

**PLANNING COMMISSION RESOLUTION NO. 2024-794**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO APPROVE FILE NO(S). SPR-2023-010 AND OTP-2024-002, A REQUEST FOR A SITE PLAN REVIEW AND AN OAK TREE PERMIT TO CONSTRUCT A NEW 4,500 SQUARE-FOOT TWO-STORY SINGLE-FAMILY RESIDENCE WITH ASSOCIATED IMPROVEMENTS INCLUDING ATTACHED GARAGE, DECKS, RETAINING WALLS, SWIMMING POOL, HARDSCAPE, AND LANDSCAPING ON THE VACANT LOT LOCATED AT 22534 CALIPATRIA DR. (APN: 2080-010-012) WITHIN THE RESIDENTIAL SINGLE-FAMILY (RS) ZONING DISTRICT. THE PROJECT ALSO INCLUDES ENCROACHMENT INTO THE PROTECTED ZONE OF TWO OAK TREES, REMOVAL OF ONE 5" DIAMETER OAK TREE, AND PLANTING OF MITIGATION 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 June 6, 2024 and August 15, 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 September 7, 2023 an application was submitted on behalf of the property owner for File No. SPR-2023-010.
2. The project was reviewed by the Development Review Committee (DRC) on September 22, 2023; Staff determined that the application and plans were incomplete on October 6, 2023 and the applicant was duly notified of this incomplete status.
3. Plans were revised and resubmitted by the applicant on November 15, 2023.
4. Following subsequent reviews by Staff, it was determined that an Oak Tree Permit was required for encroachment into the protected zone of two on-site oak trees and removal of one oak tree. The applicant submitted a request for Oak Tree Permit No. OTP-2024-002 on February 13, 2024.
5. The project was reviewed by the City's Architectural Review Panel (ARP) on October 27, 2023 and December 8, 2023.
6. Following subsequent resubmittals, the application and plans for File No(s). SPR-2023-010 and OTP-2024-002 were deemed complete by Staff on May 23, 2024.
7. Notice of the June 6, 2024 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, and at Calabasas City Hall.
8. Notice of the June 6, 2024 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
9. Notice of the June 6, 2024 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.

10. Notice of the June 6, 2024 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
11. A public hearing was held at the June 6, 2024 Planning Commission meeting, during which public testimony was taken.
12. At the June 6, 2024 meeting, following review and discussion at a public hearing, the Commission expressed concerns regarding the project and continued the item to the regular Planning Commission meeting of July 18<sup>th</sup>, 2024.
13. The applicant was not able to provide a complete resubmittal prior to the July 18<sup>th</sup> meeting date, and the Planning Commission continued the public hearing again to a future meeting, date uncertain.
14. On July 29, 2024, the applicant provided a resubmittal to address the Commissioners' concerns at the prior meeting.
15. Notice of the August 15, 2024 Planning Commission public hearing was posted at Juan de Anza Park, the Calabasas Tennis and Swim Center, and at Calabasas City Hall.
16. Notice of the August 15, 2024 Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
17. Notice of the August 15, 2024 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
18. Notice of the August 15, 2024 Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
19. A public hearing was again held at the August 15, 2024 Planning Commission meeting, during which public testimony was taken.
20. At the August 15, 2024 meeting, the Commission recommended that Staff prepare a resolution of approval for File No. SPR-2023-010 and OTP-2024-002, with additional conditions of approval to be added to the resolution in order for the project to comply with the required findings for a Site Plan

Review, to be brought back to the Commission for adoption at the next regularly scheduled Planning Commission meeting.

21. The project site is zoned Residential Single-Family (RS).
22. The land use designation for the project site under the City's adopted General Plan is Residential – Single Family (R-SF).
23. Properties surrounding the project site are zoned RS, and have General Plan land use designations of R-SF.

**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 12,486 square-foot (0.29 acre) lot located at 22534 Calipatria Dr (APN: 2080-010-012), within the Residential Single-Family zoning district. The site was previously improved with a single-family residence which was demolished to resolve a longstanding history of code enforcement on the property. The applicant proposes to construct a 4,500 square-foot single-family residence and associated accessory structures including a pool, retaining walls, and balconies, which are allowed uses in the RS zoning district. As presented in the Technical Appendix of the August 15, 2024 staff report to the Planning Commission (which is hereby incorporated by reference), the site design and building design conform to the applicable standards in regards to height, setbacks, site coverage, pervious surface, and wall heights. The project was reviewed by the City's Development Review Committee and Architectural Review Panel (ARP), and at the second ARP meeting on December 8, 2023, the Panel recommended approval of the project with minor comments that the applicant has since revised the plans to address. Therefore, the project complies with all applicable provisions of the Development Code and 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 Residential Single-Family (RS) zoning district. The proposed project complies with all development standards and is compatible with the residential character of the community, as explained within the Staff Report. The subject site is not within a designated scenic corridor, and there are no architectural design standards or design themes applicable to this property.

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 October 27, 2023, and December 8, 2023, and based in part on consideration of applicable general plan policies, recommended approval of the project with design comments that the applicant has since addressed. 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 RS zoning district, and is surrounded by one-story and two-story single-family homes that vary in regards to architectural style, colors, and materials. The Architectural Review Panel reviewed the proposed project and recommended approval, with

additional considerations that the applicant subsequently revised the plans to incorporate. The proposed new residence was also subsequently modified to have a pitched shingled roof in lieu of the previously proposed flat roof, for consistency with the architecture of homes in the surrounding neighborhood. As demonstrated by the technical appendix within the staff report, home sizes in the vicinity range from 1,674 square feet to 4,004 square feet, so the proposed 4,500 square-foot residence is above the range of home sizes in the vicinity. However, per Condition No. 16, the proposed residence will be set back from the front property line by a minimum of 27 feet (greater than the code-required 20-foot minimum front setback), to minimize the massing of the structure when viewed from the street. Lastly, per Condition No. 15, a final landscape plan that provides adequate screening and plantings will help integrate the project with the surrounding area.

Based on the above information, the Planning Commission finds that the proposed project is compatible in use, design, appearance, and scale with the existing homes in the surrounding area and meets this finding.

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

The subject site is a 12,486 square-foot (0.29 acre) parcel, and the applicant is proposing to construct a 4,500 square foot single-family residence as well as associated features inclusive of a pool, retaining walls, balconies, landscaping, and hardscape. Per the staff report provided to the Commission at the August 15, 2024 public hearing, the layout and design of the proposed residence conform to the applicable development standards of the RS zone, including in regards to height, setbacks, pervious surface, site coverage, landscaping, parking, grading, and drainage. Per Condition No. 16, the residence will also be set back an additional 7 feet beyond the code-required 20-foot minimum front setback to adequately minimize the massing of the structure when viewed from the public right-of-way. 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 new 4,500 square-foot single-family residence will be located on a vacant 12,486 square-foot property in the Residential Single-

Family (RS) zoning district. The site has previously been developed with a single-family residence which was demolished in 2023 due to a history of code enforcement on the property, and there is an existing graded pad on the site where the prior residence was located. The project site is an infill property, and the site is surrounded on all sides by other single-family residences; therefore, the proposed project will not create any new intrusions into the surrounding natural environment. The proposed project includes removal of one 5" diameter coast live oak tree, and the submitted landscape plan includes planting of two 3" coast live oak trees as mitigation per Condition No. 17. The current proposed design also involves no new root disturbance to the two other on-site oak trees, since the applicant revised the plans as a result of the Planning Commission's comments to reduce the size of the residence and reduce construction of new retaining walls, so the current design involves less impact to the on-site oak trees than the originally proposed design.

Additionally, per Condition No. 15, a final landscape plan will be submitted subject to approval by the Director, which will demonstrate adequate screening of the proposed residence when viewed from the street by utilizing existing and new landscaping. Therefore, the proposed project is designed to integrate with the surrounding natural environment and meets this finding.

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 findings are 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 proposed project includes removal of one 5" diameter coast live oak tree to accommodate the construction of the proposed new 4,500 square-foot single-family residence. The oak tree that is to be removed is located within 5' of the proposed residence's footprint; due to the Fire Department's requirements, including a requirement that all new residences require a 5' wide access path & ember resistant zone around the residence, the oak tree requires removal for compliance with the LA County Fire Department's standards.

Per the Oak Tree Preservation and Protection Guidelines, mitigation is required for removal of an oak tree on an inch-for-inch basis. Per the submitted oak tree report (dated July 23, 2024), as well as per Condition No. 17, two new 3" diameter coast live oak trees will be planted as mitigation for the 5" diameter coast live oak tree being removed. The submitted oak tree report was also peer reviewed by the City's consulting arborist, who recommended approval of the request to remove the oak tree, with the necessary mitigation measures per the report. Therefore, the request to remove one 5" diameter coast live oak tree is warranted and 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 12,486 square-foot parcel, which was previously improved with a single-family residence and associated features. Per CMC Chapter 17.32, native oak trees are a protected biotic resource, and per Section 17.32.010(D)(c)(3) of the CMC, encroachment of more than 10% into the protected zone of an oak tree requires the above finding to be made that it is necessary to enable reasonable and conforming use of the property. In this case, the prior residence was demolished in 2023 as a result of a history of code enforcement on the parcel, but the existing driveway and retaining walls on-site (which are already within the protected zone) are still remaining. The proposed project includes encroachment into the protected zone of two on-site oak trees for the construction of the residence and accessory features, including new rear yard balconies.

The originally submitted project design involved further encroachment into the protected zones of the on-site oak trees by relocating the existing retaining wall in the southeastern side yard; however, the revised project design no longer includes relocation of this wall, and therefore there is no new root disturbance to the trees as a result of the proposed project. The only proposed encroachment is for construction of a new single-family residence in the vicinity of the trees, with no alteration to the existing retaining wall within the trees' protected zone. 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 minor encroachment into the protected zone of two coast live oak trees is necessary to enable reasonable and conforming use of the property.

The submitted Oak Tree Report indicates that both remaining oak trees analyzed by the report are to be protected in place, and the encroachment activities will not result in significant long-term adverse impacts to either tree. 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-2023-010 and OTP-2024-002 subject to the following agreement and conditions:**

#### **I. INDEMNIFICATION AGREEMENT**

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of File No(s). SPR-2023-010 and OTP-2024-002, or the activities conducted pursuant to this File No(s). SPR-2023-010 and OTP-2024-002. 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 No(s). SPR-2023-010 and OTP-2024-002, or the activities conducted pursuant to File No(s). SPR-2023-010 and OTP-2024-002. 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 and the interim maintenance plan 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 City Engineer or their designee of the construction employee parking locations, prior to commencement of construction.

15. A Final Landscape Plan, depicting adequate screening of the residence from the street, shall be submitted and subject to approval by the Director prior to the issuance of Building permits.
16. The proposed residence shall be set back a minimum of 27' from the front property line, and revised architectural plans shall be submitted to the Planning division demonstrating compliance with this condition.

### **Oak Trees**

17. The applicant shall adhere to the specific recommendations and mitigation measures included within the submitted Oak Tree Report (with revision date of July 23, 2024), including planting of two 3" diameter coast live oak (*quercus agrifolia*) trees to mitigate for the removal of one 5" diameter coast live oak tree.
18. Mitigation oak trees shall be planted a minimum distance of 8' apart.
19. 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.

### **Public Works Department/Environmental Services Division**

20. 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.

21. 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.
22. 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.

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

23. 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.
24. The driveway improvements on Calipatria Drive shall be in full compliance with the City's driveway and site access policy as set forth in the City Municipal Code, and also in a manner that will allow full conformance with American's with Disabilities Act.
25. The horizontal and vertical alignment for the project's access driveway shall satisfy requirements of the County of Los Angeles Fire Department and the City Engineer.
26. The applicant shall provide off-site street improvement plan and profile and details of the project frontage on Calipatria Drive including, but not limited to, curb and gutter, parkway, sidewalk and driveway to the satisfaction of the City Engineer. Details shall be coordinated with the Planning Division of the Community Development Department, County of Los Angeles Fire Department, as well as the City Landscape Maintenance District (LMD).
27. The applicant shall provide designs and details of existing and proposed sidewalk and driveway transitions compliant with the Americans with Disabilities Act.

Disabilities Act (ADA) as well as disabled access provisions as contained in the latest edition of the California Building Code (CBC), as amended by the County of Los Angeles and the City of Calabasas. Any existing frontage improvements (sidewalk, driveway(s), clearances around above-ground utility poles, utility boxes, etc.) shall be reviewed and upgraded as necessary to comply with disabled accessibility standards.

28. The applicant shall provide the appropriate line of sight and striping plans for the proposed improvements on Calipatria Drive in accordance with the requirements of Public Works Department. The plan must also adhere to the City of Calabasas' standards for traffic lane widths and alignment in the vicinity of the area affected by the lane configuration change.
29. 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.
30. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department. Prior to issuance of an encroachment permit, the applicant shall submit a surety public improvement bond with the valuation to be determined by the City staff upon submittal of the engineering cost estimate of off-site street improvements.
31. Prior to issuance of a certificate of occupancy, the applicant shall restripe all striping, pavement markings and pavement legends adjacent to and within the vicinity of the project site, impacted by construction traffic, to the satisfaction of the City Engineer.
32. The applicant shall be responsible for maintenance and repairs of all proposed public street improvements until final acceptance by the City Council.
33. The applicant shall repair any broken or damaged curb, gutter, or pavement on Calipatria Drive along the project frontage to the satisfaction of the City Engineer.

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

34. The applicant shall submit a precise grading plan prepared by a Registered Civil Engineer for approval by the Public Works Department. The plans shall be prepared on Public Works standard sheets and shall address the specific grading, drainage, and geotechnical design parameters for design of the

proposed residential construction. The plans should include, but not be limited to: specific elevation grades, keyways, subdrains, limits of removals, retaining walls callouts every 25 to 50 feet, and other information necessary to establish in detail the horizontal and vertical geometric design. The plans shall reference the approved geotechnical report, and reflect cut, fill, compaction and over-excavation requirements contained therein. The plans shall reflect all proposed drainage facilities, including storm drains, area drains, catch basins/inlets, swales, and other drainage devices necessary for the interception, conveyance and disposal of on-site and offsite drainage consistent with the project drainage report. The plan shall include designs for wet utility services including sanitary sewers and water lines. The geotechnical consultant must review the plans and sign and stamp in verification of their recommendations.

35. The applicant shall submit a detailed geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvements including engineering calculations for all graded slopes, foundations, retaining walls, temporary excavations and other aspects as required by the proposed development. The report shall present detailed geotechnical recommendations for design and construction of the proposed project and improvements. The reports should be in accordance with the County of Los Angeles standards and to the satisfaction of the City of Calabasas Public Works Department standards and requirements.
36. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
37. 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.
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. 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. The wall details and callouts including top of footings shall be included with the Grading Plans. Any walls to be built

during rough grading shall be so noted on the plans and must have the approval of the City Engineer.

40. 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 devices.
41. 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).
42. Prior to commencement of work under a grading permit, the contractor shall conduct a preconstruction meeting with the City. The contractor shall be responsible for setting the meeting time, date and location and notifying City staff at least one week in advance of the meeting.
43. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department, pursuant to construction permits issued for approved grading and improvement plans. Changed conditions that affect the Grading and Drainage Plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1), which shall be approved by the City Engineer prior to commencement of any grading activities that do not conform to the approved Grading and Drainage Plans. 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.
44. 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.
45. 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.

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 and Grading and Drainage Plans. Any deficiencies noted shall be brought to the attention of the grading contractor and the City Engineer. Such observations, verifications, related tests, and other pertinent documentation shall be submitted to the City Engineer.
47. 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.
48. 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.
49. Approval of Rough Grading. The project Rough Grade Report and Rough Grade and Building Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community Development Department and the Building and Safety Division, prior to the issuance of a Building Permit. **No Building Permit shall be issued for the project without these approvals.**
50. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, reflecting the as-built field conditions, including any changes to the approved plan, to the satisfaction of the City Engineer. As-built plans shall be furnished prior to initiation of final inspection by the Public Works Department.

51. Final Grade Certification. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P). The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

**Public Works Department / Hydrology and Drainage**

52. 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.
53. All drainage devices, pipes, and structures in the approved grading plan shall be the sole responsibility of the applicant to construct and applicant shall maintain those devices, pipes and structures located on their property. Adequate access shall be established and easements will be provided to the City. A maintenance covenant shall be recorded against the property to ensure that all drainage devices, pipes and structures not located in public right-of-way are properly maintained. Provisions will be provided and approved by the City of Calabasas Public Works Department that ensure that proper maintenance is provided, and provisions to reimburse the City for any remedial work that will, at the City's sole discretion, require the City to maintain the before-mentioned devices and structures should they not be properly maintained.
54. 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.

55. 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.

**Public Works Department / Utilities**

56. The project shall connect to an existing sewer. The applicant shall construct a 4-inch minimum sewer lateral to connect the proposed project to the existing available sewer main subject to the approval of the City Engineer.
57. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.
58. 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.
59. The applicant shall have a Sewer Area Study prepared by a Registered Civil Engineer licensed to practice in the State of California. The sewer study shall demonstrate to the satisfaction of the City Engineer that there is available capacity for the projects sewer flows to be added to the downstream sewer collection system.
60. 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.

**Public Works Department / Special Conditions**

61. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.

**Los Angeles County Fire Department**

62. Obtain all applicable permits and approvals from the Los Angeles County Fire Department.



**Section 5. All documents described in Section 1 of PC Resolution No. 2024-794 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2024-794 PASSED,  
APPROVED AND ADOPTED this 5<sup>th</sup> day of September, 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. 2024-794, was adopted by the Planning Commission at a regular meeting held September 5, 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.”