

RESOLUTION NO. 2016-1540

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING FILE NO. 160002778, A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR RESEARCH AND DEVELOPMENT SERVICES/LABORATORIES, TRAINING, AND EDUCATION USES ACCESSORY TO A PRIMARY OFFICE USE, AND AN ADMINISTRATIVE PLAN REVIEW TO OPERATE A 250 SQUARE-FOOT ACCESSORY RETAIL STORE FOR A PROPOSED NEW COSMETICS FIRM HEADQUARTERS TO OCCUPY 97,000 SQUARE FEET OF AN EXISTING 227,741 SQUARE-FOOT OFFICE BUILDING LOCATED AT 4500 PARK GRANADA, WITHIN THE COMMERCIAL, OFFICE (CO) ZONING DISTRICT.

Section 1. The City Council of the City of Calabasas 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 December 14, 2016, before the City Council.
3. Staff presentation at the public hearing held on October 20, 2016, before the Planning Commission.
4. Planning Commission Resolution No. 2016-628 recommending approval to the City Council approval to the City Council of File No. 160002778.
5. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
6. 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.
7. 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 hearings.
8. All related documents received and/or submitted at or prior to the City Council meeting.

Section 2. Based on the foregoing evidence, the City Council finds that:

1. The applicant submitted an application for File No. 160002778, on August 17, 2016.
2. On September 16, 2016, a Notice of Application Incompleteness was sent to the applicant.
3. The proposed project was reviewed by the Development Review Committee (DRC) on September 20, 2016.
4. Project plans were resubmitted by the applicant on September 26, 2016.
5. The proposed project was deemed complete on October 5, 2016, and the applicant was notified.
6. On October 20, 2016, the Planning Commission reviewed the project at a public hearing and voted 4-0 to adopt Resolution No. 2016-628, recommending to the City Council: (1) approval of File No. 160002778; and (2) adoption of Ordinance No. 2016-343.
7. Notice of the December 14, 2016, City Council public hearing as posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's market, Agoura/Calabasas Community Center and at Calabasas City Hall.
8. Notice of the December 14, 2016, City Council public hearing was posted in The Enterprise ten (10) days prior to the hearing.
9. 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 role.
10. Notice of the December 14, 2016, City Council public hearing included in the notice requirements set forth in Government Code Section 65009(b)(2).
11. The subject property is zoned Commercial, Office (CO).
12. The land use designation for the subject property under the City's adopted General Plan is Business-Professional Office (B-PO).
13. Properties surrounding the site are Residential, Single-Family (RS), Residential, Multi-Family (RM), and Open Space – Development Restricted (OS-DR).

Section 3. In view of all of the evidence and based on the foregoing findings, the City Council concludes as follows:

FINDINGS

Section 17.62.060(E) of the Calabasas Municipal Code allows the Planning Commission to recommend and the City Council to approve a **Conditional Use Permit** provided that the following findings are made:

- 1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;*

The applicant is seeking approval for a cosmetic firm to occupy 97,000 square feet of a 227,741 square-foot building with a primary office use, and ancillary uses including research and development, and customer education/training. The project requires a Conditional Use Permit for two of the proposed uses: (1) research and development services/laboratories; and (2) customer education and training. Contingent upon adoption of the proposed code amendment, "Research and Development Services/Laboratories" will be conditionally permitted only as accessory to a primary office use per Section 17.11.010 of the Land Use and Development Code. The research and development use will occupy 10,000 square feet, or 4.4% of the total building floor area. The proposed customer education/training use will occupy 16,000 square feet of the annex building. All activities will take place within the leased tenant space and no additional parking spaces are required for the proposed project. In fact, introduction of the research & development and customer education/training uses creates an improved parking situation for the project site because both new uses demand and require fewer parking spaces than an office use (existing use). The proposed uses are in compliance with all other applicable provisions of the Development Code. Contingent upon adoption of the development code amendment, the proposed project meets this finding.

- 2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;*

The subject property's general land use designation is Business-Professional Office (B-PO) which accommodates office uses and appropriate land uses including business, professional, and medical offices, as well as ancillary services. The proposed research and development, and customer education/training uses are ancillary uses to the primary office use, which is consistent with the City of Calabasas General Plan. 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.” Contingent upon the adoption of the development code amendment, the proposed research and development use will be a conditionally allowed use. Furthermore, the project is consistent with the objectives of maintaining Calabasas as a predominantly residential community with commercial, office, and business park uses playing a secondary role. For these reasons, the request for a Conditional Use Permit to allow for the operation of research and development and customer education/training uses meets this finding.

3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

The proposed amendment is Categorical 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. The project is also Categorical Exempt from the CEQA pursuant to Section 15301 (Existing Facilities). Per this exemption, projects consisting of interior alterations to an existing building are exempt from provisions of CEQA. This project is also exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) which allows for the conversion of an existing structure from one use to another use, where only minor modifications are made. Therefore, the proposed project meets this finding.

4. The location and operating characteristics for the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

The site is located at 4500 Park Granada with frontage along Parkway Calabasas, Park Granada, and Park Capri. Surrounding land uses include residential, single-family homes to the west and south, vacant land zoned open space to the north, and residential, multi-family homes to the east. The proposed uses include primarily office with ancillary research and development, and customer education/training uses. The location and operating characteristics of the requested conditional use permit are compatible with the existing and anticipated future land uses in the vicinity because all activities will take place entirely within the leased interior tenant space. As a result, the proposed project meets this finding.

Section 17.62.090(E) of the Calabasas Municipal Code allows the Planning Commission to recommend and the City Council to approve an **Administrative Plan Review Permit** provided that the following findings are made:

1. *The proposed project complies with all applicable provisions of this development code;*

The proposed project required an Administrative Plan Review permit to allow for a 250 square-foot accessory retail store within the main level of the annex building. Retail sales and services are allowed when accessory to a primary use where authorized by Article II. In compliance with Section 17.12.020 of the CMC, the proposed retail use will be accessory to the primary office use and will have no external evidence of any commercial activity, nor access to any space used for the accessory retail use other than from within the structure. Additionally, the accessory retail store is not open to the public. Therefore, the proposed project complies with all applicable provisions of this development code and meets this finding.

2. *The proposed project is consistent with the General Plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;*

The land use of the subject site is Business-Professional Office, which accommodates office uses. Appropriate land uses include business, professional, and medical offices, as well as ancillary service functions. Allowing a 250 square-foot accessory retail store available only to employees and trainees to purchase company products, within the existing office building does not change the use of the subject site. No specific plan or special design theme is applicable to the subject site. Therefore, the project meets this finding.

3. *The approval of the administrative plan review is in compliance with the California Environmental Quality Act (CEQA);*

The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). Per this exemption, projects consisting of interior alterations to an existing building are exempt from provisions of CEQA. This project is also exempt pursuant to Section 15303 (New Construction or Conversion of Small Structures) which allows for the conversion of an existing structure from one use to another use, where only minor modifications are made. Therefore, the proposed project meets this finding.

4. *The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;*

The subject property is an 876,167 square-foot lot (20.1 acres) developed with a three-story office building surrounding an atrium with two subterranean

parking levels, a one-story annex building with one usable basement level, and a four-story parking structure. The existing property is surrounded by residential, single-family homes to the west and south, open space to the north, and residential, multi-family homes to the east. A 250 square-foot area for the accessory retail store is proposed within the main level of the annex building to allow for trainees and employees to purchase company products and the store will not be open to the public. There are no changes proposed to the exterior of the existing buildings, and all existing landscaping will remain. Therefore, the proposed project meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking landscaping, and other development features; and*

The subject property is 876,168 square feet (20.1 acres) in size and contains ample space to accommodate the proposed 250 square-foot accessory retail store to be located within the main level of the annex building. No changes are proposed to any structures, yards, walls, fences, parking landscaping, or other development features. Therefore, the proposed project meets this finding.

6. *The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.*

The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible. The proposed 250 square-foot retail store is accessory to the primary office use to allow for trainees and employees to purchase company products and will not result in any impacts to the character of the community. Additionally, no exterior changes are proposed to the existing buildings. Therefore, the proposed project will integrate with the existing natural surrounding environment and meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council approves File No. 160002778 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. 160002778 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 160002778 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Tyson Strutzenberg with Rising Realty

(applicant) and MK RRP 4500 Park Granada, LLC (owners) and their successors shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. 160002778 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 160002778 and the issuance of any permit or entitlement in connection therewith Tyson Strutzenberg with Rising Realty (applicant) and MK RRP 4500 Park Granada, LLC (owners) and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department/Planning

1. The proposed project shall be occupied in compliance with the approved plans on file with the Planning Division.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. One copy of the approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped "Approved" by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Prior to issuance of building permits, plans shall be reviewed and approved by the Community Development Department to ensure compliance with the plans approved by the Planning Division. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
4. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County

Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.

5. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
6. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
7. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
8. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting equivalent to 60 watts incandescent or less on residential projects is exempt by the Lighting Ordinance.
9. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
10. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.
11. The project is located within a designated "Very High Fire Hazard Severity Zone". The requirements of Chapter 15.04.900 of the Calabasas Municipal Code must be incorporated into all plans.
12. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.

13. Construction Activities - Hours of construction activity shall be limited to:

- i. 7:00 a.m. to 6:00 p.m., Monday through Friday
- ii. 8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. The applicant or its successors shall notify the director of Public Works of the construction employee parking locations, prior to commencement of construction.

14. The use, handling, storage and transportation of hazardous substances shall comply with all applicable state laws (Government Code Section 65850.2 and Health and Safety Code Sections 25505, et seq.), and the Los Angeles County Hazardous Waste Management Plan.

Section 6. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2016.

Mary Sue Maurer, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney