

**ORDINANCE NO. 2016-343**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING A DEVELOPMENT CODE AMENDMENT ASSOCIATED WITH FILE NO. 160002778, AMENDING CHAPTER 17.11, TABLE 2.2 OF THE CITY OF CALABASAS LAND USE AND DEVELOPMENT CODE TO ALLOW FOR RESEARCH AND DEVELOPMENT SERVICES/LABORATORIES USE AS AN ACCESSORY USE IN THE COMMERCIAL, OFFICE (CO) ZONING DISTRICT.**

**WHEREAS**, the City Council of the City of Calabasas, California ("the City Council") has considered all of the evidence including, but not limited to, the Planning Commission Resolution, Planning Division staff reports and attachment, and public testimony from Planning Commission meeting on October 20, 2016, and City Council meeting on December 14, 2016, before making a final decision on December 14, 2016; and

**WHEREAS**, the City Council finds that the Land Use and Development Code Amendment is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan; and

**WHEREAS**, the City Council finds that the Land Use and Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

**WHEREAS**, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA), and pursuant to Sections 15061(B)(3), 15301, and 15303 of the CEQA Guidelines; and

**WHEREAS**, the Land Use and Development Code Amendment reflects the input of residents, stakeholders, and public officials, and implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Based upon the foregoing the City Council finds:

1. Following a public hearing held on October 20, 2016, the Planning Commission adopted Resolution No. 2016-628 recommending to the City Council: (1) approval of File No. 160002778; and (2) adoption of Ordinance No. 2016-343,

amending Chapter 17.11, Table 2.2 of the City of Calabasas Land Use and Development Code.

2. Notice of the December 14, 2016, City Council public hearing was posted at Juan de Bautista Park, the Calabasas Tennis and Swim Center, the Agoura Hills/Calabasas Community Center, Gelson's Market and at Calabasas City Hall.

3. Notice of the December 14, 2016, City Council public hearing was posted in The Enterprise ten (10) days prior to the hearing.

4. Notice of the December 14, 2016, City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to property owners within 500 feet of the property as shown on the latest equalized assessment roll.

5. Notice of the December 14, 2016, City Council public hearing included the information set forth in Government Code Section 65009 (b)(2).

**SECTION 2.** In view of all the evidence and based on the foregoing findings, the City Council concludes as follows:

Section 17.76.050(B) Calabasas Municipal Code allows the Planning Commission to recommend and the City Council to approve a Development Code Amendment provided that the following findings are made:

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

The subject property's General Plan land use designation is Business-Professional Office (B-PO), which accommodates land uses including business, professional, and medical offices, as well as ancillary services. The proposed code amendment allows for "Research and Development Services/Laboratories" as a conditionally permitted accessory use in the Commercial, Office (CO) zone, and only to the extent that the accessory research and development use will not occupy greater than ten percent (10%) of the floor area. Accordingly, the proposed project maintains the current office use as the primary proposed use, with research and development, and customer education/training as ancillary uses only. The proposed amendment meets this finding because it proposes uses allowed in, and compatible with, the "Business – Professional Office" land use designation, and it maintains and strengthens policies of the General Plan that are intended to preserve a mix of commercial uses. Furthermore, Policy II-11 of the Land Use Element of the General Plan states: "promote a mix of retail and service commercial, office, and business park areas that contribute to a sound local economic base." The proposed development code amendment promotes a broader mix of commercial uses in the CO zone. Therefore, the proposed project meets this finding.

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

The proposed development code amendment will allow “Research and Development Services/Laboratories” as a conditionally permitted use in the Commercial, Office (CO) zoning district, only as accessory to an office use, with restrictions on maximum floor area and minimum building(s) square-footages. The proposed code amendment has been reviewed by the Los Angeles County Sheriff Department and the Los Angeles County Fire Department, neither of which raised any health and safety or public interest concerns. The proposed ordinance does not contain substantive policy changes that will create a safety hazard or any condition that would negatively impact the public interest, health or welfare. In contrast, the proposed amendment strengthens the City’s ability to preserve a high quality of life for its citizens by allowing such use only as ancillary to a primary office use within the CO zoning district. Therefore, the proposed amendment meets this finding.

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

The proposed amendment is categorically exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment). The proposed amendment will not result in additional development opportunities or any foreseeable environmental impact. Therefore, the proposed project meets this finding.

4. *The proposed amendment is internally consistent with other applicable provisions of the Development Code.*

The proposed amendment identifies Research and Development Services/Laboratories as a conditionally permitted use in the CO zoning district. The amendment also includes the addition of a footnote to Chapter 17.11, Table 2-2 that states the following:

*Research and development services/laboratories are allowed in the CO zone only as accessory to an office use, and as follows: (a) the use shall not exceed ten (10) percent of the total building(s) floor area; and (b) the use shall be limited to properties having a building(s) with a minimum floor area of 100,000 square-feet.*

The introduction of research and development uses as an ancillary and accessory use to a primary office use does not conflict with any other provision of the Development Code. The change applies only to one zoning district, CO, and proposes no further amendment to any other zoning district or development code standard. The proposed amendment maintains internal consistency with other applicable provisions of the Code; therefore, it meets this finding.

**SECTION 3.** CODE AMENDMENT. Section 17.11.010 of the Calabasas Municipal Code, specifically Table 2-2, Land Use Table, is hereby amended in the following manner:

In the land use category labeled "Research and Development Services/Laboratories" of Table 2-2, Land Use Table, the annotation "A/C(4)" shall be added under the column heading "CO"; and, a new (fourth) footnote shall be added at the conclusion of Table 2-2, as follows: "(4) Research and Development Services/Laboratories are allowed in the CO zone only as accessory to an office use, as follows: (a) the use shall not exceed ten (10) percent of the total building(s) floor area; and (b) the use shall be limited to properties having a building(s) with a minimum floor area of 100,000 square feet."

**SECTION 4.** SEVERABILITY. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect and, to that end, the provisions hereof are declared to be severable.

**SECTION 5.** EFFECTIVE DATE. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

**SECTION 6.** CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of January, 2016.

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Mary Sue Maurer, Mayor

ATTEST:

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Maricela Hernandez, MMC  
City Clerk

APPROVED AS TO FORM:

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Scott H. Howard  
City Attorney