P.C. RESOLUTION NO. 08-407

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). CUP-600-025 AND SPR-006-101 AND ADOPT THE ASSOCIATED MITIGATED NEGATIVE DECLARATION TO CONSTRUCT A 75 UNIT AFFORDABLE SENIOR HOUSING DEVELOPMENT ON A PROPERTY LOCATED AT 4803 EL CANON AVENUE (APN: 2068-004-016) WITHIN THE CT (COMMERCIAL-OLD TOWN) ZONING DISTRICT.

Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department.

2. The Initial Study, Mitigated Negative Declaration and any supporting documentation prepared by the Community Development Department

3. Staff presentation at the public hearing held on January 3, 2008 before the Planning Commission.

4. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.

5. 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.

6. 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.

7. All related documents received and/or submitted at or prior to the public hearing.

Section 2. Based on the foregoing evidence, the Planning Commission finds that:

1. The applicant submitted an application for File Nos. CUP-600-025 and SPR-006-101on December 8, 2006.

2. On January 2, 2007, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.

3. On August 21, 2007, the application was deemed complete, the determination was made for the need of an environmental review document, and the applicant was notified.

4. A Draft Mitigated Negative Declaration was prepared and distributed for public review. The review period was October 31, 2007 to November 29, 2007.

5. Public comments and agency review comments received in regard to the Draft Mitigated Negative Declaration were compiled and responses were prepared and incorporated into a Final Mitigated Negative Declaration.

6. Notice of the January 3, 2008, Planning Commission public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.

7. Notice of the January 3, 2008 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.

8. Notice of the Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.

9. The project site is currently zoned Commercial, Old Town (CT).

10. The land use designation for the project site under the City's adopted General Plan is Business – Old Town (B-OT).

11. The surrounding land uses around the subject property are zoned Residential, Multi Family (R-MF), Commercial, Old Town (CT) and Commercial, Office (CO).

12. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

<u>Section 3</u>. The Planning Commission reviewed and considered the Mitigated Negative Declaration and in view of all of the evidence concludes as follows:

Based upon the facts and information contained in the proposed Final Mitigated Negative Declaration, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that with the proposed mitigation measures, there is no substantial evidence that

the project will have a significant effect upon the environment and adopts a Mitigated Negative Declaration based upon the findings as follows:

1. The Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act and the State CEQA guidelines promulgated thereunder; that said, the Mitigated Negative Declaration and the Initial Study prepared reflect the independent judgment of the Planning Commission; further, this Commission has reviewed and considered the information contained in said Negative Declaration with regard to the application.

2. Based upon the design of proposed project and the mitigation measures incorporated, no significant adverse environmental effects will occur.

3. Pursuant to the provisions of Section 753.5(c) of Title 14 of the California Code of Regulations, the Planning Commission finds that in considering the record as a whole, including the Initial Study and Mitigated Negative Declaration for the project, there is no evidence that the proposed project will have potential for an adverse impact upon wildlife resources or the habitat upon which wildlife depends. Furthermore, based upon substantial evidence contained in the Mitigated Negative Declaration, the staff reports and exhibits, and the information provided to the Planning Commission during the public hearing, the Planning Commission hereby rebuts the presumption of adverse effect as set forth in Section 753.5(c-1-d) of Title 14 of the California Code of Regulations.

Section 4. In view of all of the evidence and based on the foregoing findings, the Planning Commission concludes as follows:

Section 17.62.050(E) of the Calabasas Municipal Code allows the Planning Commission to approve a Conditional Use Permit provided that the following findings are made:

1. *The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this Development Code;*

   The proposed affordable senior residential development is an allowed use in the CT zoning district through the approval of a Conditional Use Permit (17.14.020). The project complies with all of the City's development standards, with the exception of three requested concessions related to pervious surface, slope of the garage ramp, and common and private open space. Per the provisions of Senate Bill 1818, the applicant is entitled to three concessions because they are proposing to provide 100% affordable housing. The City is required to grant the applicant these concessions in order to promote the development of affordable housing. Additionally, the project exceeds the maximum Floor Area Ratio (FAR) of 1.0 for the zoning

district. However, because the project is proposing 100% affordable housing, the property is eligible for and received a density bonus in accordance with Section 17.22.30 of the Land Use and Development Code and Section 65915 of California Government Code. The 35% density bonus is applied to the FAR, which increases the maximum FAR to 1.35. The proposed FAR of 1.35 conforms to this standard.

Given that the proposed project is an allowed use in the CT zone and complies with the City's development standards for that zone, with the exception of the three State required concessions, the proposed project meets this finding.

2. *The proposed use is consistent with the General Plan and any applicable specific plan or master plan;*

The 1995 Housing Element of the City's General Plan included a policy that promotes the development of housing specifically designed for the elderly. One of the specific actions was to include in the Development Code provisions of the Housing Improvement Program that permit the development of senior citizen residential projects, as a conditional use, within areas designated for multiple family or commercial uses. The 2000 Housing Element carried this notion through by stating that the City will facilitate the development of affordable housing for seniors and the local workforce in various ways including identifying sites for development and offering regulatory incentives and/or direct financial assistance. It also called for the City to conduct a comprehensive inventory of both residential and commercially designated properties to identify sites that are suitable for infill housing development, such as small-lot single family homes, to provide new affordable housing opportunities to lower- and moderate-income households. The direction provided by the former and current Housing Elements of our General Plan resulted in a development code that allows senior residential projects as a conditionally permitted use in commercial zones, such as CT. Therefore, the proposed use is consistent with the General Plan.

The project falls within the study area of the Old Town Master Plan and Design Guidelines. Numerous measures have been incorporated into the project in order to be consistent with the Master Plan and Design Guidelines. The project provides a large subterranean garage and meets the State's parking requirements for affordable housing. To comply with the architectural guidelines in the Plan, the project was designed in keeping with the "early western" theme. The project proposes a boardwalk along the sidewalk in front of the development, which serves to enhance the pedestrian quality of the area; it varies wall planes on the building by providing balconies, canopies, and overhangs; and it uses traditional base, body and cap functions with typical Old West style articulation and materials. The proposed hardie board (wood substitute) material, horizontal and vertical siding, framed windows and

doors are consistent with the Design Guidelines. Additionally, the proposed colors are all earth-toned and harmonize with the surrounding natural and built environment. The Design Review Panel reviewed the project design and found that it was consistent with the Guidelines.

To be consistent with the "Site Planning" guidelines in the Master Plan, the building will be situated as close to the front property line as possible, given the easements that run through the property. Also, all parking, trash collection areas, service, and storage areas are proposed in the subterranean garage, where they will not be visible from Calabasas Road or El Canon Avenue.

The Master Plan identifies a vegetation zone for Calabasas Creek. The zone is determined by measuring 40 feet from the center line of the creek. This area must be clear of any structures or encroachments. No structures are proposed in the 40 foot vegetation zone; therefore, the proposed project has been designed to be consistent with this requirement.

For the reasons discussed above, the proposed project is consistent with the General Plan and the Old Town Master Plan and Design Guidelines; therefore, it meets this finding.

3. *The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);*

   A Mitigated Negative Declaration was prepared in compliance with the City's adopted CEQA guidelines. Mitigation measures have been identified for all potentially significant impacts caused by the development of this project.

4. *The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.*

   The existing urban neighborhood is developed with a mix of multi-family development, retail development, and service uses in a variety of architectural styles. The proposed use and scale of the development is appropriate for an infill project and complementary to the land uses in the vicinity. The surrounding multi-family developments are similar in bulk and height to the proposed development. An early western architectural theme is used to help the building fit in aesthetically with the existing buildings in the Old Town area. Given these conditions, the project is compatible with the surrounding and anticipated uses and development; therefore, meets this finding.

Section 17.62.020(E), Calabasas Municipal Code allows the director of the Community Development Department or Planning Commission to approve a Site Plan Review provided that the following findings are made:

1. *The proposed use is conditionally permitted within the applicable zoning district and complies with all applicable provisions of this Development Code.*

   The proposed affordable senior residential development is an allowed use in the CT zoning district through the approval of a Conditional Use Permit. The project complies with all of the City's development standards, with the exception of three requested concessions related to pervious surface, slope of the garage ramp, and common and private open space. Per the provisions of Senate Bill 1818, the applicant is entitled to three concessions because they are proposing to provide 100% affordable housing. The City is required to grant the applicant these concessions in order to promote the development of affordable housing. Additionally, the project exceeds the maximum Floor Area Ratio (FAR) of 1.0 for the zoning district. However, because the project is proposing 100% affordable housing, the property is eligible for and received a density bonus in accordance with Section 17.22.30 of the Land Use and Development Code and Section 65915 of California Government Code. The 35% density bonus is applied to the FAR, which increases the maximum FAR to 1.35. The proposed FAR of 1.35 conforms to this standard.

   Given that the proposed project is an allowed use in the CT zone and complies with the City's development standards for that zone, with the exception of the three State required concessions, the proposed project meets this finding.

2. *The proposed use is consistent with the General Plan, any applicable Specific Plan, and any special design theme adopted by the City for the site and vicinity.*

   The 1995 Housing Element of the City's General Plan included a policy that promotes the development of housing specifically designed for the elderly. One of the specific actions was to include in the Development Code provisions of the Housing Improvement Program that permit the development of senior citizen residential projects, as a conditional use, within areas designated for multiple family or commercial uses. The 2000 Housing Element carried this notion through by stating that the City will facilitate the development of affordable housing for seniors and the local workforce in various ways including identifying sites for development and offering regulatory incentives and/or direct financial assistance. It also called for the City to conduct a comprehensive inventory of both residential and commercially designated properties to identify sites that are suitable for infill housing development, such as small-lot single family homes, to provide new affordable housing opportunities to lower- and moderate-income households. The direction provided by the former and current Housing Elements of our General Plan resulted in a development code that allows senior residential projects as a conditional use in commercial zones, such as CT. Therefore, the proposed use is consistent with the General Plan.

The project falls within the study area of the Old Town Master Plan and Design Guidelines. Numerous measures have been incorporated into the project in order to be consistent with the Master Plan and Design Guidelines. The project provides a large subterranean garage that will serve the needs of the residents and their guests; therefore, not amplifying the existing parking deficiency in the Old Town area. To comply with the architectural guidelines in the Plan, the project was designed in keeping with the "early western" theme. The project proposes a boardwalk along the sidewalk in front of the development, which serves to enhance the pedestrian quality of the area; it varies wall planes on the building by providing balconies, canopies, and overhangs; and it uses traditional base, body and cap functions with typical Old West style articulation and materials. The proposed hardie board (wood substitute) material, horizontal and vertical siding, framed windows and doors are consistent with the Design Guidelines. Additionally, the proposed colors are all earth-toned and harmonize with the surrounding natural and built environment.

To be consistent with the "Site Planning" guidelines in the Master Plan, the building is proposed as close to the front property line as possible, given the easements that run through the property. Also, all parking, trash collection areas, service, and storage areas are proposed in the subterranean garage, where they will not be visible from Calabasas Road or El Canon Avenue.

The Master Plan identifies a vegetation zone for Calabasas Creek. The zone is determined by measuring 40 feet from the center line of the creek. This area must be clear of any structures or encroachments. No structures are proposed in the 40 foot vegetation zone; therefore, the proposed project has been designed to be consistent with this requirement.

For the reasons discussed above, the proposed project is consistent with the General Plan and the Old Town Master Plan and Design Guidelines; therefore, it meets this finding.

3. *The approval of the Site Plan Review for the proposed use is in compliance with the California Environmental Quality Act (CEQA).*

   A Mitigated Negative Declaration was prepared in compliance with the City's adopted CEQA guidelines. Mitigation measures have been identified for all potentially significant impacts caused by the development of this project.

4. *The proposed structures, site development, and landscaping are compatible in design, appearance, and scale, with existing uses, development, structure, and landscaping for the surrounding area.*

The proposed development is surrounded by retail development with early western architecture and residential multi-family developments in a modern or contemporary architecture. The scale of the development is consistent the neighboring multi-family uses, and the design is consistent with the early western architectural style of the Old Town buildings. The applicant is proposing to use colors and materials that are consistent with the Design Guidelines for the Old Town area in addition to various other "site planning" techniques that complement the nature and design of Old Town. Additionally, the proposed landscaping is compatible with the natural environment surrounding the site and will act as a buffer between the proposed development and the surrounding properties. Therefore, the proposed project meets this finding.

5. *The site is adequate in size and shape to accommodate the proposed structures, fences, landscaping, and other development features.*

   Section 17.014.030 of the Land Use and Development Code contains development standards including setbacks, height limits, and lot coverage for the properties zoned CT, in order to ensure that development is adequately proportional to the size of the property. Compliance with said standards is required for approval of any development. Consequently, the subject property contains ample space to accommodate the proposed residence. By covering 53% of the property, the proposed development will be in conformance with the site coverage requirement (72%). The proposed three-story development is in compliance with the City's height requirement (35 feet) and is consistent with the height of neighboring multi-family developments. The side and rear setbacks for a project in the CT zone are to be determined during the review process on a case-by-case basis. Staff finds that the proposed setbacks are appropriate for this development. The Code also requires that projects in the CT zone not have a front setback. The proposed development has been placed as close to the front property line as possible, given the easements that run through the front portion of the property.

   The project exceeds the maximum Floor Area Ratio (FAR) of 1.0 for the zoning district. However, because the project is proposing 100% affordable housing, the property is eligible for and received a density bonus in accordance with Section 17.22.30 of the Land Use and Development Code and Section 65915 of California Government Code. The 35% density bonus is applied to the FAR for this property, which increases the maximum FAR to 1.35. The proposed FAR of 1.35 conforms to this standard.

   The project does not comply with the required pervious surface standard. The project proposes 27% permeable surfaces instead of the required minimum of 28%. Per the provisions of Senate Bill 1818, the applicant is entitled to three concessions because they are proposing to provide 100% affordable housing.

One of the three concessions the applicant is requesting is a decrease in the required permeable surface standard. Unless the City can make clear findings that the concessions are not necessary to achieve affordability or that the concessions would threaten public health or safety, the City is required to grant the applicant these concessions in order to promote the development of affordable housing. Therefore, the applicant is not required to comply with this standard.

Although the project does not comply with the standard FAR and pervious surface requirements for this site because of State required density bonuses and concessions, it conforms to all other applicable site coverage, height and setbacks standards for this property. Therefore, the site is adequate in size and shape to accommodate this project; hence, the project meets this finding.

6. *The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.*

The proposed project will be compatible with the architecture and scale of the existing buildings in the community and will integrate well with the natural environment. The proposed earth toned colors and materials will help the residence blend with the existing environment and will create a project that is compatible with the early western theme of Old Town. Furthermore, the future landscaping on the subject site will act as a buffer between the proposed development and the surrounding properties. Although the project will require removal of one heritage oak tree and one non-heritage oak, the necessary mitigation measures will be taken per the conditions in Resolution No. 08-408 and the mitigation measures in the Biological Resources section of the MND. Therefore, the project meets this finding.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby adopts the Mitigated Negative Declaration and approves File Nos. CUP-600-025 AND SPR-006-101subject 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 Conditional Use Permit and Site Plan Review, or the activities conducted pursuant to said permits. Accordingly, to the fullest extent permitted by law, the Thomas Safran Associates 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 CUP-600-025 AND SPR-006-101, or the activities conducted pursuant to this CUP-600-025 AND SPR-006-101. Thomas Safran Associates 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

Community Development Department / Planning Division

1. The proposed 75 unit senior affordable housing 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. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.

4. 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.

5. 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.

6. 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.

7. 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.

8. All landscaping is to be installed within 90 days of occupancy to the satisfaction of the Director of Community Development or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.

9. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.

10. 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.

11. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.

12. 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.

13. Prior to commencement of construction, all necessary building permits must be obtained from the City of Calabasas Building and Safety Division as well as the City of Los Angeles Building and Safety Division.

14. The project must comply with the building codes in effect at this time, which are the 2007 California Plumbing, Mechanical and Electrical Codes.

15. The project is located within a designated "Very High Fire Hazard Severity Zone". The requirements of Chapter 64 of the 2002 Los Angeles County Building Code, Vol. 1, must be incorporated into all plans.

16. 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.

17. The applicant and contractors shall implement all reasonable efforts to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.

18. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." Please contact the Public Works Department for a list of permitted haulers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.

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

    i. 7:00 a.m. to 6:00 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, businesses 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.

20. A plan must be submitted to the Planning Division that shows any construction vehicle parking and any potential construction vehicle stacking on the public street. The plan shall also contain measures to reduce the impact of construction traffic on the neighboring properties. The plan shall be approved by the Community Development Director and the Public Works Director or their designees prior to the issuance of any permits.

21. The units shall only be rented to persons above the age of 55 who also qualify as low income earning between thirty (30) and sixty (60) percent of Area Median Income.

22. The development shall be restricted to low-income seniors for a period of time not shorter than 55 years. A deed restriction shall be approved as to form by the City Attorney.

23. Applicant must comply with all the mitigation measures in the Mitigation Monitoring Reporting Program (MMRP) and a copy of the MMRP shall be kept on the job site at all times.

24. Applicant is encouraged to work with his neighboring property owners to provide gated pedestrian access between and among adjoining properties, and to allow access to Park Sorrento.

25. Applicant must manage the project so that the parking needs for residents in the facility do not exceed the allotted parking supply.

Public Works Department / Environmental Services Division

26. McCoy Creek is one of the headwaters of Los Angeles River. The owner(s) shall be responsible to meet all safety requirements and EPA approved measures to keep the water clean. All Total Maximum Daily Loads (TMDL) applicable to Los Angeles River are applicable to McCoy Creek and thus a responsibility of the property owner(s).

27. 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.

28. The Contractors shall implement all reasonable efforts to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient equipment, and systems. The Contractor shall divert at least fifty percent (50%) of inert material (dirt, concrete, asphalt and rock) AND at least fifty percent (50%) of other C&D material (wood, drywall, green waste and metal) from landfills.

29. This project is a development planning priority project under the City's NPDES Municipal Stormwater Permit as a commercial redevelopment project that will create one acre or more of impervious surface area and 25 or more parking spaces. An Urban Stormwater Mitigation Plan (USMP) that incorporates appropriate post construction best management

practices (BMPs) into the design of the project must be prepared and approval prior to issuance of any grading or building permit. Please refer to the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) for applicable design requirements. The project-specific USMP shall describe how your project design conforms to all requirements set forth in the SUSMP and must include a fully executed and recorded "Maintenance Covenant for Parcels Subject to SUSMP Requirements" to provide for on-going maintenance of the BMPs that have been chosen. The design must consider all TMDLs applicable to the area to ensure the site will not exceed targets adopted by the EPA or State Water Resource Control Board.

30. As part of the development, the applicant shall restore Mc Coy Creek banks to natural conditions. This includes, but not limited to stabilize Creek banks, removal of nonnative plants, removal of concrete and other non-natural material, and removal of fallen trees and other dead vegetation.

31. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." Please contact the Public Works Department for a list of permitted haulers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.

32. Grading shall be prohibited from October 1st through April 15th, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.

33. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system, and is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Ordinance 2002-177, Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

34. Prior to issuance of grading permit, the developer shall submit an accurately scaled pervious surface plan which clearly defines areas of pervious surfaces calculated, demonstrating compliance with the minimum pervious surface requirement in accordance with Calabasas Municipal Code Section 17.56.030, less the 1% concession requested by the developer.

35. Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be appropriately trained. This includes those personnel responsible for installation, inspection, maintenance, and repair of BMPs. Those responsible for overseeing, revising, and amending the SWPPP shall also document their training. Training should be both formal and informal, occur on an ongoing basis when it is appropriate and convenient, and should include training/workshops offered by the SWRCB, RWQCB, or other recognized agencies or professional organizations.

Traffic Department

36. Construct El Canon Avenue from the north project boundary to the south project boundary as a two lane roadway including landscaping and parkway improvements in conjunction with development.

37. Sufficient on-site parking shall be provided to meet state of California parking code requirements for affordable senior attached housing.

38. Sight distance at the project access should be reviewed with respect to California Department of Transportation/City of Los Angeles standards in conjunction with the preparation of final grading, landscaping, and street improvement plans. No landscaping or objects shall be installed in the vicinity of the driveway which may obstruct sight lines during vehicular ingress/egress, subject to the approval of the City Engineer.

39. On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.

40. The project frontage area available for street parking shall have signs installed and curbs painted restricting the curb use to loading and unloading only, subject to approval from the City of Los Angeles.

41. Sidewalks and right-of-ways should be designed to ensure the highest amount of pedestrian safety by meeting all City of Los Angeles requirements.

42. The intersection of El Canon Avenue and Calabasas Road shall be painted as "Keep Clear" per City of Los Angeles requirements.

43. Left turns onto Calabasas Road from El Canon Avenue shall be prohibited during peak periods per City of Los Angeles requirements.

44. The applicant shall pay its fair share of funds for installation of a traffic signal and shall install a traffic signal at the intersection of El Canon Avenue and Calabasas Road if it is warranted after a six (6) month

demonstration period determined by the Public Works Director/City Engineer.

45. The cul-de-sac of El Canon Avenue shall have signs installed prohibiting parking to provide adequate turning space for all vehicle types, subject to approval from City of Los Angeles.

46. The applicant shall pay to the City a Citywide Traffic Mitigation fee of $92,250.00 based on the rate of $1,230.00 per residential unit.

Las Virgenes Municipal Water District

47. The district requires strict water conservation measures as a condition of project approval. This would include, but is not limited to, fixture design and installation (use of low flow toilets and shower heads), hot water circulating systems and techniques and maximum use of recycled water during and after construction.

48. The developer will be required to meet all of the District's conditions of service and pay any water or sewer fees that may be due prior to construction.

Los Angeles County Fire Department

49. Obtain final approval from Fire Department Land Development Unit prior to issuance of building permits.

Public Works Department / Engineering Division

STREET IMPROVEMENTS

50. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.

51. The applicant shall provide plans and details of the project frontage including, but not limited to curb and gutter, parkway, sidewalk and driveway to the satisfaction of the City Engineer. Details shall be coordinated with the Planning Division of the Community Development Department, County of Los Angeles Fire Department, as well as the City Landscape Maintenance District (LMD) (if applicable).

52. The applicant shall provide designs and details of existing and proposed sidewalk and driveway transitions compliant with the Americans with Disabilities Act (ADA) as well as disabled access provisions as contained in the latest edition of the California Building Code (CBC), as amended by

the County of Los Angeles and the City of Calabasas. Any existing frontage improvements (sidewalk, driveway(s), clearances around above-ground utility poles, utility boxes, etc) shall be reviewed and upgraded as necessary to comply with disabled accessibility standards.

53. The applicant shall provide the appropriate line of sight and striping plans for the proposed improvements in accordance with the Public Works Department.

54. Prior to the Issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's access driveway, to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.

55. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.

GRADING AND GEOTECHNICAL

56. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design the proposed residential construction. The plans should include, but not limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reference the approved geotechnical report, and reflect cut, fill, compaction, over-excavation requirements contained therein. The plans shall reflect all proposed drainage facilities, including storm drains, area drains, catch basins/inlets, swales, and other drainage devices necessary for the interception, conveyance and disposal of on-site and offsite drainage consistent with the project drainage report. The plan should include all laterals and utility lines including sewers and water lines.

57. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvement including engineering calculations for all graded slopes, foundations, retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The reports should be in accordance with the County of

Los Angeles standards and the City of Calabasas Public Works Department.

58. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.

59. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.

60. The applicant agrees to address and mitigate any and all geotechnical design engineering and construction issues not contained within these conditions, but associated with the proposed development that may arise during final design and/or construction.

61. The applicant shall eliminate all geologic hazards associated with this proposed development, in accordance with the recommendations of the City's geotechnical consultant and to the satisfaction of the City Engineer.

62. All retaining and privacy walls shall be no more than 6 feet in height. Wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during rough grading shall be so noted on the plans and shall require the specific approval of the Public Works Department.

63. Prior to issuance of a grading permit, the applicant shall submit a surety grading improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage device.

64. Prior to issuance of a grading permit, the applicant shall submit official stamped and signed copies of the acknowledgement concerning the employment of a registered civil engineer and technical consultants (Form K).

65. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department.

66. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto public streets shall be enforced.

67. The grading contractor shall maintain on site at all times a means of controlling dust and other airborne particulates originating from the project

site. Construction water shall be provided and applied at regular intervals so as to maintain moisture content of at least 6% in the upper strata of exposed site soils. At the discretion of the City Engineer, additional dust palliatives or other effective methods (fencing, screening) may be specified to prevent the migration of airborne dust onto adjacent properties.

68. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted in writing to the City Engineer.

69. Rough Grade Report. At the completion of rough grading, the project Geotechnical Engineer shall submit a comprehensive rough grade report summarizing the required observations, verifications, related tests, and other pertinent documentation to the City Engineer for review and approval.

70. Rough Grade and Building Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade and Building Pad Certifications on the City's forms. The certifications shall be signed by the project Geotechnical Engineer and project Civil Engineer, as well as the Grading Contractor. The certification shall be accompanied by as-built survey where deemed necessary by the City Engineer to verify compliance with the limits and elevations required by the approved grading and drainage plans. The Rough Grade and Building Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.

71. Approval of Rough Grading. The project Rough Grade Report and Rough Grade and Building Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community Development Department, Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**

72. Any variations from the approved grading plan must be reviewed and approved in advance by the Community Development Department (Planning Division) and the Public Works Department (City Engineer). Proposed variations from the approved grading plan shall be submitted by the engineer of record. The consulting engineer shall submit three redline copies for review by the Planning Department and the City Engineer. The

City Planner shall make the determination if the changes require a review by the Planning Commission. Any field changes made prior to the approval by the City may result in the posting of a Stop Work Order by the City Engineer. In such case, all related construction activity shall cease pending review and approval of field changes.

73. Prior to issuance of a Certificate of Occupancy (C of O), the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.

74. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification on the City's form. The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

75. The Applicant shall be responsible for the construction and maintenance of the proposed site improvements. A maintenance covenant shall be recorded against the property to ensure that project hardscape (sidewalks, ramps, parking areas and drive aisles, striping, disabled parking areas, signage, accessible route delineators, and related improvements) and drainage system (pipes, inlets, outlets, basins, water quality devices, and related improvements) are properly maintained. Maintenance provisions shall be submitted by the applicant and approved by the City of Calabasas Public Works Department. Said covenant shall contain provisions ensuring that proper maintenance is provided in perpetuity for the constructed improvements. Covenant shall additionally include provisions to reimburse the City for any repair or maintenance effort required of said facilities, as deemed necessary by the City due to failure of the property owner(s)/management to adhere to the provisions of said covenant. The determination of necessity shall be at the sole discretion of the City.

HYDROLOGY AND DRAINAGE

76. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, storm water detention and water quality mitigation measures, and associated calculations and conclusions. The drainage study shall be submitted to the Public Works Department for review and approval prior the issuance of a grading permit.

77. All drainage shall be sloped 2% away from all parts of the structure and conveyed through an on-site storm drain system to an approved point of disposal.

78. The applicant's engineer shall provide for detention of on-site storm drainage, based on either offsite storm drain capacity limitations or a 'no net increase' approach, whichever yields the greater volume of required detention. In either case the required volume shall be calculated by unit hydrograph or other approved means. Such calculations shall be included in the final drainage study.

79. The portion(s) of the site intended for detention of storm water shall be reflected on the drainage plans, and include construction details for size, shape, volume, fencing and access for maintenance. Design of the outlet works for the areas of detention shall be such that the required volume of detention is attained and the approved maximum rate of outflow is not exceeded. Details of the design of the detention areas and outlet works shall be consistent with those contained in the final drainage study.

80. The applicant's engineer shall prepare drainage plans detailing the required design of the on-site storm drain system. The design shall be consistent with the calculations contained in the final drainage study, with appropriate details to allow for plan review, inspection and construction of the required facilities. The on-site storm drain plans, along with plans for any necessary extensions of offsite storm drain systems and connection details, shall be submitted to the City of Calabasas Public Works Department for review and approval prior to the issuance of a grading permit.

81. Unless specifically approved by the City of Calabasas and the County of Los Angeles Public Works Departments, the on-site storm drainage system shall be privately owned and maintained. Drainage plans shall clarify that the on-site storm drain system is not to be maintained by either the City of Calabasas or the County of Los Angeles.

82. The applicant shall provide for the perpetual ownership and a program of regular maintenance of the on-site drainage facilities, including but not limited to the proposed storm drain pipes, catch basins, interceptor ditches, debris basins, detention facilities, water quality treatment devices, area drains, etc. The proposed program shall be submitted to the City of Calabasas Public Works Department for approval and shall include exhibits showing the locations of facilities to be maintained, and narrative descriptions of the facilities with required frequency of maintenance. Any debris and detention facilities shall be adequately detailed to allow the perpetual maintenance of required volume. Such details shall include limits and dimensions of facilities (i.e.: top and bottom dimensions, depth,

design volume) such that future maintenance and cleaning efforts shall adequately restore the shape and operational capacity of the facility. The approved program shall be recorded with a maintenance covenant to insure perpetual maintenance of such facilities and devices.

83. The applicant's engineer shall provide for the mitigation of the project's storm water quality impacts. The applicant's engineer shall provide calculations for the sizing and location of devices intended to mitigate such impacts in accordance with the County of Los Angeles NPDES, SUSMP and USMP requirements. Calculations shall be submitted with the final drainage study. The locations of required water quality treatment devices shall be shown on the drainage plans. Details of the required devices shall be included in the drainage report and detailed on the project plans.

UTILITIES

84. All new utilities serving the proposed project shall be placed underground.

85. All existing overhead utilities (electric, telephone, cable, etc.) along the project frontage and along the project boundaries shall be converted underground.

86. The project shall connect to an existing sewer. The applicant shall construct a 6-inch minimum sewer lateral to connect the proposed project to the existing available sewer main.

87. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.

88. The project shall connect to an existing water main. The applicant shall construct a water service lateral to connect the proposed project to the existing available water main.

89. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (ie: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.

PUBLIC WORKS SPECIAL CONDITIONS

GRADING AND GEOTECHNICAL

90. Applicant shall comply with all state requirements for construction within a special studies zone. Copies of the report must be sent to the State Geologist by the applicant prior to the issuance of a Certificate of Occupancy (C of O).

91. The applicant shall provide for the mitigation of the potential for liquefaction and lateral spreading, and well as the densifying of soils underlying and providing support for the proposed buildings. The applicant will provide for a specific design and method of ground improvement to satisfy the above requirements, according to the following:

    A. The applicant shall have ground improvement plans and associated specifications prepared by a Registered Civil Engineer licensed to practice in the State of California.
    B. The project geotechnical engineer shall review the ground improvement plans and specifications for consistency with the provisions of the project geotechnical report.
    C. After review of the proposed ground improvement plans and specifications, the project geotechnical engineer shall prepare a supplemental report indicating their concurrence with the proposed ground improvement plans and specifications. The supplemental report shall also provide quality control and quality assurance criteria to provide a means of confirming that mitigation of the potential for liquefaction and lateral spreading and soil densification has been accomplished.
    D. The approved ground improvement plans and specifications and supplemental report shall be submitted for review in conjunction with the project grading plans. Supplemental report shall be approved by the City prior to the issuance of a grading permit.

92. During construction, the project geotechnical engineer shall monitor and document the construction/installation of the ground improvement components.

93. Upon completion of construction of the ground improvement work, testing shall be performed under the direction of the project geotechnical engineer where deemed appropriate to confirm the suitability of the ground improvement performed.

94. The project geotechnical engineer shall prepare a supplemental report summarizing the results of the post-ground improvement testing. The report shall include a statement that the ground improvement has

mitigated the potential for liquefaction and lateral spreading at the site and will provide suitable support for foundations. The report shall be submitted to the City for review and approval prior to the issuance of a Building Permit.

95. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for the parking garage, adjacent retaining walls, slopes and property lines. Grading plans shall provide sections as necessary to clarify the depth and grade relationships of these excavations.

96. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.

97. The project grading plans shall reflect the shoring necessary for the construction of the retaining walls/parking garage. The applicant's engineer shall prepare plans to address specific areas of required shoring based on the recommendations contained in the soils engineer's report.

98. The required shoring plans shall be submitted to the Building and Safety Division of the Community Development Department for structural design review and approved prior to the issuance of a grading permit for the project.

99. The applicant agrees to address and mitigate any and all engineering and geotechnical design and construction issues not contained within these conditions, associated with the proposed development that may arise during final design.

100. The applicant shall provide for a well-point or other equally effective means for the control and drawdown of groundwater encountered during excavation operations. The design of such a dewatering system shall be submitted to the Public Works Department and reviewed/approved prior to the issuance of a grading permit.

101. The applicant shall provide for a means of impounding and clarifying groundwater associated with the dewatering system prior to discharge into McCoy Creek. Such a system shall be subject to review and approval by the Los Angeles Regional Water Quality Control Board (LARWQCB). Evidence of such review and approval shall be submitted to the Public Works Department prior to the issuance of a grading permit.

DRAINAGE AND FLOOD HAZARD DELINEATION/MITIGATION

102. The applicant's Engineer shall prepare a Conditional Letter of Map Revision (CLOMR) application for submittal to the Federal Emergency Management Agency (FEMA).

103. The CLOMR application shall contain a hydraulic analysis of the adjacent McCoy Creek, and shall examine the vertical depth and lateral extents of flooding associated with this watercourse in relation to the proposed grading of the project.

104. The required CLOMR application shall be reviewed and approved by FEMA, and a CLOMR issued, prior to the issuance of a grading permit for the project. The proposed grading (pad(s)/finished floor(s)) shall be at or above the elevations specified in the CLOMR.

105. Upon the completion of grading operations the applicant's Engineer shall submit a Letter of Map Revision (LOMR) application to FEMA. The LOMR application shall be approved by FEMA and a LOMR issued prior to the issuance of a C of O by the City.

106. The lowest habitable finished floor(s) of the proposed building(s) shall be designed such that their elevation is a minimum of 1-foot above the highest Base Flood Elevation (BFE) of the adjacent McCoy Creek. The BFE shall be determined using the modeling methodology contained in the hydraulic analysis in the approved CLOMR/LOMR, and shall be taken as the highest calculated water surface elevation (CWSE) along the project frontage with McCoy Creek associated with either the 50-year bulked/burned flow rate, or the 100-year flow rate, whichever is greater. The CWSE shall be reflective of any wave action or superelevation associated with the Creek.

107. The portions of the building(s) located below the BFE of McCoy Creek shall be flood proofed in accordance with FEMA 102 *Flood proofing of Nonresidential Structures*, as well as appropriate provisions of the California Building Code (IBC references), whichever are more restrictive.

108. The applicant shall provide elevation certificates, prepared on FEMA's latest forms, to the Public Works Department prior to the issuance of a C of O.

109. The applicant shall obtain any and all necessary approvals and permits from the Army Corps of Engineers (ACOE) and/or the California Department of Fish and Game (CDFG) for the proposed storm drain outlet to McCoy Creek. Copies of the permits, or written acknowledgement that such permits are not required, shall be submitted to the Public Works

Department prior to the issuance of a grading permit. Any additional conditions specified by these agencies as part of their permit(s) shall be observed and implemented.

110. The storm drain outlet pipe shall be provided with a one-way check valve or other equally effective means of preventing the CWSE associated with McCoy Creek from comprising the hydraulic/detention capacity of the on-site storm drain.

Section 6. All documents described in Section 1 of PC Resolution No. 08-407 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 08-407 PASSED, APPROVED AND ADOPTED this 3rd day of January, 2008.

Mark Sikand, Chairperson

ATTEST:

Maureen Tamuri
Community Development Director

APPROVED AS TO FORM:

City Attorney

Planning Commission Resolution No. 08-407 was adopted by the Planning Commission at a regular meeting held January 3, 2008, and that it was adopted by the following vote:

AYES: Chair Sikand, Vice Chair Mueller, Commissioner Klein, Commissioner Fritz, Commissioner Shumacher.

NOES:

ABSENT: Commissioner Brown

ABSTAINED:

"The Secretary of the Planning 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 Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought."