

**PLANNING COMMISSION  
RESOLUTION NO. 2021-713**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF AN AMENDED FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF FILE NO. 160003152, A REQUEST FOR DEVELOPMENT OF A 77-ACRE VACANT PROPERTY LOCATED AT 4790 LAS VIRGENES ROAD AT THE EASTERN TERMINUS OF AGOURA ROAD (APNS: 2069-078-009 AND 2069-078-011). THE PROPOSED PROJECT INCLUDES: (1) A RESIDENTIAL COMPONENT CONSISTING OF 180 MULTI-FAMILY CONDOMINIUMS, INCLUDING 18 AFFORDABLE UNITS (10%) RESERVED FOR VERY LOW INCOME FAMILIES, SITUATED WITHIN FIFTEEN THREE-STORY RESIDENTIAL STRUCTURES; (2) A COMMERCIAL COMPONENT CONSISTING OF A 5,867 SQUARE-FOOT COMMERCIAL RETAIL SHOPPING CENTER SITUATED IN TWO ONE-STORY BUILDINGS; (3) A 0.36 ACRE COMMUNITY GREEN SPACE (PARK); (4) TWO DETENTION/DEBRIS BASINS; (5) A PUBLIC TRAIL EASEMENT DEDICATION AND (6) DEDICATION OF APPROXIMATELY 66.0 ACRES (86% OF THE SITE) AS PERMANENT OPEN SPACE. DEVELOPMENT OF THIS PROJECT WOULD REQUIRE A SIGNIFICANT AMOUNT OF REMEDIAL GRADING TO RESHAPE THE LAND TO STABILIZE A LANDSLIDE HAZARD AREA ON THE SOUTHERN PORTION OF THE SITE. REQUESTED PERMITS INCLUDE: A VESTING TENTATIVE TRACT MAP (FOR BOTH LAND DIVISION AND CONDOMINIUM PURPOSES), DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, SITE PLAN REVIEW, OAK TREE PERMIT, AND SCENIC CORRIDOR PERMIT. THE PROJECT SITE IS ZONED PLANNED DEVELOPMENT (PD); RESIDENTIAL MULTI-FAMILY, 20 UNITS PER ACRE (RM-20); OPEN SPACE-DEVELOPMENT RESTRICTED (OS-DR); AND IS WITHIN 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 prepared by the Community Development Department.
2. Staff presentations at public hearings held on July 10, 2019, July 11, 2019, July 18, 2019, April 15, 2021, and April 21, 2021 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, Calabasas 2030 General Plan (inclusive of the 2014-2021 Housing Element), Las Virgenes Gateway Master 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 hearings, 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. The Amended Final Environmental Impact Report, inclusive of public comments and responses to comments, and all appendices.
7. All related documents received and/or submitted at or prior to the public hearings.

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

1. The applicant, The New Home Company, Inc., submitted an application for File No. 160003152 on October 17, 2016.
2. On November 16, 2016, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. The application was deemed complete on September 1, 2017 and the applicant was so notified.
4. A Notice of Preparation was issued on September 1, 2017, and an Environmental Impact Report (EIR) scoping meeting was held on September 14, 2017.
5. The Draft EIR was completed and made available for public review on December 21, 2018; the public review period ended on March 8, 2019, and comments received were responded to and incorporated into the Final Environmental Impact Report.
6. A noticed public hearing was held by the Planning Commission on July 10, 2019 and July 11, 2019, and was continued to July 18, 2019.

7. Notice of the July 10 – 11, 2019 Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Hills/Calabasas Community Center, and at Calabasas City Hall.
8. Notice of the July 10 – 11, 2019 Planning Commission public hearing complied with the notice requirements set forth in Government Code Section 65009 (b)(2), and was mailed or delivered 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, and was mailed or delivered to the project applicant at least fifteen (15) days prior to the hearing.
9. At the July 18, 2019 public hearing, the Planning Commission passed a verbal motion recommending to the City Council denial of the project and to not certify the Environmental Impact Report and directed staff to prepare a resolution to that effect for consideration at a future Planning Commission meeting. The Planning Commission further recommended that, in light of the recommendation and responsive to public comments and testimony, the applicant explore further alternatives to the proposed project, and to bring back to the Planning Commission any project design that the applicant wished for further Planning Commission consideration.
10. Based on the Planning Commission's recommendation, the applicant subsequently submitted new information consisting of an independent third party geotechnical review that included an analysis of the geotechnical conditions on-site, and included an analysis of feasibility of developing a project alternative that did not implement a grading remediation solution to repair the landslide hazard on the southern hillside and all other identified project alternatives in the Environmental Impact Report, and a new project design alternative for review.
11. Based on a review of the new information, the City determined that preparation of an amendment to the original Final EIR was required under Section 15088.5 of the CEQA Guidelines.
12. An Amended Draft EIR was completed and made available for public review on September 22, 2020; the public review period ended on November 13, 2020, and comments received were responded to and incorporated into the Amended Final Environmental Impact Report.
13. Subsequent noticed public hearings were held by the Planning Commission on April 15, 2021 and April 21, 2021.
14. Notices of the April 15 and 21, 2021 Planning Commission public hearings were posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, and at Calabasas City Hall.

15. Notices of the April 15 and 21, 2021 Planning Commission public hearings complied with the notice requirements set forth in Government Code Section 65009 (b)(2), and were mailed or delivered 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, and were mailed or delivered to the project applicant at least fifteen (15) days prior to the hearing(s).
16. Notices of the April 15 and 21, 2021 Planning Commission public hearings were provided to all agencies and persons who commented on the Draft Amended EIR, and to all other persons or entities who requested notice.
17. The project site is zoned: Planned Development (PD), Residential Multi-family (20 d.u. per acre) (RM(20)), and Open Space – Development Restricted (OS-DR).
18. The land use designations for the project site under the City's adopted General Plan are: Planned Development, Residential Multi-Family (20 d.u. per acre), and Open Space – Resource Protection.
19. Properties surrounding the project site are zoned: Commercial Retail (CR) to the west and north; Residential Multi-family (12 units per acre) (RM(12)) to the southwest; and Open Space – Development Restricted (OS-DR) to the south and east. The corresponding General Plan land use designations, respectively, are: Business Retail (BR); Residential Multi-Family (RM); and Open Space – Resource Protection (RM-RP).

**Section 3. In view of all of the evidence presented and based on the following findings and conclusions, the Planning Commission hereby recommends that the City Council certify the adequacy of the Amended Final Environmental Impact Report (EIR), in accordance with CEQA Guidelines, Sections 15090 and 15091, and recommends that the City Council adopt a statement of overriding considerations.**

### **EIR ADEQUACY CERTIFICATION**

Based upon the facts and information contained in the proposed Amended Final Environmental Impact Report, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission recommends that the City Council find that: (1) the Amended Final Environmental Impact Report has been prepared in full compliance with the California Environmental Quality Act and the State CEQA Guidelines promulgated thereunder in effect on September 22, 2020, the date the Amended Final EIR was made available for public review (Cal. Code Regs., tit. 14, § 15007, subd. (c).); (2) the Amended Final Environmental Impact Report reflects the independent judgment and analysis of the City; and (3) this Commission has reviewed and considered the information contained in said Amended Environmental Impact

Report with regard to the project application, and has determined the analysis to be fully adequate. The Amended Final EIR is hereby incorporated by reference as if set forth herein in full.

## **ENVIRONMENTAL IMPACT REPORT FINDINGS**

- A. The Planning Commission acknowledges that pursuant to Section 15091 of the CEQA Guidelines, “No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation for the rationale for each finding.”

Because the Amended Final EIR identifies a number of potentially significant environmental effects of the proposed project, the Planning Commission hereby recommends that the City Council adopt the Statement of Facts and Findings set forth below as required by Section 15091 of the CEQA Guidelines:

- i. Based on the analyses provided in the Initial Study and Amended Final EIR prepared for this project, the project may cause potentially significant impacts in the area of “aesthetics”. Meanwhile, impacts to all other resource areas (Biological Resources, Greenhouse Gas Emissions, Land Use/Planning, Transportation/Traffic, Tribal Cultural Resources, Utility and Service Systems, Air Quality, Geology/Soils) would be less-than-significant, provided the appropriate mitigation measures described in the Amended Final EIR, incorporated herein by reference, which substantially reduce the impacts of the project on these resources areas are incorporated and implemented. Accordingly, mitigation measures have been incorporated into the project via the Mitigation Monitoring and Reporting Program (MMRP), Attachment 1 to this Resolution, to reduce any potential impacts to these other resource areas to levels that are less-than-significant. The applicant is required to complete and implement these mitigation measures via the MMRP as condition of approval #25 of this project.
- ii. The analysis of aesthetic impacts in the Amended Final EIR determined that the proposed project would substantially degrade the visual character of the site. The project is consistent with the General Plan, the Las Virgenes Gateway Master Plan, and the Las Virgenes Corridor Design Plan. Furthermore, the project conforms to design considerations contained in the Land Use and Development Code, and the Scenic Corridor Development Guidelines, and would generally provide attractive residential and

commercial development that is visually compatible with other development along Las Virgenes Road. However, 19 percent (14.4 acres) of the site would be graded for residential and commercial development and for two retention basins on the northern slope (non-remedial grading); and an additional 27 percent of the site (21 acres) would be graded to remove and remediate an existing landslide, then improved with remedial landscaping and drainage systems, and which will subsequently be preserved as permanent open space, together with the remainder of the site. The resultant change in visual character would therefore be a significant and unavoidable impact. All feasible mitigation measures, including revised site design shifting development into the lower, flatter canyon area, landscaping, building height and massing reductions, utility undergrounding, minimization of lighting and signs and other visual blight, installation of screening for hillside and development area drainage systems, restored landslide remediation area vegetation, and the use of natural color palettes for buildings and roofs, have been considered and incorporated to lessen impacts to the visual character of the site to the fullest extent feasible; further mitigation measures to minimize the project's visual impact are not available, feasible, or consistent with the project and City objectives. Moreover, any development of this site's 16 developable acres would cause a significant and unavoidable aesthetic impact to the existing (undeveloped) visual character of the site, both by itself and because any development of the site must include the remediation of the large, existing, unstable landslide on the prominent southern hillside slope to be consistent with the General Plan and development code.

- iii. Statement of Overriding Considerations: The Planning Commission recommends the City Council find that the impact upon aesthetic resources is outweighed by significant benefits to the environment, local economy, housing, cultural, public safety, recreational, and public health. The most significant benefit of the proposed project is that it proposes development of a mixed-use commercial and residential project, with deed-restricted housing guaranteed to be affordable to very-low income persons for at least 55 years, that is consistent with the General Plan's Community Design Element's specific vision for the property, and which both meets the allowed housing density of 180 units and is far below the allowed commercial land use intensity (5,867 sq. ft. proposed compared to 155,000 sq. ft. maximum allowed), thereby achieving a project intensity that will substantially lessen impacts to/from on-site environmental resources, oak trees, area roadways, aesthetics, air quality, greenhouse gas emissions, water consumption, noise, and public services. The Planning Commission recommends the City Council further find that the project benefits the community by providing significant additional above-moderate and very-low-income housing,

both adequate to accommodate future growth projections [i.e. in line with the Regional Housing Needs Assessment (RHNA)], including 18 units affordable to very low income families by deed restriction for fifty-five years, and as needed to alleviate the City's existing housing challenges. The community's health, safety and general welfare will benefit from remediation of an existing landslide which, if re-activated, could negatively affect adjacent residential and commercial development as well as City streets and sidewalks. The Planning Commission additionally recommends the City Council find that the project's social and other benefits include the permanent preservation of approximately 66 acres of the project site for open space —totaling over 86% of the site permanently preserved for open space, with half (approximately 44 acres) of that area to be entirely undisturbed by any development ever. Economically, the project benefits the community by providing increased public and community revenue and local jobs, and by providing more local area population that will help struggling local area businesses. The project also provides a cultural benefit by providing more inviting spaces for the public to interact socially, such as the proposed retail and restaurant uses with associated commercial plazas and the community park. Lastly, the project provides health and recreation benefits from pedestrian connections to, from and through the property, including a public connection to the adjacent open space areas and regional trail system. For the foregoing reasons, the Planning Commission recommends the City Council find that the environmental, economic, housing, cultural, safety, recreational, and health benefits of the proposed project to the community override the project's aesthetic impacts, and that the project's aesthetic impacts are acceptable in light of the project's community benefits, as allowed by CEQA Guidelines Section 15093.

- B. The Planning Commission hereby further recommends adoption of the **Mitigation Monitoring and Reporting Program**, attached to this Resolution as Attachment 1.
- C. The Planning Commission finds that in considering the record as a whole, including the Initial Study and Amended Final Environmental Impact Report for the project, there is evidence that the proposed project will have potential for a significant adverse impact upon aesthetic resources due to landform alterations and partial obstruction of views to the surrounding ridgelines, and that these impacts will remain significant even with incorporation of design measures and mitigation to reduce these impacts. Meanwhile, there is no evidence that the proposed project will have potential for an adverse impact upon wildlife resources or the habitat upon which wildlife depends. Consequently, based upon substantial evidence contained in the Amended Final EIR for the project, the staff reports and exhibits, and the

information provided to the Planning Commission during the public hearings, the Planning Commission hereby recommends that the City Council rebut the presumption of adverse effects on wildlife as set forth in Section 753.5(c-1-d) of Title 14 of the California Code of Regulations.

- D. The foregoing findings and determinations for the Amended Final EIR reflect the independent analysis by the City of the matters and information in the record pertaining thereto, and are the independent judgment of the City. The Planning Commission further finds that substantial evidence exists to support each of these findings.
- E. The Planning Commission hereby identifies that the location of records with respect to the Amended Final EIR and other documents and materials constituting the record of proceedings with respect to the certification of the adequacy of the Amended Final EIR is the Community Development Department of the City of Calabasas, and that the Director of Community Development of the City of Calabasas is the custodian of records with respect to the Amended Final EIR and all other documents and materials constituting the record of proceedings with respect to the Amended Final EIR.

**Section 4.** In the event of a decision by the City Council to certify the adequacy of the Amended Final EIR and approve the project, the Community Development Department staff shall prepare a Notice of Determination for the Amended Final EIR consistent with State CEQA Guidelines Section 15094(b), and shall promptly file the Notice of Determination with the County Clerk of the County of Los Angeles.

**Section 5.** In view of all of the following evidence and findings, the Planning Commission concludes as follows in regards to the project development application:

### **PROJECT FINDINGS**

Section 17.41.040 of the Calabasas Municipal Code (CMC) states that the Planning Commission may approve, conditionally approve, or deny a proposed **Tentative Map**, provided that the following findings are made (per CMC 17.41.100). The Planning Commission recommends that the City Council find the following:

1. *The Planning Commission may approve a tentative map only when the commission first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for disapproval can be made (see findings 3 and 4 which follow);*



The proposed subdivision, inclusive of reconfiguring and further subdividing two existing lots into five lots, and the 180-unit condominium subdivision, and together with the attendant roads, sidewalks, landscaped areas, green space/park, drainage facilities, trail dedication and open space lands, is consistent with the City of Calabasas 2030 General Plan because the developed portion of the project will occupy an area of land entirely within, and will retain the general shape and limits of, the development area envisioned in the General Plan, while also aligning with the contours of the land and increasing lands dedicated as open space area by approximately five acres to a total of 66 acres from the 61 acres currently designated in the General Plan. In particular, the subdivision and associated project components conforms to the General Plan's intended placement of development in the previously disturbed valley on site, and not on the upper hillsides, as reflected in the General Plan's current conceptual portrayal of the residential and commercial portions of the site as a triangular-shaped area corresponding to the valley location. Furthermore, based upon the many consistency determinations provided in the General Plan Consistency Table (Table 4.7-4 in the Final EIR), incorporated by reference as if set forth in full and as discussed below in detail, the proposed vesting tentative map is consistent with the Calabasas 2030 General Plan policies as discussed therein. As a result, the proposed vesting tentative map meets this finding.

2. *That in the interest of public health and safety, proposed road and intersection improvements associated with, or otherwise required, for the subdivision comply with the provisions of CMC 17.46.020;*

To provide access into and from the project site, and as necessary to handle the traffic volumes, additional public street right-of-way will be dedicated along Las Virgenes Road and at the intersection of Las Virgenes Road and Agoura Road; and the project developer will construct and dedicate improvements to Las Virgenes Road and to the Las Virgenes Road and Agoura Road intersection. The proposed improvements are designed to ensure that the level of service on these two roads continues to meet or exceed the City's minimum level of service requirements, even after development of this project and other adjacent anticipated projects, and provide for safe vehicular, bicycle and pedestrian movements through the Las Virgenes Road and Agoura Road intersection. All proposed road and intersection improvements have been preliminarily designed in accordance with accepted planning and engineering standards, and have been reviewed and tentatively approved by the City Engineer. Accordingly, the proposed subdivision and associated vesting tentative map conform to accepted planning and engineering standards, and the subdivision design requirements of CMC Chapter 17.46. Furthermore, final engineered plans and specifications for the project shall continue to conform to the provisions of CMC Chapter 17.46, as well as the City's Building Codes. The proposed tentative map therefore complies with the provisions of CMC Section 17.46.020.

3. *The proposed vesting tentative map shall be denied if the Planning Commission makes any of the following findings:*

- a. The proposed subdivision, including its design and improvements, is not consistent with the General Plan, or any applicable specific plan;*
- b. The site is not physically suitable for the type or density of the proposed development;*
- c. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;*
- d. The design of the subdivision or type of improvements is likely to cause serious public health problems;*
- e. The design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision;*
- f. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by this Municipal Code or the California Regional Water Quality Control Board; or,*
- g. The proposed subdivision is not consistent with all applicable provisions of this development code, the Municipal Code, or the Subdivision Map Act.*

For the following reasons, the Planning Commission recommends the City Council find the above listed findings for denial of the proposed vesting tentative tract map cannot be made:

- a. The proposed subdivision, including its design and improvements, is consistent with the Calabasas 2030 General Plan and with the Las Virgenes Gateway Master Plan, for reasons stated elsewhere within this Resolution;
- b. The site is physically suitable for the type and density of the proposed development, as stated elsewhere within this Resolution;
- c. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat, as is determined within the Amended Final EIR for the project and as stated elsewhere within this Resolution, and required mitigation measures will reduce potential impacts to less-than-significant levels;
- d. The design of the subdivision and type of improvements is not likely to cause serious public health problems. After analysis of the proposed project development and operation, it has been determined that with the implementation of mitigation measures, no significant impacts from noise, vibration, dust, pollutant emissions, safety hazards, or hazardous materials will occur (as evidenced within the staff report and the Amended Final

Environmental Impact Report). Additionally, the project will remediate an existing unsafe condition caused by an on-site ancient landslide. Therefore, the above finding cannot be made.

- e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision because no roadways or easements exist to accommodate public access through the subject property except for an approximately 790-foot segment of the New Millennium Trail in the southeast corner of the property. The applicant intends to dedicate a trail easement over to the City, a conservancy, or another appropriate not-for-profit entity willing to take responsibility. Furthermore, the project is conditioned to require the applicant to make an irrevocable offer to dedicate the trail easement.
  - f. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by this Municipal Code or the California Regional Water Quality Control Board because the entire project will be served by a sanitary sewer system to be connected to existing sewer main located along the property frontage; the project is substantially below the intensity of use (and projected sewage volumes) envisioned within the General Plan, and project wastewater generation would remain within the capacity of local wastewater facilities.
  - g. The proposed subdivision is consistent with all applicable provisions of this development code, the Municipal Code, and the Subdivision Map Act for reasons stated elsewhere within this Resolution and because the proposed subdivision and associated tentative map conform to accepted present-day planning and engineering standards, and the subdivision design requirements of CMC Chapter 17.46.
4. *The proposed vesting tentative map may be denied if the Planning Commission, or City Council if applicable, makes any of the following findings:*
- a. *The tentative map is not in conformity with accepted planning or engineering standards;*
  - b. *The environmental, public services or facilities costs to the city taxpayers outweigh the advantages created by the proposed subdivision;*
  - c. *The proposed development is not compatible with the character of the neighborhood;*
  - d. *The proposed development is in an area not desirable for the intensive use proposed; or,*
  - e. *A preliminary soils report or geologic hazard report indicates adverse soil or geologic conditions and the subdivider has failed to provide sufficient information, to the satisfaction of the City Engineer, Planning Commission, or City Council, that the conditions can be corrected in the plan for development.*

For the following reasons the Planning Commission recommends the City Council find the above listed findings for denial of the proposed vesting tentative tract map cannot be made:

- a. The subdivider will dedicate additional public street right-of-way and make improvements to Las Virgenes Road and to the Las Virgenes Road and Agoura Road intersection as necessary to handle increased traffic volumes; the subdivider will also make improvements to storm-water conveyance and detention facilities, including the installation of on-site bioswales, serving the immediate watershed, and will construct recreational amenities for use by the public (and pay required impact fees as applicable under Quimby Act recreational facilities impact fee provisions). All proposed site grading, infrastructure system improvements, dedications and easements, lots and parcels, and utilities have been preliminarily designed in accordance with accepted planning and engineering standards, and have been reviewed and tentatively approved by the City Engineer. Accordingly, the proposed subdivision and associated tentative map conform to accepted present-day planning and engineering standards, and the subdivision design requirements of CMC Chapter 17.46; final engineered plans and specifications for the project shall continue to conform to the provisions of CMC Chapter 17.46, as well as the City's Building Codes.
- b. The environmental impacts associated with the proposed subdivision, as documented in the Amended Final EIR, will be mitigated to levels below significance, with the only exception being aesthetic impacts related to public views from the Las Virgenes Road scenic corridor, for which a Statement of Overriding Considerations is included within this Resolution. Also, public services costs for development of the project and for on-going operations and occupation of the constructed housing units and commercial retail center will be borne by the owners, inhabitants, and visitors of those uses and facilities, and will not be a burden to city taxpayers.
- c. The proposed subdivision consists of reconfiguring and further subdividing two existing lots into five lots, and subdividing airspace for a resulting mixed-use development that includes 180 condominium units, a retail commercial center, and a community green space. The condominium units are situated in 15 three-story, 35 feet high residential buildings (with 12 units each), utilizing a Monterrey – Santa Barbara Mission style of architecture and a variety of design techniques such as undulating building footprints, building articulation, mansard-style roofing (to hide mechanical equipment), adequate window spacing, decking, trim elements, cantilevered upper floor areas with corbels underneath, decorative lighting and landscaping to break up building massing and to

screen and blend proposed development within its surroundings. The retail commercial center is configured as two one-story buildings generally at 18 feet 8 inches in height, but with tower elements up to 31 feet high, utilizing a Monterrey – Santa Barbara Mission style of architecture, and a variety of design techniques such as stepped building footprints, tower elements, building articulation, trim elements, adequate window spacing, mansard-style roofing (to hide mechanical equipment), decorative lighting and landscaping (including plazas and seating areas) to break up building massing, and to screen and blend development with its surroundings. The mixed-use development is sited and clustered near Las Virgenes Road, and sited within the flatter, canyon areas in the western previously disturbed portions of the site. Surrounding development consists of both commercial uses such as a Mobile brand gasoline service station and car wash adjacent to and north of the project site, a McDonalds restaurant, a Jack-In-The Box restaurant, two retail shopping centers, and a Chevron brand gasoline service station directly across Las Virgenes Road, and the Colony community, which is a residential two-story detached condominium unit subdivision located immediately west of the subject property. The development pattern along the Las Virgenes Road corridor includes both commercial and residential development clustered adjacent to Las Virgenes Road. On the east side of the Las Vigenes Road. Also, most surrounding development, with the exception of the Mobile gasoline service station and car wash, is designed in either a Spanish-Mediterranean style, or a hybrid Monterrey-style of architecture, with varying amounts of building detailing and massing methods. All existing development within the corridor incorporates landscaping elements. To this end, the proposed project which utilizes a variety of design elements described above to help blend the project with its surroundings, is sited on the flatter disturbed canyon portions of the property, and is designed with a similar architectural style to the prevalent architectural design theme within the corridor, accordingly, is compatible with the character of the existing mixed residential and commercial neighborhood.

- d. The proposed project would place a 5,867 square-foot commercial use (the proposed commercial retail center) in precisely the same area where the General Plan currently allows up to 155,000 square-feet of commercial development. Similarly, the proposed project would place 180 multi-family residential units in precisely the same area where the General Plan currently allows 180 multi-family residential units. Lastly, the project proposes to dedicate and maintain approximately 66 acres of permanent open space where approximately 61 acres of open space is anticipated in the General Plan. Therefore, the proposal is consistent with and significantly less intense than what is anticipated by the General Plan for this area.

- e. The soils and geological conditions reports (included in the project Amended Final EIR appendix) indicate that an ancient landslide exists along the north-facing slopes of the hillside located along the property's southern boundary. The project is designed and engineered around a comprehensive remediation of the slide, which requires over-excavation of the slide material, followed by replacement of the material into an engineered and compacted slope (including buttressing with engineered material in the canyon bottom), and with appropriate storm-water collection and conveyance improvements. The reports and plans have been reviewed and preliminarily approved by the City Engineer, and are discussed at length in the project Amended Final EIR.

Section 17.62.070 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Development Plan** provided that the following findings are made. The Planning Commission recommends that the City Council find the following:

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

The proposed project includes development of a commercial retail shopping center and multi-family residences within the PD Zone, and multi-family residences within the Residential Multi-family (RM) zone. Commercial retail shopping centers are a conditionally allowed use, and multi-family residences are a permitted use in the PD zone per Section 17.11 of the CMC. Additionally, multi-family residences are a permitted use in the RM zone.

Given the various site constraints such as steep slopes, a landslide feature on the southern hillsides, and valuable biotic and scenic resources surrounding a flatter, less visible western canyon area, and the pre-established 16-acre development footprint boundary established by the General Plan's Land Use Map, placement of clustered development within the flatter western canyon area ensures consistency with the Development Code's Hillside Development Standards (CMC Section 17.20.150) by placement of development in less visible areas of the site and limiting grading on hillsides. Additionally, the project involves grading of hillsides areas to repair and stabilize a slope with an identified landslide hazard. Although grading on slopes greater than fifty percent is disfavored per the standards contained in CMC Section 17.20.150, in this case, slope grading is required to be performed to repair an existing landslide that constitutes a geotechnical hazard, and therefore is consistent with development code requirements.

The project site contains two zoning districts, the PD Zone and the RM Zone. Project standards regarding lot area, lot width, density, floor area ratio, and setbacks are all established through the approval of a Development Plan.

Therefore, with the approval of the Development Plan, portions of the project that are contained within the PD-zoned portions of the site are consistent with these standards. With the exception of building height and retaining wall height, the project, as a whole, complies with all other standards contained within CMC Title 17 (Development Code), including, but not limited to, site coverage, pervious surfaces, setbacks, landscaping, parking, and lighting. Regarding height, the height requirement for structures constructed within both the PD and RM zones is 35 feet. The proposed commercial retail shopping center has a maximum height of 31 feet, and therefore is compliant with the height requirement in the PD Zone. The proposed residential component of the project within both the PD- and RM-zoned portions of the property exceed 35 feet in height. Additionally, two of the proposed retaining walls exceed the 6 foot maximum height requirement contained in CMC Section 17.20.100(B). However, consistent with CMC Chapter 17.22 (Affordable Housing), the project is proposing 10 percent of its residential units as affordable to families within the very low income category. With the provision of 10 percent of the proposed residential units as affordable to a very low income category, Government Code Section 65915(p)(1), requires the City to grant up to two concessions or incentives. In this case, the applicant has applied for relief from both building height and retaining wall height as concessions. Therefore, although the residential buildings and two retaining walls do not meet the existing code requirement, the granting of the two concessions under State law deem the project consistent with the height requirement. For these reasons, the proposed project meets this finding.

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

The project site contains both the Planned Development (PD) and Residential Multi-Family-20 (R-MF-20) land use designations. Maximum land use intensities on the 10 acre PD designated site are 155,000 square feet of commercial development and 60 multi-family units. Additionally, the maximum land use intensity within the 6 acre portion of the property designated R-MF-20 by the General Plan is 20 units per acre. The project is proposing 60 multi-family residential units and 5,867 square feet of commercial development within the PD designated portion of the property, and 120 multi-family residential units within the R-MF-20 designated portions of the property, which is consistent with the General Plan. Furthermore, the proposed development is contained within 11 acres (of the 16 designated acres in the General Plan), and entirely within the mapped boundaries of the PD and R-MF-20 designated lands.

Per the General Plan Consistency Review (Table 4.7-4 in the Amended Final EIR), incorporated by reference as if set forth in full, the project is consistent with numerous General Plan policies including but not limited to Policies: II-8, II-9, II-10, II-11, II-12, II-17, III-2, III-5, III-6, III-7, III-8, III-11, III-12, III-13, III-14, III-15, III-16, III-17, IV-2, IV-3, IV-4, IV-5, IV-6, IV-7, IV-9, IV-10, IV-11, IV-12,

IV-13, IV-14, IV-15, IV-16, IV-17, IV-18, IV-19, IV-21, IV-22, IV-23, IV-24, IV-25, IV-27, IV-28, IV-29, IV-30, IV-31, IV-32, IV-33, IV-34, IV-35, IV-36, IV-37, IV-41, IV-42, IV-45, V-8, V-9, V-12, V-15, V-16, VI-1, VI-2, VI-7, VI-10, VI-11, VI-13, VI-14, VI-15, VI-16, VI-18, VI-19, VI-21, VI-23, VI-24, VI-25, VII-1, VII-2, VII-4, VII-5, VII-6, VII-7, VII-8, VII-9, VII-10, VII-11, VII-12, VII-14, VII-15, VII-16, VII-17, VIII-1, VIII-3, VIII-4, VIII-6, VIII-8, VIII-9, IX-3, IX-5, IX-6, IX-7, IX-8, IX-9, IX-10, IX-11, IX-12, IX-14, IX-15, IX-16, IX-17, IX-18, IX-19, IX-20, IX-22, IX-24, IX-43, IX-44, IX-46, X-1, X-8, X-9, X-10, X-11, X-13, X-16, XII-1, XII-2, XII-5, XII-7, XII-9, XII-13, XII-14, XII-17, XII-20, XII-21, XII-23, XII-24, XII-29, XII-30, XII-31, XII-32, and XII-33.

The proposed project is designed in accordance with the vision contained within General Plan Community Design Element and as contained on Figure IX-17 in the General Plan by providing development contributing to a “village center” theme, and providing a mix of uses that creates a destination where people can come to live, shop, relax and play. Project development is clustered within the western portions of the flatter, canyon bottom where previous human activity has already disturbed the site, thereby reducing grading and development impacts to hillside areas and biotic resources, including the wildlife corridor, consistent with the General Plan’s conservation policies. The project is also permanently preserving 66 acres of land as open space through recordation of a permanent conservation easement, thereby adding approximately 5 more acres of open space than the approximately 61 acres currently designated as open space in the General Plan, and ensuring unquestionably permanent protection for all 66 acres. Additionally, the provision of 180 multi-family residential units, including 18 reserved for very-low income families by deed restriction for fifty-five years, meets the General Plan’s projected housing goal for the property, and contributes to the City’s obligation to meet future projected housing needs in the City and region. The inclusion of above-moderate and very-low income housing is also consistent with the Housing and Community Design Elements of the General Plan, which designate this site for affordable housing. The project, as designed, will not negatively impact traffic conditions on city streets, will increase pedestrian and bicycle connectivity by, to and through the property, including connecting with open space lands to the east which contain an existing but unofficial trail that connects with the regional trail system, and provide new transit opportunities consistent with policies contained within the Circulation Element of the General Plan. Consistent with policies contained in the General Plan Safety Element, the project is proposing to repair and stabilize a landslide (safety) hazard which currently exists on-site. Furthermore, the project will meet the City’s noise thresholds, and will not significantly impact utility and life safety emergency services provided by the sheriff and fire department. Finally, consistent with the General Plan Community Design element, the project is sited and designed to minimize impacts to aesthetics to the greatest extent feasible, and designed in a way that is compatible with, and enhances, the Las Virgenes Road Scenic Corridor.



The subject site is considered a prominent parcel in both the Las Virgenes Gateway Master Plan and the Las Virgenes Road Corridor Plan. The proposed project is consistent with the land use objectives of the Master Plan because it contains a mix of land uses, including open space, a community green space/park, multi-family residential housing, and a commercial retail (shopping center) component, and fosters connections via sidewalks to the nearby Las Virgenes Creek and the open space areas to the east of the property, including an existing unofficial trail that links to the regional trail system. The project is also consistent in terms of architectural style and colors because it will be constructed in accordance with Monterey/Spanish style architecture, and will be colored in earth tones, with concrete S-tile, medium colored, non-glaring, mansard style roofs. Additionally, the proposed plan is consistent with the landscaping standards in that extensive trees plantings will occur along street frontages. Circulation components of the master plan are met by the project by the provision of bicycle and pedestrian improvements along Las Virgenes Road, enhanced transit opportunities from the proposed trolley stop, and enhanced access to Las Virgenes Creek and the open space trails to the east. Furthermore, the project is consistent with the goal of preserving the environmental integrity of natural features by utilizing clustered site planning, reduced massing through a “village” concept, aesthetic building forms and architectural detailing, natural materials, and robust and well placed native and drought tolerant landscaping.

Therefore, based on the preceding, 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); and*

An Amended Final Environmental Impact Report (EIR) was prepared for this project. In preparing the Amended Final EIR, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Amended Final EIR identifies the areas where the project may have a potential effect on the environment. With the exception of Impact AES-3 (substantial degradation of the site's visual character), all other impacts listed as potentially significant have been mitigated to levels that are less-than-significant. A Mitigation, Monitoring and Reporting Program is incorporated by reference and attached to this resolution. Regarding Impact AES-3, all feasible mitigation measures have been considered and incorporated to lessen impacts to the visual character of the site to the extent feasible. The impact is acknowledged, but based on the environmental, economic, housing, cultural, safety, health and recreational benefits of the proposed project, the Planning Commission recommends the City Council, as lead agency, make a Statement of Overriding Considerations, as contained in this Resolution.

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

The proposed project includes approximately 66 acres of permanent open space, 180 condominium units, a retail commercial center, and a community green space (park). The condominium units are situated in 15 three-story, 35 feet high residential buildings (with 12 units each), utilizing a Monterrey – Santa Barbara Mission style of architecture and incorporate a variety of design techniques such as undulating building footprints, building articulation, mansard-style roofing (to hide mechanical equipment), adequate window spacing, decking, trim elements, cantilevered upper floor areas with corbels underneath, decorative lighting, and abundant landscaping to break up building massing and to screen and blend the development within its surroundings. The retail commercial center is configured as two one-story buildings generally at 18 feet 8 inches in height, but with tower elements up to 31 feet high, utilizing a Monterey – Santa Barbara Mission style of architecture, and a variety of design techniques such as stepped building footprint, tower elements, building articulation, trim elements, adequate window spacing, mansard-style roofing (to hide mechanical equipment), decorative lighting and landscaping (including plazas and seating areas) to break up building massing, and to screen and blend development with its surroundings. Proposed development is sited and clustered near Las Virgenes Road, and sited on and within the flatter, canyon areas in the western previously disturbed portions of the site. The project also includes significant grading to remediate a sizeable landslide hazard on the southern slopes. Proposed remediation involves removal and recompaction of the unstable material using contour grading techniques, together with compacted engineered fill (buttressing) in the lower canyon bottom to further stabilize the slide area, installation of bench drains to limit water infiltration into the repaired hillside, and re-planting of the slope with native vegetation to replicate oak woodland and chaparral resources be removed to accommodate the landslide repair.

Surrounding land uses consist of a variety of commercial uses, such as gasoline service stations, fast food restaurants, and two retail shopping centers north and west of the project site of varying height and massing; the Colony community, which is a residential two-story detached condominium unit subdivision located immediately west of and abutting a portion of the subject property; the Paxton residential condominium project, which is south of the subject property, and includes 78 three-story townhome condominium units; and, open space to the north, east and south. The development pattern along the Las Virgenes Road corridor includes both commercial and residential development, clustered adjacent to Las Virgenes Road, with properties on the east side generally preserving the upper hillside areas. Additionally, most surrounding development, with the exception of the Mobile gasoline service station and car wash to the north, is designed in either a Spanish-Mediterranean style, or a hybrid Monterrey-style architecture, with varying use

of building detailing and massing methods. All existing development within the corridor incorporates landscaping elements.

To this end, the layout and design of the proposed project, which will preserve approximately 66 acres (86% of the property) as permanent open space, and which utilizes the design elements described, is sited on the flatter already-disturbed canyon in the western portion of the property (adjacent to Las Virgenes Road), is designed with a similar architectural style to the prevalent Spanish influenced architectural design theme within the corridor, and utilizes abundant landscaping, is compatible with the design and scale of the existing mix of residential and commercial uses within the vicinity. Anticipated future uses in the Las Virgenes Road corridor will also need to comply with the General Plan, Development Code, Scenic Corridor Design Guidelines, Las Virgenes Gateway, and Las Virgenes Road Corridor Plan, and therefore the project is consistent with all anticipated land uses.

In terms of operating characteristics, the proposed commercial retail shopping center (anticipated to be restaurant, coffee shop, and retail sales) and condominium uses will be consistent with, and do not conflict with surrounding similar retail, restaurant, service and residential uses in the vicinity of the project. For these reasons, the project meets this finding.

Section 17.62.050(D) of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Scenic Corridor Permit** provided that the following findings are made. The Planning Commission recommends that the City Council find the following:

1. *The proposed project design complies with the scenic corridor development guidelines adopted by the council;*

The proposed project includes 180 condominium units, a 5,867 retail commercial center, and a community green space. The condominium units are situated in 15 three-story, 35 feet high residential buildings (with 12 units each), utilizing a Monterrey – Santa Barbara Mission style of architecture and incorporate a variety of design techniques such as undulating building footprints, building articulation, mansard-style roofing (to hide mechanical equipment), adequate window spacing, decking, trim elements, cantilevered upper floor areas with corbels underneath, decorative lighting and landscaping to break up building massing and to screen and blend proposed development within its surroundings. The retail commercial center is configured as two one-story buildings generally at 18 feet 8 inches in height, but with tower elements up to 31 feet high, utilizing a Monterrey – Santa Barbara Mission style of architecture, and a variety of design techniques such as stepped building footprints, tower elements, building articulation, trim elements, adequate window spacing, mansard-style roofing (to hide mechanical equipment), decorative lighting and landscaping (including plazas and seating areas) to

break up building massing, and to screen and blend development with its surroundings. Proposed development is sited and clustered near Las Virgenes Road, and sited on and within the flatter, canyon areas in the western previously disturbed portions of the site, preserving the remaining hillside areas free from permanent development. The project also includes significant temporary, remedial grading to remediate a sizeable landslide hazard on the southern slopes. Proposed remediation involves removal and recompaction of the unstable material using contour grading techniques, together with compacted engineered fill (buttressing) in the lower canyon bottom to further stabilize the slide area, installation of bench drains to limit water infiltration into the repaired hillside, and re-planting of the slope with native vegetation to replicate oak woodland and chaparral resources removed to accommodate the landslide repair.

The proposed grading and the addition of buildings on this site would change the visual character of the scenic corridor as compared to the current undeveloped condition. However, the design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) siting of development on the flatter, less visible, already disturbed portions of the property; (b) incorporation of contour grading and wetland and oak tree mitigation to mimic a natural hillside; (c) use of (mostly native) landscaping both around the perimeter of the site development boundary and within the development to physically screen and blend the development with its surroundings, and to minimize light spillover impacts; (c) the use of colors and materials for development on-site that are similar to the surrounding natural environment, including earth-tone colors, medium to dark colored/non-glare roofs, and wood accents for the commercial and residential structures; and (d) articulation of design and incorporation of architectural relief elements that successfully avoid large straight, blank facades. Additionally, and as referenced in the EIR, all feasible mitigation measures to reduce the project's visual impact to the scenic corridor have been incorporated into the design of the project. Therefore, the proposed project meets this finding.

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

The Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) siting of development on the flatter, less visible, already disturbed portions of the property; (b) incorporation of contour grading and wetland and oak tree mitigation to replicate a natural hillside; (c) use of (mostly) native landscaping - both around the perimeter of the site development boundary and within the development - to physically screen and blend the development with its surroundings, and to minimize light spillover impacts; (d) the use of colors

and materials for development on-site that are similar to the surrounding natural environment, including earth-tone colors, medium to dark colored/non-glare roofs, and wood accents for the commercial and residential structures; (e) articulation of design and incorporation of architectural relief elements such as undulating building footprints, window spacing, mansard style roofing (to hide mechanical equipment), and strategically placed decks and balconies that all contribute to successfully avoid large straight, blank facades; and (f) preservation of 66 acres (86%) of the 77-acre property as permanent open space consisting mostly of visually prominent hillside slopes in the north, south and east portions of the property . Additionally, and as referenced in the EIR, all feasible mitigation measures to reduce the project's visual impact to the scenic corridor have been incorporated into the design of the project.

The project also includes outdoor lighting, which for the already developed and heavily traveled Las Virgenes Road corridor is not entirely new or out of character. Meanwhile the project lighting will also carry on into and throughout the subdivision and would introduce nighttime light into an area that is generally not illuminated today. Conceptual photometric plans have been prepared for the project, and staff review has determined that the plans comply with the requirements of the City's Dark Skies Ordinance to prevent light trespass and limit sky glow. Additionally, lighting will be limited to only the developed portion of the property, leaving approximately 86% of the site in its natural state with no lighting whatsoever. Therefore the proposed project meets this finding.

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

The Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) siting of development on the flatter, less visible, already disturbed portions of the property; (b) incorporation of contour grading and wetland and oak tree mitigation to mimic a natural hillside; (c) use of (mostly native) landscaping both around the perimeter of the site development boundary and within the development to physically screen and blend the development with its surroundings, and to minimize light spillover impacts; (d) the use of colors and materials for development on-site that are similar to the surrounding natural environment, including earth-tone colors, medium to dark colored/non-glare roofs, and wood accents for the commercial and residential structures; and (e) articulation of design and incorporation of architectural relief elements such as undulating building footprints, window spacing, mansard style roofing (to hide mechanical equipment), and strategically placed decks and balconies that all contribute to successfully avoid large straight, blank facades. Additionally, and as referenced in the Amended Final EIR, all feasible mitigation measures to reduce the project's visual impact to the scenic corridor have been incorporated

into the design of the project. Therefore, the proposed 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 proposed project includes approximately 66 acres of permanent open space, 180 condominium units, a 5,867 retail commercial center, and a community green space (park). The condominium units are situated in 15 three-story, 35 feet high residential buildings (with 12 units each), utilizing a Monterey – Santa Barbara Mission style of architecture and incorporate a variety of design techniques such as undulating building footprints, building articulation, mansard-style roofing (to hide mechanical equipment), adequate window spacing, decking, trim elements, cantilevered upper floor areas with corbels underneath, decorative lighting, and abundant landscaping to break up building massing and to screen and blend the development within its surroundings. The retail commercial center is configured as two one-story buildings generally at 18 feet 8 inches in height, but with tower elements up to 31 feet high, utilizing a Monterey – Santa Barbara Mission style of architecture, and a variety of design techniques such as stepped building footprint, tower elements, building articulation, trim elements, adequate window spacing, mansard-style roofing (to hide mechanical equipment), decorative lighting and landscaping (including plazas and seating areas) to break up building massing, and to screen and blend development with its surroundings. Proposed development is sited and clustered near Las Virgenes Road, and sited on and within the flatter, canyon areas in the previously disturbed western portions of the site preserving the remaining hillside areas free from permanent development. Proposed remediation involves removal and recompaction of the landslide hazard using contour grading techniques, together with compacted engineered fill (buttressing) in the lower canyon bottom to further stabilize the slide area, installation of bench drains to limit water infiltration into the repaired hillside, and re-planting of the slope with native vegetation to replicate oak woodland and chaparral resources removed to accommodate the landslide repair.

Surrounding land uses consist of a variety of commercial uses, such as gasoline service stations, fast food restaurants, and two retail shopping centers north and west of the project site of varying height and massing; the Colony community, which is a residential two-story detached condominium unit subdivision located immediately west of and abutting a portion of the subject property; the Paxton residential condominium project, which is south of the subject property, and includes 78 three-story townhome condominium units; and, open space to the north, east and south. The development pattern along the Las Virgenes Road corridor includes both commercial and residential

development, clustered adjacent to Las Virgenes Road, with properties on the east side generally preserving the upper hillside areas. Additionally, most surrounding development, with the exception of the Mobile gasoline service station and car wash to the north, is designed in either a Spanish-Mediterranean style, or a hybrid Monterrey-style architecture, with varying use of building detailing and massing methods. All existing development within the corridor incorporates landscaping elements.

To this end, the layout and design of the proposed project, which will permanently preserve approximately 66 acres (86%) of the property as open space, and which utilizes the design elements described above, is sited on the flatter already-disturbed canyon in the western portion of the property (adjacent to Las Virgenes Road), is designed with a similar architectural style to the prevalent Spanish influenced architectural design theme within the corridor, incorporates modest, earth colored signage, and utilizes abundant landscaping, is compatible with the design and scale of the existing mix of residential and commercial uses within the vicinity.

Section 17.62.060 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Conditional Use Permit** provided that the following findings are made. The Planning Commission recommends that the City Council find the following:

1. *That the proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;*

The proposed project includes approximately 66 acres of permanent open space, a 5,867 square foot commercial retail shopping center, 180 residential multi-family residences, and a community green space (park). Zoning districts on the property include: Planned Development (PD) on approximately 10 acres, Multi-family 20 dwelling units per acre (RM-20) on approximately 6 acres, and Open Space – Development Restricted (OS-DR) on approximately 61 acres. Commercial retail shopping centers are a conditionally allowed use in the PD zone per Section 17.11 of the CMC. All other proposed uses are allowed in the respective zones; therefore, the below findings for conditional use permit compliance are in regard to the 5,867 square-foot commercial component of the project only.

Given the various site constraints such as steep slopes, a landslide feature on the southern hillsides, and valuable biotic and scenic resources surrounding a flatter, less visible western canyon area, and the pre-established 16-acre development footprint boundary established by the General Plan, placement of clustered development within the flatter, western canyon area ensures consistency with the Development Code's Hillside Development Standards (CMC Section 17.20.150) by placement of development in less visible areas of

the site and limiting grading on hillsides. Additionally, the project involves grading of hillsides areas to repair and stabilize a slope which contains an identified landslide hazard. Although grading on slopes greater than fifty percent “shall be avoided” per the standards contained in CMC Section 17.20.150, in this case, slope grading is required to be performed to repair an existing geotechnical hazard, and therefore is consistent with Development Code requirements.

The proposed 5,867 square-foot commercial retail shopping center, which is the only use that is “conditionally” allowed, is sited within the PD Zone. Within the PD Zone, project standards regarding lot area, lot width, density, floor area ratio, and setbacks are all established through the approval of a Development Plan. Therefore, with the approval of the Development Plan, the commercial retail shopping center are consistent with these standards. The commercial retail shopping center complies with all other standards contained within CMC Title 17 (Development Code), including, but not limited to, site coverage, height, pervious surfaces, setbacks, landscaping, parking, and lighting. For these reasons, the proposed project meets this finding.

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

The portion of the project site containing the commercial retail shopping center is designated Planned Development (PD) in the City’s General Plan. Maximum land use intensities on the 10-acre PD-designated site are 155,000 square feet of commercial development and 60 multi-family units. The project is proposing 5,867 square feet of commercial development and 60 multi-family residential condominium units within the PD-designated portion of the property, 120 multi-family residential condominium units within the R-MF-20-designated portion of the property, and 66 acres of permanent open space, which is consistent with the General Plan. Furthermore, the entire proposed development, consisting of the commercial retail shopping center and 180 residential units, is contained within approximately 11 acres (of the 16 acres specified in the General Plan), and entirely within the mapped development boundaries.

Per the General Plan Consistency Review (Table 4.7-4 in the Final EIR), the project is consistent with numerous General Plan policies including, but not limited to, one hundred and forty (140) individual General Plan Policies: II-8, II-9, II-10, II-11, II-12, II-17, III-2, III-5, III-6, III-7, III-8, III-11, III-12, III-13, III-14, III-15, III-16, III-17, IV-2, IV-3, IV-4, IV-5, IV-6, IV-7, IV-9, IV-10, IV-11, IV-12, IV-13, IV-14, IV-15, IV-16, IV-17, IV-18, IV-19, IV-21, IV-22, IV-23, IV-24, IV-25, IV-27, IV-28, IV-29, IV-30, IV-31, IV-32, IV-33, IV-34, IV-35, IV-36, IV-37, IV-41, IV-42, IV-45, V-8, V-9, V-12, V-15, V-16, VI-1, VI-2, VI-7, VI-10, VI-11, VI-13, VI-14, VI-15, VI-16, VI-18, VI-19, VI-21, VI-23, VI-24, VI-25, VII-1, VII-2, VII-4, VII-5, VII-6, VII-7, VII-8, VII-9, VII-10, VII-11, VII-12, VII-14, VII-15, VII-16, VII-17, VIII-1, VIII-3, VIII-4, VIII-6, VIII-8, VIII-9, IX-3, IX-5, IX-6, IX-7, IX-8, IX-



9, IX-10, IX-11, IX-12, IX-14, IX-15, IX-16, IX-17, IX-18, IX-19, IX-20, IX-22, IX-24, IX-43, IX-44, IX-46, X-1, X-8, X-9, X-10, X-11, X-13, X-16, XII-1, XII-2, XII-5, XII-7, XII-9, XII-13, XII-14, XII-17, XII-20, XII-21, XII-23, XII-24, XII-29, XII-30, XII-31, XII-32, and XII-33.

The proposed project is designed in accordance with the vision contained within General Plan Community Design Element and as contained on Figure IX-17 in the General Plan by providing development contributing to a “village center” theme, and providing a mix of uses that creates a destination where people can come to live, shop, relax and play. Project development is clustered within the western portions of the flatter, canyon bottom where previous human activity has already substantially disturbed the site, thereby reducing grading and development impacts to hillside areas and biotic resources, including the wildlife corridor, consistent with the General Plan’s conservation policies. The project is also permanently preserving 66 acres of land as open space through recordation of a permanent conservation easement, thereby adding approximately 5 more acres of open space than the approximately 61 acres currently designated as open space in the General Plan. Additionally, the provision of 180 multi-family residential units, including 18 reserved for very-low income families by deed restriction for fifty-five years, meets the General Plan’s projected housing goal for the property, and contributes to the City’s obligation to meet the housing needs of the City and region. The inclusion of above-moderate and very-low income housing is also consistent with the Housing and Community Design Elements of the General Plan, which designate this site for affordable housing. The project, as designed, will not negatively impact traffic conditions on city streets, will increase pedestrian and bicycle connectivity to and through the property, including connecting with open space lands to the east that contains an existing unofficial trail that links to the regional trail system, and provide new transit opportunities consistent with policies contained within the Circulation Element of the General Plan. Consistent with policies contained in the General Plan Safety Element, the project is proposing to repair and stabilize a landslide (safety) hazard which currently exists on-site. Furthermore, the project will meet the City’s noise thresholds, and will not significantly impact utility and life safety emergency services provided by the sheriff and fire departments. Finally, consistent with the General Plan Community Design element, the project is sited and designed to minimize impacts to aesthetics to the maximum extent feasible, and designed in a way that is compatible with and enhances the Las Virgenes Scenic Corridor.

The subject site is considered a prominent parcel in both the Las Virgenes Gateway Master Plan and the Las Virgenes Road Corridor Plan. The proposed project is consistent with the land use objectives of the Master Plan because it contains a mix of land uses, including open space, a community green space/park, multi-family residential housing, and a commercial retail (shopping center) component, and fosters connections via sidewalks to the nearby Las

Virgenes Creek and the open space areas to the east of the property, including a linkage to an existing but unofficial trail that connects to the regional trail system. The project is also consistent in terms of architectural style and colors because it will be constructed in accordance with Monterey/Spanish style architecture, and will be colored in earth tones, with concrete S-tile, medium colored, non-glaring, mansard style roofs. Additionally, the proposed plan is consistent with the landscaping standards in that extensive tree plantings will occur along street frontages. Circulation components of the master plan are met by the project by the provision of bicycle and pedestrian improvements along Las Virgenes Road, enhanced transit opportunities from the proposed trolley stop, and enhanced access to Las Virgenes Creek and the open space areas and public trail system to the east. Furthermore, the project is consistent with the goal of preserving the environmental integrity of natural features by utilizing clustered site planning, reduced massing through a “village” concept, aesthetic building forms and architectural detailing, natural colors and materials, and robust and well placed native and drought tolerant landscaping.

Therefore, for the reasons mention above, the proposed project meets this finding.

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

An Amended Final Environmental Impact Report (EIR) was prepared for this project. In preparing the Amended Final EIR, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Amended Final EIR identifies the areas where the project may have a potential effect on the environment. With the exception of Impact AES-3 (substantial degradation of the site's visual character), all other impacts listed as potentially significant have been mitigated to levels that are less-than-significant. A Mitigation, Monitoring and Reporting Program is incorporated by reference and attached to this resolution. Regarding Impact AES-3, all feasible mitigation measures have been considered and incorporated to lessen impacts to the visual character of the site to the extent feasible. The impact is acknowledged, but based on the environmental, economic, housing, cultural, safety, health and recreational benefits of the proposed project, the Planning Commission recommends the City Council, as lead agency, make a Statement of Overriding Considerations, as contained in the Resolution.

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

The proposed 188,417 square foot mixed-use project includes 180 multi-family residential condominium units, a 5,867 retail commercial center, a community green space (park), and approximately 66 acres of permanent open space.

The commercial retail shopping center component, which is the only component that is “conditionally” allowed within the PD Zone, represents 3 percent of the total project. The retail commercial center is configured as two one-story buildings generally at 18 feet 8 inches in height, but with tower elements up to 31 feet high, utilizing a Monterey – Santa Barbara Mission style of architecture, and a variety of design techniques such as stepped building footprints, tower elements, building articulation, trim elements, adequate window spacing, mansard-style roofing (to hide mechanical equipment), decorative lighting, and abundant landscaping (including plazas and seating areas) to break up building massing, and to screen and blend development with its surroundings. The proposed commercial development is sited and clustered near Las Virgenes Road, and sited on and within the flatter, canyon areas in the western previously disturbed portions of the site.

Surrounding land uses consist of a variety of commercial uses, such as gasoline service stations, fast food restaurants, and two retail shopping centers north and west of the project site along and across Las Virgenes; the Colony community, which is a residential two-story detached condominium unit subdivision located immediately west of and abutting the subject property; the Paxton residential condominium project, which is south of the subject property, and includes 78 three story townhome condominium units; and open space lands. The development pattern along the Las Virgenes Road corridor includes both commercial and residential development, clustered adjacent to Las Virgenes Road, with properties on the east side preserving hillside areas.

To this end, the location of the proposed project, like most development along the Las Virgenes Road corridor, is sited on the flatter, already-disturbed canyon in the western portion of the property, and is clustered adjacent to Las Virgenes Road. In terms of operating characteristics, the proposed commercial retail shopping center (anticipated to be a restaurant, coffee shop, and retail sales) and condominium uses do not conflict with surrounding similar retail, restaurant, and service uses. The commercial retail shopping center provides off-street parking adequate to meet the needs of the facility. Additionally, due to relatively small size of the facility, the facility will not significantly impact traffic on the city street system. Additionally, the project is proposing to dedicate additional right-of-way, construct an additional northbound traffic lane, improvements to the Las Virgenes Road/Agoura Road intersection such as crosswalks and dedicated left turn lanes, continue and connect a bicycle lane to areas north of the Las Virgenes Road/Agoura Road intersection, and provide pedestrian connections to and from the property, which will benefit the existing uses in the vicinity. Regarding the residential uses in the vicinity, the commercial retail shopping center is designed to not impact existing or future residences by physically separating them from existing and proposed residences, adequately landscaping the commercial areas to screen them, and reduce light spillover, and providing adequate parking for customers. Furthermore, the retail and restaurant uses proposed will serve not only the

project site, but other surrounding residents, providing other shopping, dining, and social gathering opportunities. For these reasons, the project meets this finding.

Section 17.32.010 of the Calabasas Municipal Code (CMC) allows the review authority to approve an **Oak Tree Permit** provided that the following findings are made. The Planning Commission recommends that the City Council find the following:

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 oak tree report identifies 206 oak trees on-site, of which 156 (76%) would not be affected by the proposed project, and thus will be preserved. Implementation of the project would result in the removal of 45 oak trees, 24 of which are Heritage oaks, and which have been severely impacted due to the Woolsey Fire in November 2018. Forty (40) of the 45 removals are the direct consequence of remedial grading to repair a landslide hazard located on the southern slopes. Because development of any intensity on this site requires remediation of the landslide hazard, the removal of forty (40) oak trees is unavoidable. The removal of the additional five (5) oak trees is the result of grading for residential building pads within the development footprint, construction of the eastern primary debris basin, and construction of other drainage structures, all of which are necessary for development of the site. Removal of these oak trees is necessary to enable a project which fully-complies with the General Plan and all applicable standards within the Development Code, as documented and described elsewhere in this resolution and within the staff report.

The removal of 45 oak trees due to development within the 11 acre permanent development footprint, and the 24.67 acres being disturbed by landslide remediation and drainage improvement infrastructure, results in the removal of 1,417.5 inches of oak tree diameter, which is required to be mitigated at a 1:1 ratio for each inch of oak tree diameter lost. To this end, the project is required and conditioned to replace 1,417.5 inches of lost oak tree diameter. Per the project's preliminary Oak Tree Mitigation Plan, 484 oak trees are proposed to be planted as impact mitigation in various locations on the graded slopes, at prominently visible locations along Las Virgenes Road, and within other areas designated for biological habitat mitigation. A final Oak Tree Mitigation will be required to be prepared and submitted for review by the City to ensure consistency with all requirements of Mitigation Measure BIO-6, including restoration in kind for all lost oak woodlands. Also, per Mitigation Measure BIO-6, a City-approved oak tree consultant shall prepare a report after conclusion of grading and construction, and then prepare oak tree monitoring reports

annually for the next five years based on bi-annual site visits/oak monitoring. Therefore, 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 property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. In addition, such 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 project Oak Tree Report identified 206 oak trees on-site, and implementation of the project would result in the encroachment into the protected zones of five (5) oak trees. Encroachments would occur both at the edges of the landslide-repaired slopes on the southern hillside areas and to an oak tree located west of the development footprint (off-site on the Colony community's common area) due to grading activities. These encroachments are necessary for development of the site and to repair the landslide. Therefore, the proposed encroachments are warranted to enable reasonable and conforming use of the subject property.

The Oak Tree Report indicates that the encroachment activities involving the on-site oak trees would not result in significant long-term adverse impacts to the trees. This conclusion has been confirmed by the City's environmental consultant. To further ensure that adverse impacts to the trees are minimized, the applicant shall comply with all of the Oak Tree Report recommendations, all of which have been incorporated into the Conditions of Approval for this Resolution. Therefore, the proposed project meets this finding.

Section 17.62.020 of the Calabasas Municipal Code (CMC) allows the review authority to approve a **Site Plan Review Permit** provided that the following findings are made. The Planning Commission recommends that the City Council find the following:

- 1. The proposed project complies with all applicable provisions of this Development Code;*

The proposed project includes approximately 66 acres of permanent open space, a 5,867 square foot commercial retail shopping center, 180 multi-family residences, and a community green space (park). Zoning districts on the property include: Planned Development (PD) on approximately 10 acres, Multi-family 20 dwelling units per acre (RM-20) on approximately 6 acres, and Open Space – Development Restricted (OS-DR) on approximately 61 acres. Commercial retail shopping centers are a conditionally allowed use, and multi-family residences are a permitted use in the PD zone per Section 17.11 of the CMC. Additionally, multi-family residences are a permitted use in the RM zone.

As documented previously within this resolution, the proposed uses are designed so as to fully conform to the applicable Development Code standards.

Given the various site constraints such as steep slopes, a landslide feature on the southern hillsides, and valuable biotic and scenic resources surrounding a flatter, less visible western canyon area, and the pre-established 16-acre development footprint area established by the General Plan concentrating the development in the flatter western canyon area ensures consistency with the Development Code's Hillside Development Standards (CMC Section 17.20.150) via placement of the development in less visible areas of the site and limiting grading on hillsides. Additionally, the project involves temporary, remedial grading of hillside areas to repair and stabilize a slope which contains unstable material (e.g. a landslide). Although grading on slopes greater than fifty percent "shall be avoided" per the standards contained in CMC Section 17.20.150, in this case, slope grading is required to be performed to repair an existing geotechnical hazard, and therefore is consistent with development code requirements.

Within the development footprint area (meaning the non-open space), are two zoning districts: the PD Zone and the RM Zone. Project standards regarding lot area, lot width, density, floor area ratio, and setbacks are all established through the approval of a Development Plan. Therefore, with the approval of the Development Plan, portions of the project that are contained within the PD-zoned portions of the site are consistent with these standards. With the exception of building height and retaining wall height, the project, as a whole, complies with all other standards contained within CMC Title 17 (Development Code), including, but not limited to: site coverage, pervious surfaces, setbacks, landscaping, parking, and lighting. Regarding height, the height requirement for structures constructed within both the PD and RM zones is 35 feet. The commercial retail shopping center has a maximum height of 31 feet, and therefore is compliant with the 35 foot maximum height requirement in the PD Zone. The residential component of the project within both the PD- and RM-zoned portions of the property exceed 35 feet in height. Additionally, two of the proposed retaining walls exceed the 6 foot height requirement contained in CMC Section 17.20.100(B). However, consistent with CMC Chapter 17.22 (Affordable Housing), the project is proposing 10 percent of its residential units as affordable to households with a very low income under a fifty-five year deed restriction. With the provision of 10 percent of the proposed residential units as affordable to a very low income category, Government Code Section 65915(d)(1), requires the City to grant up to two concessions or incentives selected by the applicant/developer. In this case, the applicant has requested relief (meaning concessions) from both building height and retaining wall height. Therefore, although the residential buildings and two retaining walls do not meet the existing code requirement, the granting of the two concessions under State law deem the project consistent with the height requirement. For these reasons, 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 project site contains both the Planned Development (PD) and Residential Multi-Family-20 (R-MF-20) land use designations. Maximum land use intensities on the 10-acre PD-designated site is 155,000 square feet of commercial development and 60 multi-family units. Additionally, the maximum land use intensity within the 6-acre portion of the property designated R-MF-20 by the General Plan is 20 units per acre. The project is proposing 60 multi-family residential units and 5,867 square feet of commercial development within the PD designated portion of the property, 120 multi-family residential units within the R-MF-20 designated portions of the property, and 66 acres of newly permanently preserved open space, which is consistent with the General Plan. Furthermore, the proposed permanent development (the non-open space components) is contained within approximately 11 acres (of the 16 areas specified in the General Plan), and entirely within the mapped boundaries of the PD and R-MF-20 designated lands.

Per the General Plan Consistency Review (Table 4.7-4 in the Final EIR), the project is consistent with numerous General Plan policies including but not limited to, one hundred and forty (140) individual Policies: II-8, II-9, II-10, II-11, II-12, II-17, III-2, III-5, III-6, III-7, III-8, III-11, III-12, III-13, III-14, III-15, III-16, III-17, IV-2, IV-3, IV-4, IV-5, IV-6, IV-7, IV-9, IV-10, IV-11, IV-12, IV-13, IV-14, IV-15, IV-16, IV-17, IV-18, IV-19, IV-21, IV-22, IV-23, IV-24, IV-25, IV-27, IV-28, IV-29, IV-30, IV-31, IV-32, IV-33, IV-34, IV-35, IV-36, IV-37, IV-41, IV-42, IV-45, V-8, V-9, V-12, V-15, V-16, VI-1, VI-2, VI-7, VI-10, VI-11, VI-13, VI-14, VI-15, VI-16, VI-18, VI-19, VI-21, VI-23, VI-24, VI-25, VII-1, VII-2, VII-4, VII-5, VII-6, VII-7, VII-8, VII-9, VII-10, VII-11, VII-12, VII-14, VII-15, VII-16, VII-17, VIII-1, VIII-3, VIII-4, VIII-6, VIII-8, VIII-9, IX-3, IX-5, IX-6, IX-7, IX-8, IX-9, IX-10, IX-11, IX-12, IX-14, IX-15, IX-16, IX-17, IX-18, IX-19, IX-20, IX-22, IX-24, IX-43, IX-44, IX-46, X-1, X-8, X-9, X-10, X-11, X-13, X-16, XII-1, XII-2, XII-5, XII-7, XII-9, XII-13, XII-14, XII-17, XII-20, XII-21, XII-23, XII-24, XII-29, XII-30, XII-31, XII-32, and XII-33.

The proposed project is designed in accordance with the vision contained within General Plan Community Design Element and as contained on Figure IX-17 in the General Plan by providing development contributing to a “village center” theme, and providing a mix of uses that creates a destination where people can come to live, shop, relax and play. Project development is clustered within the western portions of the flatter, canyon bottom where previous human activity has already substantially disturbed the site, thereby reducing grading and development impacts to hillside areas and biotic resources, including the wildlife corridor, consistent with the General Plan’s conservation policies. The project is also permanently preserving 66 acres of land as open space through

recordation of a permanent conservation easement, thereby adding approximately 5 more acres of open space than the approximately 61 acres currently designated as open space in the General Plan. Additionally, the provision of 180 multi-family residential units, including 18 reserved for very-low income families by deed restriction for fifty-five years, meets the General Plan's projected housing goal for the property, and contributes to the City's obligation to meet the housing needs of the City and region. The inclusion of above-moderate and very-low income housing is also consistent with the Housing and Community Design Elements of the General Plan, which designate this site for affordable housing. The project, as designed, will not negatively impact traffic conditions on city streets, will increase pedestrian and bicycle connectivity to and through the property, including providing a dedicated trail access easement connecting with publicly owned open space properties to the east that have an existing but unofficial trail that connects to the regional trail system, and provide new transit opportunities consistent with policies contained within the Circulation Element of the General Plan. Consistent with policies contained in the General Plan Safety Element, the project is proposing to repair and stabilize a landslide (safety) hazard which currently exists on-site. Furthermore, the project will meet the City's noise thresholds, and will not significantly impact utility and life safety emergency services provided by the sheriff and fire departments. Finally, consistent with the General Plan Community Design element, the project is sited and designed to minimize impacts to aesthetics to the maximum extent feasible, and designed in a way that is compatible with and enhances the Las Virgenes Scenic Corridor

The subject site is considered a prominent parcel in both the Las Virgenes Gateway Master Plan and the Las Virgenes Road Corridor Plan. The proposed project is consistent with the land use objectives of the Master Plan because it contains a mix of land uses, including open space, a community green space/park, multi-family residential housing, and a commercial retail (shopping center) component, and fosters connections via sidewalks to the nearby Las Virgenes Creek and the open space areas to the east of the property, including a linkage to the regional trail system. The project is also consistent in terms of architectural style and colors because it will be constructed in accordance with Monterey/Spanish style architecture, and will be colored in earth tones, with concrete S-tile, medium colored, non-glaring, mansard style roofs. Additionally, the proposed plan is consistent with the landscaping standards in that extensive trees plantings will occur along street frontages. Circulation components of the master plan are met by the project by the provision of bicycle and pedestrian improvements along Las Virgenes Road, enhanced transit opportunities from the proposed trolley stop, and enhanced access to Las Virgenes Creek and the open space trails to the east. Furthermore, the project is consistent with the goal of preserving the environmental integrity of natural features by utilizing clustered site planning, reduced massing through a "village" concept, aesthetic building forms and



architectural detailing, natural materials, and robust and well placed native and drought tolerant landscaping.

The project site is located within the designated Ventura Freeway Scenic Corridor and is required to comply with the City's Scenic Corridor Development Guidelines. The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) siting of development on the flatter, less visible, already disturbed portions of the property; (b) the use of colors and materials for development on-site that is similar to the natural surrounding environment, including earth-tone colors, medium to dark non-glare roof materials, and wood accents; (c) use of contour grading techniques for graded slopes, (d) landscaping with a plant mix emphasizing native vegetation and situated to screen development; and (e) offering peek-a-boo views through the development. Therefore, the proposed project meets this finding.

The project is also required to comply with the requirements set forth in Section 17.20.150 (Hillside and Ridgeline Development) of the CMC. The project achieves the purposes of the City's Hillside ordinance by siting development on the flatter, already disturbed portions of the property to minimize grading on hillsides, by including the use of abundant landscape and sloped rooflines in order to complement the contours of the dominant ridgelines, and the use of plantings along the street-facing slopes of development to screen and soften the building architecture. Also, the more substantial retaining walls for the project have been situated behind buildings where the walls are screened from public view, and all retaining walls are either screened with proposed landscaping or conditioned to have a natural looking appearance and/or screened with landscaping. Therefore, based on the preceding, and upon the Scenic Corridor Permit findings provided within this resolution, the proposed project meets this finding.

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

An Amended Final Environmental Impact Report (EIR) was prepared for this project. In preparing the Amended Final EIR, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Amended Final EIR identifies the areas where the project may have a potential effect on the environment. With the exception of Impact AES-3 (substantial degradation of the site's visual character), all other impacts listed as potentially significant have been mitigated to levels that are less-than-significant. A Mitigation, Monitoring and Reporting Program is incorporated by reference and attached to this resolution. Regarding Impact AES-3, all feasible mitigation measures have been considered and incorporated to lessen impacts to the visual character of the site to the extent feasible. The impact is acknowledged, but based on the environmental,

economic, housing, cultural, safety, health and recreational benefits of the proposed project, the Planning Commission recommends the City Council, as lead agency, make a Statement of Overriding Considerations, as contained in the Resolution.

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 proposed project includes approximately 66 acres of permanent open space, 180 condominium units, a 5,867 retail commercial center, and a community green space (park). The condominium units are situated in 15 three-story, 35 feet high residential buildings (with 12 units each), utilizing a Monterey – Santa Barbara Mission style of architecture and incorporate a variety of design techniques such as undulating building footprints, building articulation, mansard-style roofing (to hide mechanical equipment), adequate window spacing, decking, trim elements, cantilevered upper floor areas with corbels underneath, decorative lighting, and abundant landscaping to break up building massing and to screen and blend the development within its surroundings. The commercial retail center is configured as two one-story buildings generally at 18 feet 8 inches in height, but with tower elements up to 31 feet high, utilizing a Monterey – Santa Barbara Mission style of architecture, and a variety of design techniques such as stepped building footprint, tower elements, building articulation, trim elements, adequate window spacing, mansard-style roofing (to hide mechanical equipment), decorative lighting and landscaping (including plazas and seating areas) to break up building massing, and to screen and blend development with its surroundings. Proposed development is sited and clustered near Las Virgenes Road, and sited on and within the flatter, canyon areas in the previously disturbed western portions of the site. Proposed remediation involves removal and recompaction of the unstable material using contour grading techniques, together with compacted engineered fill (buttressing) in the lower canyon bottom to further stabilize the slide area, installation of bench drains to limit water infiltration into the repaired hillside, and re-planting of the slope with native vegetation to replicate oak woodland and chaparral resources removed to accommodate the landslide repair.

Surrounding land uses consist of a variety of commercial uses, such as gasoline service stations, fast food restaurants, and two retail shopping centers north and west of the project site of varying height and massing; the Colony community, which is a residential two-story detached condominium unit subdivision located immediately west of and abutting a portion of the subject property; the Paxton residential condominium project, which is south of the subject property, and includes 78 three-story townhome condominium units; and, open space to the north, east and south. The development pattern along the Las Virgenes Road corridor includes both commercial and residential

development, clustered adjacent to Las Virgenes Road, with properties on the east side generally preserving the upper hillside areas. Additionally, most surrounding development, with the exception of the Mobile gasoline service station and car wash to the north, is designed in either a Spanish-Mediterranean style, or a hybrid Monterrey-style of architecture, with varying use of building detailing and massing methods. All existing development within the corridor incorporates landscaping elements.

To this end, the layout and design of the proposed project, which will permanently preserve approximately 66 acres (86%) of the property as open space, and which utilizes the design elements described above, is sited on the flatter already-disturbed canyon in the western portion of the property (adjacent to Las Virgenes Road), is designed with a similar architectural style to the prevalent Spanish influenced architectural design theme within the corridor, incorporates modest, earth colored signage, and utilizes abundant landscaping, is compatible with the design and scale of the existing mix of residential and commercial uses within the vicinity.

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

The subject property is approximately 77 acres in size. Sixteen (16) of the 77 acres are designated for development by the General Plan's Land Use Map, and is generally configured on the flatter, previously disturbed, canyon portions of the western side of the property (characterized by previously graded pads, improved roads, a large debris basin, channelized drains and ditches, and heavily grazed hillsides). The proposed project (inclusive of the 180 multi-family condominiums, 5,867 square foot commercial retail shopping center, community green space, streets, two detention basins, retaining walls, and parking) is clustered on approximately 11 acres located entirely within the 16 acre mapped development area in the General Plan. Maximum density/land use intensity under the City's General Plan Land Use Element is 180 multi-family residential units and 155,000 square feet of commercial development. The project, as mentioned before, is for 180 multi-family residential units and 5,867 square feet of commercial development, which is consistent with the General Plan's residential density requirement, and far less than the development intensity allowed by the General Plan for commercial development on-site. By limiting the development to less than the pre-established 16-acre area mapped in the General Plan, the project proposes to confirm the General Plan's existing protection for the 61 acres of open space, and actually add approximately 5 more acres (for a total of 66 acres) to the City's open space system than is currently designated by the General Plan via a permanent conservation easement, deed restriction or other appropriate legal instrument. Clustering of development in the westernmost portions of the subject property, as proposed by the project, was anticipated by the General Plan. 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.*

Proposed project development is concentrated on a significantly disturbed portion of the 77-acre property, in the westernmost quadrant, close to Las Virgenes Road (an arterial roadway carrying more than 30,000 vehicles per day, and fronted by a wide range of highway-oriented commercial businesses in close proximity). This approach clusters the proposed housing and commercial retail development in the least intrusive portions of the property – away from steep hillsides, sensitive vegetation, riparian and wetland areas, and wildlife habitat areas, and ensuring the protection of 156 oak trees (76% of the total on site). Although substantial additional site disturbance will result from the proposed project due to the need to remediate the landslide hazard (the slide must be over-excavated and then re-formed and re-compacted and buttressed, thereby improving public safety), approximately 86% of the property will be maintained as permanently protected open space area, of which 41.42 acres (54% of the property) will remain entirely undisturbed even during construction. Furthermore, the repaired slope (21.4 acres) will utilize contour grading techniques, and be re-vegetated using native oak trees, purple sage, other native upland species, and native riparian and wetland species to return the site to a natural-looking condition.

Additionally, the subject property is located in a wildlife corridor mapped in the City's General Plan that is approximately 1,679 acres in area and has a variable width which fluctuates from 0.2 miles to approximately one mile wide, but is approximately one mile wide in the vicinity of the project site. The proposed development is concentrated in a clustered 11 acre permanent development footprint that is located adjacent to other existing developed areas along Las Virgenes Roadway, and is approximately 0.25 mile wide. The project is also proposing to permanently preserve the remaining approximately 66 acres of the property as open space. Thus, the project, as proposed, will permanently impact only 0.7 percent (11 of the 1,679 acres) and constrict the wildlife corridor by only 0.25 miles, thereby leaving a 0.75 mile wide wildlife corridor. The limited encroachment into the wildlife corridor is not expected to diminish the corridor's functionality. Furthermore, the project, as mentioned above is proposing to replace lost oak woodland and purple sage scrub habitat, and is conditioned to mitigate for lost water sources.

The addition of buildings to this currently graded site would change the existing visual character of the site; however, the design guidelines, recommendations, and requirements set forth in the Scenic Corridor Development Guidelines have been incorporated into the project design to minimize the visual impact of the project to scenic vistas. These include: (a) siting of development on the flatter, less visible, already disturbed portions of the property; (b) incorporation of contour grading and wetland and oak tree mitigation to mimic a natural hillside; (c) use of (mostly native) landscaping both around the perimeter of the site

development boundary and within the development to physically screen and blend the development with its surroundings, and to minimize light spillover impacts; (d) the use of colors and materials for development on-site that are similar to the surrounding natural environment, including earth-tone colors, medium to dark colored/non-glare roofs, and wood accents for the commercial and residential structures; and (e) articulation of design and incorporation of architectural relief elements such as undulating building footprints, window spacing, mansard style roofing (to hide mechanical equipment), and strategically placed decks and balconies that all contribute to successfully avoid large straight, blank facades. Additionally, and as referenced in the Amended EIR, all feasible mitigation measures to reduce the project's visual impact to the scenic corridor have been incorporated into the design of the project. Therefore, the proposed project meets this finding.

**Section 6. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission recommends the City Council approve File No. 160003152 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 by the Applicant and Property Owner, The New Home Company, from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the approval of this File No. 160003152, including the City's adoption of the Project, including the requested Vesting Tentative Tract Map, Development Plan, Conditional Use Permit, Site Plan Review, Oak Tree Permit, Scenic Corridor Permit, and all other requested permits, or any other activities conducted pursuant to this File No. 160003152 or the proposed Project, including all construction and development activities completed under these entitlements. Accordingly, to the fullest extent permitted by law, The New Home Company shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this File No. 160003152, or the activities conducted pursuant to this File No. 160003152 or the proposed Project, including all construction and development activities completed under these entitlements. The New Home Company 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**

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division, date-stamped received November 30, 2018 by the Community Development Department.
2. All project conditions shall be imprinted on the title sheet(s) of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors.
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 will 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 and City Council. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

4. 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.
5. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
6. Per the discretion provided in Section 17.64.050 of the CMC, this approval shall be valid for two (2) years from the final approval date. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
7. The Vesting Tentative Map shall be subject to expiration time frames as dictated by Government Code Section 66452.6 (Subdivision Map Act) and any other applicable legislation.

8. Pursuant to Government Code Section 66498.1, approval of the Vesting Tentative Map confers a right to proceed with development in substantial compliance with the ordinances, policies and standards in effect on September 1, 2017 (the date the application was deemed to be complete for filing) and conditions of project approval lawfully imposed consistently with those September 2, 2017 standards. The vested rights conferred by the Vesting Tentative Map approval shall remain in effect for an initial period of twenty-four months from the date of recordation of the final map. The subdivider may submit an application to the Planning Department for a one-year extension of these vested rights prior to the expiration of the initial twenty-four month period. The vested rights conferred by the approval shall expire if a final map is not approved before the expiration of the tentative map as dictated by Government Code Section 66452.6.
9. Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with Chapter 17.26 of the Calabasas Municipal Code and the California Model Water Efficient Landscape Ordinance, to the Community Development Director for review and approval. The final landscape plan shall not include the use of any invasive plant species. Additionally, all perimeter transitional areas between the development footprint (inclusive of slope grading) and proposed open space areas shall utilize native plant species characteristic of those typically found on the subject property and/or surrounding native plant communities. Per the requirements of Mitigation Measure 3(b) in the Amended Final EIR, the final landscape plan shall include avoidance measures for fuel modification activities, and the implementation of a weed management plan for all open space areas located adjacent to developed areas that are subjected to fuel modification activities. The requirement for a weed management plan shall be imprinted on landscape plan for each residential development approved, included in the recorded project CC&Rs, and recorded on the deed for each residential and commercial lot. 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 approved MWELo-compliant plans to the satisfaction of the Director of Community Development or his/her designee.
10. All planting within the traffic visibility area will comply with Section 17.26.040(B)(2)(a)(i) of the CMC and shall not exceed 42" in height, as determined by the Public Works Director.
11. Prior to the submittal of final retaining wall plans for Building and Safety plan check, the applicant shall submit final retaining wall and/or landscaping plans, for the review and approval by the Community Development Director, that include

landscaping or design features that help blend Proposed Wall #1, as labeled on Sheet C-9 of the project plans and located along Las Virgenes Road, with its surroundings by use of either landscape elements to help screen the wall, design features/coloration to mimic a natural looking appearance, or that utilize stone cladding typical of stonework found on other structures located along Las Virgenes Road within the Las Virgenes Gateway Master Plan boundaries.

12. All areas outside of the community landscape areas that are disturbed by grading will be restored to an enhanced native condition subject to review and approval by the Community Development Director, and consistent with the mitigation requirements specified within the Amended Final EIR.
13. All ground 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.
14. All exterior lights are subject to the guidelines set forth in the City's Dark Skies Ordinance (Chapter 17.27 of the Land Use and Development Code).
15. Applicant and/or property owner shall provide permanent art work to fulfill the Art in Public Places requirement or pay an in lieu fee of 1% of the commercial building valuation or the maximum fee of \$150,000 as dictated in the CMC Section 17.24.020(B), the artwork shall be installed or the fee paid prior to the issuance of a Certificate of Occupancy for the commercial buildings.
16. Signage shall be subject to a sign program and Minor Scenic Corridor permit, which shall be submitted under a separate application and brought to the Planning Commission for review and consideration at a later date. All signage shall comply with the requirements of Chapter 17.30 of the CMC and be designed per the guidelines contained in the Las Virgenes Gateway Master Plan.
17. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code to the satisfaction of the Community Development Director. Compliance shall consist of achieving the equivalent of a "silver" rating (at a minimum) using the LEED (Leadership in Energy and Environmental Design) rating system version 2.0 developed by the United States Green Building Council for non-residential use components.
18. To demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code (a.k.a. Green Building Ordinance), the applicant shall submit two documentation packages to the Community Development Department for review in the following manner:
  - a. Prior to issuance of a building or grading permit, the applicant shall submit to the Building & Safety Division a documentation package



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

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

- 19. All exterior colors and materials used for construction of the project shall be in substantial conformance with the approved materials and colors palette subject to review and approval by the Community Development Director.
- 20. All new visible drainage features utilized on slope areas shall use integral earth-toned colors consistent with colors in the area. The proposed color shall be submitted for review and approval by the Community Development Director prior to the issuance of grading permits.
- 21. Prior to commencement of construction, all necessary grading and building permits must be obtained from the department of Public Works and the Building and Safety Division, respectively.
- 22. The project must comply with the building standards in effect at the time of submittal to Building & Safety Division for plan review.
- 23. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of the Fire Code applicable at the time of Building and Safety Division plan review must be incorporated into all plans.
- 24. 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.
- 25. The applicant shall implement all required mitigation measures identified in the Mitigation Monitoring and Reporting Program of the Final EIR, attached as

Attachment 1 to this Resolution subject to review and approval by the Community Development Director.

26. The applicant shall retain a qualified environmental consultant to monitor construction activities for compliance with the mitigation measures in the Amended Final EIR. Within 90 days of issuance of a first certificate of occupancy for project, the applicant shall submit documentation prepared by the consultant that verifies compliance with the mitigation measures in the Amended Final EIR.
27. Prior to issuance of grading permits, the applicant shall submit to the Director or her designee copies of all approved permits from all other Federal, State, and Local agencies having approval authority over any portion of the project. These agencies include, but are not limited to the US Army Corps of Engineers, US Fish and Wildlife, Regional Water Quality Control Board, Las Virgenes Municipal Water District, the California Department of Fish and Wildlife, Los Angeles County Fire Department, and Los Angeles County Public Works. If no permit is required from any of these agencies, the applicant shall submit copies of correspondence from those agencies stating that fact.
28. Violations of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder, pending review and consideration at a public hearing by the City Council.
29. Prior to issuance of Final Certificate of Occupancy, all conditions of approval and mitigation measures shall be completed to the satisfaction of the Director of Community Development.
30. The applicant shall comply with the City's Quimby Act requirements, as outlined in the Calabasas Municipal Code, prior to the issuance of Final Map Recordation and to the satisfaction of the Community Development Director. The applicant may either pay in-lieu fees or dedicate vacant land to the City, or a combination thereof. Any request for a credit toward the required fees must be reviewed and approved by the City Council.
31. Prior to final map approval, the developer will be required to comply with the provisions of Section 17.20.150(B)(28)(a, b, and c) of the CMC related to maintenance of manufactured slopes.
32. The future Home Owners Association's Conditions, Covenants, & Restriction's for the project shall be reviewed and approved by the City Attorney prior to recordation and prior to issuance of the first residential certificate of occupancy.
33. The future Home Owners Association's Conditions, Covenants, & Restrictions (CC&Rs) shall prohibit storage of any items on residential balconies that are not typical for use and enjoyment of those balconies, and shall include a process for enforcement of such measures.

34. Per Mitigation Measure 1(d) in the project's Amended Final EIR, the future Home Owners Association's Conditions, Covenants, & Restrictions (CC&Rs) shall contain a prohibition of rodenticides (including second generation anticoagulants such as brodifacoum, bromadiolone, difethialone, and difenacoum). The CC&Rs shall stipulate that the prohibition on rodenticides shall be the subject of at least one annual communication by the HOA to its property owners and residents in the form of a meeting and/or a newsletter or an electronic update that is distributed to the homeowner and residents. Informational requirements shall be consistent to those outlined in Mitigation Measure 1(d). Evidence of this effort shall be forwarded to the Community Development Department by January 1 of each year.
35. Per Section 17.22.020(B)(2) of the CMC, the rental or sale of the eighteen affordable housing units shall be limited to households of very low income (50% of Los Angeles County Median Income) for fifty-five years from recordation of the project's Affordability Covenant. This fifty-five year affordable housing restriction shall be documented in an Affordability Covenant, to be reviewed and approved by the Community Development Director and City Attorney, and which must be recorded on title for all eighteen affordable units prior to issuance of the first residential certificate of occupancy.
36. Per Section 17.22.040(E) of the CMC, the developer is required to pay the commercial affordable housing impact fee prior to issuance of the first building permit.
37. The developer is required to pay all other impact fees, including school fees, prior to issuance of the first building permit.
38. Per Section 17.34.020(C)(6) of the CMC, all streets within the proposed subdivision shall be named and names shall be approved by the City.
39. Per Section 8.34.050(A) and (C) of the CMC, upon no later than seventy-two (72) hours of notice from the City Community Development Department, the property owner shall remove or otherwise abate from the site any graffiti.
40. The applicant shall be responsible for costs associated with City reviews of technical reports submitted for final project approvals.
41. The approximately 66 acres of open space proposed on-site shall be perpetually restricted from future development by recordation of a deed restriction enforced by a Homeowner's Association (HOA)/Codes, Covenants, and Restrictions (CC&R) or by a recordation of a conservation easement, irrevocable offer to dedicate a conservation easement, or similar permanent instrument that ensures the permanent protection of these approximately 66 acres of open space. Whatever instrument is used shall legally preserve the open space areas in perpetuity and shall require management by a local conservation organization or non-profit, such as the Santa Monica Mountains Conservancy, Mountains Restoration Trust, or HOA. The conservation easement or similar instrument shall be recorded prior to

the issuance of a certificate of occupancy for the 180<sup>th</sup> residential unit and must be approved as to form by the City Attorney before recordation.

42. To accomplish the proposed pedestrian access from Las Virgenes Road through the project site and leading eastward to the adjacent MRCA-owned open space lands, the applicant shall record an easement for public access, or other appropriate similar legal instrument. The easement or similar instrument shall be recorded prior to certification and approval of the Final Tract Map, and must be approved as to form by the City Attorney before recordation.
43. Vehicle parking for future trail users shall be allowed, and shall not be restricted or prohibited, in any of the vehicle parking spaces reserved for the commercial retail center or the parallel guest parking spaces located along "Street A", the main roadway extension beginning at the intersection of Agoura Road and Las Virgenes Road and extending to its eastern terminus.
44. All proposed improvements shall remain within the tract boundary, the existing right-of-way, or the 20-foot easement for public road purposes on APN: 2069020016.
45. Construction Activities - Hours of construction activity shall be limited to:
  - i. 7:00 a.m. to 5:00 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 property owners. No vehicles involved in construction of this project shall block the roadway at any time. The applicant or its successors shall notify the director of Public Works of the construction employee parking locations, prior to commencement of construction.

### **Community Development Department / OakTrees**

46. The applicant and property owner shall adhere to the specific recommendations contained within the Oak Tree Report, and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.
47. The applicant shall plant replacement oak trees to replace each inch of tree trunk diameter removed at a 1:1 ratio. If it is not feasible to plant all replacement oak trees onsite, replacement may include a combination of replanting either on- or off-site and payment of an in-lieu fee (to be determined) to the City's Oak Tree Mitigation Fund. Priority shall be given to on-site mitigation, followed by off-site mitigation, and payment of an in-lieu fee shall be considered only if both on-site and off-site mitigation options are not possible. Oak tree mitigation shall be accomplished consistent with the requirements stated in Mitigation Measure BIO-6 in the Amended Final EIR.

48. Replacement trees shall be planted onsite in the areas proposed for open space and/or in the restoration areas of the project that exhibit conditions favorable for oak tree growth. If this is not feasible, then the oaks may be planted on a city-approved off-site property, as detailed in a mitigation agreement to be reviewed and approved by the Community Development Director.
49. The applicant shall be responsible for the monitoring and maintenance of the mitigation oaks and relocated trees (if any) for a minimum of five years. If any replacement or relocated tree(s) die during the five-year period, the applicant shall plant new replacement trees and the five-year monitoring period shall begin again from the date of planting for the replacement oak.
50. Monitoring intervals will be determined by the project's Oak Tree Consultant (Consulting Arborist) based on site conditions.
51. Following construction, monitoring will be conducted at least at quarterly intervals for the first three years, and will continue bi-annually for the next two years, or more if warranted.
52. Monitoring of trees to be relocated (if any) will commence at least three months prior to any encroachment or grading activities so as to provide important baseline information used to assess the changes in the tree following transplantation. Success criteria for replacement and relocation trees will be based on the success standards set forth in Section VIII.10 of the Oak Tree Preservation and Protection Guidelines.
53. Unless waived by the City, a refundable security deposit, in an equal amount to the PRC value of the removal trees, including the cost of planting and possible replacement, shall be deposited in trust (e.g. a performance bond or similar instrument) with the City of Calabasas (prior to the issuance of the grading permit) to guarantee the implementation of successful replacement. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.
54. A mitigation planting plan shall be prepared and submitted for approval of the City prior to project commencement (i.e., grading permit). If oaks are to be relocated, the plan shall include a relocation feasibility report prepared by an oak relocation specialist. Mitigation requirements include, but are not limited to, the following:
  - a. Replacement trees shall consist of Coast Live Oak (*Q. agrifolia*) trees and Valley Oak (*Q. lobata*) trees that have been raised at a nursery using harvested acorns from local oak trees. Every effort shall be made to collect acorns from the native oak trees on the project site and have them raised at a nursery for use as mitigation trees.

- b. The planting, size and quality of the replacement trees shall be consistent with the specifications outlined in the City's Oak Tree Preservation and Protection guidelines. Small (5 gallon) oak trees shall be utilized whenever possible.
  - c. Inch-for-inch replacement should correspond to the species removed.
  - d. The mitigation plan shall re-establish an equal amount of area of identified oak woodlands as are removed due to the development by planting oak trees in a mosaic of groupings or clusters consistent with tree clusters and groupings found in naturally occurring oak woodlands.
55. In accordance with the Oak Tree Preservation and Protection Guidelines, the following applies to tree removals, as applicable: *“Unless otherwise expressly approved in writing, authorized removal of oak trees shall be accomplished using the following guidelines: a) all portions of the tree shall be completely chipped for mulch and/or removed from the site, and debris shall be relocated to a permitted refuse disposal site. Additionally, the stump must be completely removed and the hole or indentation filled with soil; b) all tree wells that were created to preserve the tree shall be completely filled with soil to the satisfaction of the City Engineer and Building Official.”*
56. The applicant shall be responsible for notifying the City's Oak Tree Specialist and the project's Consulting Arborist of any changes in the scope of the work and shall ensure that all work is performed in accordance with applicable ordinances, permits and procedures. Work performed within the protected zones of the trees shall be preceded by not less than 48-hours' notice of same to the City's Oak Tree Specialist and the project's Consulting Arborist.
57. Grading or trenching work in the protected zone of the trees approved for encroachment must be done using hand implements only; the use of mechanized tools or equipment is prohibited except where absolutely necessary AND pre-approved by the City and the project's Consulting Arborist.
58. All work conducted within the protected zone of the oak trees shall be performed in the presence of the project's Consulting Arborist. The protected zone shall commence from a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of an oak tree. For trees with a DBH of 24 inches or greater, in no case shall the protected zone be less than fifty (50) feet from the trunk of the oak tree. Monitoring of the work by a consulting arborist is subject to inspection and approval by the City's Oak Tree Specialist and shall not relieve the Contractor of the obligation to fulfill all of these conditions.
59. Where absolutely necessary and as approved by the City's Oak Tree Specialist, limited mechanized equipment may be used as follows: a rubber-tired excavator or larger mechanized equipment may be set up outside of the protected zone of

the trees and can reach in under the canopies to avoid damage to the overhanging limbs. When pre-approved, other equipment may be used within the protected zone of trees that have been approved for such encroachment in the Oak Tree Permit. Placement of anti-compaction material prior to protected zone access by equipment may be required.

60. All roots pruned shall consist of clean, 90-degree angle cuts and shall not be sealed unless directed by the monitoring Consulting Arborist or the City's Oak Tree Specialist. Major roots (2" or greater in diameter) that must be removed should be cut back to the nearest lateral root where feasible.
61. Removal of the natural leaf mulch within the protected zone of the project oak trees is prohibited except where absolutely necessary for encroachment.
62. Upon completion of the work associated with each oak tree approved for encroachment, a four to six-inch layer of certified mulch shall be placed within the protected zone. Where feasible, the native leaf litter should be retained and used as the mulching material.
63. Any canopy pruning for structural or clearance purposes, including dead-wooding, shall be performed by, or under the direction of, a Certified Arborist in compliance with the latest ANSI pruning standards. Smaller limbs should be tied back out of the way to avoid unnecessary pruning for equipment clearance.
64. Equipment, materials, and vehicles shall not be stored, parked or operated within the protected zone of an oak tree, except on an already improved road base for work that is being performed with encroachment approval.
65. Prior to commencement of grading operations, the applicant or his representative shall provide the City with a copy of the protective fencing plan for the oak trees, consistent with the City's Oak Tree Preservation and Protection Guidelines, to be preserved onsite. Fencing shall be no closer than 15 feet to the trunk of any protected tree. Exceptions to this policy may occur in cases where oak trees are located on slopes that will not be grubbed or graded, are located in areas where there is no activity planned, or when oaks are approved for encroachment.
66. When oaks are approved for encroachment, the fencing should be placed in such a manner as to afford the tree the maximum amount of protection while allowing for the encroachment. As a visual barrier to contractors, orange snow-fencing or other temporary fencing should be used at the edge of the protected zone while work is not being performed. Such temporary fencing shall be illustrated on the oak tree fencing plan, should be posted with signage that directs contractors to contact the project's Consulting Arborist when work is to be performed in the protected zone, and should remain in place when work is not actively taking place in the protected zone until the encroachment is completed.

67. All work conducted within the protected zone of the oak trees shall be verified by the City's oak tree consultant at the conclusion of the project. A certification letter is required for all work conducted upon oak trees and shall be submitted within 10 working days after completion of work certifying that all of the work was conducted in accordance with the appropriate permits and the requirements of the Calabasas oak tree protection guidelines.
68. Where chain link fencing is required, signs (minimum 2'x2') must be installed on the fence in four equidistant locations around the tree and must contain the following statement: WARNING - THIS FENCE IS FOR THE PROTECTION OF THIS TREE AND SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM THE CITY OF CALABASAS.
69. Fences shall remain in place throughout the entire demolition, grubbing, grading, and construction period and may not be removed without obtaining written authorization from the City.
70. Trees that have had their roots or limbs pruned for grading purposes will be monitored at least at quarterly intervals for the first three years following construction, and will continue bi-annually for the next two years, or more if warranted. If an encroached oak tree should fail as a result of the proposed project during the five-year monitoring period, then the tree shall be replaced according to the standards described in this report.
71. Use of soil sterilizers shall be prohibited under and around existing oak trees.
72. Use of pre-emergent weed killers, chemicals, or other herbicides shall be prohibited within 100 feet of any individual oak tree or within a natural drainage that seasonally irrigates oak trees.
73. Within ten (10) days of the completion of work, the applicant's oak tree consultant shall submit written certification to the Planning Division. The certification shall describe all work performed and shall certify that such work was performed in accordance with the above permit conditions. If any work was performed in a manner not in conformance with these conditions of approval then the applicant's oak tree consultant shall identify the instance or instances of a deviation to any of these conditions.

### **Community Development Department / Biological Resources**

74. Prior to commencement of any construction activity, the applicant shall have a qualified biologist conduct a protocol survey, utilizing accepted biological study methods, for the Federally-listed California red-legged frog (CRLF) on the project property. Results of the protocol surveys shall be submitted for review and approval by the Community Development Director no sooner than three weeks prior to, and no later than 10 days prior to, commencement of any construction activity onsite. If CRLF individuals are found within any area of proposed site



disturbance, work shall not commence until the applicant's biologist has submitted a mitigation plan outlining specific measures that will be utilized to protect CRLF individuals, and the mitigation plan has been approved by the Community Development Department. Implementation of the mitigation plan is required prior to commencement of any site disturbance activity. The applicant shall notify any positive California red-legged frog results to all appropriate State and Federal agencies as determined by the Community Development Director and as specified in the Amended Final EIR.

75. Prior to the issuance of building permits, the applicant shall submit plans, prepared by a qualified biologist or restoration ecologist, for the establishment of a new water source within the proposed open space-dedicated areas to the east of the development footprint or within an appropriate adjacent off-site location as approved by the Community Development Director, to mitigate for the loss of portions of the ephemeral drainage and two natural seeps which will be eliminated by project development. Appropriate mitigation includes restored (perennially wet) wetland habitat, or installation of a game guzzler or similar device that provides a perennial water source for wildlife. The plans shall be reviewed and approved by the Community Development Director prior to the issuance of building permits for any of the residential buildings. A Certificate of Occupancy for the 180<sup>th</sup> residential condominium unit shall not be issued until the wildlife water source replacement has been fully installed and proven to be operational to the satisfaction of the Community Development Director. The functionality of the installed water source shall be certified in writing by the project biologist or restoration ecologist. The restored wetland area or wildlife water source device shall be maintained in perpetuity, and provisions for maintenance shall be included in the recorded CC&Rs for the project, or other appropriate recorded agreement if located off the subject property.

### **Community Development Department / Noise Attenuation**

76. Two weeks prior to commencement of construction, notification shall be provided to off-site residential uses within 500 feet of the project site that discloses construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period. This notification shall include contact information for construction management (e-mail addresses, phone numbers).
77. Prior to the commencement of any construction activities, temporary sound barriers capable of achieving a sound attenuation of at least 15 dBA shall be installed along the project's western boundary, where feasible, where it abuts or otherwise faces "The Colony" residences to obstruct line-of-site from construction activities to these sensitive receptors. Examples of acceptable types of sound barriers are illustrated in the project Noise and Vibration Technical Report.
78. All power construction equipment shall be equipped with exhaust mufflers or other

suitable noise reduction devices

79. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent residences.

## **Public Works Department/Engineering**

### **STREET IMPROVEMENTS**

80. The applicant shall install mailboxes and posts per City standards and United States Postal service requirements. The applicant shall provide a letter from U.S. Postal Service securing mailbox location approval prior to installation.
81. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
82. The applicant shall provide plans and details of the project frontage and related street improvements including, but not limited to curb and gutter, sidewalk and driveway to the satisfaction of the City Engineer. Details shall be coordinated with the Planning Division of the Community Development Department, County of Los Angeles Fire Department, the City Landscape Maintenance District (LMD), and the Traffic Division of the Public Works Department.
83. The applicant shall provide plans and details of the new private street (Street "A") and all interior roadways for City review. The new roadways shall comply with the Los Angeles County Department of Public Works standards and requirements. Street plans shall also include the use of decorative pavers at the intersection of Street "A" and Street "B" per the recommendation of the City's Architectural Review Panel (ARP), with such paver stones subject to review and approval by the City Engineer and the Community Development Director.
84. The project access driveways intersecting the new street shall be designed in compliance with the City's driveway and site access policy as set forth in the City Municipal Code, and also in a manner that will allow full conformance with American's with Disabilities Act. 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.
85. The applicant shall provide line-of-sight analyses for the project access driveways onto the private street relative to adjacent road alignment and proposed landscape, graded slopes, walls and utility features to insure adequate sight distance will be provided by the project design. The secondary (north) driveway shall be restricted to emergency and essential service vehicles only.
86. Prior to the issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's interior streets and access driveways, to the

satisfaction of the County of Los Angeles Fire Department and the City Engineer.

87. 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.
88. The applicant shall be responsible for maintenance and repairs of all proposed public street improvements until final acceptance by the City Council.
89. The right-of-way width of Las Virgenes Road adjacent to West Village at Calabasas property and project site should be consistent to the width outlined in the Las Virgenes Road Corridor Design Plan.
90. Applicant shall provide for street improvements for Las Virgenes Road per the adopted Las Virgenes Road Corridor Design Plan and Public Works Department pedestrian circulation requirements along the project frontage. The improvements will include, but not be limited to, provision for a Class II bike lane, sidewalk, additional pavement and curb and gutter on Las Virgenes Road. The overall proposed curb radius, bike lane and sidewalk width and curb alignment of the roadway improvements fronting the project must be consistent with those recommended in the Las Virgenes Road Corridor Design Plan. To avoid project conflicts, the City Engineer must approve the roadway improvements design prior to the applicant receiving project design approval. Off-site road improvement plans shall be approved and permitted for construction prior to issuance of a grading permit for the on-site improvements.
91. The applicant shall implement all recommended improvements/modifications per the approved project Traffic Study (including recommended Mitigation Measures T-1(a-b) and T-7(a-b) as described in the Final EIR) to the satisfaction of the City Engineer. A signal modification/improvement and restriping of Las Virgenes Road and Agoura Road intersection will be required. Traffic Signal Improvements and Offsite Striping plans shall be approved and permitted for construction prior to issuance of grading permit for the on-site improvements.
92. Prior to the issuance of a grading permit, the applicant shall provide a guarantee for the installation of required street improvements in the form of labor and material and faithful performance bonds or similar security(ies). The required type of bonds/securities and amounts shall be determined by the City Engineer.
93. The roadway improvement striping plans are required to delineate the existing conditions for a distance of up to 500 feet beyond project boundaries to match the current roadway configuration or as directed by the City Engineer.
94. The applicant shall provide and install street name signs prior to occupancy of buildings.

## **SUBDIVISION MAPPING AND RELATED DOCUMENTS**

95. The applicant shall have a final map prepared for the project. Such map shall be prepared by a Registered Land Surveyor, licensed to practice in the State of California, or a Registered Civil Engineer, whose status allows him to practice land surveying, licensed in the State of California.
96. The final map shall contain a title sheet that includes provisions for signatures of parties required to appear on the map, including, but not limited to, those listed in the Preliminary Subdivision Report. In addition, the cover sheet shall contain provisions for the signature of the City Surveyor, City Engineer, and the Community Development Director of the City of Calabasas.
97. The final map shall contain a plat which reflects the lot boundaries, parcel and property lines, easements of record, any new easements proposed (which are intended to be conveyed by the final map), a metes and bounds legal description, basis of bearings, data tables and other pertinent data.
98. The final map shall be recommended for approval by the Public Works and Community Development Departments, and then shall be approved by the City Council of the City of Calabasas prior to recordation.
99. The approved final map shall be recorded with the County of Los Angeles prior to the issuance of a Building Permit by the Community Development Department.
100. The applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.
101. The applicant's engineer shall plot all referenced easements on the site plans, grading plans and final map.
102. In order to assure that the proposed common area (including, without limitation, any and all private recreational facilities, private open areas, private ways, private NPDES storm water improvements, and private parking) within the subdivision will be properly and adequately maintained, the subdivider shall record with the Los Angeles County Recorder, at the time of recordation of final map, a Declaration of Covenants, Conditions and Restrictions (CC&R's) in a form approved by the City and legally effective to run with the land.

## **GRADING AND GEOTECHNICAL**

103. The applicant shall submit two sets of precise grading plans 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 construction. The plans should include, but not limited to: specific

elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reference the approved geotechnical report, and reflect cut, fill, compaction, over-excavation requirements contained therein. The plans shall reflect all proposed drainage facilities, including storm drains, area drains, catch basins/inlets, swales, debris basins, 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.

104. 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, temporary shoring, and other aspects as required for the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The report shall include additional detailed investigations and analyses for proposed landslide mitigation. The reports should be in accordance with the County of Los Angeles standards and the City of Calabasas Public Works Department requirements.
105. Per conclusions and recommendations of the Amended Final EIR and related Geotechnical Feasibility Studies, the applicant shall perform additional detail geologic and geotechnical study for the project as 100-scale and 40-scale plans are prepared.
106. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the preliminary grading plans and approved geotechnical studies, to the satisfaction of the City Engineer.
107. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
108. 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, to the satisfaction of the City Engineer.
109. The applicant shall eliminate all geologic hazards identified within the Final EIR and associated technical reports associated with this proposed development, such that acceptable safety factors are achieved or exceeded in accordance with the recommendations of the City's geotechnical consultant(s) and to the satisfaction of the City Engineer.

110. All retaining and privacy walls shall be less than 6 feet in height, except where specifically approved for heights greater than 6 feet by the City. Wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during rough grading, and any temporary shoring shall be so noted on the grading and construction plans and shall require the specific approval of the Public Works Department.
111. In addition to global stability analysis, the applicant shall provide an internal and external stability analysis for the proposed segmental walls, to the satisfaction of the City Engineer.
112. 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 Engineer upon submittal of the engineering cost estimate of grading and installation of the drainage devices, as described in the approved plan.
113. 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).
114. 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.
115. Grading operations involving the hauling of dirt, debris, or other materials shall be controlled and reasonable efforts to avoid the spillage of dirt onto public streets shall be enforced. Sweeper shall be present during all grading operations to sweep the spillage of dirt. All haul routes shall be approved by the City Engineer and a haul route permit shall be obtained prior to starting hauling operations.
116. The grading contractor shall maintain on site at all times a means of controlling dust and other airborne particulates originating from the project site. All exposed, disturbed, and graded areas onsite shall be watered three times (3x) daily, covered with environmentally safe soil stabilization materials, and/or roll compacted, until completion of the project construction to minimize the entrainment of exposed soil. At the discretion of the City Engineer, additional

dust palliatives or other effective methods (fencing, screening) may be specified to prevent the migration of airborne dust onto adjacent properties.

117. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted in writing to the City Engineer.
118. 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 (refer also to Condition Nos. 121 and 122 below).
119. 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 O) Certifications 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.
120. 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.**
121. 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 are substantial, and require a review by the Planning Commission. Any field changes made prior to the approval by the City may result in the posting of a Stop Work Order by the City Engineer. In such case, all related construction activity shall cease pending review and approval of

field changes.

122. Prior to issuance of a Certificate of Occupancy (C of O), the project Civil Engineer of record shall provide As-Built or Record Drawings to the City reflecting any changes to the approved plan prior to initiation of final inspection.
123. 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) 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.
124. The applicant shall comply with all State requirements for construction within a special studies zone. Copies of the report must be sent to the State Geologist by the applicant prior to the issuance of a Certificate of Occupancy (C of O).
125. The applicant shall provide for the mitigation of the potential for liquefaction, lateral deformation and/or dry sand settlement within the project area and adjacent portions of Las Virgenes Road. The applicant shall provide for additional subsurface exploration and analysis to assure the potential for liquefaction within the project and adjacent portions of Las Virgenes Road is mitigated by the final project design.
126. The applicant shall provide for the mitigation of the existing landslide within the project area, as follows:
  - A. Landslide removal shall occur as directed by the project Geotechnical Engineer, to the satisfaction of the City Engineer.
  - B. Stabilization fills and subdrain placement shall occur as directed by the project Geotechnical Engineer, in accordance with the recommendations contained in the final Geotechnical Report, and to the satisfaction of the City Engineer.
  - C. The applicant shall provide for the removal of artificial fill, landslide debris, unsuitable soils and bedrock as directed by the project Geotechnical Engineer, and to the satisfaction of the City Engineer.
  - D. Upon completion of removal of unsuitable soils, testing shall be performed under the direction of the project Geotechnical Engineer where deemed appropriate to confirm the suitability of the ground improvement performed.
  - E. Fill placement and related compaction testing, keyway and bench construction and other supervised grading activities shall be observed by the project Geotechnical Engineer, in accordance with the recommendations contained in the final Geotechnical Report. Summaries of observations, tests and other relevant geotechnical data shall be



provided to the City Engineer at appropriate intervals during the site grading process and at any time upon request.

127. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for the building pads, adjacent retaining walls, slopes and property lines. Grading plans shall provide sections as necessary to clarify the depth and grade relationships of these excavations.
128. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
129. The applicant shall provide for the control and drawdown of groundwater encountered during excavation operations. The design of such a dewatering system shall be submitted to the Public Works Department and reviewed/approved prior to the issuance of a grading permit.
130. The applicant shall provide for a means of impounding and clarifying groundwater associated with the dewatering system prior to discharge. Such a system shall be submitted for review to the Los Angeles Regional Water Quality Control Board (LARWQCB) prior to the issuance of a grading permit. Evidence of review and approval shall be submitted to the Public Works Department prior to the issuance of a Certificate of Occupancy.
131. Soil corrosivity shall be analyzed by a corrosion engineer and recommendations incorporated in the final Geotechnical Report. Specific recommendations for project concrete construction and the protection of ferrous and copper metals shall be incorporated into the final design provisions for site improvements and building components.
132. Design of retaining/flood walls at debris/detention basins shall be consistent with the recommendations of the project Geotechnical Engineer, with allowances for fluid pressure and impact forces, and to the satisfaction of the City Engineer.
133. A seepage analysis shall be prepared for retaining/flood walls at debris/detention basins by the project Geotechnical Engineer. Such analysis shall consider seepage rates based on maximum level fluid surcharge, footing geometry and in-place soils characteristics. Based on calculated rates of seepage, toe drains or other equally effective means shall be specified to insure subdrainage is intercepted and conveyed to an approved point of disposal.

## **HYDROLOGY AND DRAINAGE**

134. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in report format and include sections addressing on-site and off-site drainage areas, existing and developed hydrology conditions, the design

hydraulics for the proposed on-site and off-site drainage systems, including sizing of inlets, conduits, v-ditches, down drains and other structures, storm water detention and water quality mitigation measures, and associated calculations and conclusions. The drainage study shall include documentation that all building finish floor elevations will remain at least one foot above the 100-year storm recurrence interval ( $Q_{100}$ ) water surface elevation and/or Capital Flood ( $Q_{50}$  Bulked and Burned) (whichever is higher), 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.

135. The applicant shall have a drainage analysis prepared for Las Virgenes Road, reflective of drainage areas tributary to the required area of improvement. Such analysis shall take into consideration existing and proposed roadway cross sections and related flow patterns. Such analysis shall be included in the final drainage study.
136. All drainage shall be sloped 2% away from all parts of structures 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.
137. The applicant's engineer shall provide for interception of off-site drainage and related sediment/debris flows from areas subject to burning. Where attenuation of sediment/debris is not contemplated, and bulk-flow inlets or similar facilities are to be used for this purpose, the design of such facilities and related storm drain conduits shall be consistent with the requirements of the County of Los Angeles.
138. The applicant's engineer shall provide for detention of on-site storm drainage, based on either offsite storm drain capacity limitations or a 'no net increase' approach, whichever yields the greater volume of required detention. In either case the required volume shall be calculated by unit hydrograph or other approved means. Such calculations shall be included in the final drainage study.
139. The portion(s) of the site intended for detention of storm water shall be reflected on the drainage plans, and include construction details for size, shape, volume, fencing and access for maintenance. Design of the outlet works for the areas of detention shall be such that the required volume of detention is attained and the approved maximum rate of outflow is not exceeded. Details of the design of the detention areas and outlet works shall be consistent with those contained in the final drainage study.
140. The applicant's engineer shall prepare drainage plans detailing the required design of the proposed on-site and off-site storm drain systems. The design shall be consistent with the calculations contained in the final drainage study, with

appropriate details to allow for plan review, inspection and construction of the required facilities. The on-site storm drain plans, along with plans for any necessary extensions of offsite storm drain systems and connection details, shall be prepared in plan and profile format, and shall be submitted to the Public Works Department for review and approval prior to the issuance of a grading permit.

141. The applicant shall construct drainage improvements and offer easements needed for street drainage or slopes. All public drainage improvements shall be approved and accepted for operations and maintenance by the County of Los Angeles Flood Control District prior to City approval.
142. The applicant's engineer shall design drainage facilities associated with improvements along Las Virgenes Road. Drainage inlets shall be curb-opening type, located and sized to intercept street flows and limit pavement drainage spread to maintain a 'dry' lane at all times during the peak drainage event. Drainage intercepted by and concentrated in curb and gutter sections shall be intercepted by an appropriately sized curb-opening inlet, and shall not be allowed to cross travel lanes.
143. Unless specifically approved by the City of Calabasas and the County of Los Angeles Public Works Departments, the on-site storm drainage system shall be privately owned and maintained. Drainage plans shall clarify that the on-site storm drain system is not to be maintained by either the City of Calabasas or the County of Los Angeles. Notwithstanding the foregoing, all on-site drainage system components shall be constructed to the specifications and requirements of the County of Los Angeles and the City of Calabasas; and, following completion, these facilities shall be subject to inspections by the County of Los Angeles and the City of Calabasas from time to time to ascertain proper and adequate maintenance and repair of the facilities.
144. The applicant shall provide for the perpetual ownership and a program of regular maintenance of the on-site drainage facilities, including but not limited to the proposed storm drain pipes, catch basins, interceptor ditches, debris basins, detention facilities, water quality treatment devices, area drains, etc. The proposed program shall be submitted to the Public Works Department for approval and shall include exhibits showing the locations of facilities to be maintained, and narrative descriptions of the facilities with required frequency of maintenance. Any debris and detention facilities shall be adequately detailed to allow the perpetual maintenance of required volume. Such details shall include limits and dimensions of facilities (i.e. top and bottom dimensions, depth, design volume) such that future maintenance and cleaning efforts shall adequately restore the shape and operational capacity of the facility. The approved program shall be included in the project CC&R's and recorded with a maintenance covenant to insure perpetual maintenance of such facilities and devices.
145. The applicant's engineer shall provide for the mitigation of the project's storm

water quality impacts, to the satisfaction of the City Engineer. The applicant's engineer shall provide calculations for the sizing and location of devices intended to mitigate such impacts in accordance with the County of Los Angeles NPDES, SUSMP, and USMP requirements and the County of Los Angeles Low Impact Design (LID) Manual. Choice of best management practices (BMP's) shall be consistent with those reflected in the LID manual and in accordance with the applicant's SUSMP Exhibit. Calculations shall be submitted with the final drainage study. The locations of required water quality treatment devices shall be shown on the drainage plans. Details of the required devices shall be included in the drainage report and detailed on the project plans.

## **UTILITIES**

146. All new utilities serving the proposed project shall be placed underground.
147. All existing overhead utilities (electric, telephone, cable, etc.) along the project frontage and along the project boundaries shall be converted underground.
148. The project shall connect to an existing sanitary sewer. The applicant shall construct a 6-inch minimum sewer lateral to connect the proposed project to the existing available sewer main.
149. The applicant shall have a Sewer Area Study prepared by a Registered Civil Engineer licensed to practice in the State of California. The sewer study shall demonstrate to the satisfaction of the City Engineer that there is available capacity for the project sewer flows to be added to the downstream sewer collection system.
150. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.
151. 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.
152. 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.
153. The applicant shall grant easements to the City of Calabasas, County of Los Angeles, LVMWD, and any other appropriate agency or utility, or entity for the purpose of ingress, egress, construction and maintenance of all infrastructure constructed for this project, to the satisfaction of the City Engineer.

154. The applicant shall pay all energy costs associated with street lighting for a period of one year from initial street light use. The applicant shall also complete annexation to the County Lighting Assessment District for payment of future maintenance and power prior to issuance of a certificate of occupancy for the 180<sup>th</sup> condominium unit.

## **TRAFFIC AND TRANSPORTATION DIVISION**

155. Las Virgenes Road/the project frontage striping and signage plans shall be presented to Traffic and Transportation Commission for the commissioners' review and consideration prior to approval by the City Engineer.
156. The applicant's traffic engineer shall analyze the project's impact on access and egress to the future Rondell Smart Park located north of the project. The updates shall be presented to the Traffic and Transportation Commission.
157. The project is located within the Lost Hills/Las Virgenes Road Bridge and Thoroughfare Construction Fee (B&T Fee) District. Project will be required to pay \$1,971 per multi-family residential unit and \$14.18 per square foot of retail space. As proposed, the B&T fee @ 180 condominium units and 4 units and 5,867 square feet of retail space is \$437,974. Final payment amount will be based on number of approved units and retail space. Payment of B&T District Fees to City will be required prior to issuance of a first Certificate of Occupancy.
158. Construction activity and traffic control shall be staged such that vehicular, pedestrian and bicycle access to adjacent properties are maintained at all times.
159. The applicant shall be responsible for striping and curb marking changes on Las Virgenes Road and Agoura Road that are affected by the addition of a new private street at the intersection and construction activity near the site. Striping plans prepared by a Registered Civil/Traffic Engineer shall be approved and permitted for construction by the Public Works Department prior to issuance of grading permit for the on-site improvements.
160. The applicant shall be responsible for traffic signal improvements at the intersection of Agoura Road and Las Virgenes Road. The improvements shall include, but not be limited to, adding separate left turn phases on Las Virgenes Road; replacement of a new signal cabinet, signal controller and other appurtenance devices; upgrading signal hardware such as signal heads, standards and safety lights; replacement of new pedestrian countdown signal heads and push buttons; replacement/installation of signal interconnect and underground conduits; and, replacement of the video detection cameras.
161. The applicant shall pay for the signal timing adjustment at the intersection of Las Virgenes Road and Agoura Road. The retiming will also include signal

coordination between US-101 SB Ramps and Lost Hills Road on Las Virgenes Road. The payment amount is \$6,000. Payment of the timing adjustment fees to City will be required prior to issuance of a first Certificate of Occupancy.

162. Prior to the issuance of a grading permit, the applicant shall prepare a Construction Traffic Management Plan (CTMP) for review and approval by City staff. The CTMP shall include, but not be limited to, the Construction Mitigation Measures per the approved Traffic and Circulation Study. The CTMP should include street closure information, detour plans, haul routes, staging plans, parking management plans and traffic control plans. The CTMP should be based on the nature and timing of the specific construction activities and account for other concurrent construction projects in the vicinity of the project site.
163. The applicant shall prepare a Transportation Demand Management (TDM) Plan in accordance with CMC Section 17.28.110(C). The TDM programs and features shall be approved by the City Engineer.

#### **Public Works Department/Environmental Services Division**

164. This project will disturb one acre or greater of land, and therefore, must obtain coverage under a statewide General Construction Activities Stormwater Permit (General Permit). Prior to issuance of a grading permit, the applicant must submit to the City:
  - a. Proof of PRD filing confirmation with the State Water Resources Control Board under the new General Permit (Order No. 2009-0009-DWQ Permit);
  - b. A statement of owner's certification that a State Water Resources Pollution Prevention Plan (SWPPP) has been prepared; and
  - c. A copy of the SWPPP prepared for the project complying with all applicable requirements of the Order No. 2009-0009-DWQ.
165. This is a Planning Priority Project as defined in the City of Calabasas' National Pollutant Discharge Elimination System (NPDES) permit. As such, the construction drawings must incorporate the following five requirements into the project design prior to the issuance of the grading permit:
  - a. Conserve natural areas;
  - b. Protect slopes and channels;
  - c. Provide storm drain system stenciling and signage;
  - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and

- e. Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
166. The owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction site:
- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural 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.
167. This project is a development planning priority project under the City's NPDES Municipal Stormwater Permit. An Urban Stormwater Mitigation Plan (USMP) that incorporates appropriate post-construction best management practices (BMPs) into the design of the project must be prepared and approved prior to issuance of any grading. Please refer to the Los Angeles County *Standard Urban Stormwater Mitigation Plan (SUSMP)* for applicable design requirements. The project-specific USMP shall describe how this project design conforms to all requirements set forth in the SUSMP and must include a fully executed and recorded "Maintenance Covenant for Parcels Subject to SUSMP Requirements" to provide for on-going maintenance of the BMPs that have been chosen.
168. All storm drain catch basins shall be retrofitted with the full capture debris screens approved by the Los Angeles County Flood Control District. The full capture devices shall be similar to the devices installed in adjacent public streets.
169. Provide adequate filtration for all hillside drains to capture debris and sediment before entering the storm drain system.
170. Landscape areas should utilize a 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 landscaped areas.

171. Direct runoff from the driveway toward permeable areas and construct portions of the driveway from porous materials.
172. 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 obtain final clearance of occupancy.
173. Per the CMC 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.” Recology is the only service provider permitted to operate in Calabasas. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
174. 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.
175. Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be appropriately trained. This includes those personnel responsible for developing the SWPPP called Qualified SWPPP Developer (SQD) and those personnel responsible for installation, inspection, maintenance, and repair of BMPs called the Qualified SWPPP Practitioner (QSP). They shall provide a certificate of appropriate trainings. Training sessions are offered by government agencies or professional organizations.
176. 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 site 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 will 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.

### **Las Virgenes Municipal Water District**

177. The applicant shall pay applicable water meter and sewer fees prior to construction.



- 178. The applicant shall implement and maintain water conservation measures including but not limited to, fixture design and installation (use of ultra-low flush/flow toilets and shower heads), and hot water circulating systems.
- 179. The applicant shall implement maximum use of recycled water during and after construction, including landscaping. The applicant shall be required to meet all of the District’s conditions of service in order to be served.

**Los Angeles County Fire Department**

- 180. Obtain all applicable permits and approvals from the Los Angeles County Fire Department.
- 181. The applicant shall meet all Conditions of Approval as listed in the Los Angeles County Fire Department – Fire Prevention Division Review Letter dated July 3, 2019.
- 182. Submit three copies of the Final Map to LACoFD, Land Development for review and approval prior to recordation.
- 183. All required fire hydrants shall be installed, tested and accepted prior to the start of construction.

**Section 7. All documents described in Section 1 of PC Resolution No. 2021-713 are deemed incorporated by reference as set forth at length.**

**Section 8.** The Community Development Director shall certify to the adoption of this resolution and shall cause the same to be forwarded to the City Council for its consideration.

PLANNING COMMISSION RESOLUTION NO. 2021-713 PASSED,  
 APPROVED AND ADOPTED this \_\_\_<sup>st</sup> day of \_\_\_\_\_,  
 2021.

\_\_\_\_\_  
 Chairperson

ATTEST:

\_\_\_\_\_  
 Maureen Tamuri, AIA, AICP  
 Community Development Director

APPROVED AS TO FORM:

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Matthew T. Summers  
Assistant City Attorney

Planning Commission Resolution No. 2021-713, was adopted by the Planning Commission at a regular meeting held \_\_\_\_\_, 2021, 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.”

**ATTACHMENTS:**

Attachment 1- Mitigation Monitoring and Reporting Program