

ORDINANCE NO. 2009-265

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING AMENDMENTS TO TITLE 2 - ADMINISTRATION AND PERSONNEL AND TITLE 17 - LAND USE AND DEVELOPMENT, AND THE CITY'S ZONING MAP

WHEREAS, the Land Use and Development Code Update reflects the input of residents, stakeholders, and public officials, and implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration was prepared that tiers off of the 2030 General Plan Final Environmental Impact Report (FEIR) that was certified by the City Council in December 2008. Together, the Negative Declaration and the 2030 General Plan FEIR constitutes the environmental record for the proposed Land Use and Development Code and Zoning Map Update. The City Council has considered the Negative Declaration prepared for the Land Use and Development Code Update; and

WHEREAS, the City Council finds that the foregoing recitals and findings are true and correct, and adopts this Ordinance based on the entirety of the record, which includes without limitation, The Calabasas General Plan and General Plan EIR, the Land Use and Development Code Update Negative Declaration; all reports, testimony, and transcripts from Planning Commission's October 8, 2009 meeting; and reports, testimony, and transcripts from the City Council's _____, 2009 meeting.

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

Section 1. *Code Amendment.* Chapter 2.28, Section 2.28.080 of Title 2 of the Calabasas Municipal Code is hereby amended to read as follows:

**Chapter 2.28
Planning Commission**

2.28.080 Appeal from commission decision.

A. Commission decisions from which an appeal may be taken under this code become final at five p.m. on the tenth (10th) day after the decision unless, prior to that time, an appeal or call for review by ~~to~~ the city council is filed in writing in the office of the city clerk, as provided for in this Chapter 2.28 and by Chapter 17.74. Nonappealable decisions are final when rendered.

B. Appeals. Appeals may be initiated by:

1. The applicant;

2. An owner of real property, any part of which is located within five hundred (500) feet of the external boundaries of the subject property; or
3. An individual who or organization that presented written or oral testimony to the commission at a public hearing on the matter from which the appeal is taken.

C. Call for Review. As an additional safeguard to avoid results inconsistent with the purposes of this code, any order, requirement, decision, determine, interpretation or ruling of the planning commission may be called up for city council review upon the written request of any two City Councilmembers.

C. A timely appeal shall stay the decision and no permit may issue with respect to that decision until the city council has acted on the appeal.

D. The fee for an appeal of a commission decision shall be established from time to time by city council resolution.

Section 2. Code Amendment. Chapter 2.40 of Title 2 of the Calabasas Municipal Code is hereby amended to read as follows:

Chapter 2.40 Design Architectural Review Panel

2.40.010 ~~Design~~ Architectural review panel creation.

An ~~design~~ architectural review panel (DARP) is created in and for the city of Calabasas.

2.40.020 Membership.

The ~~design~~ architectural review panel shall consist of the following members:

A. Four members, with one member to serve as an alternate member, residing in or near the city of Calabasas, or conducting business in the city at the time of appointment and during their respective terms of office. A majority vote of the entire planning commission is required to appoint members. Each member may serve an unlimited number of terms subject to periodic planning commission reappointment.

1. At least one member of the ~~design~~ architectural review panel shall be a licensed architect.

2. Other members of the ~~board~~ panel shall be persons who, as a result of their training, experience and attainments, are qualified to analyze and interpret architectural and site planning information, including, but not limited to, licensed landscape architects, urban planners, engineers and builders/developers.

B. Any member of the panel may be removed from office with or without cause by a majority vote of the entire planning commission.

C. All terms of office shall run for a period of two years. The terms of office for each member shall continue to and include October 30th of the year in which the term shall expire, and thereafter until a successor is appointed.

D. If a vacancy occurs other than by term expiration, the planning commission shall fill such vacancy by appointment for the unexpired portion of the term.

E. The alternate member shall attend and participate in meetings of, and deliberate on matters before, the ~~design~~ architectural review panel, as necessary to fill in for any absent member.

2.40.030 Organization.

A.— Panel members shall have equal voice and responsibility so that no chair, vice-chair, or other officers will be necessary or allowed on the panel. Staff shall have responsibility for administering panel affairs, subject to planning commission direction and policies.

2.40.040 Duties.

The purpose of the panel is to make advisory recommendations to the planning commission and the city council in all matters pertaining to site plan reviews, and evaluating architectural designs of buildings and other structures, landscape plans and other site features. Procedures in this section for site plan reviews, and evaluating architectural designs of buildings and other structures, landscape plans and other site features are established to pursue the following purposes:

A. To preserve and enhance the beauty of the city's natural and built environment;

B. To encourage individual building scale and character consistent with the existing community;

C. To discourage development of individual buildings that dominate the cityscape or attracts attention to themselves through inappropriate color, mass, or architectural expression;

D. To ensure that new development, and the alteration or enlargement of existing development maintains the attractiveness and character of the city, especially as projects are seen from city streets, freeway and scenic corridors, adjacent properties, and from neighboring communities;

E. To maintain and improve the quality of, and relationship among, individual buildings, and between structures and their sites, so that groups of structures contribute to neighborhood and community attractiveness;

F. To ensure that:

1. Site landscaping provides visually pleasing settings for structures,
2. Proposed landscaping blends harmoniously with the natural landscape,

3. Appropriate landscape themes and variations support the design and function of the structures to which they relate,
4. Views of structures from off-site are softened or screened;

G. To encourage the highest quality of architectural design, energy efficiency, minimal use of toxic materials during construction, maximum use of natural materials, and emphasis on construction methods which are least disruptive to the site and to the community;

H. To balance private prerogatives and preferences with the public interest and welfare;

I. In order to achieve these purposes, the ~~design~~ architectural review panel shall review the architecture and landscape architecture of all commercial projects and signage and residential projects within scenic corridors, Master Plan and the Old Topanga/Highlands Overlay Areas, proposed subdivisions, hillside developments, and other projects the community development director or planning commission deem appropriate for the panel's review. The panel shall limit its advice to architecture, site planning, landscaping, signage and streetscape design. The ~~design~~ architectural review panel shall perform such other advisory duties as the planning commission may request from time to time.

Section 3. Code and Zoning Map Amendment. **Title 17 of the Calabasas Municipal Code** is amended as set forth in Attachment A and the **Zoning Map** is amended as set forth in Attachment B.

Section 4. Severability. Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

Section 5. Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. 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 it read prior to the adoption of this Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 6. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

Section 7. 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 ____ day of _____, 2009.

Mayor Jonathon Wolfson

ATTEST:

Gwen Peirce, CMC, City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

ORDINANCE ATTACHMENTS:

- A: Land Use And Development Code
- B. Zoning Map