

Item 11 Attachment A

RESOLUTION NO. 2021-1752

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING FILE NO(S). SGNP-2021-003, SGN-2021-008 AND MSCP-2021-005, A REQUEST FOR A NEW SIGN PROGRAM, SIGN PERMIT AND MINOR SCENIC CORRIDOR PERMIT TO ESTABLISH A NEW SIGN PROGRAM, AND FOR THE INSTALLATION OF ONE MONUMENT SIGN, FOUR BUILDING MOUNTED SIGNS, THREE VINYL WINDOW (INFORMATIONAL) SIGNS, AND ONE VINYL ADDRESS (INFORMATIONAL) SIGN FOR THE AUDI AUTO DEALERSHIP LOCATED AT 24650 CALABASAS RD (APN: 2069-009-027) WITHIN THE COMMERCIAL LIMITED (CL) ZONING DISTRICT, AND THE SCENIC CORRIDOR (-SC) AND COMMERCIAL AUTO RETAILER (CAR) OVERLAY ZONES.

Section 1. The City Council 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 November 10, 2021 before the City Council.
3. The City of Calabasas Land Use and Development Code, General Plan, West Calabasas Road Master Plan, Scenic Corridor Design Guidelines, 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 City Council finds that:

1. The applicant submitted applications for File Nos. SGN-2021-008 and MSCP-2021-005 on May 14, 2021.

2. A Notice of Application Incompleteness letter was sent to the applicant on June 11, 2021.
3. Subsequently, the applicant submitted an additional application for File No. SGNP-2021-003 on August 9, 2021.
4. The Development Review Committee reviewed the amended project applications on August 16, 2021.
5. A Notice of Application Incompleteness letter was sent to the applicant on September 1, 2021.
6. On September 9, 2021, the applicant submitted a revised sign program, and subsequently, on October 6, 2021, the application was deemed complete.
7. The Architectural Review Panel reviewed the project on September 24, 2021 and recommended approval of the project.
8. A noticed public hearing was held by the Planning Commission on October 21, 2021.
9. Notice of October 21, 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.
10. Notice of the October 21, 2021 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
11. Notice of the October 21, 2021 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
12. At the October 21, 2021 public hearing, the Planning Commission approved Resolution No. 2021-734, recommending to the City Council approval of the project.
13. A noticed public hearing was held by the City Council on November 10, 2021.
14. Notice of the November 10, 2021 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, and at Calabasas City Hall.

15. Notice of the November 10, 2021 City Council public hearing complied with the notice requirements set forth in Government Code Section 65009 (b)(2), and were mailed or delivered to property owners within 500 feet of the property as shown on the latest equalized assessment roll at least ten (10) days prior to the hearing.
16. The project site is currently zoned Commercial, Limited (CL), and is within the both the Scenic Corridor (-SC) overlay zone (-SC), and Commercial Auto Retailer (-CAR) overlay zone.
17. The land use designation for the project site under the City's adopted General Plan is Business – Limited Intensity (B-Li).
18. The surrounding land uses around the subject property are Business, Limited Intensity (B-Li), Business, Retail (B-R), Open Space – Resource Protected (OS-RP), and the 101 Freeway.

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

FINDINGS

Section 17.30.050(F) of the Calabasas Municipal Code allows the City Council to approve a Sign Program and Sign Permit 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 Audi automobile dealership is located within the Commercial, Limited (CL) zoning district and both the Scenic Corridor (-SC) and Commercial Auto Retailer (-CAR) overlay zone, which allows for the installation of signs associated with the commercial use of the property, and additional signs specifically allowed for the auto dealership use. The proposed sign program and sign permits incorporate a 25 foot high, 150 sq. ft., internally illuminated monument sign (Sign #5), a 62.64 sq. ft. internally illuminated, building-mounted Franchise Sign (Sign #1), a 49.08 sq. ft., internally illuminated, building-mounted retail tenant identification sign (Sign # 2a and #2b), a 2.7 sq. ft., building-mounted, non-illuminated secondary retail tenant identification sign (Sign #3), a 6 sq. ft., building-mounted, internally illuminated special service sign (Sign #4), three 2.95 sq. ft. window informational signs (Sign #6, #7 and #8 - exempt from permit requirements), and a 2.44 sq. ft., building mounted, non-illuminated informational (address) sign (Sign #9 - exempt from permit

requirements) that, with the exception of the monument sign, comply with all of the CMC standards for sign area, sign number, sign height, sign location, and sign lighting.

The monument sign is proposed at a height of 25 feet and at an area of 150 sq. ft.. Following review and recommendation by the Planning Commission, the City Council may approve a monument sign of up to a maximum of 25 feet high and 150 sq. ft. in area if the City Council finds that it is necessary to allow the applicant visibility comparable to other properties in the Calabasas Road District.

The subject property is one of five developed properties within the Calabasas Road District. All of the developed properties are visible from Calabasas Road. From the US 101 Freeway, all of the properties are visible from westbound lanes. However, from eastbound lanes, all the developed properties have varying degrees of visibility depending on their location with respect to the freeway (i.e. directly abutting the freeway or south of Calabasas Road), topographic conditions, and the presence of mature landscaping. The subject property has the greatest limitation on visibility, mainly due to topographic conditions created by the Mureau Road freeway overpass bridge and associated embankments, and the presence of mature landscaping. The property is also south of Calabasas Road, and therefore, further away from the US 101 Freeway. Direct, unimpeded view of the property does not occur for eastbound travelers until a point where a car has reached the portion of the freeway even with the Audi dealership building.

Additionally, of the four other developed properties (not including the subject site), two properties have monument signs that exceed the 20 foot high maximum (both are 25 feet high), and exceed the 100 sq. ft. maximum sign area (150 sq. ft. for BMW and 133 sq. ft. for Mercedes). The other two developed properties (Volvo and Calabasas Auto Spa), both have monument signs that comply with the maximum height and area requirements in the Calabasas Road District. To this end, and because the subject property has the greatest visibility limitation, an increase in the monument sign height and area is warranted to give the subject property comparable sign visibility to other properties in the Calabasas Road District.

Furthermore, the Architectural Review Panel also reviewed this project on September 24, 2021, and recommended approval of the sign program and the design of all the proposed signs. Therefore, the proposed project meets this finding.

2. The sign is in compliance with Section 17.30.060.

CMC Section 17.30.060 includes the City's Sign Design Criteria. Design criteria include requirements for internal sign design consistency, compatibility with the building design, colors and materials, limiting lighting spillover, use of durable materials, required landscaping at the base of monument signs, maintenance (i.e. signs being kept in good repair and appearance), placement not to obstruct views of autos, bicyclists or pedestrians, and screening of transformer boxes and raceways.

The design of the "approved" auto dealership building is modern in style, featuring a unique (gray colored) metal honeycomb cladding (diamond shaped perforated corrugated metal rainscreen), 25-foot tall glass storefront windows that wrap around the side of the building, and natural gray CMU masonry blocks. All proposed signs are stylistically consistent with each other, and include Audi's corporate-branded colors including silver, gray, red and a day/night color scheme that displays a black color by day and a white color by night, all of which are complimentary to the color scheme of the building. Additionally, the building mounted signs' acrylic faces and returns, and the monument sign's Alucobond metal paneling both complement the design of the building which features metal cladding and tall glass features.

Of the proposed building-mounted signs (Signs #1, #2a, #2b, #4, and #9) are oriented toward Calabasas Road and the US 101 Freeway to the north. These signs include crisp graphics and can easily be viewed from vehicle and pedestrian areas to the north. Nighttime internal illumination (LEDs behind acrylic sign faces) will provide a soft light, but visually clear images, and thus also comply with the requirement to minimize light spillage onto public rights-of-way or adjacent properties. Signs #3, #6, #7, and #8 are oriented toward public parking and patron entrance areas to the east and west of the dealership and do not include nighttime illumination. These signs are smaller in size, also featuring crisp graphics, and meant for customers walking into the facility.

The monument sign will be situated within a landscaped area near the eastern driveway entrance. It is proposed at a height of 25 feet, an approximate width of 10½ feet, and has an area of 150 sq. ft., but is sufficiently set back from Calabasas Road (20 feet) so as not to impede the views of drivers, cyclists or pedestrians entering and exiting the facility or traveling along Calabasas Road.

None of the proposed signs are situated to project into any street rights-of-ways, driveways, or sidewalks. Acrylic and metal sign material components are durable. Furthermore, all signs utilize uniform font, style, lettering and graphics for a unifying design throughout the dealership. For all these reasons, the proposed sign program and signs meet this finding.

Section 17.62.050(D) of the Calabasas Municipal Code allows the City Council 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 project site is located within a designated scenic corridor, and as such, is required to comply with the Scenic Corridor Design Guidelines. The Scenic Corridor Development Guidelines were designed to promote development that adds to the visual beauty of designated scenic corridors. Specific to signage, the Scenic Corridor guidelines state that all signage should be visually proportionate to the building façade, have balance and scale with the overall building mass, and that the color, lettering style, and size should be consistent with adjacent signs.

The proposed new signs, like the approved design remodel revisions (under construction) for the dealership, are designed consistent with Audi's corporate image. The colors, materials, lettering style and size of all the signs are all uniform to each other, and complementary to the colors, materials, and overall design of the building. The most prominent of the signs (Sign #1, #2a, and #2b,) are large enough to present a clear image, but are proportionally subordinate to the building façade element against which they are proposed. The largest of the signs, the Audi "rings" logo is approximately 4 foot 8 inches tall by 13 feet 6 inches wide against a building façade element that measures approximately 38 feet high and 79 feet wide. Likewise, Signs 2a and 2b (considered one sign) that identify the business name are 2 feet high by 27 feet wide collectively (both #2a and #2b) on the same building façade element. The building mounted "Service" sign (Sign #4), proposed at one foot high by 6 feet wide is centered over the covered service drive element that is approximately 18 feet 8 inches tall and 37 feet wide. The remainder of the building mounted signs (Sign #3, #6, #7, #8, and #9), with the exception of Sign #9 (address), are pedestrian oriented and very small in relation to the building. Sign #9 (address) is necessary for building address identification and is less than 1 foot tall and 3 feet 8 inches wide against the same front façade as Sign #1, #2a and #2b.

The monument sign (Sign #5) is proposed at a height of 25 feet and at a width dimension (with support structure) of 10 feet 4 ½ inches. The monument sign will be separated from the building by approximately 110 feet and sited within a landscaped area in the northeastern portion of the site, adjacent to the eastern driveway. The site itself has a width (street frontage) of just over 381 feet in length. The full width of the dealership structure is approximately 246 feet, and has building elements up to approximately 44 feet in height. In this respect, placement of a 25-foot high and approximately 10½ foot wide monument sign is

proportional to both the site and the structure. Furthermore, the proposed monument sign complies with the maximum allowable height and sign area standards. 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, and nine new signs for an existing auto dealership that has been approved by the City and is currently under construction for a complete design remodel. The sign program elements and proposed design of the signs incorporate similar colors and materials as the new approved building design to ensure compatibility with the Scenic Corridor. Proposed illumination for the signs is internal and will illuminate the signs through acrylic sign faces for soft lighting levels while providing crisp, easy to read images. Furthermore, the design of the signs was also reviewed by the Architectural Review Panel to ensure consistency with the architecture of the new building design. The Architectural Review Panel recommended approval of the design. 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.*

The applicant is proposing nine new signs (with an associated new sign program) for the existing Audi auto dealership. In 2019, the City approved a complete design remodel to upgrade the dealership structure to Audi's new corporate image, and the project is currently under construction. The proposed signs all include either Alucobond metal paneling or acrylic sign faces and returns designed with Audi's corporate branded colors of silver, gray, red, and a day/night color scheme in order to be architecturally compatible with the approved (and now under construction) modernized building design which utilizes a similar color scheme. Additionally, all proposed signs use similar materials, colors, copy and design elements to ensure internal design consistency. Furthermore, the proposed signs utilize internal lighting to provide "soft" light which will preserve "dark skies" within the scenic corridor, while providing crisp, easy to read images. No new landscaping is proposed as part of this project. For these reasons, the 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 applicant is proposing nine new signs (with an associated new sign program) for the existing Audi auto dealership located within the Calabasas Road District and Commercial Auto Retailer Overlay Zone located on Calabasas Road, west of Parkway Calabasas. This area is characterized mostly by auto-related uses, including four auto dealerships. In 2019, the City approved a complete design remodel to upgrade the dealership structure to Audi's new corporate image, and the project is currently under construction. Building designs for the other auto dealerships in the surrounding area include corporate-branded modern styling, and include sign designs that are compatible to their respective buildings. While the revised architectural design of the Audi dealership will differ from the exact designs of the other auto dealerships, the modern architectural theme of the Audi's building revision is consistent with the generally modern style of the other adjacent dealerships (including their signs). Since the Audi dealership's proposed new signs are designed to match the modern style of its building, the new signs will be compatible with the other signs in the surrounding area. Additionally, the proposed new signs will include internal illumination which will produce soft lighting, consistent with other adjacent development in the surrounding area and the City's lighting ordinance. 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 City Council hereby approves File No(s). SGNP-2021-003, SGN-2021-008 and MSCP-2021-005 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). SGNP-2021-003, SGN-2021-008, and MSCP-2021-005 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No(s). SGNP-2021-003, SGN-2021-008, and MSCP-2021-005 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Rick Rice (applicant) and CARS CNI-2 L.P., CARS CNISPE-2 INC. (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). SGNP-2021-003, SGN-2021-008, and MSCP-2021-005 and the issuance of any permit or entitlement in connection therewith, or the

activities conducted pursuant to this File No(s). SGNP-2021-003, SGN-2021-008, and MSCP-2021-005 and the issuance of any permit or entitlement in connection therewith Rick Rice (applicant) and CARS CNI-2 L.P., CARS CNISPE-2 INC. (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.
16. All signs, including all parts, portions and materials thereof, shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted and free from rust, cracking, peeling, corrosion or other states of disrepair.

Section 5. All documents described in Section 1 of Resolution No. 2021-1752 are deemed incorporated by reference as set forth at length.

Section 6. Certification:

The City Clerk shall certify to the passage and adoption of this Resolution and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 10th day of November 2021.

James R. Bozajian, Mayor

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
City Attorney