

**P.C. RESOLUTION NO. 2016-626**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS, APPROVING AN ADMINISTRATIVE PLAN REVIEW, SCENIC CORRIDOR PERMIT, AND AN OAK TREE PERMIT FOR THE CONSTRUCTION OF A NEW 8,470 SQUARE-FOOT THREE STORY SINGLE-FAMILY RESIDENCE (INCLUDING BASEMENT), 2,378 SQUARE-FOOT GARAGE, SECOND-STORY DECKS TOTALING APPROXIMATELY 1,923 SQUARE FEET, AND A 1,600 SQUARE FOOT SWIMMING POOL AND DECK AREA ON A 195,644 SQUARE FOOT LOT (4.5 ACRES) WITHIN THE DESIGNATED SCENIC CORRIDOR LOCATED AT 23614 DRY CANYON COLD CREEK ROAD (APPN:2072-001-018), WITHIN THE HILLSIDE MOUNTAINOUS (HM) ZONING DISTRICT AND THE MULHOLLAND HIGHWAY SCENIC CORRIDOR (SC) OVERLAY ZONE.**

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

1. Agenda report prepared by the Community Development Department.
2. Staff presentation at the public hearing before the Planning Commission held on December 15, 2016.
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 Planning Commission finds that:**

1. The applicant submitted an application for an Administrative Plan Review, Oak Tree Permit and a Scenic Corridor Permit on May 13, 2015.

2. Within thirty (30) days of the submittal of the land use application to the Community Development Department, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. On August 13, 2016, based upon submission of revised plans and all required reports, the application was deemed complete by staff.
4. Notice of the December 15, 2016 Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, the Agoura Calabasas Community Center, Gelson's market and at Calabasas City Hall on December 1, 2016.
5. Notice of the Planning Commission public hearing was published in the *Las Vigenas Enterprise* prior to the hearing.
6. Notice of the December 15, 2016 Planning Commission public hearing was mailed at least 10 days prior to the hearing to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
7. Notice of the Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the applicant.
8. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
9. The land use designation for the project site under the City's adopted General Plan is HM (Hillside Mountainous), which provides for low intensity Residential, Single-Family use.
10. The 4.5 acre project site is currently zoned HM-SC (Hillside Mountainous- Scenic Corridor), which allows for detached, low intensity, Single-Family use.
11. The surrounding land uses around the subject property are four parcels to the south, which are located within the Calabasas Highlands (three vacant and one developed with a residence); Viewpoint Academy to the north; a vacant parcel to the east; and a vacant parcel to the west.
12. The applicant requests approval to construct a new single-family residence on an existing vacant 4.5 acre lot located within a designated scenic corridor (Mulholland Highway).
13. An Addendum to the adopted Mitigated Negative Declaration has been prepared in compliance with the CEQA and the CEQA Guidelines.

14. On August 16, 2016, story poles were installed per the published Story Pole Guidelines depicting the project as submitted, erroneously using the RR zoning district height standard of 35' and remain in place today. Because the maximum height limit in the HM zoning district is 35' the story poles overstate the impact of the proposed development on the Mulholland Highway Designated Scenic Corridor.

**Section 3. In view of all of the evidence and based on the foregoing findings, the Planning Commission concludes as follows:**

**Administrative Plan Review**

Section 17.62.090(E) of the Calabasas Municipal Code requires that the Planning Commission approve an Administrative Plan Review provided that the following findings are made:

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

The proposed construction of one single-family residence with residential accessory structures, on a legal lot, are allowed uses in the Hillside Mountainous (HM) zoning district (Calabasas Municipal Code (CMC) Sections 17.16.020 and 17.12.165). The subject property is a 195,644 square-foot (~4.5 acres) irregularly shaped lot located in the Mullholland Highway designated Scenic Corridor. The subject property is bordered on three sides by Rural Residential (RR) zoned properties and to the south by four properties designated Rural Community-Calabasas Highlands (RC-CH). The applicant is requesting approvals to construct a 8,470 square-foot, three-story (including basement) single-family residence, with a 2,378 square-foot garage; first and second-story decks totaling approximately 1,923 square feet; a 511-foot long driveway with fire department turnaround area; associated retaining walls; and, a 1,600 square foot swimming pool and deck within the designated Mulholland Highway Scenic Corridor. The proposed three-story Mediterranean-style structure is designed with a pitched roof that has a maximum height of 25'. All setbacks, building heights, site coverage and required pervious surface area comply with the required development standards for the HM zoning district.

The proposal has incorporated design techniques to ensure consistency with the Scenic Corridor Development Guidelines and ultimately minimize visual impacts. These techniques include locating the proposed development on the most feasible location of the property to minimize hillside grading on the site. In addition, the residence utilizes decks and balconies to visually enhance the façade of the residence, horizontal line breaks to address bulk and massing issues, and incorporates landscaping along the perimeter of the property to assist in screening the residence from the scenic corridor. Additionally, the project has been conditioned to utilize colors and materials that more adequately blend the development with its surrounding environment, and to add more landscape

elements to further screen the proposed development, including all proposed retaining walls. Accordingly, the project has incorporated all of the above-mentioned design measures to conform to the Scenic Corridor Design Guidelines.

The subject site is relatively large (4.5 acres); however, the project area is constrained by existing Coast Live and Scrub Oak trees and hilly terrain extending north to south. The residence, accessory structures and driveway have been located and designed to minimize impacts to as many of the 300 existing oak trees on the site as feasible. The removal of oak tree number 38 is necessary and unavoidable for the construction of the residence because the oak tree is located within the limits of required grading. Additionally, the oak tree is required to be removed in order to facilitate the proposed driveway to gain access to the residence and provide a hammerhead turnaround as required by the Los Angeles County Fire Department. Additionally, the proposed construction requires the encroachment into the protected zone of ten (10) oak trees to provide a reasonable and conforming use of the subject property because the oak trees are located in close proximity to the limits of required grading. Roughly 289 (96%) oak trees will remain undisturbed. Accordingly, the applicant has applied for an Oak Tree Permit as required by Section 17.32 of the Calabasas Municipal Code (CMC).

On June 5, 2016, after the Oak Tree Report was accepted as final, the Station Fire burned approximately 500 acres in Calabasas. The subject property was affected by the fire; therefore, staff requested that the applicant inspect the trees on site for a damage assessment. The applicant contacted their arborist and an inspection was conducted on August 29, 2016. In a report dated September 21, 2016 (Submitted to Planning staff on September 28, 2016, Exhibit G). Review of the information contained in the report relative to the fire damage affecting the oak trees on site, was evaluated by the City Arborist on December 2, 2016 (Exhibit K). The City Arborist recommends that trees #31 (cut down by firefighting activity) and #65 (severely burned) be omitted from consideration of impacts and associated mitigation related to proposed impacts of the project. The remaining trees shall be monitored as required by the mitigation measures within the IS/MND and the Addendum to the MND. The condition of the damaged trees shall be documented in a report prepared by the applicant's arborist and remedial actions, if required, shall be evaluated based upon the report.

For the above stated reasons, the proposed project meets this finding.

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

The General Plan designation for this property is Hillside Mountainous (HM) that is a designation intended for single-family detached housing in a low intensity rural setting. The surrounding area is comprised of large vacant and developed lots zoned RR and smaller lots zoned RC-CH. The developed lots have only one residence. The applicant is proposing to construct one single-family residence on a

4.5 acre lot thereby, fulfilling the goal of low intensity development; consistent with the goals of the General Plan.

Additionally, the proposed project is to be constructed within the designated Mulholland Highway Scenic Corridor. The stated purpose of the Scenic Corridor Overlay zone in the General Plan is “to protect an important economic and cultural base of the City by preventing the destruction of the natural beauty and environment of the City to safeguard and enhance property values; to protect public and private investment and buildings and open spaces; and to protect and enhance the public health, safety and welfare” Consequently, the design of the proposed project, due to its being consistent with the Scenic Corridor Guidelines, meets the goals of General Plan policies: IX-3; IX-5; IX-6; IX-8; and, IX-9.

For the above reasons, the proposed project meets this finding.

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

The project has been reviewed for conformance with the California Environmental Quality Act (CEQA), and it has been determined by the Director that this project will not have a significant effect on the environment with incorporation of project mitigation measures. An Initial Study/ Mitigated Negative Declaration (IS/MND) identified the project as not having a potentially significant impact if the mitigation measures described in the IS/MND are incorporated into the project. The Final IS/MND was adopted on June 3, 2010 for a previous version of the project which is nearly identical to the current proposal. An addendum to the Final MND was prepared and completed by Rincon Consultants, Inc. in September 2016. The Addendum reviews the potential impacts on the eighteen (18) environmental issues studied in the previously adopted IS/MND. The Addendum compares the environmental effects of the current proposed project to the effects of the effects of the project approved in June of 2010. Section 15164(d) (“Addendum to an EIR or Negative Declaration”) of the CEQA Guidelines states: “The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project”.

The Addendum to the IS/MND concludes that the proposed project would not create any new significant impacts or increase the severity of impacts beyond those identified in the Final IS/MND (adopted June 3, 2010).

All mitigation measures included in the adopted Final Initial Study and Mitigated Negative Declaration (IS/MND) and in the Addendum to the IS/MND are included as conditions of approval in this Resolution.

For these reasons, the proposed project satisfies this finding.

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

The zoning for this property is Hillside Mountainous (HM) that is a designation intended for single-family detached housing in a low intensity rural setting. The surrounding area is comprised of large vacant and developed lots zoned RR and smaller lots zoned RC-CH. All of the like-zoned developed lots in the vicinity have only one residence. The applicant is proposing to construct one single-family residence on the subject 4.5 acre lot zoned HM. The proposed residence, while larger in total area than existing single-family residences on similarly zoned properties in the area, falls within the range of floor area ratios of these same properties. The applicant is proposing to situate the residence in the most feasible location to minimize hillside grading, to minimize impacts to existing oak trees, and use existing vegetation and oak trees to assist in screening the proposed project from the view shed of the Scenic Corridor. The proposed project will: utilize medium to dark roof colors; employ non-glare materials; avoid large blank facades; and use stepped back second floor designs. The proposed structures have been designed and sited to minimize visual impacts, and will use of landscaping to help screen development. In addition, structures are sited in to minimize grading that alters landforms. All of these measures have been employed to ensure that the proposed development is compatible with other development in the area. Accordingly, the proposed project meets this finding.

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

The City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surface for the HM zone to ensure that development is adequately proportional to the size of the property. The subject property is a legal HM zoned lot as it was subdivided prior to the incorporation of the City of Calabasas. The new construction is proposed to take place at the most feasible location on the property to minimize grading. The proposed 96% pervious surface meets the code required 86% minimum pervious surface requirement (CMC Section 17.26.040). The front setback of 226'-2", rear setback of 231'-4", west side setback of 49'-11", and east side setback of 239'-4" all comply with the setback development standards for the HM zone. The maximum height of 25' complies with the 25' maximum development standard for the HM zone as well. Considering that the proposed project will meet all of the standards imposed by CMC Section 17.16.020 and 17.26.040, the site is of adequate size and shape to accommodate the proposed project, and the proposed project meets this finding.

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

The proposed project has incorporated design techniques to ensure consistency

with the Scenic Corridor Development Guidelines and ultimately integrate the single-family residence and accessory structures into the surrounding natural environment. These techniques include locating the proposed development on the most feasible location of the property to minimize any additional grading on the site. The minimal grading has been designed to maintain much of the natural topography on the 4.5 acre site and to preserve 289 oak trees that are located outside of the proposed project area. In addition, the residence utilizes decks and balconies to visually enhance the façade of the residence, horizontal line breaks to address bulk and massing issues, and incorporates landscaping along the perimeter of the property to assist in screening the residence. Additionally, the project has been conditioned to utilize coloration and materials that more adequately blend the development with its surrounding environment, and to add more landscape elements to further screen the proposed development, including all proposed retaining walls. For these reasons, the proposed project meets this finding.

### **Scenic Corridor**

Pursuant to section 17.62.050(D) of the CMC, the following findings are required for approval of development within a Scenic Corridor overlay district:

1. *The proposed project design has considered and complies with the Scenic Corridor Development Guidelines adopted by the Council.*

The Scenic Corridor Development Guidelines were developed to help development contribute to rather than detract from the visual beauty of the Designated Scenic Corridors. Some of the goals include reference to using medium to dark roof colors, using non-glare materials, avoidance of large blank facades, use of stepped back second floor designs, structures designed and sited to minimize visual impacts, and use of landscaping to help screen development. In addition, structures shall be sited in the least visually obtrusive location, and shall minimize grading that alters landforms.

The proposal has incorporated design techniques to ensure consistency with the Scenic Corridor Development Guidelines and ultimately minimize visual impacts. These techniques include locating the proposed development on the most feasible location of the property to minimize any hillside grading on the site. In addition, the residence utilizes decks and balconies to visually enhance the façade of the residence, horizontal line breaks to address bulk and massing issues, and incorporates landscaping along the perimeter of the property to assist in screening the residence. Additionally, the project has been conditioned to utilize colors and materials that more adequately blend the development with its surrounding environment, and to add more landscape elements to further screen the proposed development, including all proposed retaining walls. Accordingly, the project has incorporated all of the above-mentioned design measures to conform to the Scenic Corridor Design Guidelines; therefore conforming to this finding.

2. *The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the Scenic Corridor.*

For development to be compatible with and enhance the Scenic Corridor, that development should be sited properly, designed in an aesthetically pleasing manner, and utilize design techniques that break up bulk and massing of a structure. The project is sited on the most suitable portions of an existing undulated parcel. Existing vegetation (including approximately 289 preserved oak trees on-site) and topography along Mulholland Highway will assist in screening the proposed residence from the designated Scenic Corridor. Furthermore, the project has been conditioned to utilize colors and materials that are more conducive to the project blending it with the surrounding environment. Finally, the Architectural Review unanimously recommended design approval of the project; therefore, this project conforms to this finding.

3. *The proposed project is within a rural scenic corridor designated by the General Plan, and includes adequate design and landscaping, which serves to enhance and beautify the scenic corridor.*

The subject property is located within the Mulholland Highway designated scenic corridor, which is an area of the City sparsely developed with residences. Much of this area is characterized by open hillsides, and includes development that is clustered on large parcels, designed to blend with the environment, and landscaped to help preserve the character of the corridor. Accordingly, the applicant is proposing to situate the residence in the most feasible location to minimize hillside grading and use existing vegetation and oak trees to assist in screening the proposed project from the view shed of the Scenic Corridor. The project will leave 96% of the site undisturbed; thus, meeting the 86% minimum pervious surface requirement of the HM zone pursuant to CMC Section 17.26. Portions of the parcel that are developed are sited, designed and landscaped to help blend in with the surrounding environment to the maximum extent feasible. Therefore, this project meets this finding.

4. *The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale with existing uses, development, signs, structures, and landscaping of the surrounding area.*

The zoning for this property is Hillside Mountainous (HM) that is a designation intended for single-family detached housing in a low intensity rural setting. The surrounding area is comprised of large vacant and developed lots zoned RR and smaller lots zoned RC-CH. All of the like-zoned developed lots in the vicinity have only one residence. The applicant is proposing to construct one single-family residence on the subject 4.5 acre lot zoned HM. The proposed residence, while larger in total area than existing single-family residences on similarly zoned properties in the area, falls within the range of floor area ratios of these same

properties. The applicant is proposing to situate the residence in the most feasible location to minimize hillside grading and to use existing vegetation and oak trees to assist in screening the proposed project from the view shed of the Scenic Corridor. The proposed project will: utilize medium to dark roof colors; employ non-glare materials; avoid large blank facades; and use stepped back second floor designs. The proposed structures have been designed and sited to minimize visual impacts, and will use landscaping to help screen development to ensure that the proposed development is compatible with development in the area. Accordingly, the proposed project meets this finding.

## **Oak Trees**

Section 17.32.010(E), Calabasas Municipal Code allows the Planning Commission 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 subject site is relatively large (4.5 acres); however, the project area is constrained by existing Coast Live and Scrub Oak trees and hilly terrain extending north to south. The residence has been located and designed to totally avoid impacts to 289, or 96% of the 300 existing oak trees on the site. However, the removal of oak tree number 38 is necessary and unavoidable for the construction of the residence because the oak tree is located within the limits of required grading. Additionally, the oak tree is required to be removed in order to facilitate the proposed driveway to gain access to the residence and provide a hammerhead turnaround as required by the Los Angeles County Fire Department. Removal of oak tree no. 38 for the construction of a new single-family residence is warranted to provide a reasonable and conforming use of the subject property. Given these circumstances, 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 site is dominated by undulating topography and Coast Live and Scrub Oak trees. The residence has been located and designed to minimize grading, and to minimize impacts to as many of the 300 existing oak trees on the site as feasible. As a result, encroachment into the protected zone of ten oak trees for the

construction of a new single-family residence is warranted to provide a reasonable and conforming use of the subject property because the oak trees are located in close proximity to the limits of required grading. Furthermore, the Oak Tree Report indicates that the encroachment activities involving ten oak trees 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.

On June 5, 2016, after the Oak Tree Report was accepted as final, the Station Fire burned approximately 500 acres in Calabasas. The subject property was affected by the fire; therefore, staff requested that the applicant inspect the trees on site for a damage assessment. The applicant contacted their arborist and an inspection was conducted on August 29, 2016. In a report dated September 21, 2016 (Submitted to Planning staff on September 28, 2016, Exhibit G). Review of the information contained in the report relative to the fire damage affecting the oak trees on site, was evaluated by the City Arborist on December 2, 2016 (Exhibit K). The City Arborist recommends that trees #31 (cutdown by firefighting activity) and #65 (severely burned) be omitted from consideration of impacts and associated mitigation related to proposed impacts of the project. The remaining trees shall be monitored as required by the mitigation measures within the IS/MND and the Addendum to the MND. The condition of the damaged trees shall be documented in a report prepared by the applicant's arborist and remedial actions, if required, shall be evaluated based upon the report.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby approves File No. 150000541 for the construction a new 8,470 square-foot, three-story (including basement) single-family residence, with a 2,378 square-foot garage, second-story decks totaling approximately 1,923 square feet and a 1,600 square foot swimming pool and deck area on a 195,644 square foot lot (~4.5 acres) within the designated Scenic Corridor located at 23614 Dry Canyon Cold Creek Road (APN: 2072-001-018), within the Hillside Mountainous (HM) zoning district and the Scenic Corridor (SC) overlay:**

#### **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 this File No. 150000541 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 150000541 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Ken Stockton (applicant) and SR-4 Development (owner), and his successor and assigns, 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, related to this File No. 150000541 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 150000541 and the issuance of any permit or entitlement in connection therewith. Ken Stockton (applicant) and SR-4 Development (owner), and his successor and assigns, 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**

### **PLANNING:**

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.

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

4. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have signed this decision letter stating that the applicant or its successors and the owner are aware of and agree to accept all conditions of approval. This grant shall not be effective for any purposes until the applicant and the owner of the property involved

(if other than the owner) have filed, with the office of the Community Development Department an affidavit recorded with the County of Los Angeles stating the applicant and the owner are aware of and agree to accept all conditions of approval.

5. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
6. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
7. The applicant shall submit a landscape plan prepared by a licensed landscape architect incorporating all mitigation measures identified on the adopted Mitigated Negative Declaration. All landscaping is to be installed within 90 days of occupancy by the applicant 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 and comply with the provisions of the California Model Water Efficient Landscape Ordinance (MWELO).
8. All retaining walls shall be screened with landscaping.
9. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through; landscaping, walls or a combination thereof.
10. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting equivalent to 60 watts incandescent or less on residential projects is exempt by the Lighting Ordinance.
11. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
12. The applicant must complete and submit the "Development Construction Storm Water Requirements Review Checklist" and associated Storm Water Pollution Prevention Plan (SWPPP)/Wet Weather Erosion Control Plan (WWCEP) documents for approval prior to issuance of grading or building permits.
13. 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 storm drains and 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 is against City ordinances and State laws. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapters 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.

14. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
15. "The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code, 2013 California Building Standards Code; Volumes 1-12, or the most recently approved building codes at the time of building plan check submittal."
16. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the Calabasas Municipal Code that references the 2013 California Fire Code as well as the 2013 Consolidated Fire Protection District Code of Los Angeles County must be incorporated into all plans.
17. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
18. The applicant and contractors shall implement all reasonable efforts to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
19. 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." Only specified service providers are licensed and permitted to operate in the City of Calabasas. For the current list of approved roll-off or temporary container service providers please contact City Hall at 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>). An Encroachment Permit is required prior to placing a refuse bin/container on the street..
20. Construction Activities - Hours of construction activity shall be limited to:

- II 7:00 a.m. to 6:00 p.m., Monday through Friday
- II 8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.

- 21. Unless otherwise mandated by law or regulatory authority, all existing natural vegetation on-site is to remain in place. In those instances where it is impossible to protect existing landscaping, new landscaping of like or similar flora shall be installed within 90 days of project completion, by the applicant and with the approval of the Director of Community Development or her designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.

**OAK TREES:**

- 22. The applicant is permitted to encroach within the protective zone of oak trees oak trees nos. 11; 31; 33; 35; 37 (37A, B&C); 39; 40; 41; 42; & 58 as shown on the approved oak tree report on file with the Planning Division. The applicant is also permitted to remove oak tree no. 38.
- 23. To compensate for the removal of oak tree no. 38, 17 inches of Coast Live Oak species (*Quercus agrifolia*) shall be planted on the project site.
- 24. The mitigation monitoring and maintenance schedule 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.
- 25. The mitigation, monitoring and maintenance schedules shall be submitted and approved by the City's Arborist prior to issuance of a Building Permit.
- 26. All mitigation work shall be completed prior to the issuance of a final inspection.
- 27. Any approved pruning shall be done by a qualified tree trimmer, and observed by the Oak Tree Preservation Consultant.
- 28. All footings for wall construction shall be designed to provide minimal impact to the tree, and backfilled with topsoil.
- 29. No chemicals or herbicides shall be applied to the soil surface within 100 feet of an oak trees aerial/root zone (i.e., root protection zone).
- 30. 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.

31. Minor deadwood shall be removed from the trees per the direction of the applicant's oak tree consultant.
32. 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.
33. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
34. 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. If at any time the fence must be moved or opened to accomplish the approved work, the work must be directed by the applicant's oak tree consultant.
35. All excavation and grading activities within the protected zones of the remaining oak trees shall be hand dug. If any roots are encountered, the roots shall be cleanly cut and sealed with tree/root seal, as approved by the applicant's oak tree consultant.
36. The area within the plastic construction/snow type fence should not be used at any time for material or equipment storage and parking.
37. Unless specifically approved by the City, no planting or irrigation shall be placed within the protected zone of any oak tree. A final landscape plan shall be reviewed by the City's Arborist.
38. At the completion of construction, the applicant shall place 3 inches of an approved mulch throughout the dripline of the affected oak trees, to the extent feasible.
39. The applicant shall adhere to the specific recommendations contained within the Oak Tree Report dated July 16, 2015, and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.
40. 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.

41. Upon defining the limits of grading with grade stakes the Oak Tree Consultant (OTC) should visit the site and identify the level of pruning with the selected arborist.
42. The OTC should be present during the pruning that must be accomplished before commencement of grading. It is recommended that the trees be thinned to reduce transpiration.
43. Protective fencing should be installed to the satisfaction of the grading inspector before commencement of grading. Fencing must be secured to the ground. Fencing on iron skids is acceptable if iron pipe dead men are used to fix the fencing in place.
44. The OTC should keep a log of his onsite visits to be turned in with his final certification.
45. Trees #31 (cut down by firefighting activity) and #65 (severely burned) shall be omitted from consideration of impacts and associated mitigation related to proposed impacts of the project. The remaining trees shall be monitored as required by the mitigation measures within the IS/MND and the Addendum to the MND. The condition of the damaged trees shall be documented in a report prepared by the applicant's arborist and remedial actions, if required, shall be evaluated based upon the report.

#### **PUBLIC WORKS AND ENGINEERING:**

##### **STREET IMPROVEMENTS:**

46. The applicant shall install a mailbox and posts per Postal Services requirements and standards. Applicant shall secure approval of location from the U.S. Postal Service prior to installation.
47. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
48. Prior to issuance of a certificate of occupancy, all damaged curb, gutter, sidewalk, pavement shall be removed and replaced at the expense of the applicant.

49. 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.
50. 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:**

51. The applicant shall submit an updated 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 of the proposed residential construction. The plans should include, but not be limited to: specific elevation grades, keyways, sub drains, 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, and 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.
52. 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.
53. All graded slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.
54. 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.
55. The applicant shall eliminate all geologic hazards associated with this proposed development, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.

56. All retaining and privacy walls shall average 6 feet in height and require Planning Department approval. The 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 with the approval of the Public Works Department
57. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate for grading and installation of the drainage device.
58. Prior to Issuance of a Grading Permit, the applicant shall submit official stamped and signed copies of the acknowledgement concerning the employment of a registered civil engineer and technical consultants (Form K).
59. Prior commencement of work under a grading permit, the contractor shall conduct a preconstruction meeting with the City. The contractor shall be responsible for setting the meeting time, date and location and notifying City staff at least one week in advance of the meeting.
60. 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.
61. 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. The grading contractor shall maintain on site at all times a means of preventing blowing dust within the project site and onto adjacent sites.
62. 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 to the City Engineer.
63. 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.
64. 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 to verify compliance with the limits and elevations

required by the approved grading and drainage plans, to the satisfaction of the City Engineer. The Rough Grade and Building Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.

65. 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.**
66. Any variations from the approved grading plan must be reviewed and approved in advance by the Community Development Department (Planning Division). The City Engineer may issue a Stop Work Order Notice if field conditions deviate from the approved plans without obtaining prior approval from all the appropriate divisions.
67. Prior to Issuance of a Certificate of Occupancy, 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.
68. 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.

#### **HYDROLOGY AND DRAINAGE:**

69. 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 City standard 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, and associated calculations and conclusions. The drainage study shall be submitted to the Public Works Department and approved prior to the issuance of a grading permit.
70. 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.

#### **UTILITIES:**

71. 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.

721. 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 Building and Safety prior to the issuance of a Building Permit.
73. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum sewer lateral to connect the proposed project to the existing available sewer main.
74. 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 Building and Safety prior to issuance of a Building Permit.
75. The Final Grading Plans shall be in accordance to the City of Calabasas Public Works Department requirements
76. The Final Geotechnical and Geology reports should be in accordance to the County of Los Angeles standards, the City of Calabasas Public Works Department requirements.
77. 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 final Certificate of Occupancy.
78. A temporary excavation plan shall be prepared to illustrate the removal of the on-site fills and unsuitable soils. Shoring or other provisions shall be included with these plans for any and all excavations and areas to be shored. The shoring plans shall be submitted to Building and Safety Division and approved prior to the Issuance of a Grading Permit.
79. Applicant shall design the access driveway to maintain existing horizontal and vertical alignment in case of future widening of Dry Canyon Cold Creek Road to the discretion of the City Engineer.
80. Applicant shall not construct any temporary or permanent structures within the City unimproved right-of-way.
81. Applicant shall obtain approval from City of Calabasas to encroach and construct within the existing sewer easement. All walls shall be designed and constructed at minimum setback of 5 feet from the sewer main alignment. The applicant will be required to record an agreement, to the satisfaction of the City Attorney and City Engineer, for the indemnification of the City and for any damage caused by routine maintenance of the sewer device within the easement encroached upon, shall be replaced at the owners cost.

82. Applicant shall obtain approvals from the Las Virgenes Municipal Water District to encroach and construct permanent drainage channel over the existing water main.

**NPDES/BUILDING PERMIT:**

83. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
84. 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.
85. 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." Only specified service providers are licensed and permitted to operate in the City of Calabasas. For the current list of approved roll-off or temporary container service providers please contact City Hall at 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>). An Encroachment Permit is required prior to placing a refuse bin/container on the street.
86. Grading shall be prohibited from October 1<sup>st</sup> through April 15<sup>th</sup>, 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.
87. 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.

88. Prior to issuance of a grading permit, the contractor/developer shall submit any required environmental mitigation plan showing the NPDES improvements/requirements for review by the Environmental Services Manager. The approved Plan(s) shall be on site at all times for review by inspectors.
89. The developer shall be responsible for the operation and maintenance of all NPDES related improvements; and shall pay the City's cost for all NPDES related plan checks, inspections, testing, and monitoring of said improvements.
90. Prior to issuance of a building permit, the developer shall complete the rough grading and storm drain improvements and file a rough grading certification. Submittal of certified record drawings shall also be required prior to final inspection of all improvements.
91. 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.
92. Prior to Final Building Inspection, the applicant shall enter into a Pollution Prevention Agreement with the City which:
  1. Authorizes City to inspect site pollution prevention facilities to ensure maintenance is being performed
  2. Streets and sidewalk shall be swept regularly and catch basins shall be cleaned out prior to October 1 each year.

### **CULTURAL RESOURCES:**

93. If unanticipated cultural resource remains are encountered during construction or land modification activities, the developer shall follow the applicable procedures established by the Advisory Council on Historic Preservation concerning protection of Historic and Cultural Properties (36 CFR 8700). The developer shall follow all procedures set forth in Mitigation Measure CR-1 in the Final IS/MND adopted June 3, 2010.
94. In the event human remains are discovered during construction or land modification

activities, the developer shall follow the procedures in Section 7050.5 of the California Health and Safety Code. The developer shall follow all procedures set forth in Mitigation Measure CR-2 in the Final IS/MND adopted June 3, 2010.

**Section 5. All documents described in Section 1 of PC Resolution No. 2016-626 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2016-626 PASSED, APPROVED  
AND ADOPTED this 15<sup>th</sup> day of December, 2016.

John Mueller, Chair

ATTEST:

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Maureen Tamuri,  
Community Development Director

APPROVED AS TO FORM:

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Matthew Summers,  
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO. 2016-626, was adopted by the Planning Commission at a regular meeting held December 15, 2016, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

“The Secretary of the Planning Commission shall certify the adoption of this Resolution. The Secretary of the Planning Commission shall mail a copy of this resolution to the applicant along with proof of mailing. Section 1094.6 of the Civil Procedure governs the time in which judicial review of this decision may be sought”.