

## 3462 Lilac Trail - Draft Conditions (November 2, 2023)

### **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. 2020 - SPR - 002 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 2020 - SPR - 002 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Mr. Geoffrey Sheldon (applicant) and Grand Eagle, Inc. (owner), and applicable successors 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. 2020 - SPR - 002 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 2020 - SPR - 002 and the issuance of any permit or entitlement in connection therewith; and, Mr. Geoffrey Sheldon (applicant) and Grand Eagle, Inc. (owner) and 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.

### **PLANNING DIVISION CONDITIONS**

1. 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.
2. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
3. All project conditions shall be imprinted on the title sheet of the construction drawings. One copy of 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. 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.
5. Prior to issuance of grading or building permits, construction 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 applicable City Resolutions and Ordinances.

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. 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 landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of Community Development or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.
9. 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.
10. 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.
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. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
13. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.
14. The project is located within a designated "Very High Fire Hazard Severity Zone". The requirements of Chapter 15.04.900 of the Calabasas Municipal Code must be incorporated into all plans.
15. 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.

16. Construction Activities:

- A. - Hours of construction activity shall be limited to:
  - i. 7:00 a.m. to 6:00 p.m., Monday through Friday
  - ii. 8:00 a.m. to 5:00 p.m., Saturday
- B. Construction related vehicles and machinery. Stacking of construction related vehicles and machinery prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. Prior to commencement of construction the applicant (or successors) shall obtain from the Director of Public Works approvals for construction worker parking locations. Any modifications of any approved stacking, staging, or parking plan shall first be reviewed and approved by the Director of Public Works.

**PUBLIC WORKS AND ENVIRONMENTAL SERVICES CONDITIONS**

- 1. The applicant must complete and submit a Local Storm Water Pollution Prevention Plan (L-SWPPP) prior to issuance of the grading permit. The SWPPP must be certified by a civil engineer licensed with the State of California. Guidance to prepare a Local SWPPP is available on city's website at:  
  
<http://www.cityofcalabasas.com/pdf/documents/environmental-services/SWPPP.pdf>  
Please submit a detailed site plan showing the extent of grading, proposed structures, the location of all applicable BMPs and the corresponding SWPPP fact sheet.
- 2. The owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction sites:
  - a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  - b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  - c) Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
  - d) Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
- 3. 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 get final clearance of occupancy.

4. 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.” Only specified service providers are licensed and permitted to operate in the City of Calabasas. Please contact 818-224-1600, or the City website (<http://www.cityofcalabasas.com/services.html#trash>), for the current list of approved roll-off or temporary container service providers. An Encroachment Permit is required prior to placing a refuse bin/container on the street (public or private).
5. Grading shall be prohibited from **October 1<sup>st</sup>** through **April 15<sup>th</sup>**, 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.
6. 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.

#### **STREET IMPROVEMENTS:**

7. 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.
8. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
9. Per the approved plans, the applicant shall perform offsite roadway improvements of Lilac Trail and Aster Trail along the project site frontage and extending to existing hard-surfaced streets in the immediate proximity. Such improvements shall be constructed in accordance with the County of Los Angeles Fire Department requirements. These improvements shall be designed, engineered, and constructed to the satisfaction of the County of Los Angeles Fire Department and the City Engineer. Construction plans and specifications to be reviewed and approved by County of Los Angeles Fire Department and the City Engineer prior to the Issuance of a Grading Permit.
10. Off-site improvements to the Lilac Trail and Aster Trail rights-of-way (ROW), are subject to review and approval by the City Engineer and Public Works Director; acceptance by the City of said ROW improvements also is subject to approval by the City Engineer and Public

Works Director. Full-size Street Improvement Plan, AutoCAD border, and title sheets for which are available on the City's website at:

<http://www.cityofcalabasas.com/departments/engineering.html>

11. Prior to the Issuance of a Grading Permit, the applicant shall provide a horizontal and vertical alignment for the project's access driveway, to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
12. 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.

#### **GRADING AND GEOTECHNICAL:**

13. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the City Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design the proposed residential construction. The plans should include, but not limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reference the approved geotechnical report, and reflect cut, fill, compaction, over-excavation requirements contained therein. The plan should include all laterals and utility lines including sewers and water lines.
14. The applicant shall submit a Final Geotechnical Report prepared by a Geotechnical Engineer/Engineering Geologist. The 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 report should be in accordance with the County of Los Angeles standards and the City of Calabasas Public Works department standards and requirements.
15. The applicant shall eliminate any and all geologic hazards associated with this proposed development as identified in the Final Geotechnical Report, approved by the City's geotechnical consultant and to the satisfaction of the City Engineer.
16. Feasibility Soils report (see Preparation of Geologic and Geotechnical Report Manual available at:

<http://www.cityofcalabasas.com/pdf/documents/engineering/manual-geo-reports.pdf>

17. Provide details including, and labels indicating: retaining wall heights, including top of wall elevations, finished grade or finished surface elevations, and - where applicable - existing grade elevations. Retaining wall heights shall not exceed 6' maximum height.
18. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto Public Streets shall be enforced. The grading contractor shall maintain on site at all times a means of preventing blowing dust within the project site and onto adjacent sites. Prior to start of hauling operations, the applicant shall obtain a Haul Route permit from the Public Works Department.
19. 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.
20. Full size Conceptual Grading and Drainage Plans shall be provided to the Department of Public Works -- AutoCAD border and title sheets for which are available on the City's website at: <http://www.cityofcalabasas.com/departments/engineering.html>. At a minimum, plans to include the following:
  - a. Property lines and easements;
  - b. Right-of-Way lines – existing and proposed;
  - c. Drainage facilities. The project must adhere to the requirements outlined in Section 15.11.020 of the Municipal Code. All runoff that leaves the improved site shall be controlled so that there is no increase in the maximum rate of flow and velocity prior to its improvement and no new runoff shall be allowed onto adjacent lot(s).
  - d. Show all sub-drains, labeled with inlet or top of grate elevation, and invert elevations. Show all on-site drainage facilities and pipes. For all pipes, label slope as  $s=0.XXXX$  along each significant length of pipe. Provide invert elevation labels at all pipe junctions. Provide adequate contaminant filtration of on-site water per NPDES guidelines.
  - e. Provide surface drainage slopes and drainage paths around all structures. Ensure 5% min. from structure along pervious surfaces and 2% min. from structure along impervious surfaces per CBC 1803.3 (within 10' of the structure).
  - f. The total preliminary earthwork quantities for the cut and fill grading operations.
21. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.
22. 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.
23. All grading and excavation shall be observed and documented by the project Geotechnical Engineer, who shall verify that the excavation, grading, sub-drainage, backfill, compaction, and related operations are executed by the site construction personnel in conformance with the provisions of the approved Geotechnical Report. Any deficiencies noted shall be

brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted to the City Engineer.

24. The project grading plans shall be reflective of the excavations necessary to achieve the design grades for adjacent retaining walls, slopes and property lines. Provide sections as necessary to clarify the depth and grade relationships of these excavations.
25. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
26. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers will be required and shall be incorporated into the design as the need arises during plan review.
27. 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.
28. A temporary excavation plan shall be prepared to illustrate the removal of the on-site fills and unsuitable soils. Shoring or other provisions shall be included with these plans for any and all excavations and areas to be shored. The shoring plans shall be submitted to Building and Safety Division and approved prior to issuance of a Grading Permit.
29. All retaining and privacy walls shall be in conformance with the City's wall requirements pursuant to CMC Section 17.20.100. Any variations require Planning Division approval. A detailed design of project retaining walls shall be provided on the project Grading Plan(s) and associated structural drawings. Grading Plan(s) shall clarify locations and limits of retaining walls to be constructed in conjunction with rough grading. Any walls requiring construction during rough grading shall be submitted to Building and Safety Division for review and approval and are subject to the specific approval by the City Engineer. Building and Safety approval shall be obtained prior to issuance of a grading permit.
30. Surety Grading Improvement Bond. 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 Engineer upon submittal of the engineering cost estimate of grading and installation of the drainage device.
31. Prior to Issuance of a Grading Permit, the applicant shall submit to the City Engineer official stamped and signed copies of the acknowledgement concerning the employment of a registered civil engineer and technical consultants (Public Works Form K).
32. 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.

33. 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.
34. Approval of Rough Grading. The project Rough Grade Report, Rough Grade Certification and Building Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community Development Department, Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
35. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Planner shall make the determination if the changes require a review by the Planning Commission. If the field conditions deviate from the approved plans without obtaining prior approval of a change order, the City Engineer may issue a Stop Work Notice.
36. 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.
37. Prior to Issuance of a Certificate of Occupancy, the applicant shall submit the Final Grade Inspection Verification Form certified by the project Civil Engineer, Geologist/Geotechnical Engineer, and Landscape Architect or property owner. Additional reports maybe requested prior to release of Occupancy. The Final Grade Inspection Verification Form shall be reviewed and approved by the City Engineer prior to Issuance of a Certificate of Occupancy for the project.

#### **HYDROLOGY AND DRAINAGE:**

38. The applicant shall have a final drainage study prepared by a Registered Civil Engineer licensed to practice in the State of California. The drainage study shall be prepared in City standard report format and include sections addressing on-site and off-site drainage areas, existing and developed conditions hydrology, the design hydraulics for the on-site drainage system, including sizing of inlets, conduits, v-ditches, down drains and other structures, and associated calculations and conclusions. The drainage study shall demonstrate project



compliance with the current Los Angeles County Public Work Department's Hydrology Manual and Hydraulic Design Manual; however the minimum design flow for sizing onsite drainage devices shall be 25 year recurrence (Q25). The drainage study shall also document that all building finish floor elevations will remain at least one foot above the 100-year storm recurrence interval (Q100) water surface elevation, identifying overflow pathways. The drainage study shall be submitted to the Public Works Department and approved by the City Engineer prior the issuance of a grading permit.

39. Hydrology Study shall use and reference the Calabasas Highlands Master Plan Drainage Report, available on the City website at:

<http://www.cityofcalabasas.com/pdf/documents/engineering/Highlands-Master-Plan-Drainage.pdf>

40. The Final Drainage Study shall evaluate the effects of increased runoff due to the project's developed drainage condition on downstream properties, and provide recommendations for mitigating such effects with the design of on-site facilities.
41. The Final Drainage Study shall provide calculations for the dissipation of concentrated drainage at the project drainage outlets adjacent to Summit Drive. Calculations shall reflect adequate dispersal and velocity reduction to the satisfaction of the City Engineer, and associated details shall be reflected on the Precise Grading and Drainage Plan(s).
42. A storm drain and a catch basin were constructed by the City in 2008. A copy of the plans 2008-CLL-0792 is available at the City Department of Public Works.
43. All drainage devices, pipes, and structures in the approved grading plan shall be the sole responsibility of the applicant to construct and the applicant shall maintain those devices, pipes and structures located on their property.
44. The applicant shall provide for the proper distribution of surface and subsurface drainage. Historic drainage patterns shall be maintained. Any drainage that is concentrated shall be properly dispersed in accordance with the hydrology/drainage study required herein.
45. 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. The Applicant shall design the final improvements such that no increase in runoff from the developed site shall occur.
46. 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.

47. Hydrology and drainage calculations contained in the Final Drainage Study shall utilize tributary drainage flows and tributary areas as delineated in the latest version of the Calabasas Highlands Master Plan of Drainage.

**UTILITIES:**

48. Show location of all existing utilities (water, sewer, storm drain, electrical, etc.), fire hydrants, street lighting, etc.
49. Provide location of sewer and water connections. A copy of the sewer plan for PC 97-4 is available at the City.
50. 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. Water service connections, meter location(s), and main extensions or relocations shall be designed and implemented in accordance with the requirements and specifications of the Las Virgenes Municipal Water District (LVMWD); copies of water system improvement plans as approved by the LVMWD shall be provided to the City Engineer.
51. Water service connection, associated meter fees and any other miscellaneous fees/assessments shall be paid to Las Virgenes Municipal Water District. The applicant shall submit proof of payment of such fees (i.e.: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.
52. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum lateral connecting the proposed single-family residence and the proposed attached Accessory Dwelling Unit (ADU) to the existing sewer main, subject to review and approval by the City Engineer.
53. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD) prior to Issuance of a Building Permit. The applicant shall submit proof of payment of such fees to Public Works prior to the issuance of a Building Permit.

**PUBLIC WORKS SPECIAL CONDITIONS:**

54. Applicant shall comply with all state requirements for construction within a special studies zone. A geology report must be submitted and approved by the City Engineer. Copies of the report must be sent to the state geologist by the applicant prior to final Certificate of Occupancy.
55. In accordance with City Municipal Code, only three Major Construction Projects (MCPs) are allowed to be active concurrently in the Calabasas Highlands. Therefore, no Building and Safety or Public Works construction permits may be obtained until the MCP is issued for

the project in Calabasas Highlands Overlay Zone (review requirements set forth in the Ordinance No.2010-267).

56. Due to the extraordinarily narrow streets in the vicinity, construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.