

P.C. RESOLUTION NO. 2021-736

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). SGNP-2021-002 AND MSCP-2021-007, A REQUEST FOR A SIGN PROGRAM AND MINOR SCENIC CORRIDOR PERMIT TO ACCOMMODATE ADDITIONAL SIGNAGE AT THE CREEKSIDE VILLAGE SHOPPING CENTER LOCATED AT 26527 AGOURA RD (APN: 2064-002-050 AND APN: 2064-002-059) WITHIN THE COMMERCIAL RETAIL (CR) ZONING DISTRICT, SCENIC CORRIDOR (-SC) OVERLAY ZONE, AND LAS VIRGENES GATEWAY MASTER PLAN AREA.

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 December 16, 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. SGNP-2021-002 and MSCP-2021-007 on June 2, 2021.
2. The Development Review Committee reviewed the project on June 16, 2021.
3. A Notice of Application Incompleteness letter was sent to the applicant on June 25, 2021 and multiple subsequent resubmittals were made by the applicant.

4. The Architectural Review Panel reviewed the project on July 23, 2021, September 24, 2021, and November 19, 2021. At the November 19, 2021 meeting, the Panel recommended approval of the project.
5. On December 1, 2021, with all outstanding comments addressed by the new applicant, the application was deemed complete and the applicant was notified.
6. Notice of the December 16, 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.
7. Notice of the December 16, 2021 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
8. Notice of the December 16, 2021 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
9. The project site is currently zoned Commercial, Retail (CR) and is within the Scenic Corridor overlay zone (-SC) and Las Virgenes Gateway Master Plan Area.
10. The land use designation for the project site under the City's adopted General Plan is Business - Retail.
11. The surrounding land uses around the subject property are commercial office buildings, commercial shopping centers, gas stations/convenience stores, 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, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone, which allows for the installation of signs associated with the commercial use of the property. The updated sign program includes the existing shopping center's monument sign, tenant identification building-mounted signs, freeway facing building-mounted sign, and pedestrian signs, and also incorporates new tenant identification hanging signs for the tenants on the second floor of the shopping center. The proposed new signage complies with all of the CMC standards for sign area, sign number, sign height, sign location, and sign lighting. Therefore, the proposed sign program meets this finding.

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

The materials and design of the updated sign program are in conformance with the design criteria in Section 17.30.060 of the CMC. The style and materials of the proposed new signs are consistent with the design of the existing building, and are designed to integrate within the building's architectural features. Additionally, the color of the sign frame matches the color of the existing building's columns and corbels. 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 that the applicant ensure the structural feasibility of the colonnade signage, and recommended that the signs be resized and relocated to ensure the architectural details of the existing building remain visible and integrated with the design of the signs, 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 an updated sign program for an existing shopping center. The new signage allowed by the updated sign program utilizes the same colors and materials as the existing shopping center to ensure compatibility with the Scenic Corridor. The design of the signs have been 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 complies with the Scenic Corridor development guidelines and complements 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 an updated sign program to replace the existing sign program for the commercial shopping center known as the Creekside Village shopping center. 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). SGNP-2021-002 and MSCP-2021-007 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-2021-002 and MSCP-2021-007 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No(s). SGNP-2021-002 and MSCP-2021-007 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Chris Kim (applicant) and Calabasas Retail Partners LLC (owner) 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-2021-002 and MSCP-2021-007 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No(s). SGNP-2021-002 and MSCP-2021-007 and the issuance of any permit or entitlement in connection therewith Chris Kim (applicant) and Calabasas Retail Partners LLC (owner) 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 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.
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 CMC 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 Section 15.04.500 of the CMC shall 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:

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. 2021-736 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2021-736 PASSED,
APPROVED AND ADOPTED this 16th day of December,
2021.

Wendy Fassberg
Chairperson

ATTEST:

Maureen Tamuri
Community Development Director

APPROVED AS TO FORM:

Matthew T. Summers
City Attorney

Planning Commission Resolution No. 2021-736, was adopted by the Planning Commission at a regular meeting held December 16, 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.”