RESOLUTION NO. 2008-1149

A RESOLUTION OF THE CITY OF CALABASAS OF THE CITY OF CALABASAS, CALIFORNIA TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT AND APPROVE FILE NOS. GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004, OTP-007-004 AND DA-007-000 TO ALLOW FOR AN AMENDMENT OF THE GENERAL PLAN LAND USE DESIGNATION FROM BUSINESS-PROFESSIONAL OFFICE (B-PO) TO MIXED USE (MU); A CHANGE OF ZONING FROM COMMERCIAL OFFICE (CO) TO COMMERCIAL MIXED USE (CMU); A DEVELOPMENT AGREEMENT FOR THE PURCHASE OF FOUR (4) OFF-SITE MARKET RATE RESIDENTIAL UNITS TO BE SOLD TO QUALIFYING VERY-LOW INCOME RESIDENTS; A VESTING TENTATIVE TRACT MAP (NO. 66208) FOR THE SUBDIVISION OF RESIDENTIAL CONDOMINIUM UNITS; AN OAK TREE PERMIT FOR THE REMOVAL OF FOUR (4) COAST LIVE OAK TREES AND THE ENCROACHMENT INTO THE PROTECTED ZONE OF TWENTY EIGHT (28) COAST LIVE OAK TREES; AND A DEVELOPMENT PLAN FOR AN INCREASE IN THE ALLOWED FLOOR AREA RATIO FROM 0.2 TO 0.7447; TO ACCOMMODATE THE DEVELOPMENT OF A 174,413 SQUARE-FOOT, 44.3-FOOT TALL MIXED USE PROJECT, WHICH CONSISTS OF 79 RESIDENTIAL CONDOMINIUM UNITS AND 13,135 SQUARE FEET OF RETAIL/RESTAURANT USES, LOCATED AT 23500 PARK SORRENTO.

SECTION 1. The City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports that were prepared by the Community Development Department.

2. Staff presentation at the public hearing held on September 10, 2008, before the City Council.

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

4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.

5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.

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

SECTION 2. Based on the foregoing evidence, the City Council finds that:

1. The applicant submitted an application for a General Plan Amendment No. 006-006, Tentative Tract Map No. 006-004, Conditional Use Permit No. 600-054 and Site Plan Review No. 006-054 on March 17, 2006. Applications for Development Plan No. 007-000, Zone Change No. 007-000 and Oak Tree Permit No. 007-004 were submitted on February 1, 2007. An application for Development Agreement No. 007-000 was submitted on February 6, 2007.

2. On March 29, 2006, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.

3. On March 17, 2007, the application was deemed complete and the applicant was notified.

4. On April 7, 2008, a draft environmental impact report (DEIR) was circulated for public review for 45 days in accordance with California Environmental Quality Act (CEQA).

5. On June 23, 2008, responses to comments made by the general public were prepared and added to the final environmental impact report (FEIR) for consideration by the Planning Commission and City Council.

6. On August 14, 2008, the Planning Commission considered the agenda reports, staff presentation, public comments, and testimony and adopted Planning Commission Resolution No. 08-432 approving SPR-006-054 and CUP-600-054, and recommending certification of the Environmental Impact Report and approval of GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004, OTP-007-004 and DA-007-000 to the City Council.

7. Notice of the September 10, 2008, City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.

8. Notice of the September 10, 2008, City Council public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.

9. Notice of the City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.

10. Notice of City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

11. The project site is currently zoned Commercial Office (CO).

12. The land use designation for the project site under the City's adopted General Plan is Business-Professional Office (B-PO).

13. The surrounding land uses around the subject property are zoned Commercial Office (CO), Public Facility (PF), Recreation (REC), Open Space (OS), Residential Multi-Family and Commercial Old Town (CT).

SECTION 3. In view of all of the evidence presented and based on the following findings and conclusions, the City Council hereby certifies the adequacy of the Final Environmental Impact Report (EIR), in accordance with CEQA guidelines, Sections 15090 and 15091.

EIR CERTIFICATION

A. The City Council has read and considered the Final EIR which consist of the draft EIR including appendices thereto, the written comments received within the public review period which notice was given and review provided as required by CEQA, a list of persons, organizations, and public agencies commenting on the draft EIR through written comments received by the City prior to the end of the public review period, and the written Responses to Comments which were prepared. The City Council adopts the Responses to Comments as complete and adequate responses to the written comments, and finds that copies of such Responses to Comments were provided to those submitting written comments within the statutory period provided by CEQA.

B. The City Council further finds that the Final EIR contains all of the mandatory contents of Environmental Impact Reports, as contained in Section 21000-21177, of the California State Public Resources Code. In addition, all of the procedures for preparation and review of Environmental Impact Reports required by Article 7 of the State CEQA Guidelines have been complied with.

C. The City Council has reviewed and considered the Final EIR, which is incorporated herein and made a part hereof. The Final EIR considers all potentially significant environmental impacts of the Village at Calabasas Project, and the Final EIR is complete and adequate and fully complies with CEQA.

D. Because the Final EIR identifies one or more potentially significant environmental effects of the Village at Calabasas Project, the City Council hereby adopts the Statement of Facts and Findings set forth below as required by Section 15091 of the CEQA Guidelines:

1. Issues analyzed in the Village at Calabasas project EIR included analysis of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use, Noise, Public Services, Transportation / Traffic, and Utilities, plus a discussion of the Mandatory Findings of Significance, which for this project are limited to impacts associated with biological resources and cumulative impacts. Of the seventeen required areas of analysis under CEQA, three topics are covered under the Initial Study, where it was determined that less than significant impacts or no impacts will occur. This section documents the City's findings with respect to the environmental analysis, the facts in support of the findings, and the impacts following mitigation. The mandatory findings of significance, to include cumulative impacts, are addressed within each individual environmental issue area.

2. Supporting Statement of Facts and Findings with respect to **Aesthetic** Impacts.

    a. Evidence in Support of Findings. The proposed project will not result in any significant impacts on a scenic vista because there are no views of scenic vistas through the project site from Park Sorrento or adjacent properties. Although the project would result in the removal of four oak trees, they are not visually prominent; therefore, their removal would not substantially damage scenic resources. The proposed project will change the visual character of the site from a low intensity banquet facility to a 4-story mixed use project; however, the building is attractively designed and will fit in with style of other buildings in the general vicinity.

    b. There is the possibility of a significant effect on McCoy Canyon Creek due to exterior lighting of the project. This impact can be mitigated

below a level of significance by the following mitigation measures, which the project EIR requires to be incorporated:

B-1 All outdoor light fixtures shall limit light trespass and glare through the use of shielding and directional lighting methods, including, but not limited to, fixture location and height. In general, exterior lighting pole heights shall not exceed approximately fifteen (15) feet in height.

B-2 Outdoor light fixtures used to illuminate landscaping, flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

B-3 All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and glare at any location on or off the property. No permanently installed lighting shall blink or flash. All lighting fixtures shall be appropriate in scale, intensity, and height to the architectural design values and building uses proposed.

B-4 Landscaping shall be provided in areas where plantings can reduce visible glare and enhance natural surroundings.

B-5 Lighting fixtures located along Park Sorrento Drive and project driveways shall be fitted with glare shields or be cut-off type fixtures.

B-6 Lighting fixtures intended for security purposes shall be equipped with motion sensors.

c. Findings with Respect to Significant Impacts Following Mitigation. No significant unavoidable adverse project level or cumulative impacts on aesthetics would result from the implementation of the Project after applicable mitigation measures are imposed.

3. Supporting Statement of Facts and Findings with respect to **Air Quality** Impacts.

a. Evidence in Support of Findings. Because the proposed project would not exceed the growth rate anticipated for the area, it will not have a

significant impact on AQMP. Furthermore, the proposed mixed use project would have less average daily trips than a similar retail or office complex and is the consistent with the goals of AQMP for new development.

b. There is the possibility of a significant effect on air quality during the construction period. This impact can be mitigated below a level of significance by the following mitigation measures, which the project EIR requires to be incorporated:

C-1 The project developer shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the project site throughout the project construction phases. The project developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development.

C-2 The project developer shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The project developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:

c. Findings with Respect to Significant Impacts Following Mitigation. No significant unavoidable adverse project level or cumulative impacts on air quality would result from the implementation of the Project after applicable mitigation measures are imposed.

4. Supporting Statement of Facts and Findings with respect to **Biological Resources** Impacts.

a. Evidence in Support of Findings. Although McCoy Canyon Creek trends through the subject property, the proposed development would not result in an impact to the streambed. Furthermore, because the project site is currently developed with a wood frame structure, parking lot and landscaped area, the majority of the construction will take place on developed areas.

b. There is the possibility of a significant effect because the development requires the removal of four oak trees, which includes a permanent loss of 0.04 acres of southern coast live oak. Additionally, the proposed project could have an impact on biological resources in the potential loss of existing wildlife. These impacts can be mitigated

below a level of significance by the following mitigation measures, which the project EIR requires to be incorporated:

D-1 To Mitigate Potential Loss of or Impacts to Native Oak Trees - General mitigation recommendations for the loss of four (4) oak trees onsite are outlined below under the subtitle "*A. Removal Trees*." Recommendations for management of the preserved oak trees during construction are outlined under the subtitle "*B. Preservation Trees*." Mitigation recommendations were developed through the application of conditions in the City's ordinance. General maintenance guidelines for preserved and mitigation trees follows under the heading "*C Oak Tree Management & Preservation Guidelines*."

All of the removal trees (87, 89, 94 and 102) have a DBH of 11 inches or less and shall be considered for relocation, as feasible. The three oaks with a DBH of less than two inches shall also be relocated, as feasible, under the direction of the project arborist.

The preserved oaks that line the stream course onsite will benefit from minor enhancements including the removal of trash, a large ornamental palm and other nonnative vegetation. The removal of natural plant detritus (e.g., fallen branches, dead tree trunks, leaf litter) will be necessary and recommended as part of the Fuel Modification Plan for those oaks within fifty feet of combustible structures (i.e. building structures). This is because dry detritus can significantly increase the chance of fire. Therefore, although the plant detritus contributes to the habitat value of the riparian ecosystem, those trees within McCoy Canyon Creek that are within the Fuel Modification Plan boundary will be thinned on an annual basis. A permit to alter or prune any oak tree within the Fuel Modification Plan boundary will be required per the City of Calabasas Oak Tree Ordinance.

The onsite footpath shall be designed to avoid impacts to the oak tree habitat (tree #65), and to maintain the largest and most contiguous area of sensitive habitats on-site. In addition development of the footpath shall include a proposed minimum 20-foot buffer to protect adjacent oak trees close to the footpath. The footpath design shall include a detailed feasibility analysis showing how the design has accomplished these avoidance strategies. The design of the footpath shall not be approved by the City until it has adequately demonstrated

maximum avoidance of trees #65, #60, #61 and #63 to the satisfaction of the Community Development Director.

A. Removal Trees

In order to offset the loss of four (4) oak trees, it is recommended that the applicant be responsible for the mitigation measures listed below which are in accordance with the Calabasas Oak Tree Preservation and Protection Guidelines and Section 17.26.070 of the Calabasas Municipal Code (attached).

1) Plant replacement oak trees onsite to replace each inch of tree removed at a 1:1 ratio. The diameters of the four removal trees total approximately 31.5 inches. The mitigation requirements include but are not limited to the following:

    a. Replacement trees shall consist of Coast Live Oak (Q. agrifolia) trees and Valley Oak (Q. lobata) trees that have been raised at a nursery which harvests acorns from local oak trees.

    b. The size and quality of the replacement trees shall be consistent with the specifications outlined in Section VIII.7.A-C of the Oak Tree Preservation and Protection Guidelines. Small (5 gallon) oak trees shall be utilized whenever possible. Every attempt shall be made to acquire trees grown from local acorns.

    c. Inch for inch replacement shall correspond to the species that was impacted. For example, if a valley oak with a truck diameter of ten inches were removed, then at least ten inches of valley oak saplings (cumulative diameter) shall be planted as replacement.

    d. Replacement trees shall be planted in accordance with the procedures established in Section VIII.7.D of the Oak Tree Preservation and Protection Guidelines.

2) Every attempt shall be made to complete the mitigation for loss of oaks onsite. However, if it is not feasible to replace trees at a 1:1 replacement ratio for each inch of trunk to be

removed either on or offsite, then the total replacement cost of the mitigation trees shall equal the cost of the replacement value associated with the removal tree as determined by Production / Replacement Cost (PRC) Method devised by arborist Alden Kelley.

3) Replacement trees shall be planted onsite in the areas proposed for open space and/or in the restoration areas of the project that exhibit conditions favorable for oak growth. If this is
not feasible, then the oaks shall be planted on a city-approved offsite property.

4) Oak trees on the project site that have been approved for relocation shall be considered "removals" by the City. This is defined as "physically removing, or causing the death of a tree through damaging, poisoning, or other direct or indirect action," as per the City of Calabasas Oak Tree Preservation and Protection Guidelines. Thus, the project proponent shall obtain a 'Permit to Remove' and perform all mitigation required under the Permit and City Oak Tree Preservation and Protection Guidelines to ensure the survival of the relocated trees and, in addition, shall provide the appropriate replacement mitigation for the trees to be relocated (Section VIII.9.A, Oak Tree Preservation and Protection Guidelines).

5) The applicant shall be responsible for the monitoring and maintenance of the replacement and relocated trees for a minimum of five (5) years. If any replacement or relocated tree(s) die during the five-year period, the applicant shall plant new replacement trees and the five year monitoring period shall begin again from the date of planting for the replacement oak.

6) Monitoring of both replacement trees and relocation trees shall be conducted during all grading and construction activities. Following construction, monitoring shall be conducted at least at quarterly intervals for the first three (3) years, and shall continue biannually for the next two (2) years, or more if warranted.

7) Monitoring of relocated trees shall commence at least three (3) months prior to any encroachment or grading activities so

as to provide important baseline information used to assess the changes in the tree following transplantation.

8) Success criteria for replacement and relocation trees shall be based on the success standards set forth in Section VIII.10 of the Oak Tree Preservation and Protection Guidelines.

9) Unless waived by the City, a refundable security deposit, in an equal amount to the Production/Replacement Cost (PRC) value of the trees plus the cost of planting and possible replacement, shall be deposited in trust with the City of Calabasas (prior to the issuance of the oak tree permit) to guarantee the implementation of successful replacement. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the five (5) year monitoring period (refer to Section VIII.9.B).

10) A mitigation planting and relocation plan shall be prepared and approved by the City's consulting arborist prior to project commencement (i.e., grading permit). The plan shall include a relocation feasibility report prepared by an oak relocation specialist.

B. Preservation Trees

Special care must be taken during grading and construction to protect the preserved trees onsite and their immediate environment. Implementation of the following measures will ensure that the preserved trees will not be adversely affected by project development.

1) The applicant shall be responsible for notifying the City's Oak Tree Specialist and the project's consulting Arborist of any changes in the scope of the work and shall insure that all work is performed in accordance with applicable ordinances, permits and procedures. Work performed within the protected zones of the trees shall be preceded by not less than 48 hours notice of same to the City and the City's Oak Tree Specialist and the project's oak tree monitor (certified arborist).

2) Grading or trenching work in the protected zone of the trees approved for encroachment must be done using hand implements only; the use of mechanized tools is prohibited

except where absolutely necessary (see #3 below). All work conducted within the protected zone of the oak trees shall be performed in the presence of a certified arborist. The protected zone shall commence from a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of an oak tree. For trees with a DBH of 24 inches or greater, in no case shall the protected zone be less than fifty (50) feet from the trunk of the oak tree. Monitoring of the work by a consulting arborist is subject to inspection and approval by the City's Oak Tree Specialist and shall not relieve the Contractor of the obligation to fulfill all of these conditions.

3) Where absolutely necessary and as approved by the City's Oak Tree Specialist, limited mechanized equipment may be used as follows: a rubber-tired excavator or larger mechanized equipment may be set up outside of the protected zone of the trees and can reach in under the canopies to avoid damage to the overhanging limbs. All roots pruned shall consist of clean, 90°-angle cuts and shall not be sealed unless directed by the monitoring Arborist or the City's Oak Tree Specialist. Major roots (2" or greater in diameter) that must be removed shall be cut back to the nearest lateral root where feasible. All work conducted within the protected zone of the oak trees shall be performed in the presence of a certified arborist or other City-approved oak tree monitor.

4) Removal of the natural leaf mulch within the protected zone of the project oak trees is prohibited except where absolutely necessary for encroachment.

5) Upon completion of the work associated with this permit, a four to six-inch layer of certified mulch shall be placed around the protected zone of the encroachment trees. Where feasible, the native leaf litter shall be retained and used as the mulching material.

6) Any canopy pruning for structural or clearance purposes, including deadwooding, shall be performed by or under the direction of a certified arborist in compliance with the latest ANSI pruning standards. Smaller limbs shall be tied back out

of the way to avoid unnecessary pruning for equipment clearance.

7) All dead vegetation shall be removed and fine fuels such as branches and leaves, will be removed or reduced to 3 inches in height as detailed in the Fuel Modification Plan. Any plants selected for planting in this fuel modification zone will be chosen from the approved plant list for the setback, irrigated, or thinning zone and given geographical area.

8) Equipment, materials, and vehicles shall not be stored, parked or operated within the protected zone of an oak tree, except on the already improved road base for work that is being performed at the time in the immediate vicinity or as outlined in #3 above.

9) Prior to commencement of grading operations, the applicant or his representative shall provide the City with a copy of the fencing plan for the oak trees to be preserved onsite.

10) A minimum five (5) foot high chain link fence in concrete footings with posts installed every eight (8) feet and two (2) feet deep into the natural grade shall be required to be installed at the outermost edge of the protected zone of each oak tree or group of trees. Exceptions to this policy may occur in cases where oak trees are located on slopes that will not be grubbed or graded, or are located in areas where there is no activity planned or no currently approved grading plan.

11) All work conducted within the protected zone of the oak trees shall be verified by the City's oak tree consultant at the conclusion of the project. A certification letter is required for all work conducted upon oak trees and shall be submitted within ten (10) working days after completion of work certifying that all of the work was conducted in accordance with the appropriate permits and the requirements of the Calabasas oak tree protection guidelines.

12) If the fence is required, signs (minimum 2'x 2') must be installed on the fence in four equidistant locations around the tree and must contain the following statement:

WARNING THIS FENCE IS FOR THE PROTECTION OF THIS TREE AND SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM THE CITY OF CALABASAS.

13) The fence shall remain in place throughout the entire construction period and may not be removed without obtaining written authorization from the City.

14) Trees that have had their roots or limbs pruned for grading purposes shall be monitored at least at quarterly intervals for the first three years following construction, and monitoring shall continue bi-annually for the next two (2) years, or more if warranted. If an encroached oak tree should fail as a result of the proposed project during the five (5) year monitoring period, then the tree shall be replaced according to the standards described in this report.

15) Any existing concrete walkways shall be removed where no new development is proposed to reduce the effects of existing encroachments into the protected zones of oaks. The exposed areas within the protected zones shall be replaced with natural leaf litter and mulch as directed in measure #5 of this section.

C. Oak Tree Management & Preservation Guidelines

An important component of oak tree management and preservation relates to the management of the preserved and newly-planted mitigation trees during construction and after the development is
in place. Oak trees are sensitive to changes in their environment and improper irrigation, soil compaction and/or disturbances to the roots can result in the decline in health and eventual loss of the tree. The following guidelines are recommended to successfully maintain preserved and mitigation trees during and after project implementation.

1) Irrigation - Established oaks are adapted to xeric (dry) conditions and do not need summer water at all. However, turf areas associated with landscaping do require frequent irrigation. Excessive dry season irrigation within the drip line of existing trees will promote the growth of Oak Root Fungus (Armillaria mellea). This fungus occurs naturally and

grows more rapidly under wet conditions, such as during the winter months. Under normal conditions, the subsequent dry season keeps the fungus under control. Moisture around the base of the tree in the warm summer season not only allows the fungus to survive, but the combination of warmth and extra moisture fosters fungus growth. Prolonged fungus attack promotes oak tree decline and eventual death. Supplemental irrigation shall only be considered during periods of prolonged drought. Therefore, turf areas and associated irrigation systems shall be planned so as not to encroach within the dripline of an existing oak tree. Water shall never be allowed to spray onto the trunk of an oak tree. Oak leaf litter shall be allowed to accumulate in the area directly under a protected tree.

Young oak trees often need initial irrigation to establish successfully after planting. Irrigation for replacement trees shall follow the schedule described in Section VIIL7.D of the Oak Tree Preservation and Protection Guidelines unless otherwise approved by the City's oak tree specialist.

2) Fencing - As previously indicated, the area surrounding the dripline of established trees shall be fenced for the duration of construction. Fencing shall be no closer than five (5) feet to the outer drip line boundary or fifteen (15) feet to the trunk of any protected tree.

3) Drainage - Natural drainage courses and natural grades around existing oak trees shall not be altered. Surface runoff from adjacent areas shall be directed away from preservation areas and in no case shall runoff increase to those areas. Water shall not be allowed to pond or accumulate within the drip line of any oak tree.

4) Pruning - Existing oak trees shall not be pruned, except as necessary for health and safety and per the Fuel Modification Plan. Pruning of live tissue over two inches (2") in diameter requires an Oak Tree Permit. Removal of dead wood is exempt from the requirement to obtain a permit.

5) Fuel Modification Plan - All fuel modification requirements such as selective clearing, pruning, and wet zones shall be limited within the drip line of any individual oak tree. Per the Fuel Modification Plan, an irrigation zone will be established

from the outermost edge of Zone A to fifty (50) feet from any structures. Irrigation by automatic or manual systems will maintain healthy vegetation with high moisture content, which will be more tolerant to dry conditions (see Figure IV.J-1; Fuel Modification Plan). Any plants selected for planting in Zone A, will be chosen from the approved plant list for the setback or irrigated zone and given geographical area. All fuel modification activities shall be in compliance with City of Calabasas Oak Tree Ordinance.

6) Weed Control - Use of soil sterilizers shall be prohibited under and around existing oak trees. Sterilizers may leach into the root system and kill the tree. Use of pre-emergent weed killers shall be prohibited within l00 feet of any individual oak tree or within a
natural drainage that seasonally irrigates oak trees.

7) Revegetation Near Existing Oaks - All cut and fill slopes adjacent to the existing oak trees shall be revegetated only with native species that are high in moisture content and fire resistant. The native species should be selected from the approved plant list for the setback zone and given geographical area. In general, plants that require little water to become established and little or no irrigation once established are highly favored.

8) Other Considerations - Dust that accumulates on the foliage of the preserved oak tree due to nearby construction shall be periodically hosed off as recommended by the project's consulting arborist.

D-2 To Mitigate Potential Loss of CDFG Jurisdictional Habitat – If it is determined by CDFG that jurisdictional habitat has been lost, then the applicant shall obtain a 1602 Agreement. In order to reach a 1602 Agreement, CDFG will require mitigation for the riparian habitat lost and the stream course area affected. This mitigation may include one or a combination of the following measures: 1) The onsite creation of at least an equal amount of equal quality riparian habitat; 2) Enhancement of quality onsite riparian habitat, usually on a greater than 1:1 habitat lost to habitat enhanced ratio; 3) Creation of offsite riparian habitat where none currently exists. 4) Preservation of offsite riparian habitat by direct purchase of payment of an in-lieu fee to the Santa Monica Mountains Conservancy or similar organization. 5)

Payment of an in-lieu fee to the CDFG or U.S. Forest Service Nonnative Invasive Plant Removal (riparian enhancement) program. All mitigation measures involving the creation of riparian habitat shall be self-sustaining and utilize natural water supplies.

If the area available for onsite riparian habitat creation is inadequate, one, or a combination of, the offsite mitigation options must be used. Generally the CDFG prefer local mitigation, the closer to the impact location the better. Usually the farther the mitigation site is from the impact site, the higher the mitigation ratio.

Project plans include the removal of nonnative vegetation from the stream banks and adjacent slopes. The nonnative vegetation that is removed shall be replaced with native species selected from the approved plant list that are appropriate for stream banks and oak understory. In addition plant detritus and dead oak branches that undergo trimming shall be mitigated in accordance with the City's oak tree ordinance as described in Mitigation Measures D-1.B,.7 and D-1.C.

D-3 To Mitigate Potential Increase in General Wildlife Mortality - Prior to the initiation of grading, biologists shall attempt to capture and relocate all reptiles (including any two-striped garter snakes and San Bernardino ringneck snakes) within the impact area. Other ground dwelling wildlife (i.e. amphibians and mammals), shall be relocated if the opportunity presents itself. Wildlife shall be relocated to preserved areas of the site when appropriate or to nearby (in the same watershed) permanent open space areas. It is assumed that a two-person team can adequately salvage the reptiles in one day.

D-4 To Reduce or Eliminate Impacts to Nesting Birds - To prevent the take of nesting native bird species (including the two sensitive bird species) all clearing and grubbing of the project site shall take place between August 15 and February 15. Winter site clearing will insure that nesting birds are not present and impacted. If construction is scheduled or ongoing near the perimeter of the grading footprint during bird nesting season (February 15 to August 15), qualified biologists shall survey the area within 200 feet (or up to 300 feet depending on topography or other factors and 500 feet for raptors) of the grading activity to determine if grading is disturbing nesting

birds. If nesting activity is being compromised, construction shall be suspended in the vicinity of the nest until fledging is complete. In addition, activities associated with implementation of the Fuel Modification Plan shall also be conducted outside of the breeding season or pre-construction surveys and avoidance shall be conducted as described in this measure.

D-5 To Reduce the Impacts of Litter - CC&Rs shall be established ensuring that maintenance crews shall be responsible for the removal of litter from the site.

D-6 To Reduce The Potentially Adverse Effects Of Night Lighting - To reduce the potentially adverse effects of night lighting on surrounding natural areas, the following measures shall be implemented: (1) building lighting in areas adjacent to natural areas shall be directed away from native habitat areas (the stream course and associated habitat) or shielded; (2) installation of low intensity lamps; (3) installation of low elevation lighting poles; and (4) internal silvering of the globe or external opaque reflectors directing the light away from open space areas. The degree to which these measures are utilized shall be dependant upon the distance of the light source from the natural areas. Use of private sources of illumination around homes shall be restricted to eliminate the use of arc lighting adjacent to open space areas.

D-7 To Prevent Downstream Impacts

a. To Prevent Contaminated Wastewater from Entering Downstream Habitats, designated areas shall be set aside for equipment washing and small batch mixing of concrete or other chemicals. The set aside areas shall be lined with an impermeable liner and all washings or residue shall be collected and properly disposed of following construction.

b. To Prevent Downstream Impacts from Runoff and Erosion, a complete Storm Water Pollution Prevention Plan SWPPP shall be prepared, approved by the County, and implemented. Monitoring of the SWPPP measures shall take place monthly during the summer and weekly during the winter. SWPPP measures shall also be checked after each rain event. A monitoring report shall be prepared and presented to the County biannually or whenever measures are not being adequately implemented.

c. To Prevent Downstream Impact from Residential Runoff, the first 0.75 inch of rainfall on the site must be captured and treated prior to release into the Los Angeles River natural watershed. The following Best Management Practices (BMPs) are included in project design and are under review at the County Land Development Division, Plan Checking Section. These measures will limit pollution in the Los Angeles River and the potential negative impact on downstream biotic resources:

1) Lot runoff to be infiltrated from the graded pad areas through onsite pervious soils.

2) Direct rooftop runoff to the yards or vegetated areas.

3) Slope Protection - convey runoff from the tops of slopes and stabilize disturbed slopes with landscaping per County standards.

4) Vegetate slopes with native, drought tolerant vegetation to minimize erosion.

5) Creation of an irrigation zone that will extend from the outermost edge of Zone A to 50 feet from structures. Irrigation will happen by automatic or manual systems to maintain healthy vegetation with high moisture content.

6) Provide one-foot wide by 1-foot deep gravel strip between back of driveway and sidewalk.

7) Use permeable materials for private sidewalks, driveways, and parking lots.

8) All street runoff shall be collected and transported via storm drains away from the site and away from direct surface deposit in the Los Angeles River watershed. All runoff from the site must be filtered through a detention basin, bio swale, mechanical filter, or similar feature, prior to entering the Los Angeles River watershed. The preferred method shall utilize a bio-filtration system that uses plants to remove the pollutants from the runoff.

9) If biofiltration detention basins are not feasible, Continuous Deflective Separator (CDS) units or similar

devices shall be installed in all storm drains at appropriate location to capture and filter the first 0.75 inch of rainfall and all regular "nuisance" runoff.

10) Runoff from streets shall be collected into catch basins with pipe drains to the proposed deflection separator unit prior to outlet into existing system.

11) All catch basins and inlets shall be stenciled with "WARNING! DRAINS TO OCEAN." Notes and symbols per NPDES BMP standards or as approved by the Department of Public Works (DPW).

12) Desilting Basin - Infiltrate runoff from northern offsite lands through basin bottom.

c. Findings with Respect to Significant Impacts Following Mitigation. No significant unavoidable adverse project level or cumulative impacts on biological resources would result from the implementation of the Project after applicable mitigation measures are imposed.

5. Supporting Statement of Facts and Findings with respect to **Cultural Resources** Impacts.

a. Evidence in Support of Findings. An archeological survey was conducted to identify any archeological resources within the project area. The investigation included a review of available archeological site archives, historical maps, documents, and a survey of the site. No artifacts or eco-facts were observed during the field survey. Furthermore, because the site has been altered (ie channelization of the stream, landscaping and development of the Calabasas Inn) the integrity of on-site resources may have already been destroyed. Furthermore, the archeological inventory was negative. As a result, the probability of encountering archeological resources is low.

b. There is the possibility that archeological resources may be encountered during grading. The geological and soils report stated that the developed site has approximately 10 feet of fill. Because excavation would require the removal of more than 10 feet of earth, there is the potential for encountering archeological or paleontological resources at a depth greater than 10 feet, which could not be detected during the site survey. This impact can be mitigated below a

level of significance by the following mitigation measures, which the project EIR requires to be incorporated:

E-1 Should cultural deposits be encountered during construction, work should be temporarily diverted from the vicinity of the discovery until a qualified archaeologist can identify and evaluate the importance of the find, conduct any appropriate assessment, and implement measures to mitigate impacts on significant resources.

E-2 In the event that subsurface human remains are encountered during the course of grading and/or excavation, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent remains or archaeological resources.

E-3 Copies of a subsequent archeological study or report, detailing the nature of any archaeological discovery, remedial actions taken, and disposition of any accessioned remains shall be submitted to the South Central Coastal Information Center at California State University, Fullerton.

E-4 Prior to construction, the services of a qualified vertebrate paleontologist approved by the Los Angeles County Vertebrate Paleontology Department (LACM) and the City of Calabasas shall be retained to implement a mitigation program during earth-moving activities associated with development of the parcel.

E-5 The paleontologist shall develop a formal agreement with a recognized museum repository, such as the LACM, regarding the final disposition and permanent storage and maintenance of any fossil remains, as well as the archiving of associated specimen data and corresponding geologic and geographic site data, that might be recovered as a result of the mitigation program, and the level of treatment (preparation, identification,

curation, cataloguing) of the remains that would be required before the entire mitigation program fossil collection would be accepted by the repository for storage.

E-6 Grading and excavation activities shall be monitored by a paleontologic construction monitor. Monitoring shall include the inspection of fresh exposures created by the grading/excavation of Upper Modelo Formation and/or the Quaternary sediments to allow for the recovery of larger fossil remains. As soon as practicable, the monitor shall recover all vertebrate fossil specimens, a representative sample of invertebrate or plant fossils, or any fossiliferous rock or sediment sample that can be recovered easily. As warranted, fossiliferous sediment samples shall be recovered from the younger alluvium and processed to allow for the recovery of smaller fossil remains. The location and proper geologic context of any fossil occurrence or sampling site shall be documented, as necessary. The monitor shall have the authority to divert grading temporarily around a fossil site until the fossil remains have been evaluated and, if warranted, the remains and/or a fossiliferous rock or sediment sample have been recovered.

E-7 All fossil specimens recovered from the project site as a result of the mitigation program, including those recovered as the result of processing fossiliferous sediment samples, will be treated (prepared, identified, curated, catalogued) in accordance with designated museum repository requirements.

E-8 The monitor shall maintain daily monitoring logs that include the location where monitoring was conducted, the rock unit encountered, fossil specimens or samples recovered, and associated specimen or sample data and corresponding geologic and geographic site data. A final technical report of findings summarizing the results of the mitigation program shall be prepared by the paleontologist. The report shall be prepared in accordance with SVP and museum repository requirements.

c. Findings with Respect to Significant Impacts Following Mitigation. No significant unavoidable adverse project level or cumulative impacts on cultural resources would result from the implementation of the Project after applicable mitigation measures are imposed.

6. Supporting Statement of Facts and Findings with respect to **Geology and Soils** Impacts.

   a. Evidence in Support of Findings. A preliminary geotechnical engineering report was prepared by Earth Systems Southern California to analyze the potential geology and soils impacts associated with the proposed project. As identified in the geotechnical report, and analyzed in the EIR, similar to much of southern California, the project site is located within a seismically active region that is prone to occasional earthquakes. The geotechnical report found that bedrock was encountered ranging from near surface to 21 feet below adjacent grade. Furthermore, approximately 10 feet of fill is on the site. Because the project includes a subterranean parking garage, potentially unstable soils will be excavated and removed from the site and the base of the structure will bear entirely in bedrock. Therefore, unstable soils related impacts would be less than significant. With the implementation of proper BMP's and Uniform Building Code requirements, potential impacts would be less than significant.

   b. No significant unavoidable adverse project level or cumulative impacts on geology and soils were identified in the EIR.

7. Supporting Statement of Facts and Findings with respect to **Hydrology and Water** Quality Impacts.

   a. Evidence in Support of Findings. The subject site is a 5.43 acre irregularly shaped lot bound by Park Sorrento and commercial buildings to the north, east and west, and McCoy Canyon Creek to the south and southeast. McCoy Canyon Creek and Dry Canyon Creek combine to form the Arroyo Calabasas, which is one of two creeks that form the headwaters of the Los Angeles River. The EIR includes a summary of the results of the Drainage Concept for the project, prepared by Pacific Coast Civil Inc. Based on the information provided it was determined that with the implementation of the applicable grading and building permit requirements and the application of BMP's designed to reduce water run-off, the construction of the proposed project would not violate any water quality standards or waste discharge requirements. Additionally, although the project is adjacent to a flood hazard area, the project has been designed and conditioned to raise the elevation of the structure above the anticipated peak surface water flood elevation. As a result, the project's hydrology and water quality impacts would be less than significant and mitigation requirements are not necessary. Furthermore, the NPDES

requirements of the City and municipal code requirements will ensure that project impacts will be less than significant.

b. No significant unavoidable adverse project level or cumulative impacts on hydrology and water quality were identified in the EIR.

8. Supporting Statement of Facts and Findings with respect to **Land Use and Planning** Impacts.

   a. Evidence in Support of Findings. The subject site is located at 23500 Park Sorrento, and surrounded by existing office buildings, retail centers and multi-family developments. In order to accommodate the mixed use of retail and residential components, the proposed development requires a zone change to Commercial Mixed Use (CMU) and a change in the general plan designation to Mixed Use (MU). Changing the zone and general plan designation could have a significant impact if the proposed change was not consistent with the General Plan. The mixed use project promotes many of the policies in the Land Use Element of the General Plan, and is therefore is consistent with the General Plan. As a result, the project related impacts would be less than significant.

   b. No significant unavoidable adverse project level or cumulative impacts on land use and planning were identified in the EIR.

9. Supporting Statement of Facts and Findings with respect to **Noise** Impacts.

   a. Evidence in Support of Findings. The EIR analyzed noise data collected with a Larson Davis Model 700 sound level meter in order to determine the existing ambient sound level of the project site and surrounding area. The proposed project could have an impact due to an increase in traffic along local roads. However, based on the information collected and the anticipated operational noise level from the proposed project, the noise related impacts would be less than significant.

   b. There is the possibility of a significant effect on noise during the construction period. This impact can be mitigated below a level of significance by the following mitigation measures, which the project EIR requires to be incorporated:

I-1 Ensure that all construction and grading equipment is properly maintained. All vehicles and compressors should utilize exhaust mufflers, and engine enclosure covers as designed by the manufacturer should be in place at all times.

c. Findings with Respect to Significant Impacts Following Mitigation. No significant unavoidable adverse project level or cumulative impacts on noise would result from the implementation of the Project after applicable mitigation measures are imposed.

10. Supporting Statement of Facts and Findings with respect to **Public Services** Impacts.

a. Evidence in Support of Findings. The subject site is currently developed with the Calabasas Inn banquet facility. Because it is considered an infill project, the site is already served by the Fire Department, School District, Library, and Police Department. Although the level of service would have to be increased to accommodate the addition of residential uses on the site, the applicant will be required to pay the appropriate agencies for the increase in demand. In addition, increased housing will increase demand on library services. However, the City of Calabasas recently finished construction of a new 26,000 square foot public library that will double capacity to more than enough to accommodate the increased demand.

b. No significant unavoidable adverse project level or cumulative impacts on land use and planning were identified in the EIR.

11. Supporting Statement of Facts and Findings with respect to **Traffic and Transportation** Impacts.

a. Evidence in Support of Findings. A Traffic study was prepared by Associated Traffic Engineers to analyze potential traffic impacts associated with the proposed project. According to the traffic study, the proposed project would generate 1,510 daily vehicle trips. The proposed project would not exceed the City of Calabasas and City of Los Angeles impact thresholds at any of the study area intersections.

b. There is the possibility of a significant effect on sight distance due to street parking between the two project driveways. Furthermore, the proposed project would contribute to a cumulatively significant impact

at the intersection of Calabasas Road (W)/U.S. 101 Southbound Ramps. These impacts can be mitigated below a level of significance by the following mitigation measures, which the project EIR requires to be incorporated:

K-1 The project applicant shall pay traffic impact fees according to the City's traffic citywide traffic mitigation program.

K-2 The project applicant shall pay the project's fair share of improvements at intersection of Calabasas Rd./US 101 SB ramps once adjacent development is complete.

K-3 On-street parking should be prohibited along the south side of Park Sorrento between the two proposed driveway locations. This would increase the sight distances from both driveways in both directions to over 250 feet, which is the Caltrans standard for minimum stopping sight distance for a 35 mph design speed.

c. Findings with Respect to Significant Impacts Following Mitigation. No significant unavoidable adverse project level or cumulative impacts on traffic and transportation would result from the implementation of the Project after applicable mitigation measures are imposed.

12. Supporting Statement of Facts and Findings with respect to **Utilities** Impacts.

a. Evidence in Support of Findings. Because the LVMWD would have adequate capacity to serve the proposed project, the construction of new wastewater facilities or expansion of existing facilities is not necessary. With the incorporation of standard water conservation features, as required by the City and LVMWD, the existing and future water supplies are expected to accommodate the proposed project's water demand. Finally, since the landfills serving the project site are currently operating below their permitted capacities, the construction and operational solid waste would not exceed the permitted throughput capacity of the project.

b. No significant unavoidable adverse project level or cumulative impacts on utilities were identified in the EIR.

E. The foregoing findings and determinations, which reflect the independent analysis of the City Council of the matters in the record pertaining thereto and are the independent judgment of the City Council, are based on the information in the record, including but not limited to the findings set forth herein. The City Council further finds that substantial evidence exists for each of these finding.

SECTION 4. The City Council hereby identifies that the location of records with respect to the Final EIR and other documents and material constituting the record of proceedings with respect to the certification of the Final EIR is the Community Development Department of the City of Calabasas, and that the custodian of records with respect to the Final EIR and other documents and material constituting the record of proceedings with respect to the certification of the Final EIR is the Director of Community Development of the City of Calabasas.

SECTION 5. The City Council directs the Community Development Department to prepare a Notice of Determination for the Final EIR that is consistent with State CEQA Guidelines Section 15094(b) and to promptly file the Notice of Determination with the County Clerk of the County of Los Angeles.

SECTION 6. In view of all of the evidence and based on the foregoing findings, the City Council concludes as follows:

FINDINGS

Section 17.76.050(A) Calabasas Municipal Code allows the City Council to approve a **General Plan Amendment** provided that the following findings are made:

1. *The proposed amendment is internally consistent with the General Plan;*

   For the reasons provided in the General Plan Consistency Table the proposed amendment of General Plan land use map designation from Business-Professional Office (B-PO) to Mixed Use (MU) is internally consistent with the General Plan because the proposed project meets the goals, policies and objectives of the General Plan, including but not limited to the preservation of open space, enhancement of community character, and meeting the regional housing needs for market rate housing (as outlined in the Housing Element). The mixed use project is located just south of Calabasas Old Town and is intended to provide dynamic retail opportunities, designed to create a pedestrian friendly and oriented environment. One of the developer's objectives is to create a

social hub for the community as well as condo residents. As a result, the proposed project is consistent with the policies of the General Plan for the enhancement of community character. Furthermore, the proposed project contains mitigation measures intended to ensure that it will remain consistent with the General Plan's stated policies regarding and objectives for control of storm water runoff, control of light pollution, methods for vehicle trip reduction and the conservation of energy. Given these circumstances, the proposed project meets the above finding.

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

   Once the general plan amendment and zone change go into effect to allow for residential condos and retail to be built within the Commercial Mixed Use zoning district, the proposed development will conform to General Plan and Development Code standards. The change in land use designation to Mixed Use will not be detrimental to public interest, health, safety, convenience, or welfare, but rather help enhance public safety, health, interest, convenience and welfare by creating a more social, service-oriented, convenient and walkable community. Furthermore, the project has been reviewed by various agencies, such as the Los Angeles County Fire Department and Las Virgenes Municipal Water District and has received preliminary approval. Final building permit approval will be based upon meeting the required standards of all the necessary agencies. Given these circumstances, the propose project meets this finding.

3. *The site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested/anticipated land use development(s);*

   The project site is already developed with an existing banquet facility, asphalt parking lot, walkways and manicured lawn; therefore, the availability of utilities and site access are present. The new proposed mixed use facility will alter the configuration of site access, and eliminate parking along the south side of the frontage road to improve safe ingress and egress, therefore improving safe access. The site is surrounded by many uses including residential, office, restaurant, retail, recreation, and public facilities, and therefore development of a mixed residential/commercial facility is physically suitable for the requested land use development, and compatible with adjacent uses. Additionally, the project has been reviewed by various agencies, such as the Los Angeles County Fire Department and Las Virgenes Municipal Water District and has received preliminary approval. Final building permit approval will be

based upon meeting the required standards of all the necessary agencies. Therefore, the proposed project meets this finding.

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

   A Final Environmental Impact Report (FEIR) has been prepared in compliance with the City's adopted CEQA guidelines.

Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve a **Zone Change** provided that the following findings are made:

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

   The proposed amendment of the subject site from Commercial Office (CO) to Commercial Mixed Use (CMU) is consistent with the goals, policies, and actions of the General Plan per the attached General Plan Consistency Review Table. Given these circumstances, the proposed project meets this finding.

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

   Once the general plan amendment and zone change go into effect to allow for residential condos and retail to be built within the Commercial Mixed Use zoning district, the proposed development will conform to General Plan and Development Code standards. The change in zoning designation to Mixed Use will not be detrimental to public interest, health, safety, convenience, or welfare, but rather help enhance public safety, health, interest, convenience and welfare by creating a more social, service-oriented, convenient and walkable community. Furthermore, the project has been reviewed by various agencies, such as the Los Angeles County Fire Department and Las Virgenes Municipal Water District and has received preliminary approval. Final building permit approval will be based upon meeting the required standards of all the necessary agencies. Given these circumstances, the propose project meets this finding.

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

   A Final Environmental Impact Report (FEIR) has been prepared in compliance with the City's adopted CEQA guidelines.

Section 17.41.100(A) Calabasas Municipal Code allows the City Council to approve a **Tentative Parcel Map** provided that the following finding is made:

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for disapproval in subsection (D) of this section, can be made.*

   Following the general plan amendment and zone change, the proposed subdivision, together with the proposed mixed use project is consistent with the General Plan per the General Plan Consistency Review included in the Environmental Impact Report. The subdivision consists of a condominium map physically dividing air space within the parcel. Creation of residential condominiums within walking distance to various commercial uses and residential services promotes healthy living by encouraging a walkable community and by providing access to social gathering spaces including the public spaces proposed on-site. None of the findings necessary for the Commission to disapprove the Vesting Tentative Tract Map can be made because of the findings below.

Section 17.41.100(D) Calabasas Municipal Code requires that a proposed tentative map be denied if any of the following findings can be made; because none of the findings can be made, the City Council may approve the **Tentative Parcel Map**:

1. *The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable specific plan;*

   Following the general plan amendment and zone change, the proposed subdivision, together with the proposed mixed use project is consistent with the General Plan per the General Plan Consistency Review included in the Environmental Impact Report. These include provisions for access, utilities, public safety, new housing, pleasing aesthetics, preservation of biological resources, protection of air quality, energy conservation, crime prevention, noise, traffic, parking, recycling and waste management. Therefore this finding can not be made.

2. *The site is not physically suitable for the type or proposed density of development;*

   The project site is an already developed 5.43 acre property. At that size, the site is physically large enough for the type and proposed density of the development. The allowed residential density for the CMU zone is 16 units per acre; the proposed project is in compliance with the CMC

because it has a density of 15 units per acre. This is also verified because it meets the development standards of the CMU zone that regulate development size and coverage requirements such as site coverage, pervious surface, FAR and residential density. Additionally, the already developed portions of the subject property are relatively flat, and the proposed development will adhere to the existing development envelope. The project site also has a mapped flood hazard area. Based on updated site and project data, it has been determined that the proposed development will not be subject to flood hazard. Therefore, this finding cannot be made.

3. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;*

   McCoy Canyon Creek, a stream that is a tributary to Arroyo Calabasas (all part of the Los Angeles River watershed), trends through the southern and eastern portion of the subject site. However, as stated in the Environmental Impact Report, the project development would not result in impacts to the streambed of McCoy Creek. In addition, mitigation measures have been placed on the project to help protect 4 sensitive species known to occupy the site. Due to development of the site fire access lane, .04 acres of southern oak forest will be impacted. Mitigation measures requiring replacement at a ratio of 1:1 will ensure that habitat is restored; therefore, the design of the subdivision and the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat. As a result, this finding can not be made.

4. *The design of the subdivision or type of improvements is likely to cause serious public health problems;*

   As stated in the Environmental Impact Report, the design of the mixed use project is not likely to cause serious public health problems. After analysis of the proposed project development and operation, it has been determined that no significant impacts from noise vibration, dust, pollutant emissions, or hazardous materials will occur. Therefore, the above finding can not be made.

5. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through the use of, property within the proposed subdivision;*

   There are no public easements within the subject site that will be affected

by the proposed subdivision. Therefore, the above finding can not be made.

6. *The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board; or*

   As stated in the Environmental Impact Report, the discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Board. Upon application and payment of fees the two proposed residences will be connected to the Las Virgenes Municipal Water District's sewer system. Therefore, the above finding can not be made.

7. *The proposed subdivision is not consistent with all applicable provisions of this development code, any other applicable provisions of this code, and the Map Act.*

   Following the general plan amendment and zone change, the proposed subdivision is consistent with all applicable provisions of this development code with the exception of height and FAR. The proposed 44.3-foot tall building exceeds the 35-foot tall height limit, and is being requested as a concession for providing affordable housing in compliance with the CMC and state law. By law, a concession in exchange for the provision of affordable housing cannot be made discretionary, and therefore is not subject to any discretionary approvals. The adoption of a Planned Development Overlay Zone for the proposal will allow the requested increase in FAR from 0.2 to 0.7447 which is necessary to allow for a superior design for a mixed use facility, and the Map Act. Therefore, the above finding cannot be made.

Section 17.62.060(D) Calabasas Municipal Code allows the City Council to approve a **Development Plan** 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.*

   Contingent upon the general plan amendment and zone change, the proposed mixed use project will meet this finding because the subject site will be zoned Commercial Mixed Use (CMU) and will be located within an existing commercial district. With the exception of height and FAR the

proposed project meets the requirements of the development code. The proposed 44.3-foot tall building exceeds the 35-foot tall height limit, and is being requested as a concession for providing affordable housing in compliance with the CMC and state law. By law, a concession in exchange for the provision of affordable housing cannot be made discretionary, and therefore is not subject to Development Plan approval. The adoption of a Planned Development Overlay Zone for the proposal will allow the requested increase in FAR from 0.2 to 0.7447 which is necessary to allow for a superior design for a mixed use facility. More specifically, it allows the applicant to provide a project which not only adds to the City's housing stock, but is designed in a way that adds a commercial component to provide additional social gathering opportunities for the City's residents. As a result, the proposed development meets the requirements of the development code.

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

   Upon the completion of the general plan amendment, the subject site will meet this finding because the Calabasas General Plan Land Use Designation for this property will be Commercial Mixed Use (CMU) and residential and commercial uses are consistent with the general plan land use designation; the property is also classified in the Modification Class and is designed to comply with the applicable performance standards contained in the General Plan Consistency Review Program; and there is no applicable specific or master plan for this property.

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

   An Environmental Impact Report has been prepared in compliance with the City's adopted CEQA guidelines.

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

   The subject site is located within an existing mixed commercial district consisting of one to three story retail and office buildings. The Commons and Calabasas Old Town are within walking distance of the subject site. The proposed mixed use project is intended to provide a pedestrian friendly environment for the existing commercial district. Additionally, there are multi-family apartments and condominiums in close proximity to the project site, and a City recreation facility immediately adjacent to the

east. Because there are commercial and multifamily developments within a short distance of the project site, the proposed mix of residential and commercial uses is compatible with the surrounding area. Additionally, the recreation facility in close proximity to the multi-family and commercial uses is actually a convenient amenity for people that use the recreation facility. As a result, the proposed project meets this finding.

Section 17.26.070(E), Calabasas Municipal Code allows the City Council to approve an **Oak Tree Permit** provided that the following findings are made:

1. *The request to remove an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the Guidelines.*

   The mixed use project has been located and designed to minimize impacts to as many oak trees on the site as feasible. According to the oak tree report, there are 174 oak trees with a dbh of one inch or greater within 200 feet of the project site, and only four oak trees would be removed. The removal of these trees is necessary for the grading activities due to their close proximity to the existing development, and the needs to over-excavate to install subterranean parking. By incorporating a subterranean parking garage to satisfy off street parking requirements, the project footprint is minimized resulting in fewer tree removals. Therefore, the City finds that the construction of the mixed use project (resulting in the removal of Tree Nos. 87, 89, 94, and 102) is most practical to allow for reasonable and conforming use of the property, while keeping the project within essentially the same development footprint as the existing development. The applicant will be required to mitigate for the removal of the oak trees on an inch-for-inch basis. As a result, the proposed project meets this finding.

2. *The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the oak tree or scrub oak habitat. In addition, said alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the Guidelines.*

   The oak tree report states that there are 174 oak trees within 200 feet of the project site. Of these 174 oak trees with a dbh of one inch or

greater, 113 would remain unaffected by the project, 24 would have their protected zones permanently encroached upon by structures, and 29 would potentially have encroachments within their protected zones if the City engages in a future effort for a footpath connection between Old Town and the project site. Furthermore, the construction of a natural pathway along the eastern border of the site would result in the encroachment into the protected zone of four additional oak trees (encroachment of 28 trees total). As noted above, the proposed development activity is within the existing disturbed portions of the property, and therefore impacts to the Oak trees are being kept to a minimum. The Oak Tree Report indicates that encroachment activities would not result in significant long-term adverse impacts to the oak trees. This conclusion has been confirmed by the City's Arborist. To further ensure that adverse impacts to the trees are minimized, the Oak Tree Report recommends a series of mitigation measures, which have been included as project conditions of approval in the resolution and mitigation monitoring program.

SECTION 7. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby certifies the Final Environmental Impact Report and approves File Nos. GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004, OTP-007-004 and DA-007-000 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 OTP-007-004, GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004 and DA-007-000, or the activities conducted pursuant to this OTP-007-004, GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004 and DA-007-000. Accordingly, to the fullest extent permitted by law, D2 Development shall defend, indemnify and hold harmless 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 OTP-007-004, GPA-006-006, ZCH-007-000, DP-007-000, TTM-006-004 and DA-007-000, or the activities conducted pursuant to this OTP-007-004, GPA-006-006,

ZCH-007-000, DP-007-000, TTM-006-004 and DA-007-000. D2 Development 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 project shall be built in compliance with the approved plans on file with the Planning Division.

2. 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 Planning Department staff prior to 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.

3. Prior to issuance of grading or building permits, working plans shall be reviewed and approved by the Planning Department to ensure compliance with the approved plans by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

4. 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 review by Building Inspectors during the course of construction.

5. 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.

6. 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.

7. 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 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.

8. This approval shall be valid for one year 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.

9. 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 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 the permits.

10. Construction Activities:

    Hours of construction activity shall be limited to:
    7:00 a.m. to 6:00 p.m., Monday through Friday
    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 effect adjacent property owners. The applicant shall notify the Director of Transportation or designee of the construction employee parking locations, prior to commencement of construction.

11. 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.

12. This grant shall not be effective for any purposes until after the applicant, or its successors, and the property owner involved (if other than the applicant) has filed an affidavit of acceptance with the Los Angeles County Recorder's Office, stating that the applicant or its successors and the property owner are aware of and agree to accepts all conditions of approval.

13. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.

14. Prior to any use of the project site, all conditions of approval and mitigation measures shall be completed to the satisfaction of the Director of Community Development.

15. The applicant shall comply with all conditions and mitigation measures as outlined in the Final Environmental Impact Report and Mitigation Monitoring Plan dated June 2008.

16. The applicant shall comply with the City's Quimby requirements as outlined in the adopted General Plan and the Calabasas Municipal Code, prior to the Issuance of a Grading, Building Permit, or Final Map Recordation to the satisfaction of the Director of Community Development. The applicant may either pay in-lieu fees or dedicate vacant land to the City.

17. Any graffiti shall be removed from the site within two (2) working days from notification.

18. The applicant shall be responsible for costs associated with City reviews of technical reports submitted for final project approvals.

Community Development Department / Planning Division / Access

19. Prior to issuance of a grading or building permit, the applicant shall submit revised plans to the Community Development Director and City Engineer demonstrating a driveway connection to the adjacent property to the East that utilizes the existing driveway in general conformance with its existing configuration.

Community Development Department / Planning Division / Parking

20. If the applicant wishes to lease parking spaces to any of the area business owners on any limited or full-time basis, the applicant shall submit an application for a shared parking reduction to the City for review and approval by the Community Development Director in accordance with Section 17.28.050.

Community Development Department / Planning Division / Footpath

21. If the City engages in a future project to develop a public walkway from Old Town Calabasas to the project site, the applicant shall cooperate with

the City to allow linkage of the public pathway with the footpath amenity proposed on the project site to form one public walkway system. Cooperation includes dedicating any necessary easements to the City that would allow the pathway to be used as a public walkway.

Community Development Department / Planning Division / Lighting

22. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Prior to the issuance of grading or building permits, a final lighting and photometric plan must be reviewed and approved by the Planning Department. The lighting and photometric plan shall indicate the type of all outdoor lighting fixtures used, light intensity, location, and the height of each light fixture. The applicant shall use methods to minimize the amount of light and glare that spills over into neighboring properties and the adjacent riparian habitat (consistent with EIR mitigation measures), such as limiting directional lighting intensity, limiting fixture height, cut-off type fixtures/glare sheilds and using ground level lighting wherever possible.

Community Development Department / Planning Division / Landscaping

23. Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with the Chapter 17.26 of the Calabasas Municipal Code to the Community Development Director for review and approval.

24. All plant material shall meet the American Standards for Nursery Stock.

25. All landscaping is to be installed by the applicant 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.

26. Upon completion of landscaping work and prior to requesting a landscaping inspection, the project landscape architect shall certify that all landscaping has been installed in substantial conformance with the approved landscape plans.

Community Development Department / Planning Division / Signage

27. Prior to the issuance of a building permit, the applicant shall submit an application for a sign program to the Planning Division to be processed in accordance with Section 17.30.050 of the Calabasas Municipal Code. A

sign program must be reviewed and approved by the Planning Commission.

Community Development Department / Planning Division / Public Art

28. Prior to the issuance of any Temporary or Final Certificate of Occupancy, the applicant shall either provide public artwork or pay an in-lieu fee in accordance with the provisions of CMC Chapter 17.24.

Community Development Department / Planning Division / LEED

29. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code to the satisfaction of the Community Development Director. Compliance shall consist of achieving the equivalent of a "silver" rating (at a minimum) using the LEED (Leadership in Energy and Environmental Design) rating system version 2.0 developed by the United States Green Building Council for non-residential use components.

30. In order to demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code, the applicant shall submit two documentation packages to the Community Development Department for review in the following manner:

    a. Prior to the issuance of a building or grading permit, the applicant shall submit a documentation package to the Department of Building and Safety that documents compliance with all design-related credits that are being sought after. Review and approval of the documentation package is required prior to issuance of a building and grading permit. On a case by case basis, the Director may defer this submittal requirement until a later date for the following reasons: 1) If the applicant can demonstrate through the submittal of a contract that the project team includes a LEED Accredited Professional, 2) if the project team can demonstrate experience with completed development of at least one LEED rated project in California, and/or 3)the project is seeking a LEED "gold" rating or higher.

    b. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a final documentation package to the Department of Building and Safety that documents compliance with all remaining undocumented LEED credits. Review and approval of the final documentation package is required prior to the issuance of a Certificate of Occupancy.

Community Development Department / Planning Division / Affordable Housing – Development Agreement

31. A Development Agreement shall be prepared (in compliance with the provisions set forth in Chapter 17.68 of the Calabasas Municipal Code) for the purpose of providing four (4) off-site housing units affordable to qualifying very low income residents. The provision of the four (4) off-site very low income housing units shall comply with the requirements set forth in Chapter 17.22 of the Calabasas Municipal Code relating to affordable housing.

32. Prior to issuance of building or grading permits, a Draft Development Agreement shall be submitted in a form and content in compliance with Chapter 17.68 of the Calabasas Municipal Code for review and approval by the Community Development Director and City Attorney.

33. Once the Draft Development Agreement is approved in form and content by the Community Development Director and City Attorney, the Development Agreement shall be forwarded to the City Council along with an Ordinance authorizing execution of the Development Agreement by the City Manager. The City Manager shall execute the Development Agreement on or after the effective date of the ordinance approving the agreement.

34. Prior to the recordation of a Final Map and no later than 10 days after execution of the Development Agreement by the City, the applicant shall record the Development Agreement with the Los Angeles County Recorder's Office.

Community Development Department / Planning Division / Federal, State and Local Agency Approvals

35. Prior to the issuance of a grading or building permit, the applicant shall submit copies of all approved permits from all other Federal, State and Local agencies with approval authority over the project. These agencies include, but are not limited to the US Army Corps of Engineers, the California Department of Fish and Game and Los Angeles County Public Works. If no permit is required from any of these agencies, the applicant shall submit copies of correspondence from those agencies stating that fact.

Community Development Department / Planning Division / Paleontological Resources

36. Prior to the issuance of a grading permit, the applicant shall submit evidence to the Community Development Director that the applicant has secured the services of a qualified paleontological construction monitor, and a monitoring plan following the requirements set forth in EIR Mitigation Measures E-4 through E-8. Monitoring shall include the inspection of fresh exposures created by grading/excavation of the Upper Modelo Formation and/or the Quaternary sediments.

Community Development Department / Consulting City Arborist

37. The applicant is permitted to remove oak trees no. 87, 89, 94 and 102. Every attempt shall be made to transplant the oak removals to another location on-site. In order to offset the loss of the four (4) oak trees, the applicant shall plant 31.5 inches in diameter of coast live oak and valley oak, corresponding with the amount of each species removed. All mitigation Oak trees shall be planted on-site if feasible. If it is not feasible to plant all mitigation Oak tree on-site, then the applicant shall plant the mitigation trees in a viable off-site location approved by the Community Development Director in consultation with the City Arborist. The applicant shall be responsible for the monitoring and maintenance of the replacement trees for a minimum of five (5) years. If any replacement tree(s) dies during the five-year period, the applicant shall plant new replacement trees and the five-year monitoring period shall begin again from the date of planting for the replacement Oak.

38. Prior to the issuance of a grading or building permit, the applicant shall submit an Oak tree mitigation plan for review and approval by the Community Development Director and City's Arborist. The mitigation plan shall include a plan for planting and establishment of mitigation trees, including the size, species and location, and a monitoring and maintenance schedule. The mitigation plan shall be prepared by the project's Oak tree preservation consultant in accordance with the requirements outlined in the City's Oak Tree Prevention and Protection Guidelines.

39. Prior to the issuance of a grading or building permit, the applicant shall submit a refundable security deposit (or other surety), in an amount equal to the PRC value of the trees plus the cost of planting and possible replacement, to be deposited in trust with the City of Calabasas. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.

40. All mitigation work shall be completed prior to the completion of project

construction.

41. Prior to construction, the extent of all work affecting Oak trees shall be staked, where applicable, by field survey and reviewed with the Oak Tree Preservation Consultant.

42. Any approved pruning shall be done by a qualified tree trimmer, and observed by the Oak Tree Preservation Consultant. Pruning shall be performed in compliance with the latest ANSI pruning standards.

43. In order to protect the root system from unnecessary damage by excavation equipment, all vertical trenches and fence posts shall be hand dug at the final location to final grade and "bridged over." If any roots are encountered, the footings or posts shall be moved or the roots cleanly cut and sealed with tree/root seal, as approved by the Oak Tree Preservation Consultant. Where absolutely necessary and as approved by the City's Arborist, limited mechanized equipment may be used as recommended in the applicant's Oak tree Report dated February 2007 (and as amended).

44. All footings for wall construction shall be designed to provide minimal impact to the tree, and backfilled with topsoil.

45. No chemicals or herbicides shall be applied to the soil surface within 100 feet of an oak tree's aerial/root zone (i.e., root protection zone).

46. Copies of the following shall be maintained on the site during any work to or around the oaks: Oak tree report; Oak tree permit, including conditions of approval; City Oak Tree Preservation Guidelines; Oak Tree Ordinance No. 2001-166; and approved oak tree plan, landscape plan and site plan.

47. Minor deadwood shall be removed from the trees per the direction of the Oak Tree Preservation Consultant.

48. Any work required beyond the scope of the approved Oak tree permit shall be reviewed by the City Arborist and written approval shall be provided by the City prior to proceeding with out-of-scope work.

49. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's Oak tree consultant.

50. Prior to the issuance of a grading permit, the applicant shall submit a copy of the Oak Tree Fencing Plan to the Community Development Director for review and approval. The applicant shall notify the City a

minimum of 48 hours prior to the start of any work so that the City may inspect the placement of the Oak tree protective fencing.

51. The Oak tree protective zone fencing (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) should be installed at the limit of approved work to protect the Oak Trees and surrounding trees from any damage and remain in place until completion of construction. Should any work be required within the limit of work and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open.

52. The area within the plastic construction/snow type fence should not be used at any time for material or equipment storage and parking.

53. Removal of the natural leaf mulch within the protected zone of the project Oak trees is prohibited except where necessary for encroachment. Upon completion of work, a four to six inch layer of certified mulch shall be placed around the protected zone of the encroachment trees. Where possible, a native leaf litter should be retained and used as the mulching material.

54. All conditions and recommendations of the applicant's Oak tree consultant contain in the Oak tree Report dated February 2007 (and as amended on May 17, 2008 and June 19, 2007 shall be followed.

55. The applicant shall comply with all mitigation measures contained in the Final Environmental Impact Report pertaining to Oak trees.

56. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the Planning Division. The certification shall describe all work performed and shall certify that such work was performed in accordance with the above permit conditions. If any work was performed in a manner not in conformance with these conditions of approval then the applicant's oak tree consultant shall identify the instance or instances of a deviation to any of these conditions.

Community Development Department / Building and Safety Division

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

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

59. 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.

Public Works Department / Environmental Services Division

60. This project will disturb one acre or greater of land and therefore must obtain coverage under a statewide General Construction Activities Stormwater Permit (General Permit). Prior to issuance of a grading permit, the applicant must submit to the City:

    a. Proof of Waste Discharge Identification (WDID) Number for filing of a Notice of Intent (NOI) under the General Permit.
    b. A statement of owner's certification that a State Stormwater Pollution Prevention Plan (SWPPP) has been prepared; and
    c. A copy of the SWPPP prepared for the project and submitted to the state.

61. This is a Planning Priority Project as defined in the City of Calabasas' National Pollutant Discharge Elimination System (NPDES) permit. The construction drawings must incorporate the following five requirements into the project design prior to issuance of the grading permit:

    a. Conserve natural areas;
    b. Protect slopes and channels;
    c. Provide storm drain system stenciling and signage;
    d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
    e. Direct surface flow to vegetated areas before discharge unless the diversion would result in slope stability.

62. The owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction site:

    a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMP's;
    b. Construction related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;

c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMP's, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

63. 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).

64. This project is a development priority project under the City's NPDES Municipal Stormwater Permit as a commercial redevelopment project that will create on 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 (BMP's) into the design of the project must be prepared and approved prior to issuance of any grading or building permit. 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 BMP's you have 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.**

65. Landscape areas should utilize concave design to capture irrigation runoff and first ¾ inch of a two year storm event for the landscape area only; additional capacity should be included if runoff from the hardscape areas is directed to landscaped areas.

66. Areas of creek bank that have eroded need to be fully stabilized per the Army Corp of Engineer's standards and approval of the California Department of Fish and Game.

67. Creek banks need to be cleaned up, broken trees and barriers removed from the creek bed and bank.

68. 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.

69. 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.

70. 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.

71. 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.

72. Onsite drainage should take advantage landscaping by diverting downspouts to grade level landscape areas. Provide discharge locations of downspouts. To the maximum extent feasible, runoff from downspouts should be directed to landscape areas.

73. This redevelopment project is required to mitigate pollutants from runoff flows by means of structural Best Management Practice (BMP). Mitigation must occur prior to release of runoff flows over a property line. Natural mitigation solutions such as a grassy swale or infiltration basin must take priority over manufactured filtration. Only once it has been stated in the sites USMP with supporting calculations and/or documentation why natural solutions are infeasible for this site, can manufactured filtration be considered.

74. 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.

75. 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.

Public Works Department / Engineering Division

Street Improvements

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

77. 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).

78. 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.

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

80. 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.

81. 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

82. 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.

83. 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.

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

85. 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.

86. 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.

87. The applicant shall eliminate all geological 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.

88. All retaining and privacy walls shall be less 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.

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

90. 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 consultant.

91. 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.

92. 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.

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.**

98. 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.

99. 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.

100. 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.

101. 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.

Mapping and Related Documents

102. The applicant shall have a final map prepared for the project. Such final map shall be prepared by a Registered Land Surveyor, licensed to practice in the State of California, or a Registered Civil Engineer, whose status allows him to practice land surveying, licensed in the State of California.

103. The final map shall be a type appropriate for a one-lot subdivision, and shall clearly indicate that it is being prepared for condominium purposes.

104. The final map shall contain a title sheet that includes provisions for signatures of parties required to appear on the map, including, but not limited to, those listed in the Preliminary Subdivision Report. In addition,

the cover sheet shall contain provisions for the signature of the City Surveyor, City Engineer, and the Community Development Director of the City of Calabasas.

105. The final map shall contain a plat which reflects the subject property, property lines, easements of record, any new easements proposed (which are intended to be conveyed by the final map), a metes and bounds legal description, basis of bearings, data tables and other pertinent data.

106. The final map shall be recommended for approval by the Public Works and Community Development Departments and approved by the City Council of the City of Calabasas.

107. The approved final map shall be recorded with the County of Los Angeles prior to the issuance of a Building Permit by the Community Development Department.

108. The applicant shall have a condominium plan prepared for the project. Such condominium plan shall be prepared by a Registered Land Surveyor licensed to practice in the State of California. The condominium plan shall delineate air space for individual units, common areas with associated plats and descriptions. Such plan shall be coordinated with the final map, and shall be submitted to the State of California Department of Real Estate (DRE) for approval. A copy of the condominium plan shall be submitted to the City of Calabasas Public Works Department for review in conjunction with the final map.

109. The applicant shall prepare Covenants, Conditions and Restrictions (CC&R's) for the project. The CC&R's shall be reviewed and approved by the Public Works and Community Development Departments prior to recordation.

110. The applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.

111. The applicant's engineer shall plot all referenced easements on the site plans, grading plans and final map.

Hydrology and Drainage

112. 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.

113. 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.

114. 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.

115. 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.

116. 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.

117. 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.

118. 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 (ie: 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 included in the project CC&R's and recorded with a maintenance covenant to insure perpetual maintenance of such facilities and devices.

119. 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

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

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

122. The project shall connect to an existing sewer. The applicant shall submit a design for the connection of the building sewer to the existing sewer contained within the public right of way of the adjacent street. The design size of the building sewer shall be consistent with the building drain as determined by the applicant's plumbing/mechanical engineer of record, or 6" minimum diameter, whichever is greater. The geometric, hydraulic and material design of the building sewer beyond the building envelope shall be consistent with the City of Calabasas Public Works Standards and the County of Los Angeles PC Procedures Manual.

123. The applicant shall prepare a sewer area study to verify the capacity of the existing sewer to convey the project's calculated effluent. The study

shall be prepared according to the County of Los Angeles PC Procedures Manual, and shall quantitatively evaluate the capacity of the existing sewer and impacts of the project on the existing sewer. The study shall identify the limits and degree of any areas of projected deficiency, and specify remedial measures necessary to mitigate the impact of the project's effluent, or in the case of an existing deficiency, the proportionate/fair share improvement as deemed acceptable by the City Engineer.

124. The applicant shall be the responsible for the design and construction of any necessary offsite sewer improvements based on the results of the sewer area study. Alternatively, the applicant may submit funds sufficient to provide for the future improvement of affected portions of the offsite sewer main, based on the fair share proportion of the project's impact. The method and amount of such a fair share impact fee shall be approved by the City Engineer. Any fair share fees shall be submitted prior to the issuance of a Building Permit.

125. 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.

126. 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.

127. 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

128. 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).

129. 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.

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

131. 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.

132. Shoring plans shall be prepared by a Registered Civil Engineer licensed to practice in the State of California. Shoring plans shall be reviewed and sealed by the project Geotechnical Engineer/Engineering Geologist to acknowledge their consistency with the recommendations contained in the project soils report(s).

133. 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.

134. 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.

135. 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.

136. 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

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

138. 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.

139. 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.

140. 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.

141. 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.

142. 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.

143. 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.

144. 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 and related encroachments 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.

145. 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.

Traffic Department

146. During construction and permanently afterwards, prohibit on-street parking along the south side of Park Sorrento between the two project driveways in order to provide adequate sight distance for vehicles entering and exiting the site.

147. In order to mitigate the removal of six (6) street parking spaces along Park Sorrento, as required in the above condition, the applicant shall provide six (6) additional on-site parking spaces designated for public parking.

148. Prior to issuance of a building permit, pay traffic impact fees according to the City's citywide traffic mitigation program.

149. Prior to issuance of a certificate of occupancy, the applicant shall contribute a fair share for street and/or signal improvements at the intersection of Calabasas Road/US 101 SB ramp west of Parkway Calabasas in an amount to be determined by the City Engineer.

150. Prior to issuance of a building permit, pay $9,000 to recover costs necessary to adjust traffic signal timing coordination along corridors accessing the new site.

Las Virgenes Municipal Water District

151. The applicant shall implement and maintain water conservation measures including but not limited to, fixture design and installation (use of ultra-low toilets and shower heads), and hot water circulating systems.

152. The project landscaping plan shall incorporate drought tolerant plantings and efficient irrigation systems and techniques.

153. The applicant shall implement maximum use of recycled water during and after construction.

154. Each condominium unit shall be individually sub-metered.

155. The applicant shall be required to meet all of the District's conditions of service in order to be served.

156. The developer will have to pay for any water meters and sewer fees that may be due prior to construction.

Los Angeles County Fire Department / Land Development Unit

157. Access shall comply with Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.

158. Fire Department Access shall be extended to within 150 feet distance of any exterior portion of all structures.

159. Where driveways extend further than 300 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

160. Private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested and accepted prior to construction.

161. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.

162. Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

163. Access is approved as shown on Vesting Tentative Tract Map dated 8/1/2007, on file with the LA County Land Development Unit – Fire Prevention Division.

164. Provide water mains, fire hydrants and fire flows as required by the County of Los Angeles Fire Department, for all land shown on map which shall be recorded.

165. The required fire flow for public fire hydrants at this location is 2500 gallons per minute at 20 psi for a duration of 5 hours, over and above maximum daily domestic demand. 2 hydrants flowing simultaneously may be used to achieve the required fire flow.

166. The required fire flow for private on-site hydrants is 2500 gallons per minute at 20 psi. Each private on site hydrant must be capable of flowing 1250 gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

167. Fire hydrant requirements are as follows:

    a. Upgrade / Verify 1 existing Public fire hydrant.
    b. Install 2 private on-site fire hydrant.

168. All hydrants shall measure 6″x4″x 2-1/2″ brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25 feet from a structure or protected by a two (2) hour rated firewall. Fire hydrants shall be installed at the following locations:
    a. As per map on file with the LACoFD Land Development Unit.
    b. At the east side of Park Sorrento nearest the property line.

169. All required fire hydrants shall be installed, tested and accepted or bonded prior to Final Map approval. Vehicular access must be provided and maintained serviceable throughout construction.

170. Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.

171. Fire sprinklers may be required.

172. Provide evidence on LACoFD fire flow form, Form 196, to the Fire Department Land Development Unit, that the hydrant and available flow rate meets LACoFD requirements. Additional requirements may be required during the building plan check phase.

SECTION 8. In view of the all the evidence and based on the foregoing findings and conclusions, the City Council hereby certifies the Environmental Impact Report and approve File Nos. GPA-006-006 and ZCH-007-000, DP-007-000, TTM-006-004, OTP-007-004 and DA-007-000.

CITY COUNCIL RESOLUTION NO. 2008-21149 PASSED, APPROVED AND ADOPTED this 10th day of September, 2008.

_____
Mary Sue Maurer, Mayor

ATTEST:

_____
Gwen Peirce, City Clerk

APPROVED AS TO FORM:

_____
Michael Colantuono, City Attorney