

P.C. RESOLUTION NO. 2019-687

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS APPROVING FILE NO. 170001647, A SITE PLAN REVIEW, SCENIC CORRIDOR PERMIT, VARIANCE (FOR BUILDING HEIGHT), AND OAK TREE PERMIT FOR A REMODEL AND ADDITION OF 11,531 SQUARE FEET TO AN EXISTING 44'-1" TALL, 28,966 SQUARE-FOOT AUTOMOBILE DEALERSHIP. PROPOSED SITE IMPROVEMENTS SPECIFICALLY INCLUDE: 1) FAÇADE ENHANCEMENT, 2) REMODELING SHOWROOM AND OFFICES, 3) EXPANDED AUTO SERVICE, 4) ROOFTOP INVENTORY PARKING, 5) INTERIOR SPACE RECONFIGURATION, 6) EXTERIOR SERVICE DRIVE CANOPY, 7) SITE PLAN RECONFIGURATION INCLUDING RELOCATION OF THE WESTERN DRIVEWAY ENTRANCE, RECONFIGURED WALKWAYS AND PARKING STALLS, AUTO DISPLAY AREAS, RECONFIGURED AND UPGRADED LIGHTING AND NEW LANDSCAPING. THE PROPOSED IMPROVEMENTS ALSO WILL RESULT IN THE REMOVAL OF TWO (2) NON-HERITAGE OAK TREES, AND ENCROACHMENT INTO THE PROTECTED ZONES OF SIX (6) OAK TREES. THE SUBJECT SITE IS LOCATED AT 24650 CALABASAS ROAD, WITHIN THE COMMERCIAL LIMITED (CL) ZONING DISTRICT, COMMERCIAL AUTO RETAILER (CAR) OVERLAY ZONE, SCENIC CORRIDOR (SC) OVERLAY ZONE AND WEST CALABASAS ROAD MASTER PLAN AREA.

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.
2. Staff presentation at the public hearing held on June 6, 2019 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 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. The applicant submitted an application for File No. 170001647 on December 22, 2017.
2. On January 22, 2018, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. On May 29, 2019, the application was deemed complete and the applicant was notified.
4. Notice of the June 6, 2019, Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, Agoura/Calabasas Community Center, and at Calabasas City Hall.
5. Notice of the June 6, 2019, Planning Commission public hearing was provided to property owners within 500 feet of the property, as shown on the latest equalized assessment roll.
6. Notice of the Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
7. The project site is currently zoned Commercial Limited (CL), and located within the Commercial Auto Retailer (CAR) Overlay Zone, and Scenic Corridor (SC) Overlay Zone.
8. The land use designation for the project site under the City's adopted General Plan is Business Limited Intensity.
9. The surrounding properties around the subject property are zoned Commercial Retail (CR) and CL.
10. The surrounding land use categories in the General Plan are Business Retail and Business Limited Intensity.

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

Section 17.62.020(F) Calabasas Municipal Code allows the Planning Commission to approve a **Site Plan Review** provided that the following findings are made:

1. *The proposed project complies with all applicable provisions of this development code;*

The applicant is proposing to remodel the exterior and interior of the existing Audi auto dealership located at 24650 Calabasas Road, within the CL zoning district, CAR Overlay Zone, Scenic Corridor Overlay Zone, and West Calabasas Road Master Plan Area. The existing auto dealership use and proposed improvements are permitted by right within the CAR Overlay Zone per Section 17.18.035 (B)(1) of the Calabasas Municipal Code. The proposed project meets all applicable development standards for the CAR Overlay Zone and CL zoning district, including site coverage, parking, landscaping, and a 0.35 floor area ratio, which is less than the max 0.60 floor area ratio permitted in the CAR overlay zone. With the exception of building height, for which the applicant is seeking a variance, the project complies with all applicable provisions of the development code. Additional development standards are detailed and outlined in the technical appendix of the staff report. Therefore, the proposed 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 land use of the subject site is an auto dealership, which is an allowed use in the CAR overlay zone. The CAR overlay zone was adopted in 2017 in order to specifically permit auto retail uses by right along this portion of Calabasas Road, and determined to be consistent with the goals and policies of the General Plan. The proposed project involves a complete interior and exterior remodel of the existing dealership, a net expansion of less than 12,000 square feet of the existing building, and site improvements. The fundamental use of the property will remain an auto dealership consistent with the existing and allowed land uses for the site and the vicinity

The project site is located within the designated Ventura Freeway Scenic Corridor and is required to comply with the City's Scenic Corridor Guidelines. The Scenic Corridor Guidelines provide design guidelines for properties located within the corridor including, landscaping to visually enhance development, avoiding straight blank facades, and minimizing the impact to views. The project proposes new landscaping and green walls, and a building with varying heights, rooflines, and vertical elements. Overall, the proposed project is consistent with the Scenic Corridor.

The subject site is also located within the West Calabasas Road Master Plan (the WCRMP) area. The WCRMP include design measures such as using high quality authentic material, using vertical elements to break up building mass, avoiding stucco, and emphasize the main entrance. To comply with the design guidelines, the proposed project will utilize aluminum composite metal panels to provide a heavy structural appearance, use lighted accent colors and a variety of materials like glass and cladding to emphasize the main entrance. A new outdoor display area will enhance the front of the property along Calabasas Road. Furthermore, the proposed modern design incorporates various interesting building materials throughout the structure and effectively break up the mass of the building. Therefore, because the proposed project complies with the General Plan, West Calabasas Road Planning Guidelines and Scenic Corridor Development Guidelines, the project meets this finding.

3. *The approval of the administrative plan review is in compliance with the California Environmental Quality Act (CEQA);*

This project is categorically exempt from CEQA in accordance with California Code Regulations in Sections 15303 (Class 3 – New Construction and Conversion of Small Structures), 15311 (Class 11 – Accessory Structures), and 15332 (Class 32 – In-Fill Development Projects) of the CEQA Guidelines. The proposed project includes a request to remodel and expand an existing auto dealership, which includes grading, retaining walls up to 6 feet in height, accessory structures, and landscaping and lighting on an urban infill property. In accordance with CEQA's "General Rule" exemption, the proposed construction activities will have no significant effect on the environment.

Under Class 3 (New Construction and Conversion of Small Structures) and Class 11 (Accessory Structures), the portions of the project consisting of construction of a trash enclosure and canopy are exempt from review under CEQA because they are minor accessory structures added to an existing commercial building in a developed, urbanized area.

Under Class 32 (In-Fill Development Projects), the project as a whole is exempt because:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations. The project site's general plan land use designation is Business-Limited Intensity Commercial, which is consistent with the project's zoning designation of Commercial Limited ("CL"). The zoning designation allows for commercial services, like auto dealerships, especially given it is located in the commercial auto retailer overlay zone.
- b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.

Specifically, the entire project will be constructed within the city limits of Calabasas on 3.65 acres. The surrounding uses are substantially urban, in that the west end is a vacant parking lot, the east end is another auto dealership, the front end abuts Calabasas Road, and only the rear end is adjacent to open space, which will remain protected and is a buffer from a large residential development.

- c) The project site has no value as habitat for endangered, rare or threatened species as indicated in the Biological Evaluation Report prepared by Live Oak Associates because the site is disturbed and is the location of an existing commercial auto dealership.
- d) Approval of the project would not result in any significant effects relating to air quality or water quality because the site is already disturbed and has adequate drainage, sewage, and stormwater disposal management capacity, with a limited expected expansion in use. The project is not expected to generate significant additional traffic or noise above current levels as the facility is already operating and will be expanded by less than 50% of the existing commercial structure.
- e) The site is adequately served by all required public utilities and public services and utility service can be expanded as needed to accommodate any increased demand over current service levels.

For these reasons, the project is exempt from review under CEQA under Classes 3, 11, and 32.

Furthermore, the project is exempt from review under CEQA because its impacts and characteristics are determined to not be unusual or unique and therefore, the exceptions listed in Section 153002 do not apply.

- a) The project is sited to avoid disturbing surrounding biological resources according to the Biological Evaluation Report prepared by Live Oak Associates, landscaped to screen and soften the visual impacts from a locally designated Scenic Roadway, and conditioned to mitigate the minor loss of two non-Heritage Oak trees that will occur as a result of the project.
- b) There is no foreseeable cumulative impact because the project will continue to operate as an auto dealership in the same site as its predecessor. Plus, the majority of the proposed project is sited on already-developed and urbanized land.
- c) This project does not present unusual circumstances having a significant effect on the local environment because the auto dealership is already in operation and will only be expanded by less than 50% of the size of the current structure. The expanded auto dealership is similar in size and character to the surrounding auto dealerships.
- d) The only highway near the project is the 101 Freeway, which is not a State-designated scenic highway.
- e) The project site is not located on a hazardous waste site as designated by the California Department of Toxic Substances Control

Additionally, there are no historical resources located within the vicinity of the project, and, for that reason, the project will not have a significant effect on any historical resource. Therefore, the 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 existing auto dealership is located along West Calabasas Road, where there are currently four existing auto dealerships, including the subject Audi site. From Mureau Road eastward, towards Parkway Calabasas, automobile uses and uses supportive of dealerships dominate Calabasas Road. The four existing auto dealerships range in size from 28,966 square-feet (Audi) to approximately 96,000 square-feet (BMW) and range in height from 25 feet to 47 feet tall. At approximately 40,000 square feet, the proposed expansion to the existing building is compatible in size and scale with other buildings in the surrounding area. The dealerships as well as other buildings along this portion of West Calabasas Road exhibit design elements found in a variety of architectural styles with articulated building facades. The proposed modern design is exhibited by other buildings along this corridor, including Mercedes-Benz, BMW and the previous Mini site. Additionally, the site design including landscaping and retaining walls for the subject site are cohesive to the adjacent development in that there will be landscaping along Calabasas Road and green walls to cover the retaining walls. Therefore, the proposed project is compatible in use, design, appearance and scale with existing buildings 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; and*

The City's Land Use and Development Code contains development standards for setbacks, height limits, site coverage, and pervious surface for the CL zone to ensure that development is adequately proportional to the size of the property. The gross lot size of the subject site is 159,183 square feet. The project proposes a site coverage of 31.6%, which complies with the maximum allowed 72% Code requirement for properties located within the CL zone. The floor area ratio will increase slightly to 0.35 (of the net lot size), but still less than the 0.60 maximum permitted for the CAR Overlay Zone. The landscaping will be enhanced to match the modern architectural style of the proposed building. Furthermore, the applicant is proposing to utilize the existing developed area and maintain the existing retaining wall to the rear of the property and preserving the Oak trees in the open space area. Given these circumstances, 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 Scenic Corridor Development Guidelines and West Calabasas Road Planning Guidelines include development guidelines to provide direction for projects in these areas to seamlessly integrate with the existing surrounding natural environment. The proposed project has been designed to be consistent with pertinent standards in both the Scenic Corridor Development Guidelines and West Calabasas Road Planning Guidelines, and include the following design elements: (a) breaking up the wide facade of the building; (b) providing and enhancing vertical articulation; (c) creating shadow patterns; (d) preserving the Oak trees, native vegetation and habitat to the rear; and (e) installing drought tolerant native landscaping. Therefore, the proposed project meets this finding.

Section 17.62.050(D) of the Calabasas Municipal Code allows the Planning Commission to approve a **Scenic Corridor Permit** provided that the following findings are made:

1. *The proposed project design has considered and complies with the Scenic Corridor Development Guidelines adopted by the City Council;*

The proposed project consists of remodeling an existing auto dealership, expanding the vehicle service department, and enhancing the existing site design (i.e. site access, parking lot layout, landscaping and lighting) for development within the 101 Freeway Scenic Corridor. As stated in both the Scenic Corridor Design Guidelines and the City's Urban Design Guidelines in CMC Section 17.20.070, structures should avoid large straight, blank facades. The current building does not comply with these requirements because it is made up of large blank stucco facades on all elevations. The proposed remodel uses both horizontal and vertical design elements to help break up the massing. The proposed structure will result in varying heights and rooflines as it steps back from the front façade to the rear single-story service center and rooftop inventory parking. Furthermore, the use of significant glasswork, cladding, panels, and exterior surface elements help to break up building massing and create visual interest. Finally, in conformance with the Urban Design Guidelines, the Modern design, colors and materials will be incorporated throughout the entire building, not just the front façade.

The proposed service center, with the rooftop inventory parking, is one-story and located at the rear of the structure, less visible from the scenic corridor. The expanded service center will be more visible from the 101 Ventura Freeway (traveling southbound) because the proposed addition projects further towards the west than the existing building; however, the proposed project includes a wire rope system on the CMU walls that will be landscaped with

“Creeping Fig” (a vine) in order to minimize the visual impact of the vertical wall by creating a green wall accent feature.

The landscaping plan proposes new vegetation in the existing planter areas along Calabasas Road and in all setback areas. The landscaping materials include: groundcovers, grasses, shrubs, hedges, and agaves, which are incorporated in with the existing Oak trees and proposed Sycamore and Willow trees. The landscaping transitions from low lying plants in the front setback to more trees in the parking lot and to the rear, where the landscaping meets up with the native natural area that will not be disturbed. Additionally, the building materials on site elements (i.e. retaining walls) are natural colors and with transitional drought tolerant native landscaping, the site elements help the developed areas transition into the native hillsides (including the retention of large native oak trees preserved with the original construction).

To aid in design and protection of the Scenic Corridor, the CMC requires projects located within the Scenic Corridor to be reviewed by the City’s Architectural Review Panel (ARP), and a recommendation from the ARP must be forwarded to the Planning Commission. On November 16, 2018, the Panel reviewed the proposed design elements for integrity of the design, and for consistency with both the Scenic Corridor Guidelines, and the design guidance contained in the WCRMP. The panel commented that the design was attractive and well designed. They also noted that the reduction in the parking structure size is more suitable for the site and recommended approval of the design to the Planning Commission. To this end, the project complies with the goals of both the Scenic Corridor overlay zone and City’s Urban Design Guidelines.

2. *The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor;*

There are design measures that the project proposes to enhance the scenic corridor. The existing structure is proposed to be entirely remodeled to enhance the architectural design and façade. The proposed service center with the rooftop inventory parking is one-story and located to the rear of the showroom structure is a lower profile from the showroom area of the structure, which provides more variation in design to meet the Scenic Corridor Guidelines. Although the expanded service center will be more visible from the 101 Ventura Freeway than currently exists, the project includes a wire rope system on the side of the CMU walls of the structure that will be landscaped with “Creeping Fig” (a vine) to minimize the visual impact of the vertical wall by creating a green wall. The proposed modifications enhance the existing structure in that the design breaks up building massing with undulating wall surfaces, varying roof lines, and use of glasswork and unique building materials.

Site upgrades include new landscaping that incorporates native plant materials, with ground cover along the front of the property and larger trees and shrubs in

the parking lot and towards the rear. The proposed landscape design will enhance the site and blend the developed areas into the natural landscape to the south of the subject site. The project is also proposing to come into conformance with fully-shielded, pole-mounted lighting standards. Proposed lighting is designed to be consistent with the lighting values and uniform ratios contained in the City's Lighting (Dark Skies) Ordinance, and proposes new fixtures that have shielding to keep light on-site. For all the reasons mentioned above, the proposed project meets this finding.

3. *The proposed project is within an urban scenic corridor designated by the General Plan, and includes adequate design and landscaping, which serves to enhance and beautify the scenic corridor; and*

The City's Urban Design Guidelines in CMC Section 17.20.070 states structures should avoid large straight, blank facades. The building design, as proposed, uses both horizontal and vertical design elements to help break up the massing. The proposed structure will result in varying heights and rooflines as it steps back from the front façade to the rear single-story service center and rooftop inventory parking. Furthermore, the use of significant glasswork, cladding, panels, and exterior surface elements help to break up building massing and create visual interest. The proposal includes full site and building remodel, which serves to enhance and beautify the scenic corridor. The site is adjacent to other auto dealerships in a commercial area of the City that vary in architectural styles. The project proposes to modify the façade of the building into a modern design, which is consistent with the range of architectural styles located around this portion of the Scenic Corridor. Existing landscaping surrounding the auto dealership will be enhanced to complement the Modern design of the proposed building and complementary to other auto dealerships in the area. The Architectural Review Panel reviewed this project and found that it conforms to the scenic corridor development guidelines and recommends approval of the design to the Planning Commission. Therefore, the proposed project meets this finding.

4. *The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale, with existing uses, development, signs, structures, and landscaping of the surrounding area.*

The project site is located on Calabasas Road, where there are currently four existing auto dealerships. Additionally, Calabasas Road has a gas station with an associated auto detailing facility. Furthermore, two properties along Calabasas Road are currently used for off-site auto inventory storage for the existing auto dealerships. To this end, from Mureau Road eastward towards Parkway Calabasas, automobile uses and uses supportive of dealerships dominate Calabasas Road. At 40,457 square feet, the proposed expanded facility is consistent with the other auto dealerships that range in size from

71,000 square-feet to approximately 96,000 square-feet, and all, with the exception of the BMW dealership, are a minimum of two stories in height. The landscaping plan proposes new vegetation in the existing planning areas along Calabasas Road and in all setback areas. The landscaping materials include: groundcovers, grasses, shrubs, hedges, and agaves, which are incorporated in with the existing Oak trees and proposed Sycamore and Willow trees. The landscaping transitions from low lying plants in the front setback to more trees in the parking lot and to the rear, where the landscaping meets up with the native natural area that will not be disturbed. Additionally, the building materials on site elements (i.e. retaining walls) are natural colors and with transitional drought tolerant native landscaping, the site elements help the developed areas transition into the native hillsides (including the retention of large native oak trees preserved with the original construction). Therefore, the proposed project is compatible in use, design, appearance and scale with existing buildings in the surrounding area and meets this finding.

Section 17.62.080(E) of the Calabasas Municipal Code allows the Planning Commission to approve a **Variance** provided that the following findings are made:

1. *That there are special circumstances applicable to the property which do not generally apply to other properties in the same zoning district (i.e., size, shape, topography, location or surroundings), such that the strict application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts;*

The proposed project includes the complete remodel and expansion of an existing two-story, 44-foot tall auto dealership, and site improvements such as new drainage, reconfigured driveway access (on the west side), reconfigured parking layout, new landscaping and lighting. The existing building is a legal nonconforming structure because it exceeds the maximum permitted building height of 35 feet in the CL zoning district. Section 17.72 of the CMC allows for the continued use and expansion of a legal nonconforming structure, as long as the proposed expansion does not make the building more nonconforming or result in the demolition of more than 50% of the existing building (either floor area or exterior walls). In order to accommodate the rooftop parking and façade remodel, the proposed project requires the demolition of more than 50% of the exterior walls. As a result, the building would lose its legal nonconforming status and is required to comply with all applicable development standards, including building height. However, the project is designed to retain the two-story shell of the existing building, which ranges from 38 feet to 44 feet in height. Therefore, the granting of a variance is necessary to maintain the existing building height, and expand the front elevation with a height of 38 feet, consistent with the rest of the building height.

The subject (approximately) 3.65-acre property is located at 24650 Calabasas Road, and within the 101 Freeway Scenic Corridor. The majority of the lot is

developed with an auto dealership consisting of a 44-foot tall, 28,966 square-foot building (which includes a showroom, offices, parts and service center) and surface level parking for customers and inventory storage. The remaining portion of the lot is characterized by steep slopes and heavily wooded areas consisting of mostly protected Oak trees in the southern portions of the property comprising approximately 0.91 acres. Construction along the slope is restricted due to the steep topography and presence of biological resources. As a result, development is constrained to the existing developed portions of the site.

The subject site is further constrained by the presence of approximately 42,000 square feet of slope and utility easements that limit the use of the site. These easements run along Calabasas Road and to the west and east of the existing building. The presence of these easements further limit the building envelope to roughly the same location as the existing building footprint. As a result, there is no feasible location on the subject site to construct a new building, and any expansion would have to be an addition.

Because of the above mentioned site constraints, the applicant is proposing a combination of surface level (around the building) and rooftop parking on the rear portion of the building in order to accommodate adequate customer, employee and inventory parking. Additionally, the existing parking lot layout and service department configuration contain narrow aisles that are substandard for safe movement of vehicles throughout the property. The construction of the rooftop parking and expansion of the service center requires the complete demolition of the existing service center, which results in the demolition of more than 50% of the building exterior. The strict application of the CMC would require substantial demolition of the building in order to lower the height to 35 feet and bring it into compliance with the height limits for the CL zoning district. Therefore, the presence of approximately 42,000 square feet of easements, steep topography and biotic resources on-site, presents a special circumstance that would deny Audi privileges enjoyed by other auto dealers in the vicinity, which enjoy the ability to upgrade their facilities and service departments without the need to demolish a substantial portion of the existing structure. For these reasons, the proposed project meets this finding.

2. *That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;*

The proposed project includes the complete remodel and expansion of an existing two-story, 44-foot tall auto dealership, and site improvements such as new drainage, reconfigured driveway access (on the west side), reconfigured parking layout, new landscaping and lighting. The existing building is a legal nonconforming structure because it exceeds the maximum permitted building height of 35 feet in the CL zoning district. Section 17.72 of the CMC allows for

the continued use and expansion of a legal nonconforming structure, as long as the proposed expansion does not make the building more nonconforming or result in the demolition of more than 50% of the existing building (either floor area or exterior walls). In order to accommodate the rooftop parking and façade remodel, the proposed project requires the demolition of more than 50% of the exterior walls. As a result, the building loses its legal nonconforming status and is required to comply with all applicable development standards, including building height. However, the project is designed to retain the two-story shell of the existing building, which ranges from 38 feet to 44 feet in height. Therefore, the granting of a variance is necessary to maintain the existing building height, and expand the front elevation with a height of 38 feet, consistent with the rest of the building height.

The vicinity in which the project is located is dominated by auto-related uses including three other auto dealerships and a gas station and automobile detailing facility. The property in the area is mostly hilly and dominated by Oak Woodland areas, making development of auto dealerships with enough space for adequate inventory vehicle storage challenging. Because of this, development of auto dealerships have relied on rooftop parking in order to provide adequate customer, employee and inventory storage. As such, Mercedes, BMW/Mini and Volvo include a combination of surface level, structured and rooftop parking. Furthermore, due to their own unique site constraints, the Mercedes and Volvo buildings are 47 feet and 39 feet tall, respectively. Audi is proposing to redevelop the project site in order to improve its service facility, make internal vehicular movement safer and add necessary parking and inventory storage. However, in this case, the only feasible option is to demolish more than 50% of the exterior walls of the building in order to reconstruct and expand within the general footprint of the existing structure and not encroach within surrounding easements and the steep slope to the south. To this end, the ability to preserve the existing two-story (44-foot tall) building shell is necessary to allow the owner to upgrade the facility, while minimizing the development footprint and preserving the on-site resources to the maximum extent feasible so that Audi may enjoy necessary site and building improvements with rooftop parking similar to the other three dealerships along Calabaras Road. For these reasons, the proposed project meets this finding.

3. *That granting the variance would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district;*

As mentioned before the proposed project includes the complete remodel and expansion of an existing two-story, 44-foot tall auto dealership, and site improvements such as new drainage, reconfigured driveway access (on the west side), reconfigured parking layout, new landscaping and lighting. The existing building is a legal nonconforming structure because it exceeds the maximum permitted building height of 35 feet in the CL zoning district. Section 17.72 of the CMC allows for the continued use and expansion of a legal

nonconforming structure, as long as the proposed expansion does not make the building more nonconforming or result in the demolition of more than 50% of the existing building (either floor area or exterior walls). In order to accommodate the rooftop parking and façade remodel, the proposed project requires the demolition of more than 50% of the exterior walls. As a result, the building loses its legal nonconforming status and is required to comply with all applicable development standards, including building height. However, the project is designed to retain the two-story shell of the existing building, which ranges from 38 feet to 44 feet in height.

The project is located along the Calabasas Road corridor between Mureau Road in the west and Parkway Calabasas in the east. The corridor is defined by the City's Commercial Auto Retailer (CAR) Overlay Zone, and is dominated by auto-related uses, mainly in the form of auto retail dealerships, and with one gas station and auto detailing facility. Auto dealership buildings along Calabasas Road range in height between 25 and 47 feet tall, and include rooftop parking. To this end, maintaining the existing building height of 38-44 feet tall does not convey a special privilege to the subject property owner inconsistent with the limitations of other properties in the same zoning district. As a result, the proposed project meets this finding.

4. *That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located; and*

The proposed project includes the complete remodel and expansion of an existing two-story, 44-foot tall auto dealership, and site improvements such as new drainage, reconfigured driveway access (on the west side), reconfigured parking layout, new landscaping and lighting. The existing building is a legal nonconforming structure because it exceeds the maximum permitted building height of 35 feet in the CL zoning district. Section 17.72 of the CMC allows for the continued use and expansion of a legal nonconforming structure, as long as the proposed expansion does not make the building more nonconforming or result in the demolition of more than 50% of the existing building (either floor area or exterior walls). In order to accommodate the rooftop parking and façade remodel, the proposed project requires the demolition of more than 50% of the exterior walls. As a result, the building would lose its legal nonconforming status and is required to comply with all applicable development standards, including building height. However, the project is designed to retain the two-story shell of the existing building, which ranges from 38 feet to 44 feet in height.

The subject (approximately) 3.65-acre property is located at 24650 Calabasas Road, and within the 101 Freeway Scenic Corridor. The majority of the lot is developed with an auto dealership consisting of a 44-foot tall, 28,966 square-foot building (which includes a showroom, offices, parts and service center) and surface level parking for customers and inventory storage. The remaining portion of the lot is characterized by steep slopes and heavily wooded areas

consisting of mostly protected Oak trees in the southern portions of the property comprising of approximately 0.91 acres. Construction along the slope is restricted due to the steep topography and presence of biological resources. As a result, development is constrained to the existing developed portions of the site.

Regarding the public's general welfare, the main goals are to protect the surrounding biotic (Oak) resources for the continued enjoyment of the general public, and to protect the visual qualities of the locally-designated 101 Freeway Scenic Corridor. The proposed project is located on the developed portion of the property, which allows for maximum efficient use of the site while protecting the surrounding resources to the greatest extent possible. Furthermore, approval of the variance would allow the owner to retain the majority of the building shell (including the existing roof) rather than demolishing it in order to bring the building into conformance with the 35 foot height limit for the CL zone. Thus significantly reducing the amount of demolition necessary to upgrade the facility

The subject site is also located within the 101 Freeway Scenic Corridor. With a building height of 38 to 44 feet, the existing structure is visible from the Scenic Corridor. However, as demonstrated in the visual impact analysis, the building is significantly lower than the ridgeline approximately 1,000 feet south of the building. Furthermore, the proposed addition in the front of the building will match the height of the existing structure, and the rooftop parking is located over the one-story addition at the rear of the building. As a result, the proposed building expansion and rooftop parking will not alter the line of sight to the ridgeline to the south. Additionally, the City's General Plan and Development Code require that development within Scenic Corridors preserve the scenic qualities of the corridors. To achieve this, the City's Scenic Corridor Development Guidelines require development proposed within the Scenic Corridor to comply with specific design standards, which require the use of color/materials and building forms that help the project blend in with the site's surroundings, and require the use of landscape elements to further screen, and enhance the scenic qualities of the corridors.

In this case, to help enhance the views of the project from the Scenic Corridor, the project includes a complete remodel of a large stucco building and updated landscaping. The color and textured surface of the building remodel will significantly enhance the aesthetics of the building in compliance with the Scenic Corridor Design Guidelines. Additionally, the project proposes updated landscape elements on the property that will blend the site in with the surrounding environment by utilizing native plant material that will transition from the developed areas to the natural hillside, and include planted screen walls on the building. The project also includes updated parking lot landscape to comply with the City's shading requirement. As a result, landscape islands strategically placed within the parking area will screen and soften views of the

project from the Scenic Corridor. For all these reasons, the proposed project meets this finding, and will not be detrimental to the public's health, safety or welfare.

5. *That granting the variance is consistent with the General Plan and any applicable specific plan.*

The General Plan's land use designation of the subject site is Business Limited Intensity (B-LI), which, within the Commercial Auto Retailer (CAR) Overlay Zone, allows for auto dealerships and associated services.

The General Plan includes policies to preserve the scenic qualities of the City and especially along its Scenic Corridors (II-8, III-2, IX-3, IX-5, IX-6, and IX-8). To achieve this, the City's Scenic Corridor Development Guidelines require development proposed within the Scenic Corridor to comply with specific design standards, which require the use of color/materials and building forms that help the project blend in with the site's surroundings, and require the use of landscape elements to further screen, and enhance the scenic qualities of the corridors.

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The General Plan also includes Policy IX-14, requiring lighting to be kept at low levels to maintain a dark nighttime sky. The project includes fully-shielded, (15 foot tall) pole-mounted lighting fixtures to ensure safety and maneuverability of the auto in the evening hours. Proposed lighting is designed to be consistent with the lighting values and uniform ratios contained in the City's Lighting (Dark Skies) Ordinance, and proposes new fixtures that have shielding to keep light on-site.

Furthermore, the General Plan includes the following policies to maintain the value of biotic resources such as Oak woodlands and other sensitive biotic resources, which include clustering development (IV-2, IV-3, IV-9). In this case, the proposed development area is sited within the developed areas of the property, where no significant biotic (Oak) resources exist. Additionally, the use of rooftop parking reduces the need to expand the developed footprint and

allows for maximum efficient use of the site while protecting the surrounding resources to the greatest extent possible.

Lastly, General Plan Policy IV-31 requires the project to balance grading on-site to eliminate the need for transporting soils on or off-site. The proposed project is proposing 1,625 cubic yards of cut and 3,425 cubic yards of fill, thereby limiting soil import to 1,805 cubic yards of fill, which is consistent with this policy.

The subject site is also located within the West Calabasas Road Planning Guidelines (the Guidelines) area. The Guidelines include applicable design measures within the WCRMP area that require well designed building with high quality materials, and variety of landscaping (with varying height, colors, and textures), a mix of trees, shrubs and ground cover, to enhance the aesthetics of the site. The proposed landscaping on the property includes use of native plant materials, with ground cover along the front of the property and shrubs and trees towards the rear, which provides a nice transition from Calabasas Road to the natural hillside behind the dealership. Furthermore, the building includes green walls with vines to soften the CMU walls. Because of all the reasons mentioned above, the project meets this finding.

Section 17.32.010(E) of the Calabasas Municipal Code allows the Planning Commission to recommend to the Council approval of an **Oak Tree Permit** provided that the following findings are 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 is otherwise prevented by the presence of the oak tree or scrub oak habitat.*

The project site is previously developed with an auto dealership, and has a number of Oak trees on-site including oak trees associated with an oak woodland located in an undisturbed natural hillside area to the south of the existing development and on the adjacent Audi auto inventory lot. An Oak Tree Report and Oak Tree Location Map was prepared for the project site dated May 13, 2019, documenting 11 Oak trees were surveyed within the subject property's boundaries and 25 outside the property, of which were surveyed due to their proximity to the proposed project site. Of the 36 Oak trees located in the vicinity of the proposed project, two (2) Oak trees are proposed to be removed (Tree #: 1 and 2). The project proposes to utilize the existing driveway from Calabasas Road and to bring the site into conformance with Fire Department requirements, the driveway in the parking lot required a 28-foot wide access through the site. To expand the access driveway, the removal of two (2) Oak trees on the east side of the property will be removed in order for the driveway to be compliant with the Fire Department standards.

The two (2) Oak trees proposed for removal are not heritage oak trees. To this end, because the development is located in the most reasonable portion of the site and the development is not extending further into the natural habitat where several other native Oak trees are planted, the removal of the two previously planted Oak trees is warranted to enable reasonable and conforming use of the site. For these reasons, 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 subject property, which is otherwise prevented by the presence of the oak tree or scrub oak habitat. In addition, said 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.*

The subject site is currently developed with an auto dealership that contains Oak trees on and off-property (OP). An Oak Tree Report and Oak Tree Location Map was prepared for the project site dated May 13, 2019, documenting 11 Oak trees that were surveyed within the subject property's boundaries and 25 off-site trees, of which were surveyed due to their proximity to the proposed project site. Of the 36 Oak trees located in the vicinity of the proposed project, a total of 12 Oak trees (Tree #: 3, 4, 5, 6, 7, 11, OP-5, OP-6, OP-7, OP-8, OP-9, and OP-24) will be encroached upon for the proposed project. The encroachment into the protected zone is due to the remodel and reconfiguration of the parking lot and site improvements, including removal of curbs and pavement, which is necessary for safe vehicular movement and fire department access.

To ensure survival, and consistent with the Calabasas Oak Tree Preservation and protection Guidelines, the project has been conditioned to require monitoring of the affected Oak trees for a period of 5 years. If any of the impacted Oak trees dies within the monitoring period, the applicant will be required to mitigate for the loss of the tree(s) at a 1:1 ratio for every inch of Oak tree diameter lost. Additionally, the project has been conditioned to include all the recommendations contained in the Oak Tree Report, such as the installation of protective fencing around the oak trees during construction. Therefore, the proposed project meets this finding.

3. *Removal or altering of the oak trees will have minimal impact on the total hardwood canopy with special emphasis on associated tree growth and their natural regeneration, wildlife habitat and heritage oak trees.*

According to the oak tree report and biological report, there are acres natural oak woodland located on the slope adjacent to and south of the developed area of the site. The proposed project requires the removal of only two (2) non-heritage oak trees, which represents approximately 2,000 square feet of oak

canopy. Furthermore, these oak trees were planted for landscape purposes along the eastern property line between the Audi and BMW dealership, and are not part of the natural habitat located to the south. As a result, the proposed project preserves the natural hillside and does not result in the loss of hardwood canopy associated with natural habitat or heritage oak trees. In fact, the applicant is proposing to plant mitigation oak trees along the slope in order to increase the natural oak habitat footprint. Furthermore, the biological survey determined that there is no presence of nesting birds, Rare, Threatened or Endangered species on the subject site. Given these circumstances, 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 hereby approves File No. 170001647 and adopts Resolution No. 2019-687 subject to the following agreements 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 this File No. 170001647 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 170001647 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Car Son Cala LLC (property owner), United Development Services (applicant), and Lithia Real Estate, LLC (project operator) and their successors and assigns, shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. 170001647 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 170001647 and the issuance of any permit or entitlement in connection therewith. Metropolitan Business Car Son Cala LLC (property owner), United Development Services (applicant), and Lithia Real Estate, LLC (project operator) and their successors 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 Division

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 Community Development Director.
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 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.
7. 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 effect adjacent property owners. The

applicant shall notify the Director of Transportation or designee of the construction employee parking locations, prior to commencement of construction.

8. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code.
9. Prior to final sign-off for the lighting installation, the Director shall inspect the lighting to ensure that the project creates no objectionable light or glare to surrounding areas. If the Director determines that adjustments are necessary, those adjustments shall be made prior to final sign-off and subsequent use of the lights.
10. Prior to the issuance of a building or grading permit, the applicant shall submit a final landscape plan to the Community Development Director for review and approval. The landscape plan shall list plant species selected, container sizes and demonstrate plant layout and spacing, and proposed irrigation. The landscape plan shall conform with the requirements of Chapter 17.26 of the Calabasas Municipal Code, including using only native and/or drought tolerant non-invasive plant species, and water efficient irrigation. The Community Development Director is empowered to approve the final landscaping plan with adjustments as reasonably consistent with the Calabasas Municipal Code, with a preference for California Native Plants.
11. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such MWELo compliant plans and to the satisfaction of the Director of Community Development or his/her designee.
12. All ground and roof-mounted equipment is required to be fully screened from view except as prohibited by applicable law. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
13. All landscaping is to be installed within 90 days of issuance of a final certificate of occupancy to the satisfaction of the Director of Community Development or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.
14. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors shown on the plans.

15. This grant shall not be effective for any purposes until the applicant and owner of the property involved have signed an affidavit stating that the project operator, applicant, and the owner are aware of and agree to accept all conditions of approval.
16. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.
17. All lighting, except that necessary for safety and security, shall be turned off no longer than one hour after the close of business of the existing Audi of Calabasas auto dealership.
18. Prior to the issuance of a certificate of occupancy, the applicant shall submit appropriate documentation demonstrating that the addition to the building has met the equivalent of Certified Rating under the United States Green Building Council's LEED Rating System Version 2.0.
19. The existing monument sign (with the digital screen) shall be removed prior to the issuance of a building permit to remodel or expand the existing dealership building.

Community Development Department / Planning Division/Oak Trees

20. The project is approved for the removal of Oak Tree Nos. 1 and 2. The applicant is responsible mitigate at a ratio of 1:1 for each inch of Oak Tree diameter removed. Tree transplantation does not require mitigation for Oak Trees under 10 inches in diameter. Additionally, no mitigation is required for the removal of Oak Tree Nos. 8 and 10 due to declining health. Therefore, the applicant is required to mitigate for the removal of 46 total inches. All mitigation Oak trees shall be planted on-site if feasible. If it is not feasible to plant all mitigation Oak trees on-site, then the applicant shall plant the mitigation trees in a viable off-site location approved by the Community Development Director in consultation with the City Arborist, or pay a fee in-lieu of mitigation into the City's Oak Tree Mitigation fund to be used for future mitigation efforts. The applicant shall be responsible for the monitoring and maintenance of the replacement trees and the transplanted trees for a minimum of five (5) years. If any replacement tree(s) dies during the five-year monitoring period, the applicant shall plant new replacement trees, and the monitoring period shall begin again from the date of planting for the replacement Oak. If any of the transplanted Oak trees die during the five year monitoring period, the tree shall be mitigated at a ratio of 1:1 for each inch of tree diameter of the deceased tree, and a monitoring period of 5 years shall begin again from the date of planting for the replacement Oak(s).
21. The project requires encroachment into the protected zones of 12 Oak Trees (Oak Tree #: 3, 4, 5, 6, 7, 11, OP-5, OP-6, OP-7, OP-8, OP-9, and OP-24). All Oak trees encroached upon by construction activities shall be included in the monitoring plan described in Condition No. 22 below. If any of the encroached upon trees dies

within the required five year monitoring period the tree shall be mitigated at a ratio of 1:1 for each inch of tree diameter of the deceased tree, and a monitoring period of 5 years shall begin again from the date of planting for the replacement Oak(s).

22. Prior to the issuance of a grading or building permit, the applicant shall submit an Oak tree mitigation and monitoring plan for review and approval by the Community Development Director and City's Arborist that address all mitigation Oak trees, transplanted oak trees, and encroached upon Oak trees. The mitigation plan shall include a plan for planting and establishment of all required mitigation trees, including the size, species and location, and a monitoring and maintenance schedule. The mitigation and monitoring plan shall be prepared by the project's Oak tree preservation consultant in accordance with the requirements outlined in the City's Oak Tree Preservation and Protection Guidelines.
23. Prior to the issuance of a grading or building permit, the applicant shall submit a refundable security deposit (or other surety), in an amount equal to the PRC value of the impacted oak trees plus the cost of planting and the possible replacement, to be deposited in trust with the City of Calabasas. The deposit shall be refunded upon satisfactory completion of the mitigation requirements at the conclusion of the 5-year monitoring period.
24. Oak tree protective zone fencing (in accordance with the standards in the City's Oak Tree Preservation and Protection Guidelines - 5 ft. minimum height) shall be installed around the protected zones (or at the limit of approved work for the encroached upon trees as necessary) to protect the Oak Trees preserved on-site from any damage and remain in place until completion of all work. Should any work be required within the fenced area and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open. Oak tree fencing shall be placed around all Oak trees on-site unless otherwise approved by the Director. Any fencing damaged through the course of work shall immediately be replaced or repaired. No fencing shall be removed or moved without notifying the oak tree consultant and without approval from the City of Calabasas Community Development Department.
25. A copy of the oak tree report and the City's approved Oak Tree Permit shall be kept on-site during all construction activities.
26. The applicant shall adhere to the specific recommendations contained within the Oak Tree Report dated May 13, 2019 (3rd Revision) and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.
27. No chemicals, such as herbicides, shall be used upstream (upslope) and within one hundred feet of any oak tree protected zone.
28. If, during the course of work, any branches are broken by equipment, the applicant's oak tree consultant shall be notified with a request for evaluation and recommendation.

29. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
30. The area within the protective zone fencing shall not be used at any time for material or equipment storage, deposit of debris and trash, or parking. No dumping of construction wastewater, paint, stucco, concrete, or any other clean-up waste shall occur within the protected zone of any oak tree or uphill from the protected zone. No temporary structures shall be placed within the protected zone of any oak tree not permitted for removal or encroachments.
31. Irrigation water should not reach within a minimum of 15 feet from the trunk of an established oak tree. In the current drought conditions, winter watering of established oak tree may be beneficial; however, should only be done under the advice of a certified arborist. If irrigation is needed, only drip systems or irrigation wands should be used to promote deep soil penetration. Direct contact with the tree trunk and root collar should always be avoided, as this promotes root rot. Shallow and frequent watering is discouraged.
32. Grass or ground covers should not be planted beneath the canopy of oak trees. However, drought tolerant understory plants with low watering needs may be suitable for planting within the protective zone of an oak tree.
33. Prior to the issuance of grading permits, all Oak trees shall be properly tagged as outlined in the Oak Tree Report dated May 13, 2019 by Trees, Etc.
34. All work on or around the Oak trees as described in the Oak Tree Report dated May 13, 2019 by Trees, Etc. shall include the use of hand tools where possible, clean root pruning, and avoidance of buttress roots should be attempted.
35. The consulting arborist shall be on-site during the planting of the new landscaping within the protected zones of all Quercus tree species.
36. 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 above 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 or instances of a deviation to any of these conditions. The letter shall also describe the monitoring that occurred in compliance with Condition Nos. 16, 17 and 18 above.

Community Development Department / Planning Division/Biotic Resources

37. If feasible, construction shall occur outside of bird nesting season (September 1st and January 31st). If it is not feasible to limit construction outside of the bird nesting season, within 15 days prior to the start of work, a qualified biologist shall conduct pre-construction surveys of lands within 500 feet of the proposed work areas. If

any active bird nests are discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable California Department of Fish and Wildlife guidelines. Construction-free buffers will be identified with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged. Findings of the pre-construction surveys and any proposed actions shall be forwarded to the Community Development Department for review prior and approval to the start of any work.

Community Development Department / Building and Safety Division

38. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
39. The project must comply with the building codes in effect at the time the project is submitted to Building and Safety.
40. The project is located within a designated a Very High Fire Hazard Severity Zone. The requirements of Chapter 64 of the 2016 Los Angeles County Fire Code, Vol. 1 (or most recent adopted version in effect at the time the project is submitted to Building and Safety), must be incorporated into all plans.

Public Works Department / Environmental Services Division

41. This project will disturb one acre or greater of land and therefore must obtain coverage under a statewide General Construction Activities Stormwater Permit (General Permit). Prior to issuance of a grading permit, the applicant must submit to the City:
 - a) Proof of PRD filing confirmation with the State Water Resources Control Board under the new General Permit (Order No. 2009-0009-DWQ Permit);
 - b) A statement of owner's certification that a State Stormwater Pollution Prevention Plan (SWPPP) has been prepared; and
 - c) A copy of the SWPPP prepared for the project complying with all applicable requirements of the Order No. 2009-0009-DWQ.
42. The site shall be designed to control pollutants, pollutant loads, and runoff volume by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use in accordance with the requirements set forth in the MS4 Permit and the Los Angeles County LID Standards Manual. The project applicant shall prepare and submit a *Storm Water Mitigation Plan*, which shall implement a set LID standards and practices for storm water pollution mitigation, for review and

approval. The Storm Water Mitigation Plan shall provide documentation to demonstrate compliance with the following:

- a) Retain storm water runoff onsite for the Storm water Quality Design Volume (SWQDV) defined as the runoff from:
 - 1. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - 2. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
- b) Minimize hydromodification impacts to natural drainage systems as defined in the NPDES Permit.

43. The construction drawings must incorporate the following five requirements into the project design prior to the issuance of the grading permit:

- a) Conserve natural areas;
- b) Protect slopes and channels;
- c) Provide storm drain system stenciling and signage;
- d) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

44. Storm water runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the city and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy:

- a) Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable.
- b) Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.
- c) Between October 1 and April 15, all excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site.
- d) No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicle of

equipment on the construction site is permitted to run off the construction site and enter the MS4.

- e) Trash receptacles shall be situated at convenient locations on construction sites and shall be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site.
- f) Erosion from slopes and channels must be controlled through the effective combination of best management practices.

45. As a condition for issuing a Certificate of Occupancy, the owner shall build all BMPs that are shown on the approved *Storm Water Mitigation Plan* and to submit an owner signed certification statement stating that the site and all LID BMPs will be maintained in compliance with the Storm Water Mitigation Plan, the manufacturer's manual and other applicable regulatory requirements. The certification shall include a fully executed and recorded "Maintenance Covenant for Parcels Subject to LID BMPs Requirements" to provide for on-going maintenance of the BMPs that have been chosen.

46. 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.

47. 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.

48. McCoy Creek is one of the headwaters of Los Angeles River. The owner shall be responsible for meeting all EPA approved water quality measures pursuant to the California Water Quality Act including but not limited to Total Maximum Daily Loads (TMDL) applicable to McCoy Creek.

49. Areas of creek bank that have eroded need to be fully stabilized per the Army Corp of Engineer's standards and approval of the California Department of Fish and Wildlife. Creek banks need to be cleaned up, broken trees and barriers removed from the creek bed and bank per the CDFW's standards.

50. 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.

51. Provide a separate chute for trash and recyclable waste leading to each trash enclosure. The trash chutes must end-up in different bins.
52. 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 (888- 999-9330), America's Bin (888-500-9007), Consolidated Disposal (800-299-4898), Interior Removal Specialists (323-357-6900), Recology (800-633-9933), Universal Waste Systems (800-631-7016), Waste Management (800-675-1171). An Encroachment Permit is required prior to placing a refuse bin/container on the street.
53. Grading shall be prohibited from **October 1st** through **April 15th**, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.
54. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected, or washed into storm drains, causes pollution in local waterways via the storm drain system is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.

Public Works Department / Land Development Division / Street Improvements

55. The Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department.
56. The horizontal and vertical alignment for the project access driveways shall satisfy requirements of the County of Los Angeles Fire Department and the City Engineer.
57. 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.

58. The applicant shall repair any broken or damaged public improvements, including but not limited to curb, pavement, etc. on Calabasas Road along the project frontage to the satisfaction of the City Engineer.

Public Works Department / Land Development Division / Grading and Geotechnical

59. 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 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 geotechnical consultant must review the plans and sign and stamp in verification of their recommendations.

60. 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. 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.

61. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.

62. 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.

63. 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.

64. 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.
65. 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.
66. 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.
67. 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).
68. 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.
69. 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.
70. All excavation, grading, site 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.
71. 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.

72. 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.
73. 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.
74. Rough Grade Certification. Upon completion of rough grading, the applicant shall submit Rough Grade (Public Works Form O) Certification on the City's form. The certification 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 Certification shall be reviewed in conjunction with the Rough Grade Report by the City Engineer.
75. Approval of Rough Grading. The project Rough Grade Report and Rough Grade Certification shall be reviewed and approved by the City Engineer.
76. Prior to the final inspection by Building and Safety Division (B&S), 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.
77. Final Grade Certification. Upon completion of grading operation, the applicant shall submit a Final Grade Certification (Public Works Form P) for review and approval by the City Engineer.

Public Works Department / Land Development Division / Hydrology and Drainage

78. 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, documenting existing outflows, 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 applicant shall provide on-site detention to ensure no increase in peak runoff. 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 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 to the issuance of a grading permit.

79. 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.
80. All drainage shall be sloped 2% away from all parts of building structures 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.
81. 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.
82. The owner shall provide storm drain access and maintenance as well as storm water acceptance for the discharges/flows from Parcel 1 to Parcel 2.
83. The owner shall quitclaim and dedicate portions of existing easement for the storm drains and incidental purposes that conflict with new building and retaining walls. The owner shall dedicate new easements as needed to Los Angeles County Flood Control District for the storm drains.

84. The applicant shall obtain a storm drain connection permit from Los Angeles County for proposed connections to Lines A and B of PD 2034.

Public Works Department / Land Development Division / Utilities

85. Existing overhead power services to the building shall be placed underground.

Public Works Department / Traffic and Transportation Division

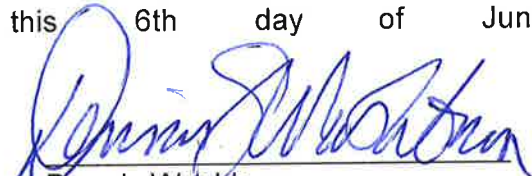
86. Prior to issuance of a building permit, the applicant shall pay \$34,593 to the Citywide Traffic Mitigation Program for signal timing adjustment, re-striping along Calabasas Road in the project vicinity and new/replacement signage.


Los Angeles County Fire Department

87. The applicant or property owner shall obtain all applicable permits and approvals from the Los Angeles County Fire Department. The applicant and/or property owner shall comply with all Fire Department conditions of approval.


Section 5. All documents described in Section 1 of PC Resolution No. 2019-687 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2019-687 PASSED,
APPROVED AND ADOPTED this 6th day of June,
2019.


Dennis Washburn
Chairperson

ATTEST:

Maureen Tamuri
Community Development Director

APPROVED AS TO FORM:


Matthew T. Laramore
City Attorney

Planning Commission Resolution No. 2019-687, was adopted by the Planning Commission at a regular meeting held June 6, 2019, and that it was adopted by the following vote:

AYES: Chair Washburn, Commissioners Mueller, Fassberg Kraut and Harrison

NOES: None

ABSENT: Commissioner Sikand

ABSTAINED None

“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.”