

P.C. RESOLUTION NO. 2018-671

A REQUEST FOR A SITE PLAN REVIEW, A SCENIC CORRIDOR PERMIT, AN OAK TREE PERMIT AND A VARIANCE (TO THE 50-FOOT MINIMUM RIDGELINE SETBACK STANDARD PER CMC SECTION 17.20.150(C)(3)) TO CONSTRUCT A NEW APPROXIMATELY 8,447 SQUARE-FOOT TWO-STORY SINGLE-FAMILY RESIDENCE, AN APPROXIMATELY 578 SQUARE-FOOT CABANA, AND A NEW POOL AND SPA ON AN EXISTING CERTIFIED GRADED BUILDING PAD. THE EXISTING APPROXIMATELY 8.33 ACRE LEGAL LOT IS LOCATED AT 24101 DRY CANYON COLD CREEK ROAD WITHIN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT AND THE MULHOLLAND HIGHWAY SCENIC CORRIDOR (SC) ZONING DISTRICT. (APN: 4455-006-013)

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

1. Agenda reports were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on August 2, 2018 before the Planning Commission.
3. Second staff presentation at the continued public hearing held on September 6, 2018 before the Planning Commission.
4. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
5. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the request.
6. 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.
7. All related documents received and/or submitted at or prior to the public hearing.

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

1. The applicant submitted an application for File No. 180000012 on January 3, 2018.
2. On January 31, 2018, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. On June 12, 2018, the application was deemed complete and the applicant was notified.
4. Notice of the August 2, 2018, Planning Commission public hearing was posted on June 28, 2018 at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, the Agoura Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
5. Notice of the August 2, 2018, 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 Planning Commission public hearing was mailed or delivered at least fifteen (15) days prior to the hearing to the project applicant.
7. On August 2, 2018, the Planning Commission continued the public hearing to September 6, 2018.
8. The project site is currently zoned Rural Residential (RR).
9. The land use designation for the project site under the City's adopted General Plan is Residential Rural (RR).
10. The surrounding land uses around the subject property are zoned Residential, (RS) and Open Space-Development Restricted (OS-DR) to the west, Open Space (OS) to the north and east and Hillside Mountainous (HM) to the south.
11. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

FINDINGS

Section 17.62.090 of the Calabasas Municipal Code allows the Planning Commission to approve a Site Plan Review provided 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 two-story approximately 8,447 square-foot single-family residence, an approximately 578 square-foot cabana, and a new pool and spa on an existing certified graded building pad. All of the structures are designed to meet all development standards set forth by the Calabasas Municipal Code including site coverage percentage, pervious surface percentage, setbacks, and height. The front property line setback is approximately 45', the east side-yard setback is approximately 490', the west side-yard setback is approximately 10', and the rear property line setback is approximately 45' from the conservation easement boundary and approximately 375' from the rear property line. The proposed site coverage percentage is 5.15% of the net site area that meets the maximum allowed 30% site coverage. The proposed pervious surface of the site is 95% that meets the minimum allowed pervious surface percentage of 70%. The maximum height of the proposed residence is 30'-7.5", which complies with the maximum 35' height limit.

The applicant is also seeking approval of an Oak Tree Permit to allow removal of two (2)-scrub oak trees and encroach upon the protected zone of seven (7) scrub oaks. On July 31, 2017, Richard W. Campbell, ASLA, BSLA has submitted an Oak Tree Report. The report was prepared in accordance with the City of Calabasas Oak Tree Ordinance (#2001-166) and the Oak Tree Preservation and Protection Guidelines. The arborist's report was forwarded to Dudek, the City's Oak Tree Consultant; Noah Stamm of Dudek reviewed the submitted report and made a physical inspection of the subject project site on February 1, 2018. A report detailing the consultant's findings and recommendations was submitted to staff on February 8, 2018.

The Dudek outlines additional protection measures to be included as part of the permit approval. These additional steps include the installation of additional protective fencing for the scrub oaks that are located behind (to the north) the two (2) trees (Nos. 1 and 2) that are to be removed. Additionally, an updated Arborist Report shall be submitted stipulating that the scrub oak removals will be mitigated by planting new Quercus species oaks that fulfill the City's Oak Tree Guidelines requiring an inch for inch replacement of trunk diameter at 4.5' above grade (dbh). The updated report shall be submitted prior to the issuance of any grading permits.

The property is located within the Mulholland Highway Scenic Corridor. As such, the proposed project must be able to make the five (5) findings for approval of a

Scenic Corridor Permit stipulated by CMC Section 17.62.050(D). These findings have been made and are discussed within the Scenic Corridor Findings section of this resolution.

The property is bisected by two mapped significant ridgelines and all policies prescribed in the City's 2030 General Plan's Conservation Element, and code requirements identified in the Development Code Section 17.20.150 (Hillside and ridgeline development) are applicable to this project. As such, the highest points of any of the proposed structures are required to be located at least 50 vertical feet below and 50 horizontal feet away from the significant ridgeline as prescribed in CMC Section 17.20.150 (C)(2), unless a variance is approved. Because the one mapped significant ridgeline bisects the property from east to west and the second ridgeline bisects the property north to south, the project requires approval of a variance to build within fifty vertical feet and fifty horizontal feet of the significant ridgelines (CMC Section 17.20.150(C)(3)). The findings for a variance to this development standard are made and discussed below.

For the above reasons, the proposed project meets this finding

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

The proposed land use of the subject site is of a single-family residence with ancillary structures, which are allowed uses per the Rural Residential (RR) land use designation that identifies this zoning district as having one dwelling per ten acres or one dwelling per an existing legal lot. (2030 Calabasas General Plan, table II-1, General Land Use Districts). The construction of the proposed two-story, single-family residence and ancillary structures does not change the land use of the subject site. The project has been designed to comply with all Scenic Corridor guidelines by employing earth tones and non-reflective construction materials. The proposed project is located on a mapped significant ridgeline. Consequently, a Variance to the 50-foot horizontal and vertical setback standard is required. The proposed project satisfies all findings required to approve a Variance. These findings are discussed in detail within the Variance findings section of this resolution below. No specific plan is applicable to the subject site. Therefore, the proposed project complies with the General Plan. As such, this project meets this finding.

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

This project is Categorically Exempt from the California Environmental Quality Act (CEQA) in accordance with Section 21084 and Section 15303(a) (new construction of a single-family residence) and (e) (Accessory (appurtenant) structures).

The project is also deemed exempt from CEQA in accordance with Section 15332 (In-fill Development Projects) of the CEQA Guidelines because it is proposed to be constructed in an urbanized area with existing development of single-family residences of similar sizes and densities equal to or exceeding that of the proposed project.

Section 15304 (a) of the CEQA Guidelines exempts grading on land with a slope of less than 10%. The existing graded building pad is essentially flat as depicted on the submitted topographical plan (Sheet A100, EXHIBIT B). Consequently, the proposed grading will occur on a predominantly flat area; thereby, making this exemption inapplicable. Section 15304(b) exempts gardening and landscaping with water efficient and fire resistant landscape. CMC Section 17:26.050 specifies that irrigation systems be equipped with smart irrigation controllers and that plant materials shall emphasize drought tolerant native species. The landscaping must also meet the requirements of the California Model Water Efficient Landscape Ordinance (MWELO). As a result, the gardening and landscaping is exempt. Finally, Section 15317 of the CEQA Guidelines exempts open space contracts or easements. The proposed project includes a dedication of approximately 3.9-acres as a conservation easement; this action is exempted from CEQA.

Furthermore, the proposed home is exempted from CEQA under class 3 (Guidelines, § 15303) and class 32 (Guidelines, § 15332) of the CEQA Guidelines: it is a single-family residence in a residential single-family zone and a small in-fill structure. In the California Supreme Court case, *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60. Cal.4th 1086, the Court determined that a project does not qualify for Class 3 and 32 exemptions if 1) there is a finding that the project constitutes an unusual circumstance. If there is indeed an unusual circumstance, then 2) the project is not exempt if it may cause a significant environmental impact as a result of that unusual circumstance. This project is not distinguishable in size or location from other projects similarly situated and thus presents no "unusual circumstances".

Other homes on ridgelines in the City range in size between approximately 2,900 sq. ft. and 27,800 sq. ft. The proposed home falls well within that range and is typical for the immediately surrounding neighborhood in size, bulk, scale, massing, and height. Thus, the proposed home does not constitute an unusual circumstance under *Berkeley Hillside* and is exempt from CEQA review.

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

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

The proposed single-family residence is located on an existing graded approved building pad located within the Mulholland Highway Scenic Corridor. The subject

property is surrounded by properties zoned Residential, (RS) and Open Space-Development Restricted (OS-DR) to the west, Open Space (OS) to the north and east and Hillside Mountainous (HM) to the south. Construction of the proposed home complies with all applicable Development Code provisions and is compatible in design, density, appearance, and scale with existing homes with comparable sized lots in the surrounding area. Farmhouse style architectural design and appearance can be found in several other homes along Mulholland Highway. Although the proposed home would be the largest home in the immediate vicinity, it also has a large lot size causing the Floor Area Ratio (FAR) for the proposed house to be 0.05; a low density of development as compared with the development of single-family homes immediately to the east in Calaberas Park Estates. This is situated in a neighborhood where homes range from the proposed 8,447 square-foot home down to 3,657 square feet and the FAR ranges from 0.01 to 0.23. While the proposed home while will be the largest in terms of area, it falls within the lower range of floor area ratios and development densities found in the vicinity.

Pursuant to CMC Section 17.13.020 (A), the maximum allowed site coverage for an RR zoned lot is 30%. The proposed site coverage of the property is approximately 5.15%, which is below the maximum allowed site coverage of 30%. Per CMC Section 17.26.040. The minimum allowed pervious surface for an RR zoned is 70%. The proposed pervious surface of the site is at approximately 95%, which is greater than the minimum 70% required by the Development Code.

By designing the home with a farmhouse architecture style, the proposal will be compatible with the eclectic nature of the existing development all along the Mulholland Highway Scenic Corridor.

For the above reasons, the project meets this finding.

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

The City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surface for the RS zone to ensure that development is adequately proportional to the size of the property. Compliance with these standards is required for project approval. The net area of the lot is 192,970 square-feet. Pursuant to CMC Section 17.13.020 (A), the maximum allowed site coverage for a RR zoned is 30%. The proposed site coverage of the property is at approximately 5.15%, which is below the maximum allowed site coverage of 30%. Per CMC Section 17.26.040, the minimum allowed pervious surface for an RR lot is 70%. The proposed pervious surface of the site is at approximately 95%, which is greater than the minimum 70% required by the Development Code. Given these circumstances, the proposed project meets this finding.

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

The proposed residence and ancillary structures will be situated on an existing graded and certified building pad. The proposed farmhouse architecture for the residence will be compatible with the architecture and scale of the community and proposed ancillary structures will integrate well with the built-in and natural environment. Proposed colors and materials blend with the existing built-in and natural environment. The property is surrounded with existing natural vegetation and the proposed landscaping will continue to utilize natural plant materials. In addition, the project is conditioned to replace the two (2) scrub oaks at an inch for inch rate and to protect the seven (7) other scrub oak protected zones that will be encroached upon the scrub oak habitat. The proposed project will have a negligible impact on the one oak tree in the front of the property. Impacts to the scrub oak habitat on the property will be mitigated through the required protection measures contained within the Conditions of Approval. All impacts to the brittlebush scrubland will be mitigated through replanting of this species at a 2:1 ratio. Measures to protect all sensitive wildlife, including nesting birds will be employed as directed by the City's Environmental Consultant. Protective measures are included as Conditions of approval within the Oak Tree Conditions and within the Planning Division Conditions of Approval.

For these reasons, the project meets this finding.

Section 17.62.050(D) of the Calabasas Municipal Code (CMC) allows the review authority to approve a Scenic Corridor Permit provided that the following findings are made:

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

The addition of a building to this currently graded site would change the existing visual character of the site. However, the design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weather wood siding, muted colors, natural stone pavement and a gray standing seam metal roof; (b) the addition of landscaping buffers to screen views of the home from Mulholland Highway; and (c) and minimizing impacts of views from the Scenic Corridor by employing different roof heights and avoiding massive structures by breaking up the mass of the structure exposed to Mulholland Highway.

Based on the visual renderings and the proposed colors and materials exhibit prepared to assess the impact of the proposed project on the scenic corridor, (with the exception of occupying a designated significant ridgeline for which a Variance

is recommended below), the project is consistent with the City's development guidelines for scenic corridors. Consequently, the architectural design, colors and materials have been addressed by the proposed project and the visual impact upon the Scenic Corridor will be minimal. Finally, the project was reviewed by the Architectural Review Panel. The panel unanimously recommended approval of the project. Therefore, the proposed project meets this finding.

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

The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weathered wood siding, muted colors; (b) the addition of landscape buffers to screen views of the home from Mulholland Highway; and (c) and minimizing impacts of views from the Scenic Corridor by employing different roof heights and avoiding massive structures by breaking up the mass of the structure exposed to Mulholland Highway. The articulated design also reduces visibility from the scenic corridor, by minimizing the project's visible mass.

While the project would introduce night light into an area that is generally not illuminated, all lighting is conditioned to comply with the requirements of the City's Dark Skies Ordinance to prevent light trespass and limit sky glow. Additionally, lighting will be limited to the developed portion of the property, while approximately 99% of the site will remain in its natural state with no lighting whatsoever. Therefore, the propose project meets this finding.

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

The design guidelines, recommendations, and requirements set forth by the Scenic Corridor Development Guidelines have been incorporated into the site design to minimize the visual impact of the project to scenic vistas. These include: (a) the use of architectural colors and materials similar to the natural surrounding environment, including weathered wood siding, muted colors; (b) the addition of landscape buffers to screen views of the home from Mulholland Highway; and (c) and minimizing impacts of views from the Scenic Corridor by employing different roof heights and avoiding massive structures by breaking up the mass of the structure exposed to Mulholland Highway. The articulated design also reduces visibility from the scenic corridor, by minimizing the project's visible mass.

As mentioned above, a landscape buffer is proposed along the south ascending hillside in front of the proposed retaining walls to screen views of the house from the Scenic Corridor. The landscape plan places significant emphasis on

hardscape, patios, and decks in proximity to the home. Exterior terraces, patios and walkways would be paved, in part, with natural stone pavers to blend in with the natural environment and to complement the proposed materials for the home.

Therefore, the proposed project meets this finding.

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

The proposed project consists of construction of a 8,447 square-foot single-family residence plus associated garage areas, and appurtenant accessory structures (pool and spa) on a vacant but disturbed 8.33-acre parcel. The proposed single-family residence will be located on an existing graded and approved building pad located within the Mulholland Highway Scenic Corridor. The subject property is surrounded by properties zoned Residential, (RS) and Open Space-Development Restricted (OS-DR) to the west, Open Space (OS) to the north and east and Hillside Mountainous (HM) to the south. Construction of the proposed home complies with all applicable Development Code provisions and is compatible in design, appearance, and scale with existing homes with comparable sized lots in the surrounding area. Farmhouse style architectural design and appearance can be found in several other homes along Mulholland Highway. Although the proposed home would be the largest home in the immediate vicinity, it also has a large lot size causing the Floor Area Ratio (FAR) for the proposed house to be 0.04; a very low density of development. The proposed home is situated in a neighborhood where homes range from the proposed 8,447 square-foot home down to homes with 3,657 square feet of living area and the FAR ranges from 0.01 to 0.23. The proposed home falls within the lower range of floor area ratios and density of development found in the vicinity.

Additionally, the use of proposed earth-tone colors, a gray standing seam roof, and wood siding, contribute to blending the home into the ridgeline profile, and the use of landscaping, as proposed, would contribute to the screening and blending of the home into the surrounding natural environment when viewed from the Scenic Corridor.

Additionally, a large portion of the subject property (approximately 44%) will remain in its natural state. The applicant will grant, record, and formalize an existing conservation easement to the Santa Monica Mountains Conservancy to preserve that natural acreage in perpetuity. The proposed residence and related structures are not sited within the conservation easement area.

For the above reasons, the design, appearance, and scale of the proposed single-family residence is compatible with existing development in the surrounding area and meets this finding.

Section 17.62.080 of the Calabasas Municipal Code (CMC) allows the review authority 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 City's current Hillside and Ridgeline Ordinance (adopted in 2010) requires development to be sited 50 feet below and horizontally away from a significant ridgeline. The project cannot meet the established 50-foot ridgeline setback standards set out in Section 17.20.15.C.2 because the previously graded and approved building pad was constructed directly on the natural ridgeline (e.g., with a zero-foot setback). The pad had been in place for approximately 12 years before the ridgeline was delineated in the City's General Plan and setback standards were established in the Development Code.

The subject site is located within the Rural Residential (RR) zoning district. The Rural Residential zone is a residential zone that characteristically includes larger properties with steep hillsides, rugged terrain, and visual resources (significant native vegetation, rock outcroppings, and/or ridgelines). Accordingly, the project site is characterized by steep slopes, with rugged topography on the north slope and a graded south slope. The existing, graded building pad is largely unvegetated with exposed soil. The topographical constraints prevent the proposed residence from being constructed elsewhere on the property without causing substantial amounts of disturbance through grading and other landform alterations.

While the subject property is on two designated significant ridgelines, the proposed project presents the special circumstance of being located on a legal, existing, graded and approved building pad, for which a construction access driveway has already been constructed per previous City approvals. Strict application of the ridgeline standard would require development on an undisturbed portion of the lot, requiring significantly more grading and resulting in substantial habitat damage and destruction. Strict application of the standard would also not take into account the existence of the disturbed, graded pad on this parcel. Therefore, a special circumstance exists relative to the subject property when compared with other undisturbed RR-zoned properties lacking previously approved and graded pads and other properties located on a significant ridgeline. Given these circumstances, 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 project site is located within the Rural Residential (RR) zoning district and is required to comply with the permitted land uses for the RR zoning district. Construction of one single-family residence is an allowed use in the RR zoning district. Although this finding requires that the property in question be located within the same zoning district, there are no other properties zoned RR within approximately 2,000 feet of the subject property and the closest RR property with a mapped significant ridgeline on it is undeveloped. Using similar distance criteria and examining all single-family residential zones within the vicinity, there are approximately 32 single-family residences constructed on or adjacent to mapped significant ridgelines. In order for the subject property to enjoy the same substantial property rights as other single-family residential zone property owners in the same vicinity, the proposed home would either have to be constructed on the existing graded building pad on the sub-dominant ridgeline (as proposed) or would have to be built 80 feet below ground level at the building pad site. Locating the project anywhere else on the property and meeting all other RR development standards is impossible because all alternative locations would be within 50 horizontal feet of at least one of the two ridgelines. It is not possible to avoid the need for a Variance because any location on the lot would still trigger it. Relocation to an undisturbed portion of the lot would require significantly more grading and result in substantial habitat damage and destruction, which would be inconsistent with policies in the City's General Plan pertaining to habitat conservation, and would be inconsistent with zoning standards applicable to hillside grading.

The closest RR-zoned properties in the City with a home constructed on a significant ridgeline are located approximately 1.3 miles northeast of the project site, along Park South Street. 23525 Park South Street is located on a significant ridgeline and is approximately 12.71 acres in size. The existing home is 6,153 square feet (excluding garage). According to GovClarity, the City's GIS application, there are no other RR-zoned properties (developed and located on a mapped significant ridgeline) in the City of Calabasas. There are 32 other properties in different zoning districts within 2,000 linear feet of the subject property, located on or adjacent to a mapped significant ridgeline. To this end, the granting of the variance is warranted and necessary to afford the subject property owner the same rights as properties in the vicinity (one with identical zoning, approximately thirty-two in single-family residential zones within 2,000 feet) and also located on designated significant ridgelines. Given these circumstances, 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;

The City's current Hillside and Ridgeline Ordinance (adopted in 2010) requires development to be sited 50 feet below and away from a significant ridgeline. Other undeveloped, ridgeline properties are subject to this standard, as is the subject

property. What distinguishes the subject property from other undeveloped ridgeline properties is that, prior to ridgeline protection policies, an approximately 34,000 square-foot building pad was graded and certified along the sub-dominant ridgeline on this property (2008). Additionally, an access driveway was graded to that ridgeline pad. The natural sub-dominant ridgeline along the property was significantly altered (grading of as much as approximately twenty feet), and no longer exists. The taller, visually dominant ridgeline remains protected and undistributed by the proposed project. The properties to the east and south have also been graded and the natural ridgeline no longer exists there either. The design of the proposed home on the existing building pad will visually mimic the original sub-dominant ridgeline profile on the site while eliminating the need to grade a new building pad at any other elevation. The lowest possible elevation on the property (approximately 33' below the existing building pad) would require additional retaining walls, drainage structures and the attendant significant grading. In addition, this lowest possible elevation location would still require a variance because the site would be located within 50 horizontal feet of a ridgeline. A new single-family dwelling on other alternative sites would be more visible from Mulholland Highway because it would position the house either closer to or elevated toward the natural dominant ridgeline and a variance would still be required for the 50' horizontal development standard. This alternative would also require significantly more grading, resulting in substantial habitat damage and destruction.

As mentioned above, there are other homes in the vicinity constructed on a significant ridgeline. Granting this variance would allow the subject property to enjoy a proportionally equivalent amount of home space because the FAR of the proposed project is well within the range of the FAR of these other ridgeline homes in the vicinity. Additionally, the proposed project's articulated design, using varying roof-height is much more respectful of its ridgeline location than the design of these other homes. The design of the proposed home and the use of the existing building pad will visually mimic the original ridgeline profile on the site while eliminating the need to grade a new building pad at a lower elevation. Therefore, granting this variance would not constitute the granting of a special privilege, and 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;

The proposed single-family home is in compliance with all applicable development standards for structures in the RR zoning district, with the exception of the ridgeline standard, for which a variance is recommended. Additionally, both the Fire Department and the Sheriff were asked to comment on the project during Development Review. The Sheriff had no safety concerns regarding this project. The Fire Department conceptually reviewed and approved fire access and new fire hydrant location for the proposed project. No other public health, safety or welfare

concerns arise from construction of a single-family residence, which is an allowed use in the RR zone, on an existing, legal lot with an existing graded pad. Given these circumstances, the proposed project meets this finding.

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

The General Plan designation for the subject property is Residential Rural (RR). The proposed project consists of construction of an 8,447 square-foot single-family residence plus associated garage area and appurtenant accessory structures on a vacant but disturbed 8.33-acre parcel located at 24101 Dry Canyon Cold Creek Road. The RR designation accommodates single-family detached housing in a low intensity, setting; therefore, the proposed project is consistent with the intended uses for the RR land use designation.

Policy III-14 encourages preservation of all significant ridgelines and other significant topographic features. Approximately 85% (approximately 1,165 LF out of 1,380 LF) of the rugged topography and hillsides are being preserved by this proposal; however, the applicant is requesting a variance from the ridgeline preservation requirement because the previously graded and certified building pad was constructed directly on the natural ridgeline and because utilizing the existing pad would minimize additional landform alteration and grading. Adherence to Policy III-14 actually dictates that site development be accomplished on the previously graded pad, so as to preserve the balance of the undisturbed site and significant topographical features in their natural state. This proposal is also in conformance with other Hillside Management policies, such as Policy III-12, which encourages minimizing the alteration of existing landforms and maintaining the natural topographic characteristic of hillside areas, allowing only the minimal disruption required to recognize basic property rights. Therefore, and based upon the Variance findings provided herein, the proposed project is in compliance with the General Plan.

Additionally, Chapter IX of the General Plan, more specifically Policies IX-1, IX-5, IX-6, IX-8, IX-12, IX-14, and IX-16, emphasize that new development shall conform to the character of its natural setting, and should be accomplished through infill and revitalization of existing developed areas in order to conserve undeveloped areas. The policies also emphasize high-quality, aesthetically pleasing, and sustainable designs for new development. It is crucial that future development is accommodated and shaped in infill locations in a manner that retains the character of Calabasas and minimizes environmental effects. In the development of the proposed project's design, the architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible and to provide a high-quality design. The project design is therefore in compliance with the abovementioned Policies in Chapter IX of the General Plan.

No specific plan is applicable to this property. Therefore, and based upon the aforementioned Variance findings, the proposed project is in compliance with the General Plan.

Section 17.20.150(C)(3) of the Calabasas Municipal Code states that for projects that cannot meet the siting requirements of CMC Section 17.20.150(C)(2), the following findings must be made:

1. That alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used, and that the siting principals outlined in subsection (C)(4) have been applied; and

The adopted MND (City Council Resolution No. 2006-1012) and the subsequent adoption of City Council Resolution 2006-1013 allowed the grading and placing of infrastructure on the subject property. Any alternative site for the proposed single-family residence would result in new massive grading rather than the balanced, reasonable grading volumes that will be necessary for the proposed project, cause significant habitat damage and destruction and result in severe landform alteration. The siting of the project at an alternate location and the attendant grading to create a building pad would also increase noise, dust, traffic, and air pollution. The design of the proposed home and the use of the existing building pad will visually mimic a ridgeline profile on the site while eliminating the need to grade a new building pad at any other elevation. A structure at the alternative, lower elevation on the northern slope would require massive grading, resulting in substantial habitat damage and destruction. It would also require significantly greater area to be modified annually for purposes of fuel modification (fire prevention). The project has achieved other goals of the City's Hillside ordinance by including the use of landscape and rooflines in order to recreate the linear contours of a disturbed ridgeline and the use of plantings along the slope side of development to screen and soften the architecture.

2. The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project, including minimized grading, reduced structural height, clustered structure, shape, materials, and color that allow the structure(s) to blend with the natural setting, and the use of native landscape for concealment of the project.

The project proposes to utilize the existing, certified building pad to: (1) minimize the need for additional landform alterations and grading; (2) balance cut and fill; and (3) limit import/export. The home is situated on the existing pad so as to minimize impacts to views from the Mulholland Highway Scenic Corridor by an appropriately oriented profile that mimics the original ridgeline topography, consistent with the City's Scenic Corridor design guidelines.

The architect utilized design strategies including building orientation, roofline profile, building articulation, earth-toned exterior materials and colors, and landscape to blend the structure into the natural environment to the extent feasible, as required by the City's hillside design standards. The proposed design employs trellises and varying heights from 12 feet above grade at the outside edge of the attached trellis to an approximately 30'-7.5" above grade, peak roofline. The Architectural Review Panel appreciated the general design and geometry of the proposed home and stated that the applicant's choice of colors and materials blends well with the natural environment. The proposed project's design has also been revised to reduce the house's maximum height by approximately 1.5 feet. Given the proposed design strategies, the proposed project meets this finding.

Section 17.32.010(E), Calabasas Municipal Code allows the Planning Commission to approve an Oak Tree Permit provided that the following findings are made:

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

The Project would not result in removal of any coast live oak trees due to either on-site or off-site construction. However, nine (9) mature scrub oak trees will be affected by construction of the home. Scrub Oak #1 and #2 (approximately 22") are in direct conflict with the proposed construction and will be removed and mitigated by planting approximately 22" or more of new scrub oak on the subject property. Furthermore, proposed construction would result in encroachments into the protected zones of scrub oaks #3 through #9, which is adjacent to the development envelope of the proposed residence

The Oak Tree Report submitted by the applicant's arborist concludes that encroachment activities will not result in significant long-term adverse impacts to the oak trees. This conclusion has been confirmed by the City's environmental consultant. To ensure that adverse impacts to the trees are minimized, the applicant shall comply with all of the arborist's recommendations provided in the "Oak Tree Preservation Program" in the Oak Tree Report. Mitigation for the alteration of scrub oak habitat, including the required mitigation of impacted scrub oak habitat at a 1:1 ratio. Therefore, the proposed project meets this finding.

2. *The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the 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 proposed project will encroach on the protected zone of 9 scrub oak trees. The trees will be impacted by the construction of the 8,447 square-foot single-family residence and the associated construction activities. 2 of the subject scrub oaks are scheduled to be removed and mitigated. The applicant's Arborist has submitted an oak tree report prepared according to CMC Section 17.32 and the City of Calabasas Oak Tree Preservation and Protection Guidelines. The report outlines protection and mitigation measures to be implemented that will ensure the health and viability of the scrub oak. The City Arborist has reviewed the submitted a report and concurs that the implementation of protection measures as outlined in the Oak Tree Report will be adequate to protect the tree. To further ensure that adverse impacts to the trees are minimized, the Oak Tree Report recommends a series of mitigation measures, which have been included as project conditions of approval in the Resolution. Given that the protection measures outlined within this resolution in the conditions of approval shall be implemented, the project will not cause any long-term adverse impacts to the subject oak.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby approves File No. 180000012 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. 180000012 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 180000012 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Stevens Wilson (applicant) and Sonoma, LLC (owner) and their successor and assigns, shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. 180000012 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 180000012 and the issuance of any permit or entitlement in connection therewith. Stevens Wilson (applicant) and Sonoma, LLC (owner) and their successor and assigns, shall pay such

obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development Department

Planning Division:

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

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

3. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
4. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
5. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
6. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not

in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.

7. Construction Activities:

Hours of construction activity shall be limited to:

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

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

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

8. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting equivalent to 60 watts incandescent or less on residential projects is exempt by the Lighting Ordinance.
9. All landscaping is to be installed within 90 days of occupancy or earlier as determined by the Director of Community Development or her designee. All landscaping shall be consistent with the adopted City ordinance for landscape and water efficiency. The applicant shall submit and receive approval by the Community Development Director of an irrigation and landscape maintenance plan, which shall include provisions for irrigating the proposed landscaping at a sufficient level to maintain its function as visual screening, before issuance of a building permit.
10. All ground and roof-mounted equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
11. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
12. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor

13. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.

Biology

14. All removed California brittlebush scrubland (approximately 0.20-acres) due to construction activities and fuel modification shall be replaced and compensated for at a 2:1 ratio of in-kind habitat in an area(s) to be preserved as permanent open space.
15. A springtime botanical survey shall be completed to determine if special-status plants are present on site. The applicants biology consultant shall prepare a mitigation plan for any special-status species discovered as a result of the survey.
16. No More than 30 days prior to construction activities, a pre-construction biological survey shall be completed for non-listed special-status species potentially occurring within the biological survey area, and their signs including middens and burrows. If special-status species are detected, appropriate avoidance and minimizations shall be identified and implemented by the applicant's qualified biologist.
17. A biological monitor shall be present during initial ground disturbance and site preparation activities to flush wildlife and salvage individuals, if needed.
18. If the presence of coastal whip lizard is discovered on site, additional measures shall be implemented to the satisfaction of the California Department of Fish and Wildlife.
19. The applicant's biological consultant shall establish a buffer zone required to protect coastal whiptail lizards. The appropriate buffer zone shall be fenced under the direction and supervision of the biological consultant to ensure that lizards are not inadvertently harmed/harassed during installation.
20. Prior to commencement of construction, a nesting bird survey shall be completed by a qualified biological consultant.
21. In compliance with the Migratory Bird Treaty Act (Act) and the California Fish and Game Code (code), a preconstruction survey shall be concluded within 7 days of ground breaking or grading that would occur during nesting/breeding season of native bird species nesting on or near the sight to determine if active nests of bird species protected by the Act or Code are present within 300 feet of the construction zone (500) feet for Raptors).
22. If ground disturbance activities are delayed, additional pre-construction surveys shall be conducted within one week of the previously completed survey and the commencement of construction activities.

23. If active nests are discovered within 300' (500' for Raptors), construction activities shall be postponed until the nest is vacated, the young have fledged, and there is no evidence of a second attempt at nesting.
24. The applicant's biologist shall be on-site to directly supervise and monitor all activity in order to avoid inadvertent impacts to the site.
25. Limits of construction shall be established around active nests with flagging, fencing or other appropriate barrier as determined by the applicant's biologist.
26. A qualified biologist shall monitor the project site once each week at a minimum and submit a report to the Director on condition compliance after each visit.
27. A final monitoring report shall be submitted to the director at the completion of all project activities.
28. All project personnel shall attend a worker education program conducted by the applicant's qualified biologist no earlier than 7 days prior to ground disturbance or construction activities.

Conservation Easement:

29. Prior to the issuance of grading permits the applicant shall record an open space conservation easement for 24101 Dry Canyon Cold Creek Road. The easement shall be approximately 3.9 acres in size and encompass the maximum extent of undevelopable land in the northern portion of the parcel. The metes and bounds are to be roughly determined by the Community Development Director, and specifically described by the applicant's civil engineer and/or surveyor. The easement shall be in a form and content acceptable to the Community Development Director and City Attorney, and submitted to the City for review prior to the issuance of grading permits. Additionally, the easement shall dedicate the described land as permanent open space and include provisions that prohibit development in perpetuity.

Oak Trees:

30. The applicant's Oak Tree Consultant shall be notified 48 hours prior to the commencement of any work within the protected zone of any oak tree.
31. The applicant's arborist shall be present on-site during any construction work in or around these trees.
32. The subject scrub oaks shall be fenced (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) at the location of the protected zone or the limit of grading.

33. A five (5)-foot tall fence shall be placed at the northern boundary of the two (2) scrub oaks to be removed in order to protect the remaining scrub oak habitat.
34. The 22" of removed scrub oak trees (Nos. 1 and 2) shall be replaced at a rate of one-inch of new scrub oak tree to be planted per one-inch of scrub oak removed. This mitigation shall be completed on the subject property.
35. The applicant shall provide a current oak tree map to clearly illustrate which trees shall remain on the property and which trees are to be removed. Remaining oak trees shall be marked with an "X" and trees to be removed shall be marked with an "O".
36. The new oak tree map shall include the location of all protective fencing.
37. The oak trees shall be protected from construction and grading equipment including but not limited to wounding of trunks and roots, compaction of soil within the protected zone, and damage to foliage by engine exhaust.
38. No activity, such as depositing debris and trash, or parking of vehicles and equipment, or storage of building materials shall be allowed within the protected zones of the oak tree at any time.
39. Any pruning approved by the City prior to the commencement of work shall be executed only after the notification of the oak tree consultant and the City 48 hours prior to commencement.
40. Pruning not previously approved by the City shall not be performed until a written request for pruning has been submitted and approved by the City unless the branches are less than 2" in diameter and is deemed necessary by the applicant's arborist.
41. All pruning shall be performed to ISA standards.
42. Pruning wounds shall not be sealed. Approved pruning shall be performed by an ISA certified arborist under the supervision of the applicant's arborist.
43. All trenching within the protected zone of the oak tree shall be done using hand tools only and under the supervision of the applicant's Arborist.
44. If at any time the applicant's Arborist determines that a root must be preserved or saved, the contractor shall devise and build a footing to preserve the root.
45. All exposed roots shall be protected using Plywood or a heavy cloth and keeping the root moist by applying water once or more each day depending on the weather and time of year.
46. Dust caused by grading shall be hosed off.

47. All efforts to preserve the existing leaf litter within the protected zone of the tree shall be made.
48. 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).
49. Other measures determined necessary by the applicant's Arborist shall be promptly executed.

Building and Safety Division:

50. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
51. The project must comply with the building codes in effect at this time, which include the California Building, Plumbing, Mechanical, and Electrical codes as amended by Chapter 15.04 of the Municipal Code.
52. The project is located within a designated A Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the Calabasas Municipal Code that references the 2016 California Fire Code as well as the 2016 Consolidated Fire Protection District Code of Los Angeles County, must be incorporated into all plans.

Public Works Department

Street Improvements:

53. The applicant shall install a mailbox and posts per Postal Services requirements and standards. Secure approval of location from the U.S. Postal Service prior to installation.
54. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
55. The driveway improvements on Dry Canyon Cold Creek Road shall be in full compliance with the City's driveway and site access policy as set forth in the City Municipal Code, and also in a manner that will allow full conformance with American's with Disabilities Act.
56. The horizontal and vertical alignment for the project's access driveway shall satisfy requirements of the County of Los Angeles Fire Department and the City Engineer.
57. 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.

58. The applicant shall repair any broken or damaged curb, gutter, or pavement on Dry Canyon Cold Creek Road along the project frontage to the satisfaction of the City Engineer.

Grading and Geotechnical:

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

60. 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 to the satisfaction of the City of Calabasas Public Works Department standards and requirements.

61. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.

62. 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.

63. The applicant shall eliminate all geologic hazards associated with this proposed development, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.

64. All retaining and privacy walls shall be less than 6 feet in height and require Planning Department approval. The wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built during

rough grading shall be so noted on the plans and must have the approval of the Public Works Department.

65. 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.
66. 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).
67. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department, pursuant to construction permits issued for approved grading and improvement plans. Changed conditions that affect the Grading and Drainage Plans shall be submitted to the Public Works Department in the form of a Change Order, which shall be approved by the City Engineer prior to commencement of any grading activities that do not conform with the approved Grading and Drainage Plans.
68. 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.
69. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, subdrainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report and Grading and Drainage Plans. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted to the City Engineer.
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 and the Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
73. Any variations from the approved grading plan must be reviewed and approved in advance by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Engineer may issue a Stop Work Notice if the field conditions deviate from the approved plans and without obtaining prior approval from all the appropriate divisions.
74. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, to the City reflecting any changes to the approved plan prior to initiation of final inspection.
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) on the City's form. The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

Hydrology and Drainage:

76. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q_{25}). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the 100-year storm recurrence interval (Q_{100}) 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.
77. 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.

78. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal.

Utilities:

79. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum sewer lateral to connect the proposed project to the existing available sewer main.

80. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.

81. The project shall connect to an existing water main. The applicant shall construct a water service lateral to connect the proposed project to the existing available water main.

82. The applicant shall have a Sewer Area Study prepared by a Registered Civil Engineer licensed to practice in the State of California. The sewer study shall demonstrate to the satisfaction of the City Engineer that there is available capacity for the projects sewer flows to be added to the downstream sewer collection system.

83. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees (ie: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.

Environmental Division:

84. This project will disturb one acre or greater of land and therefore must obtain coverage under a statewide General Construction Activities Stormwater Permit (General Permit). Prior to issuance of a grading permit, the applicant must submit to the City:

- a) Proof of PRD filing confirmation with the State Water Resources Control Board under the new General Permit (Order No. 2009-0009-DWQ Permit);
- b) A statement of owner's certification that a State Stormwater Pollution Prevention Plan (SWPPP) has been prepared; and

- c) A copy of the SWPPP prepared for the project complying with all applicable requirements of the Order No. 2009-0009-DWQ.
85. The site shall be designed to control pollutants, pollutant loads, and runoff volume by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use in accordance with the requirements set forth in the MS4 Permit and the Los Angeles County LID Standards Manual. The project applicant shall prepare and submit a *Storm Water Mitigation Plan*, which shall implement a set LID standards and practices for storm water pollution mitigation, for review and approval. The Storm Water Mitigation Plan shall provide documentation to demonstrate compliance with the following:
- a. Retain storm water runoff onsite for the Storm water Quality Design Volume (SWQDV) defined as the runoff from:
 1. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map;
or
 2. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
 - b. Minimize hydromodification impacts to natural drainage systems as defined in the NPDES Permit.
86. The construction drawings must incorporate the following five requirements into the project design prior to the issuance of the grading permit:
- a) Conserve natural areas;
 - b) Protect slopes and channels;
 - c) Provide storm drain system stenciling and signage;
 - d) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - e) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
87. Storm water runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the city and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy:
- a) Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable.
 - b) Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.
 - c) Between October 1 and April 15, all excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto

the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site.

d) No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicle or equipment on the construction site is permitted to run off the construction site and enter the MS4.

e) Trash receptacles shall be situated at convenient locations on construction sites and shall be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site.

f) Erosion from slopes and channels must be controlled through the effective combination of best management practices.

88. As a condition for issuing a Certificate of Occupancy, the owner shall build all BMPs that are shown on the approved *Storm Water Mitigation Plan* and to submit an owner signed certification statement stating that the site and all LID BMPs will be maintained in compliance with the Storm Water Mitigation Plan, the manufacturer's manual and other applicable regulatory requirements. The certification shall include a fully executed and recorded "Maintenance Covenant for Parcels Subject to LID BMPs Requirements" to provide for on-going maintenance of the BMPs that have been chosen.

89. Landscape areas should utilize a concave design to capture irrigation runoff and first $\frac{3}{4}$ inch of a two year storm event for the landscape area only; additional capacity should be included if runoff from the roof and all hardscape areas is directed to landscaped areas.

90. Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be appropriately trained. This includes those personnel responsible for developing the SWPPP called Qualified SWPPP Developer (SQD) and those personnel responsible for installation, inspection, maintenance, and repair of BMPs called the Qualified SWPPP Practitioner (QSP). They shall provide a certificate of appropriate trainings. Training sessions are offered by government agencies or professional organizations.

91. McCoy Creek is one of the headwaters of Los Angeles River. The owner shall be responsible for meeting all EPA approved water quality measures pursuant to the California Water Quality Act including but not limited to Total Maximum Daily Loads (TMDL) applicable to McCoy Creek.

92. Areas of creek bank that have eroded need to be fully stabilized per the Army Corp of Engineer's standards and approval of the California Department of Fish and Wildlife. Creek banks need to be cleaned up, broken trees and barriers removed from the creek bed and bank per the CDFW's standards.

93. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to obtain final clearance of occupancy.
94. Provide a separate chute for trash and recyclable waste leading to each trash enclosure. The trash chutes must end-up in different bins.
95. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." The following companies and the only trash haulers authorized to operate in the City of Calabasas: American Reclamation (888- 999-9330), America's Bin (888-500-9007), Consolidated Disposal (800-299-4898), Interior Removal Specialists (323-357-6900), Recology (800-633-9933), Universal Waste Systems (800-631-7016), Waste Management (800-675-1171). An Encroachment Permit is required prior to placing a refuse bin/container on the street.
96. Grading shall be prohibited from **October 1st** through **April 15th**, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.
97. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

Traffic Division:

98. The applicant shall pay to the City a Traffic Mitigation Fee in the amount of \$1,230.00 (for a single-family residence).
99. The project shall adhere to the City's driveway policies in Section 17.28.080 of the CMC.
100. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.

Los Angeles County Fire Department

101. The applicant or property owner shall obtain all applicable permits and approvals from the Los Angeles County Fire Department. The applicant and/or property owner shall comply with all Fire Department conditions of approval, should any Fire Department approval require significant changes as determined by the Community Development Director, pursuant to the development code; then the project shall return to the Planning Commission for further approval.

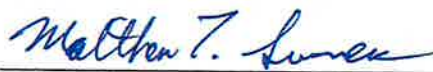
Section 5. All documents described in Section 1 of PC Resolution No. 2018-671 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2018-671 PASSED,
APPROVED AND ADOPTED this 6th day of September 2018.


Dennis Washburn, Chairperson

ATTEST: 
Maureen Tamuri AIA, AICP
Community Development Director.

APPROVED AS TO FORM:


Matt Summers,
Assistant City Attorney

Planning Commission Resolution No. 2018-671, was adopted by the Planning Commission at a regular meeting held September 6, 2018, and that it was adopted by the following vote:

AYES: Chair Washburn, Commissioners Kraut, Sikand, Fassberg and Mueller

NOES: None

ABSENT: Commissioner Roseman

ABSTAINED

None

"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."

