

RESOLUTION NO. 2016-1490

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA TO APPROVE FILE NO. 140000937 FOR A SITE PLAN REVIEW AND CONDITIONAL USE PERMIT AMENDMENT FOR THE CONSTRUCTION OF AN ATTACHED THREE-STORY, 51-ROOM CALABASAS-LEED "SILVER" (GREEN BUILDING COUNCIL'S LEED RATING SYSTEM VERSION 2.0) WING ADDITION TO BE BUILT ON THE WEST END OF AN EXISTING THREE-STORY, 142-ROOM HOTEL (CALABASAS HILTON GARDEN INN); AND A CONDITIONAL USE PERMIT REQUESTING A 20% OFF-STREET PARKING REDUCTION PURSUANT TO CALABASAS MUNICIPAL CODE SECTION 17.28.050 TO A PROPERTY LOCATED WITHIN THE COMMERCIAL, MIXED USE (CMU) ZONING DISTRICT, AND CALABASAS PARK CENTRE AT 24150 PARK SORRENTO (A.P.N. 2068-030-016).

Section 1. The City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports were prepared by the Community Development Department.
2. Staff presentation at the public hearing held on January 27, 2016 before the City Council.
3. The City of Calabasas Land Use and Development Code, General Plan, Calabasas Park Centre Development and Design Guidelines (Development and Design Guidelines) and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

Section 2. Based on the foregoing evidence, the City Council finds that:

1. On August 7, 2014 the applicant submitted an application for a Site Plan Review, a Conditional Use Permit and Conditional Use Permit Amendment for File No. 140000937.
2. On September 4, 2014 staff determined that the application was incomplete and the applicant was verbally notified of this incomplete status. Written confirmations were sent on September 4, 2014.
3. The applicant responded to the incomplete letter and re-submitted corrections on March 12, 2015 and the applicant was verbally notified of this incomplete status. Written confirmations were sent on April 10, 2015.
4. On November 23, 2015 the application was deemed complete and the applicant was notified.
5. Notice of the January 27, 2016 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
6. Notice of the January 27, 2016 City Council public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
7. Notice of the City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
8. The project site is currently zoned Commercial, Mixed Use (CMU).
9. The land use designation for the project site under the City's adopted General Plan is Mixed Use 0.95 (MU 0.95).
10. The project site is subject to the Calabasas Park Centre Development and Design Guidelines.
11. The surrounding land uses around the subject property are zoned Commercial, Mixed Use (CMU) and Open Space-Development Restricted.
12. Notice of the City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b) (2).

13. Following a public hearing on January 7, 2016, the Planning Commission approved Resolution No. 2015-607 recommending to the City Council to certify a Mitigated Negative Declaration and approve File No. 140000937.

Section 3. In view of all of the evidence and based on the following findings, the City Council concludes as follows:

FINDINGS

Section 17.62.020 of the Calabasas Municipal Code requires that the City Council approve a Site Plan Review provided that the following findings are made:

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

The existing hotel (Calabasas Hilton Garden Inn) is an allowed use in the Commercial, Mixed Use (CMU) zoning district pursuant to Section 17.11.010(F) of the Land Use and Development Code. The proposed hotel addition maintains this land use and is thus also an allowed use. Additionally, the project site is located in Zone 4 of the Calabasas Park Centre Master Plan Area (Master Plan Area) identified in the Calabasas Park Centre Development and Design Guidelines (Development and Design Guidelines) that identifies an overnight accommodations land use (hotel) as an allowed use. The project site is currently improved with a three-story (43'-11"), 74,132 square-foot hotel and attendant parking and landscaping. The existing building is roughly placed at the center of the lot. The existing parking is located directly in front, rear and side (west) of the building. The proposed 24,342 square-foot, 51-room wing addition is proposed to be attached to the west end of the existing hotel. The proposed 51-room wing addition will maintain a 40-foot front setback and will be setback from the west side property line (Parkway Calabasas) 40 feet as required by the Development and Design Guidelines. The east side yard setback is approximately 76'-8" and the rear setback is approximately 150', which complies with the 20' minimum required rear setback on all CMU zoned properties. The existing square footage of the hotel is approximately 74,132 square feet, which equates to a legal non-conforming floor area ratio of 0.37. The allowable floor area ratio for a CMU zoned property is a range between a minimum of 0.6 and a maximum of 0.95. The proposed 24,342 square-foot, 51-room wing addition would bring the total square footage of the existing hotel to 98,474 square feet, which equates to a floor area ratio of approximately 0.49. The proposed floor area ratio of 0.49 does not conform to the required minimum floor area ratio of 0.6 but it is much closer to the required floor area ratio than the existing legal nonconforming floor area ratio of 0.37. Approving

the expansion, improving the nonconformity, is consistent with Calabasas Municipal Code section 17.72.020(B)(1), which prohibits alterations to a nonconforming structure that exacerbate the nonconformity, but does not bar alterations that reduce the discrepancy between the project and the code's requirements. The proposed site coverage of the hotel and 51-room addition will be approximately 16.7%, which complies with maximum of 62% of the net site area. The proposed pervious surface will decrease from 56% to 49% primarily because the project will be constructed upon landscaping surfaces to accommodate for the 51-room wing addition and fire access road way. The 49% pervious surface is more than the minimum allowed for a CMU zone property of 38%.The project design is intended to meet or exceed the Leadership in Energy and Environmental Design (LEED) Silver status, consistent with CMC Chapter 17.34. Therefore, the proposed project meets this finding.

2. *The proposed use is consistent with the General Plan and any applicable specific plan, and any special design theme adopted by the city for the site or vicinity;*

The proposed project meets this finding because the General Plan land use designation for this parcel is Mixed Use 0.95 (MU 0.95), and a hotel land use is consistent with this General Plan land use designation. The MU land use designation is intended to provide for "relatively high intensity, pedestrian-oriented environments" in a mixed-use setting. The proposed hotel expansion will increase the number of available hotel rooms in the midst of a walkable, mixed-use larger development that includes retail, commercial, public, and governmental uses, fulfilling the intent of this land use designation. The project will not eliminate any anticipated future housing in contradiction to the Housing Element; and traffic conditions and requirements will not conflict with the policies and provisions of the Circulation Element. Furthermore, the site plan review approval will allow for the enhancement of the existing hotel which is consistent with one of the General Plan objectives which is to provide visitor accommodations and enhance the area near The Commons (also located within the Master Plan Area). The design of the proposed development will conform with the City's stated policies and objectives for control of storm water runoff, control and management of light pollution, and adherence to General Plan policies concerning vehicle trip reduction, promotion of alternative modes of travel, and conservation of energy resources.

The project is consistent with eighteen General Plan policies including Policies: II-8, II-11, IV-11, IV-17, IV-21, IV-22, IV-23, IV-27, IV-31, IV-32, IV-33, IV-36, IV-37, XII-1, XII-2, XII-5, XII-13, and XII-31.

General Plan policies II-8 and II-11 stipulate that projects should emphasize retention of Calabasas' natural environment setting and promote a mix of commercial uses that contribute to the local economic base. The project is proposed to be located on mainly on an existing graded concrete surface that will reduce the amount of grading necessary to construct the project. The 51-room hotel wing will contribute to the local economic base by generating revenue to the City through the Transient Occupancy Tax and providing visitor accommodations to those patronizing local retailers.

General Plan policies IV-11, IV-17, IV-21, IV-22, IV-23, IV-27 identify the need to promote the planting of additional trees in urban areas, ensure construction projects comply with applicable South Coast Air Quality Management District (SCAQMD) rules and policies, and promote the planting of native and drought tolerant species. The hotel addition is sited approximately eight feet below grade of Parkway Calabasas and is screened by existing landscaping. The project is proposing to plant additional trees along the perimeter of the project site along Parkway Calabasas to assist in screening the addition. Also, the landscape plan calls for drought tolerant species to be planted along the reconfigured driveway and addition. The SCAQMD had the opportunity to review the project's MND and requested that technical documents related to air quality and greenhouse gases analyses be sent to them. After receiving the requested technical documents, SCAQMD staff responded that no further comments were necessary on the draft MND.

General Plan policies IV-31, IV-32, IV-33, IV-36 and IV-37 identify the need for soil conservation and preservation and energy conservation. The original project proposed to construct the 51-wing addition into the hillside of the project site. The project was revised to be sited on an existing graded and developed surface to minimize the amount of soil being transported offsite and eliminate massive grading into the existing hillside of the project site. The project is required to conform to the City of Calabasas LEED (Leadership in Environmental and Energy Design) (version 2.0) standards. As such, the project will provide conservation methods such as water efficient landscaping, water use reduction and utilize at least 20% building materials with recycled content.

General Plan policies XII-1, XII-2, XII-5, XII-13, and XII-31 identify the need to facilitate retail and service businesses patronized by the local population and travelers along the Ventura Freeway and ensure that projects provide adequate municipal services. The existing project site is located approximately 1,000 feet from the Ventura Freeway and is regionally accessed by the Parkway Calabasas and Calabasas Road interchanges. The hotel addition will provide additional visitor accommodations to visitors patronizing local retailers and businesses,

including the adjacent commercial office buildings and the nearby retail and government uses. The hotel and the proposed addition will continue to be serviced by the Las Virgenes Municipal Water District.

One of the objectives outlined in the General Plan is to maintain a stable stream of municipal income that is adequate to provide the level of municipal services desired by Calabasas residents and businesses by (Element XII. Services, Infrastructure & Technology, XII.A Fiscal Management). The proposed project assists the City in meeting this objective by providing an additional stream of unrestricted revenue available to fund municipal services generated through the Transient Occupancy Tax levied on the additional hotel rooms.

The project site is located in Zone 4 of the Calabasas Park Centre Master Plan Area (Master Plan Area) identified in the Calabasas Park Centre Development and Design Guidelines (Development and Design Guidelines) that identifies an overnight accommodations land use (hotel) as an allowed use. The proposed 51-room wing addition will maintain a 40-foot front setback and will be setback from the west side property line (Parkway Calabasas) 40 feet as required by the Development and Design Guidelines. The maximum height allowed in Zone 4 is 45 feet (3 stories) for overnight accommodations.

The proposed addition is designed with a height of 43'-11" (3 stories), consistent with the existing hotel, and the proposed tower feature will reach a maximum height of approximately 47'-9" (architectural features such as towers are allowed to exceed the maximum allowed height pursuant to Calabasas Municipal Code Section 17.20.180(E)(1)). Consequently, the proposed 51-room addition will be consistent with the Zone 4 height requirements and the existing hotel height. The proposed 51-room addition is designed to match the existing architectural style and height of the hotel. The Development and Design Guidelines stipulate that an architectural theme be carried out through the entire project site. The three-story, contemporary Mediterranean-style architecture of the addition is consistent with the existing hotel and the architectural style of the four story Kilroy office buildings located across the street.

For all the reasons given above, the project meets this finding.

3. The approval of the Site Plan Review is in compliance with the California Environmental Quality Act (CEQA);

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. In preparing the IS/MND, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts.

The Final IS/MND identifies the areas where the project may have a potential effect on the environment. All areas with impacts listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures, which the applicant must comply with under the proposed conditions of approval. With the inclusion of the identified mitigation measures, the project will not have a significant effect on the environment.

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 surrounding area is developed with a variety of land uses in conformance with the vision of the Master Plan Area. The nearby uses include commercial office to the north, surface parking to the east, open space to the south, and open space owned by a nearby homeowners association to the west, which is separated from the hotel by Parkway Calabasas. There are two, four-story office buildings (Kilroy) located across the street from the project site which dominates the view when traveling from either direction along Parkway Calabasas.

The height of the proposed 51-room wing is consistent with the existing height of the hotel and of the surrounding buildings improved in identical zoning districts. The proposed three-story addition is consistent with the existing height of the hotel and is lower than the four-story Kilroy office buildings located across the street to the north. Additionally, the height of the proposed hotel addition is consistent with the maximum allowed height permitted by the Development and Design Guidelines. The proposed addition is designed with a contemporary Mediterranean-style architecture which is compatible with the existing hotel, and is the predominant architectural style of the surrounding buildings. The Development and Design Guidelines stipulate that buildings should adhere to a common architectural theme throughout the Master Plan Area, which this project accomplishes by designing the addition with a contemporary Mediterranean-style architecture and three stories to match the existing hotel. The Development and Design Guidelines stipulate that rear and side elevations should receive treatment consistent with the style and quality of the front elevation. The hotel addition is designed to have similar façade treatments as the front elevation of the existing hotel such as having multiple façade colors to differentiate among the floors, wrought iron railings, tile foundation treatment, and clay roof tile.

The project proposes to incorporate additional landscaping to assist screening the addition from the Parkway Calabasas and Park Sorrento intersection. The

landscaping plan calls for the existing oak trees planted on the landscape berm located on the corner of Parkway Calabasas and Park Sorrento to remain with the incorporation of medium size evergreens to help screen the addition. The landscape plan also identifies replacing existing ground cover and shrubs with new specimens. Additionally, the landscape plan identifies the planting of additional evergreens on the south end of the property along Parkway Calabasas to help screen the addition. Currently, the four-story Kilroy office building located across the street from the hotel dominates the view from that location. The landscape plan was designed to recognize the natural topography of the site, existing landscaping berm along the Parkway Calabasas and Park Sorrento intersection, and the existing landscaping along Parkway Calabasas. As such, the project is in conformance with the Development and Design Guidelines which stipulate that perimeter landscaping shall be maintained to the greatest extent possible. In this case, the project is improving the perimeter landscaping. Given the circumstances stated above, the proposed project 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 proposed project is required to comply with site coverage and Floor Area Ratio (FAR) standards provided in Section 17.14.020 of the Land Use and Development Code (Code), as well as landscaping standards in Section 17.26.040 of the Code. The project proposes a site coverage of 16.7% which complies with the maximum allowed 62% Code requirement for the CMU zone. The existing square footage of the hotel is approximately 74,132 square feet, which equates to a legal non-conforming floor area ratio of 0.37. The allowable floor area ratio for a CMU zoned property is a range between a minimum of 0.6 and a maximum of 0.95. The proposed 24,342 square-foot, 51-room wing addition would bring the total square footage of the existing hotel to 98,474 square feet, which equates to a floor area ratio of approximately 0.49. The proposed floor area ratio of 0.49 does not conform to the required minimum floor area ratio of 0.6 but it is much closer to the required floor area ratio than the existing legal nonconforming floor area ratio of 0.37. The proposed pervious surface will decrease from 56% to 49% primarily because the project will be constructed upon landscaping surfaces to accommodate for the 51-room wing addition and fire access road way. The 49% pervious surface is more than the minimum allowed for a CMU zone property of 38%. Therefore, the proposed project meets this finding.

- 6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.*

The subject site is located in a suburban portion of Calabasas characterized by commercial office, retail and service uses. As a result, the surrounding area is mostly built out with multi-story buildings, the tallest reaching four stories in height. The site is already developed with The Calabasas Hilton Garden Inn and the addition is proposed on existing developed and graded portions of the subject site, thus reducing the overall impact on the surrounding natural environment. The project has been designed to preserve and enhance the existing landscaping. The project will be further landscaped with drought tolerant and native landscaping that will help blend the development with the surrounding area, much of which exhibits mature landscaping. Additionally, the use of decorative and colored pavers along all portions of the parking lot and driveways allows for a continuous theme of integration and facilitates the project becoming uniform with the surrounding environment. Given these circumstances, the proposed project meets this finding.

Section 17.62.060 of the Calabasas Municipal Code requires that following a public hearing, the commission may approve a Conditional Use Permit application with or without conditions, if all of the following findings are made:

- 1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this Development Code;*

The Calabasas Hilton Garden Inn is located in Zone 4 as identified in the Development and Design Guidelines. Some of the development standards identified for each zone differ from those allowed under the Land Use and Development Code for similar zoned CMU properties. The hotel is an allowed use in both the Commercial, Mixed Use (CMU) zoning district pursuant to Section 17.11.010(F) of the Land Use and Development Code and Zone 4 of the Master Plan Area identified in the Development and Design Guidelines that identifies an overnight accommodations land use (hotel) as an allowed use. The proposed 24,342 square-foot, 51-room wing addition is proposed to be attached to the west end of the existing hotel. The proposed 51-room wing addition will maintain a 40-foot front setback and will be setback from the west side property line (Parkway Calabasas) 40 feet as required by the Development and Design Guidelines. The east side yard setback is approximately 76'-8" and the rear setback is approximately 150', which complies with the 20' minimum required rear setback on all CMU zoned properties. The maximum height allowed in the CMU zone is 35' but additional height may be authorized through a Development Plan. The maximum height allowed in Zone 4 is 80 feet (5

stories) for an office use and 45 feet (3 stories) for overnight accommodations. The proposed addition is designed with a height of 43'-11", consistent with the existing hotel, and the proposed tower feature will reach a maximum height of approximately 47'-9" (architectural features such as towers are allowed to exceed the maximum allowed height pursuant to Calabasas Municipal Code Section 17.20.180(E)(1)).

The existing square footage of the hotel is approximately 74,132 square feet, which equates to a legal non-conforming floor area ratio of 0.37. The allowable floor area ratio for a CMU zoned property is a range between a minimum of 0.6 and a maximum of 0.95. The proposed 24,342 square-foot, 51-room wing addition would bring the total square footage of the existing hotel to 98,474 square feet, which equates to a floor area ratio of approximately 0.49. The proposed floor area ratio of 0.49 does not conform to the required minimum floor area ratio of 0.6 but it is much closer to the required floor area ratio than the existing legal nonconforming floor area ratio of 0.37. Approving the expansion, improving the nonconformity, is consistent with Calabasas Municipal Code section 17.72.020(B)(1), which prohibits alterations to a nonconforming structure that exacerbate the nonconformity, but does not bar alterations that reduce the discrepancy between the project and the code's requirements. The proposed site coverage of the hotel and 51-room addition will be approximately 16.7%, which complies with maximum of 62% of the net site area. The proposed pervious surface will decrease from 56% to 49% primarily because the project will be constructed upon landscaping surfaces to accommodate for the 51-room wing addition and fire access road way. The 49% pervious surface is more than the minimum allowed for a CMU zone property of 38%.

Based on the parking requirements set forth by Section 17.028.040 of the Calabasas Municipal Code, the 142-room hotel is required to have 156 spaces. The hotel has a legal nonconforming inventory of 153 parking spaces. The proposed addition will require the hotel to provide 212 parking spaces. The City Council approved the Master Conditional Use Permit for the Calabasas Park Centre with a shared parking agreement allowing all uses within the Master Plan Area to share parking between those uses, reflecting the fact that each element of the site is connected through internal vehicular and pedestrian circulation elements to the other site elements. Additionally, CMC Section 17.28.050 (A), allows a shared parking reduction in the number of off-street parking spaces required by Section 17.028.040 and in compliance with section 17.62.050 (Conditional Use Permit). As such, the project is proposing to provide 171 parking spaces to serve the hotel and expansion (20% reduction). The Calabasas Municipal Code stipulates that the applicant shall provide evidence to demonstrate, to the satisfaction of the Director and City Engineer that any

requested reduction is necessary for the efficient operation of the subject use and will not result in a parking deficiency.

The project's transportation study also included a parking study which was prepared for this project by Associated Transportation Engineers (ATE). The study prepared by ATE identified that the peak parking demand for the overall Master Plan Area occurred at 2:00 p.m. when 693 of the 814 available spaces were occupied. Based on this estimated amount of available spaces at the peak parking demand, the parking analysis concluded that the proposed 171 parking spaces for the hotel, reflecting a 20% parking reduction, would be sufficient to fulfill the project's parking requirement pursuant to CMC Section 17.28.040 and in compliance with CMC section 17.62.050. If approved, general parking reduction would also assist the project to gain point(s) for LEED certification. According to the LEED rating system, points can be earned through the reduction of pollution and land development impacts from automobile use by having parking capacity not exceed the minimum local zoning requirements. By not being "over parked" the project could potentially gain point(s). The Transportation Study is on file with the Planning Division, and is available for review.

The proposed general parking reduction is consistent with the zoning district and Master Plan Area, since it meets the required parking demand based on the parking analysis included in the Parking Study prepared by ATE. Therefore, the proposed project meets this finding.

2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;

The proposed hotel addition will meet this finding because the Calabasas General Plan Land Use Designation for this property is Mixed Use 0.95 and overnight accommodations (hotel) land use is consistent with the general plan land use designation and applicable general plan policies, as discussed above in Finding #2 for the Site Plan Review, incorporated herein by reference. Additionally, the general parking reduction will serve the expected parking necessity for the hotel as identified in the Parking Analysis referenced in the project's Transportation Study.

The hotel is located within the Calabasas Park Centre Master Plan Area, which was approved through a Master Conditional Use Permit by the City Council on October 22, 1997. The standards and policies contained within the Development and Design Guidelines were implemented in the approval of the MCUP and all subsequent projects thereafter, including the hotel on December

17, 1997 and the revised hotel design on April 5, 2000. The Development and Design Guidelines expected that there would be overlapping parking demands generated by the anticipated land uses. As such, a shared parking agreement between all zones was included in the MCUP. The Development and Design Guidelines required that the shared parking reduction be no more than 20%, which this project is in conformance since it is requesting a 20% parking reduction. Also, the Development and Design Guidelines requires that the project be no more than 500 feet from the main pedestrian entry which this project complies with. As such, the proposed Conditional Use Amendment and parking reduction conform to this finding.

3. *The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and*

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. In preparing the IS/MND, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Final IS/MND identifies the areas where the project may have a potential effect on the environment. All areas with impacts listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures, which the applicant must comply with under the proposed conditions of approval. With the inclusion of the identified mitigation measures, the project will not have a significant effect on the environment.

4. *The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.*

The proposed hotel addition is compatible with the existing hotel use within the project site, and is consistent with the anticipated land use identified in the Development and Design Guidelines for the project site (Zone 4). The design and the scale of the proposed project is consistent with the commercial office use, retail and similar uses located within the Master Plan Area. By designing the 51-room wing with three floors (existing hotel is three floors) and a similar architectural style of the existing hotel and Kilroy office buildings, the project ensures that it is in conformance with the Development and Design Guidelines that stipulate that buildings within the master plan project area shall adhere to a common architectural theme, which in this case is a contemporary Mediterranean-style architecture. The land use and design characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity as identified in the Development and Design Guidelines.

Therefore, the development of the proposed 51-room wing addition is consistent with this finding.

As identified in the parking analysis referenced in the project's Transportation Study, the general parking reduction provides adequate parking necessary for the hotel and 51-room wing addition. Consequently, allowing the general parking reduction for the proposed hotel and 51-room wing addition will continue to be compatible with the existing and anticipated future land uses in the Master Plan Area. Therefore, based on the aforementioned reasons, this project meets this finding.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council approves File No. 140000937 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 the issuance of this File No. 140000937, or the activities conducted pursuant to this File No. 140000937. Accordingly, to the fullest extent permitted by law, Mian Horizon Financial Corporation 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, the issuance of this File No. 140000937, or the activities conducted pursuant to this File No. 140000937. Mian Horizon Financial Corporation 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.



Owner/Applicant

1-27-14
Date

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.

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 Division. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

4. This grant shall not be effective for any purposes until after the applicant, or its successors, and the owner of the property involved (if other than the applicant) have recorded this resolution with the Los Angeles County Recorder's Office, and a certified copy of the recorded document is filed with the Community Development Department.
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. Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with the Chapter 17.26 of the Calabasas Municipal Code to the Community Development Director for review and approval.
8. All landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of Community Development or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.
9. All ground and roof-mounted equipment is required to be fully screened from view. Upon final inspection, Planning Division staff may require additional screening if warranted, through either landscaping, walls or a combination thereof.
10. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Lighting of 60 watts or less on residential projects is exempt by the Lighting Ordinance.
11. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors exhibit.
12. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
13. The project must comply with the building codes of Title 15.04 of the City of Calabasas Municipal Code at the time of building plan check submittal.
14. The project is located within a designated "Very High Fire Hazard Severity Zone". The requirements of Chapter 15.04.900 of the Calabasas Municipal Code must be incorporated into all plans.
15. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.

16. The applicant shall implement all required mitigation measures identified in the December 2015 Final Initial Study/Mitigated Negative Declaration for this project.
17. Applicant shall provide permanent art work to fulfill the Art in Public Places requirement or pay an in lieu fee of 1% of the building valuation or the maximum fee of \$150,000 as dictated in CMC Section 17.24.020(B), and no final certificate of occupancy shall be issued beforehand.
18. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code to the satisfaction of the Community Development Director. Compliance shall consist of achieving the equivalent of a "silver" rating (at a minimum) using the LEED (Leadership in Energy and Environmental Design) rating system version 2.0 developed by the United States Green Building Council.
19. In order to demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code, the applicant shall submit two documentation packages to the Community Development Department for review in the following manner:
 - a. Prior to the issuance of a building or grading permit, the applicant shall submit a documentation package to the Department of Building and Safety that documents compliance with all design-related credits that are being sought after. Review and approval of the documentation package is required prior to issuance of a building and grading permit. On a case by case basis, the Director may defer this submittal requirement until a later date for the following reasons: 1) If the applicant can demonstrate through the submittal of a contract that the project team includes a LEED Accredited Professional, 2) if the project team can demonstrate experience with completed development of at least one LEED rated project in California, and/or 3) the project is seeking a LEED "gold" rating or higher.
 - b. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a final documentation package to the Department of Building and Safety that documents compliance with all remaining undocumented LEED credits. Review and approval of the final documentation package is required prior to the issuance of a Certificate of Occupancy.
20. Violation of any of the conditions of this permit shall be cause for revocation and termination of all rights thereunder.

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

- i. 7:00 a.m. to 6:00 p.m., Monday through Friday
- ii. 8:00 a.m. to 5:00 p.m., Saturday

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. 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.

PUBLIC WORKS:

ENVIRONMENTAL SERVICES CONDITIONS

22. The applicant must complete and submit a Local Storm Water Pollution Prevention Plan (L-SWPPP) prior to issuance of the grading permit. The SWPPP must be certified by a civil engineer licensed with the State of California. Guidance to prepare a Local SWPPP is available on city's website at:

<http://www.cityofcalabasas.com/pdf/documents/environmental-services/SWPPP.pdf>

Please submit a detailed site plan showing the extent of grading, proposed structures, the location of all applicable BMPs and the corresponding SWPPP fact sheet.

23. The owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction sites:

- a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
- b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
- c) Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
- d) Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

24. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
25. 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." **Crown Disposal Co, Inc.** is the only service provider permitted to operate in Calabasas. Please contact (818-767-0675) for any roll-off or temporary container services. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
26. 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.
27. 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. The applicant shall provide off-site street improvement plan and profile and details of the project frontage on Park Sorrento including, but not limited to, curb and gutter, parkway, sidewalk and driveway to the satisfaction of the City Engineer. Details shall be coordinated with the Planning Division of the Community Development Department, County of Los Angeles Fire Department, as well as the City Landscape Maintenance District (LMD).
28. 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.

29. The applicant shall provide the appropriate line of sight and striping plans for the proposed improvements on Park Sorrento in accordance with the requirements of Public Works Department. The plan must also adhere to the City of Calabasas' standards for traffic lane widths and alignment in the vicinity of the area affected by the lane configuration change.
30. The applicant shall provide a horizontal and vertical alignment for the project's access driveways to the satisfaction of the County of Los Angeles Fire Department and the City Engineer.
31. 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.
32. Prior to any work being performed within the City right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department. 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.
33. Prior to issuance of a certificate of occupancy, all damaged curb, gutter, sidewalk, and pavement on Park Sorrento shall be removed and replaced at the expense of the applicant.
34. 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.
35. The applicant shall be responsible for maintenance and repairs of all proposed public street improvements until final acceptance by the City Council.

GRADING AND GEOTECHNICAL

36. 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 title 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, subdrains, limits of removals, 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 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.
37. The applicant shall submit a geotechnical report prepared by a Geotechnical Engineer/Engineering Geologist. The geotechnical report must specifically address the proposed improvements including engineering calculations for all site grades, foundations, removals, 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 construction. 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.
38. All slopes shall be 2:1 (horizontal to vertical) or less, and in accordance with the approved geotechnical studies.
39. 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.
40. 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.

41. 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.
42. All retaining 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.
43. 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.
44. 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).
45. 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.
46. 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.
47. All excavation, grading, site utility installation (private water, sewer and storm drain), pavement construction and related site work shall be observed and approved by the Public Works Department, pursuant to construction permits issued for approved grading and improvement plans. Changed conditions that affect the Grading and Drainage Plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1), which shall be approved by the City Engineer prior to commencement of any grading activities that do not conform to the

approved Grading and Drainage Plans. If the field conditions deviate from the approved plans without obtaining prior approval of a change order, the City Engineer may issue a Stop Work Notice.

48. 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 City Council.
49. Grading operations involving the hauling of dirt and debris 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.
50. 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.
51. Prior to Issuance of a Certificate of Occupancy, the project Civil Engineer of record shall provide As-Built or Record Drawings, prepared on mylar, reflecting the as-built field conditions, including any changes to the approved plan, to the satisfaction of the City Engineer. As-built plans shall be furnished prior to initiation of final inspection by the Public Works Department.
52. Prior to the issuance of a Certificate of Occupancy (C of O), the applicant shall submit a Final Grade Certification (Public Works Form P). The Final Grade Certification shall be reviewed and approved by the City Engineer prior to the issuance of a C of O for the project.

HYDROLOGY AND DRAINAGE:

53. 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.
54. 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.
55. All drainage shall be sloped 2% away from all parts of the structure along impervious surface and 5% away along pervious surface, in conformance with California Building Code; or as per geotechnical engineer's recommendations; and conveyed through an on-site storm drain system to an approved point of disposal. PCC flow line shall be 0.5% minimum; flow line on pervious surface shall be 1% minimum. Sheet flow on AC or PCC shall be 1% minimum; sheet flow on pervious surface shall be 2% minimum outside of building areas.

UTILITIES:

56. The applicant shall prepare a sewer area study to verify the capacity of the existing sewer to convey the project's calculated effluent. The study shall be prepared according to the County of Los Angeles PC Procedures Manual, and shall quantitatively evaluate the capacity of the existing sewer and impacts of the project on the existing sewer. The study shall identify the limits and degree of any areas of projected deficiency, and specify remedial measures necessary to mitigate the impact of the project's effluent, or in the case of an existing deficiency, the proportionate/fair share improvement as deemed acceptable by the City Engineer.
57. The applicant shall be responsible for the design and construction of any necessary offsite sewer improvements based on the results of the sewer area study. Alternatively, the applicant may submit funds sufficient to provide for the future improvement of affected portions of the offsite sewer main, based on the fair share proportion of the project's impact. The method and amount of such a fair share impact fee shall be approved by the City Engineer. Any fair share fees shall be submitted prior to the issuance of a Building Permit.
58. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.
59. 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 (ie: LVMWD's Financial Arrangement Letter) to Public Works prior to the issuance of a Building Permit.
60. All new utilities serving the proposed project shall be placed underground.
61. Sewer connection fees shall be paid to the Las Virgenes Municipal Water District (LVMWD). The applicant shall submit proof of payment of such fees to Public Works prior to issuance of a Building Permit.
62. 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.

63. 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.

TRAFFIC:

64. Prior to issuance of a building permit, the applicant must pay the City-wide Traffic Mitigation Fee in the amount of \$53,877. This is due to 417 trips generated from the construction of additional 51 rooms.

65. Adhere to City's driveways and site access policy in the Calabasas Municipal Code Section 17.28.080.

PARKING:

66. The applicant shall not separately charge for individual parking on the project site.

LAS VIRGENES MUNICIPAL WATER DISTRICT:

67. Pay applicable water meter and sewer fees prior to construction.

68. The applicant shall implement and maintain water conservation measures including but not limited to, fixture design and installation (use of ultra-low flush/flow toilets and shower heads), and hot water circulating systems.

69. The project landscaping plan shall incorporate drought tolerant plantings and efficient irrigation systems and techniques.

70. The applicant shall implement maximum use of recycled water during and after construction. The applicant shall be required to meet all of the District's conditions of service in order to be served.

COUNTY OF LOS ANGELES FIRE DEPARTMENT:

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

72. Install 3 new on-site fire hydrants as indicated on the site plan/sheet A1 dated 01/28/15. Additional water systems requirements may be required

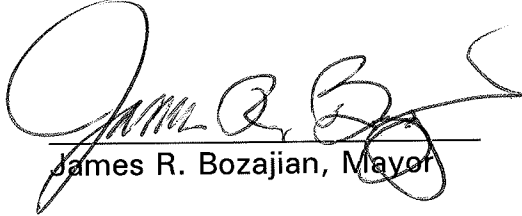
upon review of the completed Fire Flow form #196, and/or when this land is further subdivided and/or during the building permit process.

73. Fire apparatus roads shall be designed and maintained to support the imposed load of the fire apparatus weighting 37.5 tons and shall be surfaced so as to provide all weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface (Fire Code 503.2.3).

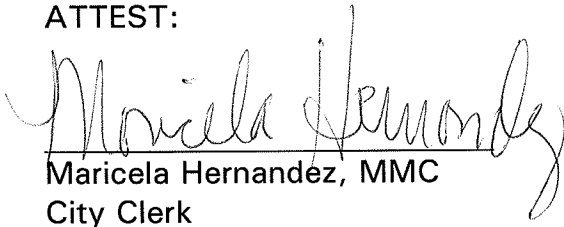
Section 5: All documents described in Section 1 of City Council Resolution No. 2016-1490 are deemed incorporated by reference as set forth at length.

The City Clerk 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 City Council. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.

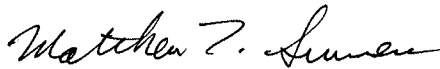
PASSED, APPROVED AND ADOPTED this 27th day of January, 2016


James R. Bozajian, Mayor

ATTEST:


Maricela Hernández, MMC
City Clerk

APPROVED AS TO FORM:


Matthew T. Summers
Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CALABASAS)

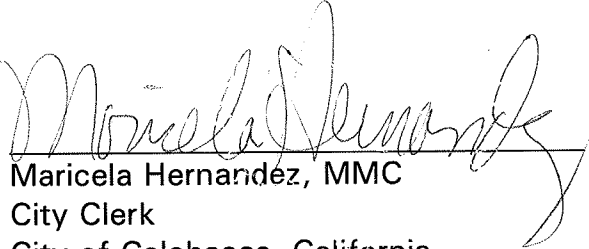
I, **MARICELA HERNANDEZ, MMC**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing resolution, being **Resolution No. 2016-1490** was duly adopted by the City Council of the City of Calabasas, at a regular meeting of the City Council held January 27, 2016, and that it was adopted by the following vote, to wit:

AYES: Mayor Bozajian, Councilmembers Gaines, Shapiro and Weintraub.

NOES: Mayor pro Tem Maurer.

ABSTAIN: None.

ABSENT: None.



Maricela Hernández, MMC
City Clerk
City of Calabasas, California