

P.C. RESOLUTION NO. 2020-698

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS APPROVING FILE NO(S). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001, AND SGN-2020-003, A REQUEST FOR A SITE PLAN REVIEW, CONDITIONAL USE PERMIT, SCENIC CORRIDOR PERMIT, OAK TREE PERMIT, VARIANCE, AND A SIGN PERMIT TO DEMOLISH AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE, AND CONSTRUCT A NEW APPROXIMATELY 14,000 SQUARE-FOOT TWO-STORY BUILDING INCLUSIVE OF A PLACE OF WORSHIP (8,800 S.F.) AND A SINGLE-FAMILY RESIDENCE (5,300 S.F.) ON A PROPERTY LOCATED AT 3871 OLD TOPANGA CANYON ROAD (APN 2069-016-025) WITHIN THE RURAL RESIDENTIAL (RR) ZONE AND THE SCENIC CORRIDOR (SC) OVERLAY ZONE. THE PROJECT INCLUDES A VARIANCE REQUEST FOR RETAINING WALL HEIGHT, AND AN OAK TREE PERMIT FOR THE REMOVAL OF 9 NON-HERITAGE OAK TREES AND ENCROACHMENT INTO THE PROTECTED ZONE OF 4 OAK TREES.

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 presentation at the public hearing held on February 20, 2020 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

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

1. The applicant submitted an application for File No(s). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001 and SGN-2020-003 on June 3, 2019.
2. The project was reviewed by the Development Review Committee on June 25, 2019.
3. On February 3, 2020, the application was deemed complete and the applicant was notified.
4. Notice of the February 20, 2020 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.
5. Notice of the February 20, 2020 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
6. Notice of the February 20, 2020 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
7. Notice of the February 20, 2020 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
8. A public hearing was held at the February 20, 2020 Planning Commission meeting.
9. The project site is currently zoned Rural Residential (RR).
10. The land use designation for the project site under the City's adopted General Plan is Rural Residential (RR).
11. Properties surrounding the project site are zoned RR and PF, and have General Plan land use designations of RR and PF-I.

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

FINDINGS

Section 17.62.020 of the Calabasas Municipal Code allows the review authority to approve a **Site Plan Review Permit** provided that the following findings are made:

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

The applicant is proposing to construct a new approximately 14,000 square-foot two-story building, inclusive of a 8,850 square-foot place of worship and 5,326 square-foot single-family residence on a 41,356 square-foot lot located at 3871 Old Topanga Canyon Rd, within the Rural Residential (RR) zoning district. The proposed residence is a permitted use within the Rural Residential (RR) zoning district, and the place of worship is a conditionally permitted use per Section 17.13.020 of the Development Code. The proposed project meets all of the applicable development standards in the RR zoning district, including but not limited to height, setbacks, pervious surface, and site coverage (see the Technical Appendix within the Planning Commission Agenda Report).

The project is required to comply with the requirements set forth in Section 17.20.100 (Fences, walls, and hedges) of the CMC. The project does not meet the established 6-foot height limit for retaining walls set out in Section 17.20.100(B)(3) of the Code because of onsite constraints, as discussed in the variance finding. The project, therefore, requires a variance from the City's standards for Fences, Walls, and Hedges (Section 17.20.100(B)(3)) of the CMC to construct any retaining wall over 6 feet in height. Therefore, and based also upon the variance findings below, 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 existing land use of the subject site is a single-family residence with ancillary structures, which are allowed uses per the Rural Residential(RR) land use designation within the General Plan. The demolition of the existing residence, and the construction of the proposed two-story facility inclusive of a single-family residence and place of worship, are conforming land uses of the subject site. No specific plan is applicable to this property, and the proposed design is properly sited and screened

from a designated Scenic Corridor. Therefore, the proposed project is in compliance with the general plan and meets this finding.

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

The project is exempt from environmental review in accordance with Section 15061 (b)(3)(General Rule Exemption), 15301 (Existing Facilities), Section 15303 (New Construction), and 15332 (In-Fill Development Projects) and of the CEQA Guidelines.

The proposed project includes a request to construct an approximately 14,000 square-foot building, which includes a two-story single-family residence (5,300 square-feet), place of worship (8,800 square-feet) grading, retaining walls up to 18 feet in height, landscaping, lighting and signs on an urban infill property. The project is exempt from CEQA because it is sited to avoid disturbing surrounding biological resources, landscaped to screen and soften the visual impact from a locally designated Scenic Roadway, conditioned to mitigate the minor loss of non-Heritage Oak trees that will occur as a result of the project and does not generate significant traffic and parking impacts. Therefore, the proposed project is exempt from review under the California Environmental Quality Act, and the proposed project meets this finding.

The project is exempt from CEQA because its impact will not be unusual or unique to the area and the exceptions listed in Section 15300.2 do not apply. The subject site is currently developed with a single-family residence, accessory structures, driveway, hardscape and retaining wall. The proposed project includes the construction of a single-family residence with a place of worship within a neighborhood consisting of residential uses and Calabasas High School.

The project site is similar in size and character to the surrounding residential and, the majority of the proposed project is sited on already-developed and urbanized land. Because it is not distinguishable in size or location from other similarly situated residences, the project qualifies for exemption under Section 15061 (b)(3)(General Rule Exemption), 15301 (Existing Facilities), Section 15303 (New Construction), and 15332 (In-Fill Development Projects) and of the CEQA Guidelines.

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 single-family residence is required to comply with site coverage standards provided in Section 17.13.020 of the CMC, as well as landscaping standards in Section 17.26.040 of the CMC. The site coverage of the proposed project is 21.4%, which complies with the maximum allowed 30% CMC requirement. The project also provides 70% permeable area and landscaping, which complies with the minimum CMC requirement of 70% permeable surfaces. Consistent with Policy IX-40 of the General Plan, the proposed single-family residence complies with all development standards of the Rural Residential zone.

The proposed project is designed with colors and materials which will facilitate the project blending with the surrounding environment. The proposed trees and landscaping will help the project blend in with the natural landscape. Therefore, the proposed project is compatible in design, appearance, and scale with the existing uses in the surrounding area and meets this finding.

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

The City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surface for the RR zone to ensure that development is adequately proportional to the size of the property. The subject site is a 41,356 square-foot with a steep upward slope towards the west. The site is improved with an existing 2,564 square-foot residence to be demolished, and a proposed new approximately 14,000 square-foot, two-story facility is to be constructed in its place. As proposed, the site coverage will increase to 21.4%, below the maximum of 30% for the Rural Residential zoning district. Additionally, the project also provides 70% permeable area and landscaping, which complies with the minimum CMC requirement of 70% pervious surfaces. The maximum height of the proposed building is 32'5", which is below the 35' maximum height limit for the RR zoning district. Therefore, the proposed project meets this finding.

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

The proposed facility inclusive of a single-family residence and place of worship was designed and situated to comply with all development code requirements and be compatible with existing structures in the vicinity.

Proposed earth tone colors, Mediterranean architectural style, and landscaping will serve to integrate the subject site with the existing surrounding natural environment to the maximum extent feasible. The applicant has proposed a landscape plan utilizing native and drought tolerant plants that will complement the character of the area. Therefore, the proposed project meets this finding.

Section 17.62.060 Calabasas Municipal Code allows the review authority to approve a **Conditional Use Permit** provided that the following findings are made:

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

Religious Places of Worship are allowed in the Rural Residential (RR) zone with a Conditional Use Permit, per Section 17.11.010 of the Land Use and Development Code. The Municipal Code does not provide specific standards for a religious place of worship, aside from off-street parking standards. The proposed use and improvements, as designed, complies with applicable provisions of the Development Code, including parking standards for both the proposed religious assembly use and single-family residence. In this case, the religious place of worship is required to provide 76 off-street parking spaces. Since the subject property can only accommodate five off-street parking spaces on-site, the applicant has secured a letter of intent from the Las Virgenes Municipal School District towards a long-term lease agreement to use up to 80 spaces at the nearby Calabasas High School, which brings the available parking supply well above the Code requirement. The project is also conditioned to ensure that the parking requirement continues to be met, in the event that the intended long-term lease agreement is terminated. Therefore, 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 proposed religious place of worship is consistent with the City of Calabasas General Plan because it helps to incorporate a neighborhood-scale religious (institutional) use while preserving the quality of the surrounding neighborhood (General Plan Policies II-13, II-14 and V-1).

In this case, establishment of a religious place of worship contributes to the community's needs in providing a pleasing space for citizens to

practice religion, and is done so in a manner that does not negatively impact the residential neighborhood, or in a manner that adversely impacts the surrounding uses. The proposed religious use is incorporated with a single-family residence, and therefore maintains the residential use of the structure. Additionally, off-street parking for worshipers is provided both on-site (five spaces in total, two of which are ADA accessible), and at the nearby Calabasas High School (up to 80 non-ADA accessible spaces), via a requirement for a long-term lease agreement to provide a surplus of parking for the religious place of worship use (without impacting the Calabasas High School's parking needs). Furthermore, the religious place of worship use is located approximately 80 feet from the nearest residence, and is adjacent on three sides to either a vacant parcel, or the Calabasas High School's parking lot, so that surrounding uses will not be impacted by noise. The proposed use must comply with the noise standards contained in the City's General Plan and CMC Chapter 9.28, and CMC Section 17.20.160. For these reasons, establishment of a religious place of worship 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*

The project is exempt from environmental review in accordance with Section 15061 (b)(3)(General Rule Exemption), 15301 (Existing Facilities), Section 15303 (New Construction), and 15332 (In-Fill Development Projects) and of the CEQA Guidelines.

The proposed project includes a request to construct an approximately 14,000 square-foot building, which includes a two-story single-family residence (5,300 square-feet), place of worship (8,800 square-feet) grading, retaining walls up to 18 feet in height, landscaping, lighting and signs on an urban infill property. The project is exempt from CEQA because it is sited to avoid disturbing surrounding biological resources, landscaped to screen and soften the visual impact from a locally designated Scenic Roadway, conditioned to mitigate the minor loss of non-Heritage Oak trees that will occur as a result of the project and does not generate significant traffic and parking impacts. Therefore, the proposed project is exempt from review under the California Environmental Quality Act, and the proposed project meets this finding.

The project is exempt from CEQA because its impact will not be unusual or unique to the area and the exceptions listed in Section 15300.2 do not apply. The subject site is currently developed with a single-family residence, accessory structures, driveway, hardscape and retaining wall. The proposed project includes the construction of a single-family

residence with a place of worship within a neighborhood consisting of residential uses and Calabasas High School.

The project site is similar in size and character to the surrounding residential and, the majority of the proposed project is sited on already-developed and urbanized land. Because it is not distinguishable in size or location from other similarly situated residences, the project qualifies for exemption under Section 15061 (b)(3)(General Rule Exemption), 15301 (Existing Facilities), Section 15303 (New Construction), and 15332 (In-Fill Development Projects) and of the CEQA Guidelines.

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 use is both a religious place of worship and single-family residence, which are proposed to occupy, respectively, the first and second floors of a new approximately 14,000 square-foot facility. The subject site is located across from and adjacent to existing properties in the Public Facilities (PF) zoning district, which include a public school, nature center and small commercial center. As a result, the religious/educational characteristics of the proposed project are compatible with these neighboring land uses. Furthermore, the residential component of the project is compatible with the adjacent single-family residences to the north.

The proposed project will have an insignificant increase in the level of service in the AM and PM Peak Hours. The anticipated level of service will remain the same, therefore, no traffic impact is anticipated. The proposed project will not have a negative impact on parking since 7 spaces are provided on-site and 80 spaces are provided off-site with a shared parking agreement. The proposed project must comply with the noise standards contained in the City's General Plan and CMC Chapter 9.28, and CMC Section 17.20.160. For these reasons, the proposed use meets this finding.

Section 17.62.080(E) of the Calabasas Municipal Code allows the Planning Commission to approve a **Variance** provided that the following findings are made:

1. *That there are special circumstances applicable to the property which do not generally apply to other properties in the same zoning district (i.e., size, shape, topography, location or surroundings), such that the strict*

application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts;

The proposed project involves the construction of a approximately 14,000 square-foot facility inclusive of a single-family residence and place of worship. Additionally, the project involves a variance to facilitate the construction of retaining walls at the rear of the house with a maximum height of 18 feet, which exceeds the City's height requirement of 6 feet maximum for retaining walls.

In this case, the existing site characteristics including topography, front yard easements, and oak trees at the rear of the house present a special circumstance that makes construction of tiered retaining walls with 4 foot separations that meet Code requirements unreasonable. In particular, the construction of tiered retaining walls that meet the 6 foot height maximum and 4 foot minimum separation would result in additional grading along the rear hillside, thus encroaching farther upon the oak trees at the rear of the lot. By meeting the code requirements for the retaining wall height, additional oak tree removals would be needed to facilitate grading and construction of tiered walls.

The construction of the approximately 14,000 square-foot building is necessary in order to contain of a place of worship large enough in size to meet the needs of the community, and the siting of this building on the lot is determined by the location of existing easements, on-site parking requirements, and by the oak trees to the west of the proposed development. In order to limit the amount of grading and preserve to the fullest extent possible the existing heritage oak trees to the rear of the proposed structure, granting the variance is necessary. Strict application of the height limit requirements would deny the property owners of privileges enjoyed by other property owners in the vicinity, and would result in either the removal of additional oak trees or force the size of the place of worship to be reduced, thereby not meeting the community's need. A similar sized lot with less challenging topography and oak trees could accommodate the proposed project without the need for a variance for retaining wall heights. For these reasons, the proposed project meets this finding.

- 2. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;*

The proposed project involves the construction of an approximately

14,000 square-foot facility inclusive of a place of worship and single-family residence, and the construction of a rear yard retaining wall that is a maximum of 18 feet in height, in order to facilitate grading necessary for the proposed facility. Thus, the project involves a request for a variance to construct up to an 18-foot tall retaining wall, which exceeds the City's 6-foot height requirement for retaining walls. The subject site has an abundance of oak trees on the western portion of the property. The project is designed to minimize impact to oak trees, and by constructing up to an 18-foot tall wall rather than a terraced system of walls that meet the 6-foot height limit and 4-foot minimum separations, impact to the remaining oak trees will be minimized.

A property in the same zoning district with a similar size and topography, but without the cluster of oak trees, could construct a terraced system of retaining walls for a similar project without having to request a variance. In this situation, the variance is sought in order to keep oak tree encroachments and removals at a minimum, and denying the request for a variance would require further grading into the hillside in order to construct terraced retaining walls that meet the code requirements, thereby impacting additional oak trees.

In addition to the oak trees at the rear of the lot, the subject property has a number of additional constraints in regards to siting. There is an existing storm drain easement in the front yard of the property, and due to the religious facility land use, ADA accessible parking is also required at the front of the house. Thus, these front yard constraints on the eastern portion of the lot push the siting of the structure towards the western portion, into the existing hillside. Properties in the vicinity without similar constraints/easements could site a similar facility elsewhere on the site, without having to locate the proposed building as far back into the hillside. Due to these on-site constraints, denying the variance would deny the property owner of substantial property rights possessed by other property owners in the vicinity. For these reasons, the proposed project meets this finding.

3. *That granting the variance would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district;*

As mentioned before, the proposed project includes the construction of an approximately 14,000 square-foot building inclusive of a single-family residence and place of worship. Granting the variance would not constitute the granting of a special privilege to the property owner, as the purpose of the request for a variance is towards the preservation of on-

site oak trees. Granting of the variance would allow the property owners to construct the aforementioned residence and religious facility, both of which are conforming land uses in the RR zoning district, without encroaching upon or removing additional oak trees on the western side of the property.

In this case, strict application of the development code standards would require the property owners to construct terraced retaining walls, with a maximum height of 6 feet and a minimum separation of 4 feet between walls, which would require additional grading at the rear of the lot. Granting the variance would prevent this additional grading in the protected zone of oak trees, and potentially additional oak tree removals, thus the variance is requested for the purpose of preserving these additional oak trees onsite, while meeting all parking and building code requirements. For these reasons, the proposed project meets this finding.

4. *That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located; and*

The proposed project involves the construction of an approximately 14,000 square-foot building inclusive of a single-family residence and place of worship. Additionally, the project involves a request for a variance to construct up to an 18-foot tall retaining wall at the rear of the residence, which is above the City's maximum retaining wall height of six feet.

The primary reason that the Code requires fences, walls, and hedges to meet the 6 foot maximum height limit is for aesthetic purposes, to break up the massing of walls into a terraced system rather than constructing one taller wall with one larger mass. In this situation, the variance to deviate from the City's height limit is requested for the purpose of preserving oak trees on site, limit grading on steeper portions of the property and will not result in any detrimental effects to public health or safety. At the ARP's recommendation, the proposed project includes the planting of vines along the retaining wall, which will serve to screen the wall from public view and further integrate the wall into the surrounding hillside. This screen planting will ensure that the proposed wall will not be detrimental, visually or otherwise, to the general public. For all these reasons, the proposed project meets this finding, and will not be detrimental to the public's health, safety, or welfare.

5. *That granting the variance is consistent with the General Plan and any applicable specific plan.*

The General Plan Land Use designation for the subject property is Rural Residential (RR), which allows for residential development and conditionally allows the establishment of religious land uses. The properties in this neighborhood are developed with other single-family residences to the north, Calabasas High School to the east, and other vacant lots zoned Rural Residential or Public Facility to the west and south. Retaining walls are a typical ancillary structure associated with residences, and the construction of such a retaining wall, proposed to be screened from public view by vines, will not negatively impact the existing neighborhood character, consistent with General Plan Policy II-14 and Policy V-1. Additionally, the wall is designed and landscaped appropriately in an aesthetically pleasing manner, as recommended by the Architectural Review Panel, and situated directly behind the proposed residence so as to minimize visual impact from the scenic corridor. For these reasons, the proposed project meets this finding.

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

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

All properties within 500 feet of Old Topanga Canyon Road are located with the Scenic Corridor overlay zone. As a result, the proposed development must comply with the Scenic Corridor Development Guidelines. The City has adopted the Scenic Corridor Design Guidelines to ensure that development is sited and designed in such a way as to not adversely impact views from the scenic roadway. The guidelines do this by requiring the use of design techniques including the use of pitched roofs, roofs of a medium to dark color, avoidance of large, blank, straight facades, and the use of landscaping to help blend development.

The proposed new two-story building features a Mediterranean architectural design which will blend in with the natural environment, through the use of earth tone colors, including sandstone colored stucco and a terra cotta colored clay tile roof. At 32.5 feet tall, the second story of the proposed building is set further back from the second floor and is designed to blend in with the surrounding hillside. As a result, the siting of the building on the property as well as the proposed landscaping will reduce the visibility of the house from Old Topanga Canyon Road. Perimeter screen planting as well as vine planting along proposed retaining walls will provide additional screening from the Scenic Corridor. As a result, the proposed house is in conformance with the Scenic

Corridor Development Guidelines, and the project design meets the above finding.

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

The subject site slopes upward from Old Topanga Canyon Road, with an approximately 80-foot elevation difference from the road to the rear property line. The proposed two-story house has been sited on the lowest feasible location of the lot, resulting in a proposed house that blends into the hillside behind it, and will contain perimeter screen planting along the front property line thus minimizing visibility and impact on the Scenic Corridor. Nevertheless, the terra cotta clay tile roof and sandstone colored stucco will help blend the house further into the surrounding environment. Additionally, vine planting along the retaining wall at the rear of the house, as the Architectural Review Panel had recommended, will further enhance the appearance of the proposed development from the Scenic Corridor. Therefore, the project meets this finding.

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

The project site is situated in a scenic corridor as designated in the City's General Plan. Design elements (as discussed in findings number one and two above) have been incorporated to preserve the character of the surrounding area. The City's Architectural Review Panel (ARP) reviewed the project and recommended approval of the proposed design. Therefore, the project meets this finding.

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

The subject site is located along Old Topanga Canyon Rd, and is surrounded to the north by single-family residences, to the east by Calabasas High School and a commercial shopping center, and to the south and west by vacant parcels.

The proposed project involves construction of an approximately 14,000 square-foot building inclusive of an 8,850 square-foot shop and 5,326 square-foot residence. The homes to the north of the project site range

in size from 4,863-5,748 square feet. Therefore, the proposed residential component is consistent with the size of other homes in the neighborhood. With a building footprint of 8,850 square feet, only 21.4% of the subject site will be occupied by the single-family residence, which is less than the 30% maximum permitted by the CMC. As a result, the proposed project meets this finding.

Section 17.32.010(E) of the Calabasas Municipal Code allows the review authority to approve an **Oak Tree Permit** provided that the following findings are made:

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

The subject site is located along Old Topanga Canyon Rd, just north of the intersection of Old Topanga Canyon Rd and Mulholland Hwy. Due to the steep topography on the western portion of the site, the most feasible location for the residence to be sited is on the eastern portion of the site, closer to the front property line. There are 22 oak trees on the subject site, most of which are located on the western portion of the site, with a few located along the southern property line. There are 8 additional oak trees located off-site, but within the general vicinity. The proposed project has been designed to minimize oak tree impacts as much as possible by utilizing the same area as the existing single-family residence. In fact, 17 of the 30 oak trees will have no impact. Nevertheless, due to site constraints, additional grading is necessary to accommodate the proposed facility, provide necessary parking and fire department access. Therefore the presence of onsite oak trees is in direct conflict with the construction of the single-family residence and religious facility, which is a reasonable and conforming use of the site. As a result, the request to remove nine (9) oak trees is warranted to enable reasonable and conforming use of the site, which would otherwise be prevented by the presence of oak trees. Given these circumstances, the proposal meets this finding.

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

adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the Guidelines.

The subject site is an interior lot with frontage along Old Topanga Canyon Road. The lot size is 41,356 square feet, and the site is currently improved with an existing 2,564 square-foot single-family residence. There are a total of 22 oak trees on the subject site, located to the rear of the existing residence on the western portion of the site, as well as eight (8) off-site oak trees that were also inventoried. As stated above, grading into the existing hillside is necessary to facilitate the construction of the proposed project, therefore the presence of onsite oak trees are in direct conflict with the development of single-family residence and place of worship, which is a reasonable and conforming use of the site. As a result, the request to encroach within the protected zone of one (1) on-site coast live oak tree and three (3) off-site oak trees is warranted to enable reasonable and conforming use of the site, which would otherwise be prevented by the presence of oak trees, and meets this finding.

According to the oak tree report, prepared by Christy Cuba and reviewed by the City's contract arborist, the proposed encroachments will not have a negative impact on the remaining oak trees with proper care during construction. This conclusion has been confirmed by the City's Arborist, and the recommendations of the oak tree report are included as conditions of approval in this resolution. Given these circumstances, the request to encroach into the protected zone of one four oak trees is warranted to enable a reasonable and conforming use of the site, which would otherwise be prevented by the presence of oaks, and meets this finding.

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

The proposed project requires the removal of nine (9) oak trees, 7 of which are coast live oak and 2 of which are valley oak. No heritage oak trees are proposed for removal or encroachment. The 9 oak trees proposed for removal represent approximately .03 acres of oak canopy, which is approximately 14% of the overall canopy cover of the property, and percentage of the oak tree canopy within the vicinity. As a result, the nine (9) oak trees proposed to be removed do not provide significant habitat for wildlife. Furthermore, the biological survey determined that there is no presence of rare, threatened or endangered species on the subject site. Given these circumstances, the proposed project meets this finding.

Section 17.30.050(F) of the Calabasas Municipal Code allows the review authority to approve a **Sign Permit** provided that the following findings are made:

1. *The proposed sign is permitted within the zoning district including any overlay zone and, except as provided in subsection (D) of this section, complies with all applicable provisions of this chapter, and any other applicable standards.*

The proposed signs meet this finding because the subject property is zoned Rural Residential (RR), which allows for the installation of wall and monument signs associated with the institutional use of the property. Section 17.30.080 of the CMC provides that wall and monument signs are permitted in the RR zoning district, and that one of each sign type per street frontage is allowed for institutional signs. As conditioned, the proposed signs shall meet all development code standards, including but not limited to the requirements set forth in Section 17.30.080(B) of the CMC. Therefore, the proposed project meets this finding.

2. *The sign is in compliance with section 17.30.060 (Sign Design Criteria).*

Per Section 17.30.060 of the CMC, the proposed sign will be externally illuminated by screened spotlights, minimizing light spillage into the public right-of-way or adjacent properties. Additionally, the monument sign and building mounted sign will be constructed of durable materials, as required by this section of the Code. Therefore, the proposed signs meet this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No(s). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-001, VAR-2019-001, and SGN-2020-003 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of File No(s). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001, and SGN-2020-003, or the activities conducted pursuant to this File No(s). SPR-2019-001, CUP-2019-001, SCP-

2019-001, OTP-2019-003, VAR-2019-001, and SGN-2020-003. Accordingly, to the fullest extent permitted by law, Eliyahu and Shaini Friedman (applicant and owners), their representative(s), or their successors shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of File No(s). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001, and SGN-2020-003, or the activities conducted pursuant to this File No(s). SPR-2019-001, CUP-2019-001, SCP-2019-001, OTP-2019-003, VAR-2019-001, and SGN-2020-003. Eliyahu and Shaini Friedman (applicant and owners), their representative(s), or their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development

Planning Division:

1. 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.
2. The project approved herein is depicted on those sets of drawings, floor plans, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.

3. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors on the plans.
4. This Conditional Use Permit may be transferred to a subsequent owner/lessee provided that the operation is a similar type and provided that the owner/lessee agrees to abide by all of the conditions and restrictions of the original Conditional Use Permit. Any transfer of ownership is subject to review by the Planning/Building Department under the zoning clearance process.
5. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
6. This approval shall be valid for three years and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
7. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution and an affidavit of acceptance with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.

8. Construction Activities:

Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent property owners. The applicant shall notify the Director of Transportation or designee of the construction employee parking locations, prior to commencement of construction.

9. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting equivalent to 60 watts incandescent or less on residential projects is exempt by the Lighting Ordinance.

10. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such MWELo compliant plans and to the satisfaction of the Director of Community Development or his/her designee.
11. The applicant shall submit proof of a recorded agreement granting a right to use at least eighty (80) off-street parking spaces, before issuance of a grading permit, to the satisfaction of the Community Development Director. If, at any time, there are insufficient parking spaces available due to the terms or termination of this agreement, or any subsequent parking agreement to supply off-street parking for the religious place of worship use associated with this conditional use permit, the use shall cease operation until such time as new off-street parking spaces can be secured and made available to the satisfaction of the Community Development Director.
12. The religious place of worship use shall at all times adhere to the noise standards contained in CMC Chapter 9.28, and CMC Section 17.20.160.
13. At no time shall the use exceed the occupancy level established under CMC Title 15 based on the proposed plans.
14. Applicant shall obtain any applicable Fire Department approvals from the County of Los Angeles Fire Department's Fire Prevention Engineering Unit.
15. All proposed signs shall meet all development code standards, including but not limited to the requirements set forth in Section 17.30.080(B) of the CMC, which includes requirements for sign size, materials and lighting.
16. All ground and roof-mounted equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
17. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of

approval shall be completed to the satisfaction of the Director of Community Development.

18. 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
19. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.
20. The applicant shall submit a final utility plan to the Planning Division for review and approval prior to the issuance of a grading or building permit. The utility plan shall show the location of all existing utilities and routes for connection, as approved by local utility companies, to said utilities. All onsite utilities shall be locate underground.
21. An encroachment permit shall be required for the installation of utilities within the public right-of-way.

Oak Trees

22. The proposed project is permitted to encroach into the protected zone of four (4) coast live oaks, as shown in the Oak Tree Report, dated June 24, 2019.
23. Prior to the issuance of a grading or building permit, the applicant shall submit a monitoring plan consistent with the applicant's oak tree consultant's recommendations and the City's Oak Tree Preservation and Protection Guidelines for all encroached upon trees. The plan should propose quarterly monitoring of encroached upon trees for an initial period of three years, followed by two additional years of bi-annual monitoring. Any tree that fails as a result of the project shall be replaced.
24. Prior to the issuance of a grading or building permit, the applicant shall submit a refundable security deposit (or other surety), in an amount equal to the PRC value of the impacted oak trees plus the cost of planting and possible replacement, to be deposited in trust with the City of Calabasas. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.

25. Copies of the following shall be maintained on the site during any work to or around the oaks: Oak tree report; Oak tree permit, including conditions of approval; City Oak Tree Preservation Guidelines; Oak Tree Ordinance No. 2001-166; and approved oak tree plan, landscape plan and site plan.
26. No chemicals or herbicides shall be applied to the soil surface within 100 feet of an oak tree's aerial/root zone (i.e., root protection zone).
27. Prior to the issuance of a grading permit, the applicant shall submit a copy of the Oak Tree Fencing Plan to the Community Development Director for review and approval. The applicant shall notify the City a minimum of 48 hours prior to the start of any work so that the City may inspect the placement of the Oak tree protective fencing.
28. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
29. The oak tree protective zone fencing (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) should be installed at the limit of approved work to protect the Oak Trees and surrounding trees from any damage and remain in place until completion of construction. Should any work be required within the limit of work and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open.
30. Soil compaction within the dripline and/or root zone shall be minimized. No equipment, spoils or debris shall be stored within the dripline and/or Protected Zone of any oak tree. No dumping of liquids or solvents, cleaning fluid, paints, concrete washout or other harmful substances within the driplines and/or Protected Zones shall be permitted.
31. The area within the protective fencing shall not be used at any time for material or equipment storage and parking.
32. The applicant shall adhere to the specific recommendations contained within the Carlberg Associates report dated June 24, 2019 and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

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

of approval then the applicant's oak tree consultant shall identify the instance or instances of a deviation to any of these conditions.

Biology

33. The proposed project is subject to the recommendation and requirements stated in Biological Assessment Services Report dated September 3, 2019.
34. Flagging limits: To prevent inadvertent disturbance to vegetation outside the limits of work and to the stream, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary high visibility construction fence) prior to ground disturbance activities. All construction activities including equipment staging and maintenance shall be conducted within the marked disturbance limits.
35. Perimeter Sediment Control: To prevent inadvertent fill into the stream, permitted sediment controls (silt fence, fiber rolls, etc.) shall be installed prior to land disturbance activities.
36. Nesting Bird Avoidance. Initiation of construction activities (i.e., initial vegetation clearing) should avoid the migratory bird nesting season (February 1 through August 31), to reduce any potential significant impact to birds that may be nesting on the Project site. If construction activities must be initiated during the migratory bird-nesting season, an avian nesting survey of the Project site and contiguous habitat within 500 feet of all impact areas must be conducted for protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act (16 USC 703–712) and California Fish and Game Code Sections 3503, 3503.5, and 3513.

If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate no disturbance buffer, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 50 feet for common, urban-adapted species, 300 feet for other passerine species, and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. A qualified biologist (with the ability to stop work) shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur.

Building and Safety Division:

37. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
38. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.
39. The project is located within a designated A Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.550 of the Calabasas Municipal Code that references the 2019 California Fire Code as well as the 2019 Consolidated Fire Protection District Code of County of Los Angeles, must be incorporated into all plans.
40. The portion of the structure serving only the Single Family Residence is permitted to comply with the current California Residential Code, the current California Building Code shall apply elsewhere. Separation of residential and worship space shall comply with separation requirements as indicated in the California Building Code.
41. The project site contains landslide and liquefaction hazards according to the California Geological Survey. Final geotechnical report shall address present hazards and provide recommendations accordingly.
42. The project grading plans shall reflect any shoring necessary for the construction of the retaining walls as proposed. The applicant's engineer shall prepare plans to address specific areas of required shoring based on the recommendations for slope construction and tree protection, consistent with the design parameters contained in the Soils/Geotechnical Engineer's report.
43. The required shoring plans shall be submitted to the Building and Safety Division of the Community Development Department for structural design review and approved prior to the issuance of a grading permit for the project.

Public Works Department

Engineering Division:

Street Improvements

44. The applicant shall provide plans and details of the project frontage 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, as well as the City Landscape Maintenance District (LMD).

45. The applicant shall provide designs and details of existing and proposed sidewalk and driveway transitions compliant with the Americans with Disabilities Act (ADA) as well as disabled access provisions as contained in the latest edition of the California Building Code (CBC), as amended by the County of Los Angeles and the City of Calabasas.
46. The applicant shall provide a horizontal and vertical alignment for the project's access driveway to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
47. 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.
48. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
49. Prior to issuance of a certificate of occupancy, all damaged curb, gutter, sidewalk, and pavement on Old Topanga Canyon Road along the project frontage shall be repaired to the satisfaction of the City Engineer.
50. Prior to issuance of a certificate of occupancy, the applicant shall restripe all striping, pavement markings and pavement legends adjacent to and within the vicinity of the project site, impacted by construction traffic, to the satisfaction of the City Engineer.

Grading and Geotechnical Conditions

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

52. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvement including engineering calculations for all graded slopes, foundations, retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The reports should be in accordance with the County of Los Angeles standards and the City of Calabasas Public Works Department.
53. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.
54. 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.
55. 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.
56. The applicant shall eliminate all geologic hazards associated with this proposed development, in accordance with the recommendations of the City's geotechnical consultant and to the satisfaction of the City Engineer.
57. All retaining and privacy walls shall be in conformance with the City's wall requirements pursuant to CMC Section 17.20.100, and require Planning Division approval. The wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during rough grading shall be so noted on the plans and shall require the specific approval of the Public Works Department.
58. Prior to issuance of a grading permit, the applicant shall submit a surety grading improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of grading and installation of the drainage devices.
59. 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).

60. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department.
61. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto Public Streets shall be enforced. The grading contractor shall maintain on site at all times a means of preventing blowing dust within the project site and onto adjacent sites. Prior to start of hauling operations, the applicant shall obtain a Haul Route permit from the Public Works Department.
62. The grading contractor shall maintain on site at all times a means of controlling dust and other airborne particulates originating from the project site. Construction water shall be provided and applied at regular intervals so as to maintain moisture in the upper strata of exposed site soils. At the discretion of the City Engineer, additional dust palliatives or other effective methods (fencing, screening) may be specified to prevent the migration of airborne dust onto adjacent properties.
63. 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.
64. 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).
65. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for the parking garage, adjacent retaining walls, slopes and property lines. Grading plans shall provide sections as necessary to clarify the depth and grade relationships of these excavations.
66. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
67. The applicant agrees to address and mitigate any and all engineering and geotechnical design and construction issues not contained within these conditions, associated with the proposed development that may arise during final design.

68. The applicant shall provide for a well-point or other equally effective means for the control and drawdown of groundwater encountered during excavation operations. The design of such a dewatering system shall be submitted to the Public Works Department and reviewed/approved prior to the issuance of a grading permit.
69. The applicant shall provide for a means of impounding and clarifying groundwater associated with the dewatering system prior to discharge into McCoy Creek. Such a system shall be subject to review and approval by the Los Angeles Regional Water Quality Control Board (LARWQCB). Evidence of such review and approval shall be submitted to the Public Works Department prior to the issuance of a grading permit.
70. 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.
71. Rough Grade and Building Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade (Public Works Form O) and Building Pad (Public Works Form Q) Certifications on the City's forms. The certifications shall be signed by the project Geotechnical Engineer and project Civil Engineer, as well as the Grading Contractor. The certification shall be accompanied by as-built survey where deemed necessary by the City Engineer to verify compliance with the limits and elevations required by the approved grading and drainage plans. The Rough Grade and Building Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.
72. 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.**
73. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development

Division). The City Planner shall make the determination if the changes require a review by the Planning Commission. 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.

74. Prior to issuance of a Certificate of Occupancy (C of O), the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.
75. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P). The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.
76. The Applicant shall be responsible for the construction and maintenance of the proposed site improvements. A maintenance covenant shall be recorded against the property to ensure that project hardscape (sidewalks, ramps, parking areas and drive aisles, striping, disabled parking areas, signage, accessible route delineators, and related improvements) and drainage system (pipes, inlets, outlets, basins, water quality devices, and related improvements) are properly maintained. Maintenance provisions shall be submitted by the applicant and approved by the City of Calabasas Public Works Department. Said covenant shall contain provisions ensuring that proper maintenance is provided in perpetuity for the constructed improvements. Covenant shall additionally include provisions to reimburse the City for any repair or maintenance effort required of said facilities, as deemed necessary by the City due to failure of the property owner(s)/management to adhere to the provisions of said covenant. The determination of necessity shall be at the sole discretion of the City.

Hydrology, Drainage and Flood Hazard Mitigation

77. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q25). The drainage study shall also document that all

building finish floor elevations will remain at least one foot above the 100-year storm recurrence interval (Q100) water surface elevation, identifying overflow pathways. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.

78. The applicant shall provide for the proper interception, conveyance and disposal of off site drainage contributions from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
79. All drainage shall be sloped at 5% away from all parts of the structure, in conformance with California Building Code, and conveyed through an on-site storm drain system to an approved point of disposal.

Utilities

80. All new utilities serving the proposed project shall be placed underground.
81. The project shall connect to an existing sewer and to an existing water main.

Traffic

82. Prior to issuance of a building permit, the applicant must pay the City-wide Traffic Mitigation Fee of approximately \$11,672.30:
 - a. Institutional - $\$2.35/\text{SF} \times 4411.91 \text{ SF} = \10367.99
 - b. Office – $\$2.75/\text{SF} \times 474.3 \text{ SF} = \1304.32The fee will be recalculated upon issuance of building permits with the exact square footage.
83. Adhere to City's driveways and site access policy in the municipal code section 17.28.080.
84. Provide quarterly schedules of planned activities and monthly logs detailing start time and duration of morning and evening services and classes; and, average number of attendees for the weekday activities and classes and the weekend services for a period of one year with possible extension.
85. Any future request by the attendees for installation of a pedestrian traffic signal device crossing Old Topanga Canyon Road near the project site shall be assumed by the applicant.

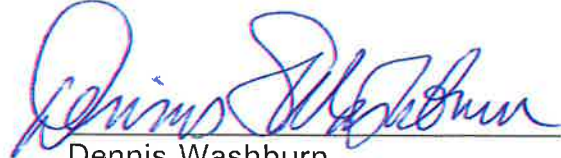
86. Provide vehicular flow traffic management at Calabasas High School parking lot for special events.
87. Provide crossing guard to facilitate pedestrian movements across Old Topanga Canyon Road for special events. Exact location of crossing guard to be determined.
88. Ensure special parking arrangements are provided for activities and events scheduled for days/times when Calabasas High School is in session.

Special Conditions:

89. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times. Provide locations for storing and operation of all construction equipment. These locations shall not interfere with traffic flow and/or impede the construction effort.
90. Construction schedule and working hours shall not conflict with school schedules.

Section 5. All documents described in Section 1 of PC Resolution No. 2020-698 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2020-698 PASSED, APPROVED AND ADOPTED this 20TH day of February, 2020.



Dennis Washburn,
Chairperson

ATTEST:



Maureen Tamuri, AIA, AICP
Community Development Director

APPROVED AS TO FORM:



Matt Summers
Assistant City Attorney

Planning Commission Resolution No. 2020-698, was adopted by the Planning Commission at a regular meeting held February 20, 2020, and that it was adopted by the following vote:

AYES: Chair Washburn, Commissioners Fassberg, Mueller and Sikand

NOES: Commissioner Harrison

ABSENT: None

ABSTAINED: Commissioner Kraut

"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."