

ORDINANCE NO. 2008-249

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS MODIFYING SECTION 17.28.030 OF THE CALABASAS MUNICIPAL CODE TO RESTRICT PARKING OF RECREATIONAL VEHICLES ON PRIVATE PROPERTY

THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

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 were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on November 12, 2008 before the City Council.
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 City Council finds that:

1. Staff initiated the proposed amendment to the Development Code in October 2008.
2. Notice of the November 12, 2008, City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
3. Notice of the November 12, 2008 City Council public hearing was published in The Acorn newspaper.
4. Notice of City Council 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 City Council concludes as follows:

Attachment A

Section 17.76.050(B) of the Calabasas Municipal Code allows the City Council to approve an amendment to the Development Code provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The City's general plan provides goals and objectives for the orderly development of the City. This amendment strengthens those policies by establishing a permitting process for recreational vehicle storage which more easily administers the City's code and reduces the likelihood of violations. Therefore, the project is consistent with the general plan and meets this finding.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city; and*

The proposed ordinance provides for the protection of the community. It does not create a safety hazard, or any condition that would dramatically impact the public interest, health or welfare. It strengthens provisions preventing property owners from taking actions detrimental to the public interest, health, safety, convenience or welfare of the City and their neighbors. Therefore, the addition of these provisions will not be detrimental to the public health, safety and welfare, and meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

Staff has determined that Section 15061(b)(3) of the CEQA Guidelines exempts this project under CEQA because it can be shown with certainty that the amendment will not have a significant effect on the environment. Under CEQA a significant effect also has to be an adverse effect. The addition of these provisions actually provides for the protection of the community, thereby providing a positive effect on the environment. Therefore the project meets this finding.

4. *The proposed amendment is internally consistent with other applicable provisions of this development code.*

These new provisions of the Development Code strengthen existing language in the development code and works in conjunction with other requirements and processes outlined in the code. It does not create any conflicts with the code and therefore, meets this finding.

SECTION 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council amends Section 17.28.030 as follows:

D. Recreational Vehicle Parking--Residential Areas.

1. Storage: The storage of recreational vehicles and boats in residential zoning districts shall be allowed only outside of required setback areas, in compliance with Section 17.20.170(G), except as noted. All recreational vehicles that may be visible from the public view of the front, side, or street-side areas of the site shall be screened by a combination of fencing, walls and/or screening landscaping as determined by the Director. An encroachment into the side yard setback shall be permitted for storage of recreational vehicles provided that a 5 ft. emergency access path is maintained around the residence at all times. In no event shall the area devoted to recreational vehicle storage exceed 400 sf. of any property. A temporary use permit shall be required for storage of all recreational vehicles over 6 feet in height beyond 72 hours.
2. Parking: No recreational vehicle shall park overnight except by permit, in which case the permit shall permit parking for a period of up to 72 hours. Property owners shall be limited to a maximum of 8 permits per calendar year unless otherwise authorized by the Director.

SECTION 5. All documents described in Section 1 of this ordinance are deemed incorporated by reference as set forth at length.

SECTION 6. SEVERABILITY. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 7. CONSTRUCTION. To the extent the provisions of the Calabasas Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read prior to the adoption of this ordinance, they shall be construed as continuations of those prior provisions and not as new enactments.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 9. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED, this 12th day of November 2008.

Mary Sue Mauer, Mayor

ATTEST:

Gwen Peirce, City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney