

P.C. RESOLUTION NO. 2021-730

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS RECOMMENDING TO THE CITY COUNCIL: 1) CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR); 2) ADOPTION OF THE 2021-2029 HOUSING ELEMENT UPDATE AND ASSOCIATED LAND USE ELEMENT UPDATES TO THE CALABASAS 2030 GENERAL PLAN, CONSISTENT WITH STATUTORY REQUIREMENTS OF CALIFORNIA HOUSING ELEMENT LAW; AND, 3) ADOPTION OF ORDINANCE NO. 2021-395 AMENDING TITLE 17 OF THE CALABASAS MUNICIPAL CODE BY ADDING NEW SECTIONS 17.18.060 AND 17.22.025, CREATING AN “AFFORDABLE HOUSING OVERLAY ZONE” AND ASSOCIATED DEVELOPMENT STANDARDS FOR QUALIFYING HOUSING DEVELOPMENT PROJECTS; AMENDING OTHER SECTIONS WITHIN TITLE 17 OF THE CMC AS NECESSARY TO BE CONSISTENT WITH THE ADDED NEW SECTIONS; AND UPDATING THE OFFICIAL ZONING MAP; ALL AS NECESSARY TO CONFORM WITH THE GENERAL PLAN HOUSING ELEMENT AND RELATED UPDATES.

Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department.
2. Staff presentation at the public hearing held on September 13, 2021, before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.

5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

Section 2. Based on the foregoing evidence, the Planning Commission finds that:

1. The Housing Element is a required element of the General Plan per State law (Government Code Section 65302).
2. Per California Government Code Section 65588, the Housing Element must be updated as appropriate, but not less than every eight years.
3. On March 4, 2021, SCAG's Regional Council formally adopted the 6th Cycle Final RHNA Allocation Plan.
4. The 6th cycle housing element update must be approved by the City no later than October 15, 2021.
5. City staff and housing policy consultant, Karen Warner Associates, Inc. (KWA), initiated preparation of the housing element update in April 2020.
6. On July 16, 2020, Planning staff and Ms. Warner of KWA conducted a public workshop before the Planning Commission to advise the commission to the Housing Element update process.
7. On September 30, 2020, Planning staff and Ms. Warner of KWA conducted a community workshop to solicit input on housing needs from the public and stakeholders.
8. On October 15, 2020, Planning staff and Ms. Warner of KWA conducted a study session with the Planning Commission to solicit input on housing needs and to confirm policy direction in the Element.
9. On February 4, 2021, Planning staff and Ms. Warner of KWA conducted a public workshop before the Planning Commission to solicit final input on the Housing Site Inventory for the 2021-2029 Housing Element.
10. On February 21, 2021, Planning staff and Rincon Consultants conducted a Scoping meeting to solicit public comments on the preparation of an EIR for the 2021-2029 Housing Element Update and associated updates to the Land Use, Safety and Circulations Elements.

11. On March 31, 2021, Planning staff and Ms. Warner of KWA conducted a public workshop before the City Council to solicit input on housing needs and to confirm policy direction in the Element.
12. On July 8, 2021, staff submitted the Draft 2021-2029 Housing Element to HCD for review.
13. A Notice of Preparation (NOP) of the EIR was distributed for a 30-day agency and public review period starting on February 8, 2021 and ending on March 9, 2021.
14. The Draft EIR was circulated for review by responsible agencies, as well as the State Clearinghouse, and the public. The Draft EIR was available for public review at City Hall, the Library, and on the City website. The required 45 day review period began on July 30, 2021, and ends on September 13, 2021.
15. Notice of the September 13, 2021, Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
16. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

Section 3. In view of all of the evidence presented and based on the following findings and conclusions, the Planning Commission hereby recommends that the City Council certify the adequacy of the Final Environmental Impact Report (EIR), in accordance with CEQA Guidelines, Sections 15090 and 15091.

EIR ADEQUACY CERTIFICATION

- A. Based upon the facts and information contained in the proposed Draft Environmental Impact Report, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission recommends that the City Council find that: (1) the Final Environmental Impact Report has been prepared in full compliance with the California Environmental Quality Act and the State CEQA Guidelines promulgated thereunder in effect on July 30, 2021, the date the Draft EIR was made available for public review (Cal. Code Regs., tit. 14, § 15007, subd. (c).); (2) the Final Environmental Impact Report reflects the independent judgment and analysis of the City; and (3) this Commission has reviewed and considered the information contained in said Environmental Impact 255662.1 5 Report with regard to the project application, and has determined the analysis to be fully adequate. The Draft EIR is hereby incorporated by reference as if set forth herein in full.

ENVIRONMENTAL IMPACT REPORT FINDINGS

- A. The Planning Commission acknowledges that pursuant to Section 15091 of the CEQA Guidelines, “No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation for the rationale for each finding.”

Because the Draft EIR identifies a number of potentially significant environmental effects of the proposed project, the Planning Commission hereby recommends that the City Council adopt the Statement of Facts and Findings set forth below as required by Section 15091 of the CEQA Guidelines:

1. Based on the analyses provided in the Initial Study and Draft EIR prepared for this project, the project will have less than significant impacts in the areas of Aesthetics, Hazards/Hazardous Materials, Land Use/Planning, Population/Housing, Transportation/Traffic, Utilities, Utilities/Service Systems and Wildfire. Meanwhile, impacts to all other resource areas (Biological Resources, Tribal Cultural Resources, Noise and Geology/Soils) would be less-than-significant, provided the appropriate mitigation measures described in the Draft EIR, incorporated herein by reference, which substantially reduce the impacts of the project on these resources areas are incorporated and implemented. Accordingly, mitigation measures have been incorporated into the project via the Draft Mitigation Monitoring and Reporting Program (MMRP), Attachment 1 to this Resolution, to reduce any potential impacts to these other resource areas to levels that are less-than-significant.
- B. The Planning Commission hereby further recommends adoption of the Mitigation Monitoring and Reporting Program, attached to this Resolution as Attachment 1.
- C. The foregoing findings and determinations, which reflect the independent analysis of the City of the matters in the record pertaining thereto and are the independent judgment of the City, are based on the information in the record, including but not limited to the findings set forth herein. The Planning Commission further finds that substantial evidence exists to support each of these findings.
- D. The Planning Commission hereby identifies that the location of records with respect to the Final EIR and other documents and materials constituting the

record of proceedings with respect to the certification of the Final EIR is the Community Development Department of the City of Calabasas, and that the custodian of records with respect to the Final EIR and other documents and material constituting the record of proceedings with respect to the certification of the Final EIR is the Director of Community Development of the City of Calabasas.

Section 4. In the event of a decision by the City Council to certify the adequacy of the Final EIR and approve the project, the Community Development Department staff shall prepare a Notice of Determination for the Final EIR consistent with State CEQA Guidelines Section 15094(b), and shall promptly file the Notice of Determination with the County Clerk of the County of Los Angeles.

Section 5. In view of all of the evidence and based on the foregoing findings, the Planning Commission concludes as follows:

FINDINGS

Section 17.76.050 of the Calabasas Municipal Code (CMC) allows Planning Commission to recommend approval of a proposed **General Plan Amendment** to the City Council provided that the following findings are made:

1. *The proposed amendment is internally consistent with the General Plan;*

The City's current 2014-2021 Housing Element was determined to be internally consistent with the policies and proposals set forth by the 2030 General Plan. The Draft 2021-2029 Housing Element update maintains this internal consistency. While no site was rezoned to multi-family, the Housing Element Update increases the density in certain land uses and creates an Affordable Housing Overlay Zone. As a result, the Land Use Element includes necessary updates to ensure consistency with the Housing Element. Furthermore, state mandated updates were made to the Safety and Circulation Elements, which have been made in association with the Housing Element Update. As a result, the proposed amendments are internally consistent with the General Plan and meet this finding.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed housing element updated is mandated by the State to assure that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. Calabasas' Housing Element identifies strategies and programs that focus on:
1) conserving and improving existing housing; 2) providing adequate

housing sites; 3) assisting in the provision of affordable housing; 4) removing governmental constraints to housing development; and 5) promoting fair and equal housing opportunities. In effect, the housing element update and associated land use element updates are beneficial to the public interest, convenience and welfare of the City and, therefore meets this finding.

3. *The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested/anticipated land use development(s); and*

The City plans to fulfill its share of regional housing needs using a combination of residential projects with development entitlements, vacant residential sites, underutilized residentially zoned and mixed-use zoned sites, and second residential units. The RHNA is being met using existing sites and existing zoning. While no rezoning is proposed for this update, densities in the Mixed Use and Multi-Family zones have been increased in order to remain consistent with state law for sites that can accommodate affordable housing units. Furthermore, the Housing Element Update and Land Use Element amendments include an Affordable Housing Overlay Zone (AHO). The purpose of the AHO is to encourage the production of more affordable housing, and reduce the need for a substantially greater total number of housing units. As a result, the proposed amendments meet this finding.

4. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

Pursuant to CEQA, an Environmental Impact Report (EIR) has been prepared for the 2021-2029 Housing Element Update and associated Land Use, Circulation and Safety Elements update. In preparing the EIR, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The EIR analyzes potentially significant environmental impacts associated with reasonably foreseeable development under the General Plan updates and addresses appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. The following areas were identified where the project may have a potential effect on the environment; biological resources, noise, geology and soils, and cultural resources. All areas listed as potentially significant have been mitigated to levels that are no longer significant due to the inclusion of mitigation measures. As a result, the proposed General Plan amendments meet this finding.

Section 17.76.050 of the Calabasas Municipal Code (CMC) allows Planning Commission to recommend approval of a proposed **Zoning Map or Development Code Amendments** to the City Council provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendments to Chapter 17.18 and Chapter 17.22 of the Land Use and Development Code will create a new Affordable Housing Overlay zoning district to apply to certain designated Residential Multi-family (RM) zoned and Commercial Mixed Use (CMU) zoned properties, with these properties identified accordingly on the official Zoning Map. The AHO district will promote the inclusion of a greater number and percentage of affordable housing units within new residential multifamily housing projects and new commercial mixed-use projects through a number of alternative site development standards to accommodate greater overall densities on the designated properties.

The proposed amendments will assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community by increasing the number of potential new and new affordable housing units on certain designated residentially zoned and mixed-use zoned properties in the city and decreasing the per-unit development costs for new housing production. The proposed amendments to the Land Use and Development Code will remove governmental constraints to affordable housing production by providing a number of less restrictive site development standards pertaining to maximum allowable residential density, maximum allowable floor area, maximum allowable building height, and minimum amounts of common and private open space within qualified projects. In addition to being consistent with these General Plan objectives, the proposed amendments specifically implement the following General Plan policies, as articulated in the 2014-2021 Housing Element:

Policy V-8: *Provide site opportunities for development of housing that respond to the diverse housing needs of Calabasas residents and workforce in terms of density, location and cost.*

Policy V-9: *Provide opportunities for multi-family housing and mixed-use development consistent with the City's regional housing needs requirement (RHNA), as mandated by the State.*

Policy V-14: *Provide financial and/or regulatory incentives to facilitate the development of affordable housing.*

Site development standards (incentives) specific to new senior housing projects are included within the AHO to incentivize senior housing production. Lastly, of the twelve listed future housing sites in the 2021 – 2029 Housing Element, eight sites are identified to carry AHO zoning in addition to the underlying zoning district, and these eight sites are designated accordingly on the Land Use Plan Map in the updated Land Use Element. Accordingly, the proposed amendments to the Land Use and Development Code are consistent with the goals, policies, and actions of the General Plan.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the amendments update the City's affordable housing requirements to comply with California law; and any future residential or commercial mixed-use development project that would take advantage of the new AHO provisions still must comply fully with all other applicable standards for site development, including but not limited to: Hillside Grading Ordinance, Scenic Corridor Overlay Ordinance and Design Guidelines, Dark Skies Ordinance, Landscaping Ordinance, Oak Tree Ordinance, Green Buildings Ordinance, and other health and safety requirements of the CMC and other applicable laws. Any such future project must also comply fully with the provisions of the Building and Fire Codes, and would be subject to project-level environmental review and must mitigate all identified significant environmental impacts, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The proposed amendment complies with the provisions of CEQA because, in accordance with CEQA and the CEQA Guidelines, a programmatic Environmental Impact Report (EIR) was prepared for the 2021 – 2029 Housing Element update, which includes the AHO as a specified program. The Draft EIR was published and made available to agencies and the public, comments were received and documented, and responses to the comments were prepared; and all of these were incorporated into a Final EIR, which was certified by the City Council as being conformant with CEQA.

4. *The proposed amendment is internally consistent with other applicable provisions of this development code.*

The proposed amendments are internally consistent with other applicable provisions of the Development Code because they not only create two new sections within Title 17 that create the Affordable Housing Overlay (AHO) zone and establish the pertinent site development standards for the AHO, but they also update other sections and subsections of the Land Use and Development Code which either directly or indirectly apply the AHO or refer to the AHO in other ways. As a result, the proposed amendments meet this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission recommends to the City Council 1) certification of the Final EIR, 2) adoption of the 2021-2029 Housing Element Update and associated updates to the Land Use Element, and 3) adoption of Ordinance No. 2021-395.

Section 5. All documents described in Section 1 of PC Resolution No. 2021-730 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2021-730 PASSED, APPROVED AND ADOPTED this 13th day of September, 2021.

Wendy Fassberg, Chairperson

ATTEST:

Maureen Tamuri, AIA, AICP
Community Development Director

APPROVED AS TO FORM:

City Attorney

Planning Commission Resolution No. 2021-730, was adopted by the Planning Commission at a special meeting held September 13, 2021, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”