

ORDINANCE NO. 2017-351

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENTS ASSOCIATED WITH FILE NO. 160003342, SPECIFICALLY AMENDING CHAPTER 17.11, TABLE 2.2 OF THE CITY OF CALABASAS LAND USE AND DEVELOPMENT CODE TO PERMIT AUTOMOBILE RETAILER, RELATED AUTOMOTIVE ACCESSORY USES, AND OFFSITE AUTOMOBILE DEALERSHIP STORAGE LOTS IN A NEWLY CREATED COMMERCIAL AUTO RETAILER (CAR) OVERLAY ZONE; ADDING A NEW SECTION 17.18.035 [COMMERCIAL AUTO RETAILER (CAR) OVERLAY ZONE] DEFINING PURPOSE, APPLICABILITY AND DEVELOPMENT STANDARDS FOR DEVELOPMENT AND OPERATION OF AUTOMOBILE RETAIL DEALERSHIPS AND RELATED AUTOMOTIVE ACCESSORY USES WITHIN A NEWLY CREATED COMMERCIAL AUTO RETAILER (CAR) OVERLAY ZONE TO CHAPTER 17.18 (OVERLAY ZONES) OF THE CITY OF CALABASAS LAND USE AND DEVELOPMENT CODE; AND AMENDING THE CITY'S LAND USE MAP TO ESTABLISH THE COMMERCIAL AUTOMOBILE RETAILER (CAR) OVERLAY ZONE BOUNDARY.

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 the Planning Commission meeting held on February 16, 2017, and City Council meeting on March 8, 2017, before making a final decision on March 8, 2017; and

WHEREAS, the City Council finds that the Land Use and Development Code Amendments are 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 a Mitigated Negative Declaration (MND) has been prepared and outlines mitigation measures, which have been adopted by the city council for the project; 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 February 16, 2017, the Planning Commission adopted Resolution No. 2016-640 recommending to the City Council: (1) adoption of the mitigated negative declaration; (2) adoption of Ordinance 2017-351, amending Chapter 17.11, and adding new Section 17.18.035 to CMC Title 17 (Land Use and Development Code); and (3) adoption of Ordinance No. 2017-351, amending the City's Zoning Map to establish the Commercial Automobile Retailer (CAR) Overlay Zone boundary.
2. Notice of the March 8, 2017, 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 March 8, 2017, City Council public hearing was posted in The Enterprise ten (10) days prior to the hearing.
4. Notice of the March 8, 2017, 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 properties subject to the proposed overlay zone as shown on the latest equalized assessment roll.
5. Notice of the March 8, 2017, 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 and conclusions, the City Council hereby approves amendments to the City's Land Use and Development Code, and the City's Zoning Map associated with File No. 160003342, specifically amending Chapter 17.11, Table 2.2 of the City's Land Use and Development Code to permit automobile retailer, related automotive accessory uses, and offsite automobile dealership storage lots on 24 parcels located within a newly created Commercial Auto Retailer (CAR) Overlay Zone as detailed on "Attachment 1"; adding a new Section 17.18.035 (Commercial Auto Retailer (CAR) Overlay Zone) defining the purpose, applicability, and development standards for development and operation of automobile retail dealerships and related automotive accessory uses within a newly created Commercial Auto Retailer (CAR) Overlay Zone; and amending the City's Zoning Map, as shown in the attached CAR Overlay Zone boundary map "Attachment 2," to define the boundary

of the newly created Commercial Auto Retailer (CAR) Overlay Zone. The proposed Zoning Map amendments will include 24 parcels encompassing 93.1 acres (including roadways) generally located along and immediately adjacent to Calabasas Road, between Parkway Calabasas on the east end, and to a point 675 feet west of the intersection of Calabasas Road with Mureau Road on the west end.

Section 17.76.050(B) Calabasas Municipal Code allows the Planning Commission to recommend and the City Council to approve amendments to the City's Development Code and Zoning Map 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 consist of creating a commercial auto retailer overlay zone to allow for and incentivize development of automobile retail (and accessory related uses) uses along Calabasas Road consistent with the guidance in the West Calabasas Road Master Plan. Code modifications include allowing auto retailers and offsite auto dealership storage lots in the corridor as a permitted use by right, and increasing the allowable development intensity solely for those automotive related uses permitted by right within the CAR Overlay Zone to a uniform 0.6 FAR. The Code amendments also define basic operational parameters for dealerships consistent with past Calabasas-approved auto retailer entitlements including hours of operation, lighting standards and design (through reference to the West Calabasas Road design standards).

The amendments are consistent with the goals, policies, and actions of the General Plan because it brings the Development Code into conformance with the development guidance contained within the West Calabasas Road Master Plan, incorporated by reference in the Calabasas General Plan's Community Design Element (p. IX-7). Although the West Calabasas Road Master Plan defines uses in this area to be auto retail focused, the existing Development Code (and the City's official zoning map) contains zoning standards and requirements which prohibit auto retail uses on some parcels, and allows auto retail uses with varying land use intensities on other parcels. The code amendments allow auto retail and accessory auto-related uses on all parcels within the overlay zone by right, and at a uniform maximum development intensity of 0.6 FAR (only for those automotive related uses located within the CAR Overlay Zone) consistent with the West Calabasas Road Master Plan. For these reasons, the proposed amendments 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 amendments to Title 17 (Land Use and Development Code) are necessary for the creation of a new Commercial Auto Retailer (CAR) Overlay Zone, and to bring the Land Use and Development Code into consistency with the adopted West Calabasas Road Master Plan, incorporated into the City's General Plan by reference. The proposed amendments to the City's Land Use and Development Code define the overlay zone boundaries, allow auto retail and related accessory uses by right (within the CAR Overlay Zone), define operational standards, and raise the land use intensity to a maximum 0.6 FAR (solely for automotive-related uses permitted by right within the CAR Overlay Zone) to incentivize development of automobile retailers.

Creating an overlay zone, and incentivizing development of auto retailers by raising the allowable land use intensities (solely for automotive related land uses) will not be detrimental to the public interest, health, safety convenience or welfare because the amendments will affect only 93.1 acres (approximately 1% of the City) already developed with auto-related uses. Furthermore, potential impacts resulting from the increases in additional floor area (from 0.2 FAR to 0.6 FAR) have been studied and found to not cause significant impacts to biological resources, aesthetics, traffic conditions, air quality, hazards, noise, housing, public services, recreation, cultural resources or utility systems, as evidenced in the Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA). Therefore, the proposed amendments to the Development Code meet this finding.

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

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. In preparing the IS/MND, staff independently reviewed, evaluated, and exercised judgement over the project and the project's potential environmental impacts. The Final IS/MND identified the areas where the project may have a potential effect on the environment. All areas with impacts listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures. With the inclusion of the identified mitigation measures, the project will not have a significant effect on the environment.

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

The proposed amendments consist of creating a commercial auto retailer (CAR) overlay zone to allow for and incentivize development and redevelopment of automobile retail (and accessory related uses) along Calabasas Road, consistent with the guidance in the West Calabasas Road Master Plan. Code modifications

include allowing auto retailer and offsite auto dealership storage lots in the corridor as a permitted use by right, and increasing the allowable development intensity to a uniform maximum 0.6 FAR solely for only those automotive related uses permitted by right located within the CAR Overlay Zone. The Code amendments also define basic operational parameters for dealerships consistent with past Calabasas-approved auto retailer entitlements including hours of operation, lighting standards and design (through reference to the West Calabasas Road design standards).

The proposed amendments to the City's Land Use and Development Code are structured in a way to not affect any of the development standards contained in the remainder of the Code. None of the operational standards created for the Commercial Auto Retailer (CAR) Overlay Zone will pertain to other uses defined in the Code, nor will creation of the overlay zone change the underlying zoning of parcels outside of the defined overlay zone boundary. Additionally, amendments to the Land Use and Development Code only change the parameters of development for auto retail and accessory auto retail-related uses, and do not change the remaining underlying allowed uses on parcels existing within the overlay zone boundaries. Furthermore, the standards and requirements relating to hillside development, oak tree protection, scenic corridor protection, dark skies protection, water-efficient landscaping, green buildings, off-street parking and loading, and all other applicable provisions of the Development Code all still apply. For these reasons, the amendments meet this finding.

5. *The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.*

The proposed amendments to the City's Land Use and Development Code Map affect 24 parcels located in the CAR Overlay Zone area (totaling 84.1 acres of private property and 9 acres of public streets) that vary in characteristics such as topography, configuration and presence of resources and/or other constraints. All parcels contained in the subject area are suitable for development due to the presence of adequate infrastructure including street access, water, power, drainage/sewage facilities, and emergency services. Furthermore, all parcels, while they have a varying presence of resources such as biological, cultural, mineral, aesthetics, etc., will need site specific studies to identify resources on-site and propose mitigations to reduce impacts to those resources to the maximum extent feasible. For these reasons, sites within the proposed project area are suitable for the proposed zoning and future anticipated development, and this finding can be made.

SECTION 3. CODE AMENDMENT. Section 17.11.010 of the Calabasas

Municipal Code, specifically Table 2-2, Land Use Table, is hereby amended consistent with Attachment 1, which is incorporated herein by reference as is fully set forth.

SECTION 4. CODE AMENDMENT. Section 17.18.035 is hereby added to the Calabasas Municipal Code to read as follows:

Section 17.18.035 – Commercial Auto Retailer (CAR) Overlay Zone.

A. Purpose and Applicability. The purpose of the CAR overlay zoning district is to protect an important economic base of the city by incentivizing the development of businesses for automotive sales and service; to safeguard and enhance property values; to protect public and private investment, buildings and open spaces; and to protect and enhance the public health, safety, and welfare.

1. The CAR overlay zoning district applies to the West Calabasas Road area of the city, as shown on the City’s zoning map. This is a Master Planned area where existing parcels were zoned prior to adoption of the City’s West Calabasas Road Master Plan which calls for automotive-serving uses in the area. The CAR Overlay zoning district accomplishes the following:

- a. Ensures that auto sales and service, and other related automotive uses, are permitted within the area, consistent with the West Calabasas Road Master Plan;
- b. Maximizes density for automotive uses in order to incentivize development consistent with the vision in the Master Plan;
- c. Provides standards specific to appropriate automotive retailing development and operation as well as site development and design.

2. The CAR Overlay zone shall be applied only when automotive related development consistent with that envisioned in West Calabasas Road Master Plan is proposed on a site. Projects proposing a use other than auto sales and service shall follow the development code requirements for the underlying zone.

B. Development Standards. All development within the CAR overlay zoning district shall comply with all applicable provisions of the Development Code, in addition to the following.

1. The following automotive-related land uses are permitted by right within the CAR overlay zone district:
 - a. Sales of new and used motor vehicles;
 - b. Sales of automotive parts and accessories (when accessory to sales of new and used motor vehicles);
 - c. Service and repair of motor vehicles (when accessory to sales of new and used motor vehicles);
 - d. Car washes and automobile detailing services (when accessory to sales of new and used motor vehicles);
 - e. Indoor and outdoor storage of motor vehicles for sale (when accessory to sales of new and used motor vehicles);
 - f. Off-site dealership and sales inventory lots (only if stored vehicles are dealership owned, stored for future sales, and storage is not open or available to the general public).
2. Specific building design and site development standards and guidelines applicable to this zone include those found in the West Calabasas Road Master Plan.
3. Hours of operation for automotive retailing businesses shall be limited to 7:00 A.M. to 10:00 P.M. Monday through Saturday, and 10:00 A.M. to 6:00 P.M. on Sundays, except as may otherwise be established via a conditional use permit, or as may be allowed on a temporary basis for special events under a Temporary Use Permit (issued by the Community Development Director).
4. Lighting of rooftop inventory and parking areas shall be limited to levels necessary only for security and safety needs between the hours of 10:00 P.M. and daylight. Glare from site lighting shall not travel to adjacent residential communities. All lighting shall be shielded in conformance with the requirements of Chapter 17.27.
5. The maximum allowable aggregate floor area for buildings serving an auto sales and service use on a property within the CAR Overlay Zone may not exceed a net floor area ratio of 0.6.

SECTION 5. CODE AMENDMENT. The City's Zoning Map is hereby amended to establish the boundary of the CAR Overlay Zone as shown in Attachment 2, which is incorporated herein by reference as is fully set forth.

SECTION 6. 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 7. EFFECTIVE DATE. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

SECTION 8. 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 22nd day of March, 2017.

Mary Sue Maurer, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard
City Attorney

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Chapter 17.11 Allowable Land Uses**Sections:**

- 17.11.010 Permitted, conditional and accessory land uses – all zoning districts.**
17.11.020 Determination of similar use.

17.11.010 Permitted, conditional and ancillary land uses – all zoning districts.

- A. Land Use Permit Requirements. The uses of land allowed by this development code in the commercial zoning districts are identified in the following table as being:
1. A permitted use (identified with a "P" in the table), means that the use is permitted in the particular zoning district as long as all other zoning district and special criteria are met.
 2. An accessory use (identified with an "A" in the table) means that the use is allowed as long as it is ancillary to another permitted use and as long as all other zoning district and special criteria are met.
 3. A conditional use (identified with a "C" in the tables), means that a use is allowed subject to approval of a conditional use permit (Section 17.62.060).
 4. A temporary use (identified with a "TUP" in the tables), means that a use is allowed subject to prior approval and issuance of a temporary use permit (Section 17.62.030).
- B. Uses Not Listed. Land uses that are not listed on the table or when a space in the table is blank in a particular zoning district, the land use is prohibited, except where provided by Section 17.11.020.
- C. Additional Permit/Approval Requirements. A use of land allowed in compliance with subsection (A) of this section, as well as any proposed development related thereto, shall also comply with the following where applicable:
1. A site plan review (Section 17.62.020), administrative plan review (Section 17.62.090), or development plan review (Section 17.62.070) is required for all new development and a scenic corridor permit (Section 17.62.050) is required for new development in a scenic corridor. Where no other

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authorization is required, a request for zoning clearance (Section 17.62.110) shall be required.

2. Design review (Chapter 2.40 of the Municipal Code) where required by the General Plan, or any specific plan, master plan, or design guidelines; and
3. A building or grading permit if required by Title 15, or any other permit or approval required by the Municipal Code.

The review or clearance discussed in Subsection C.1 and 2. Above shall be completed and approved by the review authority before the proposed use of land is commenced or established and before site work on any proposed development is started. Proposed uses shall also comply with all other applicable provisions of this Development Code.

- D. Standards for Specific Uses. Where the last column in the following table ("See Section") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may apply as well.
- E. All processes and activities related to a permitted or conditional use are to be conducted within a completely enclosed building or structure with the following exceptions: temporary uses (Section 17.62.030), outdoor storage of materials and finished product (where permitted), and outdoor dining areas.
- F. Land Use Table. Land uses listed in the following table shall be defined using the North American Industry Classification System (NAICS) unless otherwise defined in Article VII. Specific land uses within the table are grouped under the following major headings:

AGRICULTURE

RESIDENTIAL

INSTITUTIONAL

Educational

Medical

Public

Religious

Non-profit / Service Organizations – 501(c) (3)

Utilities

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COMMERCIAL

Alcohol
Automobile Related Services
Automobile Repair
Communications
Day Care Facilities
Eating / Drinking Places and Food Services
Entertainment and Recreation
Lodging
Offices
Retail
Services
Transportation

INDUSTRIAL

Light Industrial
Manufacturing
Warehousing/Storage
Wholesale

TEMPORARY AND INTERIM USES

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TABLE 2-2 - LAND USE TABLE

**KEY: P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required),
A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)**

LAND USE	ZONE																	See standards in section
	RS	RM	RMH	RR	RC	PD	HM	OS	OS-DR	PF	REC	CL	CR	CO	CMU	CB	CT	
Campaign Offices						P						P	P	P	P	P	P(1)	
Charitable Distribution Services (i.e. food banks, etc.)													C	C		C		
Charitable, Philanthropic, Service, and other Non-profit Organization Offices						P						P	P	P	P	P	P(1)	
Utilities																		
Public Utility / Service Structure	C	C		C		P						P	P	P	P	P		17.02.020 (B)10
Public Utility Office						P						P	P	P	P	P	P(1)	
COMMERCIAL																		
Alcohol																		
Alcoholic Beverage Sales						C(3)						C(3)	C(3)	C(3)	C(3)	C(3)	C(1)(3)	17.12.035
Wine/Beer Specialty Shop						C							C		C		C(1)	17.12.035
Automobile Related Services																		
Automotive Parts and Accessories Stores												P(5)	P(5)/C			P(5)/C		17.18.035
Automobile Repair																		
Automotive Services – (i.e.: Tune-up, emission tests, batteries, etc.) (no use of impact wrenches or other equipment that could create noise impacts)												P(5)	P(5)/C			P		17.18.035 (If within CAR Overlay Zone)
Minor Repair (i.e.: Brakes, tires, radiators, electrical, etc.)												P(5)	P(5)/C			P		17.18.035 (If within CAR Overlay Zone)
Major Repair (i.e.: Engine and transmission repair/rebuild, etc.)												P(5)	P(5)/C			P(5)/C		17.18.035

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A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)**

LAND USE	ZONE																	See standards in section	
	RS	RM	RMH	RR	RC	PD	HM	OS	OS- DR	PF	REC	CL	CR	CO	CMU	CB	CT		
Motorcycle Engine Customization																			
Car Wash – Full Service																			
Service Station												P(5)	P(5)/C				P(5)/C		17.18.035
Motor Vehicle Sales													C				C		17.12.190
New and Used																			
Motor Vehicle Storage												P(5)	P(5)/C				P(5)/C		17.18.035
Indoor																			
<u>Off-site Dealership and Sales Inventory Lots</u>												P(5)/C	P(5)/C			C	P(5)/C		17.18.035
Parking: Commercial Lot / Garage												P(5)	P(5)				P(5)		17.18.035
Communications												C	C	C	C	C	C	C(1)	
Wireless Telecommunications Facilities												C	C	C	C	C	C	C(1)	17.12.050
Satellite Antennas	A	A	A	A	A	A	A	A				A	A	A	A	A	A	A	17.12.050
Recording and Sound Studios						P						P	P	P	P	P	P		
Day Care Facilities																			
Child Day Care Center –	C	C		C	C	C						P	P	P	P	P			17.12.070
Large Family Day Care Home (9 to 14 children)	C	C		C	C	C													17.12.070
Small Family Day Care Home (8 or fewer children)	P	P		P	P	P													17.12.070
Eating/Drinking Places & Food Services																			
Bar / Cocktail Lounge														C		C	C	C(1)	
Night Club														C		C	C		

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KEY: P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required), A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)																		
LAND USE	ZONE																	
	RS	RM	RMH	RR	RC	PD	HM	OS	OS-DR	PF	REC	CL	CR	CO	CMU	CB	CT	See standards in section
Paper Product Manufacturing																		
Printing and Related Activities																	C	
Warehousing/Storage																	C	
Warehousing, accessory																		
Wholesaling and Distribution																	C	
TEMPORARY AND INTERIM USES																		
Construction Yards																		
Location Filming	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	17.62.030
Parking Lot Sales												T	T	T	T	T	T	Chapter 5.04 & 17.62.030
Seasonal Sale (Christmas Tree, Pumpkin, and similar Lots)												T	T	T	T	T	T	17.62.030
Special Events (Street / Craft fair and Farmers Markets)												T	T	T	T	T	T	17.62.030
TEMPORARY AND INTERIM USES																		
Storage – Temporary Portable Containers	T	T	T	T	T	T	T	T				T	T	T	T	T	T	17.62.030
Temporary Structures (i.e. subdivision sales office, etc.)	T		T	T	T	T		T										17.62.030

- Notes: (1) Use allowed only where in compliance with the Old Town Calabasas Master Plan and Design Guidelines.
 (2) Use falls under Residential Care Homes and is subject to applicable standards and conditions.
 (3) Allowable only in conjunction with a primary allowable use (e.g., convenience store, grocery store, restaurant, etc.).
 (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.

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(5) Allowed as a "Permitted" use only within the Commercial Auto Retailer (CAR) Overlay Zone and subject to the requirements in Section 17.18.035

CAR OVERLAY ZONE BOUNDARY

