Supplemental Information Packet

CITY OF WESTLAKE VILLAGE
City Council Chambers
31200 Oak Crest Drive

Meeting June 28, 2023

Supplemental Information:

If any additional disclosable public records are distributed to City Council less than 72 hours prior to the meeting, are included in Supplemental Packets. Supplemental Packets are produced as needed. Such materials are available in City Hall during normal business hours and are posted on the City’s Website - https://www.wlv.org/569/City-Council-Supplemental-Packets
STAFF UPDATE

PUBLIC HEARING NO. 2

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 18-007 MODIFICATION NO. 1; RESOLUTION NO. 2310-23 - Adopt Resolution No. 2310-23, determining Conditional Use Permit No. 18-007 is exempt from CEQA and approving Modification No. 1 to authorize the continued operation of an auto body repair facility within a commercial suite of a business park located at 31131 Via Colinas, Suite 601.
TO: Mayor and City Council
FROM: Rob de Geus, City Manager
SUBJECT: PUBLIC HEARING NO. 2 - PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 18-007 MODIFICATION NO. 1; RESOLUTION NO. 2310-23

Exhibit A to Resolution No. 2310-23, condition number 8, has been modified/updated due to a typographical error.

The updated Resolution No. 2310-23 and correct conditions are attached.
RESOLUTION NO. 2310-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE APPROVING AN EXTENSION OF THE PERMIT TERM FOR CONDITIONAL USE PERMIT NO. 18-007 TO AUTHORIZE THE CONTINUED OPERATION OF AN AUTO BODY REPAIR FACILITY WITHIN AN EXISTING BUSINESS PARK LOCATED AT 31131 VIA COLINAS, SUITE NO. 601

THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. An application has been filed by Lance Parks, on behalf of Lance’s Collision Inc., requesting approval of a modification (No. 1) of Conditional Use Permit (CUP) No. 18-007 to authorize the continued operation of an auto body repair facility within a commercial suite of a business park located at 31131 Via Colinas, Suite No. 601.

Section 2. The City Council finds that:

a. Said request was filed on April 21, 2023 and was deemed complete on May 29, 2023.

b. Notice of public hearing was given as required by Chapter 9.32.030 of the Zoning Ordinance.

c. A public hearing was held before the City Council on June 28, 2023.

d. The proposed project is exempt from the requirements of the California Environmental Quality Act as a Class 1 Categorical Exemption.

Section 3. The City Council finds pursuant to Westlake Village Municipal Code Section 9.26.060:

a. The operation of an auto body repair facility is conditionally permitted within the Business Park Zone and complies with all applicable provisions of the Municipal Code.

b. With the application of the attached conditions, the operation of an auto body repair facility will not adversely impact the integrity or character of the Business Park Zone in which it is located.

c. The subject site is physically suitable for the type of land use being proposed because the site is already developed as a business park and has adequate provisions to accommodate the use at peak times.
d. The operation of an auto body repair facility will be compatible with existing and future land uses within the Business Park Zone and in the general area in which it is located. The subject land use will not adversely impact adjacent land uses with excessive noise or traffic.

e. There will be adequate provisions for water, sanitation, and public utilities and services to ensure that the subject land use would not be detrimental to public health and safety because the subject land use will occupy existing space which currently has adequate infrastructure provisions.

f. There are adequate provisions for public access from Via Colinas to serve the subject business, and there is sufficient parking onsite to accommodate the subject use at peak hours of operation.

g. With the application of the attached conditions, the operation of an auto body repair facility is consistent with the objectives, policies, general land uses, and programs of the Westlake Village General Plan. The General Plan provides for the full range of business park uses and services on parcels designated for commercial land use.

h. With the application of the attached conditions, the operation of an auto body repair facility is not detrimental to the public health, safety, or general welfare. The subject business is not expected to produce any impacts beyond those which are anticipated as a result of any other permitted use within the Business Park Zone.

i. Staff recommends approval of the request to modify CUP 18-007 to authorize the continued operation of an auto body repair facility, subject to the conditions set forth in Exhibit "A" attached hereto.

j. The City Council has reviewed and concurs with the analysis and conclusions set forth in the Staff report dated June 28, 2023.
Section 4. Based on the aforementioned findings, the City Council hereby approves Modification No. 1 to Conditional Use Permit No. 18-007 to authorize the continued operation of an auto body repair facility within a commercial suite of a business park located at 31131Via Colinas, Suite No. 601, in accordance with the attached conditions marked Exhibit "A".

PASSED, APPROVED and ADOPTED this 28th day of June, 2023.

ATTEST:

Ray Pearl, Mayor

Antoinette Mann, City Clerk
EXHIBIT A
RESOLUTION NO. 2310-23
CONDITIONAL USE PERMIT NO. 18-007, MODIFICATION NO. 1
CONDITIONS OF APPROVAL

1. This approval authorizes the continued operation of an auto body repair facility within a commercial suite of a business park located at 31131 Via Colinas, Suite No. 601.

2. The conditions of approval herein replace and supersede the conditions of approval for Conditional Use Permit No. 18-007 in their entirety.

3. It is hereby declared to be the City's intent that if any provision of this permit is held or determined to be invalid, this approval shall be void and the privileges granted hereunder shall terminate.

4. The owner of the subject facility, or a designated manager with sufficient authority to enforce all conditions of this permit, shall be present during all business hours. The premises shall be maintained in a neat and orderly fashion at all times.

5. Violation of permit conditions or impacts which are not adequately mitigated by these conditions, shall be grounds for the City Council's Land Use Committee and staff to refer the permit back to the City Council for permit modification or revocation.

6. No business activities or operations of any kind shall be permitted outdoors, including but not limited to painting, welding, auto dismantling, body and fender work, and the storage of vehicles. All such work shall be performed inside of the subject facility only.

7. The subject facility shall comply with all applicable City, County, State, and federal laws at all times. If there is a failure to comply with any of the applicable laws, the Planning Director may require changes to the operation of the facility for the purpose of ensuring compliance. Continued failure to comply with any of the applicable laws, including but not limited to the provisions of the Westlake Village Municipal Code for property noise levels (Section 4.4.035), property maintenance (Section 4.8.010(B)), and stormwater discharge (Section 5.5.025) may result in modification or revocation of the conditional use permit.

8. This permit shall expire on June 28, 2033. An Extension of Time may be requested at least 60 days prior to such expiration date as provided by the Westlake Village Municipal Code. If a request for a time extension is submitted prior to the expiration of the permit but the City Council has not rendered a decision on the request by the expiration date, the permit shall be automatically extended until the City Council renders a decision. In the event that this permit is not so extended by action of the City Council, all rights possessed by the permittee with regard to the
operation of an auto body repair facility shall be extinguished and said use shall be discontinued.

9. The permit holder shall reimburse the City for investigation and enforcement costs (including staff time, sheriff's department fees, consultant fees, and attorney's fees) incurred by the City in connection with any violation of these conditions of approval. Unless the City Manager approves an extended deadline for good cause, such reimbursement shall be remitted within 10 days of the permit holder's receipt of an invoice from the City.

10. The permit holder shall defend, indemnify, and hold harmless the City and its officers, employees, agents, and volunteers from and against all causes of action, claims, costs, damages, demands, expenses (including fees of accountants, attorneys, and other professionals), judgments, liens, losses, penalties, and proceedings of any nature whatsoever arising out of or related to: (i) the City's California Environmental Quality Act review and environmental determination for this permit; (ii) the City's approval of this permit; or (iii) the permit holder's exercise of rights granted by this permit. In the event of a lawsuit, the permit holder shall execute a joint defense and indemnity agreement to satisfy these defense, indemnity, and hold harmless obligations. The joint defense and indemnity agreement shall be in a form approved by the City Attorney and shall require the permit holder to post and replenish a cash deposit to cover legal fees, costs, and expenses incurred by the City in connection with defense of the lawsuit.

11. This permit shall not become effective until the applicant and the property owner, or their authorized representative(s), sign a copy of these conditions of approval to certify that they agree to develop, maintain, and operate the project in a manner consistent with these conditions, and that failure to do so may be grounds for modification or revocation of the permit.

Applicant and Property Owner Certification

I hereby certify that I am the permit holder, the owner of the property that is the subject of this permit, or an authorized representative thereof. I have reviewed these conditions of approval and agree to develop, maintain, and operate the project in a manner consistent with these conditions. I understand that failure to comply with these conditions of approval; failure to comply with any applicable provision of City, County, State, or Federal law; or maintaining or operating the project in such a manner so as to constitute a public nuisance may be grounds for modification or revocation of this permit.

__________________________________________  _______________________________________
Lance Parks                                      Property Owner
Applicant
EMAIL COMMUNICATION/PUBLIC COMMENTS FOR AGENDA ITEM:

PUBLIC HEARING NO. 2

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 18-007 MODIFICATION NO. 1; RESOLUTION NO. 2310-23 - Adopt Resolution No. 2310-23, determining Conditional Use Permit No. 18-007 is exempt from CEQA and approving Modification No. 1 to authorize the continued operation of an auto body repair facility within a commercial suite of a business park located at 31131 Via Colinas, Suite 601.
Hi,

I just received the public comment below.

Best,
Megan

Megan Sinkula  
Senior Planner | City of Westlake Village  
818.706.1613 | wlv.org/planning  

Dear Megan- Senior planner,

We wish to provide the following input on the requested time extension to authorize the continued operation of an auto body repair facility.

We are not in favor in supporting any Auto body repair in the Westlake Commerce Center as we believe that it should be located in a suitable zoned industrial area.

Thank you for your understanding.

Best Regards,  
Fred Joubert  
Libra Property Holdings  
31119 Via Colinas, STE 501  
Westlake Village, CA 91362

Best Regards,
See what you can do with the right solutions in place