

P.C. RESOLUTION NO. 2021-726

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). PL1900398 AND MSCP-2021-002, A REQUEST FOR A NEW SIGN PROGRAM AND MINOR SCENIC CORRIDOR PERMIT FOR THE COURTYARD AT THE COMMONS SHOPPING CENTER LOCATED AT 23741 CALABASAS RD (APN: 2068-002-024 AND APN: 2068-002-025) WITHIN THE COMMERCIAL MIXED USE (CMU) ZONING DISTRICT AND SCENIC CORRIDOR (-SC) OVERLAY ZONE.

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 were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on September 2, 2021 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 applicant's request.
5. 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 hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

Section 2. Based of the foregoing evidence, the Planning Commission finds that:

1. The applicant submitted an application for File No. PL1900398 on January 31, 2019.
2. The Development Review Committee reviewed the project on February 11, 2019.

3. A Notice of Application Incompleteness letter was sent to the applicant on March 1, 2019 and numerous subsequent resubmittals were made by the applicant.
4. On April 21, 2021, the property owner designated a new applicant to produce the sign program for the property, and a revised sign program was submitted by the new applicant.
5. The Architectural Review Panel reviewed the project on September 27, 2019, February 28, 2020, and on July 23, 2021. At the July 23, 2021 meeting, the Panel recommended approval of the project.
6. On August 18, 2021, with all outstanding comments addressed by the new applicant, the application was deemed complete and the applicant was notified.
7. Notice of September 2, 2021 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2), and was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, and at Calabasas City Hall.
8. Notice of the September 2, 2021 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
9. Notice of the September 2, 2021 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
10. The project site is currently zoned Commercial, Mixed Use (CMU) and is within the Scenic Corridor overlay zone (-SC).
11. The land use designation for the project site under the City's adopted General Plan is Mixed Use 0.95.
12. The surrounding land uses around the subject property are mixed use 0.95, business – old town, and the 101 Freeway.

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

FINDINGS

Section 17.30.050(F) of the Calabasas Municipal Code allows the Planning Commission to approve a Sign Program provided that the following findings are made:

1. *The proposed sign is permitted within the zoning district including any overlay zone and, except as provided in subsection (D) of this section, complies with all applicable provisions of this chapter, and any other applicable standards.*

The subject commercial shopping center is located within the Commercial, Mixed Use (CMU) zoning district and Scenic Corridor (-SC) overlay zone, which allows for the installation of signs associated with the commercial use of the property. The proposed sign program incorporates monument signs, a gateway sign, freeway facing monument sign, freeway facing building-mounted sign, tenant building-mounted signs, and pedestrian signs that comply with all of the CMC standards for sign area, sign number, sign height, sign location, and sign lighting.

Additionally, the freeway facing monument sign is proposed to have a maximum height of 16 feet. In accordance with Section 17.30.070(C) of the CMC, the permitted height and area of a freeway facing sign is 10 feet tall and 100 square feet. However, the planning commission may grant additional height and area up to a maximum of 16 feet tall and 200 square feet when a) recommended by the Architectural Review Panel, and b) at least one (1) of the following circumstances is present:

- i. *The sign is obscured by a physical barrier, such as an existing structure or berm, reducing its visibility from a scenic corridor or public right-of-way.*

The proposed freeway facing monument sign is located adjacent to a drainage channel and 14'6" high sound wall maintained by Caltrans, which slopes downward towards the eastern end of the property and obscures the bottom 2 to 5 feet of the sign (depending on the direction of travel along the 101 freeway) at the location in which the sign is proposed.

- ii. *The location of the sign is at a disadvantage for viewing due to its location at distance from a scenic corridor or right-of-way.*

The location is at a disadvantage due to the grade difference between the top of wall and the freeway surface below. The top of the sound wall, which obscures the bottom 2 to 5 feet of the sign, is more than 11 feet above the freeway grade, and therefore the sign will be at a reduced visibility due to the angle of view to drivers approaching the sign.

- iii. *The sign seeks to identify multiple tenants, and the legibility of the tenant signage is enhanced by additional sign area;*

The proposed monument sign will display several of the major tenants at the center, and the legibility of the tenants' sign copy over the sound

wall will be enhanced by the sign being 16 feet in height rather than the 10 feet in height permitted by the CMC. At a smaller sign height, the sign copy would be smaller, which would reduce legibility of the sign from the freeway below.

- iv. *The sign is located along the freeway corridor, where traveling speed reduces the opportunity to read the sign based on criteria such as reduced visibility, width of lot or other factor as noted above.*

The sign is proposed to be 16' in height, which will allow drivers on the freeway below to differentiate between the primary content of the sign and the sign's surroundings. At only 10' in height, drivers on the freeway below could be travelling at a speed that makes the sign difficult to read, as the sign copy would only just be visible over the top of the sound wall. This is also demonstrated in the height comparison analysis (Exhibit C of the staff report), which shows a comparison between the 16' freeway facing monument sign and 10' freeway facing monument sign.

The Architectural Review Panel also reviewed this project on July 23, 2021, and commented that they supported the proposed 16-foot tall freeway facing monument sign for better visibility from the 101 Freeway. Therefore, the proposed project meets this finding.

2. *The sign is in compliance with Section 17.30.060.*

The materials and design of the proposed sign program are in conformance with the design criteria in section 17.30.060 of the CMC. The style and materials proposed are consistent throughout all the signs. Additionally, colors and materials for the monument signs are compatible with the colors and materials of the commercial buildings. Therefore, the proposed sign program meets this finding.

Section 17.62.050(D) of the Calabasas Municipal Code allows the Planning Commission to approve a Minor Scenic Corridor Permit provided that the following findings are made:

1. *The proposed project design complies with the scenic corridor development guidelines adopted by the council.*

The Scenic Corridor Development Guidelines were designed to promote development that adds to the visual beauty of designated scenic corridors. The guidelines include that interior and external lighting for signage should be kept to an absolute minimum, except for commercial urban areas. The proposed sign program includes internally illuminated signs only, with no signs proposed to have external illumination, which is consistent with Section 17.30.080 of the CMC as well as the City's Dark Skies Ordinance, Section 17.27.020.

The Scenic Corridor guidelines also state that all signage should be visually proportionate to the building façade, and have balance and scale with the overall building mass. Upon initial review of the proposed project, the Architectural Review Panel (ARP) had recommended the signs be revised to be smaller in size and more similar in design to the architecture of the shopping center, for consistency with the Scenic Corridor Development Guidelines. With the sign program revised to address those details, the ARP determined that the design of the sign program is consistent with the guidelines, and recommended approval of the sign program as proposed. Therefore, the proposed project complies with the Scenic Corridor Development Guidelines and meets this finding.

- 2. The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor.*

The applicant is proposing a new sign program for an existing shopping center. The sign program incorporated similar colors and materials as the existing shopping center to ensure compatibility with the Scenic Corridor, and the design of the signs were also revised to accommodate comments from the Architectural Review Panel to ensure consistency with the architecture of the existing center. As a result, the sign program was revised to comply with the Scenic Corridor development guidelines and complement the design of the existing shopping center. Given these circumstances, the proposed project meets this finding.

- 3. The proposed project is within an urban scenic corridor designated by the General Plan, and includes adequate design and landscaping, which serves to enhance and beautify the scenic corridor; or.*

The applicant is proposing a new sign program to replace the existing sign program for the commercial shopping center known as the Courtyard at the Commons. The proposed sign program is compatible with on-site structures. However, because no physical site development is proposed, additional landscaping is not part of this application. As a result, the proposed project meets this finding.

- 4. The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale, with existing uses, development, signs, structures, and landscaping of the surrounding area.*

The proposed sign program does not alter the existing building or façade, which has been designed to be compatible with the existing uses and development of the surrounding area. All signs will be subject to the City's lighting ordinance in order to ensure lighting levels will be kept to a minimum. As a result, the proposed sign program meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby approves File No(s). PL1900398 and MSCP-2021-002 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(s). PL1900398 and MSCP-2021-002 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No(s). PL1900398 and MSCP-2021-002 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Mitch Chemers (applicant) and BVK Courtyard Commons 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(s). PL1900398 and MSCP-2021-002 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No(s). PL1900398 and MSCP-2021-002 and the issuance of any permit or entitlement in connection therewith Mitch Chemers (applicant) and BVK Courtyard Commons 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 Division

1. The proposed project shall be built 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. 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. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.
4. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
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 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 an affidavit of acceptance of 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.
7. 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.
8. 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.
9. All lighting shall be installed and maintained in compliance with Chapter 17.27 of the CMC. The property owner shall work cooperate with the Director to adjust lighting levels as necessary in the field, after installation.
10. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
11. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.

12. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Section 15.04.500 of the CMC shall be incorporated into all plans.
13. 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.
14. Construction Activities - Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

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. No vehicles involved in construction of this project shall block the roadway at any time. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.

15. All signs shall be installed in conformance with the approved sign program on file with the Planning Division. A sign permit shall be required prior to the installation of any new sign.

Section 5. All documents described in Section 1 of PC Resolution No. 2021-726 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2021-726 PASSED,
APPROVED AND ADOPTED this 2nd day of September, 2021.

Wendy Fassberg
Chairperson

ATTEST:

Maureen Tamuri
Community Development Director

APPROVED AS TO FORM:

Matthew T. Summers
City Attorney

Planning Commission Resolution No. 2021-726, was adopted by the Planning Commission at a regular meeting held September 2, 2021, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

“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.”