

CITY COUNCIL RESOLUTION NO. 2003-841

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 03-12, OAK TREE PERMIT NO. 03-16, AND VARIANCE NO. 03-05 AND ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR A REQUEST TO CONSTRUCT AN APPROXIMATELY 28,000 SQUARE FOOT AUTOMOBILE DEALERSHIP THAT REQUIRES THE REMOVAL OF TWO HERITAGE OAK TREES LOCATED AT 24400 CALABASAS ROAD.

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

1. Staff reports and a Mitigated Negative Declaration prepared by the Planning Division.
2. Staff presentations at the Public Hearings held on September 17, 2003.
3. City of Calabasas Land Use and Development Code, the 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 their 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.
7. Recommendations by the Tree Board, Traffic and Transportation Department, Design Review Panel and Planning Commission.

Section 2. Based of the foregoing evidence, the City Council finds that:

1. The applicant submitted an application for a Conditional Use Permit, Variance, and Oak Tree Permit on July 1st, 2003.
2. Within thirty (30) days of the submittal of the Land Use application to the Planning Department, staff determined that the application was complete and the applicant was duly notified of this complete status.
3. Notice of the September 17, 2003 public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's and at Calabasas City Hall.
5. Notice of the City Council public hearings was published in the *Acorn* ten (10) days prior to each hearing.

6. Notice of the City Council public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
7. Notice of the City Council public hearings was mailed or delivered at least 10 days prior to each hearing to the project applicant.
8. The current zoning of the project site is Commercial Retail and Open Space Development Restricted.
9. The land use designation for the project site under the City's adopted General Plan is Business Retail and Open Space Development Restricted.
10. The surrounding land uses are Residential Single-Family to the south, Highway 101 to the north, Public Facilities to the east, and Commercial Limited to the west.
11. The applicant requested approval to construct an approximately 28,000 square foot automobile dealership that impacts four oak trees at 24400 Calabasas Road.
12. Notice of City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

Conditional Use Permit [Development Code section 17.62.050(E)]

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

The Commercial Retail (CR) zoning designation states that automobile repair and service and related uses are appropriate land uses:

"CR (Commercial, Retail) District. The CR zoning district is intended for a broad range of general shopping and commercial service uses. These uses include general retail, markets, commercial services, restaurants, automotive repair and service, hardware and home improvement, durable goods sales, commercial recreation, and similar and related compatible uses. The CR zoning district is consistent with the business-retail land use district of the General Plan" [Development Code Section 17.14.010(B)].

Per Section 17.14.020(D) of the City Land Use and Development Code an automobile dealership is an allowed use through a Conditional Use Permit.

The proposed project complies with all Commercial Retail development standards (including setbacks, floor area ratio, site coverage, height, etc) and all other Development Code standards except for the driveway access grade requirement for which the applicant is seeking a Variance approval.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan or Master Plan:

The proposed automobile project complies with the land use goals and policies and design guidelines within the General Plan and General Plan Consistency Review.

The automobile land use continues the mix of commercial retail and service opportunities within the City. The tax revenue generated from the automobile sales contributes to the City's economic base.

"Promote a mix of retail and service commercial, office, and business park areas which:

- *meet the retail and service needs of Calabasas citizens;*
- *contribute to a sound local economic base; and*
- *are visually attractive and compatible in number, intensity, building scale, and architectural design with the community's natural environment and its small town and rural character" (General Plan-Land Use Page III-5, Policy A.4.).*

The General Plan designation for the building site is Business Retail. The General Plan states that an automobile dealership is an appropriate land use within the Business Retail land use designation as discussed in the following quotation:

"Business-Retail Designations are intended to provide appropriately located areas to be used for general shipping and commercial services. Within the Business-Retail designation, and subject to applicable general plan policies and performance standards, appropriate land uses includeautomotive repair and service,.... automotive sales"(Chapter III Land Use Table III-1 General Plan Land Use District: B-R Business - Retail).

This building site is located on a previously disturbed, relatively flat area that is easily accessible to vehicles. The site is also located at the lowest elevation in which the building and other construction will be the least visible from the Highway 101 Scenic Corridor. The proposed construction will be partially screened by the large steep sloping hillside to the east. There is also a significant amount of landscape on the adjacent properties that screen the site when viewed from the Highway 101 Scenic Corridor.

"The overall project design/layout shall adapt to the natural hillside topography and maximize view opportunities to, as well as from the development. The project should fit the hillside rather than altering the hillside to fit the project"[General Plan Consistency Review-Project Site Planning(1), page 21].

The project site is approximately (27) acres compared to the (2.8) acre building site. The project has been designed in a high compact form. Because of the two level parking deck there is limited surface parking area reducing the amount of land disturbance. There will be over (24) acres of land within the subject property that will remain undisturbed preserving a significant amount of scenic resources.

"The size, height, bulk, and location of buildings are to be managed in relation to the size of the parcel and overall site design to avoid a crowded appearance, preserve a visual appearance of openness, and to maintain the semi-rural, small town character of Calabasas" [General Plan Consistency Review-Urban Design(1), page 58].

3. The approval of the Conditional Use Permit for the proposed use is in Compliance with the California Environmental Quality Act (CEQA):

A Mitigated Negative Declaration (MND) has been prepared for the project in compliance with the City's adopted local CEQA guidelines and the state's CEQA guidelines.

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

The subject automobile dealership will be the fourth dealership along this relatively short segment of Calabasas Road. The "high-end" retail sales and automotive repair and services are consistent with the other automobile dealerships in the vicinity.

Scenic Corridor [Development Code Section 17.18.040(D)]

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

The building site (which is already the lowest elevation on the site) is designed to be lowered ten feet. This low elevation will minimize the visibility of the project from the Highway 101 Scenic Corridor. The proposed construction will also be partially screened by the large steep sloping hillside to the east.

"All structures shall be designed and situated on site to minimize adversely impacting views"(Scenic Corridor Guidelines, page 2).

The proposed building is setback approximately 90 feet from Calabasas Road and 250 feet from the Highway 101 Scenic Corridor. There is a significant amount of landscaping on the adjacent properties that will screen the building when viewed from the Highway 101 Scenic Corridor.

"Building setbacks from freeway and open spaces between buildings adjacent to the freeways, shall be increased to allow landscaping and reduced visual impact. Distances shall be determined by viewshed, site topography and configuration, and architectural design of the proposed structures"(Scenic Corridor Guidelines, page 2).

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

The front facade will be the only exterior wall that will be fully visible. The building is designed to be 35 feet in height, however, the length of the structure presents a more horizontal appearance. The facade is "broken up" by several design features and uses of colors and materials. The design features should create light and shadow and provide visual interest to the building architecture.

- 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 grading program lowers the building pad approximately ten feet reducing the visibility from the Highway 101 Scenic Corridor. There is also a ten foot buffer of landscaping and several landscape islands between the sidewalk and parking lot that will further soften and enhance the view of the site from the Corridor.

The project will require a significant oak tree planting program that will beautify the adjacent and on-site hillsides as viewed from the Scenic Corridor. There is also a significant amount of landscaping on the adjacent properties that will screen the building when viewed from the Highway 101 Scenic Corridor.

Oak Tree Permit [Development Code Section 17.26.070(E)]

- 1. The request to remove (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, (any) alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat:**

The proposed project is a highly compact three level structure that is designed and located in such a way to minimize oak tree and other environmental impacts. The design has utilized tandem parking stalls for the inventory vehicles in order to reduce the total area of disturbance. The building site is relatively constrained by the steep topography to the east and the Las Virgenes Water District pump station to the west. The area of total disturbance is (2.8) acres compared to the (27) acre project site. Given the factors describe above, the removal of two heritage oak trees and encroachment into one heritage oak tree and one non-heritage oak tree is warranted and to enable reasonable use of the property.

Variance [Development Code Section 17.52.070(E)]

- 1. That there are special circumstances applicable to the property (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 under identical zoning districts:**

The project is designed with an entrance and exit driveway on the west side of the building site and a exit only driveway on the east side. The eastern driveway is designed with an access grade of 11.2 percent which does not comply with the 8 percent maximum grade requirement.

The east "exit only" driveway is essential for business operation. This driveway provides the egress necessary for the large trucks to load and unload vehicles on-site. The parking lot pad is approximately three feet below street level at the west driveway. This western driveway conforms with the City driveway access grade. However, the street changes in elevation approximately 9 feet between the west and east driveways so that there is a six foot drop in elevation between the pad elevation and the street at the eastern driveway. The drop in elevation over the driveway length causes the access grade to be 3.2 percent over the maximum allowed.

Because the proposed project is located on a considerably constrained building site, it is difficult to reconfigure the thoroughly examined site plan to meet the access grade without causing additional environmental impacts. There are steep hillsides to the east and several oak trees and steep slopes to the south. In order to meet the grade requirement one of two things would need to occur: (1) elongate the driveway design or (2) lower the pad elevation. Elongating the driveway design and or lowering the pad elevation would require that the building to be further set back which would cause additional grading and retaining wall construction in the rear of the building. This design would in turn increase oak tree impacts. These additional impacts would not be consistent with the guidance of the General Plan or Oak Tree Ordinance.

As discussed above, there are special circumstances to the property (topography and oak trees). These circumstance do not allow the eastern driveway to comply with the required driveway access grade. There are three other dealerships within the vicinity which enjoy the use of two or more access driveways which this owner would not enjoy if the strict application of the access grade requirement was enforced.

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 east "exit only" driveway is necessary for the dealership in order to provide proper access for large trucks to load and unload vehicles on-site. There are three other dealerships within the vicinity which enjoy the use of two or more access driveways. The requested variance will allow the owner of the subject property to enjoy the same use of his property as those other similarly used properties within the same vicinity and zoning district.

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

The proposed 11.2 percent driveway access grade will not be detrimental to the public health, safety or welfare. The subject (right hand turn only) driveway will receive limited use as a secondary (exit only) driveway and is designed at an angle to transition into the eastbound traffic. As designed, there would be 10 feet of sidewalk and parkway between the street and the driveway that will require to comply with City standards. The Development Code requirement for residential driveway access grades is 15 percent. Given the limited use and right turn only design there should be no traffic safety issues relating to any type of vehicle use with a 11.2 percent access grade.

4. That granting the variance is consistent with the General Plan and any applicable specific plan:

As discussed in detail in Conditional Use Permit Finding number two, the project as proposed with a variance application is consistent with the General Plan.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby approves Conditional Use Permit No. 03-12, Oak Tree Permit No. 03-16, and Variance No. 03-05 based on those findings cited above and incorporating the conditions contained below:

I. INDEMNIFICATION AGREEMENT

The Developer shall defend, indemnify and hold the City and its elective and appointed boards, commissions, officers, agents and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages claimed by third parties against the City which were incurred by said third parties as a result of the City's negligence regarding the review and/or approval of the design, construction, operation or maintenance of the approved project described herein.

In the event a legal challenge is made to the City's approval of the Conditional Use Permit, Variance, and Oak Tree Permit, the developer shall indemnify, hold harmless, pay all costs, including attorneys' fees and provide a defense for the City and its elective and appointed boards, commissions, officers, agents and employees in such action.

II. Planning Division

1. The project approved herein is depicted on those sets of drawings, elevations, etc., attached, dated September 5, 2003. The color and materials schematic for the project shall be in substantial conformance with the attached staff and Design Review Panel preferred option. 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.

2. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
3. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved Materials and Colors Exhibit.
4. Prior to Building Permit issuance, the lighting, landscape, and signage plans shall be reviewed and approved by the Planning Commission and City Council.
5. 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.
6. This grant shall not be effective for any purposes until the applicant and the owner of the property involved (if other than the owner) have filed, at the office of the Planning Division an affidavit recorded as a covenant agreement with the Los Angeles County Recorder's Office stating the applicant and the owner are aware of and agree to accept all conditions of approval.
7. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
8. Any violation of the conditions of approval, the conditions as outlined in the adopted Mitigated Negative Declaration and/or Mitigation Monitoring Plan, may result in the revocation of the Conditional Use Permit.
9. This approval shall be valid for two 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.
10. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
11. The applicant shall provide information and/or materials on the following issues:
12. Trash pick-up: Prior to Issuance of Building Permits, the applicant shall provide a letter from a City approved trash hauler as to how solid waste will be picked up within the project site to the satisfaction of the Director of Community Development.

13. **Internal Lighting Fixtures:** Prior to the Issuance of Building Permits the street lighting/pedestrian lighting fixtures for the internal portion of the project site shall be reviewed and approved by the Director of Community Development. This information shall be incorporated into the Lighting and Photometric Plans.
14. All ground and roof-mounted equipment is required to be fully screened from view. Prior to Final Occupancy, upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof. All trash enclosures and mechanical equipment shall be shown on the final landscape plans and fully screened from view. Trash enclosures or mechanical equipment potentially visible from upper stories of adjacent buildings should have opaque or semi-opaque horizontal screen (such as a trellis) to mitigate unsightly views.
15. Any graffiti shall be removed from the site within two (2) working days from notification.
16. Utilities along the building site frontage shall be undergrounded in conformance with applicable codes.
17. Recycling facilities consistent with all applicable requirements, shall be provided on-site. The applicant shall submit all necessary plans/materials to the City Recycling Coordinator prior to Issuance of Building Permits.
18. **Construction Activities:**
- Hours of construction activity shall be limited to:
- 7:00 a.m. to 6:00 p.m., Monday through Friday
8:00 a.m. to 5:00 p.m., Saturday
- Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely effect adjacent residences or schools. The applicant shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.
19. Prior to the Issuance of a Building Permit, the applicant shall provide a surety or other means acceptable to the City for affordable housing in-lieu fees to ensure compliance of the proposed project with the adopted Housing Element, to the satisfaction of the Director of Community Development. An amount of \$0.90 per square foot shall be paid to the City of Calabasas.

20. Prior to the issuance of building permits on the project, the applicant shall submit a proposal for meeting the City's Art in Public Places ordinance to the Department of Community Development for review and recommendation to the City Council. Implementation of the plan once approved shall occur prior to occupancy approval.
21. Two (2) sets of a Lighting and Photometric Plan shall be submitted to the Planning Division for review and approval prior to issuance of Building Permits.
22. Prior to certificate of occupancy, the applicant shall submit to the Department of Community Development a final lighting and photometric plan which minimizes the degree and type of illumination of the buildings, parking lot, pathways, and building entries within the project boundaries. Parking lot lighting shall be shielded and designed to prevent off-site light spillage. The plan submitted shall indicate the type of light fixture to be used, the intensity of the light, the location of each light and the height of each light fixture to be used for all outdoor lighting. Methods used to reduce the amount of light and glare that spill over onto neighboring properties includes directional lighting, limiting light intensity, limiting the height of fixtures and using ground level lighting wherever possible. The applicant shall fund independent review of this lighting and photometric plan by a design professional in the field of lighting planning and the results of this review shall be submitted in writing to the Community Development Director prior to issuance of building permits.
23. 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 of 60 watts or less on residential projects are exempt by the Lighting Ordinance.
24. Prior to issuance of Building Permits, the applicant shall submit two (2) full sets of a Landscape Documentation Package in compliance with the City Water Efficient Landscape Ordinance for review and approval. In addition, all irrigation systems and landscaping shall be installed prior to Final Occupancy to the satisfaction of the Director of Community Development.
25. All landscaping is to be installed by the Developer, prior to Final Occupancy, to the satisfaction of the Director of Community Development or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.
26. The owner shall be responsible for the maintenance of all common area landscaping.
27. The applicant shall sponsor the creation of an assessment district or business improvement district in cooperation with the City to address the existing cumulative project impact deficiencies in the Calabasas Road Corridor between Mureau Road and Parkway Calabasas. The District shall address the following cumulative problems in this corridor.
 - Creation of a consistent streetscape planting palette;

- Resolving a design for pedestrian access planning from Mureau Road to Parkway Calabasas;
- Coordinated planning of relatively complex drainage improvements;
- Integration of traffic improvements at the Highway 101 ramps with pedestrian needs;
- Coordinating a program to minimize the impact of utility lines on the streetscape;
- Adopting final and definitive design standards for roads, parkways, and road widths within the corridor;
- Provide a mechanism for correction or elimination of intrusions by private businesses into the existing right-of-way;
- Provide cumulative impact planning for traffic, signal placement, and related matters; and
- Adoption of signage and design guidelines for build-out of the corridor.

The final streetscape improvements shall be reviewed by the City's Development Review Committee, Design Review Panel, Planning Commission, and City Council.

25. The applicant or his successors in interest shall neither protest nor oppose the formation of an assessment district or Business Improvement District to fund the construction of street improvements including pedestrian access, landscaping and other streetscape improvements, the extent of the district, the area(s) of benefit, the engineer's report, the assessment formula, the amount to be assessed, any individual assessment, or any other matter relating to the assessment district. After the district is formed, the developer shall participate therein.
26. The use of an outdoor audible public address system is prohibited.
27. All vehicles shall be unloaded on site unless or until such time that a safe off-site alternative is provided.
28. The City's Environmental Coordinator (or his/her designee) shall monitor the project site for condition compliance periodically throughout construction. Monitoring shall include (but is not limited to) ensuring that: (1) vegetation within the grading envelope is properly cleared to minimize fire hazards, (2) proper stormwater runoff measures are taken, and (3) oak tree fencing and other protective conditions are adhered to throughout construction.
29. The applicant shall simplify and redesign the "13 New Vehicle Inventory" parking lot located directly north of the pump station to the satisfaction of Community Development Director.

Oak Trees:

30. The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree.
31. Prior to approval of the grading plan, the Applicant shall graphically indicate protection fencing around all oak trees.
32. As mitigation for the removal of Heritage Oak Tree #2, the Applicant shall prior to occupancy, replace the tree (60") on an inch by inch basis, as per the City's Oak Tree Ordinance. A minimum number of 50% of these replacement trees shall be planted in ecologically suitable locations within the developed portion of the property. Natural groupings are strongly encouraged. This shall be done to the satisfaction of the Director of Community Development.
33. As mitigation for the removal of Heritage Oak Tree #3, the Applicant shall prior to occupancy, replace the tree (22") on an inch by inch basis, as per the City's Oak Tree Ordinance. A minimum number of 50% of these replacement trees shall be planted in ecologically suitable locations within the developed portion of the property. Natural groupings are encouraged. This shall be done to the satisfaction of the Community Development Director.
34. The Applicant shall be responsible for providing ongoing monitoring, replacement, maintenance, and irrigation for a period of one year from planting for all replacement trees, as set out in Conditions of Approval #2 and #3, above. This shall be included in the Landscape Contract. The Applicant shall also produce a Monitoring and Maintenance Report to the City Arborist immediately following this one-year time-frame.
35. Prior to removal of Heritage Oak Trees #2 and #3 the Applicant shall place a cash deposit of \$8,400.00 with the City of Calabasas to guarantee the survival of the replacement trees for a period of five years from the time that they are planted. The monies shall be refunded to the Applicant after the City Arborist has verified the healthy existence of all of the replacement trees.
36. The Applicant shall produce a section drawing through Oak Trees #4, #5 and #7, where the construction back-cut, retaining wall, and drainage swale occur in order to further evaluate the impact to Oak Tree #4. This shall be completed to the satisfaction of the Director of Community Development.
37. The Applicant shall prepare a design of the retaining wall adjacent to Oak Tree #4, so as to avoid a back-cut in the root zone.

38. In general, the Applicant is permitted to encroach into the Protected Zones of Trees #4 and #5, to complete the retaining wall and drainage swale. Prior to issuance of a grading permit, the Applicant shall demonstrate to the Director of Community Development that a genuine effort has been made to reduce the level of encroachment into the Protected Zone of these two oaks. Mitigation for the encroachment shall be in the form of reforestation with the Applicant planting six (6) 36" boxed oaks of the same species within the property boundary.
39. No materials, debris, or vehicles shall be stored within the Protected Zone of any Oak Tree at any time.
40. Prior to the start of any construction on the site, all trees to remain, that are within fifty feet (50) of excavation and grading, shall be fenced at the edge of the Protected Zone with chain link fencing in strict accordance with the Oak Tree Preservation and Protection Guidelines. The fences may be moved to the approved limits of work at the time that encroachments are to be performed. Once the fences are moved, the Applicant's oak tree consultant must be on site to monitor all work activities until otherwise allowed by the City Arborist.
41. The initial grading within the Protected Zones of Oak Trees #4 and #5 shall be under the direction and supervision of the Applicant's oak tree consultant. Roots 2" or larger shall be pruned at the edge of excavation as directed by the City's Arborist.
42. No pruning of any Oak Tree on the property shall be performed without prior written approval of the City Arborist.
43. All reasonable care shall be given to the Oak Trees throughout the construction of the project. The Applicant shall complete all recommendations of the Applicant's oak tree consultant to protect and promote the health of the oak trees, subject to the review and approval of the City Arborist. The City Arborist may also provide additional measures to protect and promote the health of Oak Trees as needed. The Applicant shall complete all such recommendations to the satisfaction of the Director of Community Development.
44. At the completion of the work, the Applicant shall place three inches of an approved mulch covering the entire area within the drip-line of Oak Trees #4 and #5 to supplement the natural oak leaf litter and to promote growth regeneration.
45. Within ten (10) days of completion of the work, the Applicant's oak tree consultant shall submit a written Declaration to the City describing all work performed and that such work was performed in accordance with the above permit conditions.
46. Prior to occupancy, the City Arborist shall perform a final inspection to verify that all conditions have been met.

46. All approved pruning shall be performed by a qualified arborist under the direction of the applicant's oak tree consultant. The arborist shall use the Pruning Standards of the Western Chapter of the International Society of Arboriculture.
47. All approved excavation performed within the protected zone of any Oak Tree shall be performed with hand tools under the direction of the applicant's oak tree consultant.
48. Unless specifically approved by the City, no planting or irrigation shall be placed within the protected zone of any Oak Tree.

III. Traffic and Transportation Department

Construction Traffic

1. A construction conference shall be held with City staff prior to issuance of grading permit to discuss measures that may be implemented to reduce potential construction truck traffic related impacts as well as the discussion of acceptable hauling routes and construction detour plans. This conference can take place at the same time as the preconstruction meeting.
2. Stacking of construction worker vehicles prior to 7:00 a.m. shall be restricted to areas that do not adversely effect adjacent residences. Prior to issuance of a grading permit, the applicant shall notify the City's Traffic & Transportation Manager of the construction related employee parking locations for review and approval.
3. Construction related traffic shall be routed to minimize trips through surrounding residential neighborhoods as directed and approved by the City Traffic and Transportation Manager.
4. Construction hauling route plans and construction detour plans shall be presented prior to issuance of a grading permit for review and approval by the City Traffic and Transportation Director prior to implementation. These plans shall limit, to the maximum extent possible, impacts on public streets from construction traffic. Temporary traffic control (as detailed within the "WATCH" Manual) shall be provided where activities may interfere with traffic and as requested by the City Traffic and Transportation Director. Construction activities affecting traffic flow shall be reviewed and approved by the City Traffic and Transportation Director prior to implementation.

Traffic Circulation, Parking, and Street Improvements

5. Prior to the issuance of a Certificate of Occupancy, all street improvements along the frontage shall be completed per approved plans. The developer shall be responsible for maintenance and repairs of all street improvements until final approval and bond exoneration by the City Engineer. Bond amounts may be reduced or exonerated upon final acceptance of improvements. Said reduced Bonds shall remain in effect a

minimum of one year after final acceptance. After one year the improvements will be inspected for any deficiencies. Upon completion of all deficiencies, the remaining Bond amounts may be exonerated as directed by the City Engineer.

6. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the City and provide the Director of Transportation a Traffic Control Plan prepared by a Traffic Engineer which displays how traffic flow will be facilitated during street/right-of-way improvement construction.
7. Prior to the issuance of a Certificate of Occupancy, all damaged public improvements along the project frontage, including sidewalk, curb and gutters shall be removed and replaced at the expense of the applicant.
8. New driveway construction shall provide accessibility for pedestrian use in compliance with the requirements of the Americans with Disabilities Act.
9. Handicapped parking space locations, signage, and striping shall conform with ADA regulations. Proper handicap signage shall be placed at all driveway entrances.
10. Internal circulation shall provide for adequate truck turning radii utilizing truck turning radius templates as reviewed and approved by the City Traffic and Transportation Director.
11. Prior to the issuance of a Grading Permit, adequate vehicular and pedestrian sight visibility shall be provided at all intersections of public streets and private driveways. All project plans shall demonstrate compliance with the provision of adequate sight visibility distances and shall provide a means to execute an on-going maintenance to guarantee preservation of sight visibility. Stopping distance shall be the principal criteria in determining the appropriate location of on or off site improvements. Mature Landscaping shall be considered in evaluating visibility (i.e. evaluations based on barren ground for sight visibility are not acceptable). Where applicable, CC&R's shall require continued compliance to this condition. Location of all signs and visual obstructions within proximity of ingress/egress must provide adequate pedestrian and vehicular sight visibility.
12. Prior to the issuance of a Certificate of Occupancy, applicant shall provide to the Director of Transportation for review and approval, engineered traffic signal modifications and signal timing modifications, along with signing and striping modifications from the project site through to and including the intersection of Calabasas Road at the southbound 101 on/off ramp. The eastbound leg of the intersection is to be modified such to include a 101 southbound left turn lane, a separate left/through lane and the creation of a new through lane which originates at the project's primary driveway. The applicant shall pay for, or bond for the implementation of the items/improvements required by this condition and as shown per approved plans. These improvements may either be installed by the applicant directly or through the assessment district (or business improvement district) prepared

for Calabasas Road. If constructed by the applicant prior to formation of the assessment district, the cost of these improvements shall be credited to the applicant's assessment district contribution.

13. Prior to the issuance of a Certificate of Occupancy, applicant shall restripe all striping, pavement markings and pavement legends adjacent to and in the vicinity of the project site impacted by construction traffic as directed by the City Traffic and Transportation Director.
14. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the City's Bicycle Facilities Ordinance and the Transportation Demand Management Ordinance. Applicant shall provide \$250 for each space which is in deficiency to the number of bicycle facilities required by the Bicycle Facilities Ordinance. These funds shall be used by the City Bicycle Coordinator to provide for the bicycling strategies, bicycle safety as well as bicycling incentives detailed within the adopted City of Calabasas Bicycle Master Plan.
15. All proposed bike racks shall be located at locations which provide protection from the weather and theft.
16. Prior to the issuance of a Certificate of Occupancy, applicant shall provide the City Traffic and Transportation Director with a Transportation Demand Management Plan for review and approval. Implementation of the Plan shall commence with occupancy. There shall be a six (6) month monitoring period to insure compliance with the approved TDM Plan. The City Traffic and Transportation Manager shall be responsible for interpreting and enforcing implementation of the ordinances and plan.
17. Pedestrian walkways, crosswalks, and cut-throughs shall be clearly defined, lighted, and marked to enhance safety and convenience, particularly in areas where pedestrians must cross large parking areas.
18. The Project will consist of ingress/egress along Calabasas Road at the westerly-most driveway and egress only at the easterly-most secondary driveway. Each side of the east driveway shall be designated and signed as EXIT ONLY from the street and with a RIGHT TURN ONLY sign and NO LEFT TURN symbol from the site. The applicant shall hold harmless and indemnify the City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person or property based on the slope of the east, egress driveway proposed to exceed the maximum 8% slope allowed by City Code. The proposed primary project ingress/egress shall be designed to allow for sufficient stacking distance, as well as safe turning movements. Design shall be reviewed and approved by the Transportation Director prior to implementation/construction.
19. Prior to the issuance of a Building Permit, applicant shall provide plans detailing proposed striping, modifications, geometric layout, and improvements required at the proposed primary and secondary project ingress/egress for review and approval by

the City Transportation Director and the City Engineer. Applicant shall implement improvements directly or through an assessment district (or business improvement district) approved by the City Transportation Director and the City Engineer prior to issuance of a Certificate of Occupancy. These improvements shall minimize conflicting movements, provide for safer ingress and egress for the project site, provide for left/right turns only into proposed primary project driveway and right turns only out of proposed secondary project driveway, as well as safer circulation adjacent to the project site.

20. Prior to the issuance of a Certificate of Occupancy, applicant shall provide signage, striping, and traffic control plan detailing the proposed internal circulation traffic controls (i.e. location of internal stop signs, red curbing, parking restriction signage, pavement legends, etc.) for review and approval by the Transportation Director. The applicant shall implement internal traffic controls per the approved plans prior to the issuance of a Certificate of Occupancy.
21. Control signs for regulation, warning and guidance of traffic shall be installed as required by the Department of Public Works and/or Transportation Department. These shall include stop signs, turn prohibition signs, one-way signs, parking signs, together with pavement striping.

Traffic Impact Mitigation Fees

22. As required by Ordinance No. 99-148, applicant shall pay the Citywide Traffic Mitigation Fees in the amount of \$84,093 based on the retail fees of \$3.00 per square foot @ 28,031 square feet. Should the overall square footage of the project change, this fee will change accordingly.

IV. Public Works Department

Street improvements

1. The applicant shall install mailboxes and posts per City standards. Secure approval of U.S. Postal Service prior to installation.
2. The applicant shall provide letter(s) of slope easement(s) and drainage acceptance as directed by the City Engineer. Copies of the Conditions, will be on file with the office of the Department of Community Development.
3. The applicant shall comply with the Geologist's recommendations in the Geology Report for restrictions on watering, irrigation, planting and recommend types of plants along Calabasas Road frontage.
4. The applicant, by agreement with the City Council, will guarantee installation of improvements as determined by the City Engineer through faithful performance and Labor & Material bonds, or any other acceptable means as approved by the City Engineer.

5. The applicant shall prepare street improvement plans for the project as directed by the City Engineer.
6. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department .
7. Applicant's street and grading plans and all construction permitted by such plans shall comply with the requirements of the approved Oak Tree report.
8. The applicant shall place above-ground utilities (Vaults, Pedestals, etc.), outside sidewalks, and provide a minimum of four feet clear path of travel along sidewalks.
9. The applicant shall underground all above ground utilities.
10. The applicant shall contact the City Landscape District Manager for street tree location, species, and approved method of installation and irrigation.
11. The applicant shall not grant or record easements within areas proposed to be granted, dedicated, or offered for dedication for public streets or highways, access rights, building restriction rights, or other easements until after the final map is filed with the Los Angeles County Recorder's Office unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final parcel map.
12. The applicant shall repair any broken or damaged asphalt curb, gutter, and pavement on Calabasas Road abutting the entire length of the site.
13. The applicant shall replace any CMP (corrugated metal pipe) culverts within Calabasas Road with RCP (Reinforced Concrete Pipe) or as directed by the City Engineer.
14. The applicant shall construct a slough wall if necessary outside the street right-of-way when the height of slope is greater than five feet above the sidewalk if the sidewalk is adjacent to the street right-of-way.
15. The applicant shall grant easements to the City, or appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructure constructed for this site to the satisfaction of the City Engineer.
16. Easements are tentatively required, subject to review by the City Engineer to determine the final locations and requirements.
17. All projects with parking lots greater than 25 parking spaces shall provide a parking lot sweeping plan prior to certificate of occupancy.

Grading, Drainage & Geology

18. The applicant shall submit a grading plan which must be approved by the Public Works Department prior to approval of the final map.
19. The applicant's grading plan shall be based on a detailed engineering geotechnical report which must be specifically approved by the geologist and/or soils engineer and show all recommendations.
20. The applicant shall eliminate all geologic hazards associated with this proposed development, or delineate a restricted use area approved by the consultant geologist to the satisfaction of the City Engineer and dedicate to the City the right to prohibit the erection of buildings or other structures within the restricted use areas.
21. The applicant shall post grading bonds for 100% of the cost of construction as required by the Public Works Department.
22. Specific recommendations will be required from the consultant(s) regarding the suitability for development of all lots/parcels designed essentially as ungraded site lots. The applicant shall file a report with the State Real Estate Commissioner indicating that additional geologic and/or soils engineering studies may be required for ungraded site lots/parcels by the Geology and Soils Section.
23. The applicant shall submit drainage plans and necessary support documents to comply with Engineering requirements. These must be approved to the satisfaction of the City Engineer prior to filing of the map.
24. The applicant shall show on the map the City's/Flood Control District's right-of-way for Calabasas Road. A permit will be required for any construction affecting the right-of-way or facilities.
25. The applicant shall provide for contributory drainage from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners. All drainage requirements for this site will be established upon review of the grading plan.
26. For projects along Calabasas Road : The applicant shall replace existing C.M.P. with RCP or shall line existing C.M.P. with concrete as deemed appropriate by the City Engineer.
27. 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.

Sewer

28. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code.
29. Existing main line sewer is available on Calabasas Road to serve the site. All sewer lateral connections shall be clay pipe as required by the County of Los Angeles Sanitation District.

NPDES

33. This project is a development planning priority project under the City's NPDES Municipal Stormwater Permit as a Automotive service facilities; a parking lot with 5,000 square feet or more of surface area or with 25 or more parking spaces; and a location within or directly adjacent to or discharging directly to an environmentally sensitive area. 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 or building permits. Please refer to the Standard Urban Stormwater Mitigation Plan (SUSMP) attached for applicable design requirements. The project-specific USMP shall describe how the proposed project design conforms with all requirements set forth in the SUSMP and must include a fully executed "Maintenance Covenant for Parcels Subject to SUSMP Requirements" to provide for on-going maintenance of the BMPs chosen.
34. 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). The applicant must submit to the City proof of Waste Discharger Identification (WDID) Number for filing of a Notice of Intent (NOI) under the General Permit, a statement of owner's certification that a State Stormwater Pollution Prevention Plan (SWPPP) has been prepared and a copy of the SWPPP prepared for the project prior to issuance of a grading permit.
35. The applicant must complete and submit the "Development Construction Storm Water Requirements Review Checklist" prior to issuance of grading or building permits.

V. Building and Safety Division

1. All provisions for disabled persons access to the proposed project shall be clearly shown on the Site Plan, including parking, path of travel, access from the public right of way and requisite signage.
2. Provide a complete Site Plan, showing existing and proposed elevations within .10 feet.

3. The title sheet of the plans shall contain the analysis of the proposed structure(s) per the Calabasas Building Code. Show the building classification, type of construction, use, occupancy group and occupant load, assessors parcel number, tract, block, and lot. Show method used to justify occupancy, group, type of construction, square footage, and allowable areas.
4. Provide a complete site plan showing all structure, existing and proposed setback, easements, and/or other entitlements granted to others.
5. All roofing assemblies are required to be Class "A" minimum. Specify manufacturer and current approval from a recognized testing agency.
6. Conceptual geology approval is required prior to submittal for Building Division plan review for all new buildings.

VI. Environmental

1. The applicant shall comply with all conditions as outlined in the Mitigated Negative Declaration and Mitigation Monitoring Plan, as attached hereto.

VII. Fire Department

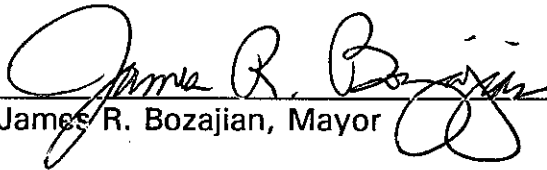
1. Provide twenty feet (20') minimum width access to within 150 feet of all exterior portions of the first story of the building. Minimum width shall be increased to twenty-six feet (26') for commercial, industrial and multi-family residential projects, and to twenty-eight feet (28') for buildings more than three stories or thirty-five feet (35') in height. Access shall be installed and maintained prior to and throughout construction.
2. Fire hydrant location(s) and required fire flow shall be determined during building permit plan check.
3. Payment of Developer Fee is required prior to Fire Department plan approval for issuance of building permit.
4. Fuel modification, landscape and irrigation plan approval is required prior to Fire Department plan approval for issuance of building permit.
5. All exterior windows, curtain and window walls and skylights shall utilize multiple-glazed panels. Dual pane glazing shall be the minimum required.
6. Exterior walls shall be approved for one-hour fire resistive construction on the exterior side.
7. Fire Department review and approval of the building plans for Fire Code compliance shall be completed prior to issuance of building permit.

8. Fire Department access shall be provided vertically clear to the sky.
9. A minimum of five-foot (5') walking access shall be provided around the exterior of the first story of all buildings.
10. Fire apparatus access roads shall be labeled as "FIRE LANE" on final subdivision map or building plans. The designation allows for appropriate notices prohibiting parking.
11. All access roads shall be constructed to support a minimum 25-ton weight of fire apparatus.

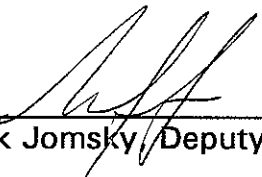
Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby approves Conditional Use Permit No. 03-12, Oak Tree Permit No. 03-16, and Variance No. 03-05 and adopt the Mitigated Negative Declaration for a request to construct an approximately 28,000 square foot automobile dealership that requires the removal of two heritage oak trees located at 24400 Calabasas road.

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 17th day of September, 2003.


James R. Bozajian, Mayor

ATTEST:


Mark Jomsky, Deputy City Clerk

APPROVED AS TO FORM:


Michael G. Colantuono, City Attorney 10/1/03

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CALABASAS)

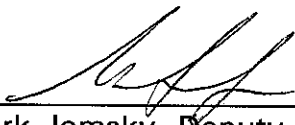
I, **MARK JOMSKY**, Deputy City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing resolution, being **Resolution No. 2003-841** was duly adopted by the City Council of the City of Calabasas, at a regular meeting of the City Council held September 17, 2003, and that it was adopted by the following vote, to wit:

AYES: Mayor Bozajian, Mayor pro Tem Harrison, Councilmembers Groveman, Washburn.

NOES: None.

ABSTAIN: None.

ABSENT: Councilmember Devine.



Mark Jomsky, Deputy City Clerk
City of Calabasas, California