

Findings Submitted By Applicant

File No(s) APR-2023-002 and CUP-2023-001

The findings the Planning Commission would have to make to approve the project or not make to disapprove the requested Conditional Use Permit are stated in Section 17.62.060 of the Calabasas Municipal Code as follows:

- 1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;*

Proposed live music is not a prohibited land use and can be conditionally permitted within the CR zoning district. Live music was previously approved under a Temporary Use Permit File No. TUP-2022-013 for the hours of 5pm-8pm and it is requested to make these permanent live entertainment hours.

- 2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;*

Live music is consistent with the General Plan of Calabasas. The proposed use will not change the appearance or use of any building or structure and will be located within a private dining area.

- 3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and*

The project has previously been determined to be categorically exempt from environmental review in accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

- 4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.*

The location and operating characteristics of the live music are compatible with the existing and future land uses in the vicinity. The live music is located in a commercial retail zone district where other public restaurants and retail shops are located.

The findings the Planning Commission would have to make to approve the project or not make to disapprove the requested Administrative Plan Review Permit are stated in Section 17.62.090 of the Calabasas Municipal Code as follows:

- 1. The proposed project complies with all applicable provisions of this development code;*

The proposed items comply with all applicable provisions of the development code. The proposed faux greenery décor is meant to enhance the appearance of

the existing canopy structure and create a whimsical ambience for the patrons of Rose's Garden Bar. The greenery will create a visual interest for the pedestrians and our hope is that by creating this unique experience with permanent green foliage, more people will utilize the adjacent plaza as a gathering place. The clear rain curtain will not impact the overall appearance of the building due to its clear nature. It would only be used during rain or high winds and would be rolled up and tied in place during good weather. The proposed chandeliers do not interfere with the exterior appearance of the building but instead, contribute to the private ambience of the dining area and unique whimsical experience of Rose's Garden Bar. We also propose the use of a self-illuminated sign along one of the patio walls. This sign is located within the patio at an elevation that makes it only visible from within the patio and it will not be visible when standing outside of the patio. This sign does not impact the appearance or character of the existing building, it only adds to the dining experience of the patrons. Lastly, we propose to modify a portion of the existing canopy cover to be a watertight fabric, to match the previously installed and approved fabric of the original partial patio cover. This fabric will match the existing in color and will not have an impact on the overall appearance, shape, or character of the canopy.

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 proposed items are consistent with the General Plan in that they do not drastically alter the appearance or character of the existing buildings. The items are meant to enhance the appearance or not impact the appearance at all.

3. *The approval of the administrative plan review is in compliance with the California Environmental Quality Act (CEQA);*

The project has previously been determined to be categorically exempt from environmental review in accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

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;*

Proposed canopy cover will not have an impact on the appearance of the existing use. Faux foliage elements are consistent in scale with the surrounding natural foliage and will enhance the appearance of the steel structure. Proposed signage does not have an impact on exterior appearance since this is visible only when dining in the private patio. The chandeliers are to be located only within the private patio and are not visible from the main street due to the existing trees and landscaping. The clear rain curtain does not change the appearance of the building due to the clear material and is only to be used during rain or high

winds.

5. *The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and*

There is no proposed change to the existing site plan layout.

6. *The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.*

The proposed project is designed to integrate with the existing surrounding natural environment as much as possible. Foliage provides a natural finish in lieu of attempting to use paint or material that would draw unwanted attention and not match the aesthetics of the surrounding buildings.