

P.C. RESOLUTION NO. 2020-704

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO. 180000265, A SITE PLAN REVIEW, OAK TREE PERMIT AND SCENIC CORRIDOR PERMIT TO CONSTRUCT A 2,121 SQUARE-FOOT ONE-STORY SINGLE-FAMILY RESIDENCE WITH AN ATTACHED TWO-CAR GARAGE. THE PROPOSED PROJECT INCLUDES A REQUEST FOR AN OAK TREE PERMIT TO ENCROACH WITHIN THE PROTECTED ZONE OF FOUR (4) OAK TREES AND THE REMOVAL OF FOUR (4) NON-HERITAGE OAK TREES IN ORDER TO CONSTRUCT THE HOUSE AND NECESSARY SITE IMPROVEMENTS. THE SUBJECT SITE IS LOCATED AT 24226 DRY CANYON COLD CREEK RD (APN: 4455-047-014), WITHIN THE HILLSIDE MOUNTAINOUS (HM) ZONING DISTRICT AND THE 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 reports were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on September 17, 2020 before the Planning Commission.
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 File 180000265 on March 5, 2018.
2. On April 3, 2018, the Development Review Committee reviewed the application.
3. On April 5, 2018, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
4. On October 26, 2018, and January 25, 2019, the Architectural Review Panel reviewed the re-designed project and recommended approval of the design to the Planning Commission.
5. On August 28, 2020, the application was deemed complete and the applicant was notified.
6. Notice of the September 17, 2020, Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Agoura Hills / Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
7. Notice of the September 17, 2020, Planning Commission public hearing was provided to property owners within 500 feet of the property, as shown on the latest equalized assessment roll, at least ten (10) days prior to the hearing.
8. Notice of the September 17, 2020, Planning Commission public hearing was posted on-site at least ten (10) days prior to the hearing.
9. Notice of the Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
10. The project site is zoned Hillside Mountainous (HM) and Scenic Corridor (SC) overlay zone.
11. The land use designation for the project site under the City's adopted General Plan is Hillside Mountainous (HM), which allows for single-family residential as an allowed use.
12. The surrounding land uses around the subject property are zoned Hillside Mountainous (HM), Open Space (OS), Open Space Development Restricted (OS-DR), and Scenic Corridor (SC) overlay zone.
13. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

FINDINGS

Section 17.62.020(E) Calabasas Municipal Code allows the Planning Commission to approve a Site Plan Review provided that the following findings are made:

1. *The proposed project complies with all applicable provisions of this development code;*

Single-family housing and ancillary uses are allowed in the Hillside Mountainous (HM) zoning district, pursuant to section 17.11 of the CMC. The subject site is currently undeveloped and is surrounded by single-family homes of larger size and scale to the proposed project. The proposed project meets all applicable development standards for the HM zoning district as documented in the Technical Appendix of the Staff Report. Therefore, the proposed project meets this finding.

2. *The proposed project is consistent with the General Plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;*

The proposed project meets this finding because the General Plan land use designation for this property is Hillside Mountainous (HM), and single-family residential land uses are consistent with this land use designation. Furthermore, new single-family housing development on existing undeveloped lots within the HM zone is anticipated in the General Plan Housing Element. Additionally, there are no specific or master plans applicable to this parcel.

3. *The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);*

The proposed project is exempt from CEQA pursuant to Section 15303 (New Construction) of the CEQA Guidelines, which exempts the construction of up to three single-family homes in a residential zone; and Section 15332 (In-fill Development Projects) of the Guidelines, which exempts in-fill development projects consistent with the General Plan, occurring on a project site with no more than five acres, and surrounded by urban uses (note that CEQA considers the City of Calabasas to be an urban environment due to its proximity to the City of Los Angeles). Given that the proposed project consists of constructing only one single-family residence on an in-fill lot within an existing single-family neighborhood, the proposed project meets this finding.

4. *The proposed structures, 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 Dry Canyon Cold Creek Road area is a residential neighborhood developed with a mix of one- and two-story homes in a variety of architectural styles. The Modern architectural style of the proposed home will blend in with the existing community. Furthermore, the surrounding homes range in size from 3,147 square feet to 5,278 square feet; at 2,121 square feet, the size of the proposed home is smaller than existing homes and consistent with the HM zoning district requirements, which were adopted to ensure that new development is appropriately scaled for the existing neighborhood. Given these conditions, the proposed project is compatible with surrounding uses and development and 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; and*

The proposed single-family residence is required to comply with landscaping standards in Section 17.26.040 of the CMC. The project also provides 86.5% permeable area and landscaping, which complies with the minimum CMC requirement of 86% permeable surfaces. Furthermore, the proposed 2,121 square-foot house has a floor area ratio of 0.05 based on the gross lot size, and is proportionately smaller than most of the other homes along Valdez, which range in floor area ratio (based on gross lot size) from 0.05 to 0.12. Consistent with Policy IX-40 of the General Plan, the proposed single-family residence complies with all development standards of the HM zoning district. Therefore, 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 residence was designed and situated to comply with all development codes and be compatible with existing homes in the community. Proposed earth tone colors and modern design will serve to integrate the subject site with the existing surrounding natural environment to the maximum extent feasible. The applicant has proposed a landscape plan utilizing native and drought tolerant plants that will complement the character of the area. Therefore, the proposed project meets this finding.

Section 17.62.050(D) Calabasas Municipal Code allows the Planning Commission to approve a **Scenic Corridor Permit** provided that the following findings are made:

1. *The proposed project design complies with the scenic corridor development*

guidelines adopted by the Council;

All properties within 500 feet of Mulholland Highway are located within the Scenic Corridor overlay zone. Although the subject site is at a lower elevation than Mulholland Highway, the subject property is approximately 250 feet from Mulholland Highway and is therefore within the Scenic Corridor overlay zone. As a result, the proposed development must comply with the Scenic Corridor Development Guidelines. The City has adopted the Scenic Corridor Design Guidelines to ensure that development is sited and designed in such a way as to not adversely impact views from the scenic roadway. The guidelines do this by requiring the use of design techniques including the use of varying roof heights, roofs of a medium to dark color, avoidance of large, blank, straight facades, and the use of landscaping to help blend development.

The proposed new one-story home features a Modern architectural design which will blend in with the natural environment, through the use of earth tone colors, including a tan smooth stucco and a gray tpo roof. At 17 feet tall, the overall height of the proposed house is lower than Mulholland Highway and utilizes a darker roof material in order to blend in with the surrounding environment. As a result, the low profile and proposed location will reduce the visibility of the house from Mulholland Highway. Oak tree mitigation planting along north eastern portion of the property will provide additional screening from the Scenic Corridor. As a result, the proposed house is in conformance with the Scenic Corridor Development Guidelines, and the project design meets the above finding.

- 2. The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor;*

The subject site slopes down from Dry Canyon Cold Creek Road, with a 20-foot elevation difference from the road to the proposed building pad. The proposed one-story house has been sited in the most feasible location of the property, adjacent to existing homes, and will be mostly screened from the Scenic Corridor by existing development. Nevertheless, the proposed black gray roof and tan smooth stucco will help blend the house further into the surrounding environment. Furthermore, oak tree mitigation planting along the northeast corner of the site will help conceal the development from the Scenic Corridor. Therefore, the project meets this finding.

- 3. The proposed project is within a rural or semi-rural scenic corridor designated by the General Plan, and includes adequate design to ensure the continuing preservation of the character of the surrounding area;*

The project site is situated in a rural scenic corridor as designated in the City's General Plan. Design elements (as discussed in findings number one and two above) have been incorporated to preserve the character of the

surrounding area. The City's Architectural Review Panel (ARP) reviewed the project and recommended approval of the proposed design. Therefore, the 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 subject site is located within an existing developed single-family residential neighborhood on Dry Canyon Cold Creek Road. Homes in the general vicinity range in size from 3,147 to 5,278 square feet.

The proposed project involves construction of a 2,121 square-foot house with an attached two-car garage. Therefore, the proposed house is consistent with the size of other homes in the neighborhood. With a building footprint of 2,702 square feet, only 6% of the subject site will be occupied by the single-family residence. Furthermore, grading activities are limited to the existing disturbed areas of the site. As a result, the proposed project meets this finding.

Section 17.32.010(E) of the Calabasas Municipal Code allows the review authority 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 would otherwise be 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 a rectangular lot with frontage along Dry Canyon Cold Creek Road. Due to the steep topography on the western portion of the site and an ephemeral stream that bisects the property, the most feasible location for development is in the flat area on the eastern portion of the site. There are ten (10) coast live oaks and three (3) scrub oaks on and off-site, but within the general vicinity of development. The proposed building has been located at an appropriate distance from the ephemeral stream in order to avoid adverse impacts to the drainage and associated habitat. Due to the fact that there is no sewer, any new single-family residence will require the installation of a tier one septic system, utilizing leach fields. The leach fields are required to be as far away as possible from the ephemeral stream, therefore the presence of onsite oak trees located in the only area suitable for leach fields, are in direct conflict with the development of the single-family residence, which is a reasonable and conforming use of the site. Development of the proposed house is consistent with the other properties in

the surrounding neighborhood that include homes of larger size and scale.. As a result, the request to remove four (4) coast live oak trees is warranted to enable reasonable and conforming use of the site, which would otherwise be prevented by the presence of oak trees; and with incorporation of the specific on-site and off-site mitigations, the proposal and 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 subject site is a rectangular lot with frontage along Dry Canyon Cold Creek Road. Due to the steep topography on the western portion of the site and an ephemeral stream that bisects the property, the most feasible location for development is in the flat area on the eastern portion of the site. There are ten (10) coast live oaks and three (3) scrub oaks on and off-site, but within the general vicinity of development. The proposed building has been located at an appropriate distance from the ephemeral stream in order to avoid adverse impacts to the drainage and associated habitat. Due to the fact that there is no sewer, any new single-family residence will require the installation of a tier one septic system, utilizing leach fields. The leach fields are required to be as far away as possible from the ephemeral stream, therefore the presence of onsite oak trees located in the only area suitable for leach fields, are in direct conflict with the development of the single-family residence, which is a reasonable and conforming use of the site. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of larger size and scale. As a result, the request to encroach within the protected zone of four (4) coast live oak trees is warranted to enable reasonable and conforming use of the site, which would otherwise be prevented by the presence of oak trees, and meets this finding.

According to the oak tree report, prepared by Kay Greeley and reviewed by the City's contract arborist, the proposed encroachments will not have a negative impact on the remaining oak trees with proper care during construction. This conclusion has been confirmed by the City's Arborist, and the recommendations of the oak tree report are included as conditions of approval in this resolution. Development of the proposed house is consistent with the other properties in the surrounding neighborhood that include homes of similar size and yard improvements. Given these circumstances, the request to encroach into the protected zone four (4) oak trees is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks, and meets this finding.

3. *Removal or altering of the oak trees will have minimal impact on the total hardwood canopy with special emphasis on associated tree growth and their natural regeneration, wildlife habitat and heritage oak trees.*

The proposed project requires the removal of four (4) coast live oak trees, which represents approximately 2,800 square feet of protected zone area. With more than 32,000 square feet of protected zone area, the proposed removal is less than 10% of oak tree habitat. As a result, the four (4) coast live oaks proposed to be removed do not provide significant habitat for wildlife. Furthermore, the biological survey determined that there is no presence of nesting birds, Rare, Threatened or Endangered species on the subject site. Given these circumstances, the proposed project meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby approves File No. 180000265 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 this File No. 180000265 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 180000265 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Zalman Nemetsov (applicant) and Steven Fernandez/Marsha Cohen (owner) and their successors 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. 180000265 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 180000265 and the issuance of any permit or entitlement in connection therewith Zalman Nemetsov (applicant) and Steven Fernandez/Marsha Cohen (owner) and their successors 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 and 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.

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.

3. 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.
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 recorded this resolution and an affidavit of acceptance with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
5. 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.
6. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
7. 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 affect adjacent property owners. The applicant shall notify the Director of Transportation or designee of the construction employee parking locations, prior to commencement of construction.

8. 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.
9. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such MWELo compliant plans and to the satisfaction of the Director of Community Development or his/her designee.
10. All ground and roof-mounted equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
11. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors on the plans.
12. 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
13. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.

14. The applicant shall submit a final utility plan to the Planning Division for review and approval prior to the issuance of a grading or building permit. The utility plan shall show the location of all existing utilities and routes for connection, as approved by local utility companies, to said utilities. All onsite utilities shall be locate underground.
15. An encroachment permit shall be required for the installation of utilities within the public right-of-way.
16. The applicant and property owner shall follow all Recommendations and Design Considerations specified in the Biological Assessment, dated October 13, 2017 and revised April 6, 2020 (pages 7-10).
17. A nesting survey shall be completed prior to any land clearing activities (including tree removals). Any nest discovered, shall be avoided and monitored by a qualified biologist during land clearing activities that occur between January 1 and September 31. A copy of the nesting survey shall be provided to the Community Development Department prior to the commencement of land clearing activities.
18. Prior to the issuance of a grading or building permit, the applicant shall provide the Planning Department with documentation to confirm legal access to the site and legal access to construct a driveway on APN 4455-047-012.
19. Prior to the issuance of a building or grading permit, if a court of competent standing renders judgement that a portion of the subject site is owned by another individual or entity, the applicant shall submit updated plans confirming compliance to the satisfaction of the Community Development Director with all development standards for the HM zoning district based on the final lot configuration.
20. The applicant shall install a 4 to 6-inch curb along the portion of the southern driveway that borders 24228 Dry Canyon Cold Creek Road (APN 4455-047-013).
21. The property owner shall maintain a minimum 4-foot wide planter area between the driveway and southern property line. The planter shall include screening vegetation, which shall be maintained in good condition at all times.
22. If agreed between the applicant and the owners of the neighboring properties, the property owner shall participate in a private road maintenance agreement requiring each property owner to pay their fair share to maintain the privately owned common driveway providing access to Dry Canyon Cold Creek Road.

Oak Trees

23. The applicant is permitted to encroach into the protected zone of four (4) coast live oaks, as shown in the Oak Tree Report, dated August 14, 2020.

24. The applicant is permitted to remove the following oak trees, as shown in the Oak Tree Report dated August 14, 2020: nos. 1, 7, 3389 and 3390 (35 trunk diameter inches of coast live oak trees).
25. In order to offset the loss of the above mentioned oaks, the applicant shall plant 35 inches in trunk diameter of coast live oak. 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 or pay a fee in-lieu of mitigation into the City's Oak Tree Mitigation fund to be used for future mitigation efforts. 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.
26. To the extent feasible, oak tree mitigations should be planted along the north property line near the eastern property line, in order to screen the house from Mulholland Highway.
27. 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 plan shall include a separate Mitigation and Monitoring Plan for both the encroached upon trees and the trees proposed to be removed, in accordance with the City of Calabasas Oak Tree Preservation and Protection Guidelines, 'Section VIII, Standards of Performance and Permitted Work, Part 3. Monitoring. As part of the plan, a monitoring schedule shall be created and include: 1) during all grading and construction activities, monitoring shall be conducted at least every quarter for the first 3 years, and 2) following all grading and construction activities, monitoring shall be conducted on at least a bi-annual basis for the next 5 years. 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.
28. All mitigation work shall be completed and in-lieu fees paid prior to the issuance of a Final Certificate of Occupancy.
29. 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 impacted oak trees (trees number 1, 3,4,7,8, 10, 3389 and 3390), 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.

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. 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).
32. 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.
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. 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.
35. Soil compaction within the dripline and/or root zone shall be minimized. No equipment, spoils or debris shall be stored within the dripline and/or Protected Zone of any oak tree. No dumping of liquids or solvents, cleaning fluid, paints, concrete washout or other harmful substances within the driplines and/or Protected Zones shall be permitted.
36. The area within the protective fencing shall not be used at any time for material or equipment storage and parking.
37. The applicant shall adhere to the specific recommendations contained within the Oak Tree Report dated August 14, 2020, and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

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.

Building and Safety Division:

38. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
39. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.
40. The project is located within a designated A Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the Calabasas Municipal Code that references the 2019 California Fire Code as well as the 2019 Consolidated Fire Protection District Code of Los Angeles County, must be incorporated into all plans.
41. An onsite wastewater treatment system (OWTS) with treatment plant, effluent filter and leach fields is proposed to serve the private sewage disposal needs of the project. The proposed system shall comply with the provisions of the California Plumbing Code (CPC), latest edition, as well as the State Water Resources Control Board (SWRCB) requirements for Tier 1 systems. No seepage pit systems are permitted.
42. The Applicant shall submit final design plans for the proposed OWTS for review and approval by the Building and Safety Division prior to the issuance of a building permit for the project.

Public Works Department

Environmental Division:

43. This project shall obtain coverage under a statewide General Construction Activities Stormwater Permit (General Permit). Prior to issuance of a grading permit, the applicant shall submit to the City:
 - a) Proof of PRD filing confirmation with the State Water Resource Control Board under the new General Permit (Order No. 2009-009-DWQ Permit).
 - b) A statement of owner's certification that a State Stormwater Pollution Prevention Plan (SWPP) has been prepared; and
 - c) A copy of the SWPP prepared for the project complying with all applicable requirements of the Order No. 2009-009-DWQ.
44. The owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction sites:
 - a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;

- b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to 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 BMPs, 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.
45. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of 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.
46. 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. Please contact 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>), for the current list of approved roll-off or temporary container service providers. An Encroachment Permit is required prior to placing a refuse bin/container on the street (public or private).
47. 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.
48. Landscape areas should utilize concave design to capture irrigation runoff and first $\frac{3}{4}$ inch of a two year storm event for the landscape area only; additional capacity should be included if runoff from the roof and all hardscape areas is directed to landscape areas.
49. Direct runoff from the driveway toward permeable areas and construct portions of the driveway from porous materials.
50. 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 is against City Ordinance and State law. The BMPs implemented shall be consistent with City of 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.

51. Individuals responsible for SWPP preparation, implementation, and permit compliance shall be appropriately trained. This includes those personnel responsible for developing the SWPP called Qualified SWPP Developer (SQD) and those personnel responsible for installation, inspection, maintenance, and repair of appropriate trainings. Training sessions are offered by government agencies or professional organizations.

Engineering Division:

Street Improvements

52. The applicant shall install a mailbox and posts per Postal Services requirements and standards. Secure approval of location from the U.S. Postal service prior to installation.
53. The driveway improvements be in full compliance with the City's driveway and site access policy as set forth in the City Municipal Code.
54. The horizontal and vertical alignment for the project's access driveway shall satisfy requirements of the County of Los Angeles Fire Department and the City Engineer.
55. All pavement structural sections shall be designed by the project Geotechnical Engineer/Consultant and Engineering Geologist and submitted in conjunction with the final soils report for review and approval by the Public Works Department.
56. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department. Prior to issuance of an encroachment permit, the applicant shall submit a surety public improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of off-site street improvements.
57. The applicant shall be responsible for maintenance and repairs of all proposed public street improvements until final acceptance by the City Council.
58. The applicant shall repair any broken or damaged asphalt berm or pavement on Dry Canyon Cold Creek Road along the project frontage to the satisfaction of the City Engineer.

Grading and Geotechnical Conditions

59. 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 of the proposed residential construction. The plans should include, but not be 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 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 shall include designs for wet utility services including sanitary sewers and water lines. The geotechnical consultant must review the plans and sign and stamp in verification of their recommendations.
60. Print the name, address, and phone number of the Project Geotechnical Consultant and list the geotechnical report on the grading and structural plans. The following note must appear on the grading plan: "All grading and foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of fill and reinforcing steel." Geotechnical consultant should review the final grading and foundation plans and confirm that their conclusions and recommendations are valid with respect to the proposed design by signing and stamping such plans.
61. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvements 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 to the satisfaction of the City of Calabasas Public Works Department standards and requirements.
62. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
63. 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.

64. The applicant shall eliminate all geologic hazards associated with this proposed development as identified in the Final Geotechnical Report, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.
65. All retaining and privacy walls shall be in conformance with the City's wall requirements pursuant to CMC Section 17.20.100. Any variations require Planning Division 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 must have the approval of the City Engineer.
66. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading and drainage improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage devices.
67. 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 (Public Works Form K).
68. Prior to 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.
69. 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, pursuant to construction permits issued for approved grading and improvement plans. Changed conditions that affect the Grading and Drainage Plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1), which shall be approved by the City Engineer prior to commencement of any grading activities that do not conform to the approved Grading and Drainage Plans. If the field conditions deviate from the approved plans without obtaining prior approval of a change order, the City Engineer may issue a Stop Work Notice.
70. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Planner shall make the determination if the changes require a review by the Planning Commission.

71. 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. Prior to start of hauling operations, the applicant shall obtain a Haul Route permit from the Public Works Department.
72. 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 and Grading and Drainage Plans. 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.
73. 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.
74. Rough Grade and Building Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade (Public Works Form O) and Building Pad (Public Works Form Q) 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.
75. An as-built report prepared by the geotechnical consultant must be submitted to the City for review. The report must include the results of all compaction tests as well as a map depicting the limits of grading, observed geologic conditions, locations and elevations of all density tests, and location and elevation of retaining wall backfill and subdrains outlets.
76. 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 and the Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
77. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide As-Built or Record Drawings, reflecting the as-built field

conditions, including any changes to the approved plan, to the satisfaction of the City Engineer. As-built plans shall be furnished prior to initiation of final inspection by the Public Works Department.

78. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P). 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.

Utilities

79. 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.
80. 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.
81. The applicant shall submit percolation investigation and septic system design reports for the proposed on-site sewer system for review and approval by Public Works Department.

Hydrology and Drainage

82. 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 demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q_{25}). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the Capital Flood 50-year bulked and burned storm recurrence interval (Q_{50BB}) water surface elevation, identifying overflow pathways. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.

83. All drainage devices, pipes, and structures in the approved grading plan shall be the sole responsibility of the applicant to construct and applicant shall maintain those devices, pipes and structures located on their property. Adequate access shall be established and easements will be provided to the City. A maintenance covenant shall be recorded against the property to ensure that all drainage devices, pipes and structures not located in public right-of-way are properly maintained. Provisions will be provided and approved by the City of Calabasas Public Works Department that ensure that proper maintenance is provided, and provisions to reimburse the City for any remedial work that will, at the City's sole discretion, require the City to maintain the before-mentioned devices and structures should they not be properly maintained.
84. The applicant shall provide for the proper interception, conveyance and disposal of off site drainage contributions from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
85. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal. PCC flow line shall be 0.5% minimum; flow line on pervious surface shall be 1% minimum. Sheet flow on AC or PCC shall be 1% minimum; sheet flow on pervious surface shall be 2% minimum outside of building areas.
86. A State Notice of Intent (NOI), corresponding WDID number, and Storm Water Pollution Prevention Plan (SWPPP) shall be in the possession of a responsible person and available at the site at all times during construction operations for sites one acre or greater.
87. Secure permissions from the Army Corps of Engineers and California Department of Fish and Wildlife to perform work in/near the stream

Special Conditions

88. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.

Traffic Division:

89. The applicant shall pay the citywide traffic fees of \$1,230 for a single-family residence, prior to issuance of a Building or Grading Permit.
90. The project shall adhere to the City's driveway policies in Section 17.28.080 of the CMC.

Las Virgenes Municipal Water District

91. The applicant shall obtain all necessary permits from Las Virgenes Municipal Water District.

Los Angeles County Fire Department

92. The applicant or property owner shall obtain all applicable permits and approvals from the Los Angeles County Fire Department. The applicant and/or property owner shall comply with all Fire Department conditions of approval.

Section 5. All documents described in Section 1 of PC Resolution No. 2020-704 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2020-704 PASSED, APPROVED AND ADOPTED this 17th day of September, 2020.

Dennis Washburn
Chairperson

ATTEST:

Maureen Tamuri, AICP
Community Development Director

APPROVED AS TO FORM:

City Attorney

Planning Commission Resolution No. 2020-704, was adopted by the Planning Commission at a regular meeting held September 17, 2020, 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, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”