

**RESOLUTION NO. 2021-1750**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, AND APPROVING THE 2021-2029 HOUSING ELEMENT UPDATE AND THE ASSOCIATED LAND USE ELEMENT UPDATES TO THE CALABASAS 2030 GENERAL PLAN, CONSISTENT WITH STATUTORY REQUIREMENTS OF CALIFORNIA HOUSING ELEMENT LAW.**

**Section 1.** The City Council 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. Staff presentation at the public hearing held on September 28, 2021, before the City Council.
4. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
5. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the project.
6. All related documents received and/or submitted at or prior to the public hearing.

**Section 2.** Based on the foregoing evidence, the City Council 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 6<sup>th</sup> Cycle Final RHNA Allocation Plan.
4. The 6<sup>th</sup> 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 ended on September 13, 2021.
15. On September 13, 2021, the Planning Commission reviewed the Draft 2021-2029 Housing Element updates, Associated Land Use Element updates and DEIR, and voted unanimously to recommend adoption of the 2021-2029

Housing Element updates, Land Use Element updates and certification of the FEIR to the City Council.

16. Notice of the September 28, 2021, City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
17. Notice of City Council 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 City Council certifies 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 Final Environmental Impact Report, together with all written and oral reports included for the environmental assessment for the application, the City Council finds 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) the City Council 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 Final EIR is hereby incorporated by reference as if set forth herein in full.

### **ENVIRONMENTAL IMPACT REPORT FINDINGS**

- A. The City Council 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 Final EIR identifies a number of potentially significant environmental effects of the proposed project, the City Council adopts 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 Final 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 Final EIR, incorporated herein by reference, which substantially reduce the impacts of the project on these resource areas are incorporated and implemented. Accordingly, mitigation measures have been incorporated into the project via the Final Mitigation Monitoring and Reporting Program (MMRP), to reduce any potential impacts to these other resource areas to levels that are less-than-significant.
- B. The City Council hereby further adopts the Mitigation Monitoring and Reporting Program.
- 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 City Council further finds that substantial evidence exists to support each of these findings.
- D. The City Council 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 City Council concludes as follows:

## FINDINGS

Section 17.76.050 of the Calabasas Municipal Code (CMC) allows the City Council to approve a proposed **General Plan Amendment** 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.

The City Council further finds that the 2021-2029 Housing Element Update meets all applicable requirements of state law. The City Council finds that, as result of obsolescent buildings, design, and market placement, declining uses, low existing floor area ratio, the significant impact of the COVID-19 pandemic and related shifts in the commercial and residential real estate markets and development expectations, and as further evidenced by recent site development inquiries, each as further specified on a site-by-site basis in the 2021-2029 Housing Element Update, that the existing uses on each existing, non-vacant site identified for inclusion within the Affordable Housing Overlay Zone, and thereby zoned to accommodate the City's needed lower income housing needs, are likely to be discontinued during the planning period, and thereby the fact that these sites are not currently vacant is not an impediment to additional residential development during the planning period for the 2021-2029 Housing Element.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby certifies the Final Environmental Impact Report, and approves the 2021-2029 Housing Element update (Attachment B) and the associated Land Use Element updates (Attachment C) to the Calabasas 2030 General Plan, consistent with statutory requirements of California Housing Element law. The City further hereby declares that, in the event of any conflict between the City of Calabasas 2021-2029 Housing Element and any other provision of the City's General Plan, the 2021-2029 Housing Element shall prevail.

**Section 5.** All documents described in Section 1 of Resolution No. 2021-1750 are deemed incorporated by reference as set forth at length.

**Section 6.** Certification:

The City Clerk shall certify to the passage and adoption of this Resolution and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of September 2021.**

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James R. Bozajian, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

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Matthew T. Summers  
Colantuono, Highsmith & Whatley, PC  
City Attorney