally acceptable level or achieve an acceptable interior noise level (45 dBA CNEL for residences) • Would generate traffic noise that would be audible at a sensitive receptor location and would increase the long-term CNEL along a roadway by <ul style="list-style-type: none"> — 7 dB or more where the existing CNEL is less than 50 dBA — 5 dB or more where the existing CNEL is between 50 dBA and 55 dBA — 3 dB or more where the existing CNEL is 55 dBA and 60 dBA — 2 dBA or more where the existing CNEL is between 60 dBA and 50 dBA — 1 dBA or more where the existing CNEL is between 65 dBA and 75 dBA — Any amount where the existing CNEL is greater 75 dBA
Hazardous Materials	A discretionary development project that is inconsistent with the most current Los Angeles County Hazardous Waste Management Plan.
Disaster Response	A discretionary development project that would be inconsistent with adopted standards of the city or other disaster response agency.
Population Growth	A discretionary development project that would result in a population or employment increase in excess of that included in SCAG's regional forecasts for the City of Calabasas, as accepted by the city,
Housing	<p>A discretionary development project that:</p> <ul style="list-style-type: none"> • Prevents the city from meeting its share of regional production needs (Table V-3 of the General Plan Housing Element) <ul style="list-style-type: none"> • Results in the net loss of any subsidized affordable housing units • Results in the net loss of rental housing at any time the vacancy rate for rental housing is below five percent (5%)

Land Use	<ul style="list-style-type: none"> • A discretionary development project that: Would cause significant impacts on other properties based on other standards included in this table • Is inconsistent with standards contained in the development code unless it can be demonstrated that a variance from applicable standards would not cause significant impacts on other properties based on other standards included in this table
Circulation	<ul style="list-style-type: none"> • A discretionary development project that: Roadway level of service along nearby streets exceeds the performance objectives outlined in the "Vehicular Circulation" objectives of the General Plan Circulation Element: <ul style="list-style-type: none"> — Prior to project development — Subsequent to project development — At General Plan buildout; and • The project will create a peak hour volume-to-capacity (V/C) increase in excess of the criteria outlined in General Plan Circulation Element Table VI-3.
Fiscal Management	A discretionary development project that increases the cost or lowers the level of municipal services or facilities that are being provided to existing development.
Community Design	A discretionary development project that would be inconsistent with a policy of the General Plan Community Design Element
Historical and Cultural Resources	A discretionary development project that impacts an identified historical or archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines or would be inconsistent with the city's Historic Preservation Ordinance.
Parks and Recreation	<p>A discretionary development project that:</p> <ul style="list-style-type: none"> • Prevents the use of an existing or proposed public or private park; or • Does not provide mitigation for increased demand for parks as required by this Development Code
Municipal Services and Facilities	<p>A discretionary development project that:</p> <ul style="list-style-type: none"> • Would not meet adopted performance standards of the affected municipal service or facility provider; or • Reduces the level of service provided to existing development below adopted performance standards of municipal service and facility providers; or ;eoll;• Results in any further reduction in the level of service to existing development where the level of service being provided to existing development is already below the adopted performance standards of municipal service or facility providers.
Responsible Regionalism	A discretionary development project that would create impacts in excess of these standards outlined in this table within other jurisdictions without providing offsetting benefits to those jurisdictions.
Quality of Life	<p>A discretionary development project that:</p> <ul style="list-style-type: none"> • The increase in nighttime intensity of light would be inconsistent with the city's Dark Skies Ordinance; or • Humidity, heat, cold, or glare is noticeable without instruments by the average person on an adjacent property; or • Unpleasant odors are created that would be perceptible by the average person on an adjacent property.

EXECUTIVE SUMMARY

CMC17.20.150(3) Hillside and ridgeline development, states, “Overall project design and layout shall adapt to the natural hillside topography and maximize view opportunities to and from a development. A development should preserve the hillside rather than alter it to fit the development.” The hillsides contained within this land parcel are precious and this CMC law is most certainly applicable to them.

The FEIR states “All project impacts would be mitigated to less than significant levels, except for the project’s aesthetic impact related to the change in visual character of the project site, which would be significant and unavoidable.”

This is an inconsistency with the 2030 General Plan Open Space Element and in direct conflict with the intent of Measure D, which is to “preserve open space in the City” and “reserve to voters of the City the ultimate determination whether open space lands should be converted to other uses.” (Ord. No. 2005-225, §1). Further the Measure D ordinance preamble states “The People of the City of Calabasas hereby find that the remaining areas of open space in the City are a precious resource in an increasingly urban society. The prevalence of open space in Calabasas contributes greatly to the quality of life of the community.” The General Plan specifically states that preservation of Open Space is of the highest priority to the community.

It is worth noting that the ballot argument in favor of Measure D, signed by all five City Council members, includes these statements: “Open space is irreplaceable. Once lost, it is gone forever; and once developed, the character of the land is forever altered.” and “The Open Space Initiative will invest in the people the power to make important decisions regarding future growth.” Please keep in mind the will of the people that has already been confirmed in the City’s own survey and the results of the No on Measure F ballot referendum.

As registered voters and members of the Calabasas public, we have spoken to you in Oral Comments delivered at several Planning Commission meetings earlier this year. In each case, we have pointed out specific CMC laws and 2030 General Plan Policies, Goals and Objectives that support our contentions. We asked that you do research into these matters for yourselves. We ask that these CMC laws and 2030 General Plan Policies, Goals and Objectives be enforced to the benefit of the public and its interests.

Does the right to develop privately owned property include the right to supersede the public’s right to preserve and protect Open Space within Calabasas in a natural, undisturbed state? It is our position that the answer is “NO”. You have a fiduciary duty to take into consideration both sides of that question.

Building new homes adjacent to open space is adding fuel for fires. Adding hundreds of additional cars to already overburdened streets is putting residents in danger. It is a public safety issue that must be given serious consideration.

ENVIRONMENTAL IMPACT ANALYSIS

With regard to the Woolsey Fire, it is stated that the project site is included in the areas the fire burned but the EIR considers impacts to pre-fire condition environmental resources in accordance with Section 15125(a) of the CEQA Guidelines. However, this does not preclude taking into consideration the effects of the Woolsey Fire or the post-fire condition environmental resources; it only states that pre-fire condition must be included. Post-fire conditions on the project site have resulted in a greater impact, and they must be considered.

AESTHETICS

The City’s 2030 General Plan identifies both significant visual resources and scenic corridors in the vicinity of the project site (City of Calabasas 2015). The significant scenic corridors identified in the 2030 General Plan that are affected by the proposed project include the U.S. 101 Freeway Scenic Corridor and the Las Virgenes Road Scenic Corridor.

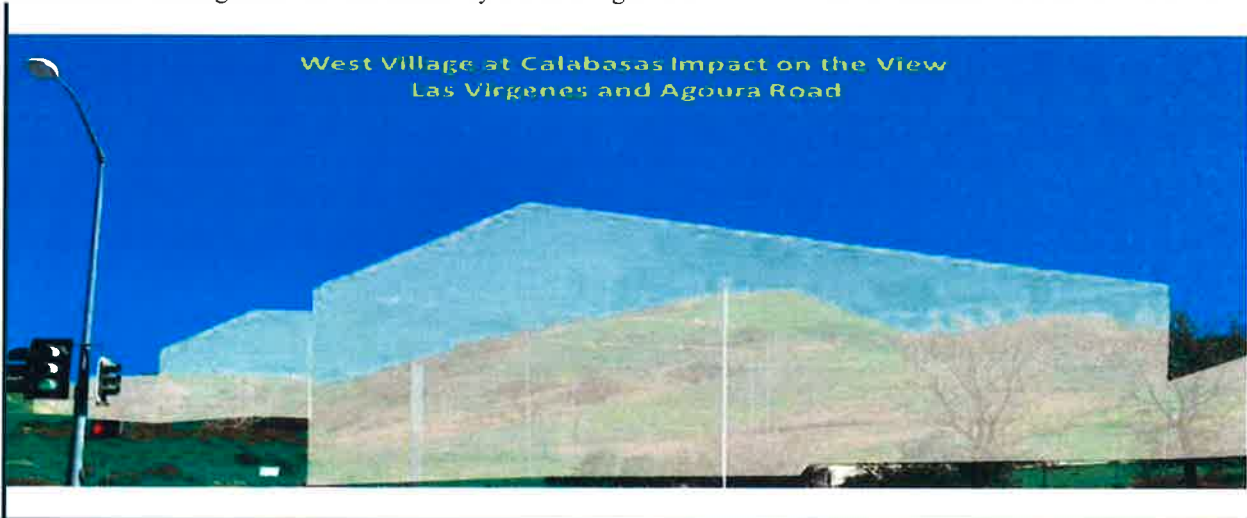
PROJECT IMPACTS AS STATED IN THE EIR

The EIR claims in Impact AES-1 that the proposed project would alter views from the U.S. 101 and Las Virgenes

Road. Existing views include designated significant ridgelines and rolling hillsides, as well as open space. Impacts to scenic views from portions of Las Virgenes Road, a designated scenic corridor, will be potentially significant. Existing views are dominated by open space and rolling hills in the foreground and middle ground and by ridgelines in the distance. These views will be obscured by 15 massive three-story buildings. Mitigation includes a landscaping plan, which calls for planting of vegetation that could grow to a height of 30 feet, further blocking the views of the scenic hills.

It should be noted that photo simulations for this impact on the view in the EIR are from the Jack-in-the-Box on Agoura Road, several hundred feet west of Las Virgenes Road. The impact on the view depicted in that simulation is not nearly as impactful as it would be if it were from Las Virgenes Road.

The picture below is a photograph taken from the southwest corner of Agoura and Las Virgenes Roads that includes the story poles on the site that depict the buildings' actual mass, size, and impact on the view. This is what people will see when stuck in traffic at this intersection or when walking or driving by the proposed project. The views of the hillsides and ridgelines will be blocked by the buildings. **THE VIEW IMPACTS CANNOT BE MITIGATED.**



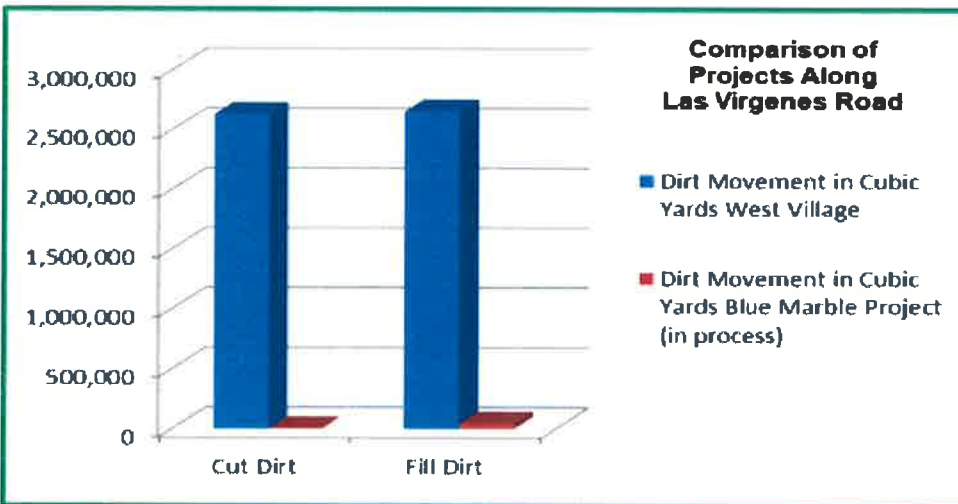
The EIR claims in Impact AES-2 that the proposed site grading and development would alter existing scenic resources on the project site. The modification of natural slopes and removal of on-site oak trees and other native vegetation would damage scenic resources.

Please note that “modification of natural slopes” means replacing natural slopes with manufactured hillsides like those adjacent to the 101 Freeway northbound on/off ramps at the recently completed Lost Hills interchange.

The project would involve grading of approximately 36 acres of the site’s natural landforms, which are marked by natural hillsides, oak trees, seep-fed wetlands, and ephemeral drainages. The proposed grading would involve re-contouring of the existing hillsides and filling of the existing canyon to create building pads for 15 three-story buildings.

In order to remediate an existing ancient landslide feature on the project site, the project would involve approximately 2,403,418 cy of cut and an estimated 2,406,971 cy of fill. An additional 218,770 cy of cut and 240,785 cy of fill is also proposed as non-remedial site grading.

THIS IS MORE THAN 10 TIMES THE AMOUNT OF GRADING DONE ON THE PAXTON/BLUE MARBLE SITE.



The EIR claims in Impact AES-3 that the proposed project would substantially alter the visual character of the project site through site grading and the addition of new residential and commercial development in a current undeveloped area.

The change in visual character would be a Class I, *significant and unavoidable* impact.

The bottom line is that currently approximately 61 acres of the 77-acre parcel is already designated Open Space-Development Restricted. The developer will be disturbing this designated Open Space-Development Restricted zoned land, leaving only 41.42 acres undisturbed. Another 24.58 acres would be “landscaped” into manufactured slopes and other unnatural “landforms”. To say that they will minimize the visual effect of the grading “to the degree feasible” is totally open-ended on their behalf. Does the FEIR’s phrase, “return the area to a quasi-natural condition in the long-term,” refer to manufactured slopes? That is not what made Calabasas unique. Las Virgenes Road is “The Gateway to the Santa Monica Mountains”. Natural hillsides and views support that message.

Mitigation to address the change in visual character beyond proposed design features intended to minimize the project’s visual impact are not available.

Significance: The impact related to the change in visual character from an undeveloped hillside to a commercial/residential development would be significant and unavoidable.

The project causes significant and unavoidable impacts in the area of Aesthetics. When a project’s impacts are significant and unavoidable CEQA requires a Statement of Overriding Consideration that sets forth the specific social, economic or other reasons supporting approval.

There are no benefits to the community that will override the degrading of the hillsides and viewshed.

- The environmental impacts alone of the grading will forever change this bucolic canyon and surrounding iconic hillsides.
- The assertion that there are economic benefits is questionable. There is no need for an additional 6,000 square feet of commercial/retail space. Currently in Calabasas, there are at least twenty-five vacant storefronts totaling over 50,000 square feet, including the Coco’s site, which has been vacant for over 4 years. There is no need for more empty storefronts.
- The housing market is softening as demonstrated by the inability to sell the Paxton/Blue Marble townhomes currently under construction.
- The maximum density that the developer is asking for will be substantially impactful to area roadways.

- Fifteen (15) residential buildings with 180 units crammed into approximately 9 acres is not compatible with the neighboring single-family residential community in terms of housing density, site design, building design and architecture.
- This project will not alleviate the regional housing shortage by increasing housing supply in an area where new housing units for sale are **not** selling.

BIOLOGICAL RESOURCES

Per the FEIR, “legislative mandates, regulatory authorities have defined special-status biological resources as those specific organisms that have regionally declining populations, such that they may become extinct if declining population trends continue. Habitats are also considered special-status biological resources if they have limited distributions, have high wildlife value, include special-status species, or are particularly susceptible to disturbance.” The FEIR also notes that habitat linkages are especially important for low-mobility species because it allows for genetic diversity over the long term.

The entire site of the proposed project is within the Calabasas Wildlife Linkage and Corridor. It is barely outside of the Santa Monica-Sierra Madre Connection (by just ¼ mile). California Native Plant Society notes that, “In as much as the West Village site may not be within the Santa Monica Mountains/Sierra Madre Connection, it and the adjacent open space areas are well documented as important feeder sites for nurseries, breeding, plant and animal connectivity.” It is also entirely within a Los Angeles County Significant Ecological Area (SEA). The City of Calabasas is not bound by County SEA guidelines, but the dual designation indicates the uniqueness and importance of this land. The parcel supports a total of four wetlands, fed by year-round springs. It also has an ephemeral stream that discharges to the Las Virgenes Creek and ultimately the Pacific (via Malibu Creek)

Wildlife Linkage and Corridor

The FEIR notes that “connectivity of the habitats on-site with adjacent habitat has been limited by the conversion of natural habitats west of the project site into urban development...”. It also notes the conversion of habitats east of the project site. The translation: development has already limited habitat connectivity, which makes the existing Linkage and Corridor and its resources all the more crucial.

The proposed project would result in a significant impact that is not mitigated: a 25% loss in the width of the Calabasas Wildlife Linkage and Corridor. The FEIR notes that Policy IV-2 of the General Plan’s Conservation Element states that loss of habitat linkages is unacceptable.

The FEIR’s Topical Response B: Wildlife Corridor Impacts makes the argument that the City has not recommended a minimum width. It notes that the Conservation Element states “The General Plan establishes a number of policies and requirements for maximizing the preservation of the habitat areas to the maximum extent feasible while allowing property owners to maintain basic property rights.” That does not change the fact that the General Plan’s Conservation Element IV-2 explicitly lists loss of habitat linkages as “unacceptable biological impacts”.

It can be argued that this project goes far beyond “basic property rights”. One could argue that “basic property rights” would be the five-acre minimum development as outlined in the Planned Development Land Use, 17.16.040(B). The code states that “the minimum area may be less provided the director finds (i) there is a unique character to the site, to the proposed land use, or the proposed improvements; and (ii) the proposed reduction is consistent with the goals of the General Plan.” We believe a five-acre or smaller project on this site would qualify for the above provisions.

Aside from the General Plan, the CMC supports the protection of the Wildlife Linkage and Corridor. CMC 17.20.150(B) 2 states “Grading and project design shall address and avoid impacts to habitat linkages and wildlife corridors.”

Table 6-2 in the CMC provides a list of impacts to be avoided. Loss of wildlife linkage and corridor is in the third category of impacts. The Biotic Resource Protection code 17.20.050(A)3 states “The significant impacts identified in Table 6-2 in Chapter 17.60 shall be avoided to the extent feasible as determined by the review authority.” Alternative projects have shown that a smaller project would have fewer impacts. Additionally,

17.13.020(A)4 (Residential district general development standards) states, “Densities greater than the minimum may be permitted up to the maximum only if the impacts of the proposed development are less than those identified in Table 6-2 (Development Impacts of Individual Development Projects) in Chapter 17.60 and are consistent with the performance standards in Chapter 17.20.” This by itself dictates that a smaller project must be preferred.

Expert comments provided by California Department of Fish and Wildlife warrants careful consideration. CDFW notes that in addition to constricting the Wildlife Linkage and Corridor one quarter mile, “An undisclosed amount will further impact the wildlife corridor when fuel modification and landslide remediation are included in the analysis.” CDFW “concur[s] with the City’s Wildlife Corridor and Linkage designation that a minimum 1-mile wide corridor remain, to continue to allow safe and protected exchange of wildlife and access to perennial water.”

Note that the proposed “mitigation” is use of wildlife-friendly fencing. Such fencing does not make up for the Linkage and Corridor loss. The DEIR is deficient because this significant impact is not addressed, nor mitigated.

Topical Response B: Wildlife Corridor Impacts argues that “perpetual protection is not currently afforded to the Wildlife Linkage and Corridor under the existing land use and zoning designations for open space because these designations can be amended by the City decision-makers with a two-thirds voter approval”, citing the CMC for Measures D and O. In the November 2016 Measure F ballot referendum, voters rejected a similarly-sized project with similar negative impacts by a margin of nearly 2:1 in order to protect the designated Open Space-Development Restricted zoned land. Accordingly, it is unlikely they would vote otherwise to amend this zoning designation.

Special-status Species

There are two special-status plant species, Catalina mariposa lily and California black walnut. Both species have a California Rare Plant Rank (CRPR) of 4.2. This means the species are on a Watch List due to limited distribution. The “.2” is a threat rank that denotes that they are “fairly endangered in California (20-80% occurrences threatened). The California Native Diversity Database (CNDDDB) issues a Global and State Rank; both species are ranked G3/S3.2. This means the species is classified as Vulnerable (“vulnerable to extirpation or extinction”). The State rank includes a threat rank of “.2” indicating the same level of threat as in the CRPR (20-80% occurrence threatened/ moderate degree and immediacy of threat).

The FEIR notes that the species are “uncommon enough that in the CDFW’s opinion, their status should be monitored regularly”. Yet the FEIR downplays the impact the proposed project would have on these two species, stating “Individual mariposa lilies and walnut trees observed on-site would be affected as a result of the proposed project activities; however, removal of a few individuals would not reduce the population of either species to the point that reproductive capacity would be restricted. Therefore, the loss of a few locally important Catalina mariposa lilies and walnut trees would be a Class III, less than significant, impact.”

Remediating the ancient landslide in OS-DR lands will affect 12.8 acres of purple sage scrub. The FEIR notes this plant community does not have special-status, but is an important alliance within coastal California scrub. The FEIR states this is a potentially significant impact and proposes planting 12.8 acres as part of its Upland Restoration Plan (BIO-3a), claiming it would be restored to “pre-impact conditions”. However, in their comments, the Santa Monica Mountains Conservancy states, “The proposed mitigation measures to recreate purple sage scrub habitat on irrigated, compacted slopes with a v-ditch network cannot be supported.”

Six special-status plant communities considered significant biotic habitat under the Calabasas General Plan Conservation Element are on-site: Coast live oak Woodland; wetland communities are Cattail-Saltgrass Marsh, Yerba Mansa Meadow and Bulrush-Saltgrass Marsh; riparian communities are Mulefat Thickets and Arroyo Willow Thickets.

The Yerba Mansa Meadow Alliance (*Anemopsis californica*-*Helianthus nuttallii*-*Solidago spectabilis* Herbaceous Alliance) is ranked S2 (“Imperiled”), which indicates there are 6-20 occurrences. The DEIR omits the rankings of the alliances/associations. The following rankings were easily found using CNPS’ Manual of California Vegetation Online website:

- American bulrush marsh (*Schoenoplectus americanus*) has a rank of S3.2, classified as Vulnerable, with a

Threat ranking of “Fairly endangered (20-80% occurrences threatened).

- California brittle bush – ashy buckwheat scrub (*Encelia californica* – *Eriogonum cinereum* Alliance) is ranked S3, also classified as Vulnerable.

Virtually all of the Cattail-Saltgrass Marsh, Yerba Mansa Meadow and Mulefat Thickets will be affected.

Five special-status animals are on-site: Cooper’s hawk, Nuttall’s woodpecker, Allen’s hummingbird, oak titmouse and southern California rufous-crowned sparrow. Additionally, the FEIR states, “There are nine special-status animal species that have a moderate to high potential to occur on-site”: California red-legged frog, coastal whiptail, coast horned lizard, San Diego desert woodrat, American badger, western mastiff bat, pallid bat, hoary bat and western red bat.

The California red-legged frog (CRLF) is listed as a threatened species under the Endangered Species Act. It has been found just 900-feet from the project site. The FEIR acknowledges potential for the California red-legged frog to be on-site and that suitable upland habitat exists. It also states that “Due to the ephemeral nature of the water occurring within the site, however, the hydroperiod necessary for CRLF to successfully breed may not be present; therefore the potential for there to be suitable CRLF aquatic breeding habitat within the project site is low.” This ignores the fact that breeding season for CRLF is November through March (typically our “wet” season), with earlier breeding in southern localities, per FWS.gov. Californiaherps.com features year-round photos of a pond that is completely dry in some months, but has sustained breeding and young California red legged frogs in the wetter months.

<http://www.californiaherps.com/salamanders/pages/a.californiense.pond.html>

The FEIR notes that “CRLF may burrow under the soil surface and therefore may be undetectable until the soil is disturbed. Indirect impacts may occur from increased human presence and soil disturbance that may disturb potential breeding and dispersal activities of CRLF on the project site.” The proposed mitigation for this is to monitor “initial grading activities” (defined as the top four feet of soil). This mitigates potential damage and disturbance to a “less than significant impact”?

Wetlands

There is a combined 3.56 acres of jurisdictional waters that fall under the authority of the U.S. Army Corps of Engineers and Regional Water Quality Control Board. Approximately 84% will be “disturbed”. There are 2.62 acres of jurisdictional waters and adjacent Riparian Habitat that fall under the authority of California Department of Fish and Wildlife. Approximately 76% will be “disturbed” by the proposed development.

The CDFW states, “Indirectly impacting seeps through dewatering of the landslide slope may result in the removal of sensitive vegetation communities including oak (*Quercus lobata* alliance-S3) and walnut woodlands (*Juglans californica* alliance-S3) on the slope outside of the landslide remediation footprint due to dewatering the hill and lowering local groundwater levels.” CDFW recommends “redesigning the Project to avoid impacts to the existing, natural seep-fed wetlands supporting sensitive vegetation communities including *Anemopsis californica*-*Juncus arcticus* var. *mexicanus* association (ranked S2). If this is not feasible, especially given that this feature facilitates regional wildlife movement and provides a source of water to wildlife, CDFW recommends creation of a similar habitat (including full hydrologic and geomorphic function) at a ratio that ensures no net loss of function and value.” However, the Alternative projects show that it is possible to avoid these significant impacts.

Comments on the DEIR were submitted requesting information on studies demonstrating the success -or failure- rate of “reconstructed” wetlands. The FEIR sidesteps the request by referring to their Habitat Mitigation and Monitoring Plan (HMMP) as the method to determine successful effective mitigation. But shouldn’t decision-makers and our community know whether their plan is likely to succeed before bulldozing begins? Heal the Bay submitted comments stating, “Nationwide, methods to replace wetlands have largely proven unsuccessful in fully recreating the biodiversity and habitat lost in areas where the wetlands have been impacted or destroyed. Research shows that in general, mitigation requirements in 401 and 404 permits have been shown to be insufficient to ensure high performance in mitigated wetlands.”

The “CDFW recommends conducting studies that track wildlife movement and use of the perennial seep water sources. The results, including mapped data, and a discussion of how the Project will affect the use of these

features should be provided in a recirculated DEIR in order for CDFW to make meaningful recommendations to avoiding impacts to regionally important perennial water sources.” The FEIR ignores this request for additional information that would allow CDFW to more accurately assess the impacts and help address and avoid them. Instead, Topical Response B: Wildlife Corridor Impacts conflates issues by stating “studies may provide more information on what species are utilizing the corridor; however, this would not affect the Draft EIR’s finding that the project would potentially impact the wildlife corridor despite retaining the majority of the corridor for wildlife movement, an impact that is less than significant once the required Biological Resources mitigation measures are incorporated.” (A reminder: there is no mitigation for the reduction in the Corridor.)

Oak Trees

A total of 42 oak trees will be removed; of these, 25 are heritage oaks. California Native Plant Society comments point out that “The biotic, economic, climate, and social values that mature oaks and their associated habitat bring cannot be understated. The proposed 1:1 mitigation for take of the trees, even combined with the proposed landscaping tree elements, are not adequately analyzed in the DEIR considering the 100+ years it will take to fully realize and recover the valuable services that will be lost by removal of the existing trees and adjoining habitat.”

GEOLOGY AND SOILS

The Las Virgenes Canyon drainage is the master drainage for the area located west of the Calabasas grade and east of the Chesebro rise. This portion of the Santa Monica Mountains is underlain by bedrock of the Miocene Monterey (Modelo) Formation, which conformably overlies the older Topanga Formation. The lower Monterey and Upper Topanga Formations are comprised predominantly of siltstone and shale bedrock with minor sandstone and limestone beds. The bedrock in both of these formations is relatively young, of relatively low strength, and is known to be susceptible to landslides on steeper and higher slopes.

Due to a relatively large tributary area in the Las Virgenes Canyon, the canyon has been subject to extremely high flow rates and corresponding rates of erosion in the geologic past. As a result of erosion and downcutting in the weak sedimentary bedrock materials the Las Virgenes Canyon contains some of the largest and deepest bedrock landslides in the Santa Monica Mountains.

The West Village at Calabasas project is located at the toe of a large ancient landslide. The landslide is mapped on several published geologic maps and has been the subject of extensive studies dating back to the early 1980’s. The most recent report for the site was issued in 2014.

A large number of reports and corresponding county review letters have been generated since the original studies were completed. Based on review of those studies it is clear that much dissention exists among professionals regarding the limits and depth of the landslide(s). Original studies suggested a large and relatively deep landslide, which moved downward and to the west, with the toe of the landslide located roughly along Las Virgenes Road. More recent studies have postulated a smaller and much shallower landslide than the previous studies. Geologists favoring the shallow and laterally less-extensive landslide interpretation have mapped bedrock at the base of the ancient landslide suggesting that the landslide is not present in the area east of Las Virgenes Road. This interpretation has allowed two developments (Paxton/Blue Marble Property and The Colony) to be constructed at the toe of the ancient landslide without any consideration to stabilizing the ancient landslide mass above. Both of these developments have been excavated into the toe of the ancient landslide.

The landslide at the West Village at Calabasas project, as mapped by the current consultant, failed to the northwest into the bottom of the existing canyon. The direction of movement is not toward Las Virgenes Road. Further movement of the landslide mass as mapped by the consultants is not possible since the mass has come to rest against the north (opposite) wall of the canyon. The north canyon wall prevents any additional movement of the slide mass from occurring since that canyon wall buttresses or impedes further movement in that direction. The existing landslide is presently at its lowest potential energy, is stable, and does not represent a hazard to the public or to adjoining properties.

The portion of the property north of the existing creek channel is not underlain by a landslide. Extensive grading in the form of fill placement has already been conducted on this portion of the property. The area south of the creek channel where the landslide exists is predominantly natural ground that has been designated as resource-protected open space.

Responsible development of this property should be limited to the area north of the creek channel where more stable geologic conditions exist and where past grading has already been conducted. Significant flat pad areas already exist on the northern portion of the site, and additional level pad areas can be created using conventional grading techniques where extensive remedial grading is not required to make a safe development. The landslide stabilization is merely a convenient scheme to allow the developer to conduct grading on natural open space slopes and generate fill materials to create a larger and higher "Master Pad".

The developer should not be allowed to engage in a large grading operation that permanently alters natural land designated open space resource-protected. The proposed fill placement will block a natural drainage course and result in the complete burial of three natural year-round springs that are currently used year-round by wildlife. In the summer, when it is hot and dry, they are key to the survival of wildlife.

The grading will produce a visible scar on the natural slopes that are highly visible from two designated scenic corridors (the 101 Freeway and Las Virgenes Road). The remedial grading will permanently alter the view shed by creating unnatural manufactured slopes on the west side of Calabasas and should not be permitted.

The entire area north of the creek channel has been identified as containing natural slopes comprised of "in place" (non-landslide) stable bedrock materials, and that a development north of the creek channel will not require the type of extensive slope remediation that is needed for a development located south of the creek channel. A project such as that would be consistent with more of the Calabasas Municipal Codes and General Plan Policies highlighted throughout this document.

The proposed development should be revised so that landslide remediation is not included or required.

HYDROLOGY AND WATER QUALITY

Clean water and clean air are both basic human rights, necessary for people and wildlife to survive.



The West Village at Calabasas developer proposes to channelize and cover the creek that flows from east to west through the center of the project site. In April 2019, US Fish and Wildlife Service (USFWS) personnel, City of Calabasas staff, and consulting biologists visited the site. It was determined that the creek has the potential to provide habitat for a threatened species, the federally-listed California Red Legged Frog (CRLF). Destroying the creek bed will destroy the habitat and with it, the ability for the CRLF to inhabit this area.

After the Woolsey Fire, the CRLF and several CRLF egg masses were observed in Las Virgenes Creek south of the 101 Freeway, near the Agoura Road overpass bridge, approximately 900 feet from the West Village at Calabasas site. The CRLF has successfully migrated down from the Las Virgenes

Open Space Reserve and is reproducing in a section of the creek that was restored by the City of Calabasas. (Note: For a number of years, The Mountain Restoration Trust has been successfully clearing the invasive crayfish from Las Virgenes Creek that had preyed on the CRLF. Their removal has allowed the CLRf to flourish in this area.)

The CRLF was not observed on the West Village property during the April 2019 survey. However, it is possible that they have migrated onto the property from Las Virgenes Creek and have yet to be observed. As a result, the EIR now includes statements that the site will be inspected a week before construction starts. If the CRLF is observed, the USFWS will be contacted to remove them from the site. This is to recommend that the site be thoroughly inspected by CRLF expert biologists from the USFWS prior to any clearance, grading and construction activity.

The EIR (BIO-1 pg. 195) states no critical habitat would be affected by the project. However, water quality in Las Virgenes Creek will be negatively impacted because of pollutants, domestic animal waste and other debris entering the creek from the project, in the short term from construction, and in the long term from urbanization of a large, dense housing project. This will affect the potential for CRLF habitat in the creek water. Therefore, the EIR is deficient in not addressing the effect of water quality on the CRLF.

The EIR (BIO-1(a) pg. 198) states that there will be continuous monitoring during construction involving vegetation clearing, or modification of natural habitat. The EIR is deficient because it does not define who performs that monitoring. We recommend that a biologist with an organization not affiliated with the developer, such as the Santa Monica Mountain Conservancy (SMMC) or the USFWS, perform the monitoring.



The EIR is deficient with regard to its conclusion that no suitable habitat for the CLRF exists on the project site. There is no discussion of the tank that is located in the middle of the marsh grass just north of the trail on the eastern end of the property. A suitable pond for the CRLF exists onsite, surrounded by wet earth. An abandoned tank, approximately 3 feet high, 5 feet in diameter and at least 5 feet deep, is constricting water. If removed, the pond will emerge quickly as it is spring-fed year-round. Frogs have been observed in the tank during summer months.

The US Government and other agencies, including the City of Calabasas, have spent millions of dollars to safeguard threatened species. Restoration of Las Virgenes Creek to improve habitat by eliminating invasive species such as the crayfish and creating conditions that facilitate movement for fish, amphibians and wildlife, are just some of the benefits of the many projects undertaken.

Construction pollution, storm water and urban runoff (oil, fertilizer, and animal waste) from the project site will feed into storm drains, carrying polluted contaminated water from the project site immediately downstream into the Las Virgenes Creek restoration area. The short and long term effects of this will pollute Las Virgenes Creek for years to come. Millions of dollars are being spent to clean up urban runoff flowing from Mountain View Estates into Gates Canyon Creek. It's taken nearly thirty years to address the issue. Las Virgenes Creek will be faced with the same problem.

LAND USE AND PLANNING

The ultimate determination of whether the proposed project is consistent with the General Plan lies with the decision-making bodies (Planning Commission and City Council - FEIR).

The FEIR describes the proposed project: "The planned development would convert a portion of the site's natural areas, which contain natural hillsides, oak trees, seep-fed wetland features, and ephemeral drainages, into graded pads designed to support buildings, roadways, drainage improvements, and re-contoured and remediated slopes. Overall, proposed grading would involve re-contouring the existing hillsides and filling the existing canyon feature to create a series of building pads."

Per CMC 17.90.020.D - Definitions of specialized terms and phrases, "Development" "means any grading or construction activity or alteration of the land, its terrain contour or vegetation, including the addition to, erection, expansion, or alteration of existing structures. New development is that which occurs, after the effective date of this development code."

The FEIR's Topical Response D: Grading in the OS-DR acknowledges that "grading and other non-permanent development activities, such as fuel modification or environmental remediation" are *types of development*. It suggests that non-permanent activities are not prohibited in OS-DR. However, re-contouring of the OS-DR to enable a larger development is a *permanent use* because the hillsides and quality of the affected habitat would be forever negatively transformed.

CDFW states, "Since the proposed open space area would be surrounded by developments, trails, and irrigated slopes, the value of this open space will be dramatically reduced for native plants and animals." Their recommendation included "...reducing the footprint of the landslide remediation and/or eliminating parks and development to reduce the disturbance acreage." They also stated, "Mitigation measures should emphasize avoidance and reduction of project impacts."

CNPS comments included "The DEIR analysis states that permanent disturbance would occur only within the development footprint. CNPS disagrees in that the science is clear that all ground disturbance activities, especially from heavy machinery and grading, either permanently scar or alter soils, plant communities, biota, and introduce non-native species. The DEIR should thus correctly state that nearly 50% of the site, which is the area to be modified, will be permanently disturbed."

The DEIR Response to CNPS contends "If the impacted area is not restored to pre-project condition, it is classified as permanent. The characterization of temporary and permanent biological resource impacts in the Draft EIR is correct and reflects the planned post-remediation restoration of the southwestern slope. The project's permanent development footprint would be approximately 11.13 acres. Approximately 24.67 acres would be temporarily disturbed and restored to pre-project condition..." The graded OS-DR will never be returned to pre-project condition because, as noted above, the re-contouring and compaction of earth will be a *permanent change of condition*. Accounting for the permanent transformation of the 19.8 acres OS-DR land would bring the development footprint to a total of 30.93 acres.

CMC 17.18.040(D) Development Standards. All development within the -SC overlay zoning district *shall* comply with all applicable provisions of the Performance Standards for Hillside Development and Urban Design Standards of Chapter 17.20, the Scenic Corridor Development Guidelines adopted by the council, all applicable provisions of this development code, and any applicable specific plan, master plan corridor design plan or design guidelines.

CMC 17.20.150(B) Performance Standards for Hillside Development. Grading and project design *shall* conform to the city's grading ordinance (Title 15) *and* the following standards:

1. Projects within hillside areas *shall be designed to protect important natural features and to minimize the amount of grading.*

Subheadings *a-e* specify the restrictions of grading based on slope percentage.

The end of the code's above subheading (e) further makes clear "*The intent of this section is to limit the amount of grading on the steeper portions of a lot.* In order to ensure compliance with the intent of this section, the director may require a slope analysis to determine areas and subareas of different slope conditions." The following are among the Performance Standards included:

2. Grading and project design *shall address and avoid impacts to habitat linkages and wildlife corridors.*
3. Overall project design and layout *shall adapt to the natural hillside topography* and maximize view opportunities to and from a development. *A development should preserve the hillside rather than alter it to fit the development.*
6. Structures shall be sited in a manner that will:
 - a. Fit into the hillside contours and the form of the terrain;
 - b. Retain outward views from the maximum number of units and maintain the natural character of the hillside; and,
 - c. Preserve natural hillside areas and ridgelines views from the public right- of-way.
12. The overall scale and massing of structures *shall respect the natural surroundings* and unique visual resources of the area by incorporating designs with (i) minimize bulk and mass, (ii) *follow natural topography*, and (iii) minimize visual intrusion on the natural landscape.

As noted in the Wildlife Linkage and Corridor portion of this document, the FEIR does not address or avoid impacts to the Wildlife Linkage and Corridor. The FEIR's own description of the project and its 2.6 million cubic yards of grading seem to be the antithesis of the above code.

With regard to the OS-DR zone, **CMC Section 17.11.010, Table 2-2**, which lists allowed land uses by zone, does not list any allowed land uses in the OS-DR zone, thereby prohibiting permanent land uses. There is no language that states that grading is an allowed land use. Grading isn't even listed. The only temporary and interim uses allowed for OS-DR zoned land is location filming.

CMC 17.11.010 Permitted, conditional and ancillary land uses – all zoning districts.

B. Uses Not Listed. Land uses that are not listed on the table or when a space in the table is blank in a particular zoning district, the land use is prohibited, except where provided by **Section 17.11.020**.

The Community Development Director can make a determination of "similar use" for anything not listed but it must meet the criteria below. Any such determination by the Community Development Director can be appealed to the Planning Commission and/or the City Council.

CMC 17.11.020 Determination of Similar Use.

A. Allowable Uses of Land. When a use is not specifically listed in this development code, the use is prohibited.

The Community Development Director can make a determination of "similar use" for anything not listed, "provided, the unidentified use has similar impacts, functions and characteristics."

Subheading (A)2. In making a determination of similar use, the director may attach reasonable conditions and restrictions to the use, in addition to those required by this development code, which will ensure that the use:

- a. Will not endanger the public health, safety or general welfare;
- b. Will not injure the value of adjoining or abutting property;
- c. Will not result in any significant environmental impacts;
- d. Will be in harmony with the area in which it is located; and
- e. Will be in conformity with the General Plan and/or applicable specific plan(s).

The proposed project does not meet subheading (b) as this project will directly negatively impact some of the home values in the adjoining Colony development. It also does not meet subheading (c) as grading the OS-DR land would result in significant environmental impacts.

Subheading (C) Findings. In making a determination of similar use, the director shall clearly establish the following findings of fact:

1. The proposed use meets the intent of, and is consistent with, the goals, objectives and policies of the adopted General Plan;
2. The proposed use meets the stated purpose and general intent of the zoning district in which the use is proposed to be located;
3. The proposed use will not adversely impact the public health, safety or general welfare of the city's residents; and
4. The proposed use shares characteristics common with, and is not of a greater intensity, density or generate more environmental impact than, those listed in the zoning district in which it is to be located.

Grading of Open Space-Development Restricted land does not meet the intent of the goals, objectives and policies of the General Plan. It does not meet the stated purpose and general intent of the zoning district and it does not share characteristics in common with OS-DR. Additionally, it would be of a greater intensity, density or generate more environmental impact than what is listed in the zoning district. It should be noted that in OS-DR lands, not even temporary real estate signs are allowed (**CMC 17.30.030(K)1a**).

Per CMC 17.20.055(A)9 - Cluster development standards, "The open space shall be generally configured as large, contiguous areas of undisturbed native habitat capable of serving the various purposes of such open space, including view preservation of the natural areas, habitat preservation and wildlife corridor preservation. The open space set aside calculation should not include lawns, landscaping, manufactured slopes, or other artificially landscaped features but may include habitat restoration areas."

The DEIR's Topical Response D: Grading in the OS-DR suggests that particular code does not define open space for the entirety of the CMC and instead specifically sets standards for the HM and RR zones. While HM and RR zones are mentioned in the code, the City of Calabasas has routinely used this definition for other projects by excluding lawns, landscaping, etc. from open space calculations. It stands to reason that this code would hold true for this proposed project.

Additionally, in November 2014, New Home Company, the developer of this proposed project, as well as Avanti (formerly known as "The Village at Calabasas") used a similar definition of "open space" in their Quimby Credit Justification Analysis, citing the Calabasas Parks and Recreation Master Plan: "The Master Plan defines natural open space and greenbelt areas as, "undeveloped lands primarily left in their natural environment with recreation uses as a secondary objective." It's clear from the description used by New Home Company that landscaped areas are not open space. Note the use of the term "natural open space".

Pursuant to **Section 17.50.030(G)6 Credit for Private Recreation or Open Space**, the Council must find for the following:

- 1) Yards, court areas, setbacks and other open areas required to be maintained by Titles 15 and 17 of the CMC are not included in the computation of the private open space;

In May 2007, Rincon Consultants authored a Draft Issue Paper on Open Space for the City of Calabasas as part of its General Plan Update. They wrote on page 4 "Note that lands zoned OS do allow for single family residential development at a very low density, while the other zoning designations OS-DR and REC do not allow for development except for the recreational facilities permitted under REC." At the time that Rincon wrote this, the West Village at Calabasas site was under different ownership and different zoning. Less than three years after Rincon's writing, the zoning for the majority of the parcel would be changed to OS-DR. Clearly Rincon understood the concept that OS-DR lands do not allow development.

Grading on OS-DR land permanently changes its undisturbed, natural condition. Changing OS-DR land to manufactured slopes excludes it from the open space set aside calculation as specified in **CMC 17.20.055(A)9** - Cluster development standards. If the land is excluded as open space, then there has been a change that triggers Measure D. This also reduces the quantity of open space in the city, which is not consistent with the 2030 General Plan Open Space Element.

The CMC Table 6-2 Development Impacts of Individual Development Projects is a list of impacts *that are to be avoided*. The first impact to be avoided is a "discretionary development project that would prevent the city from achieving (i) its open space objective of 4,000 acres of *designated natural open space* within the city limits, or (ii) an open space network of protected areas with a high degree of visual and physical continuity."

Again, note the term "*natural open space*". This clearly does not intend to have *graded* open space. As noted earlier, "development" is grading; once graded, the land must be considered developed and is no longer "*natural open space*". Therefore, it must be removed from the City's inventory. The proposed project is inconsistent with the CMC.

Below are codes from the CMC and Policies from the 2030 Calabasas General Plan that are applicable to the Land Use and Planning of the West Village at Calabasas proposed development.

Open Space Element

Policy III-11: Maintain the existing visual character of hillsides, recognizing both the visual importance of hillsides from public view areas and the importance of providing panoramic views from hillsides.

Policy III-14: *Preserve* all significant ridgelines and *other significant topographic features such as canyons, knolls, rock outcroppings, and riparian woodlands*. Significant ridgelines are shown on Figure III-4. Exceptions may be granted to accommodate General Plan designated trails, viewpoints, and fuel modification measures needed for the protection of public health and safety.

The proposed remediation of an ancient landslide is only to enable a larger project than the land actually allows.

Alternative projects in the FEIR show that a smaller project could safely be done without landslide remediation. (Also see Safety Element). This project would fill in a canyon, which is inconsistent with the Open Space Element.

Policy III-15: Preserve natural drainage courses and provide drainage in a more natural appearing condition rather than with standard concrete box drainage channels.

The proposed development will include concrete box drainage channels in direct conflict with Policy III-15.

Conservation Element

Policy IV-2: Ensure that new developments, including roads, maintain the biotic habitat value of riparian areas, oak woodlands, habitat linkages, and other sensitive biological habitats. Specifically, the following are unacceptable biological impacts:

Net loss of wetlands or riparian vegetation.

Measurable reduction in species diversity.

Loss of breeding and roosting areas, foraging areas, *habitat linkages*, or food sources that will result in a measurable reduction in the reproductive capacity of biotic resources.

The FEIR fails to note in its Table 4.7-4 2030 General Plan Policy Consistency that the proposed project is inconsistent with Policy IV-2. The proposed project will result in a 25% loss in the width of the Calabasas Wildlife Linkage and Corridor. The project proposes the use of wildlife friendly fencing (BIO-5) as a mitigation, but that does nothing to address the loss. There is no mitigation for this loss of habitat linkage.

Land Use Element

Policy II-8: Emphasize retention of Calabasas' natural environmental setting, neighborhood character, and scenic features as a priority over the expansion of urban areas.

Policy II-10: Promote an assembly of distinct neighborhoods that encompass a range of housing types that:

- Are visually attractive and *compatible in intensity*, dwelling unit size, and structural design with the need to protect the surrounding natural environment; and
- Meet the needs and suit the small town and rural lifestyles of present and future residents.

The proposed project is more than twice the size and twice the density of its adjacent neighborhoods that share the same topography. The Colony, immediately adjacent is 50 homes on 5.4 acres; Paxton is 78 units on 5 acres. The FEIR does not note this inconsistency.

Safety Element

Policy VII-4: Discourage development within potential landslide areas and areas with severe soil limitations as *the City's preferred management strategy*, and as a higher priority than attempting to implement engineering solutions.

The FEIR alternative projects show that a smaller project can safely be done without remediating the landslide. The remediation simply enables a larger project that the land actually allows. The FEIR acknowledges that it "may not be consistent with the spirit of Policy VII-4. However, engineering solutions are available...". The General Plan policy acknowledges that engineering solutions are available, but specifies that *avoidance is the higher priority*. For this reason, the project is inconsistent with Policy VII-4.

17.01.030 - Authority—Relationship to General Plan.

B. This development code is the primary tool used by the city to implement the goals, objectives and policies of the Calabasas General Plan. The Calabasas council intends that this development code be consistent with the Calabasas General Plan, and that any land use, subdivision or development approved in compliance with this development code will also be consistent with the Calabasas General Plan.

CMC 17.16.010 - Purpose.

D. OS-DR (Open Space-Development Restricted) District. The OS-DR zoning district is intended for areas of the city with existing open space that have been development restricted through the use of deed restrictions, conservation easements or dedications of common open space as part of an approved subdivision. The OS-DR zoning district will also accommodate publicly owned open space land.

CMC 17.18.040 - Scenic corridor (-SC) overlay zone.

D. Development Standards. All development within the -SC overlay zoning district shall comply with all applicable provisions of the Performance Standards for Hillside Development and Urban Design Standards of Chapter 17.20, the Scenic Corridor Development Guidelines adopted by the council, all applicable provisions of this development code, and any applicable specific plan, master plan corridor design plan or design guidelines.

Scenic Corridor Guidelines

Guidelines include:

- All structures shall be designed and situated on site to minimize adversely impacting views.
- Grading for public and private projects shall be kept to an absolute minimum.

Views of the hillsides from the right-of-way are obliterated. Grading 2.6 million cubic yards of earth is inconsistent with these applicable Scenic Corridor Guidelines.

Las Virgenes Gateway Master Plan

“Maximum densities contained in this Plan *shall be balanced against topographic and natural site constraints* and be subject to the General Plan Consistency Review program. The following list contains excerpts of important existing policies and standards that should be emphasized in the review of new development:

Hillside Management: Minimize the alteration of existing land forms and maintain the natural topographic characteristics of hillside areas, *allowing only the minimal disruption required to recognize basic property rights.*”

CMC 17.20.055 - Cluster development standards.

(A)9. The open space shall be generally configured as large, contiguous areas of *undisturbed native habitat* capable of serving the various purposes of such open space, including view preservation of the natural areas, habitat preservation and wildlife corridor preservation. The open space set aside calculation should not include lawns, landscaping, manufactured slopes, or other artificially landscaped features but may include habitat restoration areas.

CMC 17.20.070 - Design considerations.

C. Scenic Corridor Areas. Proposed development and new land uses within a scenic corridor designated by the -SC overlay zoning district shall comply with the city's Scenic Corridor Development Guidelines.

Community Design Element 2030 General Plan Policy IX-10: Within residential neighborhoods, protect neighborhood character by maintaining the mass, scale, and height of structures at a size that is compatible with the size of the parcel upon which the structure is located, as well as the size of adjacent development.

Other Plans and Policies. Various City Ordinances and adopted design criteria reinforce the above objectives and policies and therefore do not merit additional discussion. However, in addition to the General Plan Objectives and Policies listed above, the City of Calabasas has adopted the Las Virgenes Gateway Master Plan and the Las Virgenes Corridor Design Plan. The Las Virgenes Gateway Master Plan set goals and objectives to guide land use planning efforts, revitalization plans, and the review of new private development proposals. The Las Virgenes Road Corridor Design Plan provides a comprehensive master plan for a six-mile length of Las Virgenes Road addressing beautification and circulation planning. In both planning documents, the project site is considered a prominent parcel and thus specific direction is provided for the project site due to the need for special standards that address unique features, conditions, and constraints.

(Ord. No. 2010-265, § 3, 1-27-2010)

1. **Terminology.** When used in this development code, the words "shall," "must," "will," "is to" and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to..."

The EIR states that the Development Footprint and Land Use Objectives are not consistent with Las Virgenes Gateway Master Plan.

The proposed project would be in conformance with all the design related objectives of the Las Virgenes Gateway Master Plan but would not be in conformance with the land uses and density objectives because the Las Virgenes Gateway Master Plan recommends single-family residential while the project includes multi-family residential.

The finding that grading on OS-DR zoned land is a temporary allowed use is not supported by any determination that has been made by either the Community Development Director, nor the Planning Commission or the City Council.

Grading on OS-DR land permanently changes its undisturbed, natural condition and cannot be construed to be a temporary use. It is a permanent use.

Please see the table below that lists development projects in Calabasas. With regard to the highlighted listings, the Oaks and Mont Calabasas were approved by LA County, and not by the City of Calabasas. As such is the case, these developments are not examples of non-permanent land uses in OS-DR zoned areas, approved by the City of Calabasas.

In addition, the inclusion of the pedestrian bridge that goes over the creek on Lost Hills Road and the water storage tanks are not examples of non-permanent or temporary land use.

Slope Maintenance, Drainage Infrastructure, and Other Uses in OS-DR Zoned Areas			
Item #	Type of Use or Facility	Location	Area (s.f.)
1	Pedestrian Bridge & Path	West of A. F. Wright School	4,200
2	Storm channel access drives	West of A. F. Wright School	5,500
3	Storm channel & access drives	Las Virgenes Cr South of Agoura Rd	1,192,900
4	Las Virgenes Creek - Conc. Channel	North of Thousand Oaks Blvd	340,000
5	Man-made slope with terrace drains	North of "The Oaks" Subdiv	357,728
6	Man-made slope with terrace drains	Northwest of "The Oaks" Subdiv	248,771
7	Man-made slope with terrace drains	West of "The Oaks" Subdiv	271,202
8	Man-made slope with terrace drains	North of Mont Calabasas	68,328
9	Man-made slope with terrace drains	West of Calabasas View estates	450,000
10	Man-made slope with terrace drains	NW of De Anza Park	71,460
11	Man-made slope with terrace drains	Mountain Park Estates Open Space	229,899
12	Man-made slope with terrace drains	Part of Wilson property	258,063
13	Man-made slope with terrace drains	North of Saint Andrews Lane	170,979
14	Man-made slope with terrace drains	East of Tambora Condos	170,214
15	Neighborhood Park (HOA)	NE of Carmeloch St. & Via del Prado	144,619
16	Man-made slope with terrace drains	NE of Mulholland Heights N-hood	150,282
17	Utility Access Road	East of Mulholland Heights N-hood	20,000
18	Detrits Basin	East of The Colony	39,370
19	Man-made slope with terrace drains	South of Claridge Neighborhood	99,810
20	Man-made slope with terrace drains	South of The Ridge neighborhood	181,120
21	Neighborhood Park (HOA)	Calabasas Hills Community Park	228,641
22	Man-made slope with terrace drains	East of the Calabasas Hills N-hood	78,390
23	Neighborhood Park (HOA)	NE of Westridge at Pinyon Calabasas	204,500
24	Slope Maint., Drainage & Access	West of Mont Calabasas	55,760
25	Water Storage Tank & Access Road	West of Mont Calabasas	179,887
26	Water Storage Tank & Access Road	NE of The Estates at the Oaks	394,218
27	Water Storage Tank & Access Road	West of The Oaks	64,615
28	Man-made slope with terrace drains	NW portion Oaks/CPE Open Space	280,489
29	Electrical equipment enclosure	NW portion Oaks/CPE Open Space	2,048
30	Detrits Basin	NW portion Oaks/CPE Open Space	16,290
31	Detrits Basin	NW portion Oaks/CPE Open Space	15,790
		Total Area (s.f.):	6,526,051
		Total Area (acres):	149.8

TRAFFIC AND CIRCULATION

A Staff Report prepared by Robert Yalda and Benjamin Chan for the City Council, dated April 26, 2019, recommended that the City elect to be exempt from the Congestion Management Program. This program is a 1990 era state-mandated performance-based program that attempts to link land use and transportation decisions. The Council voted unanimously to be exempt from the Congestion Management Program.

The Congestion Management Program is based on a “Level of Service” (LOS) performance metric that uses vehicle delay as a basis for measuring congestion. Data is collected over just 1 or 2 mid-week days. This is merely a snapshot in time and does not reflect the reality of everyday congestion right in front of the proposed project. Yet this outdated methodology is what is cited in the EIR.

The LOS criteria is being phased out and replaced with new state-mandated performance measures such as “Vehicle Miles Traveled” (VMT). Vehicle Miles Traveled measures the amount of travel for all vehicles in a geographic region over a given period of time, typically a one-year period. Vehicle Miles Traveled data plays an integral role in transportation and traffic planning as it indicates growth patterns, travel demands and behavior. The Lead Agency/developer may elect to use this new methodology now. It becomes law in 2020.

Considering that the Rondell Oasis Hotel has begun construction and the Paxton townhomes are now apartments, a more comprehensive traffic study would better serve the community. The following are impacts noted in the EIR.

The EIR claims in Impact T-1 that the Las Virgenes/Mureau Road intersection would operate at LOS Level E from 4-6 PM.

Please note that LOS Level E (the next-to-lowest possible Level of Service) during that time means poor progression, long cycle lengths, and high vehicle to capacity ratios. Individual cycle failures are frequent. Yet they state that the impact is less than significant. Not so to anyone who is stuck in traffic!

The EIR claims in Impact T-2 that the project would add fewer than 10 peak hour trips to the Lost Hills Road/U.S. 101 interchange

There are nearly 400 parking spaces planned for this development. The likelihood that more than 10 additional peak hour trips is high. How is this data collected and how can the finding of “less than significant” be justified?

The EIR claims in Impact T-3 that under opening year (2023) plus project conditions, the Las Virgenes Road/Mureau Road and U.S. 101 Southbound Ramps/Las Virgenes Road intersection would continue to operate at LOS Level E from 4-6 PM. Therefore, impacts to project area intersections would be *less than significant*.

If intersections operate at LOS Level E how can the finding of “less than significant” be justified?

The EIR claims in Impact T-4 that the proposed project-generated trips added to the 101 freeway would be below the CMP threshold for freeway monitoring locations. Therefore, impacts would be *less than significant*.

Remember that the City opted out of the Congestion Management Program, yet they are using criteria in the 1990 era program to justify impacts as less than significant.

The EIR claims in Impact T-5 that construction of project-generated improvements to Las Virgenes Road and the Las Virgenes Road/Agoura Road intersection would have the potential to disrupt traffic flows, but impacts to area roadways would *less than significant*.

The EIR states that site improvements related to the project are estimated to take 18-24 months, with grading to begin in approximately October of 2019.

As you look at this construction schedule that states site improvements are expected to take 18-24 months, keep in mind the Paxton project just down the road. Grading requirements for that project are 1/10th that of the West Village at Calabasas proposed development. Grading began over 4 years ago at the Paxton development and they are still not done. Any timeline minimizing traffic impacts should be taken with a grain of salt. The entire Las Virgenes Corridor will be impacted for years during construction.

Traffic impacts include not only the day-to-day frustrations of congestion but also the ever-present situation of emergency preparedness in the event of a fire like the Woolsey Fire. Las Virgenes Road is a designated Disaster Route for emergency vehicles. It was closed during the Woolsey Fire, as was the 101 freeway in both directions. Secondary roads were either gridlocked (Agoura Road) or closed (Mureau Road). Evacuation routes were not readily accessible.

The City has the responsibility to plan judiciously and not put residents in harm's way. We live in a Wildlife-Urban Interface zone where buildings are adding new fuel for the fire. Preparation for such emergencies includes making sure that roads can safely carry people to safety when needed. That requires using common sense, not just empirical data and outdated criteria. The roadways are already over-burdened. It just doesn't make sense to add more people, more buildings and more traffic.

Glenn Michitsch

From: Jacque Graham <jacquegraham9@gmail.com>
Sent: Tuesday, July 2, 2019 1:21 PM
To: David Shapiro; Alicia Weintraub; Fred Gaines; Glenn Michitsch
Subject: West village at calabasas

City of Calabasas team-

I am writing to document my family's opposition to the West Village project that is proposed at the 101/Las Virgenes near the Mobile station.

We have been Calabasas residents since 1999 and have lived in the Colony since 2006. We have been first hand witnesses to the increased traffic on Las Virgenes and the challenges that come with entering and exiting our community now.

The Paxton condos that are soon to be inhabited (were supposed to be homes for purchase, are now rental units) will certainly impact traffic patterns and further increase the challenges that we already have traveling on this busy street. Parents getting students to AE Wright are also complaining of traffic issues - none of the proposed building will help this unless we change the infrastructure FIRST. Are there plans to expand streets? Add lights? The corner at the Colony entrance is already dangerous! Cars make illegal u turns and turn into the driveway against the "no Uturn" signs creating more havoc.

We have plenty of commercial space with openings all along Agoura Rd. The new Paxton rentals will provide more open housing. Our city is busy enough- we cannot take the impact of MORE traffic! Please do not approve this project!!

Thank you-
Jacque & Matt Graham
4609 cielo circle
Calabasas

Glenn Michitsch

From: Joanne Suwara <joasuw42@gmail.com>
Sent: Tuesday, July 2, 2019 2:06 PM
To: info; Maricela Hernandez; Glenn Michitsch
Subject: Planning Commission re: eat Village Hearing July 10-11, 2019
Attachments: Planning Commission Comment Letter.docx

Attached please find my comment letter regarding West Village at Calabasas. Please include in the packet for the Commissioners. I ask that this be made part of the public record for this project as well.

Thank you.

Joanne Suwara

Planning Commission
City of Calabasas
July 2, 2019

Re: Hearing for West Village at Calabasas on July 10-11, 2019

Dear Commissioners:

There are several points that I would like to bring to your attention regarding the West Village at Calabasas proposed project.

- (1) The residents want every effort to be made to preserve the open space, the hillsides, the viewshed, and the environment on this parcel of land. The overwhelming vote on Measure O and D along with 2/3 of the voters who voted No on Measure F makes the wishes of the community clear.
[See Code 17.20.150(B)3]
- (2) The EIR states that impacts on the viewshed and environment due to extreme grading and the addition of 15 three-story buildings will be significant and are unavoidable. This impact can be avoided by following the law. **[Code 17.20.150 (B)6]** and **[Code 17.20.150(B)12]**
- (3) There are no significant benefits to the community if this project is built. The design and density is **not** compatible with the neighboring community. There is **no need** for additional retail as there are at least 25 empty storefronts totaling over 50,000 square feet of space nearby. The near-by Paxton townhomes did not sell and are now leasing as apartments, indicating lack of market interest.
- (4) The density the developer is asking for will substantially impact roadways. This is of great importance since the Woolsey Fire made it abundantly clear that when Las Virgenes Road (a designated Disaster Route) and the 101 Freeway (the only emergency evacuation route) are closed (as they were) the secondary roadways are the only way out. Those secondary roadways, Agoura Road and Mureau Road were also closed when the fire jumped the freeway. People were trapped.
- (5) Wildfires are forecasted to be more frequent and more severe. Vulnerable communities like ours need to reduce the risk created by this "new normal". Reconsidering density like what is being asked for is prudent. Homes are the new fuel for urban wildfires. Building beside open space increases an already high risk.

Thank you for your consideration.

Joanne Suwara
Calabasas resident since 1975

Glenn Michitsch

From: Goldman <drugold1990@gmail.com>
Sent: Wednesday, July 3, 2019 7:19 AM
To: Glenn Michitsch
Subject: West Village

Born and raised in calabasas it breaks my heart to see something like west village being built on the beautiful hills I call home this will ruin calabasas charm and all the beautiful nature and animals that live there they already went through enough from the fires

Best,

Dru Erin

Sent from my iPhone please excuse typos!

Glenn Michitsch

From: pnkbarbiegirl90@aol.com
Sent: Wednesday, July 3, 2019 7:19 AM
To: Glenn Michitsch
Subject: Las Virgenes

West village will create more traffic and safety issues. Calabasas used to be a safe quiet charming area now we have to worry about certain areas at night, homes being broken into, people being shot and stabbed..and now this development to welcome more people who don't appreciate our beautiful area and the nature the surrounds us. These developments are a horrible idea and heartbreaking

Glenn Michitsch

From: Inquiry LSR <inquiry@lifesourceretreats.com>
Sent: Wednesday, July 3, 2019 7:19 AM
To: Glenn Michitsch
Subject: Calabasas development

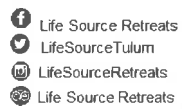
NO TO WEST VILLAGE THIS IS HEARTBREAKING

Inquiries

Office: [1.818.483.6447](tel:18184836447)

Skype: [RetreatsLSR](https://www.skype.com/people/RetreatsLSR)

www.LifeSourceRetreats.com



Glenn Michitsch

From: Donna Rose <bhdonnarose@hotmail.com>
Sent: Wednesday, July 3, 2019 2:34 PM
To: Glenn Michitsch
Subject: West Village

We DO NOT want this project to go forward on Las Virgenes.

Kind regards, The Houchen Family
Calabasas Hills

Glenn Michitsch

From: ValerieGebroe <gebroe@gmail.com>
Sent: Wednesday, July 3, 2019 12:10 PM
To: Fred Gaines; David Shapiro; Alicia Weintraub; Glenn Michitsch
Subject: West Village at Calabasas

Dear City Council Members,

I have been a resident of Calabasas since 1972 and have seen many changes, some good, some not so good.

I am 100% opposed to the West Village construction. It is too large for the area, generating too much traffic, using too much valuable water and other services such as schools.

Frankly I am tired of developers who continue to overbuild the area. You, the city council, have the ability to STOP this construction. Please do not let this become another fiasco like Avanti which is a disgrace to the lake and our beautiful community.

Please consider the residents ahead of the developers.

Sincerely,

Valerie Gebroe

--
Valerie

June 25, 2019

City of Calabasas
Planning Commission
Calabasas City Hall
100 Civic Center Way
Calabasas, CA 91302

Commissioners,

This letter is being submitted by two 36-year residents of the City of Calabasas (both prior to as well as after its incorporation) in opposition to the proposed West Village at Calabasas Project. Whereas the proposed increase in population from this project will negatively affect the quality of life of the citizens of your/our city, it even violates the very standards which our City Fathers themselves established, specifically to protect its citizens, as outlined in the City of Calabasas' "Calabasas Municipal Codes for Land Use":

17.20.150(C)1 General Siting Principles. Buildings should be located in the most accessible, least visually prominent, and most geologically stable portion or portions of a site. Buildings should be located in the least visually prominent locations of a property, on open, grassy hillsides, where the prominence of buildings should be minimized by placing them in locations where they will be screened by existing vegetation, rock outcroppings, or depressions in topography.

To ignore this provision would be a clear violation of our own City Land Use code.

Further consideration should be given to conducting air quality standards testing in order to assure compliance with the National Ambient Air Quality Standards, as defined in the Clean Air Act Amendment of 1970.

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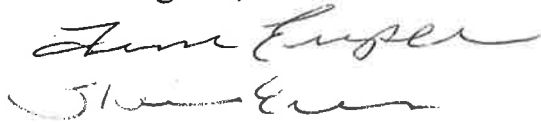
JUL 01 2019

**CITY OF CALABASAS
PLANNING DEPT.**

Also consider the recent results of a poll conducted by the Berkley Institute of Governmental Studies, in which Californians surveyed said that they support “strongly” or “somewhat” the state imposing limits on new housing development in high risk wildfire areas. Is there any denial that we are in a “high risk wildfire area”? This further development can only deplete the responses of our already stressed emergency services, but will also increase stress on emergency escape routes during a disaster.

In conclusion, we believe that it is your duty to act, both primarily and solely, in the best interests of the citizens of Calabasas.

Best regards,

The image shows two handwritten signatures in cursive. The top signature is 'Tim Euper' and the bottom signature is 'Sheila Euper'. Both are written in dark ink.

Sheila and Tim Euper
5246 Edgeware Drive
Calabasas Hills, CA 91302

Hello, Planning Commission Chair and other Members,

I'd like to bring to your attention a Calabasas City Code, **17.20.150(B) 6** which states:

"Structures shall be sited in a manner that will

- (a) Fit into hillside contours and the form of the terrain;
- (b). Retain outward views from units and maintain the natural character of the hillside; and
- (c). Preserve natural hillside areas and ridgeline views from the public right-of-way."

I see that the word "shall" has been used, indicating, of course, that this must be followed. There is no other option, according to this code.

The current proposed project, West Village Calabasas, does not fit into hillside contours and the form of the terrain. Instead, the developer plans to grade almost 2.6 million cu. yds. of an ancient landslide and development-restricted open space and, in the process, totally destroy the iconic viewshed of the ridgeline and hillside, unnecessarily creating building pads and manufactured slopes. These changes cannot be mitigated. As we all learned with the No on F referendum vote against the previously proposed project, the citizens of Calabasas cherish our open space, and aesthetics do matter to us. In addition, the proposed project does not preserve natural hillside areas and ridgeline views from the public right-of-way.

Further, the extreme, unnecessary grading would increase the air pollution in Calabasas, which is a part of the South Coast Basin, and is an area of "non-attainment" for various pollutants. This means that the air will be even worse than the National Ambient Air Quality Standards, as defined in the Clean Air Act Amendment of 1970. We would like to request that you vote to DO NO HARM to Calabasas and its residents. I'm referring to the severe negative health effects that amount of grading would have for all Calabasas residents, due to the increase of pollution over the entire City. Our health is obviously also a great concern to all citizens.

Of further concern to our citizens is the potential harm that can be caused due to the negative impacts that would occur when a fire strikes our City. Certainly there would be a high possibility that residents would be unable to evacuate safely in case of any emergency.

What would be acceptable to our citizens is to build a development that follows the codes and avoids grading development-restricted open space and the ancient landslide. An acceptable project could be achieved by reducing the number of buildings and the density of the development, thereby avoiding having a project that residents, once again, vehemently oppose.

Thank you in advance for requiring development to follow the codes of our City, and protecting our citizens.

Regards,

Priscilla Lee, Mel Lee, and Celene Lee
Calabasas residents.



Priscilla Lee



Melvin Lee



Celene Lee

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CITY OF CALABASAS PLANNING DEPT. COMMUNITY DEVELOPMENT
JUL 01 2019
JUL 01 2019

Dear Planning Commission,

I am writing to let you know that I'm learning about the project that a developer wants to build on Las Virgenes Rd. with the 180 homes and a large area of commercial development. I understand that this Calabasas Municipal Code that I'm quoting is supposed to limit the amount of grading that would be done on some of the steep portions of the property.

17.20.150(B)1 "Performance Standards for Hillside Development. Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading. The intent of this section is to limit the amount of grading on the steeper portions of a lot."

First of all, I'm not understanding why Calabasas would even consider allowing a developer to build more commercial development, when there's so much just on the west side alone that has been sitting and the owner cannot find any business to rent the space as it is. I don't think we need more commercial development.

Also, because we just lived through this past fire season recently, I see no reason why we would want to allow that many homes to be built, making it even harder to evacuate in case of another fire. It was difficult enough during the Woolsey Fire, so it seems the City would be making a huge mistake to allow more people to occupy that area, which is a traffic nightmare during rush hour anyway.

Please do not allow the builder to build such an enormous project. Perhaps they could build something smaller with less residents.

Thanks very much,



Bob Bartow
5350 Cangas Dr.
Calabasas CA 91301

RECEIVED

JUL 0 1 2019

**CITY OF CALABASAS
PLANNING DEPT.**

TO: Calabasas City Council & Calabasas Planning Commission
Re: The West Village Calabasas Project
Date: 6/28/2019

I'm writing to let you know our concerns regarding the West Village Project and our objection to it. This proposed project would negatively impact our community as well as the environment. According to the Santa Monica Conservancy's comment letter to the City regarding the DEIR, "The greenhouse gas emissions from cutting, stockpiling, and recompacting 2,404,418 cubic yards of earth swamp all of the City's green building emission savings for almost a decade, perhaps two." This activity would severely increase the air pollution in Calabasas, which is already part of the South Coast Basin, an area of "non-attainment" for various pollutants. This means that the air is already poor and will be even worse than the National Ambient Air Quality Standards, as defined in the Clean Air Act Amendment of 1970. This creates an unacceptable and detrimental health hazard for our citizens. My daughter already suffers with asthma and other breathing issues which are affected by the air quality. This could possibly make her health even worse and that's not acceptable.

Another concern we have is the additional traffic this would create and especially in case of an emergency evacuation. We live in Saratoga Hills and there is already so much traffic in this area and the increase could cause problems at times such as the recent Woolsey fire evacuations.

One of the reasons we moved to Calabasas and this area was the beauty and the fact that there are still open spaces and nature around us. We don't want every beautiful space covered with buildings.

We all live in Calabasas and love it. Please consider our community and families when making these decisions. Money and developments aren't as important as people, families, health and community.

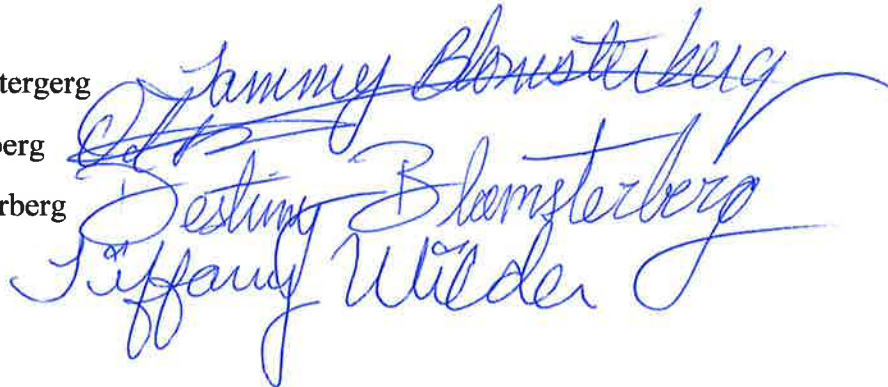
Thank you,

Tammera Blomsterberg

David Blomsterberg

Destiny Blomsterberg

Tiffany Wilder



RECEIVED

JUL 0 1 2019

CITY OF CALABASAS
PLANNING DEPT.

Greetings, Planning Commission Members,

We are writing to ask you to block the developer who is proposing to build the West Village Calabasas on Las Virgenes, as it is planned.

Please refer to this Calabasas Code which asks the City to avoid impacts to habitat linkage and wildlife corridors. (see * below) We were told that soon a developer is planning on building a huge project including homes and commercial development. I've also recently learned that the builder plans on grading on an ancient landslide and on open space. We are not in favor of having either more homes or more commercial building.

Plus, we understand that there are plans to build a bridge for wildlife to cross the 101 freeway. If that gets built, where will all the wildlife go? Will they go to the homes or the commercial development?

It doesn't make sense to allow the developer to build all this, especially since they would have to do so much grading. Las Virgenes is supposed to be a scenic corridor, and I'm sure there are many wildlife creatures living in that area. Building on that property would make it almost impossible for the wildlife that's been affected by the other developments nearby to have anywhere to live.


Our biggest concern is the fact that the new development would cause us to have more problems if we have another fire. There's not enough room on the roads for a safe evacuation for people in the neighborhood.

Please vote to say no to the West Village development. We're not against having some kind of development, but please request that it be a smaller development.


The code:

* **17.20.150(B)2:** Grading and project design shall address and avoid impacts to habitat linkages and wildlife corridors.

Regards,



Mark Shibuya, 27041 Esward Dr, Calabasas CA



Constance Shibuya, 27041 Esward Dr. Calabasas CA

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JUL 01 2019

**CITY OF CALABASAS
PLANNING DEPT.**

Glenn Michitsch

From: Yang, Dou-Shuan <dou-shuan_yang@fws.gov>
Sent: Tuesday, April 16, 2019 2:15 PM
To: Glenn Michitsch
Cc: Christopher Diel
Subject: Re: [EXTERNAL] West Village WLF Habitat follow up

Hi Glenn,

On April 9, I visited the site of the proposed West Village development. As we discussed in the field, I observed potentially suitable California red-legged frog aquatic breeding habitat including a large pool of water with emergent reeds within the existing detention basin. The small creek feeding into the detention basin was ponded, indicating that the creek is likely ephemeral rather than perennial because of the heavy rainfall this year. To our knowledge, California red-legged frogs have not been observed on the project site. However, California red-legged frogs are known to occur within 900 feet of the project site in Las Virgenes Creek and thus there is the potential for migrating California red-legged frogs to disperse to the project site. Accordingly, please ensure that the Army Corps of Engineers is aware of the potential for California red-legged frogs to occur on the project site to help inform their permitting process for this project. If you wish we can continue to discuss this project including measures to avoid and minimize impacts to the species.

Thanks,
Dou

On Tue, Apr 16, 2019 at 8:48 AM Glenn Michitsch <gmichitsch@cityofcalabasas.com> wrote:

Hello Dou. Sorry, last week got away from me, but you'd asked me to remind you about sending me your observations regarding our site visit last week about RLF habitat.

Thanks!!

Glenn Michitsch

Senior Planner, LEED AP

City of Calabasas

Tel: 818-224-1707

gmichitsch@cityofcalabasas.com

--
Dou-Shuan Yang, Ph.D.
Fish and Wildlife Biologist
South Coast Division
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003
Phone: 805-677-3302
Dou-Shuan_Yang@fws.gov

THIS IS NOT A DONE DEAL!

TALKING POINTS **PROPOSED WEST VILLAGE AT CALABASAS**

EXCESSIVE GRADING

- *Violates Protected Open Space creating artificial manufactured hills.*
- *Creates harmful air pollution from dust and exhaust fumes.*
- *Destroys wetlands, natural springs and wildlife habitats*

SIZE AND SCOPE OF PROJECT TOO LARGE

- *Reduce number and height of buildings to fit the property*
- *Do not block the VIEW of the rolling hillsides.*
- *Is there a demand for condos and retail? Paxton Townhomes not selling; retail space available at local shopping centers.*

TRAFFIC

- *Traffic study does not reflect reality. (Describe your experiences.)*
- *The approved Rondell Oasis Hotel and Paxton apartments under construction will overburden an already congested intersection. West Village at Calabasas will make it even worse.*

WILD FIRE CONCERNS

- *CalFire has assigned the City of Calabasas its highest Fire Danger Rating which is: Very High Fire Hazard Severity Zone.*
 - *Las Virgenes Road is a County Designated Disaster Route which means inbound lanes must remain open for emergency vehicles.*
 - *The 101 freeway is the only designated route for emergency evacuation. Need to improve evacuation routes.*
 - *When the freeway is closed, Agoura and Mureau Roads are clogged with overflow traffic. There is no way out except possibly Las Virgenes Road and Mulholland Highway.*

CITY OF CALABASAS CODES (LAWS) THAT SHOULD BE FOLLOWED

- *Development should preserve the hillside rather than alter the hillside to fit the development [Code 17.20.150(B)3]*
- *All development in a Scenic Corridor must comply with Scenic Corridor Guidelines and Hillside Development Standards [Code 17.20.070(C)]*
- *Open space shall remain undisturbed; manufactured slopes cannot be counted as open space [Code 17.20.055(A)9]*
- *Development shall respect natural surroundings and follow natural topography [Code 17.20.150(B)12]*

ANY PERCEIVED “BENEFITS” ARE GREATLY OUTWEIGHED BY THE LOSSES SUFFERED BY THE COMMUNITY

#Say NO to West Village at Calabasas

THIS IS NOT A DONE DEAL!

HERE IS WHAT YOU CAN DO

ATTEND MEETINGS

The Calabasas Planning Commission hearing for West Village at Calabasas is on July 10 and 11 at City Hall. The more people who show up, the more impact we will have.

WRITE A LETTER

Talking points on back of flyer

Planning Commission:

Email: info@cityofcalabasas.com

Put Planning Commission - West Village at Calabasas project on the subject line

Written Letter: 100 Civic Center Way, Calabasas, CA 91302

The Acorn:

Go to: www.theacorn.com/letter-to-the-editor/ - deadline is Sunday at 5pm

SOCIAL MEDIA

Follow us: Facebook, Twitter and Instagram, share and like our posts

Make Your Own Posts: On our pages and on Nextdoor.com

SPREAD THE WORD

Share this flyer: Let your friends, neighbors and HOA's know about the Planning Commission meeting

EMAIL LISTS

Request our email updates, go to: www.TheCalabasasCoalition.org Sign up for the Calabasas City Notification System at <http://www.cityofcalabasas.com/emergency-notification.html>

VOLUNTEER

*Help get the word out: Pass out flyers, make signs, speak at meetings
Share your expertise: Environmental, legal, etc.*

QUESTIONS? IDEAS?

CONTACT US: info@thecalabasascoalition.org

City of Calabasas Land Use Codes

5 Main Codes to Guide Development

17.90.020: "Development means any grading or construction activity or alteration of the land, its terrain contour or vegetation, including the addition to, erection, expansion, or alteration of existing structures." Key Point: development means any grading or alteration of the land.

17.20.070(C): "Proposed development and new land uses within a scenic corridor designated by the -SC overlay zoning district shall comply with the city's Scenic Corridor Development Guidelines" Key Point: all development in a Scenic Corridor must comply with SC Guidelines and Hillside Development Standards

17.20.150(C)1 General Sitting Principles. Buildings should be located in the most accessible, least visually prominent, and most geologically stable portion or portions of a site. Buildings should be located in the least visually prominent locations of a property, on open, grassy hillsides, where the prominence of buildings should be minimized by placing them in locations where they will be screened by existing vegetation, rock outcroppings, or depressions in topography. Key Point: buildings should be located in the most geologically stable portion of a site

17.18.040(D) Development Standards. All development within the -SC overlay zoning district shall comply with all applicable provisions of the Performance Standards for Hillside Development and Urban Design Standards of Chapter 17.20, the Scenic Corridor Development Guidelines adopted by the council, all applicable provisions of this development code, and any applicable specific plan, master plan corridor design plan or design guidelines. Key Point: all development in a Scenic Corridor must comply with SC Guidelines and Hillside Development Standards and others

17.20.055(A)9: The open space shall be generally configured as large, contiguous areas of undisturbed native habitat capable of serving the various purposes of such open space, including view preservation of the natural areas, habitat preservation and wildlife corridor preservation. The open space set aside calculation should not include lawns, landscaping, manufactured slopes, or other artificially landscaped features but may include habitat restoration areas. Key Points: open space shall be undisturbed; manufactured slopes cannot be counted as open space

Glenn Michitsch

From: Bob Burris
Sent: Tuesday, February 19, 2019 7:42 AM
To: washburnD1@aol.com
Cc: Deborah Steller; Rachel Biety; Arvin Petros; Glenn Michitsch
Subject: FW: File # 160003152, New Home Co.

Hi Dennis,

This came to the general info mailbox for you.

Best,
Bob

From: Stephanie Abronson <slabronson@gmail.com> **On Behalf Of** Stephanie Abronson
Sent: Sunday, February 17, 2019 5:46 PM
To: info <info@cityofcalabasas.com>
Subject: File # 160003152, New Home Co.

COMMUNITY DEVELOPMENT
PLANNING DEPT.

17 February 2019

FEB 20 2019

Planning Commission
Dennis Washburn, Chair
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Via Email: info@cityofcalabasas.com

RE: File # 160003152, New Home Co., West Village Project

Dear Chairman Washburn:

The multitude of interconnecting and multi-use trails that run within the City of Calabasas do not have dedicated parking areas for horse trailers or for any other trail users.

Parking is our concern. The Planning Commissioners may think it only takes minutes to ride or hike the multitude of interconnecting and multi-use trails that run through the City of Calabasas. However, the pace of a hiker is about the same as a horse, and as we meander along, we all do like to take in the beauty and quiet of these trails. We enjoy listening to the breezes blow through the various grasses, the different sounds made by wind in the brush and trees along our course. . . to enjoy the multitude of birds and their voices.

To ride or walk at an appropriate pace viewing nature is a gift that should be granted to all of us. Most folks are not avid hikers, who may challenge themselves to set an intense course to complete in a certain amount of time. We want to perhaps, stop to study a Mariposa Lily, or a field of California poppies, and Oak Tree or a Sycamore by a little creek of shallow water.

Because we are slower participants in the enjoyment of a walk or ride, our destination is not necessarily to reach the next portion of a connecting trail, but to enjoy our natural surroundings. For that slow pace, we need to have a Trail Head with adequate parking for meandering hikers and bikers, and for the larger vehicles pulling horse trailers.

A Trail Head in the West Village Project is a critical piece in this puzzle of development. Within the city limits of Calabasas, there are no dedicated parking areas at the many trail heads. Yet we have a dedicated portion of the Juan Bautista de Anza National Historic Trail. At either end of this national historic trail, there is no dedicated parking area at the western terminus and is totally lacking in adequate space for horse trailers at the eastern terminus. The Upper Las Virgenes Canyon Open Space Preserve has no dedicated parking for any trail users at the trail access point at the north end of Las Virgenes Road. The Don Wallace Connector Trail dedicated by members of your City Council has no dedicated parking areas for equestrian use. In fact, at the entrances, hikers and other trail users must use the limited Agoura Road, or steal space at the Starbucks/Albertsons parking lot. There is no SAFE place for horse trailers.

Five miles down Las Virgenes Road is the first real public parking area for horse trailers. That's just fine if you want to explore that area. But it is too far away if you want to SLOWLY explore the trails up by the 101 Freeway: the Juan Bautista de Anza National Historic Trail, the Upper Las Virgenes Canyon Open Space Preserve, or the newly minted Don Wallace Connector Trail, and trails heading south.

The vast number of trail users today need and deserve parking areas free from commercial and residential use. This development by New Home Company certainly has the land to accommodate a large enough parking area. And all trail users can certainly bring business to the commercial aspect of this development.



Sincerely,

Stephanie Abronson
Equestrian Trails, Inc., Corral 36 Newsletter Editor
Pony Cross Farm
543 Cold Canyon Rd.
Monte Nido, CA 91302-2206

818 222 PONY

Glenn Michitsch

From: Tamiko <tfuote@gmail.com>
Sent: Sunday, April 14, 2019 10:13 AM
To: James Bozajian - External; Mary Sue Maurer - External; Alicia Weintraub; David Shapiro; Fred Gaines; Glenn Michitsch; Bob Burris; info
Subject: West Village project

Please! No approval for the proposed West Village at Calabasas project!
Have you seen the devastation of iconic views that will forever disappear?
Do you realize the fallout of the comparatively smaller to age and years of moving earth at Paxton? Still not done and having difficulty selling?
People have and continue suffering from the bulldozing of tons of earth over years of dirt and dust and airborne particles. They have had no compensation and are burdened with a life sentence of respiratory problems.
The developers do not adhere to watering before moving earth. The residents should not have to be their watchdogs.
The residents have been told by developers that the cracks in our homes are not from the long, continuous pounding caused by the traffic hitting steel plates misaligned in the streets.
Not to mention the natural destruction of the protected open spaces and hills that will also be artificially reconstructed.
But, most obvious will be the disappearance of the views of the beautiful valley and hills that are iconic in Calabasas.
Stop the madness and have developers design and limit their projects to the contours of the geographic natural contours of the iconic views.

Tamiko Fuote

received 3/7/19
FC mtg
public comment

March 7, 2019

Dear Planning Commission:

I believe the Commission needs to keep the following in mind when considering any project that involves hillside development or Open Space.

The development code states that "the Open Space District is intended for areas of the city identified by the General Plan as having important environmental resources and hazards."¹ Open Space is our city's most treasured designation. We went to the extent of enacting Measure D in order to protect this treasured land. The code states that "open space shall be generally configured as large, contiguous areas of undisturbed native habitat..."²

The land use code states, "Development means any grading or construction activity or alteration of the land, its terrain contour or vegetation, including the addition to, erection, expansion, or alteration of existing structures."³ It's important to remember these definitions when you consider any future project that deals with Open Space because without abiding by one, you render the other one meaningless. "Development means any grading or construction activity or alteration of the land..." *This is unambiguous. If the Code's definition of "development" is ignored, you make the Open Space designation worthless.* These definitions must be abided by in any decision you make.

The Code states that "Proposed development and new land uses within a scenic corridor... *shall comply* with the city's Scenic Corridor Development Guidelines."⁴ Those guidelines include "Grading shall be kept to an absolute minimum."

Hillside Development Standards clearly state that "Overall project design and layout *shall* adapt to the natural hillside topography... A development should preserve the hillside rather than alter it to fit the development."⁵ "Should" is defined by the code as "strongly recommended."⁶

The code states that it "is the *primary* tool used by the city to implement the goals, objectives and policies of the Calabasas General Plan."⁷ Note that it's "the *primary* tool" – *not* the *only* tool. You should be able to look to the General Plan for guidance, not only the code. In that vein, the General Plan Safety Element policy is to "Discourage development within potential landslide areas and areas with severe soil limitations as the City's *preferred management strategy*, and as a *higher priority* than attempting to implement engineering solutions."⁸ In other words, don't build in landslide areas. The Development Code states that "buildings should be located in the most accessible, least visually prominent, and most *geologically stable* portion or portions of a site."⁹

And when it comes to project density, the General Plan specifically says that "... the assignment of maximum development intensity to the land uses... does *not* imply – (the word "not" is in bold in the document) – does *not* imply that all parcels could be developed at their maximum intensity or that any specific parcel is entitled to the maximum intensity."¹⁰ The intent here is clear: No one is guaranteed the maximum density.

Please research and investigate these references and apply them when considering any development projects.

Sincerely,

Frances Alet, Calabasas

¹ 17.16.010(C) (Purpose)

² 17.20.055(A)9

³ 17.90.020 Definitions

⁴ 17.20.070(C)

⁵ 17.20.150(B)3

⁶ 17.03.010(B)1

⁷ 17.01.030(B) (Authority-Relationship to GP)

⁸ General Plan Safety Element Policy VII-4

⁹ 17.20.150(C)1

¹⁰ II.C General Plan Land Use Districts, pg. II-8

Glenn Michitsch

From: Mithila Utrankar <mithila154@gmail.com>
Sent: Tuesday, March 26, 2019 10:15 AM
To: Glenn Michitsch
Subject: Happy with new project

Hello,

I moved last year from Santa Monica. I miss the commercial stores at my walking distance. I am excited to see that there will be restaurants, cafes etc so that I do not have to drive to another city.

I see most of the people are against it and i am not sure why :(

Thanks.

Mithila

Sent from my iPhone

Sent from my iPhone

Glenn Michitsch

From: Chris Baker <cbaker@fortunageneral.com>
Sent: Monday, March 25, 2019 5:16 PM
To: Glenn Michitsch; Maureen Tamuri; Tom Bartlett; Michael Klein; Krystin Rice; Judie Gilli; Elizabeth Parker
Cc: Sarah Baker
Subject: West Village Development.

Mr. Michitsch,

I wanted to submit for the public record that I, along with The Calabasas Coalition, Sierra Club SFV Chapter, Santa Monica Parks Department, Department of Fish and Wildlife, Hundreds of business owners and thousands of residents of Calabasas, reject the West Village Development project.

Per your own report, this project will likely have a serious impact on the local environment and open space that makes Calabasas a special place we all enjoy. In addition to cutting down 69 native oaks in this open space, destroying the local ecosystem, and significant greenhouse gas emission increases, The added development will compound a growing traffic, infrastructure, and disaster relief problems. SIX OF MY NEIGHBORS HOMES BURNED DOWN THIS LAST FALL and you are greenlighting a development against 100 acres of brush and open space. Foolish.

Countless residents have made their voices heard through local ballot measures and a mountains of letters and emails regarding this and other development. The community feels ignored.

Do your job. Do the right thing.

Please add this note to the public record and confirm its receipt.

Sincerely,
Chris Baker, CIC
President
(866) 323 – 6629 ext. 115
cbaker@fortunageneral.com
CA License OG93793



Glenn Michitsch

From: Brenda Brown <brendaabrown11@gmail.com>
Sent: Friday, March 22, 2019 10:30 AM
To: Glenn Michitsch
Subject: New Home Co/West Village project

Dear Senior City Planner,

Hello, my name is Brenda Brown. I am a Calabasas resident and it has come to my attention that there is project in the works in our city and I would like to voice my opinion in the matter. I would like to say that my family and I are completely against it and I would like to know information on how to participate in having a say in the matter. I don't think this project is in the good interest of the residents of this city for many reasons! Please inform me if there are any meetings in which we can voice our opinion as I am completely opposed to the project.

I thank you for your attention and look forward to gearing from you soon.

Best regards,

Brenda Brown.

Glenn Michitsch

From: Nilo Goodarzy <narzy66@gmail.com>
Sent: Friday, March 22, 2019 10:27 AM
To: Glenn Michitsch
Subject: Opposed to New Home Co Development in Calabasas

My entire family and I are 100% opposed to the New Home Company's development of homes on the Las Virgenes corridor. This will not only destroy precious wetland and open space, it will cause over-crowding and traffic. This community is unique in size and population and it should stay that way.

Nilo Goodarzy and family

Glenn Michitsch

From: Sara Giron <saritgiron@sbcglobal.net>
Sent: Friday, March 22, 2019 10:12 PM
To: Glenn Michitsch
Subject: Please don't build

Dear Mr. Glenn Mitchitsch ,

I hope all is good with you, I want to let you know that I'm very concerned from the new neighborhood that you planning to build in Calabasas. Please consider NOT building there it will ruin our beautiful city.

All the best
Sara Giron

Sent from my iPad

Glenn Michitsch

From: Meirav Ben-Gal <meiravbengal@sbcglobal.net>
Sent: Friday, March 22, 2019 2:14 PM
To: Glenn Michitsch
Subject: #justsayno

Good afternoon,

Just received a notification about the upcoming project off the 101 FWY .
My opinion as a long time resident of Calabasas I am against this project and would like to voice my opinion. The hills are disappearing rapidly , and I do not understand why more and more projects needed to be built and cause more traffic , less living habitat for wildlife. Sometimes the city needs to say stop .

Meirav Ben-Gal

Glenn Michitsch

From: Elizabeth Elizabeth <eelizabethchatita@gmail.com>
Sent: Friday, March 22, 2019 9:08 AM
To: Glenn Michitsch
Subject: No on new village on Las Virgenes

Please take a moment and consider what it would mean if the New Home Co./West Village project, at Las Virgenes and Agoura Rd, was permitted: Off the 101 @Las Virgenes exit, these hills will be taken down and 15 big-box buildings will replace them.

*All views will be significantly impacted.

The area is filled with wetlands, where dozens and dozens of ancient oak trees will be eliminated, along with hawk habitats.

Consider the traffic congestion, the Las Virgenes Scenic Corridor, and fact that this corridor is the only link between our mountain ranges 🌲

Think of future emergencies. Like the fires, accidents.

Thank you. Elizabeth Enriquez

Glenn Michitsch

From: Laura Streicher <l.streicher@mac.com>
Sent: Friday, March 22, 2019 6:54 AM
To: Glenn Michitsch
Subject: Story poles - please don't allow this!

Dear Community Leader:

This is in regard to the proposed development on Las Virgenes and Agoura Road.

As if our community hasn't already been commercially overdeveloped with unsuccessful strip malls that are void of businesses able to sustain themselves due to high rent and zero demand, as well as a new neighborhood on Las Virgenes that has taken YEARS to build (still going) and has carved out a huge, ugly section of what was once a beautiful and open hillside in order to cram ugly housing onto it, now we have this to grapple with? The whole reason our family, and others like ours, moved to this area of Calabasas was because it was still quiet and underdeveloped. Now it's just like any other area of the valley - congested and void of environmental conscience. Very sad. Please do what's right.

Sincerely,
Laura Streicher

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Laura Streicher
"Curb Your Enthusiasm"
Producer
[\(310\) 770-4118](tel:3107704118) cell
[\(310\) 315-4756](tel:3103154756) office
l.streicher@mac.com