

**P.C. RESOLUTION NO. 2016-628**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS 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, AMENDING CHAPTER 17.11, TABLE 2.2 OF THE CITY OF CALABASAS LAND USE AND DEVELOPMENT CODE.**

**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, including the draft of Ordinance No. 2016-343.
2. Staff presentation at the public hearing held on October 20, 2016, 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 request.
5. Testimony and/or comments from interested parties or organizations 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. On August 17, 2016, Tyson Strutzenberg representing Rising Realty submitted an application for a Development Code Amendment, Conditional Use Permit, and Administrative Plan Review.
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 project was deemed complete on October 5, 2016.
6. Notice of the October 20, 2016, Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market, the Agoura Hills/Calabasas Community center, and at Calabasas City Hall.
7. Notice of the October 20, 2016, Planning Commission public hearing was mailed to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
8. Notice of the October 20, 2016, Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing.
9. Notice of the October 20, 2016, Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
10. Notice of the Planning Commission public hearing was published in The Enterprise newspaper.
11. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
12. The project site is currently zoned Commercial, Office (CO).
13. The land use designation for the project site under the City's adopted General Plan is Business-Professional Office (B-PO).

**Section 3. In view of all of the evidence and based on the foregoing findings, the Planning Commission concludes as follows:**

**FINDINGS**

Section 17.76.050(B) of the 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 land use designation is Business-Professional

Office, which accommodates office uses and appropriate land uses including business, professional, and medical offices, as well as ancillary services. The proposed project maintains a primary office use, with research and development, and customer education/training as ancillary uses. The proposed amendment meets this finding because it maintains and strengthens policies of the General Plan that are intended to preserve a mix of commercial uses. Specifically, Policy II-11 of the Land Use Element of the General Plan is to "promote a mix of retail and service commercial, office, and business park areas that contribute to a sound local economic base." The proposed code amendment allows for "Research and Development Services/Laboratories" as a conditionally permitted use in the Commercial, Office (CO) zone only as accessory to an office. 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 and no health and safety or public interest concerns were raised. 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 Commercial, Office 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 and includes a footnote to Chapter 17.11, Table 2-2 requiring the following standards: (4) 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 proposed amendment does not conflict with any other provision of the Development Code, and therefore, this project meets this finding.

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; 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 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 maintains and strengthens policies of the General Plan that are intended to preserve a mix of commercial uses. Specifically, Policy II-11 of the Land Use Element of the General Plan is to "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 Categorically 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 Planning Commission hereby adopts Planning Commission Resolution No. 2016-628, recommending City Council to approve File No. 160002778 and Ordinance No. 2016-343, amending the City of Calabasas Land Use and Development Code.

#### **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.

PLANNING DIVISION CONDITIONS:

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

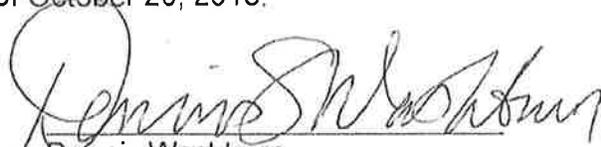
ii. 8:00 a.m. to 5:00 p.m., Saturday

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 5. All documents described in Section 1 of PC Resolution No. 2016-628 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2016-628 PASSED,  
APPROVED AND ADOPTED this 20th day of October 20, 2016.

  
Dennis Washburn,  
Vice Chair

ATTEST:

  
(for) Maureen Tamuri, AIA, AICP, City Planner  
Community Development Director

APPROVED AS TO FORM:

  
Assistant City Attorney

Planning Commission Resolution No. 2016-628, was adopted by the Planning Commission at a regular meeting held October 20, 2016, and that it was adopted by the following vote:

**AYES:** Vice Chair Washburn, Commissioners Kraut Sikand and Fassberg

**NOES:** None

**ABSENT:** Chair Mueller and Commissioner Roseman

**ABSTAINED** None

"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."