

P.C. RESOLUTION NO. 2022-738

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NOS. APR 2022-001, SGN 2022-001, SCP 2022-001, A REQUEST FOR AN ADMINISTRATIVE PLAN REVIEW, SCENIC CORRIDOR PERMIT, AND SIGN PERMIT FOR EXTERIOR MODIFICATIONS AND NEW SIGNAGE FOR AN EXISTING VACANT RETAIL AUTO DEALERSHIP LOCATED AT 24400 CALABASAS ROAD, IN THE COMMERCIAL RETAIL (CR) ZONING DISTRICT, SCENIC CORRIDOR OVERLAY ZONE AND THE WEST CALABASAS ROAD 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 prepared by the Community Development Department.
2. Staff presentation at the public hearing held on April 7, 2022, 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 on the foregoing evidence, the Planning Commission finds that:

1. The applicant submitted an application for File Nos. APR 2022-001, SGN 2022-001, SCP 2022-001 on January 11, 2022.

2. The project was reviewed by the Development Review Committee on January 13, 2022.
3. On February 4, 2022 staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
4. On January 28, 2022, the Architectural Review Panel reviewed the project, and offer comments relating to design. Subsequently, on February 25, 2022, the Architectural Review Panel reviewed revised project plans, and recommended approval of the project's design to the Planning Commission.
5. The application was deemed complete on March 23, 2022. The applicant was duly notified of the complete status.
6. A noticed public hearing was held on April 7, 2022.
7. Notice of the April 7, 2022, Planning Commission public hearing was posted at the Calabasas Tennis and Swim Center, Juan Bautista De Anza Park, Gelson's Market, and at Calabasas City Hall.
8. Notice of the April 7, 2022, Planning Commission public hearing was mailed to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
9. Notice of the Planning Commission public hearing was mailed or delivered 10 days prior to the hearing.
10. The project site is currently zoned Commercial Retail (CR) and is located within the Scenic Corridor (SC) Overlay Zone, and the Commercial Auto Retail (CAR) Overlay Zone.
11. The land use designation for the project site under the City's adopted General Plan is Business Retail (B-R).
12. Properties surrounding the subject property are zoned Commercial Retail (CR), Commercial Limited (CL), and Open Space - Development Restricted (OS-DR).
13. On September 17, 2003, the existing auto dealership use was established by the adoption of City Council Resolution No. 2003-841, approving conditional use permit no. 03-12, oak tree permit no. 03-16 and variance no. 03-05.
14. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

FINDINGS

Section 17.62.090(E) Calabasas Municipal Code allows the Planning Commission 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 applicant is proposing to remodel the exterior façade of an existing vacant auto dealership located at 24400 Calabasas Road, within the Commercial Retail (CR) zoning district and designated Scenic Corridor (SC). The existing auto dealership use and proposed improvements are conditionally permitted within the Commercial Retail zone per Section 17.11 of the Calabasas Municipal Code, for which the site has an approved conditional use permit to operate a full-service auto dealership. The proposed project meets all applicable development standards for the Commercial Retail zone. For example, at the existing 0.30 floor area ratio the proposed project is less than the max 0.40 floor area ratio permitted by the CMC. Additional development standards are outlined in the technical appendix of the staff report. Therefore, the proposed project 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 an auto dealership, which is an allowed use per the Business-Retail (BR) land use designation within the General Plan. Redesigning the exterior facade of the building does not change the use of the subject site.

The project site is located within the designated Ventura Freeway Scenic Corridor and is required to comply with the City's Scenic Corridor Guidelines. Primarily, the Scenic Corridor Guidelines require buildings to mass appropriately by avoiding large blank facades. Building design techniques such as utilizing varying roof heights and vertical elements to break up the building's mass have been incorporated into the existing building for compliance with the Scenic Corridor Design Guidelines. The proposed project does not significantly alter the building's massing, rooflines, or architectural elements; and rather, proposes only minor façade modifications such as removal of the "jewel box" feature, and modifications to the building's color and siding materials. Therefore, the building, with the proposed

modifications, remains in compliance with the City's Scenic Corridor design requirements.

The subject site is also located within the West Calabasas Road Master Plan (WCRMP) area. While not law, the WCRMP includes development guidelines that emphasize using high quality authentic material, vertical elements to break up building mass, avoiding stucco, and enhancing the main entrance. The existing building complies with the design measures contained in the WCRMP. The proposed building modifications do not substantially alter the building's primary design elements, and therefore, will remain consistent with the guidelines by utilizing aluminum composite metal panels to provide a heavy structural appearance and by using glass and landscaping to enhance the project site entrance, the development's appearance along Calabasas Road, and provide appropriate landscaping that transitions the development into the natural environment south of the development area . Furthermore, the proposed modern design incorporates vertical elements and building materials that provide visual interest and help to break up the mass of the building.

Because the proposed project complies with the General Plan, West Calabasas Road Planning Guidelines and Scenic Corridor Development Guidelines, 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 exempt from environmental review in accordance with Section 15301(Class 1)(Existing Facilities) of the CEQA Guidelines because the proposed project involves a minor alteration to an existing private structure, involving negligible or no expansion of an existing use. The project is also exempt from environmental review in accordance with Section 15311 (Accessory Structures) because the project consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial facilities. Finally, the project is exempt from environmental review in accordance with Section 15332 (In-Fill Development Projects) because the project is located on an in-fill lot less than five acres and is in compliance with the General Plan and applicable development code regulations. 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 existing vacant (formally Volvo and Mini) auto dealership is located along West Calabasas Road, where there are currently four existing auto dealerships, including the subject site. From Mureau Road eastward

(towards Parkway Calabasas), automobile uses and uses supportive of dealerships dominate Calabasas Road. The four existing auto dealerships range in size from 33,000 square-feet to approximately 93,000 square-feet and all are a minimum of two stories in height. At approximately 37,000 square feet, the two-story building is compatible in size and scale with other buildings in the surrounding area. The dealerships as well as other buildings along this portion of West Calabasas Road exhibit design elements found in a variety of architectural styles with articulated building facades. The modern design of the structure is exhibited by other buildings along this corridor, including Mercedes-Benz, BMW, and Audi, and the proposed color and façade modifications do not substantially alter the architectural design elements of the building. Additionally, the proposed building-mounted signs and monument sign (as conditioned herein to be revised and submitted to the Community Development Director for final approval) will be consistent with the approved sign program for the site, and similar in size and scale with other signs along this portion of Calabasas Road. Therefore, the proposed project is compatible in use, design, appearance and scale with existing buildings in the surrounding area and 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 City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surface for the CR zone to ensure that development is adequately proportional to the size of the property. The subject site is 121,749 square feet in size. The project does not propose a change to site coverage, which is existing at 30%, which complies with the maximum allowed 78% Code requirement for properties located within the Commercial Retail zone. Additionally, the project does not include any changes to the height, setbacks, or pervious surface requirements, and therefore, remains in compliance with those standards. Given these circumstances, 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 Scenic Corridor Development Guidelines and West Calabasas Road Master Plan include development guidelines to help projects in these areas integrate with the existing surrounding natural environment. The proposed project has been designed to be consistent with pertinent standards in both the Scenic Corridor Development Guidelines and West Calabasas Road Planning Guidelines, and include the following design elements: (a) breaking up the wide facade of the building; (b) providing and enhancing vertical articulation; (c) creating shadow patterns; and (d) providing drought tolerant native landscaping. Therefore, the proposed project meets this finding.

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

1. *The proposed project design has considered and complies with the Scenic Corridor Development Guidelines adopted by the City Council;*

The proposed project is located within the 101-Ventura Freeway Scenic Corridor. The Scenic Corridor Development Guidelines are intended to help new development incorporate design features and techniques that will ensure protection of the aesthetic qualities of the scenic corridors. These measures include avoiding large blank facades, and avoiding obtrusive designs and materials. These measures have been incorporated into the site by utilizing colors consistent with the other dealerships in the area as well as the Cadillac Corporate design, by using aluminum composite metal building materials, and breaking up the wide façade with vertical elements. Furthermore, the Architectural Review Panel reviewed this project and found that it conforms to the Scenic Corridor Development Guidelines and recommends approval of the design to the Planning Commission. Therefore, the proposed project meets this finding.

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

The proposed project is located within the 101-Ventura Freeway Scenic Corridor. The development guidelines are intended to preserve the aesthetic qualities of Scenic Corridors throughout the City. The wide façade of the existing building is currently broken up by the use of vertical elements, varying rooflines, and the building is designed to conform with the site's topography, and use features that complement the natural hillside behind the building. The proposed façade modifications do not substantially alter the building's massing and design features that help the structure blend with its surroundings. Furthermore, the current landscaping will be enhanced to provide a more attractive buffer along Calabasas Road and blend the site in with the surrounding hillside by utilizing native drought tolerant plants. The project does not involve additional lighting; and, the existing onsite lighting is in compliance with the requirements of the City of Calabasas Dark Skies and Lighting Ordinance (Calabasas Municipal Code §17.27). Given these circumstances, the propose 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; and*

The subject site is approximately 2.8 acres and consists of an approximately 37,000 square-foot, multi-story building. The site is adjacent to other auto dealerships in a commercial area of the City that vary in architectural styles. The existing building is modern in design and incorporates vertical elements, varying rooflines, architectural detailing, and landscape elements that help the building blend in with the surrounding environment, and therefore, protects the aesthetic qualities of the corridor. The project proposes to modify the façade by removing the “jewel box” feature, and changing the colors and materials in a way that will maintain the modern design, which is consistent with the range of architectural styles exhibited by other development within the vicinity, including the Modern design of the Mercedes-Benz auto dealership and the Audi auto dealership. Existing landscaping surrounding the auto dealership will also be enhanced to complement the modern design of the proposed building, is complementary to other auto dealerships in the area, and further helps to transition the building into a surrounding natural hillside setting. Furthermore, the Architectural Review Panel reviewed this project and found that it conforms to the scenic corridor development guidelines and recommends approval of the design to the Planning Commission. Therefore, 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 project site is located on Calabasas Road, where there are currently four existing auto dealerships. Additionally, Calabasas Road has a gas station with an associated auto detailing facility. Furthermore, two properties along Calabasas Road are currently used for off-site auto inventory storage for the existing auto dealerships. To this end, from Mureau Road eastward towards Parkway Calabasas, automobile uses and uses supportive of dealerships dominate Calabasas Road. At approximately just under 37,000 square feet, the existing facility is consistent with the other auto dealerships that range in size from approximately 40,000 square feet to 96,000 square feet. The proposed landscaping is native and drought tolerant and visually enhancing. The building façade remodel will utilize aluminum composite metal panels to provide a heavy structural appearance similar to other neighboring dealerships. Finally, the building is built into the surrounding landscape which provides a natural transition from development to open space. Therefore, the proposed project is compatible in use, design, appearance, and scale with existing buildings in the surrounding area and meets this finding.

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

1. *The proposed sign is permitted within the zoning 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; and*

The subject site is zoned Commercial Retail, which allows for the installation of building mounted signs and monument signs in order to advertise on-site uses. Furthermore, the proposed signs comply with applicable development standards, fall within the parameters of the approved sign program for the subject site, and are consistent with the West Calabasas Road Master Plan area. Given these circumstances, the proposed signs meet this finding.

2. *The sign will be in compliance with Section 17.30.060.*

The proposed new signage and exterior modifications to an existing dealership is an allowed use within the Commercial Retail (CR) zone. The purpose of the new signage including a new monument sign is to install Cadillac's corporate signage, which is designed to integrate into the architectural design of the existing vacant auto dealership and to ensure visibility of signs to the public. With revision to the proposed monument sign design as required herein by Condition Number 17, the signage included within the proposed project conforms to all applicable sign standards found within the Commercial Retail (CR) zone such as height, location, lighting and size as stipulated in Section 17.30.060 of the CMC. As conditioned herein, the proposed monument sign area will be no greater than 100 square feet, and the final sign design shall be subject to Community Development Director approval. Furthermore, in accordance with Section 17.30.080 of the CMC (Standards for Specific Land Uses), auto dealerships are permitted one main sign, service signs and graphics mounted to the building as long as the aggregate size of all signs does not exceed one square-foot per linear foot of building frontage. The proposed signs are consistent with the approved sign program, and includes approximately 107 square feet of building mounted signs, which is less than would be permitted given that the buildings linear feet of frontage is 320 feet. As a result, the proposed new signs meet the above 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. APR 2022-001, SGN 2022-001, SCP 2022-001 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 the issuance of this File No. APR 2022-001, SGN 2022-001, SCP 2022-001, or the activities conducted pursuant to this File No. APR 2022-001, SGN 2022-001, SCP 2022-001. Accordingly, to the fullest extent permitted by law, 24400 Calabaras LLC (owner) and Cadillac (applicant), and their successors and assigns, 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, the issuance of this File No. APR 2022-001, SGN 2022-001, SCP 2020-002, or the activities conducted pursuant to this File No. APR 2022-001, SGN 2022-001, SCP 2022-001. 24400 Calabaras LLC (owner) and Cadillac (applicant), and their successors and assigns 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. 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 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 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 landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of Community Development or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.
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 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.
10. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
11. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
12. 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.

13. The project is located within a designated "Very High Fire Hazard Severity Zone". The requirements of Chapter 15.04.500 of the Calabasas Municipal Code must be incorporated into all plans.
14. 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.
15. 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.

16. The applicant agrees, voluntarily and irrevocably, to dedicate a portion of the subject property, no larger than a fifteen-foot (15') wide strip located adjacent to and along Calabasas Road, to the City at such time as the City's Public Works Director determines necessary to accommodate a future public improvement project on Calabasas Road. The applicant and City agree the precise boundaries of the voluntary dedication area will be finalized at such time as the City determines to proceed with the improvements to Calabasas Road in a dedication agreement acceptable in form and substance to the applicant and City.
17. Prior to the issuance of any grading or building permit related to this resolution, the applicant shall submit revised sign plans for review and approval by the Community Development Director demonstrating that the proposed monument (Sign #1) sign does not exceed 100 square feet in sign area, consistent with the sign area measurement method contained in CMC Section 17.30.070.

Environmental Services Conditions

18. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local storm drains and waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City ordinances and State laws. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapters 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.
19. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems.
20. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." The following companies are the only trash haulers authorized to operate in the City of Calabasas: American Reclamation (1-888-999-9330), Universal Waste Systems (1-800-631-7016), Waste Management/G.I. Industries (1-800-675-1171). An Encroachment Permit from the City Public Works Department is required prior to placing a refuse bin/container on any public street.

Section 5. All documents described in Section 1 of PC Resolution No. 2021-706 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2022-738 PASSED,
APPROVED AND ADOPTED this 7st day of April, 2022.

Wendy Fassberg
Chairperson

ATTEST:

Michael Klein
Community Development Director

APPROVED AS TO FORM:

City Attorney
Matthew Summers

Planning Commission Resolution No. 2022-738, was adopted by the Planning Commission at a regular meeting held April 7, 2022, 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.”