



CITY of CALABASAS

**PLANNING COMMISSION AGENDA REPORT**  
**APRIL 20, 2023**

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**TO:** Members of the Planning Commission

**FROM:** Jaclyn Rackerby, Associate Planner

**FILE NO(s):** APR-2023-002, CUP-2023-001

**PROPOSAL:** Request for a Conditional Use Permit and Administrative Plan Review for live music and the installation of permanent outdoor décor and faux foliage for Rose’s Garden Bar, located at 26787 Agoura Rd E1 (APN: 2064-021-017 & 2064-021-018) within the Commercial Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

**APPLICANT:** Rose Nadali

**RECOMMENDATION:** That the Commission direct Staff to prepare a resolution for approval or denial of File No. APR-2023-002 and CUP-2023-001.

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**STAFF RECOMMENDATION:**

That the Commission direct Staff to prepare a resolution for approval or denial of File No(s). APR-2023-002 and CUP-2023-001.

**REVIEW AUTHORITY:**

The Planning Commission is reviewing this project because Section 17.62.060 of the Calabasas Municipal Code (CMC) stipulates that conditional use permits require review and approval by the Planning Commission. Furthermore, Section 17.11.010(F) of the CMC stipulates that live entertainment may be allowed only via Conditional Use Permit in the Commercial Retail (CR) zoning district.

## **BACKGROUND:**

In February 2021, an application for a Zoning Clearance Permit was submitted (File No. ZCL-2021-024) for Rose's Garden Bar, a new restaurant tenant, located at 26787 Agoura Rd E1 (APN: 2064-021-017 & 2064-021-018) within the Commercial Retail (CR) zoning district. Subsequently, in October 2021, an application for an Administrative Plan Review (File No. APR-2021-012) was submitted to extend an existing detached patio cover for the purpose of covering the existing outdoor dining area utilized for Rose's Garden Bar. Construction of the canopy extension had been started without permits, and the applicant was directed to stop work until the required City approvals were obtained. Following a recommendation of approval from the Architectural Review Panel on November 19, 2021, the Administrative Plan Review to legalize the canopy extension was approved at a Community Development Director's Hearing on December 15, 2021.

On November 4, 2022, the applicant (Rose Nadali) submitted a request for a Temporary Use Permit (File No. TUP-2022-013) to allow for installation of faux foliage and exterior décor, as well as live outdoor music, within the previously approved outdoor patio area for the grand opening event of Rose's Garden Bar. The request for a Temporary Use Permit for the grand opening event was approved by the Director on November 29, 2022; the TUP allowed for temporary faux foliage, other temporary exterior décor, and live acoustic music between 5:00 p.m. and 8:00 p.m., through December 31<sup>st</sup>, 2022. Following the expiration of the Temporary Use Permit, the exterior décor was observed on February 1, 2023 to still be in place, and the applicant was directed by Staff to cease operations originally approved under the Temporary Use Permit until such time that a permanent approval of any exterior décor and live music might be obtained from the City.

Subsequently, on February 2, 2023, the applicant submitted a request for a Conditional Use Permit and Administrative Plan Review Permit to allow for live outdoor acoustic music and installation of permanent outdoor décor and faux foliage for the outdoor dining area of Rose's Garden Bar. The proposed outdoor décor and faux foliage includes wrapping the existing steel support posts with a faux wood material, adding faux greenery and flowers to the existing canopy edge and railing, and incorporating faux foliage and decorative lighting on the underside of the outdoor patio canopy. Additionally, within the outdoor dining area, the applicant seeks permission to create an area for periodic outdoor live music performances. The project was reviewed by the City's Development Review Committee (DRC) on February 17, 2023, and DRC participants had no major concerns or comments. Additionally, the project was reviewed by the City's

Architectural Review Panel on March 24, 2023, in accordance with Section 2.40.040 of the CMC. The Panel recommended approval of the project to the Planning Commission, and suggested that the applicant study the proposed materials to ensure the patio cover will provide for adequate drainage and that proposed exterior décor is designed meet all necessary building codes and fire codes. The applicant has provided the necessary information, although compliance with the Building Code will be determined by the Building & Safety Division after detailed construction and installation plans and specifications are submitted to the Division for review and approval (which is standard procedure for all projects). On April 6, 2023, the application was deemed complete by staff.

### **STAFF ANALYSIS:**

- A. Existing Site:** The project site is located at 26787 Agoura Rd., Suite E1 (APN: 2064-021-017 & 2064-021-018), within the Commercial Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone. The subject site is improved with an existing 70,433 square-foot shopping center as well as an existing covered patio and outdoor dining area adjacent to Building E (the subject site).
- B. Architecture & Design:** The applicant is proposing exterior décor to be installed at the outdoor patio area, inclusive of wrapping existing steel support posts with a faux wood material, adding faux greenery and flowers to existing canopy edge and railing, and incorporating faux foliage and decorative lighting within the patio canopy area. The faux foliage and exterior décor were temporarily permitted (File No. TUP-2022-013) as part of the restaurant's grand opening event, and photos of the décor as installed for that temporary event are attached as Exhibit B.

The subject property is located within a designated scenic corridor, which is Highway 101; however, the patio canopy and area of installation on/within the patio canopy is not visible from the scenic corridor because the other existing buildings within the shopping center block the patio area from scenic corridor viewing. Therefore, no scenic corridor permit is required. Additionally, the project was reviewed by the Architectural Review Panel on March 24, 2023, and the Panel recommended approval of the project as proposed, with the suggestion that the applicant study the proposed materials to ensure the patio cover will provide for adequate drainage, and that the applicant study the proposed exterior décor to ensure it will meet all necessary building codes and fire codes. The applicant has provided the necessary information, and

compliance with Building Codes will be determined by the Building & Safety Division once submitted to them in order to obtain building permits.

- C. Live Music: The applicant is requesting a Conditional Use Permit for live music during the weekday hours of 5:00 p.m. and 8:00 p.m., for the purpose of enhancing dining patron experience. On weekends, the applicant is requesting freedom to have live music at any time of day. The proposed live music would include acoustic guitars, and the occasional small live band.

Nearby land uses include commercial office buildings to the east and west, the Pepperdine University Calabasas Campus to the south, and the 101 freeway to the north. The nearest residences are approximately 700ft southwest of the subject site, beyond the commercial office buildings. No amplified music is proposed, and the specific location of the proposed performance area is shown on Sheet A200 of the plans attached as Exhibit A.

### **REQUIRED FINDINGS:**

The *Conditional Use Permit* findings the Planning Commission would have to make to support an approval of the project (or, alternatively, not make to support a disapproval) 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;
2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;
3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and
4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

Additionally, the *Administrative Plan Review* findings the Planning Commission would have to make to support a project approval (or, alternatively, not make to support disapproval) 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;

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;
3. The approval of the administrative plan review is in compliance with 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;
5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and
6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

Exhibit D provides the applicant's proposed justifications for the Conditional Use Permit and Administrative Plan Review findings.

Staff requests the Commission direct Staff to develop findings for either an approval or denial of File No(s). APR-2023-002 and CUP-2023-001, as the Commission finds supported by the facts of the project application and plans, this staff report, and public hearing testimony. The Commission's options are: 1) direct staff to prepare an approval resolution for the project as proposed, with all necessary findings for approval and appropriate conditions of approval; 2) direct staff to prepare an approval resolution for a revised version of the project, with all necessary findings for approval and appropriate conditions of approval; 3) direct staff to prepare a denial resolution, with at least one of the required findings shown as not able to be made (thereby supporting a denial); or, 4) continue the matter to a future Commission meeting date to allow for presentation of additional information.

### **ENVIRONMENTAL REVIEW:**

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule Exemption) and Section 15301(a) (Existing Facilities) of the CEQA Guidelines.

### **CONDITIONS OF APPROVAL:**

If the Commission directs Staff to prepare a resolution of approval, draft potential project conditions of approval are attached as Exhibit E and will be incorporated into an approval resolution, which would be returned to the Commission for formal adoption at the next scheduled Commission meeting.

### **PREVIOUS REVIEWS:**

#### **Development Review Committee (DRC):**

February 17, 2023      No major comments.

#### **Architectural Review Panel (ARP):**

March 24, 2023      The project application for File No. APR-2023-002, CUP-2023-001 was reviewed by the City's Architectural Review Panel on March 24, 2023, in accordance with Section 2.40.040 of the CMC. The Panel recommended approval of the project to the Planning Commission, and suggested that the applicant study the proposed materials to ensure the patio cover will provide for adequate drainage and that proposed exterior décor will meet all necessary building codes and fire codes. The applicant has provided the necessary information, and compliance with Building codes will be determined by the Building & Safety division once submitted to them in order to obtain Building permits.

**ATTACHMENTS:**

- Exhibit A: Project Plans
- Exhibit B: Site Photos
- Exhibit C: Live Music Request
- Exhibit D: Finding statements submitted by Applicant
- Exhibit E: Draft Conditions of Approval

**TECHNICAL APPENDIX**



Project Location:  
 26787 Agoura Rd E1

**Surrounding Properties:**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>General Plan Designation</b>
Site	Shopping Center	Commercial Retail	Business- Retail
North	101 Freeway	N/A	N/A
West	Offices	Commercial Business Park	Business- Business Park
East	Offices	N/A—LA County	N/A—LA County
South	University Campus	Commercial Mixed Use	Mixed Use 0.60