RESOLUTION NO. 11-010

A RESOLUTION OF THE CALABASAS HISTORIC PRESERVATION COMMISSION APPROVING FILE NO. 110001264 A REQUEST FOR A CERTIFICATE OF APPROPRIATENESS FOR A RENOVATION AND REMODEL WITH A 300 SQ-FT ADDITION FOR A RESTAURANT USE AT AN EXISTING RESTAURANT LOCATED AT THE HISTORIC KRAMER’S STORE PROPERTY AT 23504 CALABASAS ROAD WITHIN THE COMMERCIAL OLD TOWN (CT) ZONING DISTRICT.

Section 1. The Historic Preservation 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 meeting held on November 2, 2011, before the Historic Preservation 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 meeting, 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 meeting.

6. All related documents received and/or submitted at or prior to the meeting.

Section 2. Based of the foregoing evidence, the Historic Preservation Commission finds that:

1. A request for a Certificate of Appropriateness for a renovation and remodel with a 300 square-foot addition for a restaurant use of an existing restaurant located on the historic Kramer’s Store property at 23504 Calabasas Road within the Commercial Old Town (CT) zoning district was submitted on August 18, 2011.

2. The application was reviewed and deemed incomplete on September 9, 2011 and the applicant was duly informed.
3. The applicant submitted additional materials and the application was deemed complete on September 15, 2011.

4. Notice of the November 2, 2011, Historic Preservation Commission meeting was provided to the affected property owners as shown on the latest equalized assessment roll. Owner was notified by telephone and by first class mail.

5. Notice of the November 2, 2011, Historic Preservation Commission meeting was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.


   **Section 3.** Based on the policies contained in the Calabasas General Plan and Historic Preservation Ordinance, the Historic Preservation Commission concludes as follows:

   1. Calabasas’ character and history are reflected in its cultural, historical, and architectural heritage, and

   2. Calabasas’ historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City’s past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Calabasas’ rich heritage, and

   3. The Cultural Resources Element the Calabasas General Plan sets forth Goals and Policies to conserve Calabasas’ historic buildings and districts, and

   4. The Historic Preservation Commission has reviewed this site and determined it to be historically significant and could contribute to the economic and cultural revival of the City.

   **Section 4. FINDINGS**

   *The following findings shall be required for a Certificate of Appropriateness:*

   1. The proposed alteration, restoration, relocation, or construction, in whole or part will not do any of the following:

      a. *Detrimentally change, destroy, or adversely affect any significant architectural feature of the resource;*

      The proposed project will be completely constructed on the newer portion of the
building that was constructed to mimic the historic structure. Consequently, there will be no adverse impact to any significant architectural or character-defining feature of the resource. Therefore, the project meets this finding.

b. Detrimentally change, destroy or adversely affect the historical character of the resource;

The proposed project will not involve the historic portion of the building; Kramer’s Store. The historic value of the resource will be maintained and all new construction will follow the requirements of the Secretary of the Interior’s Standards for the Treatment of Historic Properties standards for rehabilitation ensuring that the improvements to the property preserve the historical character. Therefore, the proposed project meets this finding.

c. Be incompatible with the exterior features of the other improvements within the district; and

The proposed project will respect and be compatible with all improvements within Old Town. The facade facing Calabasas Road will remain almost the same as it exists today. Minor improvements to the facade will only serve to differentiate it from the historic portion of the building as required by Secretary of the Interior’s Standards for the Treatment of Historic Properties standards for rehabilitation, standard number 9. The newer style of construction will be limited to the west side elevation and will create an interesting and inviting statement for Old Town Calabasas. Therefore, the proposed project meets this finding.

d. Adversely affect or detract from the character of the district.

The proposed project will enhance the character of Old Town Calabasas by refurbishing the facade of a building that was poorly designed to look like the historic Kramer’s store which does not comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and by adding a newer look to the west elevation that is compatible but differentiated from the historic portion of the building creates an exciting and attractive feature to Old Town Calabasas. The result of the proposed project will comply with the Old Town Calabasas Master Plan and Design Guidelines because it will preserve the old architectural style existing along Calabasas Road. Therefore, the project meets this finding.

For the above reasons, the proposed project meets all required findings stipulated in Section 17.36.090(E)(1) and is eligible for a Certificate of Appropriateness.
CONDITIONS OF APPROVAL:

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Historic Preservation approves File No. 110001246 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 Certificate of Appropriateness, or the activities conducted pursuant to this Certificate of Appropriateness. Accordingly, to the fullest extent permitted by law, applicant and owner shall defend, indemnify and hold harmless the 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 Certificate of Appropriateness, or the activities conducted pursuant to this Certificate of Appropriateness. The applicant and owner 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

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. 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.
4. Adoption of this resolution shall serve as evidence that the applicant, or its successors, and the owner of the property involved are aware of and agree to accept all conditions of approval.

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 completion by the applicant to the satisfaction of the Director of Community Development or her 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 except as prohibited by applicable law. 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 of 60 watts 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. The applicant must complete and submit the Development Construction Storm Water Requirements Review Checklist and associated Storm Water Pollution Prevention Plan (SWPPP)/Wet Weather Erosion Control Plan (WWCEP) documents for approval prior to issuance of grading or building permits.

12. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.

13. The project must comply with the building codes in effect at this time, which include the State Historic Building Code, the “2010” California Building, Plumbing, Mechanical, and Electrical codes as amended by Chapter 15.04 of the Municipal Code.

14. The project is located within a designated “Very High Fire Hazard Severity Zone”. The requirements of Chapter 15.04.900 of the Calabasas Municipal Code that references the
2010 California Fire Code as well as the 2010 Consolidated Fire Protection District Code of Los Angeles County must be incorporated into all plans.

15. 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.

16. Construction Activities - Hours of construction activity shall be limited to:

   i. 7:00 a.m. to 5:00 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 Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.

17. The railings on the front porch and balcony shall be composed with vertical square balusters and horizontal top and bottom rails.

18. All persons involved with any excavation at the project site shall undergo training to recognize archaeological resources prior to work beginning. Training shall include but not be limited to: recognition of human and animal remains; recognition of cultural artifacts; recognition of significant archaeological sites; and procedures to follow upon discovery of any of the preceding assets. Training will be conducted by the City’s consulting archaeologist.

19. Upon discovery of any materials that may be potentially classified as archaeological resources or human remains all work must stop immediately and City staff notified. No work on the site may resume until the City Historic Preservation Officer determines that work may resume. Discovery of human remains must follow the requirements of State Law and the City’s Procedures for Discovery of Human Remains on Site.

20. Best practices shall be employed to ensure that any foreign materials or chemicals used within the “bicycle repair” area will not spill on the ground or otherwise be caused to enter the stream.

21. Work involving the creek and riparian habitat located on the west edge of the property shall require Public Works, Los Angeles County, California Department of Fish and Game, and Army Corps of Engineers approvals prior to commencement.
22. The construction of a new off-street valet station and the relocation of the existing gazebo shall require a separate zoning clearance and public works review and approval prior to commencing work.

Section 5: All documents described in Section 1 of Historic Preservation Commission Resolution No. 11-010 are deemed incorporated by reference as set forth at length.

HISTORIC PRESERVATION COMMISSION RESOLUTION NO. 11-010 PASSED, APPROVED AND ADOPTED this 2nd day of November, 2011.

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Judy Jordan, Chairperson

ATTEST:

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Geoffrey Starns
Senior Planner / City Historic Preservation Officer

+Historic Preservation Commission Resolution No. 11-010 was adopted by the Historic Preservation Commission at a regularly scheduled meeting held November 2, 2011, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

“The Secretary of the Historic Preservation 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 Historic Preservation Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”