

P.C. RESOLUTION NO. 2022-740

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS APPROVING FILE NO(S). SPR-2021-015 AND SCP-2021-003. A REQUEST TO MODIFY AN APPROVED SITE PLAN REVIEW AND SCENIC CORRIDOR PERMIT TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE, DETACHED CABANA, POOL, SPA, HARDSCAPE, AND LANDSCAPE, ON A PROPERTY LOCATED AT 24101 DRY CANYON COLD CREEK ROAD (APN 4455-006-035) WITHIN THE RURAL RESIDENTIAL (RR) ZONE AND THE SCENIC CORRIDOR (SC) OVERLAY ZONE. THE PROPOSED MODIFICATIONS INCLUDE A REVISION TO THE FAÇADE AND ROOF DESIGN (ARCHITECTURAL STYLE), MINOR RECONFIGURATION OF INTERIOR SPACES, MINOR RECONFIGURATION OF THE POOL/SPA AREA AND RELATED AMENITIES, AND A REVISION TO SITE FENCING LOCATION AND HEIGHT.

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

1. Agenda reports prepared by the Community Development Department.
2. Staff presentation at the public hearing held on April 21, 2022 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

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

1. On September 6, 2018, the Planning Commission adopted Planning Commission Resolution No. 2018-671 approving a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance for the construction of a new approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements.
2. On September 2, 2021, the applicant submitted applications for SPR-2021-015 and SCP-2021-003 to modify the approved Site Plan Review and Scenic Corridor Permit.
3. On October 1, 2021, staff determined that the application was incomplete, and the applicant was duly notified of this incomplete status.
4. The project was reviewed by the Architectural Review Panel (ARP) on November 19, 2021, and the ARP recommended approval of the design with additional design recommendations.
5. On April 7, 2022, the applications were deemed complete by staff.
6. Notice of the April 21, 2022 Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Hills/Calabasas Community Center, and at Calabasas City Hall.
7. Notice of the April 21, 2022 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
8. Notice of the April 21, 2022 Planning Commission public hearing was mailed or delivered to the project applicant at least ten (10) days prior to the hearing.
9. Notice of the April 21, 2022 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
10. A public hearing was held at the April 21, 2022 Planning Commission meeting.

11. The project site is currently zoned Rural Residential (RR).
12. The land use designation for the project site under the City's adopted General Plan is Rural Residential (RR).
13. Properties surrounding the project site are zoned Residential Single-family (RS), Hillside Mountainous (HM), Open Space (OS), and Open Space-Development Restricted (OS-DR), and have General Plan land use designations of Open Space-Resource Protected (OS-RP), Residential-Single Family (R-SF), and Hillside Mountainous (HM).

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

FINDINGS

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

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

The applicant is proposing revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline).

Now, the applicant is proposing revisions to the architectural design of the residence (which includes façade and roof revisions), and minor reconfiguration to interior spaces, the pool/spa area and related amenities, and minor revisions to the site fencing. Except for the minor reconfiguration of the pool/spa area and related amenities, the minor adjustment to the cabana footprint, and adjustments to the fence location and height, the proposed modifications do not affect the size or general location of the approved project. The proposed project revisions

will affect the height of both the residence and the site fencing; however, the heights of both those project components will be lower than the approved height. Therefore, the modified project remains compliant with all of the applicable development standards in the RR zoning district, including but not limited to height, setbacks, pervious surface, and site coverage (see the Technical Appendix within the Planning Commission Agenda Report). Therefore, the proposed project meets this finding.

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

The applicant is proposing revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). New single-family residences and related amenities are an allowed use within the Rural Residential (RR) Zoning District. Additionally, the project site is located within a designated Scenic Corridor, and the approved project incorporated design features compliant with the Scenic Corridor Development Guidelines such as appropriate building massing, articulation, use of varying rooflines, use of earth-toned materials, a medium to dark colored roof, and site landscaping to help protect the aesthetic qualities of the Scenic Corridor.

The applicant is now proposing revisions to the architectural design of the residence (which includes modification of the façade and rooflines), and minor reconfiguration of interior spaces, the pool/spa area and related amenities, and minor revisions to the site fencing. The proposed revisions do not change the approved General Plan-compliant residential use. Additionally, the architectural design modifications retain Scenic Corridor Development Guideline compliant features such as the use of appropriate building massing and articulation, varying rooflines, earth toned colors, and landscaping so that the project remains compliant with the General Plan's objective of protecting and enhancing public views from scenic corridors. No specific plan is

applicable to this property. Therefore, the proposed project is in compliance with the general plan and meets this finding.

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

The project is exempt from environmental review in accordance with Section 15061 (b)(3)(General Rule Exemption), 15301 (Existing Facilities), Section 15303 (New Construction), and 15304 (In-Fill Development Projects) and of the CEQA Guidelines.

The proposed project includes revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). The approved project was found to be categorically exempt from CEQA.

The subject applications are exempt from CEQA because the revisions are generally consistent with the approved development, and effect only the design of the residence, and minor revisions/reconfigurations to interior spaces, the pool/spa area and related amenities, and site fencing. Therefore, the proposed project is exempt from review under the California Environmental Quality Act, and 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 applicant is proposing revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and

related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). The previous approvals for the single-family residence and related amenities were found consistent with this finding because it falls within the range of floor area ratios (FAR) and height of other homes within the vicinity, and is consistent with all applicable Development Code requirements such as site coverage and pervious surfaces. Additionally, the previous approval found that the “Modern Farmhouse” design fit in with the eclectic design pattern in the area.

The proposed revisions to the project do not alter the overall size of the residence, expand the development footprint, or significantly reconfigure development on-site. The revisions involve only a change in the architectural style of the residence from a “Modern Farmhouse” design to a more “Modern” design, which includes a change to the roof design (from a pitched roof to a “tiered” flat roof), and changes to the building’s skin color and materials; specifically, the revisions include the use of a cedar wood-themed fiber cement siding in lieu of reclaimed barnwood, and Eldorado Stone “European Ledge Cottonwood” in lieu of Eldorado Stone “Ridgetop 18” in Whisper White. While the proposed revisions offer a different aesthetic to the residence, the project continues to include material, color and texture variations that provide visual interest to the residence while providing a lower profile home. Furthermore, the revised project not only maintains the approved landscaping which helps blend the development with its surroundings, but offers additional landscaping to better screen the approved retaining wall along Dry Canyon Cold Creek Road.

In terms of compatibility with the surrounding development, the subject parcel is somewhat visually isolated from neighboring development. However, the architectural styles of surrounding development are very eclectic in nature, and to this end, the proposed new style of the home continues to be compatible with the range of styles. For all of these reasons, the proposed project is compatible in design, appearance, and scale with the existing uses in the surrounding area and meets this finding.

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

The applicant is proposing revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements on an 8.33 acre lot located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). The previous approvals for the single-family residence and related amenities were found consistent with this finding because the development will be situated on a large existing graded and certified building pad, has a low Floor Area Ratio (0.05), and is consistent with all applicable Development Code requirements that encourage development to proportionally “fit” the lot such as setbacks, site coverage and pervious surfaces. In this case, the proposed revisions do not change the Floor Area Ratio, site coverage or pervious surface of the development, and therefore, the project continues to meet this finding.

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

The applicant is proposing revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). The previous approvals for the single-family residence and related amenities were found consistent with this finding because development was proposed on an existing graded and certified building pad, the “Modern Farmhouse” style with its proposed colors and materials blend well with the surrounding natural environment, and the proposed landscape incorporates natural plant materials.

The proposed revisions involve mostly architectural changes to the approved design. A project’s design, including massing, rooflines, color

and materials, and landscaping are all design techniques that help development blend in with its surroundings. The proposed design revisions offer a lower profile residence compared to the approved design which will help to integrate the residence with its surroundings. Although stylistically different, the proposed new building colors and materials continue to provide earth-toned colors and rustication that blend the residence with the surrounding natural environment. Finally, the proposed landscape plan augments the approved landscape plan to provide more screening material for the retaining wall that runs along Dry Canyon Cold Creek Road to better screen and integrate the development with the surrounding natural environment. Therefore, the proposed project meets this finding.

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

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

The applicant is proposing revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). The previous approvals for the single-family residence and related amenities were found consistent with this finding because the residence incorporates design elements that are consistent with the Scenic Corridor Development Guidelines such as the use of earth-toned colors and materials compatible with the surrounding natural environment, use of landscape features to screen the development from Mulholland Highway, a designated scenic roadway, and use of massing techniques such as varying rooflines to help protect the scenic qualities of the corridor.

The proposed revisions to the design are also consistent with the Scenic Corridor Development Guidelines. Proposed changes include a change in architectural style of the residence from a "Modern Farmhouse"

design to a more “Modern” design, which includes a change to the roof design (from a pitched roof to a “tiered” flat roof), and changes to the building’s skin color and materials; specifically, the revisions include the use of a cedar wood-themed fiber cement siding in lieu of reclaimed barnwood, and Eldorado Stone “European Ledge Cottonwood” in lieu of Eldorado Stone “Ridgetop 18” in Whisper White. While the proposed revisions offer a different aesthetic to the residence, they continue to include material, color and texture variations that provide visual interest to the residence while providing a lower profile home. Additionally, the revised project not only maintains the approved landscaping which helps blend the development with its surroundings, but offers additional landscaping to better screen the approved retaining wall along Dry Canyon Cold Creek Road. Furthermore, the City’s Architectural Review Panel (ARP) has reviewed the proposed design revisions for design consistency and compliance with the Scenic Corridor Development Guidelines, and recommended approval of the project design, with a few additional recommendations that have already been incorporated into the final project design. As a result, the proposed project is in conformance with the Scenic Corridor Development Guidelines, and the project design meets the above finding.

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

The project includes revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). The previous approvals for the single-family residence and related amenities were found consistent with this finding because the residence incorporates design elements that ensure compatibility with the Scenic Corridor such as the use of earth-toned colors and materials compatible with the surrounding natural environment, use of landscape features to screen the development from Mulholland Highway, a designated scenic roadway, and use of massing techniques such as varying rooflines to help protect the scenic qualities of the corridor.

The proposed revisions to the project do not alter the overall size of the residence, expand the development footprint, or significantly reconfigure development on-site. The revisions involve only a change in the architectural style of the residence from a “Modern Farmhouse” design to a more “Modern” design, which includes a change to the roof design (from a pitched roof to a “tiered” flat roof), and changes to the building’s skin color and materials; specifically, the revisions include the use of a cedar wood-themed fiber cement siding in lieu of reclaimed barnwood, and Eldorado Stone “European Ledge Cottonwood” in lieu of Eldorado Stone “Ridgetop 18” in Whisper White. While the proposed revisions offer a different aesthetic to the residence, they continue to include material, color and texture variations that provide visual interest to the residence while providing a lower profile home. Furthermore, the revised project not only maintains the approved landscaping which helps blend the development with its surroundings, but offers additional landscaping to better screen the approved retaining wall along Dry Canyon Cold Creek Road. Therefore, because the project revisions utilize the above-mentioned design techniques, the project meets this finding.

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

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

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

The applicant is proposing revisions to previous approvals to construct a new two story approximately 8,447 s.f. single-family residence with a 578 s.f. detached cabana, pool, spa, hardscape and landscape improvements located at 24101 Dry Canyon Cold Creek Road (APN: 4455-006-035) within the Rural Residential (RR) Zoning District and Scenic Corridor (SC) Overlay Zone. The new single-family residence and related amenities were previously approved via Planning Commission

Resolution No. 2018-671, and included applications for a Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance (for development within the required 50-foot setback from a designated ridgeline). The previous approvals for the single-family residence and related amenities were found consistent with this finding because the residence falls within the range of floor area ratios (FAR) and height of other homes within the vicinity, and is consistent with all applicable Development Code requirements such as site coverage and pervious surfaces. Additionally, the previous approvals found that the “Modern Farmhouse” design fit in with the eclectic design pattern in the area.

The proposed revisions to the project do not alter the overall size of the residence, expand the development footprint, or significantly reconfigure development on-site. The revisions involve only a change in the architectural style of the residence from a “Modern Farmhouse” design to a more “Modern” design, which includes a change to the roof design (from a pitched roof to a “tiered” flat roof), and changes to the building’s skin color and materials; specifically, the revisions include the use of a cedar wood-themed fiber cement siding in lieu of reclaimed barnwood, and Eldorado Stone “European Ledge Cottonwood” in lieu of Eldorado Stone “Ridgetop 18” in Whisper White. While the proposed revisions offer a different aesthetic to the residence, the project continues to include material, color and texture variations that continue to provide visual interest to the residence while providing a lower profile home. Furthermore, the revised project not only maintains the approved landscaping which helps blend the development with its surroundings, but offers additional landscaping to better screen the approved retaining wall along Dry Canyon Cold Creek Road.

In terms of compatibility with the surrounding development, the subject parcel is somewhat visually isolated from neighboring development. However, the architectural styles of surrounding development are very eclectic in nature, and to this end, the proposed new style of the home continues to be compatible with the range of styles. For all of these reasons, the proposed project is compatible in design, appearance, and scale with the existing uses in the surrounding area and meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No(s). SPR-2021-015 and SCP-2021-003 subject to the following agreements and conditions:

I. INDEMNIFICATION AGREEMENT

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of File No(s). SPR-2021-015 and SCP-2021-003, including the City's adoption of the Project, including the requested Site Plan Review, Scenic Corridor, or any other requested permits, or any other activities conducted pursuant to this File No(s). SPR-2021-015 and SCP-2021-003. Accordingly, to the fullest extent permitted by law, Maneeja Noory, Laila Tajyar, and D3C, LLC (owners), their representative(s), or their successors shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of File No(s). SPR-2021-015 and SCP-2021-003 or the activities conducted pursuant to this File No(s). SPR-2021-015 and SCP-2021-003. Maneeja Noory, Laila Tajyar, and D3C, LLC (owners), their representative(s), or their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

II. CONDITIONS OF APPROVAL

Community Development

Planning Division:

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. 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.

3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff 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.
4. 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.
5. 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.
6. 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 an affidavit of acceptance of 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.
7. 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.
8. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
9. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.20 of the Land Use and Development Code.

10. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
11. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
12. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the CMC shall be incorporated into all plans.
13. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan to the Community Development Director for review and approval. The landscape plan shall list plant species selected, container sizes and demonstrate plant layout and spacing, and proposed irrigation. The landscape plan shall conform with the requirements of Chapter 17.26 of the Calabasas Municipal Code, including using only native and/or drought tolerant non-invasive plant species, and water efficient irrigation. The Community Development Director is empowered to approve the final landscaping plan with adjustments as reasonably consistent with the Calabasas Municipal Code, with a preference for California Native Plants.
14. 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.
15. Construction Activities - Hours of construction activity shall be limited to:
 - i. 7:00 a.m. to 5:00 p.m., Monday through Friday
 - ii. 8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. No vehicles involved in construction of this project shall block the roadway at any time. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.

16. All conditions of approval and mitigation measures contained in Planning Commission Resolution No. 2018-671 approving File No. 180000012, the project approval, shall remain valid and in full effect.

Public Works Department/General Conditions

17. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
18. Prior to issuance of a Certificate of Occupancy, the owner shall enter into a maintenance agreement with the City for any and all improvements placed within the public right-of-way including, but not limited to the driveway entrance, including the box culvert, the graded slope within the public right-of-way, the retaining wall at cattle crossing, and the right-of-way landscape and irrigation improvements, all as depicted on the approved grading and site improvement plans for the project. A condition of the maintenance agreement shall include provisions for the owner to maintain any and all right-of-way landscaping in a good condition, and agreement to replace any failed landscaping promptly.

Public Works Department/Environmental Services Division

19. 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 storm drains and 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 ordinances and State laws. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapters 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.
20. 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.
21. 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 (1-888-999-9330), Consolidated Disposal Service (1-800-299-4898), Recology (1-800-633-9933), Universal Waste Systems (1-800-631-7016), Waste Management/G.I. Industries (1-800-675-1171). An Encroachment Permit from the City Public Works Department is required prior to placing a refuse bin/container on any public street.

Los Angeles County Fire Department

- 22. Obtain any applicable permits and approvals from the Los Angeles County Fire Department.

Section 5. All documents described in Section 1 of PC Resolution No. 2022-740 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2022-740 PASSED, APPROVED AND ADOPTED this 21ST day of April, 2022.

Wendy Fassberg
Chairperson

ATTEST:

Michael Klein
Community Development Director

APPROVED AS TO FORM:

Matt Summers
City Attorney

Planning Commission Resolution No. 2022-740, was adopted by the Planning Commission at a regular meeting held April 21, 2022, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”