

Draft Conditions of Approval & Indemnification Agreement

(To be applied if project is approved)

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 Nos. ZCL-2023-059 and OTP-2023-008 or the activities conducted pursuant to this File Nos. ZCL-2023-059 and OTP-2023-008. Accordingly, to the fullest extent permitted by law, the applicant and property owner, and their successor and assigns, 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 Nos. ZCL-2023-059 and OTP-2023-008, or the activities conducted pursuant to File ZCL-2023-059 and OTP-2023-008. The applicant and property 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/Building and Safety

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. 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.

14. 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 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.

Specific Oak Tree Conditions of Approval

15. The Applicant shall adhere to the recommendations contained within the Oak Tree Report prepared by Richard Campbell, ASLA, dated June 9, 2023.

16. The Applicant shall adhere to the recommendations contained within the Oak Tree Report prepared by Noah Stamm, the City's consulting arborist, dated June 26, 2023, and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.

17. All work performed within the Protected Zone of the Oak Tree shall be performed within the presence of a qualified Tree Preservation Specialist (Project Arborist).

18. All work, including digging of vertical trenches for walls, footings, or fence posts, shall be performed with the use of hand tools only.

19. No chemicals or herbicides shall be applied within 100 feet of an Oak Tree's aerial/root zone.

20. All footings for wall construction (as applicable) shall be designed to provide minimal or no impact to the Tree; and "L" type footings shall be projected in an outward direction, away from the Tree and shall be backfilled with topsoil.

21. In this case, because of Site Conditions and the proposed refurbishment landscape, it is recommended that the chain link oak tree protection fencing be waived in favor of ±4' high orange plastic construction fencing, as directed by the Tree Preservation Specialist (Project Arborist).
22. No spray irrigation shall come in contact with the Oak Tree trunk. It is also recommended that any above-ground irrigation spray system(s), within the dripline of the oak tree, be retrofitted using a sub-surface "dripline" type irrigation format. A three-inch-deep oak wood chip mulch is recommended for a landscape clearance from the trunk of the Oak Tree of ten feet (10').
23. Any approved pruning of any branches required for construction and clearance, shall be as directed by the Tree Preservation Specialist (Project Arborist), and performed by a qualified Tree Trimmer. No pruning of the Oak Tree is proposed at this time.
24. Removal of deadwood, clean-cutting of branch stubs and broken branch scars, and the cleaning and screening of water traps and trunk/branch cavities shall be as directed by the Tree Preservation Specialist (Project Arborist).
25. Careful removal of "fill" and debris from the base of the Oak Tree trunks and branching, shall be as directed by the Tree Preservation Specialist (Project Arborist).
26. Protection of all wildlife nests and habitat prior to, during, and after construction activities, shall be as directed by the Tree Preservation Specialist (Project Arborist).
27. Protection of "duff" areas, so as to allow Oak Tree seedlings to germinate and grow, shall be as directed by the Tree Preservation Specialist (Project Arborist).
28. It is recommended that pervious pavers and other pervious material be installed for the newly proposed construction elements to allow for the necessary sub-surface gaseous exchange as directed by the Tree Preservation Specialist (Project Arborist).
29. Although feeder roots may be encountered in the dripline area of the Oak Tree during the hand-digging of the proposed landscape refurbishment improvements and any construction activity area, it is unlikely that a significant root(s) will be encountered. However, should any root(s) of significant size be encountered, a site determination shall be made as to whether or not to cleanly sever, or bridge-over the roots, or adjust the locations of the adjacent proposed landscape improvement and construction activity areas, so as to allow for the protection of the Oak Tree. The site determination and subsequent direction shall be made by the Tree Preservation Specialist (Project Arborist).

30. Within ten (10) days of the completion of work, the Applicant's Oak Tree Consultant shall submit written certification to the Planning Division. The certification shall describe all work performed and shall certify that such work was performed in accordance with the permit conditions. If any work was performed in a manner not in conformance with these conditions of approval, then the Applicant's Oak Tree Consultant shall identify the instance(s) of a deviation to any of these conditions.

Public Works Department/Environmental Services Division

31. 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.
32. 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.
33. 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

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