

## **Draft Conditions of Approval & Indemnification Agreement**

(To be applied if project is approved)

### **I. INDEMNIFICATION AGREEMENT**

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of File No(s). SPR-2023-017 and OTP-2024-009 or the activities conducted pursuant to this File No(s). SPR-2023-017 and OTP-2024-009. 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-2023-017 and OTP-2024-009, or the activities conducted pursuant to File No(s). SPR-2023-017 and OTP-2024-009. The applicant and property owner, and their successor and assigns, shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

### **II. CONDITIONS OF APPROVAL**

#### **Community Development Department/Planning/Building and Safety**

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. All project conditions shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for the review of Building Inspectors. Prior to any use of the project site, all conditions of approval shall be completed to the satisfaction of the Director of Community Development.
3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The

determination of whether or not a change is substantial shall be made by the Director of Community Development.

4. Prior to issuance of grading or building permits, plans shall be reviewed and approved by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.
5. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
6. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded an affidavit of acceptance of this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
7. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
8. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
9. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.20 of the Land Use and Development Code.
10. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
11. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.
12. The project is located within a designated Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.900 of the CMC shall be incorporated into all plans.

13. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.

14. Construction Activities - Hours of construction activity shall be limited to:

7:00 a.m. to 6:00 p.m., Monday through Friday

8:00 a.m. to 5:00 p.m., Saturday

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

### **Oak Trees**

15. The applicant shall adhere to the specific recommendations and mitigation measures included within the submitted Oak Tree Report, dated April 24, 2024.

16. 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/Street Improvements**

17. 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.

18. The driveway improvements on Park Aurora 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.

19. 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.
20. The applicant shall provide designs and details of existing and proposed sidewalk and driveway transitions compliant with the Americans with 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.
21. 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.
22. 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.
23. 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.
24. The applicant shall be responsible for maintenance and repairs of all proposed public street improvements until final acceptance by the City Council.
25. The applicant shall repair any broken or damaged curb, gutter, or pavement on Park Aurora along the project frontage to the satisfaction of the City Engineer.

**Public Works Department/Grading and Geotechnical**

26. 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.

27. 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.
28. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
29. 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.
30. 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.
31. 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.
32. 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).
33. 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.

34. All excavation, grading, storm drain installation, 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.
35. Any variations from the approved grading plan must be submitted to the Public Works Department in the form of a Change Order. The engineer of record must submit a complete change order package to Public Works, including a completed Change Order Checklist (Public Works Form U) and Change Order Request (Public Works Form U-1). The change order will be reviewed and approved by the Community Development Department (Planning Division) and the Public Works Department (Land Development Division). The City Planner shall make the determination if the changes require a review by the Planning Commission.
36. 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.
37. 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.
38. Geotechnical consultant must review the final grading and foundation plans and confirm that their conclusions and recommendations are valid with respect to the proposed design by signing and stamping such plans.

**Public Works Department/Hydrology and Drainage**

39. 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 (Q50BB) 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.
40. 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.
41. 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.
42. 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/Mapping and Related Documents**

43. The applicant shall provide a current copy of the preliminary title report, prepared within the last 6 months, for the subject property.
44. The applicant's engineer shall plot all referenced easements on the site plans and grading plans.
45. Prior to issuance of a Grading Permit the applicant shall be responsible for identifying all easements including, but not limited to LA County Flood Control and SCE easements and related encumbrances on the project plans and related documents and ensuring that all such easements and encumbrances are not impeded, burdened, and are adequately maintained in accordance with the terms and language of the original easement. Determination of such compliance shall be subject to the City approval.

#### **Public Works Department/Utilities**

46. 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.
47. 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.
48. 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.
49. 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**

50. 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.
51. 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.
  52. 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.
  53. 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.
  54. 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.
  55. 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/Special Conditions**

56. Construction activity and traffic control shall be staged such that vehicular access to adjacent properties is maintained at all times.
57. The applicant shall pay to the City a Citywide Traffic Mitigation Fee of \$1,230.00 based on the rate per residential unit.

**Los Angeles County Fire Department**

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