

**PLANNING COMMISSION RESOLUTION NO. 2024-788**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS APPROVING FILE NO(S). SPR-2023-016 AND OTP-2024-004, A REQUEST FOR A SITE PLAN REVIEW AND OAK TREE PERMIT TO CONSTRUCT A NEW TWO STORY (THREE LEVEL) 2,268 SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH ATTACHED 2-CAR GARAGE, MAXIMUM 6-FOOT-HIGH RETAINING WALLS, HARDSCAPE AND LANDSCAPE ON A VACANT LOT LOCATED AT 23616 VALLEY VIEW ROAD (APN: 2072-014-005) WITHIN THE RURAL COMMUNITY (RC) ZONING DISTRICT AND CALABASAS HIGHLANDS (-CH) OVERLAY ZONE. THE PROPOSED PROJECT INCLUDES REMOVAL OF ONE ON-SITE NON-HERITAGE COAST LIVE OAK TREE, AND ENCROACHMENT INTO THE PROTECTED ZONE OF THREE OFF-SITE COAST LIVE OAK TREES.**

**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 and the City Attorney.
2. Staff presentation at the public hearing held on April 18, 2024, 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 December 14, 2023 an application was submitted on behalf of the property owner for File No. SPR-2023-016.
2. The project was reviewed by the Development Review Committee (DRC) on December 29, 2023; Staff determined that the application and plans were incomplete on January 11, 2024, and the applicant was duly notified of this incomplete status.
3. Plans were revised and resubmitted by the applicant on January 11, 2024, February 26, 2024, March 19, 2024 and April 3, 2024.
4. Following subsequent reviews by Staff, it was determined that an Oak Tree Permit was required for the removal of one on-site non-heritage oak tree, and encroachment into the protected zone of three off-site oak trees. The applicant submitted a request for Oak Tree Permit No. OTP-2024-004 on April 3, 2024.
5. The project was reviewed by the City's Architectural Review Panel (ARP) on January 26, 2024.
6. Following the subsequent resubmittal of revised plans on April 3, 2024, the applications for File No(s). SPR-2023-016 and OTP-2024-004 were deemed complete by Staff on April 3, 2024.
7. On February 3<sup>rd</sup>, 2024, more than four weeks ahead of the public hearing, story poles were installed on the subject site in compliance with the City's Story Pole Procedures, and certified by the licensed land surveyor that installed them.
8. Notice of the April 18, 2024 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, and at Calabasas City Hall.
9. Notice of the April 18, 2024 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll, and posted on the project site.

10. Notice of the April 18, 2024 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
11. Notice of the April 18, 2024 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
12. A public hearing was held at the April 18, 2024 Planning Commission meeting, during which public testimony was taken.
13. At the April 18, 2024 meeting, the Commissioners recommended that staff prepare a resolution of approval for File No. SPR-2023-016 and OTP-2024-004, to be brought back to the Commission for adoption at the next regularly scheduled Planning Commission meeting.
14. The project site is zoned Rural Community (RC), and is within the Calabasas Highlands (-CH) overlay zone.
15. The land use designation for the project site under the City's adopted General Plan is Rural Community (RC).
16. Properties surrounding the project site are zoned RC-CH, and have General Plan land use designations of Rural Community (RC).

**Section 3. In view of all of the evidence and based on the foregoing findings, the Planning Commission finds as follows:**

**FINDINGS**

Section 17.62.020 of the Calabasas Municipal Code (CMC) allows the Planning Commission 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 subject site is a vacant 5,040 square-foot parcel, located in the Rural Community (RC) zoning district, and Calabasas Highlands (-CH) overlay zone. The proposed new single-family residence is an allowed use in the RC zoning district. Additionally, as presented in the Technical Appendix of the April 18, 2024 staff report to the Planning Commission (which is

hereby incorporated by reference), the site design and building design conform with applicable development code standards including height, setbacks, pervious surface, retaining wall heights, landscaping, downhill building walls, and hillside development. Also, with the proposed quitclaim of existing easements on the property, the project will also conform with site coverage and Floor Area Ratio (FAR) requirements. Furthermore, the project as reviewed by the City's Development Review Committee and Architectural Review Panel (ARP), and at its January 26, 2024 meeting, the ARP found the project's design to be compatible with other homes in the neighborhood, and recommended approval of the project as designed. Therefore, the 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 new single-family residence is specified within the Land Use Element as an appropriate use for a parcel within the Rural Community (RC) zoning district. The proposed project complies with all development standards and is compatible with the residential character of the community.

Chapter IX of the General Plan, specifically policies IX-1, IX-5, IX-8, and IX-10 emphasize that new development shall maintain a high-quality appearance, and is aesthetically pleasing and compatible with the area's natural setting. The Architectural Review Panel reviewed the proposed project on January 26, 2024 and, based in part on consideration of applicable general plan policies, recommended approval of the project as designed. Therefore, the proposed project is consistent 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);*

This project is exempt from environmental impact review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines. Additionally, the project is categorically exempt from CEQA pursuant to Section 15332 (In-fill Development Projects) and Section 15303 (New Construction) of the California CEQA Guidelines.

Therefore, because the proposed project is exempt from environmental impact review under the California Environmental Quality Act, 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 subject site is located within the RC zoning district, and is surrounded by mostly two-story and three-story single-family homes that vary substantially in regards to home sizes, as well as architectural style, colors, and materials. By design, the proposed project fits the unique character of the Calabasas Highlands by being both a hillside terraced design in compliance with height, downhill building wall, and setback requirements. The contemporary design aesthetic fits the irregular nature of the existing building forms in the Calabasas Highlands. Additionally, the landscape design seeks to blend into the existing conditions via color, texture and planting. Furthermore, the Architectural Review Panel reviewed the proposed project on January 26, 2024 and recommended the project as designed, including that the design was compatible with the surrounding area.

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

The subject site is a 5,040 square-foot parcel. The project layout and design are in conformance with the applicable development standards, including height, setbacks, pervious surface, site coverage, FAR, landscaping, allowable wall heights, and grading and drainage. Off-street parking is provided in an attached garage of 564 square feet, and includes two additional off-street spaces, which meets the parking requirements for a single-family residence. Therefore, 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 project includes the construction of a new single-family residence with attached garage, driveway, retaining walls, hardscape and landscaping, on a vacant 5,040 square-foot hillside parcel located in the Rural Community (RC) zoning district, and Calabasas Highlands (-CH) overlay zone. The subject property is relatively small, narrow, sloping, and has oak trees present both on- and off-site. The residence is designed to be terraced into the hillside, thereby reducing its mass. Additionally, although the residence is stylistically contemporary, yard

features including the use of decomposed granite and proposed landscaping elements will blend and integrate the design with its surrounding natural environment. Furthermore, of the four native oak trees in the vicinity of the property (one that is on-site and three that are immediately surrounding the property), only one of the less mature trees will require removal to accommodate the driveway, therefore preserving the natural setting.

Section 17.32.010 of the Calabasas Municipal Code (CMC) allows the review authority to approve an **Oak Tree Permit** provided that one or more of five possible findings are made. The Planning Commission determines that the following finding is applicable to the project and the finding can be 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 would otherwise be 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 site is a vacant 5,040 square-foot parcel, approximately 60 feet wide by 84 feet long. An oak woodland exists along the northern perimeter of the property and extends onto the western adjacent property. More specifically, four Coast Live oak trees are proximate to the property, including one younger on-site oak tree (8.7 inches in diameter), and three off-site oak trees (one non-heritage tree and two heritage oak trees). Per CMC Chapter 17.32, native oak trees are a protected biotic resource, and per Section 17.32.010(D)(3)(c) of the CMC, removal of any living oak tree greater than six inches in diameter requires the Planning Commission to make the above finding, which is that the removal is necessary to enable reasonable and conforming use of the property.

In this case, the proposed project includes construction of a 2,268 square foot single-family residence on a very small property. Per CMC Section 17.28.080, a driveway is required to provide direct access to a garage. In this case, both a larger, heritage oak tree is located in the Valley View Road right-of-way, just north of the property boundary, and a smaller, non-heritage oak tree exists on the northwestern portion of the property. Due to its location, removal of the smaller oak tree is unavoidable in order to provide an access driveway and protect the larger, heritage oak tree. To this end, strict application of the Oak Tree Ordinance would prevent the property owner from improving upon the existing property by developing it with an allowed use for the subject site, and the oak tree's

removal is necessary to enable reasonable and conforming use of the property. 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 property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. In addition, such 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. (CMC 17.32.010.E.2)*

The project site is a vacant 5,040 square-foot parcel, approximately 60 feet wide by 84 feet long. An oak woodland exists along the northern perimeter of the property and extends onto the western adjacent property. More specifically, four Coast Live oak trees are proximate to the property, including one younger on-site oak tree (8.7 inches in diameter), and three off-site oak trees (one non-heritage tree and two heritage oak trees). The one younger on-site Coast Live oak tree is in the northwest corner of the property, and would require removal to install the driveway. The three off-site Coast Live oak trees are adjacent to the property and have protected zones that encroach onto the property. Per CMC Chapter 17.32, native oak trees are a protected biotic resource, and per Section 17.32.010(D)(3)(c) of the CMC, encroachment of more than 10% into the protected zone of an oak tree requires the above finding to be made, which is that it is necessary to enable reasonable and conforming use of the property.

In this case, the proposed project includes encroachment into the protected zone of the three identified off-site Coast Live Oak trees. Two of the off-site trees, Oak Tree No. 875 and Off-Site Oak Tree No. 1 are heritage trees, which have a protected zones of 50 feet from the trunk. Due to the small size of the parcel and the position of the trees, the protected zones encroach over a majority of the property and encroachment is unavoidable for any reasonable development of the property. The trunk of Off-Site Oak Tree No. 2 is approximately 12 feet from the western property boundary, and the protected zone of a non-heritage oak tree is 15 feet from the trunk, resulting in a protected zone that encroaches approximately 3 feet onto the property. Due to the sloping nature of the site, construction of perimeter retaining walls are necessary to provide access around the proposed residence, and therefore, encroachment into the protected zone of Off-Site Oak Tree No.

2 is also unavoidable, and necessary for emergency access. To this end, strict application of the Oak Tree Ordinance would prevent the property owner from improving upon the existing property by developing it with an allowed use for the subject site, and the encroachment into the protected zones of the three coast live oak trees are necessary to enable reasonable and conforming use of the property.

The submitted Oak Tree Report indicates that, except for the proposed removal of Oak Tree No. 876, all other protected oak trees analyzed by the report are to be protected in place, and the encroachment activities involving the three off-site coast live oak trees will not result in significant long-term adverse impacts to the trees. This report has been reviewed and confirmed to be accurate by the City's Consulting Arborist. To further ensure that adverse impacts to the trees are minimized, the applicant shall comply with all of the Oak Tree Report's recommendations and the Conditions of Approval contained in this resolution. Therefore, the proposed project 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-2023-016 and OTP-2024-005 subject to the following agreement and conditions:**

#### **I. 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 plans approved by this resolution are conceptual only; specific building and grading plans shall be reviewed for compliance with 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. Prior to the issuance of a grading or building permit, the applicant shall submit documentation to the satisfaction of the Community Development Director that all easements on the subject property have been quitclaimed or otherwise relinquished.
15. Prior to the issuance of a grading or building permit, the applicant shall submit revised plans for review and approval by the Community Development Director demonstrating that the trash collection area has been relocated to an area less visible from Valley View Road.
16. The property owners and applicants, their successors and assigns, and all parties associated with this proposed project shall uphold the General Land Use Application indemnification section, incorporated by reference into this Resolution, as signed and sworn by the applicable aforementioned. The property owners and applicants, their successors and assigns, and all parties associated with this proposed project 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 any entitlements or permits associated with this application, or any activities conducted pursuant to the issuance of any entitlements or permits associated with this application including all construction and development activities completed under these entitlements.
17. 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.

### **Oak Trees**

18. The application has been approved to remove Oak Tree #875, measured at a diameter of 8.7 inches. The applicant shall plant replacement oak trees to replace each inch of tree trunk diameter removed at a 1:1 ratio. If it is not feasible to plant all replacement oak trees onsite, replacement may include a combination of replanting either on- or off-site and payment of an in-lieu fee (to be determined) to the City's Oak Tree Mitigation Fund. Priority shall be given to on-site mitigation, followed by off-site mitigation, and payment of an in-lieu fee shall be considered only if both on-site and off-site mitigation options are not possible.
19. The applicant shall adhere to the specific recommendations and mitigation measures included within Pages 8-12 of the submitted Oak Tree Report, dated February 26, 2043.
20. Prior to the issuance of a grading or building permit, the applicant shall submit revised plans for review and approval by the Community Development Director demonstrating that the proposed stormwater collection cistern has been relocated, to an extent feasible, to an area outside of the oak tree canopy areas of both Oak Tree No. 875 and Off-Site Oak Tree No. 1.
21. All work conducted within the protected zone of any of the on -or off-site protected Coast Live oak trees, including any additional grading and/or soil disturbance required to install the 550-gallon buried cistern within the protected zone of off-site Oak Tree No. 1, shall be performed in the presence of the project's Consulting Arborist to monitor any roots that are cut in the process. The protected zone shall commence from a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of an oak tree.

For trees with a DBH of 24 inches or greater, in no case shall the protected zone be less than fifty (50) feet from the trunk of the oak tree. Monitoring of the work by a consulting arborist is subject to inspection and approval by the City's Oak Tree Specialist and shall not relieve the Contractor of the obligation to fulfill all of these conditions. Within the TPZ of the on- and off-site protected oak trees to be preserved in place, hand trenching shall be done at the limit of the proposed grading or excavation to uncover roots, allowing them to be properly and cleanly pruned prior to grading and this work shall be done under the supervision of the certified arborist.

The goal is to eliminate or at least minimize damage to either the crown or root system of the tree when working within a tree's protected zone. It shall be required to define the area of excavation/grading for the 550-gallon cistern. After pruning the roots at the edge of the limits of work, it may be necessary to utilize equipment to remove the soil outside of where the roots were cut. When the use of equipment is necessary, a certified arborist shall be on-site to observe and stop work if roots are encountered that are 2 inches or greater in diameter. The use of standard, sterile, mechanical root pruning equipment shall be required, accompanied by hand work. These methods will minimize root damage from excavation and grading equipment pulling on root in a lateral direction from their path of travel. Pruning roots shall be hand sawn, using sterilized equipment, with a clean cut, at a 90-degree angle facing downward and shall not be sealed.

22. Unless waived by the City, a refundable security deposit, in an equal amount to the PRC value of the removal trees or other amount as determined by the Community Development Director, and including the cost of planting and possible replacement, shall be deposited in trust (e.g. a performance bond or similar instrument) with the City of Calabasas (prior to the issuance of the grading permit) to guarantee the implementation of successful replacement. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.
23. A mitigation planting plan shall be prepared and submitted for approval of the City prior to project commencement (i.e. grading permit). Mitigation requirements include, but are not limited to:
  - a. Replacement trees shall consist of Coast Live Oak (*Q. agrifolia*) and/or Valley Oak (*Q. Lobata*) trees that have been raised at a nursery using harvested acorns from local trees (if possible).
  - b. The planting, size and quality of the replacement trees shall be consistent with the specifications outlined in the City's Oak Tree Preservation and

Protection Guidelines. Small (5 gallon) oak trees shall be utilized whenever possible.

- c. Inch-for-inch replacement should correspond to the species removed.
- 24. Removal of the natural leaf mulch within the protected zone of the project oak trees is prohibited except where absolutely necessary for encroachment.
- 25. Equipment, materials, and vehicles shall not be stored, parked or operated within the protected zone of an oak tree, except on an already improved road base for work that is being performed with encroachment approval.
- 26. Prior to commencement of grading operations, the applicant or his representative shall provide the City with a copy of the protective fencing plan for the oak trees to be preserved onsite, consistent with the City's Oak Tree Preservation and Protection Guidelines. Exceptions to this policy may occur in cases where oak trees are located on slopes that will not be grubbed or graded, are located in areas where there is no activity planned, or when oaks are approved for encroachment.
- 27. Fences shall remain in place throughout the entire grubbing, grading, and construction period and may not be removed without obtaining written authorization from the City.
- 28. Use of pre-emergent weed killers, chemicals, or other herbicides shall be prohibited within 100 feet of any individual oak tree or within a natural drainage that seasonally irrigates oak trees.
- 29. 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 any such deviation and associated corrective measures applied in the field.

### **Biological Resources**

- 30. Suitable habitat for tree, shrub, and ground-nesting avian species exists on the project site. Such birds are protected under the Migratory Bird Treaty Act and CDFW Code. If work is to be done during the avian breeding season (February 1 – August 31), a qualified biologist shall conduct a nesting bird

survey to identify any potential nesting activity within one week before the start of construction.

If active nests are observed, the nest site shall be clearly marked with flagging a reasonable distance away so as not to disturb the birds. The location should be discussed with the construction crew so as not to disturb the nest. The tree or structure with the active nest should not be disturbed such as through trimming or removal for the duration of construction activity that occurs within 100 feet of the nest (possibly up to 300 feet for any raptor species) until the nestlings have fledged as confirmed by a qualified biologist. All construction activity in the vicinity of active nests must be conducted in the presence of a qualified biological monitor, and encroachment of construction activities may be permitted at the discretion of the biological monitor.

#### **Public Works Department / Street Improvements**

31. 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.
32. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
33. The applicant shall perform offsite roadway improvements of Valley View Road along the project frontage. Such improvements shall comply with the County of Los Angeles Fire Department requirements. These improvements shall be completed to the satisfaction of the County of Los Angeles Fire Department and the City Engineer prior to the Issuance of a Grading Permit.
34. 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.
35. The applicant shall repair any damages occurred during construction on Valley View Road along the project frontage to the satisfaction of the City Engineer.

#### **Public Works Department / Grading and Geotechnical**

36. 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 are 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, and over-excavation requirements contained therein. The plan should include all laterals and utility lines including sewers and water lines. The geotechnical consultant must review the plans and sign and stamp in verification of their recommendations.
37. 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 reports should be in accordance with the County of Los Angeles standards and the City of Calabasas Public Works department standards and requirements.
38. The applicant shall eliminate 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.
39. 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.
40. 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.
41. All slopes shall be 2:1 (horizontal to vertical) or less in accordance with the approved geotechnical studies.

42. 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.
43. All relevant geotechnical reports must be referenced on grading and drainage plans.
44. All plans should be signed and stamped by the geotechnical engineer, verifying compliance of grading and foundation plans including Grading Notes with their recommendations by signing and stamping the plans.
45. An as-built report prepared by the geotechnical consultant must be submitted to the City for review. The report must include the results of all compaction tests as well as a map depicting the limits of over-excavation, observed geologic conditions, locations of all density tests, locations and elevations of all removal bottoms, and location and elevation of retaining wall backfill and subdrains outlets.
46. 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. 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.
47. 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.
48. The grading plans and required sections shall clarify the limits of required over-excavation based on the recommendations of the project soils engineer.
49. 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.
50. 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.

51. 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 the Building and Safety Division and approved prior to issuance of a Grading Permit.
52. 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 the 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.
53. Prior to Issuance of a Grading Permit, the applicant shall submit a surety grading and drainage 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 device.
54. 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).
55. 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.
56. 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.

57. 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 and Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
58. 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.
59. 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.
60. 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.

### **Public Works Department / Hydrology and Drainage**

61. 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 Capital Flood 50-year bulked and burned storm recurrence interval ( $Q_{50BB}$ ) 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.

62. All drainage devices, pipes, and structures in the approved grading and drainage 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.
63. 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.
64. 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.
65. 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. PCC flow line shall be 0.5% minimum; flow line on pervious surface shall be 1% minimum. Sheet flow on AC or PCC shall be 1% minimum; sheet flow on pervious surface shall be 2% minimum outside of building areas.
66. 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.
67. The Final Drainage Study shall provide calculations for the dissipation of concentrated drainage at the project drainage outlets adjacent to Valley View

Road. 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).

**Public Works Department / Utilities**

68. 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.
69. 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 (i.e.: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.
70. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum lateral connecting proposed single family residence to the existing sewer main subject to the approval of the City Engineer.
71. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVWMD) 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 Department / Environmental Services Division**

72. The owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction site:
  - 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.

73. This project is a development planning priority project under the City's NPDES Municipal Stormwater Permit. An Urban Stormwater Mitigation Plan (USMP) that incorporates appropriate post-construction best management practices (BMPs) into the design of the project must be prepared and approved prior to issuance of any grading. Please refer to the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) for applicable design requirements. The project-specific USMP shall describe how this project design conforms to all requirements set forth in the SUSMP and must include a fully executed and recorded "Maintenance Covenant for Parcels Subject to SUSMP Requirements" to provide for on-going maintenance of the BMPs that have been chosen.
74. Provide adequate filtration for all hillside drains to capture debris and sediment before entering the storm drain system. All storm drain catch basins shall be fitted with full-capture debris screens approved by the Los Angeles County Flood Control District. The full-capture devices shall be similar to the devices installed in adjacent public streets.
75. 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.
76. 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.
77. Per the CMC 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." An Encroachment Permit is required prior to placing a refuse bin/container on the street.
78. 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.

79. 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 site 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 will 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/contract

#### **Public Works Department / Mapping and Related Documents**

80. The applicant shall provide a current copy of the preliminary title report, prepared within the last six (6) months, for the subject property.
81. The applicant shall provide copies of easements agreements, instruments or deeds for all existing easements on the property.
82. Prior to the issuance of a grading or building permit, the applicant shall submit documentation to the satisfaction of the Community Development Director that all easements on the subject property have been quitclaimed or otherwise relinquished.

#### **Public Works Department / Special Conditions**

83. 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.
84. 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).

85. 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.
86. The applicant shall pay to the City a Traffic Mitigation Fee, in the estimated amount of \$1,230.00 (for a single-family residence). The final fee amount will be determined and need to be paid at the of time of Certificate of Occupancy.

**Las Virgenes Municipal Water District**

87. Applicant shall pay applicable water meter and sewer fees prior to construction.
88. Applicant shall implement and maintain water conservation measures including but not limited to, fixture design and installation (use of ultra-low flush/flow toilets and shower heads), and hot water circulating systems.
89. Applicant shall implement maximum use of recycled water during and after construction, including landscaping. The applicant shall be required to meet all of the District's conditions of service in order to be served.

**Los Angeles County Fire Department**

90. Obtain all applicable permits and approvals from the Los Angeles County Fire Department. Project design and construction is subject to review and approval by the Los Angeles County Fire Department – Fire Prevention Division, and the Applicant shall satisfy all Conditions of Approval imposed by the Department prior to occupation of the primary dwelling. If required by the Los Angeles County Fire Department, a new fire hydrant shall be installed, tested, and accepted by the Los Angeles County Fire Department and the Las Virgenes Municipal Water District, prior to construction of street surface and drainage system components, and prior to issuance of building permits.
91. If required by the Los Angeles County Fire Department, a new fire hydrant shall be installed, tested, and accepted by the Los Angeles County Fire Department and the Las Virgenes Municipal Water District, prior to construction of street surface and drainage system components, and prior to issuance of building permits.

**Section 5. All documents described in Section 1 of PC Resolution No. 2024-788 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2024-788 PASSED,  
APPROVED AND ADOPTED this 2<sup>nd</sup> day of May, 2024.

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Wendy Fassberg  
Chairperson

ATTEST:

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Michael Klein, AICP  
Community Development Director

APPROVED AS TO FORM:

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Vernetra Gavin  
Colantuono, Highsmith and Whatley, PC  
Assistant City Attorney



Planning Commission Resolution No. 2024-788, was adopted by the Planning Commission at a regular meeting held May 2, 2024 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.”