

**From:** Joe Chilco <joe.chilco@gmail.com>

**Sent:** Sunday, April 18, 2021 8:57 PM

**To:** info <info@cityofcalabasas.com>

**Cc:** Maricela Hernandez <mhernandez@cityofcalabasas.com>

**Subject:** Planning Commission 4-21-21 West Village at Calabasas Public Hearing - public comments

Further to the April 15, 2021 West Village at Calabasas Public Hearing, please consider the following with regard to the continuation of such on April 21, 2021:

The EIR is deficient because it fails to provide adequate analysis of the wildfire risk impacts of the proposed development. The EIR does not offer any analysis.

This deficiency isn't specific to the Woolsey Fire. The current California Attorney General has joined CEQA lawsuits against proposed developments in San Diego and Napa in high fire risk areas that failed to adequately assess whether a development would increase the wildfire risk.

The CMC prohibits development and permanent uses of OS-DR zoned land. Concrete v—ditch infrastructure is permanent and part of the development.

CEQA guidelines state that, "The significant effects on the environment should be discussed with emphasis in proportion to their severity *and probability of occurrence*." The EIR acknowledges that, "The number and frequency of large magnitude earthquakes that may occur during the life of the proposed project cannot be predicted reliably."

Urban wildfires occur frequently and pose a real public safety threat yet the EIR doesn't address it or state any mitigation.

With regard to seismic activity on the project site, the Independent Geotechnical Peer Review by LGC, Valley Inc. states, "we generally conclude that the potential for on-site landslides to impact the adjacent Las Virgenes Road and/or the adjacent Shea Homes property under existing conditions is slight".

The EIR states, "No active faults have been mapped in Calabasas..."

In Section 4.4. Geology/Soils of the EIR it states, "...the Alquist-Priolo Earthquake Fault Zone Act (APEHA)...requires studies within 500 feet of active or potentially active faults. No known active or potentially active faults traverse the site based on existing maps prepared by the State of California. Therefore, the project site is not located within an Alquist-Priolo Special Studies Zone."

"Additionally, a deterministic seismic hazards analysis was completed to determine the maximum hazard exposure to the project site. These analyses determined it is probable that the project area will experience at least one moderate to severe ground shaking event from one of the nearby faults, which could be up to 7.3 in magnitude."

A magnitude 7.1 earthquake occurred on July 6, 2019. Effects were felt across much of Southern California, parts of Arizona and Nevada, as far north as the San Francisco Bay Area, and as far

south as Baja California, Mexico. And yet, a seismic event of this magnitude and one having a very large area of impact did not result in significant movement of the landslide on the project site. There is no mention of this fact in the EIR.

The developer is wrong when it suggests that the proposed project is “pre-approved” because the General Plan imagined that 16 acres of the land parcel is developable. The General Plan does not specify the details of any development on this land parcel. No development of this size is “pre-approved”. There are other potential developments that might “fit the land” better. Just because 16 acres is *zoned* for development doesn’t mean all 16 acres are *capable* of being developed.

Changes have occurred since the last General Plan update that have resulted in increased fire risk, impacts on traffic, and the need for effective emergency evacuation routes in the City and, in particular, in the limited egress communities on the west side. The reality of how the proposed project will impact all of these concerns is what should be considered. The resolution of denial should include these findings.

Manufactured slopes are still subject to slope failure, as acknowledged in the General Plan. The findings that the landslide must be remediated for public safety and the argument that concrete v-ditches are an allowed temporary land use are not supported by facts and cannot be made.

Putting hundreds of people in a box canyon in a very high fire risk area is irresponsible and dangerous. The proposed project has a significant impact on public safety. Public safety is a basis for denying the proposed project.

I ask that the Planning Commission vote in favor of sending Planning Commission Resolution No. 2021-714 [Denial Resolution] to the City Council.

Thank you for your consideration.

Joe Chilco  
Calabasas resident  
(address on file)

**From:** HUA GU <huaguphd@aol.com>  
**Sent:** Sunday, April 18, 2021 4:55 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** West village

We are residents in Calabasas for 22 years. We definitely see the changes in the city for much worse. We all say No, No, No to west village because the environment, the Grading, destroying our view, making it hard to evacuate in fire emergencies, dust and Valley Fever from dust, poor air quality, possibly killing off species, etc. Thank you for your consideration. HG

**From:** April Demroff <ademroff@gmail.com>  
**Sent:** Sunday, April 18, 2021 3:08 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** The Calabasas Building commission

PLEASE stop building in Calabasas!!!! It's only going to cause more problems in emergencies and evacuations, not to mention our wildlife having enough area to live as it is! I moved here 20 years ago for a reason, to be in a beautiful "low growth" area. Enough already, stop building!

April Demroff  
4125 Lost Springs Drive  
Calabasas, CA 91301  
(819)857-1994

**From:** Randy Cooper <randycooper60@yahoo.com>

**Sent:** Sunday, April 18, 2021 10:10 AM

**To:** info <info@cityofcalabasas.com>

**Subject:** West Village

Please do not allow the development known as West Village. I live close by and am against turning our beautiful mountain ranges into commercial and residential development. Once developed, we will lose that beauty forever.

I'm also concerned about the traffic impact for that area if the land is allowed to be developed.

I'm also concerned about the bottleneck the traffic will cause in an emergency. We've lived here since 1993 and have witnessed first hand, all the fire related traffic and non-fire related traffic. It will be especially dangerous during the inevitable fires that will hit our area and when evacuations are ordered. Why put ourselves at risk?

Let that density happen in the valley. We've lived here for all these years because we appreciate the beauty of the mountain ranges and the proximity to the coast etc. Don't allow Calabasas to be over-built like many parts of the valley and destroy what we cherish. **Appreciate the beauty we have.**

Thank you for your consideration,

Randy and Jodi Cooper

**From:** Leslie Addy <lesaddy@gmail.com>  
**Sent:** Sunday, April 18, 2021 9:35 AM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Planning Commission - West Village at Calabasas project

Hello Planning Commission,

I'm a resident of Calabasas and fully against the West Village at Calabasas project. This will destroy the views of the mountains, will have major environmental impacts and make it worse during fire season.

Please stop this project

Thanks,  
Leslie

**From:** Robert Barrow <olbob757@aol.com>  
**Sent:** Sunday, April 18, 2021 9:34 AM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Building project

From Bob Bartow 4-17-21

To: City of Calabasas Planning Commissioners  
[info@cityofcalabasas.com](mailto:info@cityofcalabasas.com)

Dear Planning Commissioners,

I was reading in the Acorn about how destructive the West Village proposed property would be for this City. I'm told that this code is not being followed, because it is being built right on a Wildlife Corridor. Calabasas is known for its wildlife linkage, and we don't want that destroyed. Plus I heard the last meeting and Valley Fever has been spread near the Paxton development, and nobody wants that!

Here's the code:

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

Not to mention the fire hazards you'd be causing. It's difficult trying to evacuate in cases of emergencies, and it would add to our problem here on the west side and east side, for that matter.

Please deny this project.

Sincerely,

Bob Bartow

**From:** Cassandra Shivers <cassonga@gmail.com>

**Sent:** Saturday, April 17, 2021 10:52 PM

**To:** info <info@cityofcalabasas.com>

**Subject:** Las Virgenes Development

I would like to share my concerns about the current version of the proposed development at Las Virgenes and Agoura Road. I live off of Las Virgenes and already face significant traffic. In fact, I moved from the development just south of the proposed development to a house above the freeway partly to avoid so much congestion—and that was before there were homes built further south on Las Virgenes, which has already exacerbated the traffic issues. I can only imagine how much worse it will be if the additional homes and businesses are built at that intersection.

I also am extremely concerned about the environmental impact of cutting into the hills. There has already been significant develop on the Las Virgenes corridor in recent years. I strongly believe that the proposed additional development will have significant negative impact.

Thus, I urge a negative vote on the development.

-Cassandra Shivers  
26146 Roymor Drive  
Calabasas

**From:** paige.westerberg1@gmail.com <paige.westerberg1@gmail.com>

**Sent:** Saturday, April 17, 2021 3:39 PM

**To:** info <info@cityofcalabasas.com>

**Subject:** West Village Opposition

As a resident of Calabasas, I plead with you to reject the West Village plan yet again.

The development makes no sense — with vacant housing and commercial properties literally at every turn, the last thing we need is more. Additionally, the traffic situation is barely manageable as it is and adding more congestion poses serious risks in the event of an emergency — not to mention the day-to-day inconvenience that'll drive residents out of our wonderful city.

Please vote no, have the developer remove their unsightly story poles (and obnoxious cameras and lights) and figure out a better use for the land — one that will preserve our city.

Sincerely,  
Paige Westerberg

**From:** Candice@designerwardrobetrailers.com <candice@designerwardrobetrailers.com>  
**Sent:** Saturday, April 17, 2021 3:11 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Fwd: West Village at Calabasas Public Hearing

Re-forwarding my email:

Begin forwarded message:

**From:** "[Candice@designerwardrobetrailers.com](mailto:Candice@designerwardrobetrailers.com)" <[candice@designerwardrobetrailers.com](mailto:candice@designerwardrobetrailers.com)>

**Subject:** West Village at Calabasas Public Hearing

**Date:** April 7, 2021 at 1:55:39 PM PDT

**To:** [info@cityofcalabasas.com](mailto:info@cityofcalabasas.com)

Good afternoon. We live in the Colony off of Las Virgeenes. I'm writing to express our disapproval for the West Village Proposal. This is a completely oversized and not irresponsible development. We already have a huge amount of apartments and condos off of Las Virgenes. The the new Paxton development has not even sold. This is too many units and too many parking spots which leads to too many cars and way too much traffic. We already have an exuberant amount of traffic and it is awful trying to get out of our development. We don't need anymore retail space. The retail space we already have in the area is vacant. When we

Approximately 20 acres of overall open space will be bulldozed, including an ancient hillside. City of Calabasas codes and laws should be followed and these plans do not. Also, this development does not fit the land in Calabasas. The West Village proposal should be denied. This land should be left undeveloped.

Thank you for your consideration.

Sincerely,  
Candice & Mark Dobkousky  
4654 Cielo Circle  
Calabasas, Ca. 91302

**From:** Roger Pickett <transcendental2009@yahoo.com>  
**Sent:** Saturday, April 17, 2021 1:51 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** WEST VILLAGE

Planning Commission,

I'm fervently opposed to any development along the Las Virgenes scenic corridor to Malibu. The West Village Development would be a blight on our neighborhood. I'm a twenty year resident, homeowner, living just north of Albertson. Please do the right thing for us "Calabasians," - thank you for your time, Roger Pickett (26156 Roymor Drive, Calabasas, Ca.); (transcendental2009@yahoo.com).

**From:** Shelley Brown <shelleybsellshomes@gmail.com>  
**Sent:** Saturday, April 17, 2021 12:27 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Planning Commission - West Village at Calabasas project

Hi,

We are home owners in the area. I am writing to inform you that we are EXTREMELY concerned and do NOT want this project in our community. Last summer my husband caught valley fever and almost did not make it. We do not want the dust in the air. This company has no interest in keeping the integrity of our community. This project will create more traffic and congestion in our neighborhoods.

Please consider your current residents before making a decision that can negatively impact all of us.

Thank you,

**Shelley Brown**

**From:** Tina Goldberg <tina.goldberg@gmail.com>  
**Sent:** Saturday, April 17, 2021 11:44 AM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** West Village

Dear Sirs,

I am a long time resident in Calabasas, living at Las Virgenes Village. Several year ago when the site was first proposed, I was against this project and am still opposed to the project. Besides the obvious reasons of large amounts of traffic around the complex, the disruption to wildlife, the hardships on the ecosystems, dust, fire emergencies in evacuating. And the beautiful hillsides that make Calabasas special. This would destroy all of that. I have much more that I could say about this, but will save it for the public meetings.

A very concerned resident of Calabasas,

Tina Goldberg

**From:** Nanci Gamache <nanci.gamache@icloud.com>  
**Sent:** Saturday, April 17, 2021 11:31 AM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** West village

NO NO NO !!!!! It has been shot down twice....doesn't that say something about what the people want? Do not destroy our canyon....no more air pollution, no more traffic, no more worrying about evacuation during fires, no more developers thinking they can come in and buy what they want. Please listen to the people. Thank you.

Nanci and Tom Gamache

**From:** Brett Kaufman <brettkaufman1@icloud.com>

**Sent:** Friday, April 16, 2021 11:33 PM

**To:** info <info@cityofcalabasas.com>

**Subject:** West Village opposition

**To Whom it may concern,**

**I am a Calabasas resident of 16 years. I oppose this project for the following:**

**Reasons the 2021 West Village Proposal is not right for Calabasas:**

**EXCESSIVE GRADING**

- Violates Restricted Open Space creating artificial manufactured hills
- Creates harmful air pollution from dust and exhaust fumes
- Destroys wetlands, natural springs and wildlife habitats
- Creates water pollution threatening the federally listed California Red Legged Frog

**SIZE AND SCOPE OF PROJECT TOO LARGE**

- Number and height of buildings do not fit the property
- Buildings will block the VIEW of the rolling hillsides
- Is there a demand for condos and retail? Paxton Townhomes turned into rentals; retail space available throughout the City

**TRAFFIC**

- Traffic study does not reflect reality

## WILDFIRE CONCERNS

- Calabasas has the highest Fire Danger Rating which is: **Very High Fire Hazard Severity Zone**
- 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

**These current laws should be followed:**

## CITY OF CALABASAS LAND USE CODES

- 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)]
- 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]

Thank You,

Brett Kaufman

Print & Design Solutions, Inc

18638 Keswick Street

Reseda, CA 91335

818-707-8485 Phone

818-707-8486 Fax

**From:** Dianne Gubin <diannegubin@gmail.com>

**Sent:** Friday, April 16, 2021 9:25 AM

**To:** Glenn Michitsch <gmichitsch@cityofcalabasas.com>; info <info@cityofcalabasas.com>

**Subject:** RE: TONIGHT! Objection to Building 4790 Las Virgenes Road, at the intersection of Las Virgenes and Agoura Roads.

Hi Calabasas Planning Commission,

Thank you for the opportunity to speak at the Planning Commission meeting last night.

The amount of time and money already spent on this terrible project by our city employees is deplorable. The fact that the developer said “that this was one of the best staff reports he’s seen in years”, makes me wonder – Who is our city staffing working for?????

**David Litt** said it the best – this project was a bad purchase on behalf of the developer and it is not our responsibility to make it right.

The environmental and community impact of an **unwanted project** were clearly stated by our community.

**Please listen to the people who actually live here**, not the slick developers and their minions. They will be gone and we, the community, will have to live with the impact of loss of biodiversity, loss of a wildlife corridor, increased risk of fire evacuation issues, increased traffic and more. The negatives far outweigh the developer’s request. You’ve already said no twice, just because they ask again is NOT a reason to say yes.

If we have to fulfill the gov’t housing quota, convert an office building on Calabasas Road into an apartment house. With covid, I’m sure there’s plenty of commercial real estate unused. Just don’t take an inch of our precious and finite open space.

**Each of you have said that maintaining open space is a priority.** It is time to review and rewrite the City Charter around development, which is now dated and was written for another time. **It is our responsibility to be the voice and conscious of the Santa Monica Mountains.** This does not mean concrete and tearing down our canyons.

Thank you,

Dianne Gubin  
Calabasas resident for 18+ years

**From:** Mary Hubbard <maryahubbard@gmail.com>  
**Sent:** Thursday, April 15, 2021 9:32 PM  
**To:** info <info@cityofcalabasas.com>; jmuellerlaw@sbcglobal.net <jmuellerlaw@sbcglobal.net>; johncarymueller@gmail.com <johncarymueller@gmail.com>; Dennis Washburn <WashburnD1@aol.com>; harrisonlaw@gmail.com <harrisonlaw@gmail.com>  
**Subject:** Comment Letter on West Village EIR Hearing

Please accept the following comments on the West Village Project EIR as a joint effort on behalf of The Las Virgenes Homeowners Federation and the Malibu Canyon Community Association.

April 15, 2021

Dear Planning Commissioners:

**THE DRAFT EIR IS DEFECTIVE AND SHOULD BE REJECTED**

## Defective Project Objective

The project objective of remediating the landslide is improper because it is ancillary to the development, or a mitigation, not an objective. Project objectives should reflect the goals of the development being proposed. If remediation of the landslide were the project objective, the developer would be coming to the city asking for a grading permit to remediate a hazardous landslide, but instead New Homes is asking for a permit to build 180 housing units. To do so, it claims that the landslide must be remediated. Absent the request to build 180 housing units, there is no need to grade the landslide.

By analogy, the retaining walls the developer needs in order to build its 180 housing units are not considered a project objective, and New Homes is not coming to the city to ask for a permit to building some retaining walls although the hills are eroding continuously.

## West Village EIR Contradicts the Legislative History of the Land

The current West Village EIR is inconsistent with the legislative history of the property.

The General Plan identifies “Protection of Significant Environmental Resources” and Protection of Public Health and Safety” as two of the four stated function of Open Space designations in the city. In conjunction with the 2008 General Plan update, the landslide portion of the West Village site, then called the Messenger property, was re-designated as Open Space expressly for the above-stated purposes. The legislative history of the 2008 General Plan update shows that the purpose of the rezoning was to do both of the above. The Open Space designation on the property came as the mitigation component of up-zoning the adjacent property when the property was rezoned in conjunction with the 2008 General Plan update.

The “Protection of Significant Environmental Resources” purpose of Open Space is explained in the General Plan EIR as protection of “a scenic resource of great value and importance to the quality of life of area residents.” In fact, the Santa Monica Mountains Conservancy has identified the landslide as the most biologically productive part of the project site. To bulldoze that entire natural hillside designated as being of “great value and importance to the quality of life of area residents” and engineer it as a manufactured slope with miles of concrete drains is contrary to the entire purpose for which the land was designated as Open Space. Doing so would constitute *de facto* rezoning because, by definition, grading is development and development is not allowed in Open Space.

The “Protection of Public Health and Safety” Open Space purpose is explained in the 2008 General Plan Open Space element, which recognizes hillsides as “unstable platforms for development” and affirms that hillsides are put into Open Space designation to “minimize the extent of hillside development” in order to provide “a margin of safety and protection against slope failure and wildfire.” The landslide area had long been marked on geological maps, and that mapped landslide became the Open Space in exchange for up-zoning the flatter area.

The legislative intent was clearly to protect a valuable biologically productive natural resource, to minimize hillside development on unstable soils, and to mitigate the up-zoning of adjacent portions of the property.

### **MEASURE O REQUIRES A VOTE OF THE PEOPLE TO REZONE OPEN SPACE**

To now attempt to bulldoze the entire resource-protected, development-restricted designated Open Space triggers Measure O, which means it would have to go to a vote of the residents. This is acknowledged in the Resolution for Denial and then studiously ignored in the Resolution for Approval.

To attempt to call the resource-protected, development-restricted designated Open Space a *public safety threat*, when its unstable soils are exactly why it was designated Open Space in the first place is a gross manipulation.

### **A DE FACTO GENERAL PLAN AMENDMENT ALLOWS A REFERENDUM**

Approving a permit to grading Resource Protected, Development-Restricted designated Open Space would create a *de facto* rezoning amendment to the General Plan which could be legally challenged. The California Court of Appeal in *Millbrae Association for Residential Survival v. City of Millbrae* rejected a claim of vested rights by the developer and agreed with an unincorporated homeowner's association that the city's approval of a development that went against its local zoning ordinance amounted to a *de facto* rezoning. The court sided with the general public interest in protecting and enforcing zoning regulations.

Any such *de facto* amendment to the General Plan, as with Measure F in 2016, opens approval of the project to the same referendum process that allowed citizens to reverse the city's approval of the Canyon Oaks development in 2016.

The court in a similar zoning law case held that:

In the field of zoning laws we are dealing with a vital public interest, not one that is strictly between the municipality and the individual litigant. All the residents of the community have a protectable property and personal interest in maintaining the character of the area as established by comprehensive and carefully considered zoning plans in order to promote the orderly physical development of the district and the city and to prevent the property of one person from being damaged by the use of neighboring property in a manner not compatible with the general location of [the property in issue].

These protectable interests further manifest themselves in the preservation of land values, in aesthetic considerations, and in the desire to increase safety by lowering traffic volume. (*Pettitt v. City of Fresno*)

### **Inadequate Range of Alternatives**

The EIR does not contain a reasonable range of alternatives. CEQA Guidelines state in Section 15126 that the range of alternatives to be considered have to “avoid or substantially lessen any of the significant impacts of the project.” All of the alternatives in the EIR include illegal grading of Open Space that requires voter approval in Calabasas.

The largest and most offensive environmental impact of the project is the extreme amount of grading that it entails. Ample evidence exists in the record that bulldozing 2.6 million cubic yards of earth is the greatest objection to the project because that extreme amount of grading involves prohibited development of Open Space and violates multiple priority General Plan policies, all of which are referenced in the Resolution for Denial.

The previous Canyon Oaks project was rejected by Calabasas voters in large part because of the extreme amount of grading of land designated as open space. The latest EIR eliminates the only option that did not involve remediation of the landslide and replaces it with just more of the same.

An eminent domain taking under CEQA only occurs if all economic use of property is blocked, but, apparently, according to its own geology studies, which it could have done before purchasing property mapped with Open Space and liquefaction zones, those options do not include maximum build-out on one of the most sensitive pieces of land in Calabasas. This developer has other options for economic use of its land, but it continues to try to obtain maximum development. The threat in the staff report that denying the project would leave it vulnerable to development in the future is a risk the city should accept. Perhaps future developers will have a better plan that is more in line with the features of the land.

Since no substantial evidence supports the developer’s theory that remediation of the landslide needs to occur in the absence of development, it appears that the supposed threat to public safety *in the absence of development* does not exist.

### **The No Project Alternative is Not a Threat to the Public**

Expert testimony at the July 2019 hearings reveals that it is not true, as the EIR No Project Alternative section states, that “by not remediating the landslide hazard, this alternative would expose structures and people to safety hazards associated with landslide and surficial failures.” Testimony by the city engineer and others indicates that there is no public safety threat unless development occurs on the site.

The EIR from The Canyon Oaks project that preceded the West Village project on the *same* property by the *same* developer, which was approved and certified by the city in 2016, **designated the No Project alternative as environmentally superior to building a four-story hotel and 70 housing units**, stating:

The CEQA-required No Project Alternative would avoid the proposed project’s significant and unavoidable impacts related to changes in visual character as well as significant, but mitigable impacts related to scenic views and in the areas of

air quality, biological resources, geology, noise and traffic. **No significant impacts would occur under this alternative and none of the mitigation measures recommended for the proposed project would apply.**

(Canyon Oaks EIR, p. 443,

<https://gator.cityofcalabasas.com/pdf/agendas/planning/2016/031616/item2-exhibit-e.pdf>)

In the Canyon Oaks EIR, the No Project alternative was officially deemed to completely eliminate all of the effects of building in the Canyon Oaks EIR analysis, including Alternative #2, the “2030 General Plan Buildout.” which is essentially the same buildout area proposed as the current West Village.

However, the EIR for the current West Village project states that the **No Project Alternative** is “considered environmentally superior because it would eliminate nearly all of the anticipated environmental effects of the project,” but then concludes that it:

...would not accomplish any of the objectives of the proposed project, including developing multi-family residential units, constructing affordable housing, establishing a “village center,” **remediating the landslide condition**, and establishing a **public trail linkage**. Moreover, this alternative **would not eliminate the existing landslide hazard**, which has the potential to **expose structures and people** to adverse effects associated with landslides or surficial failures because the existing on-site landslide area would not be remediated.

Remediating the landslide, as outlined above, is a highly contrived project objective and there is testimony from experts that it does not need to be remediated in the absence of development on the site. Establishing a public trail linkage is not any kind of priority since the property is surrounded by public trailheads and trails.

### **The EIR Fails to Evaluate the *Likelihood* of the Seismic Events and Rain Events that it says might lead to slope failure**

If the events that would create re-activation of the landslide are so remote as to be extremely unlikely to occur, while the fire safety hazard is clear and present, the focus is skewed.

The EIR should not be certified without clearly assessing *the likelihood* of the events that would re-activate the landslide and addressing the wildfire risks that burned the entire property as recently as 2018 and resulted in the loss of or severe damage to 177 of the 209 oak trees on the subject property and the complete loss of 7 homes less than 1 mile away in an area similarly contiguous with Open Space.

Testimony at the 2019 Planning Commission hearing revealed that a large earthquake and/or a heavy rainy season for several years in a row could re-activate the landslide, but then if either of those events occurred, homes in much of Calabasas would be at risk. All of California is prone to seismic events. We have had multiple earthquakes in the past 100 years, including a 6.7

quake in Northridge 27 years ago that left homes on the west side of Calabasas with cracked foundations and walls that separated from ceilings. But the landslide did not overwhelm Las Virgenes Road or nearby homes. According to EarthquakeTrack.com, Calabasas had 380 earthquakes over the past year.

### **Failure to Analyze Wildfire Risk that is Far More Probable than the Unlikely Event of a Severe Earthquake and Multiple Years in a Row of Excessive Rain that Might Cause “Re-activation” of the Landslide**

The EIR fails to adequately analyze the fire risk of putting 180 housing units into a box canyon in a severe wildfire hazard zone that completely burned less than three years ago. The California Attorney General has recently filed suit to STOP housing developments proposed for severe fire hazard areas, arguing that “the EIRs do not adequately analyze the impacts of increased wildfire risk created by bringing thousands of new people and significant development to an undeveloped area – and that the projects fail to mitigate or avoid such impacts in violation of the California Environmental Quality Act.”

<https://oag.ca.gov/news/press-releases/attorney-general-becerra-seeks-intervene-litigation-over-wildfire-risk-san-diego>).

Documents submitted to the Planning Commission by the developer on July 18, 2019, were used to show that Alternative 4 was infeasible because the developer said it would not be able to sell housing units if it had to disclose their proximity to a landslide. New Homes submitted documents from an insurance company stating that the company would not insure homes so close to a landslide area, yet those same documents also included a section for disclosing location in a severe fire hazard area. New Homes should ask its insurer if it would be able to get fire insurance for the property. Other homeowners in the city with property contiguous to Open Space cannot.

### **Alternative 5 is Not Materially Different Because it Still Requires 2.6 Million Cubic Yards of Grading in Open Space**

The current West Village EIR somehow concludes that the new Alternative 5 proposal to build 146 housing units is the environmentally superior project “primarily because the setback of residential buildings from Las Virgenes Road and The Colony residences would be increased and residential density would be reduced, which contributes to a number of lesser or reduced environmental impacts to traffic, air quality, public services, and utilities, in comparison to the proposed project. Setting back 3-story buildings an additional 15 feet from the road and the bedroom windows of The Colony homes is arguably helpful, but it does not make this project substantially different from the other alternatives, which, like Alternative 5, all require 2.6 million cubic yards of bulldozing. Moreover, Alternative 5 requires about 11,000 cubic yards *more* grading than the original proposed project that the Planning Commission rejected based in part on the amount of grading and the project’s incompatibility with Hillside Development Standards.

### **The EIR Fails to Analyze the Project’s Consistency with the North Area Plan and LCP which Prohibit New Subdivisions in Wildfire Prone Areas**

The latest version of the North Area Plan, already approved, prohibits new subdivisions in severe fire hazard areas. The EIR should have addressed the project’s consistency with these critically important regional plans.

### **Significant Impacts Are Not Adequately Disclosed and Mitigation is Absent, Deferred, and Off-Site**

The project involves bulldozing 2.6 million cubic yards of designated resource-protected, development-restricted Open Space...and the *only* significant impact identified in the EIR is the “change to the visual character of the site”

### **The EIR Fails to Divulge the Wetlands Permits**

While the developer submitted a document on July 18, 2019 explaining that it would be unable to get grade permits from LA County due to the landslide area, it failed to address whether it could get the required jurisdictional waters permits it would need from three government agencies: Fish and Wildlife, LA County Regional Water Board, Army Corps of Engineers. Before wasting any more time considering building entitlements for a project that can never get its water permits, the city should require the approval-in-concept confirmation for the jurisdictional waters permits needed.

### **STAFF REPORT ERRORS**

It is error to state or imply that the Planning Commission voted to deny the project “because of the theoretical viability of Alternative #4” as the Staff Report states.

*Because of the theoretical viability of Alternate #4, and that the alternative would, in theory, not require grading of the hillside and therefore could result in a measurable reduction to biological and visual impacts, the Planning Commission approved a motion to recommend denial of the project, and further recommended that the applicant explore the feasibility of developing Alternative 4, or some variation of it, together with any other desired project alternatives, and bring a the project or an alternative back for further Planning Commission review and consideration (Staff Report, page 6). (Emphasis added.)*

This conclusion in the staff report is error. Planning Commissioners were informed at the beginning of their 7-18-19 meeting that Alternative 4 was not feasible. Their denial was not based on the feasibility of Alternative 4. Their denial of the project was for all of the reasons found in the Denial of Resolution 2019-689—illegal development of Open Space, excessive grading, nonconformance with hillside management policies, severe fire hazard zone, etc. In fact, Alternative 4 was the only alternative that garnered any interest from the public and responsible agencies, but they argued that it was still too dense, so it is not logical to conclude

that Planning Commissioners denied the project because of the “theoretical viability of Alternative #4.”

The staff report incorrectly states on page 36 that:

The motion that was approved by the Planning Commission on July 18, 2019 was to prepare and bring back a resolution recommending to the City Council, denial of the proposed project, not certifying the EIR, and further **directing the applicant to bring back any project alternative** it wished for further evaluation.

However, the Planning Commission did not *direct* the developer to do anything; it *recommended* that the developer bring back an improved alternative.

The staff report goes on to use its erroneous interpretation as justification for its two-year delay in the Planning Commission’s actual direction: that staff return to it with a Resolution for Denial with supporting findings. Instead, the staff report states that “As mentioned above, **staff deferred** bringing the draft resolution recommending denial of the project back **because the applicant had indicated their intent to implement the Planning Commission’s direction by first evaluating additional alternatives**. The requested denial resolution responsive to the Planning Commission’s action on July 18, 2019 is attached as Exhibit B. (Staff Report, 37).

### **Advising the Planning Commission to “Re-Evaluate” Its 2019 Denial is Error**

The staff report then “recommends that the Planning Commission **re-evaluate its prior decision in light of the new geotechnical findings**, and recommend approval of the project as proposed because it is fully consistent with the General Plan, including providing all of the housing specified in the City’s 2014 – 2021 Housing Element for this site, and fully mitigates all significant environmental impacts to the greatest feasible extent. (Emphasis added.)

The Planning Commission cannot alter a decision it already made two years ago. It can only approve or modify the findings that provide the supporting evidence for its 2019 decision.

### **Exhibit B Resolution for Denial Syntax Errors**

The Exhibit B Resolution for Denial should use the word “comply” instead of “apply” in two locations.

### **RHNA Threats are Misplaced**

It is also simply untrue that HCD has the authority to force housing into unsafe areas as the Staff Report infers on page 21 in reference to Exhibit P, the odd letter from HCD that appears to have been solicited by either the developer or someone inside the city as a threat. It is not HCD’s custom and practice to be aware of or to weigh in on local development proposals. A Public Records Act request revealed no other instances in which HCD wrote such a letter advocating for a specific local development in a small, semi-rural city that would put at most 36 low-income housing units into a maximum buildout housing development in a severe fire

hazard area. The letter also did not state where those people would obtain fire insurance. A prior letter from HCD addressed to Maureen Tamuri, David Shapiro, and Glenn Mitisch spells out the project in great detail, which is extremely odd for a government agency to know or care about a local development issue.

The Staff report states on page 21 that the city has been using the project site for 180 units of its RHNA zoning allotments, but whether or not this development is approved, the city is still going to have to find somewhere else to park its RHNA housing numbers because it would be getting only a small fraction of its affordable housing numbers from this project. An urban infill location would be much more appropriate than putting vulnerable people in the path of fire or bulldozing 2.6 million cubic yards of dirt to accommodate 36 affordable housing units.

### **Staff Presentation on Grading and Development in Open Space is Error**

The staff presentation in July of 2019 asserted that there was ample precedent in the city for development in Open Space. There is not. The sites it lists are either LA County approvals inherited by Calabasas, public utility-type infrastructure, or privately owned Open Space that was deeded as Open Space only after development occurred.

Also disturbing is the statement on page 22 of the staff report that “In preparing the Amended Environmental Impact Report, staff independently reviewed, evaluated and exercised judgment over the project and the project's environmental impacts.” What is most disturbing about that statement is that staff’s judgment does not seem to align with the City’s General Plan, Open Space ordinance, Hillside Management policies, Scenic Corridor, or Gateway master Plan. It does not align with the fact that bulldozing 2.5 million cubic yards of resource protected and already designated Open Space on the property was rejected in 2016 by a large majority of Calabasas residents across the city. It does not align with the Planning Commission’s denial of the project in July of 2019, and the well-articulated reasons for the denial. It does not align with survey results showing that open space protection was the highest priority for over 80% of residents.

### **The Resolution for Denial is Inconsistent with the Recommendation for Approval Although the Project has Not Substantively Changed**

This statement in the staff report after reading the Resolution for Denial that was passed by a 3-2 vote two years ago,

Although the project has been situated in the most appropriate location on-site given the City’s General Plan policies, and incorporates a number of design features that would reduce impacts to the visual character of the site to the greatest degree feasible, the change to the visual character of the site remains a significant and unavoidable impact;

How can this be true while at the same time all of the statements in the Resolution for Denial are true?

### **THE COMMISSION SHOULD DENY THE PROJECT DUE TO NUMEROUS ENVIRONMENTAL IMPACTS THAT GREATLY OUTWEIGH PROJECTS BENEFITS**

While the project provides a very limited number of temporary affordable housing units, there are multiple, compelling, cumulative, and legally defensible reasons to deny this maximum buildout on the city's most sensitive and vulnerable piece of land:

- development in designated protected Open Space
- grading of 2.5 million cubic yards of dirt
- heritage oak tree destruction
- unpermitted wetlands/jurisdictional waters impacts
- wildlife corridor infringement
- rare biological species destruction
- scenic quality deterioration
- fire hazard in box canyon
- priority General Plan violations
- Gateway Master Plan departures
- Scenic Corridor departures

### **CONCLUSION**

Please **VOTE TO DENY** the project or choose the No Project Alternative. Over here on the west side of Calabasas, we promise to keep a close eye on that demonic landslide as we drive to work to make sure that it isn't suddenly creeping across the road after lying in wait for 10,000 years.

According to the developer's own geology reports, there is no developable land on the site unless development restricted open space is developed, which cannot be done. Therefore, the developer has boxed itself into a corner and left the Planning Commission with little alternative except to deny the project.

The threat that denying the project would leave it vulnerable to development in the future is a risk the city should accept. Perhaps future developers will have a better plan that is more in line with existing zoning and geology.

It is long established law that municipalities are only required to provide for a reasonable use of land, not the highest and best use. This developer has failed to propose a reasonable use given the severe constraints on this particular property, so the city is legally justified in rejecting the current proposal.

The developer has unrealistic expectations for this property and has boxed itself into a corner by its own attempted manipulation of the proposal. The development was the subject of a lawsuit in 2016 that was only dismissed because the citizens prevailed in their referendum to override city approval. The underlying bases for the lawsuit still exist: namely, substantive departures from Calabasas Municipal Code, General Plan priorities, and CEQA, as outlined in the Denial Resolution.

### **Attachments**

Documents Submitted to Planning Commission July 18, 2019

HCD Letter

Calabasas Municipal Codes

Sincerely,

Mary Hubbard

on behalf of The Malibu Canyon Community Association and

The Las Virgenes Homeowners Federation

**From:** Toni Vivian <toni\_veen@hotmail.com>

**Sent:** Thursday, April 15, 2021 2:48 PM

**To:** info <info@cityofcalabasas.com>

**Subject:** West Village at Calabasas Public Hearing

I have been a resident of Calabasas since 1997. I purchased my home on Las Virgenes Road specifically because of the beautiful hills that run along that road. We used to have cows and goats in the large open fields. But now all of that is going away bit by bit by bit with the development of the housing units and now the hotel. We have so little nature left, we need to keep what we do have.

I ask that you refuse to allow more structures, especially the West Village monstrosity that is possibly in the works for the beautiful corridor at Las Virgenes and Agoura Road.

The builder can build anywhere but we can never get back the beautiful landscape if the developer is allowed to rape that land. As an owner, I don't care about the increase land value that people say will happen if the West Village is allowed. I don't plan to move and that is not the reason I purchased my house. I want to see nature and the beauty of the hills.

Not to even get into the additional traffic and congestion the West Village will bring. As it is now it takes me several minutes just to get out of my driveway and onto Las Virgenes when there is no traffic. Rush hour and weekend travel to and from the beach is double and triple that. This is a fire zone and I fear being able to quickly evacuate from the one way in and out if we were to be faced with a fire or any disaster.

Please re-think any further development on Las Virgenes Road.

Thank you for listening.

Antoinette Vivian

April 18, 2021

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

Commissioners,

This letter is being submitted by two 38-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, after much thought and consideration, 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.

Further, please consider the poll which was conducted by the Berkley Institute of Governmental Studies showing that 75% of those Californians polled support, strongly or somewhat strongly, that the state imposes limits on new housing development in high-risk wildfire areas. Can there be any doubt in your mind that we are in a high-risk wildfire area? Adding this further residential development to our existing population will only deplete the already stressed emergency services available during a disaster, and places additional stress on existing routes of escape for your residents.



This letter closely mirrors our written opinion of the 2019 proposal for West Village, which was properly rejected.

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,

Handwritten signatures of Sheila and Tim Euper in cursive script.

Sheila and Tim Euper  
5246 Edgeware Drive  
Calabasas Hills, CA 91301





# SIERRA CLUB

San Fernando Valley Group/Angeles Chapter

April 15, 2021

Re west village – Calabasas sch #2017091009

I am speaking on behalf of the Sierra Club San Fernando Valley group of the Angeles Chapter. We represent over 4000 Sierra Club members living in the valley, many of whom live, work or play in the city of Calabasas. We ask that you deny recommendation of this project as currently proposed.

we agree with the California Department of Fish and Wildlife, Heal the Bay, California Native Plants Society, Calabasas Coalition, and the Santa Monica Mountains Conservancy. Essentially, the key points are that we would like the planning commission to consider requiring that the project footprint should be reduced to avoid the wetlands as well as the alkali sink. It should also be redesigned to avoid impacts on the habitat for California red legged frog, the Puma, American badger and other species of concern. Details about setbacks necessary to accomplish this are in the letter you received from CDFW in response to the EIR. With the developer having removed option four from the table, the only option left that accomplishes these biological objectives, is option 1, no development or to require the developer to come back with another option. Avoidance of the wildlife corridor should be mandated. The developer knew, or should have known that the property included part of a wildlife corridor. The city should be under no obligation to allow the developer to infringe on the wildlife corridor. Many of these biological resources are so rare that they cannot be expected to be replaced through mitigation. Therefore as these agencies such as California Department of Fish and Wildlife recommend, avoidance is the best option. There is no reason to allow the developer to go forward with this project which rejects the scientific evidence of geology climate change and biological diversity. Furthermore, the goal of remediation of the ancient landslide has been debunked. The ancient landslide is not a threat and, in its current state, it has been stable for over a thousand years. I refer you to the Santa Monica Mountains Conservancy letter and their reference to the geologists who were hired by the developer in the past. The developer is ignoring their own geologists and hiring new

ones until they find one that says what they want to hear.

There are various aspects of Oak removal that are not adequately addressed: the importance of Oaks as habitat; as well as climate change remediation; as well as protection of water quality and slope stabilization. The removal of large trees makes climate change worse. A full study of the species dependent on Oaks should also be conducted. Furthermore consideration should be taken into account of the services oaks provide to the City in water quality and slope stabilization. Every effort should be made to design around existing oaks for these reasons.

It should be required that these studies be conducted for individual species of concern and for oak tree dependent species.

We thank you for the allowing public comment. Please consider these comments from the Sierra Club.

You can direct any questions to [sfvscsepbasin@gmail.com](mailto:sfvscsepbasin@gmail.com), or [terriebrady@gmail.com](mailto:terriebrady@gmail.com) . I can also be reached at 818 349 8889. And the Angeles chapter office can be reached at 213 387 4287  
Sincerely,

Theresa Brady  
Conservation Chair,  
San Fernando Valley group,  
of the Sierra Club Angeles Chapter.

**From:** Rebekah Avery Martin <rebekahaverymartin@gmail.com>  
**Sent:** Tuesday, April 20, 2021 8:21 AM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Urgent Request

Dear Planning commissioners,

The proposed project development at location 4790 Las Virgenes Road in Calabasas is not in the best interest of the citizens of Calabasas as it will create more traffic, disturbance of the area in the pre-construction and construction phases throughout. The development will be a major disturbance and conflicts with the safety and scenic/open space elements in the city of Calabasas.

The project goes against many of the Calabasas land use codes which prevents the project to be approved as proposed. They cannot take open space, remove a hillside and put it back together; this would be considered a manufactured slope and cannot be counted as an open space. [Code 17.20.055(A)9]

Among the other codes this violates such as [Code 17.20.150(B)12] the development shall respect natural surroundings and follow natural topography.

I oppose this project's development with others who are also against this project, in hopes to keep our community at peace and our codes of law met.

Thank you for giving this letter your immediate attention and consideration.

--

All the best,  
**Rebekah Avery Martin**

**From:** Brooke Gardner <brookemgardner@icloud.com>  
**Sent:** Monday, April 19, 2021 9:18 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Just say NO to West Village

Dear Commissioners-

My husband and I are both 20+ year residents of Calabasas and have lived on Las Virgenes since we moved here. We have seen good growth and bad growth - West Village would definitely be bad growth. The traffic at Las Virgenes and Agoura Rd. is already ridiculous. It is really depressing to think that those hills and designated open space could be gone. We live in such a beautiful area, can we please keep it that way? Besides aesthetic issues and everyday traffic, we are concerned about fire safety, water use, environmental impact on air quality and the devastation this will cause to the eco system of our natural hillsides and canyon. Please don't turn Calabasas into every other city in the Valley with bad strip malls and too many apartment buildings - we are getting dangerously close to that. I could go on and on, but the bottom line is just, NO. Please do the right thing and do not let our beautiful city become over developed.

Sincerely,  
Brooke Gardner and Evan Swanger

**From:** Robin Ogilvie <ro13@aol.com>  
**Sent:** Monday, April 19, 2021 8:44 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** NO! Westlake Village at Calabasas, not a good idea.

Hello,

Please vote against this project.

\$\$\$\$\$\$ or OPEN LAND? Hmmm?

Go for the money, forget the beauty that is left. Let put homes and businesses everywhere.

It seems obvious this is not a good idea. Only for PROFIT would this be of benefit for anyone.  
MEANING "ONLY A SELECT FEW".

Pro's  
A few more people get to live in this beautiful area.  
Minor tax income.

Con's  
Visual Blight — More "USA ANYWHERE!" ,  
Ruined Open Land Forever Taken Away and Covered by Chemicals, Asphalt, Stucco, Paint and Stone.  
Fire Danger  
Traffic Congestion  
Traffic Accidents  
Increased Pedestrian Dangers

When I came here in 1989 renting (later owning) in one of the first tracks built well out of the way of any traffic concerns. Erewhon was a hill with a little old lady living on it. That view is gone. Going along Agoura Road now lined by industrial corporate building (also cutting into the skyline) it's just holding the line of acceptable visual experience.

IN NO WAY WILL THIS NEW PROJECT OR ANY PROJECT in that canyon entrance BE A PLEASANT SIGHT TO SEE. JUST LOOK DOWN THE ROAD AT THE SOUTH BOUND EXIT. A ridiculous project slammed again the mountain. WOW!

ON THE OTHER HAND, maybe we should just fill every corner physically possible with homes and businesses, disregard nature, traffic, views, city blight, trash, pollution and CHASE THAT BUCK

\$\$\$\$\$\$\$\$ - much better than open land - RIGHT?

Please vote against this project.

**From:** Sara M <saramartingallery@gmail.com>  
**Sent:** Monday, April 19, 2021 6:04 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Project 4790 Las Virgenes Road

Dear Planning Commissioners,

The proposed project development at location 4790 Las Virgenes Road in Calabasas is not in the best interest of the citizens of Calabasas as it will create more traffic, disturbance of the area in the pre/construction phases through out duration of build. The development will be a major disturbance and conflicts with the safety and scenic/open space elements in the city of Calabasas.

The project goes against many of the Calabasas land use codes which prevents the project to be approved as proposed. They cannot take open space remove a hillside and put it back together this would be considered a manufactured slope and cannot be counted as an open space. [Code 17.20.055(A)9]

Among the other codes this violates such as [Code17.20.150(B)12] the development shall respect natural surroundings and follow natural topography.

These new buildings will disturb open space meaning disruption of wild life, redirection of water run off and complete distraction of the natural land.

I oppose this projects development with others who are also against this project, in hopes to keep our community at peace and our codes of law met.

Thank you for giving this letter your immediate attention and consideration.

All the best,  
Sara Martin

**From:** Carl Ehrlich <ehrlicch@ix.netcom.com>  
**Sent:** Monday, April 19, 2021 5:02 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** New Chart for the Commissioners?

Please forward this PowerPoint chart to the Planning Commissioners and others as needed for the April 21 meeting

Thanks

Carl Ehrlich  
Calabasas

**From:** Corrine M. Weiner <corrineweiner@yahoo.com>  
**Sent:** Monday, April 19, 2021 4:57 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Planning Commission- West Village

I strongly oppose the proposed development at the corner of Las Virgenes and Agoura Road for many reasons:

We have lived off Las Virgenes Rd for 18 years and have seen an insane increase in traffic over the past few years traveling Eastbound on 101 (and Agoura Road) M-F during the hours of 3p-7p, not to

mention the weekend traffic coming from the beach that bottlenecks the same corner/corridor. The additional amount of time I've spent in my car traveling from Agoura High School to Las Virgenes is ridiculous, the typical 7 minute morning drive would take 30 minutes in the afternoon. Anyone who lives in West Calabasas knows how bad it is.

Look at the amount of commercial/retail vacancies we have as a city - how many more do we want??? Our small town vibe is starting to feel like Topanga Blvd.

The hotel currently being built and the rental condos will also add plenty of traffic that we don't see now.

Please consider our wishes as a community to eliminate more development in Calabasas.

Corrine Weiner  
805-551-7772

**From:** Jolie Willett <joliewillett@yahoo.com>  
**Sent:** Monday, April 19, 2021 3:58 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** West Village Development

Dear Commissioners,

In my previous email, I stated my concerns with this project with respect to the severe wildfire danger which directly impacts the health and safety of the residents of Calabasas. Aside from the severe wildfire danger, the traffic caused by the project would further bottleneck our already congested corridor.

In addition to the severe wildfire danger and traffic problem, I am also extremely concerned with the water issue. We are in the second year of a drought and California will most likely be placed on strict water restrictions. Did LVMWD submit a report substantiating the development would not have a significant impact on the dry conditions? How much water will it take to tear down and recompact the landslide area? How much water will each new household use? What about the current residents? These are all questions that I feel deserve answers.

Water is a vital resource and we all need to conserve. Building should not be an option as it will suck up much of our valuable water resource and that will not be replenished.

Please do not allow this development in our community.

Regards,  
Jolie Willett

**From:** Luresa G Byrne <byrne1o1@pacbell.net>  
**Sent:** Monday, April 19, 2021 3:50 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** Fw: Planning Commission Meeting

Attention: City Manager

----- Forwarded Message -----

**From:** Luresa G Byrne <byrne1o1@pacbell.net>  
**To:** City of Calabasas <info@cityofcalabasas.com>  
**Sent:** Monday, April 19, 2021, 11:58:25 AM PDT  
**Subject:** Planning Commission Meeting

Dear City of Calabasas, Planning Commissioners, Staff, et al,

With all due respect, as a resident of this city and a participant in the alleged democratic process of rule, I would like to express my disappointment and concern with the way "the public" is treated as they attempt to shape and be involved in their own community. Many of the individuals who spoke at Planning Commission meeting of 4-15-21, including myself, are knowledgeable and educated members of this community. We are residents who take the time and energy to be involved with the planning and future of this great city. We "show-up" when it matters for all of us living in this geologically constrained and fire prone area. We speak the concerns of our neighbors and fellow residents and continue to participate in a respectful and cooperative manner.

That being said, it is upsetting that these same individuals are made to feel subordinate and manipulated. My experience is one of confusion and intimidation due to the fact that the democratic process has been annihilated and we are left to 'one-way' meetings on a Zoom platform. Apparently, the entire world was forced to stop business as usual because of a global pandemic, but Calabasas is business as usual. We, the people, are no longer allowed to assemble, protest, gather at city hall, work in groups, see who else is attending meetings, see who is speaking, and no way of knowing when it is our time to speak, etc.etc..This makes the entire process more intimidating than ever.

How has the city corrected for the new limitations regarding "public comment and involvement"? Has the city done anything to make participation in the development process clear and 'public friendly'? Does the city recognize the value of public comment in this process or are we just wasting your time? Does the city feel embarrassed and upset at the rude and disrespectful treatment of residents who show up to participate? Is it appropriate to continue to allow bias reporting and power points that last for hours, and then when that is over, public is allowed to speak for 2 minutes? Does the city feel it is appropriate to cut speakers off-regardless of their expertise or comment?

Most disturbing is the manner in which those individuals who spoke regarding Valley Fever were treated by this city. There are people living here that have been diagnosed with the very real and terrifying "Valley Fever". This is a direct result of earth/soil movement or disturbance causing the spores to become airborne and then they are inhaled/respired by humans. People showed up to warn commissioners that they have first hand experience with the detrimental and long term effects of Valley Fever and even those individuals were disregarded and cut off.

Valley Fever, COVID-19, millions of cubic yards of earth disturbance over 3-5 years, public participation and the residents respiratory health and well being. The public deserves your respect and consideration, it is your fiduciary duty. We will continue to participate in a respectful and educated manner and would hope that our city representatives would hold themselves to the same, if not higher, standards.

Sincerely,  
Luresa Poe Byrne

**From:** Lee Dragu <leedragu@yahoo.com>  
**Sent:** Monday, April 19, 2021 10:52 AM

**To:** info <info@cityofcalabasas.com>

**Subject:** West Village

To Whom It May Concern,

I am a long time resident of Calabasas and strongly oppose the "new" West Village Project. Proposed usage of this land has already been voted down by the voters. Do we really need to waste our tax dollars on repeating that process? I think NOT. But if city council and planners do not follow the wishes of the majority of the citizens we can certainly go through the process AGAIN.

Here's a better idea! The city should buy the land and build a park. Stop focusing on developing every available inch of land to raise tax revenue and start listening to the desires of community members.

And remember - we all vote.

Best Regards,  
Lee Dragu

**From:** theresa brady <sfvscsepbasin@gmail.com>

**Sent:** Monday, April 19, 2021 10:47 AM

**To:** info <info@cityofcalabasas.com>

**Cc:** Theresa Brady <terriebrady@gmail.com>; Frances Alet <fmalet@sbcglobal.net>; Barry Katzen <barkat@rocketmail.com>; Kim Orbe <kim.orbe@sierraclub.org>

**Subject:** please forward to planning commission

please include the attached document in the forward of this message to the city of Calabasas planning commission

**You have received this message because you have expressed interest in the Sepulveda Basin, or another conservation issue. If you would like to stop receiving these messages, please send a reply with "REMOVE FROM LIST" in the subject line. Thank you.**

Theresa Brady, Conservation Chair for the San Fernando Valley Group of the Sierra Club Angeles Chapter.

**From:** Tamiko <tfuote@gmail.com>

**Sent:** Monday, April 19, 2021 10:04 AM

**To:** info <info@cityofcalabasas.com>

**Subject:** Planning Commission

Good Morning,

I am a resident of Calabasas writing regarding the proposed West Village development.

Please do not accept the developer's current proposal of Alternative #5.

This proposal still has too many impact issues to 1. Traffic

2. Fire Safety
3. Loss of intact Open Space
4. Air pollution (Valley Fever and long term air quality)
5. Safety of the community (fire evacuation, respiratory infection, traffic bottlenecks)
6. Loss of quality of life
7. Destruction of wildlife
8. Destruction of hilltop views

I understand that Calabasas needs to find new homes in the City, however, at what cost? This is the wrong location for the scope of this project as it has been presented.

I urge the Planning Department to require a much smaller scope of work for this project with much less impact on all the above points of contention.

Thank you for your consideration.

By the way, what was the purpof such a long an arduous presentation for the failures of Alternative #4 last week?

Waste of everyone's time. Dragging this process on with redundancy. Let's move on to more productive information.

City Council meetings have a history of Planning Department presentations that seem to be design to wear the public's patience down with specialized presentations. Legal issues? The Public needs a more user friendly approach to public participation. Can you do anything about that?

Tamiko Fuote

# Construction Water Statistics

Carl Ehrlich

Calabasas

April 19, 2021

# Construction Water Statistics

## A few facts:

Ú Backfill requires water for proper compacting\*

Ú This soil (silty-clay) requires 30-50 gal of water per cubic yard of backfill \*

Ú Total soil to be compacted: 2,647,756 cubic yards (revised EIR page 2)

Ú Estimated resident usage: 37,714 gal per day (EIR Table 4.12-3)

## Water to be used for backfill:

~80 -130 million gallons\*\*



## This water would supply:

**8 to 13 years of estimated usage by West Village residents**

**or:**

**1½ - 2½ years supply to the Calabasas, Agoura Hills and local County areas, combined (EIR Table 4.12-9)**

**or:**

**My home for 4-700 years!**

\* Soil Compaction Handbook

\*\* Excludes dust prevention

**From:** charles diggs <[sequelmojo@gmail.com](mailto:sequelmojo@gmail.com)>

**Sent:** Wednesday, April 21, 2021 1:04 PM

**To:** info <[info@cityofcalabasas.com](mailto:info@cityofcalabasas.com)>

**Subject:** Proposition/Measure #5

This is a clear example of "Fighting City Hall"

These developments are driven by greed. There is no concern for the environment or the wishes of the community. This new proposal is basically a carbon copy of the Measure "F". The developers will just keep coming until they wear us down. How FUN.

NO today, NO tomorrow and No forever to destroying this beautiful canyon. C.W. Diggs

P: (626) 381-9248  
F: (626) 389-5414  
E: [info@mitschtsailaw.com](mailto:info@mitschtsailaw.com)



**Mitchell M. Tsai**  
Attorney At Law

155 South El Molino Avenue  
Suite 104  
Pasadena, California 91101

---

**VIA U.S. MAIL & E-MAIL**

April 21, 2021

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

City of Calabasas Planning Division  
Maureen Tamuri, AICP, Community Development Director  
Glenn Michitsch, LEED AP, Senior Planner  
100 Civic Center Way  
Calabasas, CA 91302

Email to: [info@cityofcalabasas.com](mailto:info@cityofcalabasas.com)  
[mtamuri@cityofcalabasas.com](mailto:mtamuri@cityofcalabasas.com)  
[gmichitsch@cityofcalabasas.com](mailto:gmichitsch@cityofcalabasas.com)

RE: AGENDA ITEM NO. 1: Comments on the Recirculated Final Environmental Impact Report for the West Village at Calabasas Project (SCH No. 2017091009)

Dear Chair Fassberg, Planning Commissioners, Ms. Tamuri and Mr. Michitsch,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenter**”), my Office is submitting these comments on the City of Calabasas’s (“**City**” or “**Lead Agency**”) Recirculated Final Environmental Impact Report (“**RFEIR**”) (SCH No. 2017091009) for the West Village at Calabasas Project (“**Project**”). The Project proposes the development of residential, commercial, and public open space/trail uses on an undeveloped site of approximately 77.22 acres located immediately east of the Las Virgenes Road/Agoura Road intersection (“**Project Site**”). The residential component of the Project includes 180 multi-family units, 5,867 square-foot retail center, community park and open space.

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training

program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals..

---

<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

## I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

### A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).<sup>2</sup> “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

---

<sup>2</sup> The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 et seq, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450).

B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal. App. 4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

Based on the deficiencies noted below, the City must revise and recirculate the Recirculated Final EIR for public review and comment.

A. The Mountain Lions’ Change to “Candidate” Status is Significant New Information that Requires Recirculation

In April 2020, the California Fish and Game Commission (“Commission”) accepted for consideration a petition to list mountain lions in certain parts of Coastal and Southern California as threatened or endangered under the California Endangered Species Act. RFEIR, p. 34. Such a decision grants mountain lions “candidate” status, which means they receive the same protections as listed endangered and threatened species under the California Endangered Species Act while the Commission considers whether or not to list them. *Id.*; California Fish and Game Code Section 2085. The RFEIR admits that the City of Calabasas, including the Project Site, are included in the

geographical area covered by the Commission’s decision. *Id.* The RFEIR further admits that the Original FEIR acknowledged that the Project Site is within the range of the mountain lions. *Id.* However, the RFEIR goes on to dismiss any significance the newly bestowed “candidate” status on the mountain lions as they relate to the Project. The RFEIR cites to a study from 2006 (Penrod et. Al, 2006) for the proposition that the Project Site “is not part of the vital movement corridor for this species” and concludes that the Project would have less than significant impact on the movement of mountain lions with mitigation measures. RFEIR, pp. 34-35. The RFEIR then claims that the change in status of mountain lions do not alter the Original FEIR’s conclusions of less than significant impacts. *Id.*

However, the combination of at least two significant new information triggered the recirculation requirement: the April 2020 change in status of mountain lions to “candidate” status and the devastating string of wildfires that has and continues to plague the Project area, including the 2018 Woolsey fire. Despite the fact that mountain lions have been given “candidate” status, the City failed to conduct a meaningful survey in and around the Project area to determine the occurrence and change in behavior/movement of the mountain lions. Rincon Consultant’s “Updated Biological Resources Survey report” from 2020 only briefly surveyed vegetation on the Project site and did not conduct any protocol special-status species surveys. RFEIR, Appendix I, pp. 1-2. Thus, such a general and cursory report did not provide any information regarding the occurrence and the use of the Project Site and nearby area by the mountain lions.

Coupled with the change in status of the mountain lions, the Project Site was “fully burned” by the Woolsey Fire in November 2018, which the RFEIR admits “altered the project site.” RFEIR, Appendix I, p. 1; RFEIR, p. 70. Moreover, the Original FEIR’s reliance on a 2006 study to dismiss the Project Site as an important movement corridor for the mountain lions can no longer be reliable in light of wildfires having ravaged the Project Site and the surrounding areas. Simply put, the City failed to analyze and mitigate the Project’s impacts to the now special status species, mountain lions, in light of the altered landscape including the Project Site.

The City must revise and recirculate the RFEIR to include the analysis and mitigation of any potential impacts to mountain lions and their movement corridor.

B. The RFEIR and FEIR Fail to Adequately Describe the Project.

It is well-established that “[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. “A curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” *Id.* at p. 198.

Neither the RFEIR nor the Original FEIR adequately describes the Proposed Project’s provision of affordable housing. While the Original FEIR does not outright state how many affordable housing units the Proposed Project would include, it passingly states that the Applicant is requesting “two concessions for increased building and wall height in accordance with the affordable housing provisions of California Code of Regulations Title 7, Division 1, Chapter 4.3, Section 65915(d)(2)(B)” in order to comply with the development standards contained in the City’s Land Use and Development Code. FEIR, p. 285. Then, in reliance on the Density Bonus law, the FEIR concludes that the Project would not have significant land use impacts. *Id.*

The RFEIR further obfuscates how the Proposed Project would qualify for the concessions under the Density Bonus law. In the Project Description section, the RFEIR does not even describe how many affordable housing units the Proposed Project would provide. Moreover, both the RFEIR and FEIR fail to explain what percentage density bonus the Project qualifies for and what the Project’s base density is. See Gov. Code §65915(b)(3). Without this information, it is impossible to determine how much density bonus and how many incentives under the Density Bonus law the Project could receive.

In the RFEIR’s Response to Comments, the City claims that the Original Final EIR adequately describes the Proposed Project’s eligibility under the Density Bonus law and reject this comment as not pertaining to any environmental impacts. Responses to Comments on the Recirculated Draft EIR (“Responses to Comments”), p. 155. The City is wrong. First, as described in detail above, neither the Original FEIR nor the RFEIR adequately and clearly explain how many of the 180 proposed residential units the Proposed Project will dedicate to affordable housing. Next, because the City is using the incentives from the Density Bonus law to deviate from the applicable development standards, the Proposed Project’s eligibility under the Density Bonus law is squarely relevant to the land use impacts.

Thus, the RFEIR and FEIR fail to adequately describe the Project’s eligibility for a density bonus and whether the Project could obtain the required approvals under the Density Bonus law.

C. The RFEIR and FEIR Fail to Adequately Disclose, Analyze and Mitigate the Project’s Wildfire Risks to Residents and Occupants of the Project

The RFEIR acknowledges that the Project Site is in a high wildfire risk zone and that a recent, catastrophic wildfire, the Woolsey Fire of November 2018, actually burned the Project Site itself. RFEIR, pp. 33, 62. The RFEIR even admits that the Woolsey Fire altered the Project Site condition compared to the condition that existed at the time the Notice of Preparation of the original EIR for the Project was completed in September 1, 2017. *Id.* at pp. 33-34.

Despite the recent wildfire burning the Project Site in addition to the California Department of Forestry and Fire Protection’s (or “CAL FIRE”) designation of the entire City of Calabasas a “Very High Fire Hazard Severity Zone,”<sup>3</sup> the City failed to analyze the Project’s Wildfire impacts as required by CEQA Guidelines Appendix G Section XX.<sup>4</sup>

CEQA Guidelines Appendix G Section XX applies to the Project because it applies to projects located in or near state responsibility areas or lands classified as very high fire hazard severity zones. As such, the City was required to consider whether the Project would:

- (a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- (b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- (c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines

---

<sup>3</sup> CALFIRE (2011) Very High Fire Hazard Severity Zones in LRA As Recommended by CALFIRE, *available at* <https://osfm.fire.ca.gov/media/5809/calabasas.pdf>

<sup>4</sup> California Natural Resources Agency (2018) Guidelines for the Implementation of the California Environmental Quality Act, *available at* [http://resources.ca.gov/ceqa/docs/2018\\_CEQA\\_FINAL\\_TEXT\\_122818.pdf](http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf)

or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

- (d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

CEQA Guidelines Appendix G, Section XX.

Considering the recent Woolsey Fire burning the Project Site, the evidence of existing landslide having occurred on the Project Site, and the Project Site being located in a “Very High Fire Hazard Severity Zone,” the City’s failure to analyze the Project’s wildfire impacts under Appendix G Section XX is extremely puzzling and alarming and constitutes a clear violation CEQA’s requirements.

In the Responses to Comments, the City claims that it was not required to conduct any analysis under Section XX of the Appendix G Checklist because it was added to the CEQA Guidelines 7 days after the Original Draft EIR commenced on December 21, 2018. Responses to Comments, p. 155. Then, curiously, the City conducts an informal, off the cuff analysis of Section XX, concluding without adequate and thorough analysis, that the Project would not result in a significant impact relate to wildfire risk. *Id.*, pp. 155-56. Nowhere in this “analysis” does the City mention how the Project Site has recently burned in the Woolsey fire nor the specific analysis pertaining to each of the required analyses under Section XX (a)-(d), including: (a) what is the adopted emergency response plan or emergency evacuation plan and how would the Proposed Project impact the implementation of such plan(s), (b) what specific slope, prevailing winds and other factors could exacerbate wildfire risks in the Project area, (c) what infrastructure may exacerbate fire risks temporarily or permanently (rather than conclusively stating that the proposed project already discusses these issues), and (d) expose people or structure to significant risks including flooding or landslides after a fire (rather than generally citing to the hydrology section in the Original Final EIR, which does not specifically discuss the risks after a highly likely recurrence of wildfire).

The City must revise the RFEIR to complete an adequate analysis under CEQA Guidelines Appendix G Section XX and recirculate it for public review.

D. The RFEIR Fails to Adequately Disclose, Analyze and Mitigate the Project’s Vehicle Miles Traveled (VMT) Impacts

California passed SB743 requiring lead agencies to conduct VMT analyses from July 2020. The RFEIR purports to revise the FEIR to include the now-required VMT analysis. However, the RFEIR concludes that the Project is “screened out” from further VMT analysis and concludes that the Project will have less than significant VMT related impacts. RFEIR, p. 338.

First, the RFEIR claims the commercial component of the Project is “less than 50 ksf” and consists of local serving shops which “can be screened out from further VMT analysis under Screening Criterion 1: Project Size.” RFEIR, p. 338. And in its Responses to Comments, the City reiterates that “less than 50 ksf” size of the commercial component of the Project automatically screens the Project from VMT analysis. Responses to Comments, p. 157.

However, contrary to what the RFEIR claims, the Office of Planning and Research’s (“OPR”) December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (“Technical Advisory”)<sup>5</sup> does not set “less than 50 ksf” as a threshold. Nothing in the Technical Advisory sets such a “screening criteria.” It merely states that “retail developments including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT.” Technical Advisory, p. 17. Instead, the actual threshold for retail projects is whether “a net increase in total VMT may indicate a significant transportation impact.” *Id.* at p. 16. The Technical Advisory states that “estimating the total change in VMT (i.e., the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts.” *Id.* Thus, the City was required to determine whether the Project would lead to an increase in VMT impacts, rather than applying a nonexistent screening criteria to avoid having to conduct such an analysis.

Moreover, the RFEIR’s VMT Analysis by Fehr & Peers claims that land use projects that generate less than 110 daily trips and local-serving retail projects can be screened out. RFEIR, Appendix G, p. 4. However, this analysis is deeply flawed and illogical for many reasons, mainly because the RFEIR’s own Project Trip Generation information

---

<sup>5</sup> Governor’s Office of Planning and Research (2018) Technical Advisory on Evaluating Transportation Impacts in CEQA, available at [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

provides that the commercial component of the Project would generate an average daily trip figure of 1,303 trips. RFEIR, Table 4.10-46. As stated by the Technical Advisory, the presumption of a less than significant transportation impact for small projects do not apply if there is substantial evidence otherwise. Technical Advisory, p. 12. The RFEIR itself provides the very substantial evidence that this is not the type of project that should be screened out of the mandated VMT analysis and the City's Responses to Comments that the commercial component was screened out based upon the "less than 50 ksf" language brings it back to the fact that no such "screening criteria" was established by the Technical Advisory.

Next, the RFEIR claims the residential component of the Project meets the "low VMT area" screening criteria due to "its location in a low VMT area for residential land uses." RFEIR, p. 321. Thus, the RFEIR concludes that the Project does not require a VMT analysis and that the Project's VMT impacts will be less than significant.

However, the low VMT area screening envisioned by the Technical Advisory only applies to residential or office projects, not mixed use projects that combines residential and commercial components like the Project.<sup>6</sup> Moreover, separating the two components of the Project for screening purposes to evade the VMT requirement undermines the entirety of CEQA.

In its Responses to Comments, the City cites to page 17 of the Technical Advisory that allows lead agencies to evaluate each component of a mixed-use project independently and apply the significance threshold for each project type included. Responses to Comments, p. 157. However, in the screening portion of the Technical Advisory, there is no mention of separating each component of the project for screening purposes.

Here, the City is misapplying and misinterpreting the OPR's Technical Advisory to improperly screen the Project to avoid further VMT analysis. While the Technical Advisory allows the use of screening thresholds "to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study" (Exhibit B, p. 12), such screening tools should not and cannot be used as a way to avoid conducting the VMT analysis.

In the end, the RFEIR failed to adequately analyze and disclose the Project's VMT impacts because it determined, incorrectly, that such analysis was not required. Such

---

<sup>6</sup> Id. pp. 12-13 (Map-based screening for residential and office projects.)

failure violated CEQA.

E. The RFEIR and FEIR Fail to Adequately Disclose, Analyze and Mitigate the Project’s Land Use Impacts

1) *The RFEIR and FEIR Fail to Demonstrate Consistency with SCAG’s RTP/SCS Plan*

Senate Bill No. 375 requires regional planning agencies to include a sustainable communities strategy in their regional transportation plans. Gov. Code § 65080, sub.(b)(2)(B). CEQA Guidelines § 15125(d) provides that an EIR “shall discuss any inconsistencies between the proposed project and...regional plans. Such regional plans include...regional transportation plans.” Thus, CEQA requires analysis of any inconsistencies between the Project and the relevant RTP/SCS plan.

In April 2012, SCAG adopted its 2012-2035 RTP/ SCS (“2012 RTP/SCS”), which proposed specific land use policies and transportation strategies for local governments to implement that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035.

In April 2016, SCAG adopted the 2016-2040 RTP/SCS (“2016 RTP/SCS”)<sup>7</sup>, which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS<sup>8</sup>, that will help the region achieve GHG emission reductions that would reduce the region’s per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.<sup>9</sup> SCAG’s RTP/SCS plan is based upon the same requirements outlined in CARB’s 2017 Scoping Plan and SB 375.

On September 3, 2020, SCAG adopted the 2020 – 2045 RTP / SCS titled Connect SoCal (“2020 RTP/ SCS”).<sup>10</sup> The 2020 RTP / SCS adopts policies and strategies aimed at reducing the region’s per capita greenhouse gas emissions by 8% below 2005 per capita emissions levels by 2020 and 19% below 2005 per capita emissions levels by 2035.<sup>11</sup>

---

<sup>8</sup> SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75-115 (attached as Exhibit D).

<sup>9</sup> *Id.*, p. 8, 15, 153, 166.

<sup>10</sup> SCAG (Sept 2020) Connect SoCal: The 2020 – 2045 Regional Transportation Plan / Sustainable Communities Strategy of the Southern California Association of Governments, available at [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan\\_0.pdf?1606001176](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176)

<sup>11</sup> *Id.* At xiii.

For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports (“PEIR”) that include Mitigation Monitoring and Reporting Programs (“MMRP”) that list project-level environmental mitigation measures that directly and/or indirectly relate to a project’s GHG impacts and contribution to the region’s GHG emissions.<sup>12</sup> These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis that can and should be implemented when they identify and mitigate project-specific environmental impacts.<sup>13</sup>

Here, the Original FEIR claims the Project is consistent with SCAG’s 2016-2040 RTP/SCS Plan<sup>14</sup> (“RTP/SCS Plan”) through the analysis of nine general goals or policies of that plan. (FEIR, pp. 257-259.) However, the goals that the FEIR analyzes for Project consistency are not applicable at the project level, only at a plan level to inform implementation of the RTP/SCS Plan. Thus, the FEIR incorrectly relies upon plan level goals outlined in the RTP/SCS. In the 2016 RTP/SCS Plan, SCAG states that:

The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. Ultimately, the Plan is intended to help guide transportation and land use decisions and public investments... This Plan’s goals are intended to help carry out our vision for improved mobility, a strong economy and sustainability.”<sup>15</sup>

The City’s Responses to Comments merely dispute that Commenter has failed to present evidence to refute the conclusions of the Original FEIR. (Responses to Comments, p. 157.) As stated in our initial comment letter, which is reiterated here below, neither the RFEIR nor the Original FEIR demonstrates that it is consistent with many of the RTP/SCS Plan’s *project-level* goals, including:

---

<sup>12</sup> *Id.*, p. 116-124; see also SCAG (April 2012) Regional Transportation Plan 2012 – 20135, fn. 38, p. 77-86 (attached as Exhibit E).

<sup>13</sup> SCAG 2012 RTP/SCS (attached as Exhibit E), p. 77; see also SCAG 2016 RTP/SCS, fn. 41, p. 115.

<sup>15</sup> SCAG 2016-2040 RTP/SCS Plan, pp. 63, 65 (emphasis added)

### Land Use and Transportation

- Providing transit fare discounts<sup>16</sup>;
- Implementing transit integration strategies<sup>17</sup>; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.<sup>18</sup>

### GHG Emissions Goals<sup>19</sup>

- Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines,<sup>20</sup> such as:
  - o Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
  - o The potential siting, orientation, and design to minimize energy consumption, including transportation energy.
  - o The potential for reducing peak energy demand.
  - o Alternate fuels (particularly renewable ones) or energy systems.
  - o Energy conservation which could result from recycling efforts.
- Off-site measures to mitigate a project's emissions.

---

<sup>16</sup> SCAG 2016 RTP/SCS, pp. 75-114

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2—6-14 (including mitigation measures (“MM”) AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating “[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the environmental] as applicable and feasible ...[and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects.” (Emphasis added)]); see also *id.*, Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62); SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11–63 (including MMs AIR-2(b), AIR-4(b), EN- 2(b), GHG-3(b), HYD-1(b), HYD-2(b), HYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)).

<sup>20</sup> CEQA Guidelines, Appendix F-Energy Conservation, [http://resources.ca.gov/ceqa/guidelines/Appendix\\_F.html](http://resources.ca.gov/ceqa/guidelines/Appendix_F.html).

- Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:
  - Use energy and fuel-efficient vehicles and equipment;
  - Deployment of zero- and/or near zero emission technologies;
  - Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
  - Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
  - Incorporate design measures to reduce energy consumption and increase use of renewable energy;
  - Incorporate design measures to reduce water consumption;
  - Use lighter-colored pavement where feasible;
  - Recycle construction debris to maximum extent feasible;
- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
- Land use siting and design measures that reduce GHG emissions, including:
  - Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and
  - Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

#### Hydrology & Water Quality Goals

- Incorporate measures consistent in a manner that conforms to the standards set

by regulatory agencies responsible for regulating water quality/supply requirements, such as:

- o Reduce exterior consumptive uses of water in public areas, and should promote reductions in private homes and businesses, by shifting to drought-tolerant native landscape plantings(xeriscaping), using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives.
- o Promote the availability of drought-resistant landscaping options and provide information on where these can be purchased. Use of reclaimed water especially in median landscaping and hillside landscaping can and should be implemented where feasible.
- o Implement water conservation best practices such as low-flow toilets, water-efficient clothes washers, water system audits, and leak detection and repair.
- o Ensure that projects requiring continual dewatering facilities implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Comply with appropriate building codes and standard practices including the Uniform Building Code.
- o Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimized new impervious surfaces to the greatest extent possible, including the use of in-lieu fees and off-site mitigation.
- o Avoid designs that require continual dewatering where feasible.
- o Where feasible, do not site transportation facilities in groundwater recharge areas, to prevent conversion of those areas to impervious surface.
- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating and enforcing water quality and waste discharge requirements, such as:
  - o Complete, and have approved, a Stormwater Pollution Prevention Plan (“SWPPP”) before initiation of construction.

- o Implement Best Management Practices to reduce the peak stormwater runoff from the project site to the maximum extent practicable.
- o Comply with the Caltrans stormwater discharge permit as applicable; and identify and implement Best Management Practices to manage site erosion, wash water runoff, and spill control.
- o Complete, and have approved, a Standard Urban Stormwater Management Plan, prior to occupancy of residential or commercial structures.
- o Ensure adequate capacity of the surrounding stormwater system to support stormwater runoff from new or rehabilitated structures or buildings.
- o Prior to construction within an area subject to Section 404 of the Clean Water Act, obtain all required permit approvals and certifications for construction within the vicinity of a watercourse (e.g., Army Corps § 404 permit, Regional Waterboard § 401 permit, Fish & Wildlife § 401 permit).
- o Where feasible, restore or expand riparian areas such that there is no net loss of impervious surface as a result of the project.
- o Install structural water quality control features, such as drainage channels, detention basins, oil and grease traps, filter systems, and vegetated buffers to prevent pollution of adjacent water resources by polluted runoff where required by applicable urban stormwater runoff discharge permits, on new facilities.
- o Provide structural stormwater runoff treatment consistent with the applicable urban stormwater runoff permit where Caltrans is the operator, the statewide permit applies.
- o Provide operational best management practices for street cleaning, litter control, and catch basin cleaning are implemented to prevent water quality degradation in compliance with applicable stormwater runoff discharge permits; and ensure treatment controls are in place as early as possible, such as during the acquisition process for rights-of-way, not just later during the facilities design and construction phase.
- o Comply with applicable municipal separate storm sewer system discharge permits as well as Caltrans' stormwater discharge permit including long-term sediment control and drainage of roadway runoff.

- o Incorporate as appropriate treatment and control features such as detention basins, infiltration strips, and porous paving, other features to control surface runoff and facilitate groundwater recharge into the design of new transportation projects early on in the process to ensure that adequate acreage and elevation contours are provided during the right-of-way acquisition process.
- o Design projects to maintain volume of runoff, where any downstream receiving water body has not been designed and maintained to accommodate the increase in flow velocity, rate, and volume without impacting the water's beneficial uses. Pre-project flow velocities, rates, volumes must not be exceeded. This applies not only to increases in stormwater runoff from the project site, but also to hydrologic changes induced by flood plain encroachment. Projects should not cause or contribute to conditions that degrade the physical integrity or ecological function of any downstream receiving waters.
- o Provide culverts and facilities that do not increase the flow velocity, rate, or volume and/or acquiring sufficient storm drain easements that accommodate an appropriately vegetated earthen drainage channel.
- o Upgrade stormwater drainage facilities to accommodate any increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce flow velocities, including expansion and restoration of wetlands and riparian buffer areas. System designs shall be completed to eliminate increases in peak flow rates from current levels.
- o Encourage Low Impact Development (“LID”) and incorporation of natural spaces that reduce, treat, infiltrate and manage stormwater runoff flows in all new developments, where practical and feasible.
- Incorporate measures consistent with the provisions of the Groundwater Management Act and implementing regulations, such as:
  - o For projects requiring continual dewatering facilities, implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the

project, Construction designs shall comply with appropriate building codes and standard practices including the Uniform Building Code.

- o Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimize to the greatest extent possible, new impervious surfaces, including the use of in-lieu fees and off-site mitigation.
- o Avoid designs that require continual dewatering where feasible.
- o Avoid construction and siting on groundwater recharge areas, to prevent conversion of those areas to impervious surface.
- o Reduce hardscape to the extent feasible to facilitate groundwater recharge as appropriate.
- Incorporate mitigation measures to ensure compliance with all federal, state, and local floodplain regulations, consistent with the provisions of the National Flood Insurance Program, such as:
  - o Comply with Executive Order 11988 on Floodplain Management, which requires avoidance of incompatible floodplain development, restoration and preservation of the natural and beneficial floodplain values, and maintenance of consistency with the standards and criteria of the National Flood Insurance Program.
  - o Ensure that all roadbeds for new highway and rail facilities be elevated at least one foot above the 100-year base flood elevation. Since alluvial fan flooding is not often identified on FEMA flood maps, the risk of alluvial fan flooding should be evaluated and projects should be sited to avoid alluvial fan flooding. Delineation of floodplains and alluvial fan boundaries should attempt to account for future hydrologic changes caused by global climate change.

#### Transportation, Traffic, and Safety

- Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.
- Create a ride-sharing program by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and

unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.

- Provide a vanpool for employees.
- Provide a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use, including:
  - Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement.
  - Direct transit sales or subsidized transit passes.
  - Guaranteed ride home program.
  - Pre-tax commuter benefits (checks).
  - On-site car-sharing program (such as City Car Share, Zip Car, etc.).
  - On-site carpooling program.
  - Distribution of information concerning alternative transportation options.
  - Parking spaces sold/leased separately.
  - Parking management strategies; including attendant/valet parking and shared parking spaces.
- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.
- Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations, providing shuttle service to public transit, offering public transit incentives and providing public education and publicity about public transportation services.
- Build or fund a major transit stop within or near transit development upon consultation with applicable CTCs.
- Work with the school districts to improve pedestrian and bike access to schools

and to restore or expand school bus service using lower-emitting vehicles.

- Purchase, or create incentives for purchasing, low or zero-emission vehicles.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.
- Promote ride sharing programs, if determined feasible and applicable by the Lead Agency, including:
  - o Designate a certain percentage of parking spaces for ride-sharing vehicles.
  - o Designate adequate passenger loading, unloading, and waiting areas for ride-sharing vehicles.
  - o Provide a web site or message board for coordinating shared rides.
  - o Encourage private, for-profit community car-sharing, including parking spaces for car share vehicles at convenient locations accessible by public transit.
  - o Hire or designate a rideshare coordinator to develop and implement ridesharing programs.
- Support voluntary, employer-based trip reduction programs, if determined feasible and applicable by the Lead Agency, including:
  - o Provide assistance to regional and local ridesharing organizations.
  - o Advocate for legislation to maintain and expand incentives for employer ridesharing programs.
  - o Require the development of Transportation Management Associations for large employers and commercial/ industrial complexes.
  - o Provide public recognition of effective programs through awards, top ten lists, and other mechanisms.
- Implement a “guaranteed ride home” program for those who commute by public transit, ridesharing, or other modes of transportation, and encourage employers to subscribe to or support the program.
- Encourage and utilize shuttles to serve neighborhoods, employment centers and major destinations.
- Create a free or low-cost local area shuttle system that includes a fixed route to

popular tourist destinations or shopping and business centers.

- Work with existing shuttle service providers to coordinate their services.
- Facilitate employment opportunities that minimize the need for private vehicle trips, such as encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.
- Organize events and workshops to promote GHG-reducing activities.
- Implement a Parking Management Program to discourage private vehicle use, including:
  - o Encouraging carpools and vanpools with preferential parking and a reduced parking fee.
  - o Institute a parking cash-out program or establish a parking fee for all single-occupant vehicles.

#### Utilities & Service Systems

- Integrate green building measures consistent with CALGreen (Title 24, part 11), U.S. Green Building Council's Leadership in Energy and Environmental Design, energy Star Homes, Green Point Rated Homes, and the California Green Builder Program into project design including, but not limited to the following:
  - o Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities.
  - o Inclusion of a waste management plan that promotes maximum C&D diversion.
  - o Development of indoor recycling program and space.
  - o Discourage exporting of locally generated waste outside of the SCAG region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible. Promote green technologies for long-distance transport of waste (e.g., clean engines and clean locomotives or electric rail for waste-by-rail disposal systems) and consistency with SCAQMD and 2016 RTP/SCS policies can and should be required.
  - o Develop ordinances that promote waste prevention and recycling activities

such as: requiring waste prevention and recycling efforts at all large events and venues; implementing recycled content procurement programs; and developing opportunities to divert food waste away from landfills and toward food banks and composting facilities.

- o Develop alternative waste management strategies such as composting, recycling, and conversion technologies.
- o Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.
- o Require the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- o Integrate reuse and recycling into residential industrial, institutional and commercial projects.
- o Provide recycling opportunities for residents, the public, and tenant businesses.
- o Provide education and publicity about reducing waste and available recycling services.
- o Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

The RFEIR and the Original FEIR fail to mention or demonstrate consistency with the above listed measures and strategies of the SCAG RTP/SCS Plan. The RFEIR should be revised to indicate what *specific project-level* mitigation measures that will be followed to demonstrate consistency with the RTP/SCS Plan.

2) *The City fails to review the Project's consistency with the 2020 RTP/SCS*

CEQA Guidelines section 15125(d) requires that an environmental impact report “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.

The Project’s environmental documents fail as an informational document since the Project’ RFEIR fails to discuss consistency with the 2020 RTP / SCS.

B. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. (PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).)

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.<sup>21</sup>

The City, in its Responses to Comments, claim that COVID-19 is the environment's impact on the project, which is not required to be analyzed under CEQA. (Responses to Comments, p. 158.) However, as noted above, CEQA requires that the City make a finding of significance when a project may cause a significant adverse effect on human beings, including bringing workers onto the Project Site, resulting in the spread of COVID-19. (PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).)

SWRCC urges that the City adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

**Construction Site Design:**

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.

---

<sup>21</sup> Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

**Testing Procedures:**

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

### **Planning**

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.<sup>22</sup>

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

---

<sup>22</sup> See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at [https://www.cpw.com/sites/default/files/NABTU\\_CPWR\\_Standards\\_COVID-19.pdf](https://www.cpw.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf); Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at [https://dpw.lacounty.gov/building-and-safety/docs/pw\\_guidelines-construction-sites.pdf](https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf).

## II. THE PROJECT IS INCONSISTENT WITH THE GENERAL PLAN AND THE ZONING CODE.

### A. The Background on the State Planning and Zoning Law

Each California city and county must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 352, citing Gov. Code §§ 65030, 65300. The general plan sits at the top of the land use planning hierarchy (see *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773), and serves as a “constitution” or “charter” for all future development. *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.

General plan consistency is “the linchpin of California’s land use and development laws; it is the principle which infused the concept of planned growth with the force of law.” See *Debottari v. Norco City Council* (1985) 171 Cal.App.3d 1204, 1213.

State law mandates two levels of consistency. First, a general plan must be internally or “horizontally” consistent: its elements must “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal.App.3d 698, 704. A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. See *DeVita*, 9 Cal.4th at 796 fn. 12.

Second, state law requires “vertical” consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be “compatible with the objectives, policies, general land uses, and programs specified in the [general] plan.”]; see also *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184. A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher*, 52 Cal.3d at 544.

State law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal.App.3d at 1184.

A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is “fundamental, mandatory, and clear,” regardless of whether it is

consistent with other general plan policies. *See Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-42 (“FUTURE”).

Moreover, even in the absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan’s policies and objectives. *See Napa Citizens*, 91 Cal.App.4th at 378-79; *see also Lesher*, 52 Cal.3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

As explained in full below, the Project is inconsistent with the General Plan. As such, the Project violates the State Planning and Zoning law.

B. The Project is Inconsistent with the General Plan Policies Designed to Minimize Wildfire Risks

The RFEIR and FEIR fail to establish the Project’s consistency with General Plan policies pertaining to wildfire risks. Mainly, the City’s General Plan Policy VII-14 requires the City to “[d]iscourage development and encourage sensitive siting of structures within hazardous fire areas as higher priorities than attempting to implement fuel modification techniques that would adversely affect significant biological resources.” General Plan’s Safety Objective 2, Fire Hazards requires the City to “[m]inimize the potential for loss of life, physical injury, property damage, and social disruption resulting from urban and wildland fires.”

The 2018 Woolsey fire recently burned the Project Site; yet there is no indication that the City has discouraged development of a massive residential and commercial mixed-use project that would surely be subject to a recurring and increasingly more destructive wildfires. The City’s Responses to Comments claim that the Original FEIR’s Table 4.7-4 already addresses these issues. Responses to Comments, p. 158. However, for example, nothing in the one paragraph cursory analysis provided in Table 4.7-4 (which provides one wholesale analysis regarding the Project’s consistency with Safety Objective 2 and 5 separate policies, Policy VII-12, 14, 15, 16 and 17) provides any information that the City prioritized discouraging the development of the Project.

Moreover, the City even failed to consider whether the Project will have significant wildfire impacts under CEQA Guidelines Appendix G, Section XX. The City had the opportunity, like the VMT analysis it added to the RFEIR, to comply with the Section

XX requirement in the RFEIR. However, the City failed to do so and as a result, failed to minimize the potential for harm from future wildfires as provided in Safety Objective 2 of the General Plan.

Given the high risks of wildfire present on the Project Site, the RFEIR and FEIR failed to establish consistency with the General Plan policies pertaining to wildfire risks and minimization.

In conclusion, the RFEIR and the Original FEIR failed to establish the Project's consistency with the General Plan.

## II. THE PROJECT VIOLATES THE DENSITY BONUS LAW

The RFEIR and FEIR briefly note that the Project will designate 18 of 180 total residential units for very low income affordable housing and mentions the phrase “density bonus” a few times without explaining how the Project qualifies for any density bonus. RFEIR, p. 281; FEIR, p. 415. The FEIR also passingly states that one of the required approvals for the Project includes affordable housing concessions for increased height for residential buildings and two retaining walls. FEIR, p. 91.

First, Government Code section 65915(b) provides that a city shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions as described in subdivision (d). City of Calabasas' Municipal Code Chapter 17.22 on affordable housing appears to mirror Government Code section 65915(d)(2)(B) regarding the density bonus calculations.

The RFEIR and FEIR fail to establish the Project's eligibility under the Density Bonus law. Critically, the RFEIR and FEIR fail to explain what percentage density bonus the Project qualifies for and what the Project's base density is. (See Gov. Code §65915(b)(3).) Whether the a given density bonus amount was calculated correctly pursuant to Government Code sections 65915(b) and (f) largely depends on what the maximum permitted residential units on the Project Site is. Without this information, it is impossible to determine how much density bonus and how many incentives under the Density Bonus law the Project is entitled to receive.

Next, the Project seeks at least three (3) incentives/concessions under Density Bonus law, including increased height for residential buildings and two retaining walls. Government Code section 65915(d) explains when and how much incentives or concessions the applicant is entitled to. Government Code section 65915(d)(2)(B)

provides that “the applicant shall receive” “two incentives or concessions for projects that include...at least 10 percent for very low income households...”

Although it’s not clear, the Project appears to propose to dedicate 18 of 180 total residential units for very low income affordable housing, that number is far below the minimum 15 percent of very low income units of total units necessary to qualify for three incentives or concessions. Gov. Code §65915 (d)(2)(B)-(C).

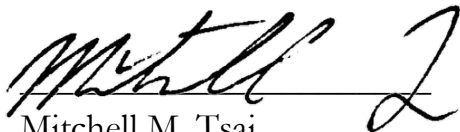
The City fails to respond to any of these issues in its Responses to Comments, claiming that the Project’s compliance with the Density Bonus law do not raise environmental issues. Responses to Comments, p. 159. However, as noted above, the RFEIR and FEIR concluded that the Project would have less than significant land use impacts as a result of the Project’s compliance with the Density Bonus law which would allow the Project to exceed development standards in exchange for providing affordable housing. Thus, the Project’s compliance, or violation, with the Density Bonus law is squarely a relevant issue in the RFEIR and the Original FEIR.

Thus, the RFEIR and the Original FEIR fail to establish the Project’s eligibility for a density bonus and whether the Project could obtain the required approvals under the Density Bonus law. From the limited information provided by the RFEIR and FEIR, the Project fails to comply with Density Bonus law.

### III. CONCLUSION

Commenter requests that the City revise and recirculate the Project’s environmental impact report to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B);

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C);

SCAG (Apr. 2016) 2016 RTP/SCS (Exhibit D);

SCAG (April 2012) Regional Transportation Plan 2012 – 20135 (Exhibit E); and

SCAG (Sept 2020) Connect SoCal: The 2020 – 2045 Regional Transportation Plan / Sustainable Communities Strategy of the Southern California Association of Governments (Exhibit F).

**From:** Sheree Yablon <shereeyablon@yahoo.com>  
**Sent:** Wednesday, April 21, 2021 9:06 PM  
**To:** info <info@cityofcalabasas.com>  
**Subject:** West Village Project / Calabasas

To whom it may concern.

This project and all of the negative consequences it will have in our community is unacceptable to the majority of us.

The traffic, noise, pollution, fire hazard, ruining the wildlife, nature, and beautiful mountain views is not what any of us want or need in our area.

Please do not continue to build, respect our communities requests, and listen to how we all feel.

Thank you in advance.

Sheree Yablon  
[818.427.6038](tel:818.427.6038) Cell  
Keller Williams Calabasas Estate Properties  
[23975 Park Sorrento Ste. 110](#)  
[Calabasas CA 91302](#)  
CaIDRE [01806533](tel:01806533)  
[www.shereeyablon.com](http://www.shereeyablon.com)

**From:** Mary Hubbard <maryahubbard@gmail.com>  
**Sent:** Wednesday, April 21, 2021 9:06 PM  
**To:** info <info@cityofcalabasas.com>; johncarymueller@gmail.com <johncarymueller@gmail.com>; harrisonlaw@gmail.com <harrisonlaw@gmail.com>; jmuellerlaw@sbcglobal.net <jmuellerlaw@sbcglobal.net>; Dennis Washburn <WashburnD1@aol.com>; robertlia@gmail.com <robertlia@gmail.com>  
**Subject:** 4-21-21 West Village Comments

April 21, 2021

Dear Planning Commissioners:

In 2005, the voters of Calabasas approved **Measure D** which prevents the City from amending the General Plan to re-designate Resource Protected Open Space for non-open space use without the approval of 2/3 of the City's voters. The initiative passed by a vote of **84% to 16%**-- the largest margin of victory at the time for anything on a Calabasas municipal ballot since incorporation.

The measure included a sunset provision that would end the ordinance in 2030. In 2015, residents of Calabasas approved **Measure O**, which removed the sunset clause to make the ordinance permanent. The initiative passed by **97.6% to 2.4%**.

<http://www.smartvoter.org/2015/11/03/ca/la/meas/O-calabasas/>

The ballot argument for Measure O was signed by **James Bozajian, Mary Sue Maurer, and Dennis Washburn**, among others. They collectively stated that

Open space is irreplaceable. Once lost, it is gone forever; and once developed, the character of the land is forever altered...The Open Space Initiative invests in the people the power to make important decisions regarding future growth...thereby preventing a simple majority of the City Council from permitting urban development on these parcels...While growth is inevitable, it should be balanced with an ability to guard against unchecked development. Indeed, the desire to exercise local control over land use issues was one of the primary motivating factors for the incorporation of Calabasas in 1991. And it ranks high among the many reasons why we choose to live here today.

**Measure O passed by a margin of 97.6% to 2.4%.**

***Today, Measure O faces its first and most significant challenge. Today, we find out whether it is a valid law or empty rhetoric.***

The current West Village project seeks to grade 2.6 million cubic yards of Development-Restricted, Resource-Protected Open Space, calling that Open Space a “public safety hazard,” and insisting that it has the right to invade it to facilitate construction of 180 housing units in 15 three-story buildings on another part of the property.

In 2019, the Planning Commission voted to deny the project.

The **Resolution for Denial** before the Planning Commission on April 21 affirms that decision, stating that:

The adverse soil and geologic conditions [on the development site] cannot be corrected without grading the southern hillside area, and thereby without **violating these provisions of the General Plan and Municipal Code**... The site requires significant grading within a landslide area that cannot be easily remediated resulting in substantial environmental damage to the hillside — namely, the permanent, significant, unavoidable loss of the existing hillside’s visual character...the proposed final, manufactured slope...**requires voter approval to allow development in areas designated as open space** that would result in redesignating for non-open space use of any property in the city designated OS- R or OS-RP by the Land Use Map of the Calabasas General Plan. **No voter approval has been given here for the proposed permanent grading of the approximately 21.4 acre southern hillside area located on land designated OS-RP** by the City’s General Plan Land Use Map.

<https://www.cityofcalabasas.com/home/showpublisheddocument?id=20574>

If the developer wants to pursue this development, it needs to bring its proposal to grade 2.6 million cubic yards of zoned Open Space to a vote of the people. From Measure C in 2005 (~65%), Measure D in 2005 (84%), Measure O in 2015 (98%), Measure F in 2016 (65%), and Measure N in 2018 (78%), it is possible to predict the likely outcome of that vote.

### **MEASURE O REQUIRES A VOTE OF THE PEOPLE TO REZONE OPEN SPACE**

To now attempt to bulldoze the entire resource-protected, development-restricted designated Open Space triggers Measure O, which means it would have to go to a vote of the residents. This is acknowledged in the Resolution for Denial and then studiously ignored in the Resolution for Approval.

To attempt to call the resource-protected, development-restricted designated Open Space a *public safety threat*, when its unstable soils are *exactly why it was designated Open Space in the first place is a grossly contrived manipulation*.

### **A DE FACTO GENERAL PLAN AMENDMENT ALLOWS A REFERENDUM**

City staff claims that there is no rezoning that is occurring in conjunction with the project, however, approving a permit to grading Resource Protected, Development-Restricted designated Open Space would create a *de facto* rezoning amendment to the General Plan which could be legally challenged. The California Court of Appeal in *Millbrae Association for Residential Survival v. City of Millbrae* rejected a claim of vested rights by the developer and agreed with an unincorporated homeowner's association that the city's approval of a development that went against its local zoning ordinance amounted to a *de facto* rezoning. The court sided with the general public interest in protecting and enforcing zoning regulations.

Any such *de facto* amendment to the General Plan, as with Measure F in 2016, opens approval of the project to the same referendum process that allowed citizens to reverse the city's approval of the Canyon Oaks development in 2016.

The court in a similar zoning law case held that:

In the field of zoning laws we are dealing with a vital public interest, not one that is strictly between the municipality and the individual litigant. All the residents of the community have a protectable property and personal interest in maintaining the character of the area as established by comprehensive and carefully considered zoning plans in order to promote the orderly physical development of the district and the city and to prevent the property of one person from being damaged by the use of neighboring property in a manner not compatible with the general location of [the property in issue].

These protectable interests further manifest themselves in the preservation of land values, in aesthetic considerations, and in the desire to increase safety by lowering traffic volume. (*Pettitt v. City of Fresno*)

Alternative 5 is not a meaningful alternative because it still involves remediation of the landslide on Open Space. Staff's arguments that there is precedent for that are not valid. The examples they cite as precedent are LA County approvals or public utilities. They were not grading of Open Space to facilitate private development under Calabasas law.

Please end this charade by affirming the 2019 denial of the project by adopting the findings in the Resolution for Denial.

Sincerely,

Mary Hubbard, representing  
Malibu Canyon Community Association  
Las Virgenes Homeowners Federation

**From:** James Spadoni <[jim@jckbackings.com](mailto:jim@jckbackings.com)>  
**Sent:** Wednesday, April 21, 2021 5:41 PM  
**To:** info <[info@cityofcalabasas.com](mailto:info@cityofcalabasas.com)>  
**Subject:** Planning Commission Meeting 4/21/21

Hello, my name is Jim Spadoni and I'm a 23-year resident of Calabasas.

I enjoy hearing the enthusiasm and commitment of my fellow Calabasians that take the time to express their disappointment about the West Village project's latest attempt to be pushed through our broken system. I'm hearing countless residents oppose this project for specific code violations such as ([Code 17.20.150(B)3] - Development should preserve the hillside rather than alter the hillside to fit the development, [Code 17.20.070(C)] All development in a Scenic Corridor must comply with Scenic Corridor Guidelines and Hillside Development Standards, [Manufactured slopes cannot be counted as open space and Development shall respect natural surroundings and follow natural topography]). The only ones in favor of this project are nonresidents that are either part of the developer team or somehow related to the developer. Our city government is supposed to look out for the residents and not the side of this questionable project like the West Village project. Please have the developer of the West Village project adhere to all of the city codes and regulations already in place to build a more suitable project.

Please vote NO on this project tonight.

Thank you.

Jim Spadoni  
3960 Lost Springs Drive  
Calabasas, CA 91301  
(818) 974-6760