



## CITY *of* CALABASAS

**CITY COUNCIL AGENDA  
REGULAR MEETING – WEDNESDAY, APRIL 9, 2014  
CITY HALL COUNCIL CHAMBERS  
100 CIVIC CENTER WAY, CALABASAS  
[www.cityofcalabasas.com](http://www.cityofcalabasas.com)**

The starting times listed for each agenda item should be considered a guideline only. The City Council reserves the right to alter the order of discussion in order to run an effective meeting. If you wish to assure yourself of hearing a particular discussion, please attend the entire meeting. You may speak on a closed session item prior to Council's discussion. To do so, please submit a speaker card to the City Clerk at least 5 minutes prior to the start of closed session. The City values and invites written comments from residents on matters set for Council consideration. In order to provide councilmembers ample time to review all correspondence, please submit any letters or emails to the City Clerk's office before 5:00 p.m. on the Monday prior to the meeting.

### **OPENING MATTERS – 7:00 P.M.**

Call to Order/Roll Call of Councilmembers  
Pledge of Allegiance  
Approval of Agenda

### **ANNOUNCEMENTS/INTRODUCTIONS – 7:10 P.M.**

### **PRESENTATIONS – 7:15 P.M.**

- To Calabasas High School Boys' Basketball Team in recognition of their 2013-14 CIF Division 2A Championship
- To Calabasas High School Girls' Basketball Team in recognition of their 2013-14 CIF Division 3AA, 2<sup>nd</sup> Round
- To Calabasas High School Student, Ben Haronian in recognition of achieving the 126 Lbs. Marmonte League Wrestling Championship

### **ORAL COMMUNICATIONS – PUBLIC COMMENT – 7:45 P.M.**

### **CONSENT ITEMS – 7:50 P.M.**

1. [Approval of meeting minutes from March 12 and March 26, 2014.](#)

2. Recommendation from the Parks, Recreation and Education Commission to award a professional services agreement to Top Seed Tennis Academy, Inc. for the operation and development of Tennis Programs at the Calabasas Tennis & Swim Center.
3. Recommendation to approve a resolution requesting that the County of Los Angeles consent to the acquisition by the City of Calabasas of road right of way by easement on Lost Hills Road, Canwood Street and Parkville Road either within the unincorporated area of the County of Los Angeles or in the City of Calabasas but where County has the rights of way for the purpose of connecting and improving City streets.
4. Recommendation to award a three year professional services agreement to Azteca Landscape for landscape maintenance of the common areas for Oak Park Calabasas Homeowners' Association within Landscape Lighting Act District 22 in the City of Calabasas.

#### **PUBLIC HEARING – 8:00 P.M.**

5. Consideration of an Ordinance of the City Council of the City of Calabasas to Amend Section 17.12.050 of the Calabasas Municipal Code related to Antennas/Personal Wireless Telecommunications Facilities, to delete preempted portions regarding radiofrequency emissions and to add a provision requiring completion of a Federal Communications Commission form as part of an application for a Wireless Facility Permit. Staff has determined that the project is categorically exempt from environmental review in accordance with Section 15061(B)(3) of the CEQA Guidelines.
6. Adoption of Resolution No. 2014-1400, denying file No. 140000245, an appeal of the Communications and Technology Commission (CTC) decision to approve File No. 130001344, and upholding the Communications and Technology Commission decision to approve file no, 130001344, a request for a wireless telecommunications permit and a scenic corridor permit to construct a new Verizon Wireless Telecommunications facility which includes the replacement of an existing 29' tall street light pole with a new 29'-6" tall street light pole with two (2) 51" panel antennas housed inside a 24" diameter by 66" tall radome on top of the pole. The request includes the installation of associated base station equipment to be housed within a new subterranean vault. The project is located at 4093 Old Topanga Canyon Road within the public right-of-way and Old Topanga Scenic Corridor overlay.

7. Recommendation from the Parks, Recreation and Education Commission to adopt Resolution No. 2014-1401, establishing a new tuition fee schedule for September 2014 for the Calabasas Klubhouse Pre-School and rescind Resolution No. 2012-1319.
  
8. Adoption of Resolution No. 2014-1402 approving the legalization of a 2,490 square foot ground-floor addition (built without permits) to an existing one-story 11,021 square foot single-family residence. The project includes requests for the following: (1) a Site Plan Review for the construction of the 2,490 square foot addition, (2) a Scenic Corridor Permit for development in a designated scenic corridor, (3) a Development Plan to establish new setbacks for development located within the Open Space (OS) Zoning District, (4) an Oak Tree Permit for the encroachment into the protected zone of one (non-Heritage) oak tree, and (5) a Variance request for development within 50 horizontal feet and 50 vertical feet of a designated significant ridgeline. The subject site is located at 24107 Saint Andrews Lane, within the Open Space (OS) Zoning District.

**INFORMATIONAL REPORTS – 10:00 P.M.**

9. Check Register for the period of March 5-26, 2014.

**TASK FORCE REPORTS – 10:05 P.M.**

**CITY MANAGER’S REPORT – 10:10 P.M.**

**FUTURE AGENDA ITEMS – 10:15 P.M.**

**ADJOURN – 10:20 P.M.**

The City Council will adjourn in memory of Tom Sherak to their next regular meeting scheduled for Wednesday, April 23, 2014, at 7:00 p.m.

**MINUTES OF A REGULAR MEETING OF  
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA  
HELD WEDNESDAY, MARCH 12, 2014**

Mayor Gaines called the meeting to order at 7:02 p.m. in the Council Chambers, 100 Civic Center Way, Calabasas, California. All members of the City Council were present.

**ROLL CALL**

Present: Mayor Gaines, Mayor pro Tem Shapiro, Councilmembers Bozajian, Martin and Maurer.  
Absent: None.  
Staff: Bartlett, Burris, Coroalles, Ghosh, Hernandez, Howard, Mirzakhaniyan, Rubin, Steller, Tamuri and Yalda

The Pledge of Allegiance was led by Calabasas Chamber of Commerce First Vice-Chair, Jacqueline Souza.

Mayor Gaines announced that the Calabasas High School Boys' Basketball team has achieved CIF 2A Championship status. He showcased items he won against La Habra Mayor, Tom Beamish when Calabasas won over Sonora. As well as items he won against Ms. Steller, a Sonora High graduate. He mentioned The Cheesecake Factory's offer to bring cheesecake to a future Council meeting.

Mayor Gaines asked the public to have their cell phones ready to download the Connect with Calabasas app at the time the presentation is made. Ms. Steller announced that Calabasas High School sports would be downloaded to the Connect with Calabasas app for everyone to follow.

**APPROVAL OF AGENDA**

**Mayor Gaines suggested Item No. 3, Connect with Calabasas presentation be moved after Sheriff's Crime Report; and Item No. 7, School Bell Public Hearing be moved before New Business.**

**Councilmember Martin moved, seconded by Councilmember Maurer to approve the agenda as modified. MOTION CARRIED 5/0 as follows:**

**AYES: Mayor Gaines, Mayor pro Tem Shapiro and Councilmembers Bozajian, Martin and Maurer.**

## **ANNOUNCEMENTS/INTRODUCTIONS**

Mayor Gaines announced that the meeting would be adjourned in memory of Donald C. Goodrow and presented a Certificate of Adjournment to his daughter, Noelle Nichols, who expressed appreciation to the Council for the honor.

Members of the Council made the following announcements:

Councilmember Bozajian:

- The Agoura Hills/Calabasas Community Center's Annual Open House with a St. Patrick's Day theme is scheduled on March 15.
- The Arbor Day celebration is scheduled on March 22, 9:30 a.m.-12 p.m., at Gates Canyon Park.
- Calabasas Teen Court is held the third Thursday of the month, at 4:30 p.m., in Founders' Hall.

Councilmember Maurer:

- Encouraged teenagers to experience Teen Court.
- The Men's USTA Pro Tennis Tournament is scheduled on March 15-23.
- Calabasas Day Hikers will provide an informational presentation on March 13, at the Library to showcase all the hiking trails available.
- Will participate on a panel along with Dr. Seth Riley on anti-coagulant rodenticides on March 13, at the Library.

Councilmember Martin:

- MRT is hosting its annual rattlesnake training on March 16 at Headwaters Corner.
- The Las Virgenes Municipal Water District is conducting a workshop on March 13 to explore a budget based rate structure.
- At the next meeting of the Traffic & Transportation Commission they will discuss all the ideas presented at the last workshop. Posters of the proposed road work are displayed in the lobby at City Hall.
- The Santa Monica Mountains Conservancy held a dedication of the Dave Brown Outlook.
- Wished everyone Happy St. Patrick's Day.

Mayor pro Tem Shapiro:

- Expressed appreciation to Mr. Rubin for assisting with the coordination of a Conejo/Las Virgenes Future Foundation Youth Congress that Councilmember Bozajian and he attended.
- Congratulated Mayor Gaines and his wife Jill for being honored at the Chabad of Calabasas on March 9.
- Congratulated the Calabasas High School Boys' Basketball team for winning 66-47 at the Honda Center on March 8.

- The Calabasas Chamber of Commerce will be hosting the second annual Law Day on May 1.
- Also wished everyone a happy St. Patrick's Day

**Mayor Gaines:**

- Extended an invitation to the Calabasas Spring EGGstreme on April 11, at De Anza Park.
- Calabasas has ranked 20<sup>th</sup>, the 12<sup>th</sup> highest public school, 6<sup>th</sup> in division 2 in all of California and 87<sup>th</sup> in the United States.
- The City was awarded an A+ grade for its Historic Preservation Program by the L.A. Conservancy.
- The Cheesecake Factory was named best companies to work for on Fortune's 100.
- Will be attending a meeting on March 14 with Mayor Garcetti and all L.A. County Mayors to discuss economic development issues related to the film industry.
- Will be attending a meeting with MTA CEO, Art Leahy on March 17 to discuss transit/transportation issues.
- Calabasas Chamber breakfast is schedule on March 13.
- Expressed appreciation to all who attended the Chabad of Calabasas on March 9.

**PRESENTATIONS**

- Sheriff's Crime Report

Deputy DeSantis presented the crimes report.

3. Connect with Calabasas Smart Phone App and web application demonstration.

Ms. Steller introduced Bob Burris and Rohit Gosh to provide a presentation on the Connect with Calabasas app.

**ORAL COMMUNICATIONS – PUBLIC COMMENT**

Jacqueline Souza and Michelle and Sam Khateri spoke during public comment.

**CONSENT ITEMS**

1. Approval of meeting minutes from February 26, 2014.

2. Adoption of Ordinance No. 2014-312, amending Calabasas Municipal Code Section 1.04.010 changing the date of the General Municipal Election to the first Tuesday after the first Monday in November of odd-numbered years.

**Mayor pro Tem Shapiro moved, seconded by Councilmember Maurer to approve Consent Item Nos. 1 and 2. MOTION CARRIED 5/0 as follows:**

**AYES:** Mayor Gaines, Mayor pro Tem Shapiro and Councilmembers Bozajian, Martin and Maurer.

### **PUBLIC HEARING**

7. Adoption of Resolution No. 2014-1398, a request to designate the Calabasas Schoolhouse Bell, located at 4029 Las Virgenes Road (AE Wright Middle School) within the Public Facility (PF) zone, as a local historic landmark.

Mayor Gaines opened the public hearing.

Ms. Mirzakhonian presented the staff report.

Judy Jordan spoke on this item.

Mayor Gaines closed the public hearing.

**Mayor pro Tem Shapiro moved, seconded by Councilmember Martin to approve Consent Item No. 7. MOTION CARRIED 5/0 as follows:**

**AYES:** Mayor Gaines, Mayor pro Tem Shapiro and Councilmembers Bozajian, Martin and Maurer.

4. Adoption of Resolution No. 2014-1399 of the City Council of the City of Calabasas, initiating proceedings and requesting the Local Agency Formation Commission of Los Angeles County to amend the sphere of influence and to consider approval of a reorganization of the territory to include annexation of properties along West Agoura Road to the City of Calabasas.

Mayor Gaines opened the public hearing.

Ms. Tamuri presented the staff report.

Dennis Washburn, Richard Sherman, Stephanie Williams, Jennifer Bercy, Alicia Weintraub, Brittany Stephens, Kyle Cooper, Ed Albrecht, Kari Souza-

Contreras, Michael Brockman, Joan Yacovone, Carol Davis, Brian Cameron, Jess Thomas and Mark Armbruster spoke on this item.

Mayor Gaines closed the public hearing.

Extensive discussion took place.

**Mayor pro Tem Shapiro moved, seconded by Councilmember Maurer to approve Item No 4. MOTION CARRIED 4/1 as follows:**

**AYES:** Mayor Gaines, Mayor pro Tem Shapiro and Councilmembers Martin and Maurer.

**NAYS:** Bozajian.

The meeting recessed at 9:34 p.m.

The meeting reconvened at 9:44 p.m.

### **NEW BUSINESS**

5. Recommendation by the Senior Task Force to award the design/build contract for the Calabasas Senior Center to Pankow Builders.

Mr. Rubin presented the staff report.

Carol Davis, Sue Somberg, Ed Albrecht and Dennis Washburn spoke on this item.

**Councilmember Maurer moved, seconded by Mayor pro Tem Shapiro to approve Consent Item 5. MOTION CARRIED 5/0 as follows:**

**AYES:** Mayor Gaines, Mayor pro Tem Shapiro and Councilmembers Bozajian, Martin and Maurer.

6. Discussion and guidance to staff regarding Sunday trolley service.

Mr. Yalda presented the staff report.

Direction provided to staff.

### **INFORMATIONAL REPORTS**

8. Check Register for the period of February 19-26, 2014.

**No action was taken on this item.**

**TASK FORCE REPORTS**

None.

**CITY MANAGER'S REPORT**

Mr. Coroalles reported his attendance to a meeting with all City Managers and the Sheriff's department to discuss services and meet new staff members. He also reported on a meeting with Southern California Edison to brief the City on their Circuit Reliability Program. They will be undertaking the replacement of 12 power poles to make them stronger.

**FUTURE AGENDA ITEMS**

None.

**ADJOURN**

Councilmember Bozajian moved, seconded by Mayor pro Tem Shapiro to adjourn the meeting at 10:29 p.m. in memory of Donald C. Goodrow to their reorganization meeting scheduled on Wednesday, March 26, 2014, at 7:00 p.m. MOTION CARRIED 5/0 as follows:

AYES: Mayor Gaines, Mayor pro Tem Shapiro and Councilmembers Bozajian, Martin and Maurer.

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Maricela Hernandez, MMC  
City Clerk

**MINUTES OF A REGULAR MEETING OF  
THE CITY COUNCIL OF THE CITY OF CALABASAS,  
CALIFORNIA, HELD WEDNESDAY, MARCH 26, 2014**

Mayor Gaines called the meeting to order at 7:01 p.m. in the Council Chambers, 100 Civic Center Way, Calabasas, California. All members of the City Council were present.

**ROLL CALL**

Present: Mayor Gaines, Mayor pro Tem Shapiro, Councilmembers Bozajian, Martin and Maurer.  
Absent: None.  
Staff: Coroalles, Howard, Hernandez, Jordan, Lysik, Parker, Rubin, Varela.

The Pledge of Allegiance was led by Cub Scouts Pack 333.

The National Anthem was sung by Calabasas High School Student, Georgia Greene.

Mayor Gaines expressed appreciation to Georgia Greene, the Jazz Combo; Harrison Klein, Jarrod Schnapper, Sam Goldwasser, Kevin Kasimov, Julian Kirsch and Zac Rosenblum; as well as Josh Barroll, Calabasas High Musical Director.

Mayor Gaines welcomed and acknowledged the following dignitaries:

Sarah Tamor, 27<sup>th</sup> District State Senator Fran Pavley's Representative. Ian Anderson, 45<sup>th</sup> District State Assembly member Matt Dababneh's Representative. Zuhey Espinoza, L.A. County 3<sup>rd</sup> District Supervisor Zev Yaroslavsky's Representative. Hidden Hills Mayor pro Tem, Marv Landon. LVMWD President Charles Caspary and Board Member Barry Steinhardt. LVUSD President Jill Gaines, Board member Leslie Stein, and Superintendent Dan Steponosky. Chamber of Commerce Executive Director Bridget Karl. Former members of the City Council: Karyn Foley, Michael Harrison, Bob Hill, Marvin Lopata and Dennis Washburn.

Councilmember Bozajian read a letter he wrote to the L.A. Times editor in regard to the A + grade given to the City by the Los Angeles Conservancy.

Mayor Gaines recognized all City Commissioners, Taskforce members, City staff and L.A. Fire and Sheriff Department staffs.

**ORAL COMMUNICATIONS - PUBLIC COMMENT**

Ravi Eli Friedman, Steve Roseman and Jim Clausen and Joe Spano expressed appreciation to Mayor Gaines for his leadership during the past year.

Councilmember Martin welcomed resident CJ Jones, who uses the closed captioning.

## **COUNCIL REORGANIZATION**

### ➤ Presentations to Outgoing Mayor

The following made presentations to outgoing Mayor Gaines:

- Calabasas Park Homeowners' Association, Richard Sherman
- Sarah Tamor, Senator Fran Pavley's Representative
- Ian Anderson, Assembly member Matt Dababneh's Representative
- Zuhey Espinoza, L.A. County Supervisor Zev Yaroslavsky's Representative
- Las Virgenes Municipal Water District, President Charles Casperly and Director Barry Steinhardt
- Las Virgenes Unified School District, President Jill Gaines, Board member Leslie Stein, and Superintendent Dan Stepenosky
- Calabasas Chamber of Commerce Executive Director Bridget Karl

### ➤ Comments by Members of the City Council

Members of the Council expressed appreciation and presented outgoing Mayor Gaines with a gavel plaque in recognition of his service.

### ➤ Outgoing Mayor's Remarks

Outgoing Mayor Gaines expressed appreciation for all the presentations. As well as to the City Council, City staff, residents and his family.

### ➤ Election of Mayor

**Councilmember Maurer nominated Mayor pro Tem Shapiro as Mayor. The nomination carried 5/0.**

AYES: Mayor Shapiro and Councilmembers Bozajian, Gaines, Martin and Maurer.

### ➤ Oath of Office to Mayor

Mr. Tad Shapiro, brother of Mayor Shapiro administered his Oath of Office.

➤ Remarks by Mayor

Mayor Shapiro expressed appreciation to his colleagues for the vote of confidence, his family, City staff, Commissioners, the community and all local organizations. He outlined his goals for the upcoming year.

➤ Election of Mayor pro Tem

**Councilmember Gaines nominated Councilmember Martin as Mayor pro Tem. The nomination carried 5/0.**

AYES: Mayor Shapiro, Mayor pro Tem Martin and Councilmembers Bozajian, Gaines and Maurer.

➤ Oath of Office to Mayor pro Tem

Ms. Molly Martin, daughter of Mayor pro Tem Martin administered her Oath of Office.

➤ Remarks by Mayor pro Tem

Mayor pro Tem Martin expressed appreciation to fellow Councilmembers for the honor. She also thanked her family, staff and the community.

**ADJOURN**

Councilmember Gaines moved, seconded by Mayor pro Tem Martin to adjourn at 8:24 p.m. to their next regular meeting scheduled on Wednesday, April 9, 2014, at 7:00 p.m. MOTION CARRIED 5/0 as follows:

AYES: Mayor Shapiro, Mayor pro Tem Martin and Councilmembers Bozajian, Gaines and Maurer.

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Maricela Hernandez, MMC  
City Clerk



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE: MARCH 31, 2014**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: JEFF RUBIN, COMMUNITY SERVICES DIRECTOR**

**PREPARED BY: DAN HUNCKE, RECREATION SERVICES MANAGER**

**SUBJECT: RECOMMENDATION FROM THE PARKS, RECREATION AND EDUCATION COMMISSION TO AWARD A PROFESSIONAL SERVICES AGREEMENT TO TOP SEED TENNIS ACADEMY INC. FOR THE OPERATION AND DEVELOPMENT OF TENNIS PROGRAMS AT THE CALABASAS TENNIS & SWIM CENTER**

**MEETING DATE: APRIL 9, 2014**

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**SUMMARY RECOMMENDATION:**

It is recommended that the City Council approve the recommendation of the Parks, Recreation & Education Commission and award a Professional Services Agreement to Top Seed Tennis Academy Inc. for the operation and development of tennis programs at the Calabasas Tennis & Swim Center.

**BACKGROUND:**

The Facility Use Agreement for Top Seed Tennis Academy expires June 30, 2014. Top Seed Tennis Academy has operated their program at the Calabasas Tennis & Swim Center since the original purchase of the Center in January of 1994. Tennis

programs range from the introduction of tennis at the pee wee level (3 - 4 year olds) to hosting the annual USTA Men's Pro Tennis Championships of Calabasas, a touring professional tournament.

Top Seed Tennis Academy continues to manage and program for a tennis membership at its capacity of 900 memberships (approximately 2,250 members with over 1,000 potential members on a wait list), run an afterschool tennis camp which averages 40 children per day and a summer tennis camp with an average of 80 children per day. Programs also include, but are not limited to, leagues, tournament development, drills, private lessons, club tournaments, and tennis socials.

Top Seed Tennis Academy continues to be innovative with the programming and events it offers to the membership and the clients they serve. Over the last five years of the current Facility Use Agreement, annual tennis related program revenue has increased from \$978,346.00 to \$1,206,742.00, approximately 4.6% increase per year. As part of the agreement, Top Seed Tennis Academy Inc. contributes 12% of their net revenue to the Capital Improvement Fund to the Center which equates to \$45,511.00 last year.

#### **DISCUSSION/ANALYSIS:**

The proposed agreement format with Top Seed Tennis Academy Inc. has changed from the Facility Use Agreement used previously to a Professional Services Agreement that was developed by and reviewed by the City Attorney. The major changes to the proposed agreement are as follows:

- I) **#3. Definitions, 3.2 & 3.3.** - The "Commencement Date" will be July 1, 2014 with the "Expiration Date" being June 30, 2021. The new "Expiration Date" will fulfill the "exercise the right to renew for an additional seven years" as outlined in the previous Facility Use Agreement. The proposed Professional Services Agreement has no option for automatic renewal and renewal will be evaluated at the time of the agreement expiration.
  
- II) **#11. Insurance, 11.1.3** - Language was included to have Top Seed Tennis Academy Inc. meet the City's recently new requirement to maintain sexual abuse insurance coverage for sexual abuse, molestation, harassment, negligent hiring, training, supervision, retention, and failure to warn in the amount of \$1,000,000.

III) ***Exhibit A, Scope Of Work, City Shall:***

**#5 i.** – Included in the list of “522 Expenditures” is 25% of the salary and benefits of the Recreation Services Manager which was not included previously.

**#10** – An annual membership fee increase based on the Consumer Price Index (CPI) was approved by City Council and is effective September 1<sup>st</sup> of each year. The membership fee increase is for all memberships available at the Center including tennis.

Top Seed Tennis Academy Inc. continues to do a great job in the tennis programming for our youth through our active older adults. They continually look for new ways to engage the membership and community in their programming and in doing so have been known nationally to be one of the top 10 tennis academies in the country. The success of Top Seed Tennis Academy Inc. at the Calabasas Tennis & Swim Center has played a large part in the overall success of the Center since its inception.

**FISCAL IMPACT/SOURCE OF FUNDING:**

No change to the monthly disbursement of \$15,000.00 to Top Seed Tennis Academy as a draw against the 50% split of net income with the City out of account #50-522-5251-11, Calabasas Tennis & Swim Center enterprise fund. Any remaining balance due Top Seed Tennis Academy will be distributed within 90 days of the close of the fiscal year.

**REQUESTED ACTION:**

It is requested that the City Council approve the recommendation of the Parks, Recreation & Education Commission and award a Professional Services Agreement to Top Seed Tennis Academy Inc. for the operation and development of tennis programs at the Calabasas Tennis & Swim Center.

**ATTACHMENTS:**

Professional Services Agreement

**PROFESSIONAL SERVICES AGREEMENT**  
City of Calabasas / Top Seed Tennis Academy, Inc.

**1. IDENTIFICATION**

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Calabasas, a California municipal corporation (“City”), and Top Seed Tennis Academy, Inc., an independent contractor (“Contractor”).

**2. RECITALS**

- 2.1 City has determined that it requires the following services from the Contractor: operate and manage the tennis programs and services offered at the Calabasas Tennis & Swim Center (“CTSC”) along with hiring, training and supervising the front desk and maintenance personnel at CTSC located at 23400 Park Sorrento, Calabasas, California 91302.
- 2.2 Contractor represents and it has been determined that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Contractor further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and conditions herein contained, City and Contractor agree as follows:

**3. DEFINITIONS**

- 3.1 “Scope of Services”: Such professional services as are set forth in Exhibit A and incorporated herein by this reference.
- 3.2 “Commencement Date”: July 1, 2014.
- 3.3 “Expiration Date”: June 30, 2021.

**4. TERM**

The parties hereby acknowledge and agree that Contractor has exercised its option to renew the Agreement for an additional seven (7) year term, thereby extending the term until 11:59 p.m. on the Expiration Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 17 (“Termination”) below.

**5. CONTRACTOR’S SERVICES**

- 5.1 Contractor shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. This Agreement shall not be construed as granting the Contractor any property interest

in the CTSC, including, but not limited to, a license, lease or concession.

- 5.2 Contractor shall perform all work to the highest professional standards of Contractor's profession and in a manner reasonably satisfactory to City. Contractor shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).
- 5.3 Contractor represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Contractor or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. **Steve McAvoy** shall be Contractor's project administrator and shall have direct responsibility for management of Contractor's performance under this Agreement. No change shall be made in Contractor's project administrator without City's prior written consent.

## **6. COMPENSATION**

- 6.1 In consideration of the services to be provided by Contractor under this agreement, Contractor shall receive fifty percent (50%) of the difference between the "Gross Revenues" (defined as revenue for tennis membership, daily court use, tennis lessons, social events, leagues, tennis camps and other tennis related programs) and the "522 Expenditures" (defined in Exhibit A, Section 5). The difference between the Gross Revenues and the 522 Expenditures is defined for purposes of this Agreement as "Net Revenues" from the tennis program. Net Revenues shall be calculated on a monthly basis, but shall be paid on an annual basis with a monthly draw to Contractor against the Net Revenue.
- 6.2 Contractor shall receive a draw of fifteen thousand dollars (\$15,000) per month from the 522 Joint Account. Such sums are to be credited against Top Seed's 522 Expenditures. The combined draw for the fiscal year will total one hundred and eighty thousand dollars (\$180,000). If that sum is more than Contractor's Net Revenues, Contractor will be required to reimburse City the difference. If that sum is less than Contractor's Net Revenues for the fiscal year, the City will pay Contractor the balance within 90 days of year end.
- 6.3 Capital Improvement Fund. From their respective shares of Net Revenues, Contractor and City shall contribute ten percent (10%) of Net Revenues to a Capital Improvement Fund established and maintained by City, which provides funds to undertake capital repairs and/or facility improvements that are mutually agreed upon for the tennis program at the Center. In the event that Net Revenues

exceed sixty thousand dollars (\$60,000) during any quarter, the parties agree that their respective contributions to the Capital Improvement Fund shall be increased to twelve percent (12%) of their respective shares of Net Revenues for such quarter.

- 6.4 All fees charged by Contractor for tennis programs shall be subject to review by Center's Recreation Services Manager and City Council to ensure that the fee structure is benchmarked against industry standards and fair market value for goods and services.

## **7. OWNERSHIP OF WRITTEN PRODUCTS**

All reports, documents or other written material ("written products" herein) developed by Contractor in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Contractor may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Contractor.

## **8. RELATIONSHIP OF PARTIES**

Contractor is, and shall at all times remain as to City, a wholly independent contractor. Contractor shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Contractor or any of Contractor's employees, except as set forth in this Agreement. Contractor shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.

## **9. CONFIDENTIALITY**

All data, documents, discussion, or other information developed or received by Contractor or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Contractor without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

**10. INDEMNIFICATION**

- 10.1 The parties agree that City, its officers, agents, employees and volunteers should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Contractor acknowledges that City would not enter into this Agreement in the absence of Contractor's commitment to indemnify and protect City as set forth herein.
- 10.2 To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Contractor or any of its officers, employees, servants, agents, or subcontractors in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.
- 10.3 City shall have the right to offset against the amount of any compensation due Contractor under this Agreement any amount due City from Contractor as a result of Contractor's failure to pay City promptly any indemnification arising under this Section 10 and related to Contractor's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.4 The obligations of Contractor under this Section 10 will not be limited by the provisions of any workers' compensation act or similar act. Contractor expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 10.5 Contractor agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Contractor in the performance of this Agreement. In the event Contractor fails to obtain such indemnity obligations from others as required herein, Contractor agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Contractor's

subcontractors or any other person or entity involved by, for, with or on behalf of Contractor in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

- 10.6 City does not, and shall not, waive any rights that it may possess against Contractor because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

## **11. INSURANCE**

- 11.1 During the term of this Agreement, Contractor shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Contractor's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:

11.1.1 Comprehensive General Liability Insurance with coverage limits of not less than Two Million Dollars (\$2,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent contractors, personal injury, underground hazard, and explosion and collapse hazard where applicable.

11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.

11.1.3 Sexual abuse insurance coverage for sexual abuse, molestation, harassment, negligent hiring, training, supervision, retention, and failure to warn. With minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident and include the naming of the city, its officers & employees as additional insureds.

11.1.4 Worker's Compensation insurance as required by the laws of the State of California, including but not limited to California Labor Code Section 1860 and 1861 as follows:

Contractor shall take out and maintain, during the life of this contract, Worker's Compensation Insurance for all of Contractor's employees employed at the site of improvement, and, if any work is sublet,

Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees, unless such employees are covered by the protection afforded by Contractor. Contractor and any of Contractor's subcontractors shall be required to provide City with a written statement acknowledging its obligation to secure payment of Worker's Compensation Insurance as required by Labor Code Section 1861; to wit: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract." If any class of employees engaged in work under this contract at the site of the Project is not protected under any Worker's Compensation law, Contractor shall provide and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected. Contractor shall indemnify and hold harmless City for any damage resulting from failure of either Contractor or any subcontractor to take out or maintain such insurance.

- 11.2 Contractor shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.
- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.
- 11.4 Contractor agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay, at Consultant's expense, the premium thereon.
- 11.5 At all times during the term of this Agreement, Contractor shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Contractor shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 11.6 Contractor shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 11.7 The General Liability Policy required by this Agreement shall contain an

endorsement naming City and its officers, employees, agents and volunteers as additional insureds. The General Liability Policy required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Contractor agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

- 11.8 The insurance provided by Contractor shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Contractor's insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Contractor, and Contractor's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Contractor hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Contractor shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Contractor shall procure a bond guaranteeing payment of losses and expenses.
- 11.11 Procurement of insurance by Contractor shall not be construed as a limitation of Contractor's liability or as full performance of Contractor's duties to indemnify, hold harmless and defend under Section 10 of this Agreement.

**12. MUTUAL COOPERATION**

- 12.1 City shall provide Contractor with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Contractor's services under this Agreement.
- 12.2 City shall make the tennis courts, tennis patio and tennis common grounds, community rooms, tennis patio and pro's office at the CTSC available to Contractor for the purposes stated in this Agreement.
- 12.3 In the event any claim or action is brought against City relating to Contractor's performance in connection with this Agreement, Contractor shall render any reasonable assistance that City may require.

**13. RECORDS AND INSPECTIONS**

Contractor shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

**14. PERMITS AND APPROVALS**

Contractor shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary in the performance of this Agreement.

**15. NOTICES**

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Contractor's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City

City of Calabasas  
100 Civic Center Way  
Calabasas, CA 91302  
Attn: **Dan Huncke,**  
**Recreation Services Manager**  
Telephone: (818) 222-2782

If to Contractor:

Top Seed Tennis Academy,  
Inc.  
23400 Park Sorrento  
Calabasas, CA 91302  
Telephone: (818) 222-2782  
Mobile: (818)414-0114

With courtesy copy to:

Scott H. Howard, City Attorney  
Colantuono & Levin, PC  
300 South Grand Avenue, Suite 2700  
Los Angeles, CA 90071-3137  
Telephone: (213) 542-5700  
Facsimile: (213) 542-5710

**16. SURVIVING COVENANTS**

The parties agree that the covenants contained in Section 9, Section 10, Paragraph 12.3 and Section 13 of this Agreement shall survive the expiration or termination of this Agreement.

**17. TERMINATION**

In the event that City or Contractor is in default of any term or condition under this agreement, except the requirement to have and maintain insurance or fingerprinting, the non-defaulting party shall provide written notice of the default and the defaulting party shall have thirty (30) days after service of notice in which to cure the default. In the event the default involves failure to procure or maintain insurance in all respects as required by this agreement, or the default involves failure to fingerprint all employees and receive DOJ clearance prior to start date, defaulting party shall have 72 hours after service of written notice to cure the default. In the event the defaulting party fails to cure the default(s) within the period(s) of time set forth, the non-defaulting party has the right, unilaterally and in its sole and complete discretion to determine the continued existence of the default and terminate this agreement without further notice and without cause. Termination of this agreement for default is not an exclusive remedy and is without prejudice to any other remedy the terminating party may be entitled to under law.

All City data, document, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.

**18. GENERAL PROVISIONS**

- 18.1 Contractor shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Contractor.
- 18.2 In the performance of this Agreement, Contractor shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability or medical condition.
- 18.3 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the

construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).

- 18.4 The waiver by City or Contractor of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Contractor unless in writing.
- 18.5 Consultant shall not be liable for any failure to perform if Contractor presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Contractor.
- 18.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. In the event legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California.
- 18.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 18.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 18.9 All documents referenced as exhibits in this Agreement are hereby incorporated

into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Contractor with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Contractor.

**TO EFFECTUATE THIS AGREEMENT**, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

**“City”**  
**City of Calabasas**

**“Contractor”**  
**Top Seed Tennis Academy, Inc.**

By: \_\_\_\_\_  
David J. Shapiro, Mayor

By: \_\_\_\_\_  
Steve McAvoy, Owner/President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Maricela Hernandez, MMC  
City Clerk

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Scott H. Howard, City Attorney

Date: \_\_\_\_\_

## EXHIBIT A SCOPE OF WORK

### **In fulfillment of Contractor's obligations under this Agreement, Contractor shall:**

1. Provide a comprehensive tennis program for youth through adults that meets the needs of beginner through advanced tennis programs and is in accordance with the USTA, United States Tennis Association.
2. Employ, train, schedule, supervise, discipline, and pay the employees and sub-contractors used to operate the tennis program. In order to operate the tennis program, Contractor shall employ and/or contract for the following positions: tennis teaching professionals, social event coordinator, maintenance personnel (which shall be responsible for the maintenance of the facility) and front desk personnel. Contractor will also employ an administrative assistant position to the Business Services Manager for 10 – 20 hours per week depending on the season. The level of Contractor employment and staffing necessary to operate the tennis program shall be subject to the approval of the City.
3. Contractor will have all program fees payable to the City of Calabasas and make a commercially reasonable good faith effort to collect all Gross Revenues derived from Contractor's tennis programs at the Center, both current and past due. Such effort shall not include judicial proceedings.
4. Contractor shall furnish the independent accounting firm, contracted by the City with pertinent accounting materials, books and records requested by the City from time to time with respect to Contractor's tennis related programs at the Center.
5. Require Contractor's management and/or mid-management to attend a minimum of  $\frac{3}{4}$  of the staff meetings at the Center required by the City.
6. Contractor agrees to comply with Public Resources Code 5164 which requires the City to take reasonable steps to determine if a prospective employee, contractor or volunteer has been convicted of any crimes specified in Penal code Section 11105. Contractor further agrees to have all current/prospective employee's, Contractor's, and volunteers' complete a Supplemental Application Form, provided by the city and submit fingerprints for purposes of screening any prospective employees, contractor or volunteer for a criminal background. City shall submit at the sole cost of Contractor, any request for criminal background screening to the Department of Justice. No employee shall perform any work for the Contractor until such time that fingerprint clearance is received by the City.
7. Contractor shall perform its obligations under this Agreement in a positive and professional manner. In fulfilling this obligation, Contractor shall, without limitation; return telephone messages within 48 hours and process refunds within 30 days.
8. Prior to proceeding with any marketing and promotional material going out, Contractor will confirm all tournament, programs and events with City to ensure facilities are available and parking can be accommodated.

**In fulfillment of City's obligations under this Agreement, City shall:**

1. Make the areas of Center specified in Section 12, above, available to Contractor for the purposes stated in this Agreement. City shall not, except as specified herein, interfere with Contractor in the exercise of any of its rights or responsibilities under this Agreement.
2. Employ a Recreation Services Manager to oversee the operation of the entire Center and all activities, including coordination of the front desk and maintenance personnel duties. The Recreation Services Manager will have twenty five percent (25%) of their salary and benefits charged as a 522 Expenditure as agreed to by both parties.
3. Employ a Business Services Coordinator to coordinate and facilitate the Contractor accounting procedures (for operations at the Center), including; deposits, processing receivables, payroll, accounts payable, processing registration, and other duties as assigned by the Recreation Services Manager. The Business Services Coordinator's salary and benefits will be charged as a 522 Expenditure as agreed to by both parties.
4. Deposit all revenues generated by Contractor's tennis programs (i.e. tennis memberships, daily court use, lessons, social events, league fees, tennis camps, and other related tennis programs) at the Center, defined herein as "Gross Revenues", into the appropriate city account (the "910 Joint Account") and provide Contractor monthly statements itemizing all such revenues.
5. Establish and maintain the 910 Joint Account as depository for Gross Revenues derived from tennis membership and Top Seed programs and services offered at the Center. City shall issue checks out of the 910 Joint Account, as mutually agreed upon by both parties, for the following expenses (defined as "522 Expenditures"):
  - a. One-half of the water bill for the Center
  - b. All tennis related electricity charges
  - c. Tennis, program and social supplies
  - d. Office supplies
  - e. Custodial supplies
  - f. All tennis court related repairs and maintenance (but not capital improvements)
  - g. One-half of monthly landscape bill
  - h. Insurances as outlined in the Agreement
  - i. All salaries (and related benefits) for tennis professionals, maintenance and front desk personnel, the tennis social events coordinator, the salary and benefits for the Business Services Coordinator, administrative assistant and 25% of salary and benefits for the Recreation Services Manager. All such sums shall be mutually agreed upon by both parties.
6. Provide Contractor with all pertinent accounting materials, books and records requested by Contractor from time to time relating to the 910 Joint Account and 522 Expenditures.
7. Pay expenses covered exclusively by the City and others, but not included in this Agreement or payable from the 910 Joint Account, including pool related electricity charges, gas for the pool

Professional Services Agreement  
City of Calabasas/Top Seed Tennis Academy, Inc.

heater, 75% of Recreation Services Manager salary and benefits, non-tennis court related repairs of the Center (i.e. repairs or maintenance in locker rooms, lights in parking lot or swimming pool area), and any capital improvement or expenditures (which are to be disbursed from the Capital Improvement Fund described in Section 6 above).

8. Establish a line item within the City's 522 Joint Expenditures to reimburse Contractor for payroll, worker's compensation, and payroll taxes for tennis professionals, front desk and maintenance staff, social events coordinator, head pro, director of tennis, and administrative assistant subject to staffing levels approved by the City.
9. Assist with marketing and promotion of Contractor and development of the tennis programs cooperatively with Contractor. Specifically, City shall provide one (1) page in the seasonal recreation brochure for program material related to the City. The City will make available space for promotional banners and deck signage as approved by the Recreation Services Manager during the program season.
10. Implement an annual membership fee increase based on the Consumer Price Index (CPI), and have it effective September 1<sup>st</sup> of each year. City will also, on a periodic basis, conduct a membership fee survey to assess current membership rates in the local area.

**EXHIBIT B**  
**APPROVED FEE SCHEDULE**

Approved Fee Schedule is outlined in Section 6 of this agreement above.



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE: MARCH 26, 2014**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM:  ROBERT YALDA, CITY ENGINEER/PUBLIC WORKS DIRECTOR  
ANDREW BROZYNA, DEPUTY PUBLIC WORKS DIRECTOR **

**SUBJECT: RECOMMENDATION TO APPROVE A RESOLUTION REQUESTING THAT THE COUNTY OF LOS ANGELES CONSENT TO THE ACQUISITION BY THE CITY OF CALABASAS OF ROAD RIGHT OF WAY BY EASEMENT ON LOST HILLS ROAD, CANWOOD STREET, AND PARKVILLE ROAD EITHER WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF LOS ANGELES OR IN THE CITY OF CALBASAS BUT WHERE COUNTY HAS THE RIGHTS OF WAY FOR THE PURPOSE OF CONNECTING AND IMPROVING CITY STREETS.**

**MEETING DATE: APRIL 9, 2014**

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**SUMMARY RECOMMENDATION:**

Staff recommends the City Council approve Resolution No. 2014-1404, requesting that the County of Los Angeles (County) consent to the acquisition by the City of Calabasas of road right of way by easement on Lost Hills Road, Canwood Street, and Parkville Road either within the unincorporated area of the County of Los Angeles or in the City of Calabasas but where County has the rights of way for the purpose of connecting and improving City streets.

## **BACKGROUND:**

Early on during the conceptual design stages of the Lost Hills Road Interchange Project, City staff and the City's design and project management consultants proposed various design alternatives for the new interchange configuration for Lost Hills Road to Caltrans (the project's oversight and permitting agency), and the community for review and approval. The City hosted approximately six meetings with the community to review and comment on the design alternatives for the interchange. As a result of the community outreach, the design alternative known as Alternative 7 was selected by the community, and officially approved by Caltrans in the early part of 2012.

The selected and approved Alternative 7 incorporates what is referred to as a loop or "Cloverleaf" on and off ramp similar to the Parkway Calabasas interchange. As a result, the existing Hwy 101 northbound ramp ingress and egress will be relocated to the north, up Lost Hills Road, near the Calabasas Landfill entrance gate upon completion of the project, as shown on Exhibit A. The bridge re-construction and ramp reconfiguration will reduce local traffic congestion on Lost Hills, and allow for future widening of Hwy 101 to provide for High Occupancy Vehicle (HOV) lanes.

## **DISCUSSION/ANALYSIS:**

The new interchange reconfiguration will utilize a much larger part of Lost Hills Road, stretching from its existing perimeter located just north of the Lost Hills Bridge to just south of the Calabasas Landfill gate. This portion of Lost Hills Road, shown on Exhibit B, belongs to the County of Los Angeles (County). Further research revealed that a portion of Canwood Street adjacent to the Canwood Street/ Lost Hills Road intersection, along with the intersection itself, also belongs to the County, as shown on Exhibit B.

Caltrans, as the oversight and permitting agency, requires this stretch of roadway to be designed to Caltrans design standards. The County argues that Lost Hills Road must be designed to County standards. To avoid lengthy project delays and further complexities in finding ways to satisfy both agencies, it was proposed that the County quitclaim its easements and relinquish control of Lost Hills Road and Canwood Street within the unincorporated area of the County of Los Angeles to the City of Calabasas.

Additional benefits of the City acquiring the aforementioned streets include the right to landscape street medians and at back of curb to the City's liking, and rights to construct a masonry screen wall adjacent to Lost Hills Road per the Saratoga community's requests; however, it is important to note that the requested action

will transfer street maintenance responsibilities and liability from the County to the City of Calabasas.

Lastly, an isolated strip of right of way located on Parkville Road, adjacent to Grape Arbor Park, was discovered to still belong to the County. County records show this right of way, shown on Exhibit B, was intended to be included with Grape Arbor Park and surrounding areas during an earlier transfer of property to the City. Also, the southern end of this strip falls within the future construction area of the Lost Hills Road Interchange Project. To correct this past oversight and avoid encroachment onto County right of way during the construction phase, it is recommended that this strip of right of way be quitclaimed to the City along with portions of Canwood Street and Lost Hills Road.

The County requires the proposed Resolution No. 2014-1404 be adopted by City Council prior to recommending the transfer of road right of way by easement to its Board of Supervisors.

**FISCAL IMPACT/SOURCE OF FUNDING:**

Resolution No. 2014-1404 proposes to pay the amount of \$1.00 to the County for the County to quitclaim its easements and relinquish control of the portions of roadway to the City. This amount will be paid from the City's General Fund.

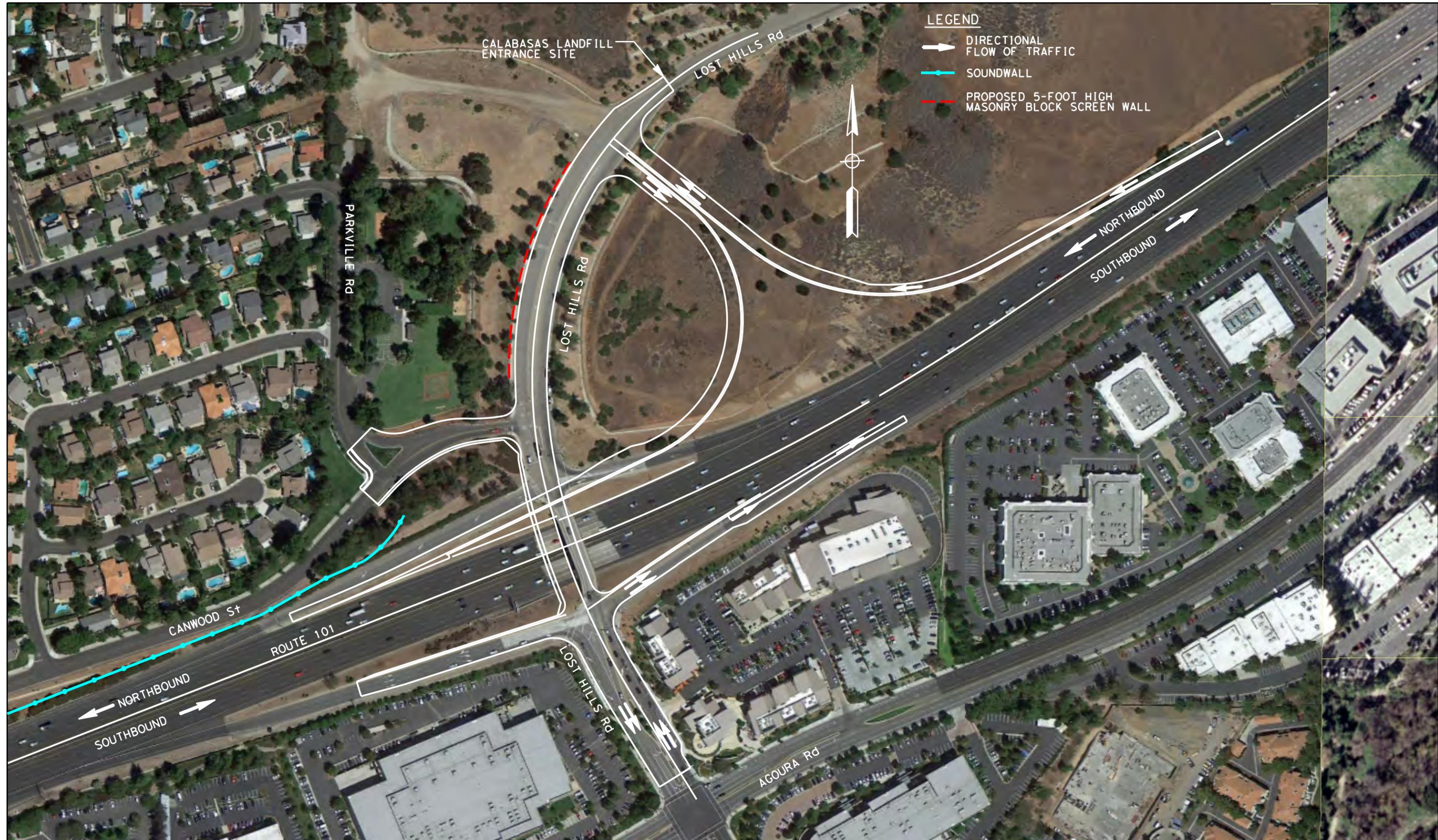
Future anticipated costs for roadway maintenance of the portions of roadway is approximately \$180,000 over the next fifteen year span of time. Roadway maintenance costs will likely be paid through gas tax revenue.

**REQUESTED ACTION:**

Staff recommends the City Council approve Resolution No. 2014-1404, requesting that the County of Los Angeles (County) consent to the acquisition by the City of Calabasas of road right of way by easement on Lost Hills Road, Canwood Street, and Parkville Road either within the unincorporated area of the County of Los Angeles or in the City of Calabasas but where County has the rights of way for the purpose of connecting and improving City streets.

**ATTACHMENTS:**

- Exhibit A: Lost Hills Interchange Improvement Exhibit*
- Exhibit B: Exhibit for Proposed Right of Way Easement from  
LA County*
- Exhibit C: Proposed Resolution No. 2014-1404*



### LOST HILLS INTERCHANGE IMPROVEMENT EXHIBIT

**PARSONS**  
 100 West Walnut Street  
 Pasadena, California 91124  
 Phone: 626.440.6100  
 Fax: 626.440.6155  
 parsons.com



EXHIBIT FOR  
 PROPOSED RIGHT OF WAY  
 EASEMENT FROM LA COUNTY

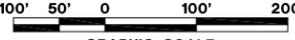
**HUITT-ZOLIARS**  
 Huitt-Zollars, Inc. THOUSAND OAKS  
 90 E. Thousand Oaks Blvd, Suite 201  
 Thousand Oaks, California 91360  
 Phone (805) 418-1802 Fax (805) 418-1819

**LEGEND**

PROPOSED ROW EASEMENT 

SCALE: 1" = 200'

100' 50' 0 100' 200'

GRAPHIC SCALE 



**RESOLUTION NO. 2014-1404**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS REQUESTING THAT THE COUNTY OF LOS ANGELES CONSENT TO THE ACQUISITION BY THE CITY OF CALABASAS OF LOST HILLS ROAD, CANWOOD STREET, AND PARKVILLE ROAD EITHER WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF LOS ANGELES OR IN THE CITY OF CALABASAS BUT WHERE COUNTY HAS THE RIGHTS OF WAY FOR THE PURPOSE OF CONNECTING AND IMPROVING CITY STREETS.**

**WHEREAS**, a portion of the area in the immediate vicinity of the intersection of Lost Hills Road, Canwood Street, and Parkville Road as generally described and shown in Exhibit 1, is outside the boundaries of the City of Calabasas and within the unincorporated area of the County of Los Angeles; and

**WHEREAS**, in connection with a proposed project known as the "US-101/Lost Hills Interchange Improvement Project (the "Project"), it is necessary for the City of Calabasas to acquire road right of way for Lost Hills Road, Canwood Street, and Parkville Road, that is located either outside the City of Calabasas's boundaries and within the unincorporated area of the County of Los Angeles, or in the City of Calabasas but over which the County has Rights of Way in order to connect, reconstruct the pavement, install traffic signals, landscape, and improve portions of Lost Hills Road, Canwood Street, Parkville Road, and the US-101/Lost Hills Interchange; and

**WHEREAS**, California Streets and Highways Code Section 1810 requires that the County of Los Angeles consent to the acquisition, by the City of Calabasas, of property outside the City of Calabasas's boundaries in the unincorporated area of the County of Los Angeles where such property is necessary for the City of Calabasas to connect and/or widen the existing streets in the City of Calabasas; and

**WHEREAS**, California Streets and Highways Code Section 1810 also provides that the portion of the acquired property used to connect or widen a city street shall be deemed a city street for all purposes; and

**WHEREAS**, the City of Calabasas desires that the County of Los Angeles consent to the acquisition of portions of Lost Hills Road, Canwood Street and Parkville Road and to those portions of road becoming city streets, which requires

the County of Los Angeles to relinquish control of Lost Hills Road, Canwood Street, and Parkville Road within the unincorporated area of the County of Los Angeles and the portions which are in Calabasas but over which the County has Rights of way, to the City of Calabasas.

**NOW, THEREFORE, the City Council of the City of Calabasas does hereby find, determine, order and resolve as follows:**

**SECTION 1.** Pursuant to California Streets and Highways Code Section 1810, the City hereby requests that the County of Los Angeles consent to the City of Calabasas's acquisition of road right of way in the form of an easement for roadway purposes, including improvements and maintenance, of Lost Hills Road, Canwood Street, and Parkville Road which is located outside the City of Calabasas's boundaries and inside the unincorporated area of the County of Los Angeles, or in the City of Calabasas but over which the County has Rights of Way, as described and shown in Exhibit 1 hereto, for the purpose of connecting and improving Lost Hills Road, Canwood Street, and Parkville Road to include, but not limited to grading, roadway, landscaping, traffic signal, utility, and drainage improvements.

**SECTION 2.** Pursuant to California Streets and Highways Code Section 1810 such road right-of-way and other property which is acquired by the City of Calabasas, in the unincorporated area of the County of Los Angeles within the area of land which is generally described and shown in Exhibit 1 hereto known as Lost Hills Road, Canwood Street, and Parkville Road for the purpose of connecting and improving city streets, shall be a city street for all purposes, to include, but not limited to, grading, roadway, landscaping, traffic signal, utility, and drainage improvements, and if the acquisition is approved, the City will accept the streets so acquired into the city street system pursuant to Streets and Highways Code 1806.

**SECTION 3.** The City hereby requests that in consideration of the payment of \$1.00, the County of Los Angeles grant easements and relinquish control of the portions of Lost Hills Road, Canwood Street, and Parkville Road within the area described and shown in Exhibit 1 hereto: those streets becoming city streets for all purposes, to include, but not limited to, grading, roadway, landscaping, traffic signal, utility, and drainage improvements.

**SECTION 4.** The City of Calabasas hereby consents to defend, indemnify and hold harmless the County of Los Angeles, its Special Districts, and their officers and employees from and against any and all liability, including but not

limited to demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees), arising from and/or relating to any work performed by the City of Calabasas or its agents on those portions of Lost Hills Road, Canwood Street, Parkville Road which is the subject of this requested acquisition, including the maintenance, or failure to maintain any streets that the City is agreeing to accept into the City's system of streets.

**SECTION 5.** In light of the City's agreement and as an express condition of acquiring the portion of Lost Hills Road, Canwood Street and Parkville Road as described in Exhibit 1 into the City's system of streets and to indemnify the County, as more specifically set forth in this resolution, the City requests that the County authorize the City to perform the work, described generally as including the planning, design and construction of the US101/Lost Hills Interchange Project in accordance with the rules, requirements and standards adopted by the City rather than those adopted by the County.

**SECTION 6.** The City's Director of Public Works or his designee, is hereby authorized and directed to provide the County of Los Angeles with maps and such other information as the County of Los Angeles desires, and to work with the County of Los Angeles to accomplish the purposes of this Resolution.

**SECTION 7.** The City Clerk shall certify the adoption of this Resolution and forward a certified copy to the Los Angeles County Director of Public Works for processing.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
David J. Shapiro, Mayor

ATTEST:

\_\_\_\_\_  
Maricela Hernandez, MMC  
City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Scott H. Howard, City Attorney



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE: MARCH 28, 2014**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: *REI* ROBERT YALDA, PUBLIC WORKS DIRECTOR/CITY ENGINEER**

**ANDREW BROZYNA, DEPUTY PUBLIC WORKS DIRECTOR *Andrew Brozyna***

***AB* STEVE BALL, LANDSCAPE MANAGER**

**SUBJECT: RECOMMENDATION TO AWARD A THREE YEAR PROFESSIONAL SERVICES AGREEMENT TO AZTECA LANDSCAPE FOR LANDSCAPE MAINTENANCE OF THE COMMON AREAS FOR OAK PARK CALABASAS HOMEOWNERS ASSOCIATION WITHIN LANDSCAPE LIGHTING ACT DISTRICT 22 IN THE CITY OF CALABASAS.**

**MEETING DATE: APRIL 9, 2014**

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**SUMMARY RECOMMENDATION:**

Recommendation to award a three year professional services agreement (PSA) to Azteca Landscape for the Landscape Maintenance of the Common Areas for Oak Park Calabasas Homeowners Association within the Landscape Lighting Act District 22 in the City of Calabasas, for the base amount of \$64,870.40 per year plus Consumer Price Index (CPI) increases.

Additionally, authorize the Public Works Director to approve extra landscape maintenance work as needed under the terms of the PSA with Azteca Landscape, in an amount not to exceed the monies budgeted in the funds designated for the landscape work.

**BACKGROUND:**

The City’s current contractor for this work is Azteca Landscape. This is a two-year contract with three one-year contract extensions, for a total period of five years. The contract expires on May 7, 2014. The new contract will be a three-year contract with no contract extensions.

**DISCUSSION/ANALYSIS:**

In general, the scope of this contract consists of, but is not limited to landscape maintenance of landscape spaces, including mowing and edging, weeding, sweeping, pruning of shrubs and groundcovers, fertilizing, litter clean-up, and tree trimming for clearances within the locations shown on the Work Area Maps, enclosed.

The City Attorney has determined it appropriate to classify the Landscape Maintenance of the Common Areas for Oak Park Calabasas Homeowners Association within Landscape Lighting Act District 22 contract as maintenance work, not as a capital improvement project. Therefore, this contract qualified to be advertised as a Request for Qualification/ Proposal (RFQ/P), which does not require a public bid process. Consequently the City is not required to award the contract on the basis of the lowest bid, but will make an award in the best interest of the City and within available budgets after all factors have been evaluated.

On February 27, 2014 the RFQ/P was advertised and seven (7) proposals were received. The Proposers were: Azteca Landscape, Mycol, Inc. Quality Landscape Care, ValleyCrest Landscape Maintenance, Venco Western, Inc., Oakridge Landscape Inc., Vandergeest Landscape Care, Inc., Pierre Landscape, with bid summaries below:

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT/YEAR</u></b>
Azteca Landscape	\$64,870.40
Mycol, Inc. Quality Landscape Care	\$67,099.82
ValleyCrest Landscape Maintenance, Inc.	\$68,297.53
Venco Western, Inc.	\$91,789.76
Oakridge Landscape, Inc.	\$118,437.55
VanderGeest Landscape Care, Inc.	\$122,794.95
Pierre Landscape*	\$22,975,358.64

\*Bidder did not demonstrate understanding of bid schedule preparation procedure relative to unit price and frequency application.

The yearly bid amount includes anticipated and routine scheduled maintenance operations but does not make provisions for unforeseen or emergency work which is not uncommon when maintaining large landscape areas; however, an estimated dollar amount was calculated and included in the landscaping budget in case of such occurrences. The additional work generated from such events is not guaranteed but if additional work is released by the City in no event shall the total contract value exceed \$389,000 over the three year term of the contract.

Azteca Landscape is currently providing landscape contracting services for the City for Oak Park Calabasas HOA and has an excellent work and safety record. The contractor has a productive relationship with both City staff and members of that community. Over the years, the City has received communication from community residents expressing their compliments and appreciation of the work product provided by Azteca Landscape.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The contract total of \$389,000 will be funded using Landscape Lighting Act District 22 (Oak Park – Zone 13).

Staff recommends that funding be approved and that the budget be adjusted accordingly.

**REQUESTED ACTION:**

Recommendation to award a three year professional services agreement (PSA) to Azteca Landscape for the Landscape Maintenance of the Common Areas for Oak Park Calabasas Homeowners Association within the Landscape Lighting Act District 22 in the City of Calabasas, for the base amount of \$64,870.40 per year plus Consumer Price Index (CPI) increases.

Additionally, authorize the Public Works Director to approve extra landscape maintenance work as needed under the terms of the PSA with Azteca Landscape, in an amount not to exceed the monies budgeted in the funds designated for the landscape work.

**ATTACHMENTS:**

1. Work Area Maps
2. Professional Services Agreement/Scope of Services



CITY of CALABASAS  
LANDSCAPE LIGHTING ACT  
DISTRICT 22  
REVISED AREAS ONLY  
JANUARY 2009

**ZONE 13**  
**OAK PARK**

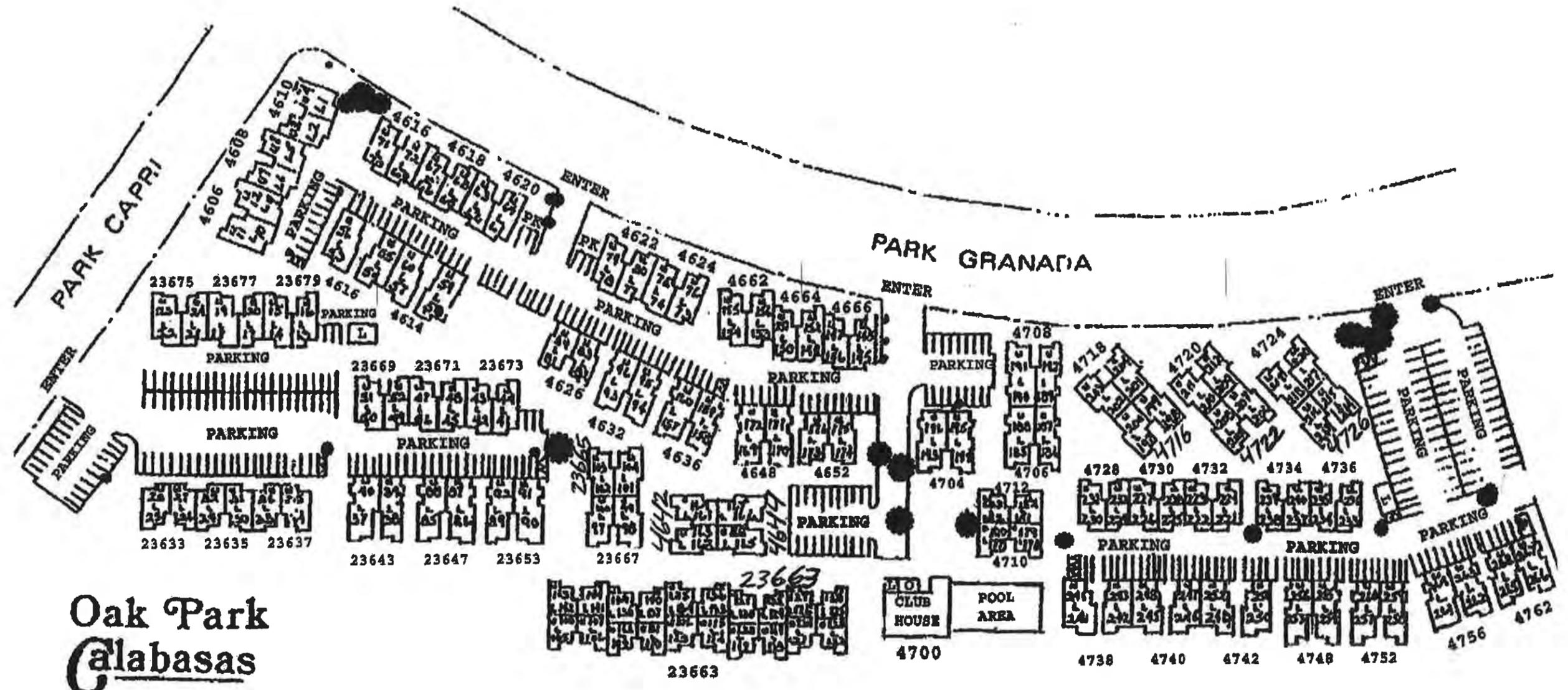


**LEGEND/KEY**

- CURB DRAIN
- CATCHBASIN INLET
- V STORM DRAIN INLET
- IRRIGATION CONTROLLERS/DEVICES**
- ▲ CALSENSE
- ▲ DIG
- ▲ IRRI-TROL
- ▲ LEIT
- ▲ RAIN BIRD
- ▲ STERLING
- ⋮ WATER METER
- ▨ STRUCTURES
- V\_DITCHES
- Horse Trails
- LANDSCAPE MAINTENANCE AREAS**
- PARCELS/PRIVATE PROPERTY
- CALABASAS COUNTRY ESTATES HOA
- CALABASAS PARK ESTATES HOA
- CLAIRIDGE HOA
- OAK PARK HOA
- PALATINO HOA
- PARK SORRENTO HOA
- THE RIDGE HOA
- VISTA POINTE HOA
- CALABASAS LAKE



NOT TO SCALE



PARK CAPRI

PARK GRANADA

Oak Park  
Calabasas

CLUB HOUSE POOL AREA

**PROFESSIONAL SERVICES AGREEMENT  
Providing for Payment of Prevailing Wages**

(City of Calabasas/ *Azteca Landscape*)

**1. IDENTIFICATION**

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Calabasas, a California municipal corporation (“City”), and **Azteca Landscape a California corporation**, (“Consultant”).

**2. RECITALS**

- 2.1 City has determined that it requires the following professional services from a consultant: **Landscape Maintenance of the Common Areas for Oak Park Calabasas Homeowners Association within Landscape Lighting Act District 22 in the City of Calabasas.**
- 2.2 Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

**3. DEFINITIONS**

- 3.1 “Scope of Services” and “Approved Fee Schedule”: Such professional services and such compensation rates as are set forth in Consultant’s **March 20, 2014** proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 “Commencement Date”: **May 8, 2014.**
- 3.3 “Expiration Date”: **May 7, 2017.**

**4. TERM**

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Expiration Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 17 (“Termination”) below.

**5. CONSULTANT'S SERVICES**

- 5.1 Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of **Three Hundred Eighty Nine Thousand Dollars (\$389,00.00)** unless specifically approved in advance and in writing by City.
- 5.2 Consultant shall perform all work to the highest professional standards of Consultant's profession and in a manner reasonably satisfactory to City. Consultant shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).
- 5.3 During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if both (i) such work would require Consultant to abstain from a decision under this Agreement pursuant to a conflict of interest statute and (ii) City has not consented in writing to Consultant's performance of such work.
- 5.4 Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. **Brian Eddy** shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.
- 5.5 To the extent that the Scope of Services involves trenches deeper than 4', Contractor shall promptly, and before the following conditions are disturbed, notify the City, in writing, of any:

(1) Material that the contractor believes may be material that is hazardous waste, as defined in § 25117 of the Health and Safety Code, which is required to be removed to a Class I, Class II, or Class III disposal site in accordance with provisions of existing law.

(2) Subsurface or latent physical conditions at the site differing from

those indicated by information about the site made available to bidders prior to the deadline for submitting bids.

(3) Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the contract.

City shall promptly investigate the conditions, and if it finds that the conditions do materially so differ, or involve hazardous waste, and cause a decrease or increase in the contractor's cost of, or the time required for, performance of any part of the work, the City shall issue a change order under the procedures described in the contract.

## 6. COMPENSATION

- 6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.
- 6.2 Consultant shall submit to City an invoice, on a monthly basis or less frequently, for the services performed pursuant to this Agreement. Each invoice shall itemize the services rendered during the billing period and the amount due. Within thirty calendar days of receipt of each invoice, City shall pay all undisputed amounts included on the invoice. City shall not withhold applicable taxes or other authorized deductions from payments made to Consultant.
- 6.3 Payments for any services requested by City and not included in the Scope of Services shall be made to Consultant by City on a time-and-materials basis using Consultant's standard fee schedule. Consultant shall be entitled to increase the fees in this fee schedule at such time as it increases its fees for its clients generally; provided, however, in no event shall Consultant be entitled to increase fees for services rendered before the thirtieth day after Consultant notifies City in writing of an increase in that fee schedule. Fees for such additional services shall be paid within sixty days of the date Consultant issues an invoice to City for such services.
- 6.4 This Agreement is further subject to the provisions of Article 1.7 (commencing at Section 20104.50) of Division 2, Part 3 of the Public Contract Code regarding prompt payment of contractors by local governments. Article 1.7 mandates certain procedures for the payment of undisputed and properly submitted payment requests within 30 days after receipt, for the review of payment requests, for notice to the contractor of improper payment requests, and provides for the payment of interest on progress payment requests which are not timely made in

accordance with this Article. This Agreement hereby incorporates the provisions of Article 1.7 as though fully set forth herein.

- 6.5 To the extent applicable, at any time during the term of the Agreement, the Consultant may at its own expense, substitute securities equivalent to the amount withheld as retention (or the retained percentage) in accordance with Public Contract Code section 22300. At the request and expense of the consultant, securities equivalent to the amount withheld shall be deposited with the public agency, or with a state or federally chartered bank in this state as the escrow agent, who shall then pay those moneys to the Consultant. Upon satisfactory completion of the contract, the securities shall be returned to the Consultant.

**7. OWNERSHIP OF WRITTEN PRODUCTS**

All reports, documents or other written material (“written products” herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

**8. RELATIONSHIP OF PARTIES**

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant’s employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.

**9. CONFIDENTIALITY**

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

**10. INDEMNIFICATION**

- 10.1 The parties agree that City, its officers, agents, employees and volunteers should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Consultant acknowledges that City would not enter into this Agreement in the absence of Consultant's commitment to indemnify and protect City as set forth herein.
- 10.2 To the fullest extent permitted by law, Consultant shall indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant or any of its officers, employees, servants, agents, or subcontractors in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees due to counsel of City's choice.
- 10.3 City shall have the right to offset against the amount of any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 10 and related to Consultant's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.4 The obligations of Consultant under this Section 10 will not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 10.5 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's

subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

- 10.6 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

## 11. INSURANCE

- 11.1 During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:

11.1.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.

11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.

11.1.3 Worker's Compensation insurance as required by the laws of the State of California, including but not limited to California Labor Code § 1860 and 1861 as follows:

Contractor shall take out and maintain, during the life of this contract, Worker's Compensation Insurance for all of Contractor's employees employed at the site of improvement; and, if any work is sublet, Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees, unless such employees are covered by the protection afforded by Contractor. Contractor and any of Contractor's subcontractors shall be required to provide City with a written statement acknowledging its obligation to secure payment of Worker's Compensation Insurance as required by

Labor Code § 1861; to wit: 'I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.' If any class of employees engaged in work under this contract at the site of the Project is not protected under any Worker's Compensation law, Contractor shall provide and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected. Contractor shall indemnify and hold harmless City for any damage resulting from failure of either Contractor or any subcontractor to take out or maintain such insurance.

- 11.2 Consultant shall require each of its subcontractors to maintain insurance coverage that meets all of the requirements of this Agreement.
- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.
- 11.4 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay, at Consultant's expense, the premium thereon.
- 11.5 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Consultant shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 11.6 Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 11.7 The General Liability Policy of insurance required by this Agreement shall contain an endorsement naming City and its officers, employees, agents and volunteers as additional insureds. The General Liability Policy required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of

cancellation imposes no obligation, and to delete the word “endeavor” with regard to any notice provisions.

- 11.8 The insurance provided by Consultant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant’s insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant’s employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond or other security acceptable to the City guaranteeing payment of losses and expenses.
- 11.11 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant’s liability or as full performance of Consultant’s duties to indemnify, hold harmless and defend under Section 10 of this Agreement.

**12. MUTUAL COOPERATION**

- 12.1 City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant’s services under this Agreement.
- 12.2 In the event any claim or action is brought against City relating to Consultant’s performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require.

**13. RECORDS AND INSPECTIONS**

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities with respect to this Agreement.

**14. PERMITS AND APPROVALS**

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary in the performance of this Agreement. This includes, but shall not be limited to, encroachment permits and building and safety permits and inspections.

**15. NOTICES**

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during the addressee's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

City of Calabasas  
100 Civic Center Way  
Calabasas, CA 91302  
Attn: **Steve Ball**  
Telephone: (818) 224-1600  
Facsimile: (818) 225-7338

If to Consultant:

Azteca Landscape  
1027 E. Acacia Street  
Ontario, CA 91761  
Attn: **Aurora Farias**  
Telephone: (909) 673-0889  
Facsimile: (909) 673-9192

With courtesy copy to:

Scott H. Howard  
Colantuono & Levin, PC  
300 South Grand Avenue, Suite 2700  
Los Angeles, CA 90071-3137  
Telephone: (213) 542-5700  
Facsimile: (213) 542-5710

**16. SURVIVING COVENANTS**

The parties agree that the covenants contained in Section 9, Section 10, Paragraph 12.2 and Section 13 of this Agreement shall survive the expiration or termination of this Agreement.

**17. TERMINATION**

- 17.1. City shall have the right to terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant shall have the right to terminate this Agreement for any reason on sixty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.
- 17.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

**18. GENERAL PROVISIONS**

- 18.1 Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.2 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.
- 18.3 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 18.4 The waiver by City or Consultant of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in

writing.

- 18.5 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.6 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. In the event legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable and actual court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California.
- 18.7 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and shall be enforceable in its amended form. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 18.8 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 18.9 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Consultant.

- 18.10 This Agreement is further subject to the provisions of Article 1.5 (commencing at Section 20104) of Division 2, Part 3 of the Public Contract Code regarding the resolution of public works claims of less than \$375,000. Article 1.5 mandates certain procedures for the filing of claims and supporting documentation by the contractor, for the response to such claims by the contracting public agency, for a mandatory meet and confer conference upon the request of the contractor, for mandatory nonbinding mediation in the event litigation is commenced, and for mandatory judicial arbitration upon the failure to resolve the dispute through mediation. This Agreement hereby incorporates the provisions of Article 1.5 as though fully set forth herein.
- 18.11 This Agreement is further subject to the provisions of California Public Contracts Code § 6109 which prohibits the Consultant from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to §§ 1777.1 or 1777.7 of the Labor Code.

19 **PREVAILING WAGES**

- 19.1 To the extent that the estimated amount of this Agreement exceeds \$1,000, this Agreement is subject to prevailing wage law, including, but not limited to, the following:
- 19.1.1 The Consultant shall pay the prevailing wage rates for all work performed under the Agreement. When any craft or classification is omitted from the general prevailing wage determinations, the Consultant shall pay the wage rate of the craft or classification most closely related to the omitted classification. The Consultant shall forfeit as a penalty to City \$50.00 or any greater penalty provided in the Labor Code for each calendar day, or portion thereof, for each worker paid less than the prevailing wage rates for any work done under the Agreement employed in the execution of the work by Consultant or by any subcontractor of Consultant in violation of the provisions of the Labor Code. In addition, the difference between such prevailing wage rates and the amount paid to each worker for each calendar day, or portion thereof, for which each worker was paid less than the prevailing wage rate shall be paid to each worker by the Consultant.
- 19.1.2 Consultant shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects, and further agrees that Consultant is responsible for compliance with Section 1777.5 by all of its subcontractors.

19.1.3 Pursuant to Labor Code § 1776, Consultant and any subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by Consultant in connection with this Agreement. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Labor Code §§ 1811, and 1815 for any work performed by his or her employees on the public works project. The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours as required by Labor Code § 1776.

19.2 To the extent that the estimated amount of this Agreement exceeds \$1,000, this Agreement is further subject to 8-hour work day and wage and hour penalty law, including, but not limited to, Labor Code Sections 1810 and 1813, as well as California nondiscrimination laws, as follows:

19.2.1 Consultant shall strictly adhere to the provisions of the Labor Code regarding the 8-hour day and the 40-hour week, overtime, Saturday, Sunday and holiday work and nondiscrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or sexual orientation, except as provided in Section 12940 of the Government Code. Pursuant to the provisions of the Labor Code, eight hours' labor shall constitute a legal day's work. Work performed by Consultant's employees in excess of eight hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. Consultant shall forfeit as a penalty to City \$25.00 or any greater penalty set forth in the Labor Code for each worker employed in the execution of the work by Consultant or by any Subcontractor of Consultant, for each calendar day during which such worker is required or permitted to the work more than eight hours in one calendar day or more than 40 hours in any one calendar week in violation of the provisions of the Labor Code.

**TO EFFECTUATE THIS AGREEMENT**, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

**“City”**  
**City of Calabasas**

**“Consultant”**  
**Azteca Landscape**

By: \_\_\_\_\_  
David J. Shapiro, Mayor

By: \_\_\_\_\_  
Aurora Farias, President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Maricela Hernandez, MMC  
City Clerk

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Scott H. Howard, City Attorney

Date: \_\_\_\_\_

**EXHIBIT A**  
**SCOPE OF SERVICES / APPROVED FEE SCHEDULE**

1. General Maintenance Agreement

3 years @ \$64,870.40 (plus potential CPI) = \$194, 611.20

2. Other work as required / approved by City

Not to exceed = \$194,388.80

**Total Amount = \$389,000.00**

**OAK PARK HOA - ZONE 13**

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICES	ANNUAL FREQUENCY	AMOUNT
<b>GENERAL MAINTENANCE</b>						
1.	Facility inspection by contractor, visual/operational.	LS	1	\$ 75.00	12	\$ 900.00
2.	Walk through inspection with HOA/LLAD representative.	LS	1	\$ 125.00	12	\$ 1,500.00
3.	Trash collection and disposal.	LS	1	\$ 5.00	365	\$ 1,825.00
4.	Trash can cleaning.	LS	1	\$ 2.50	260	\$ 650.00
5.	Paved sidewalks, walkways, medians; pathways and parking area cleanup and weed control.	100 SF	1,423	\$ .011	260	\$ 4,069.78
<b>DRAINAGE FACILITIES</b>						
6.	Inspect, clean and keep clear drainage inlets, curb drains, etc.	LS	1	\$ 5.00	52	\$ 260.00
<b>LAWN AREAS</b>						
7.	Mowing (mulching <u>not</u> permitted) and edging.	100 SF	461	\$ .75	52	\$ 17,979.00
8.	Fertilization.	100 SF	461	\$ .83	4	\$ 1,530.52
9.	Aeration.	100 SF	461	\$ 1.50	2	\$ 1,383.00
10.	Dethatching.	100 SF	461	\$ 5.00	1	\$ 2,305.00
11.	Over-seeding with winter rye grass.	100 SF	461	\$ 3.00	1	\$ 1,383.00
<b>GROUNDCOVER AND SHRUB AREAS</b>						
12.	Inspect, weed, and clean groundcover and shrub beds.	100 SF	558	\$ .25	52	\$ 7,254.00
13.	Pruning/trimming	100 SF	558	\$ .25	26	\$ 3,627.00
14.	Edging.	LS	1	\$ 25.00	12	\$ 300.00
15.	Fertilization.	100 SF	558	\$ .63	4	\$ 1,406.16
16.	Replace annual color plants.	100 SF	18	\$ .85	4	\$ 61.20 <del>\$ 6,120.00</del>
17.	Cultivating and/or mulching (top dress).	100 SF	558	\$ .25	12	\$ 1,674.00
<b>TREES</b>						
18.	Inspect for damage and/or special needs for safety and health.	LS	1	\$ 15.00	12	\$ 180.00
19.	Pruning for pedestrian/vehicular clearances.	LS	1	\$ 25.00	12	\$ 300.00
20.	Maintain tree wells and watering basins, including weeding and mulching.	LS	1	\$ 25.00	12	\$ 300.00

OAK PARK HOA - ZONE 13						
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICES	ANNUAL FREQUENCY	AMOUNT
21.	Inspect and adjust tree stakes, ties and guys.	LS	1	\$ 25.00	12	\$ 300.00
22.	Fertilization.	LS	1	\$ 49.98	3	\$ 149.94
<b>IRRIGATION SYSTEMS</b>						
23.	Operate, observe and adjust irrigation systems.	1,000 SF	103	\$ 1.00	52	\$ 5,356.00
24.	Probe for soil water content and adjust irrigation systems to meet seasonal needs.	1,000 SF	103	\$ .05	52	\$ 267.80
25.	Annual irrigation systems audit.	1,000 SF	103	\$ 11.50	2	\$ 2,369.00
<b>PARK AND RECREATION FACILITIES</b>						
26.	Parking lot sweeping.	100 SF	1,130	\$ .10	52	\$ 5,876.00
27.	Trash collection and disposal.	LS	1	\$ 10.00	52	\$ 520.00
28.	Trash can cleaning.	LS	1	\$ 10.00	52	\$ 520.00
29.	Walkway cleaning.	100 SF	120	\$ .10	52	\$ 624.00
TOTAL AMOUNT BID SCHEDULE IN FIGURES						64,870.40 <del>70,600.20</del>
TOTAL AMOUNT BID SCHEDULE IN WORDS <del>seventy Thousand Six Hundred Ninety Nine Dollars</del>						
<del>and Twenty Cents</del> Sixty-Four Thousand Eight Hundred Seventy Dollars and Forty Cents						

\* For multiplication purposes, treat as (1).

\*\*See Appendix C for "sample" calculation.

OAK PARK HOA - ZONE 13

The Contractor shall be responsible for calculating and providing unit prices for the schedule. The proposal schedule shall include all costs for services, labor, materials, equipment, and installation associated in completing the work in place per the Specifications and details.

The award of contract will be based on the lowest bidding schedule total. The specific unit prices shall govern if there is a mathematical discrepancy in the figures. The Bidder must notify the Agency prior to any award of contract, of any difference between the estimated quantities and equal quantities.

The Agency reserves the right to increase or decrease the quantity of any item and/or annual frequency and/or omit items as may be deemed necessary due to budget limitations or constraints, and the same shall in no way affect or make void the contract, except that appropriate additions or deductions from the contract total price will be made at the stipulated unit price.

A separate schedule of work and prices is provided because the Agency reserves the right to award this work to either one or more contractors. A bidder may submit a proposal for all or any combination of schedules.

64,870.40

Bid Schedule Total: \$ ~~70,699.20~~ 64,870.40

Bid Schedule Total (in words): ~~Seventy Thousand Six Hundred Ninety Nine Dollars and Twenty~~

~~Cents~~ Sixty-Four Thousand Eight Hundred Seventy Dollars and Forty Cents

Azteca Landscape  
Company Name of Bidder

3/20/2014  
(Date)

NON-COLLUSION AFFIDAVIT

NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY THE LANDSCAPE MAINTENANCE COMPANY AND SUBMITTED WITH THE COST PROPOSAL

State of California )
) ss.
County of )

Aurora Farias being first duly sworn, deposes and says that he or she is President of Azteca Landscape, the party making the foregoing proposal that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the cost proposal is genuine and not collusive or sham; that the Landscape Maintenance Company has not directly or indirectly induced or solicited any other Landscape Maintenance Companies to put in a false or sham costs, and has not directly or indirectly colluded, conspired, connived, or agreed with any LMC or anyone else to put in a sham cost proposal, or that anyone shall refrain from proposing; that the Landscape Maintenance Company has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the cost prices of the Landscape Maintenance Company or any other Landscape Maintenance Company, or to fix any overhead, profit, or cost element of the cost price, or of that of any other Landscape Maintenance Company, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the proposal are true; and, further, that the Landscape Maintenance Company has not, directly or indirectly, submitted his or her cost price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, cost depository, or to any member or agent thereof to effectuate a collusive or sham proposal."

I certify under penalty of perjury that the above information is correct

By: Aurora Farias Title: President

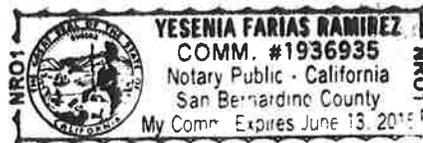
Date: 3/20/2014

State of California )
County of San Bernardino )

Subscribed and sworn to (or affirmed) before me on this 19th day of March, 2014, by Aurora Farias, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

(Handwritten signature of Notary Public)

(Notary Seal)



**WORKERS' COMPENSATION INSURANCE CERTIFICATE**

The Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

DATE: 3/20/2014

Azteca Landscape

(Contractor)

By:

*Aurora Jarama*  
(Signature)

President

(Title)

Attest:

By:

*B. J.*  
(Signature)

Contract Administrator/Safety Manager

(Title)





**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 27, 2014

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** SCOTT HOWARD, CITY ATTORNEY  
MATT SUMMERS, ASSISTANT CITY ATTORNEY  
MICHAEL KLEIN, PLANNER *Mike Klein*

**SUBJECT:** CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS TO AMEND SECTION 17.12.050 OF THE CALABASAS MUNICIPAL CODE RELATED TO ANTENNAS/PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES, TO DELETE PREEMPTED PORTIONS REGARDING RADIOFREQUENCY EMISSIONS AND TO ADD A PROVISION REQUIRING COMPLETION OF A FEDERAL COMMUNICATIONS COMMISSION FORM AS PART OF AN APPLICATION FOR A WIRELESS FACILITY PERMIT.

**MEETING DATE:** APRIL 9, 2014

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**SUMMARY RECOMMENDATION:**

That the City Council waive further reading and introduce Ordinance No. 2014-314, amending Section 17.12.050 of the Calabasas Municipal Code (CMC) to delete preempted portions regarding radiofrequency emissions and to add a provision requiring completion of a Federal Communications Commission form as part of an application for a Wireless Facility Permit.

**BACKGROUND:**

The City regulates the installation, operation, and maintenance of personal wireless telecommunications facilities in the City under the provisions of the Wireless

Facility Ordinance, Section 17.12.050 of the Calabasas Municipal Code. As stated in Section 17.12.050(A), the ordinance is intended to protect the health and safety of residents and business, protect the benefits provided to residents and businesses by wireless telecommunications facilities, balance these goals by permitting the installation and operation of personal wireless telecommunication facilities where needed, while reducing adverse economic, safety and / or aesthetic impacts. The ordinance is intended to accomplish these goals while complying with all applicable federal and state law, including the federal 1996 Telecommunications Act, and therefore is intended to regulate personal wireless telecommunications facilities to the limit, but not beyond the City's power. The proposed amendment is intended to conform the ordinance to the limit of the City's power, in light of a recent ruling by the Superior Court of Los Angeles County holding that certain provisions of the City's current ordinance are preempted by federal law.

On February 26, 2014, staff initiated a development code amendment to comply with the Superior Court of Los Angeles County's ruling discussed below. The Communications and Technology Commission (CTC) reviewed the draft ordinance at a public hearing on March 18, 2014, and adopted CTC Resolution No. 2014-027 (attachment B), recommending adoption of the ordinance by the City Council.

#### **DISCUSSION/ANALYSIS:**

The City's current ordinance includes several provisions which require applicants and operators of personal wireless services facilities to demonstrate that their facilities, as proposed, as installed, and as operating, comply with all federally-imposed radiofrequency ("RF") emissions standards. The City does not impose its own RF emissions standards, but instead requires applicants to prove that they comply with the RF emissions standards set by the Federal Communications Commission ("FCC").

On January 24, 2014, Judge Chalfant of the Superior Court of Los Angeles County issued a judgment in *Crown Castle USA, Inc., et al. v. City of Calabasas, et al.*, Los Angeles County Superior Court Case No. BS140933, granting in and denying in part a petition for writ of mandamus against the City, ruling that the portions of Section 17.12.050 of the Calabasas Municipal Code which monitor and enforce the FCC's regulation of RF emissions are void and severed from the remainder of the section, and that the City may retain the requirement in Section 17.12.050(C)(2)(e)(2) of the Calabasas Municipal Code that requires "[a]n affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC".

In order to comply with this ruling, Staff recommends that the provisions of the ordinance which monitor and enforce an applicant and an operator's compliance with the RF emissions standards imposed by the FCC be deleted. Staff recommends that the City retain the provision requiring an applicant to affirm, under penalty of perjury, that a proposed facility will comply with the applicable FCC RF emissions standards as allowed by the Court. Staff further recommends that a provision be added to require an applicant to submit a standard FCC form which is a checklist that determines whether or not a facility is categorically exempt from additional regulation under the FCC's rules. This added provision would allow the City to review the information, as called for by the FCC's standard form, but would not violate the ruling because the provision does not impose any monitoring or testing of planned or on-going operations. The proposed amendments will comply with the Superior Court's ruling while also ensuring that the City has the benefit of the statement of compliance by an applicant, which could be the basis for an enforcement action if found to be false.

#### **AMENDMENTS:**

##### **17.12.050, subsection (C)(2)(e).**

This amendment deletes the requirement for a RF emissions study to be included with the application for a wireless facility permit, adds the requirement for the applicant to submit a copy of the FCC's form designated for use by local governments, and retains the requirement for the applicant to certify that the proposed facility will comply with applicable RF emissions standards under penalty of perjury. The current provisions of this subsection are deleted, except for subsection (C)(2)(e)(2) which is retained and renumbered as subsection (C)(2)(e), to read as follows:

- e. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power."

##### **17.12.050, subsection (C)(5).**

This amendment deletes the requirement for an applicant to pay for an independent technical expert to evaluate the proposed facility's compliance with RF emission standards. The current provisions of this subsection are retained, except for subsection

(C)(5)(a) which is deleted, and the remaining provisions of subsection (C)(5) are relettered accordingly, to read as follows:

5. Independent Expert Review. The city shall retain an independent, qualified consultant to review any application for a permit for a new personal wireless telecommunication facility or modification to an existing personal wireless telecommunication facility. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and shall address any or all of the following:
  - a. Whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
  - b. The accuracy and completeness of submissions;
  - c. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
  - d. The applicability of analysis techniques and methodologies;
  - e. The viability of alternative sites and alternative designs; and
  - f. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, established by the director.

**17.12.050, subsection (C)(6).**

This amendment deletes the requirement in subsection (C)(6)(b) for an as-built RF emissions analysis to be completed prior to unattended operation and deletes the requirement in subsection (C)(6)(f) for annual monitoring of the RF emissions of an operating facility. Subsection (C)(6) is to read as follows:

6. Conditions of Approval. All facilities approved under this section shall be subject to the following conditions:
  - a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.

b. Abandonment:

- 1) Personal wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this code or any predecessor to this code.
- 2) The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
- 3) The operator of a facility shall notify the city in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
- 4) All facilities not removed within the required ninety-day period shall be in violation of this code. In the event the city removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs.

- c. The applicant, operator of a facility and property owner (when applicable) shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages arising from the city's review and/or approval of the design, construction, operation, location, inspection or maintenance of the facility.

- d. Removal of Unsafe Facilities. If, at any time after ten (10) years of the issuance of a building permit or encroachment permit, or any shorter period permitted by Government Code Section 65964(b), any personal wireless telecommunication facility becomes incompatible with public health, safety or welfare, the applicant or operator of the facility shall, upon notice from the city and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
- e. The owner or operator of any personal wireless telecommunication facility approved under this subsection C of this Section 17.12.050 shall cooperate with the director to: (1) verify that the facility design conforms with applicable building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.12.50 of the Calabasas Municipal Code.
- f. Prior to the issuance of a building permit or encroachment permit, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the director on a case-specific basis and in an amount reasonably related to the obligations required under this code and all conditions of approval, and shall be specified in the conditions of approval.)

- g. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.
- h. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
- i. A personal wireless telecommunication facility may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

**REQUIRED FINDINGS:**

The findings required in Section 17.76.030 of the Calabasas Municipal Code for development code amendments are contained in Communications and Technology Commission Resolution No. 2014-027 and City Council Ordinance No. 2014-314.

**ENVIRONMENTAL REVIEW:**

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption has been prepared and is attached as Attachment C.

**FISCAL IMPACT/SOURCE OF FUNDING:**

There are no fiscal or budgetary impacts associated with this action.

**REQUESTED ACTION:**

That the City Council waive further reading and introduce Ordinance No. 2014-314, amending the Calabasas Land Use and Development Code.

**ATTACHMENTS:**

- Attachment A: Ordinance No. 2014-314
- Attachment B: CTC Resolution No. 2014-027
- Attachment C: Notice of Exemption, CEQA

**ORDINANCE NO. 2014-314**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING CALABASAS MUNICIPAL CODE, SECTION 17.12.050 RELATED TO ANTENNAS/PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES TO DELETE PREEMPTED PORTIONS REGARDING RADIOFREQUENCY EMISSIONS AND TO ADD A PROVISION REQUIRING COMPLETION OF A FEDERAL COMMUNICATIONS COMMISSION FORM AS PART OF AN APPLICATION FOR A WIRELESS FACILITY PERMIT.**

**WHEREAS**, the City Council of the City of Calabasas, California (“the City Council”) has considered all of the evidence including, but not limited to, the Communications and Technology Commission Resolution, Planning Division staff reports and attachments, and public testimony before making a final decision; and

**WHEREAS**, on January 24, 2014, a judgment was issued in *Crown Castle USA, Inc., et al. v. City of Calabasas, et al.*, Los Angeles County Superior Court Case No. BS140933, granting in part a petition for writ of mandamus against the City, ruling that specified portions of Section 17.12.050 of the Calabasas Municipal Code which monitor and enforce the Federal Communications Commission’s regulation of radiofrequency (“RF”) emissions are void and severed from the remainder of the section and that the City may retain the requirement for an applicant to submit “[a]n affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC;” and

**WHEREAS**, on February 20, 2014, the Clerk of the Superior Court issued a Writ of Mandamus commanding the City of Calabasas to take all appropriate actions to conform Calabasas Municipal Code Section 17.12.050 to the Superior Court’s judgment in Case No. BS140933; and

**WHEREAS**, in order to comply with the writ of mandamus, the City Council intends to adopt this Land Use and Development Code amendment; and

**WHEREAS**, the City Council finds that this Land Use and Development Code Amendment is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan; and

**WHEREAS**, this Land Use and Development Code Amendment implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

**WHEREAS**, the City Council finds that this Land Use and Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

**WHEREAS**, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(B)(3) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with the CEQA guidelines; and

**WHEREAS**, the City Council has considered the entirety of the record, which includes without limitation, The Calabasas General Plan; all reports, testimony, and transcripts from the Communications and Technology Commission's March 18, 2014 meeting; and reports, and testimony at the City Council's April 9, 2014 meeting.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Based upon the foregoing the City Council finds:

1. Notice of the April 9, 2014 City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's Market, Albertsons and at Calabasas City Hall.
2. Notice of the April 9, 2014 City Council public hearing was posted in the *Acorn* ten (10) days prior to the hearings.
3. Notice of the April 9, 2014 City Council public hearing included the information set forth in Government Code Section 65009, subdivision (b)(2).
5. Following a public hearing held on March 18, 2014, the Communications and Technology Commission adopted Resolution No. 2014-027 recommending to the City Council approval of File No. 140000233.

**SECTION 2.** In view of all the evidence and based on the foregoing findings, the City Council concludes as follows:

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allow the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed amendment does not modify the radio frequency emissions standards applicable to personal wireless telecommunications facilities. Personal wireless telecommunications facilities have always been subjected to radio frequency emissions standards set by the Federal Communication Commission. Previously, the City required applicants for new and modified personal wireless telecommunications facilities and operators of existing personal wireless telecommunications facilities to monitor and verify their compliance with the federally-imposed radio frequency emissions standards. As a result of the Superior Court's judgment that the City lacks the power to require independent verification of compliance with these standards, the City must modify the Development Code to delete this requirement. However, the proposed amendment will not be detrimental to the public's safety or welfare in any way because the underlying radio frequency emissions standards remain the same. Therefore, the proposed amendment meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The proposed amendment is categorically exempt from environmental review in accordance with section 15061(b)(3) of the CEQA Guidelines, General Rule

that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendment will not result in additional development opportunities or any foreseeable environmental impact. A Notice of Exemption has been prepared.

4. *The proposed amendment is internally consistent with other applicable provisions of this development code.*

The proposed amendment removes preempted sections of the Development Code which required inclusion of a radio frequency emissions technical report with the application for a wireless facility permit, preparation of a radio frequency emissions technical report prior to unattended operation of a personal wireless telecommunications facility, and annual monitoring of the radio frequency emissions from approved personal wireless telecommunications facilities. The proposed amendment leaves in place a requirement that the applicant for a wireless facility permit certify, under penalty of perjury, that the proposed personal wireless telecommunication facility will comply with the applicable radio frequency standards imposed by the Federal Communications Commission. The proposed amendment also adds a requirement that the applicant submit a copy of a Federal Communications Commission form regarding the radio frequency emissions from a proposed personal wireless telecommunications facility. These adjusted requirements fit within the context of the wireless facility ordinance and do not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

**SECTION 3.** Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(2)(e) is hereby amended to read as follows. Additions are denoted by underlined text and deletions are denoted by ~~struck-through text~~.

- e. ~~An FCC compliance report, which shall certify that the proposed personal wireless telecommunication facility will comply with FCC RF emission standards and which report shall include the following information:~~
  1. ~~The projected RF exposure levels of the intended installation.~~
  2. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval

of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power."

- ~~3. Whether its RF exposure analysis is based upon the occupational / controlled exposure limits or the general population / uncontrolled exposure limits, as defined under 47 CFR § 1.1307 et seq.~~
- ~~4. The minimum distance upon which projected exposure levels were calculated, i.e., the assumed closest distance the general public will be able to get to the proposed antenna(s).~~
- ~~5. Exposure calculations based upon the assumption that the proposed personal wireless telecommunication facility will be operating at full power. If the applicant seeks to apply the occupational / controlled exposure limits, the report shall also describe:
  - ~~a) How public access to the facility will be restricted;~~
  - ~~b) The required warning signs to be installed as described by FCC Office of Engineering and Technology Bulletin 65, Supplement B (latest edition); and~~~~

**SECTION 4.** Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(5) is hereby amended to read as follows. Additions are denoted by underlined text and deletions are denoted by ~~struck-through text~~.

5. Independent Expert Review. The city shall retain an independent, qualified consultant to review any application for a permit for a new personal wireless telecommunication facility or modification to an existing personal wireless telecommunication facility. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and shall address any or all of the following:

- ~~a. Compliance with applicable radio frequency emission standards~~
- ab. Whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
- be. The accuracy and completeness of submissions;

cd. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;

de. The applicability of analysis techniques and methodologies;

ef. The viability of alternative sites and alternative designs; and

fg. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, established by the director.

**SECTION 5.** Code Amendment. Calabasas Municipal Code Section 17.12.050, subsection (C)(6) is hereby amended to read as follows. Additions are denoted by underlined text and deletions are denoted by ~~struck-through text~~.

6. Conditions of Approval. All facilities approved under this section shall be subject to the following conditions:

a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.

~~b. Validation of Proper Operation. Prior to unattended operations, the applicant for approvals with respect to any personal wireless telecommunication facility site that is not "categorically excluded" as that term is defined in FCC Office of Engineering and Technology Bulletin 65 ("FCC OET Bulletin 65"), as amended from time to time, shall allow the commission to obtain a detailed technical report prepared by a qualified engineer verifying that the operation of the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC OET Bulletin 65. The applicant shall submit a deposit with the city for its actual costs to conduct that testing. To the extent that a wireless carrier has one or more reports on the facility, all reports shall be provided to the city.~~

be. Abandonment:

1) Personal wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this code or any predecessor to this code.

- 2) The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
- 3) The operator of a facility shall notify the city in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
- 4) All facilities not removed within the required ninety-day period shall be in violation of this code. In the event the city removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs.

cd. The applicant, operator of a facility and property owner (when applicable) shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages arising from the city's review and/or approval of the design, construction, operation, location, inspection or maintenance of the facility.

de. Removal of Unsafe Facilities. If, at any time after ten (10) years of the issuance of a building permit or encroachment permit, or any shorter period permitted by Government Code Section 65964(b), any personal wireless telecommunication facility becomes incompatible with public health, safety or welfare, the applicant or operator of the facility shall, upon notice from the city and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided

that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.

ef. ~~Monitoring Requirements.~~ The owner or operator of any personal wireless telecommunication facility approved under this subsection C of this Section 17.12.050 shall ~~allow and cooperate with the director to obtain a detailed technical report prepared by a qualified engineer which shall include the following: (1) verification that the facility conforms with the uncontrolled/general population RF exposure standards established by FCC Office of Engineering and Technology Bulletin 65 (latest edition); (2) verification:~~ (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.12.50 of the Calabasas Municipal Code. ~~(3) verification that the facility complies with the requirements of other applicable law, including this title and the conditions of any approval granted under this title (this latter verification may be based upon a supplemental report prepared by another qualified person). The applicant, owner or operator shall submit a deposit with the city for its actual costs of that testing to the extent those costs are not fully recovered by any regulatory fee imposed by the city. If monitoring demonstrates that a personal wireless telecommunication facility is not in compliance with the requirements of applicable law, that shall be a basis for the revocation of any permit granted under this title pursuant to Section 17.80.070 of this title. It is anticipated that such monitoring will occur not more than annually unless the city has particular reason to believe that a specific wireless facility is not in compliance with this section and other applicable law, in which case, further monitoring may occur.~~

fg. Prior to the issuance of a building permit or encroachment permit, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the director on a case-specific basis and in an amount reasonably related to the

obligations required under this code and all conditions of approval, and shall be specified in the conditions of approval.)

g~~h~~. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.

h~~i~~. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.

ij. A personal wireless telecommunication facility may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

**SECTION 6.** Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

**SECTION 7.** Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

**SECTION 8.** Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of April, 2014.

\_\_\_\_\_  
David J. Shapiro, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maricela Hernandez, MMC  
City Clerk

\_\_\_\_\_  
Scott H. Howard  
City Attorney

## Item 5 Attachment B

### C.T.C. RESOLUTION NO. 2014-027

A RESOLUTION OF THE COMMUNICATIONS AND TECHNOLOGY COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL TO AMEND SECTION 17.12.050 OF THE CITY OF CALABASAS LAND USE AND DEVELOPMENT CODE RELATED TO ANTENNAS/ PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES TO DELETE PREEMPTED PORTIONS REGARDING RADIOFREQUENCY EMISSIONS AND TO ADD A PROVISION REQUIRING COMPLETION OF A FEDERAL COMMUNICATIONS COMMISSION FORM AS PART OF AN APPLICATION FOR A WIRELESS FACILITY PERMIT.

**Section 1.** The Communications and Technology 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, including the draft of ordinance No. 2014-314.
2. Staff presentation at the public hearing held on March 18, 2014, before the Communications and Technology 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. All related documents received and/or submitted at or prior to the public hearing.

**Section 2.** Based on the foregoing evidence, the Communications and Technology Commission finds that:

1. Notice of the March 18, 2014, Communications and Technology Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market, Albertsons and at Calabasas City Hall.

2. Notice of the Communications and Technology Commission public hearing was published in The Acorn newspaper.
3. Notice of the Communications and Technology Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
4. Section 2 of the Draft Ordinance No. 2014-314, entitled findings, are accurate.

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

### **FINDINGS**

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allows the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed amendment does not modify the radio frequency emissions standards applicable to personal wireless telecommunications facilities. Personal wireless telecommunications facilities have always been subjected to radio frequency emissions standards set by the Federal Communication Commission. Previously, the City required applicants for new and modified personal wireless telecommunications facilities and operators of existing personal wireless telecommunications facilities to monitor and verify their compliance with the federally-imposed

radio frequency emissions standards. As a result of the Superior Court's judgment that the City lacks the power to require independent verification of compliance with these standards, the City must modify the Development Code to delete this requirement. However, the proposed amendment will not be detrimental to the public's safety or welfare in any way because the underlying radio frequency emissions standards remain the same. Therefore, the proposed amendment meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The proposed amendment is categorically exempt from environmental review in accordance with section 15061(b)(3) of the CEQA Guidelines, General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendment will not result in additional development opportunities or any foreseeable environmental impact. A Notice of Exemption has been prepared.

4. *The proposed amendment is internally consistent with other applicable provisions of the Development Code.*

The proposed amendment removes preempted sections of the Development Code which required inclusion of a radio frequency emissions technical report with the application for a wireless facility permit, preparation of a radio frequency emissions technical report prior to unattended operation of a personal wireless telecommunications facility, and annual monitoring of the radio frequency emissions from approved personal wireless telecommunications facilities. The proposed amendment leaves in place a requirement that the applicant for a wireless facility permit certify, under penalty of perjury, that the proposed personal wireless telecommunication facility will comply with the applicable radio frequency standards imposed by the Federal Communications Commission. The proposed amendment also adds a requirement that the applicant submit a copy of a Federal Communications Commission form regarding the radio frequency emissions from a proposed personal wireless telecommunications facility. These adjusted requirements fit within the context of the wireless facility ordinance and do not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the Communications and Technology Commission hereby adopts Communications and Technology Commission Resolution No. 2014-027, recommending City Council approval of ordinance no. 2014-314, to amend Section 17.12.050 of the City of Calabasas Land Use and Development Code related to antennas/ personal wireless telecommunications facilities.

**Section 5.** All documents described in Section 1 of CTC Resolution No. 2014-027 are deemed incorporated by reference as set forth at length.

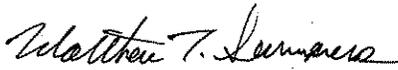
COMMUNICATIONS AND TECHNOLOGY COMMISSION RESOLUTION NO. 2014-027 PASSED, APPROVED AND ADOPTED this 18th day of March, 2014.

  
Linda Stock,  
Chairperson

ATTEST:

  
Deborah Steller  
Media Operations Director

APPROVED AS TO FORM:

  
Matthew Summers  
Assistant City Attorney

Communications and Technology Commission Resolution No. 2014-027, was adopted by the Communications and Technology Commission at a regular meeting held March 18, 2014, and that it was adopted by the following vote:

AYES: Chair Linda Stock, Commissioners Michael Brockman, Richard Cassel and Jamie Daugherty

NOES: None

ABSENT: Vice Chair Candice Weber

ABSTAINED: None

"The Secretary of the Communications and Technology 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 Communications and Technology Commission."



CITY of CALABASAS

### Item 5 Attachment C

Community Development Department  
Planning Division  
100 Civic Center Way  
Calabasas, CA 91302  
T: 818.224.1600

www.cityofcalabasas.com

## Notice of Exemption

To: \_\_\_\_\_ County Clerk, County of Los Angeles  
12400 East Imperial Highway, Room 2001  
Norwalk, CA 90650

\_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814

**SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH SECTION 15062 OF THE PUBLIC RESOURCES CODE**

**Project Title/File No.:** 140000233  
**Project Location:** Citywide, in the City of Calabasas, County of Los Angeles.  
**Project Description:** Proposed Amendment of Calabasas Municipal Code, Section 17.12.050, related to Antennas/Personal Wireless Telecommunications Facilities, to delete preempted portions regarding radiofrequency emissions and to add a provision requiring completion of a Federal Communications Commission form as part of an application for a Wireless Facility Permit.  
**Name of approving public agency:** City of Calabasas City Council  
**Project Sponsor:** City of Calabasas Community Development Department, 100 Civic Center Way, Calabasas, CA 91302

**Exempt Status:** \_\_\_\_\_ Ministerial (Sec. 21080(b)(1); 15268)  
\_\_\_\_\_ Declared Emergency (Sec. 21080(b)(3); 15269(a))  
\_\_\_\_\_ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))  
\_\_\_\_\_ Categorical Exemption—Section (Insert Section #), (Class (Insert Class #), (Insert Type))  
 Other. Section 15061(b)(3)

**Reason(s) why Project is exempt:** The project will not have the potential for causing a significant effect on the environment because it will merely update the submittal requirements for an existing land use.

**Lead Agency/Contact Person:** Michael Klein, Planner, City of Calabasas Planning Division, 100 Civic Center Way, Calabasas, CA 91302.

**Date:** April 9, 2014      **Signature:** \_\_\_\_\_  
Michael Klein  
**Title:** Planner  
**Phone:** 818-224-1710

**Date received for filing and posting:** \_\_\_\_\_



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 31, 2014

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** ANDREW COHEN-CUTLER, ASSOCIATE PLANNER 

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2014-1400, DENYING FILE NO. 140000245, AN APPEAL OF THE COMMUNICATION AND TECHNOLOGY COMMISSION DECISION TO APPROVE FILE NO. 130001344, AND UPHOLDING THE COMMUNICATION AND TECHNOLOGY COMMISSION DECISION TO APPROVE FILE NO. 130001344, A REQUEST FOR A WIRELESS TELECOMMUNICATIONS PERMIT AND A SCENIC CORRIDOR PERMIT TO CONSTRUCT A NEW VERIZON TELECOMMUNICATIONS FACILITY WHICH INCLUDES THE REPLACEMENT OF AN EXISTING 29' TALL STREET LIGHT POLE WITH A NEW 29'-6" TALL STREET LIGHT POLE WITH TWO (2) 51" PANEL ANTENNAS HOUSED INSIDE A 24" DIAMETER BY 66" TALL RADOME ON TOP OF THE POLE. THE REQUEST INCLUDES THE INSTALLATION OF ASSOCIATED BASE STATION EQUIPMENT TO BE HOUSED WITHIN A NEW SUBTERRANEAN VAULT. THE PROJECT IS LOCATED AT 4093 OLD TOPANGA CANYON ROAD WITHIN THE PUBLIC RIGHT-OF-WAY AND OLD TOPANGA SCENIC CORRIDOR.

**MEETING DATE:** APRIL 9, 2014

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**SUMMARY RECOMMENDATION:**

Adopt resolution No. 2014-1400 denying the appeal to City Council and upholding the Communications and Technology Commission's adoption of Communications and Technology Commission's resolution No. 2013-024, approving file No.130001344.

## **BACKGROUND:**

### **Project Application:**

On October 7, 2013, Cable Engineering Services, representing Verizon Wireless, filed an application for a Wireless Telecommunications Facility Permit and a Scenic Corridor Permit in accordance with section 17.12.050 of the CMC to construct a new wireless telecommunications facility (WTF) including the replacement of an existing 29' tall concrete street light pole with a new 29'-6"-tall concrete street light pole, the installation of 2 panel antennas to be housed inside a 24" diameter X 66" tall antenna housing, associated base station equipment within a subterranean vault, and a new 20" X 17" X 48" Meyers Electrical meter pedestal. The proposed project is located at 4093 Old Topanga Canyon Road within the public right-of-way and Scenic Corridor Overlay. Prior to filing the application, Verizon assigned the project an address of 4095½ Old Topanga Canyon Road; however, the City assigned a different address at the time of submittal. Consequently, there is a discrepancy between the Verizon address and the City-assigned address in some of the documentation. From this point on, the address shall be known as 4093 Old Topanga Canyon Road. The application was deemed incomplete on October 7, 2013, and the applicant was notified. After submittal of all required documents and fees, the application was deemed complete on December 27, 2013

### **Public Hearings:**

This project was originally scheduled for a public hearing to be reviewed by the CTC on December 17, 2013. However, due to the need for the applicant to submit more information, the CTC opened the public hearing and continued the item to January 21, 2014 without public testimony. The CTC conducted a complete public hearing, including taking public testimony, at the January 21, 2014 meeting. At that meeting the following points were brought up by the Commission: 1). the propagation maps were difficult to understand; 2). there was no information about other WTF sites located in the immediate area which might offer colocation opportunities; 3). there were no alternative sites outside of the city presented in the Alternative Site Analysis; 4). CTC requested maps depicting the number of residences within radii of 100', 250', 500' and 1,000'; and, 5). The CTC requested that staff provide exact measurements to adjacent property lines were not available. As a result of the requests for additional and clarifying information, the Commission decided to continue the public hearing to its February 18, 2014 meeting. On February 18, 2014, the public hearing was continued and after taking additional public testimony, the public hearing was closed. The CTC deliberated the facts of the case and voted 4-1 in favor of approval of the project, citing that the facility was appropriately sited and designed.

On February 28, 2014 an appeal of the CTC 4-1 decision approving the project was filed by Wendy Fassberg, President of the Calabasas Country Estates Homeowner's Association. The application requests that the City Council reverse the February 18, 2014 Communications and Technology Commission's adoption of Resolution 2013-024 approving File No. 130001344.

The appellant asserts that the applicant:

"...failed to meet their burden of showing that the proposed project complies with the Calabasas Telecommunications Ordinance, commencing with section 17.12.050, and following, by all of the arguments made and evidence presented at the Commission hearing, including but not limited to:

1. The proposed site is contrary to the public health, safety and welfare of the Calabasas residents residing and attending school in the vicinity of the site.
2. The site is not 1,000 feet from "schools, dwelling units and parks..." as required by the Ordinance, and the applicant has failed to show:
  - a. That there is a significant gap in coverage;
  - b. That the proposed location is the least intrusive means to close a significant gap; and
  - c. Identify a minimum of five other feasible locations within or without the city, including at least one colocation site".

### **DISCUSSION/ANALYSIS:**

On February 18, 2014 the Communications and Technology Commission considered the attached materials (Attachments-P), written correspondence received, and testimony from 14 speakers both for and against the project. Opposition to the project centered on health and safety concerns and a perceived failure by the applicant to provide a complete application. Specifically, that the applicant did not analyze: 1) the existence of a significant gap; 2) that the proposed location was the least intrusive means to close the significant gap in coverage; and 3) that the applicant did not fulfill their obligation to identify five feasible alternate locations.

The appellant's first assertion; that "the proposed site is contrary to the public health, safety, and welfare of the Calabasas residents residing and attending school in the vicinity of the site", is not supportable. The argument here is based upon concerns over radio frequency (RF) emissions. The decision of the Superior Court of California; *Crown Castle USA Inc., et al. v. City of Calabasas, et al.* (January 24, 2014, Super. Ct. Los Angeles County, BS140933), restricts the City of Calabasas' ability to regulate RF emissions to the submittal of a certified report that the

proposed facility complies with FCC requirements, only. Consequently, the health, safety and welfare as related to RF emissions are not topics for consideration by the City. Additionally, the installation of above and below ground equipment, including the light pole, requires that the applicant obtain the necessary building permits and have all work on the wireless telecommunication facility inspected periodically during construction for compliance with the current state building codes. This requirement ensures that the installation is safely and properly constructed; including compliance with the Americans with Disabilities ACT access codes. Additionally, the City's Wireless Telecommunications ordinance also requires that the distance from the WTF pole to a habitable structure shall be more than 150% of the height of the installed pole. This ensures that no WTF pole will pose a danger of falling on any habitable structure. The proposed Wireless Telecommunications Facility meets this requirement. As a matter of record, there are 50 light or utility poles within the public right-of-way with WTF antennas and associated equipment attached in Calabasas. To date, there have been no accidents caused by any of these poles (*Sr. Public Works Inspector*).

The appellant's second assertion stating that "the site is not 1,000 feet from schools, dwelling units, and parks..." is correct. However the appellant's statement is incomplete and misleading. The omission of the continuation of the quoted CMC Section 17.12.050(C)(4)(a) states: "unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed personal wireless telecommunication facility is the least intrusive means to do so. Staff's analysis concludes that the applicant has established a significant gap and has taken all measures to ensure that the proposed installation of a WTF at the proposed location is the least obtrusive means of doing so.

In support of the assertion that the applicant failed to meet their responsibilities, the appellant further states: the applicant failed to show that there is: a) a significant gap in coverage; b) that the proposed location is the least intrusive means to close a significant gap; and, c) [failed to] identify a minimum of five other feasible locations within or without the city, including at least one colocation site.

The following will show that the applicant has illustrated, through the use of propagation study maps, the existence of a significant gap. It will also establish that the applicant has complied with the requirements of CMC Section 17.12.050:

Assertion a: that [the applicant failed] to show a significant gap in coverage, cannot be supported. The applicant provided maps of the same scale that clearly show a gap in LTE coverage along Old Topanga Canyon Road and adjacent neighborhoods (*see Attachment M*).

The definition of a significant gap and how a significant gap is determined can be found in CMC Section 17.12.050(L):

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
2. The commission shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identity of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
3. A significant gap may be measured by:
  - a. The number of people affected by the asserted gap in service;
  - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
  - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

The applicant has submitted evidence that supports all of the requirements contained in No. 3 in the definition of significant gap. Staff has analyzed the areas depicted on the Verizon existing and proposed coverage maps. The proposed new coverage will close the shown gap in LTE service (*Existing Coverage Map, Attachment M*) by providing coverage from Calabasas High School to the City Border along Old Topanga Canyon Road with some spill-over into the surrounding neighborhoods (*Proposed Coverage Map: Attachment M*). Using a conservative total of 436 residences (*City GIS-1,500' radius*) and multiplying that by 2.76, (*average household size: Selected Housing Characteristics, 2008-2012 American Community Survey 5-year estimates*), you will find that there is an estimated total of 1,203 residents in the area affected by the new LTE service. Add to that total 10,309 vehicles traveling on Old Topanga in the affected area each day, (*City of Calabasas Traffic Engineer*), multiplied by 1.2 occupants per vehicle, for a total of 12,371 additional persons potentially affected in the subject area, or a grand total of 13,574 persons potentially affected on a daily basis by the new service; a significant number of persons. The submitted maps (*Attachment M*) clearly show

that there is poor to no LTE coverage in the area of proposed new service. The new WTF will provide excellent to very good LTE service in the proposed coverage area; a marked improvement in LTE service. Finally, the existing gap affects the north segment (*north of Mulholland Highway*) of Old Topanga Canyon Road, an arterial street as defined by the 2030 Calabasas General Plan. As a result of the preceding analysis, the applicant has correctly determined that a significant gap exists.

Assertions b and c: b) that the proposed location is the least intrusive means to close a significant gap; and, c) that the applicant failed to identify a minimum of five other feasible locations within or without the city, including at least one colocation site.

The definition of “least intrusive means” can be found in CMC Section 17.12.050(L):

"Least intrusive means" means that the location or design of a personal wireless telecommunication facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of this chapter as stated in [Section 17.12.050\(A\)](#). Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by collocating a new personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

To establish that this location is the least intrusive location as well as the location that would best achieve the goals of the proposed WTF, the applicant identified seven (7) feasible alternate sites, including one colocation site and one solitary site outside of the City in the revised Alternative Site Analysis (*Attachment N*). The proposed site is located over 1,000-feet from the three schools in the area (*two Montessori Schools and Calabasas High School, Attachment K*). The subject site is over 1,000-feet from any park. However, the proposed wireless telecommunication facility is less than 1,000' from residences.

As stated above, the applicant has demonstrated the existence of a significant gap and locating the facility at the proposed location would successfully close the existing gap. Pursuant to Code requirements, staff analyzed 5 alternate sites submitted by the applicant plus 2 additional sites submitted in response to CTC direction, and placing the proposed facility at either of the two alternate sites, (sites 4 and 5,) located to the south of the proposed facility would result in locating the antennas within 1,000-feet of one or both of the schools located to the south of the proposed facility and less than 1,000 feet from residences. Further

complicating the selection of these two alternates is the presence of high voltage wires directly over the existing light poles. Southern California Edison prohibits any construction directly beneath high voltage lines. Because these sites would be closer than 1,000-feet to schools and the inability to construct the facility directly beneath high voltage lines, these sites were eliminated.

Alternate site No.1 is directly to the north of the proposed site. This alternate would achieve less and is also located under the existing high voltage power lines. Additionally, the proximity of alternate site No. 1 to residences is the same as that proposed site. This site would achieve less coverage. Additionally, the proximity of the alternate site to residences is the same as that of the proposed site. Alternate site No. 2 is further north of the proposed site and alternate site No.1. Consequently, this site would provide less coverage than Alternate site No.1. The site would also be within 100-feet of 6 residences (similar to the subject site which is within 100-feet of 6 residences *(see chart on page7 of the CTC Staff Report, Attachment D)*). Alternate site No.3 is further north of the subject site and alternates 1 and 2. This alternate would accomplish the goals of the proposed site. However, there are only 4 residences within 100-feet of this alternate site; there are 3 more residences within 250-feet. Additionally, a site here would be more visible to the public due to a lack of taller surrounding vegetation. The applicant eliminated the site because of the proximity to more residences and the increased visibility.

Alternate site No. 6, at the corner of Peacock Court and Old Topanga Canyon Road, is a required colocation analysis. In order to legally and safely collocate Verizon's equipment at this AT&T site, the height of the pole would need to be extended up 15-feet, and the pole would have to be made thicker to withstand wind loads. The (existing) alternate WTF is also located 20-feet away from a habitable structure and less than 1,000-feet from the Montessori School. The taller pole would create more of a hazard than the one in existence because it could potentially place more structures in the radius of a falling utility pole. This alternate site would provide little benefit to the coverage to the south due to the surrounding topography and physical orientation of the site; therefore, the site was eliminated from consideration as a desirable alternate. Finally, alternate site No.7 is in Woodland Hills. The site is too far away from the existing site on Mulholland Highway to establish a communication link which is integral to the operation to the Verizon LTE network. Consequently, the site was eliminated from consideration. The City's Wireless Telecommunications Consultant, Johnathan Kramer has reviewed the submitted materials and concurs with these assessments.

The Webster's II, New College Dictionary, 3<sup>rd</sup> edition, definition of feasible is: *capable of being done or carried out or used*. All 7 alternate sites are capable of being built and being used and therefore, feasible. However, except for alternate site No. 3, all of the other sites would provide diminished communication benefit and network connectivity than the benefits that will be realized by locating the new WTF in the proposed site. Alternate 3, although capable of closing the significant gap, is more visible and is in closer proximity to more residences, and therefore less desirable.

The proposed facility is a stealth facility. The WTF ground equipment will be installed in an underground vault. The two, 3-foot tall vault vents will be painted green to blend into the background. The Meyers Electric Meter Cabinet will also be painted green. The light pole and radome will be colored and textured to match all of the other concrete poles in the area (*for an in depth analysis, see CTC Staff Report, Attachment D*).

The construction of the proposed wireless telecommunication facility in its proposed location will be completed under the supervision of the Calabasas Building and Safety inspectors to ensure the health and safety of the Calabasas residents and students attending schools in the vicinity. The applicant submitted materials supporting the existence of a significant gap in LTE coverage in the area proposed to be covered by the proposed facility. The proposed location and seven alternates, including one colocation site and one site outside of the city, have been thoroughly analyzed and the proposed site is the least intrusive means of closing the existing significant gap. Given the preceding information, the location and design of the new personal wireless telecommunication facility addresses a significant gap in an Verizon's LTE communication service while doing the least disservice to the policy objectives of the chapter as stated in [Section 17.12.050\(A\)](#). The only requirement not met is the 1,000-foot setback from residences which, as discussed, is an acceptable condition because the applicant has convincingly shown the existence of a significant gap, demonstrated that no feasible alternative site exists further away from residences, and took all measures to ensure that the proposed site was the least intrusive means for the wireless telecommunication facility.

## **ENVIRONMENTAL REVIEW**

The City's staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Sections 15301 Class 1 (b,) minor alterations of existing facilities of both investor and publically owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; 15303 Class 3, conversion

of small structures from one use to another where only minor modifications are made; and 15332 Class 32, infill projects, of the CEQA Guidelines.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The staff and other resources necessary to process the application and appeal can be covered from budgeted funds which derive, in part, from application fees.

**REQUESTED ACTION:**

Adopt resolution No. 2014-1400 denying the appeal to City Council and uphold the Communications and Technology Commission's adoption of Communications and Technology Commission's resolution No. 2013-024.

**ATTACHMENTS:**

- Attachment A: City Council Resolution No. 2014-1400
- Attachment B: Appeal Application from Wendy Fassberg, President, Calabasas Country Estates
- Attachment C: Draft Minutes, CTC Meeting-February 18, 2014
- Attachment D: CTC Staff Report February 18, 2014
- Attachment E: CTC Resolution 2014-024-Approved
- Attachment F: Plans
- Attachment G: Photo Simulations
- Attachment H: Similar Wireless Facilities in Calabasas
- Attachment I: Alternative Site Analysis-Original Submittal
- Attachment J: Memo from Jonathan Kramer with 1/10/14 addendum
- Attachment K: Map depicting the distance from the proposed facility to schools
- Attachment L: Notice of Exemption
- Attachment M: Revised Propagation Maps
- Attachment N: Revised Alternative Site Analysis
- Attachment O: 100', 250', 500', 1,000' Radius Maps
- Attachment P: Map Depicting All Wireless Telecommunications Facilities in Vicinity
- Attachment Q: Public Comment, letters and Speaker cards 1/21/14 and 2/18/14

## ITEM 6 ATTACHMENT A

### CITY COUNCIL RESOLUTION NO. 2014-1400

**ADOPTION OF RESOLUTION NO. 2014-1400, DENYING FILE NO. 140000245, AN APPEAL OF THE COMMUNICATION AND TECHNOLOGY COMMISSION DECISION TO APPROVE FILE NO. 130001344, AND UPHOLDING THE COMMUNICATION AND TECHNOLOGY COMMISSION DECISION TO APPROVE FILE NO. 130001344, A REQUEST FOR A WIRELESS TELECOMMUNICATIONS PERMIT AND A SCENIC CORRIDOR PERMIT TO CONSTRUCT A NEW VERIZON TELECOMMUNICATIONS FACILITY WHICH INCLUDES THE REPLACEMENT OF AN EXISTING 29' TALL STREET LIGHT POLE WITH A NEW 29'-6" TALL STREET LIGHT POLE WITH TWO (2) 51" PANEL ANTENNAS HOUSED INSIDE A 24" DIAMETER BY 66" TALL RADOME ON TOP OF THE POLE. THE REQUEST INCLUDES THE INSTALLATION OF ASSOCIATED BASE STATION EQUIPMENT TO BE HOUSED WITHIN A NEW SUBTERRANEAN VAULT. THE PROJECT IS LOCATED AT 4093 OLD TOPANGA CANYON ROAD WITHIN THE PUBLIC RIGHT-OF-WAY AND OLD TOPANGA SCENIC CORRIDOR.**

**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 prepared by the Community Development Department.
2. Staff presentation at the public hearing held on April 9, 2014 before the City Council.
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 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.
7. The complete record from the Communications and Technology Commission public hearing conducted for this project on February 18, 2014.

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

1. The applicant submitted an application for File 130001344 on October 7, 2013.
2. On October 7, 2013, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. On December 27, 2013, following resubmittals the application was deemed complete and the applicant was notified.
4. On February 18, 2014 the Communications and Technology Commission approved (4-1) Resolution 2013-024 adopting file No. 130001344, a request for a new Wireless Telecommunications Permit and Scenic Corridor Permit to construct a new Wireless Telecommunication Facility at 4093 Old Topanga Canyon Road within the public right-of-way and Old Topanga Canyon Road Scenic Corridor.
5. The Communications and Technology Commission decision was appealed on February 28, 2014 based upon: the proposed site being contrary to the health, safety and welfare of the residents residing and attending school in the vicinity of the site; the applicant's failure to show: a significant gap in coverage; that the proposed site is the least intrusive means to close the gap; and, the failure to identify five feasible alternative sites.
6. Notice of the City Council public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
7. The project site is located in the public right-of-way and Scenic Corridor (SC) overlay zone.
8. The surrounding land uses around the subject property are zoned Residential Single-Family (RS) and Scenic Corridor (SC) Overlay Zone.
9. Notice of City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

**Section 3. In view of all of the evidence and based on the foregoing findings, the CITY COUNCIL concludes as follows:**

**FINDINGS**

**A. The Wireless Telecommunications Facility Permit is appropriate and warranted.**

Section 17.12.050(C)(7) of the Calabasas Municipal Code allows the Commission to approve a Wireless Telecommunication Facility Permit provided that the following Conditional Use Permit findings (Section 17.62.060(E)) 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;*

As discussed in the Communications and Technology Commission February 18, 2014 staff report, the proposed project meets all applicable provisions of Section 17.12.050 of the CMC, which regulates the installation of new wireless telecommunication facilities. Such provisions require that the facility be fully screened from public view, have no audible impact on residential or open space zones, and comply with FCC regulations. As designed, the proposed wireless telecommunication facility will be in compliance with the above-mentioned provisions because it will be properly screened from public view with a radome and the base station equipment will be located within a buried vault. All above-ground elements, such as the vault vents and Meyers meter cabinet, will be painted green to blend with the background vegetation. Furthermore, a noise study demonstrates that the proposed facility will have no audible impact to open space areas or residential properties. Given these circumstances, 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 General Plan (pp. XII-13)) delineates the following policies applicable to technological infrastructure:

- Encourage technology and communication service providers to develop and maintain a long-term coordinated telecommunications plan to improve bandwidth, reduce costs, and improve system reliability.
- Encourage technology service providers to creatively integrate technology facilities into the natural and built environment to minimize the total number of such facilities and associated aesthetic impacts.

The proposed project meets the policies of the general plan in that it provides closure to a gap in LTE coverage demonstrated by the submitted coverage maps for Verizon; thereby, maintaining reliable and continuous service to surrounding properties. The proposal to replace an existing light pole with a new light pole, locate the antennas within a radome, place the undergrounding of WTF equipment, and painting of above-ground elements, green, are consistent with the general plan policy to integrate the facility with the built environment. The proposed facility utilizes stealth design elements to minimize the facility's

visibility and to integrate it into the surrounding environment. Therefore, the proposed project meets this finding.

- 3. The approval of the Wireless Telecommunication Facility for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and*

This project meets the above findings because the project is exempt from the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA guidelines:

The City's staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Sections 15301 Class 1 (a), Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances; 15301 Class 1 (b,) Existing facilities of both investor and publically owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; 15303 Class 3 (e), Accessory (appurtenant) structures; and, 15332 Class 32, Infill projects of the CEQA Guidelines.

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

Section 17.12.050 of the CMC regulates the development of antennas and wireless telecommunication facilities. The proposed facility is located in the public right-of-way. The facility will be unattended which means it generates approximately one maintenance trip per month. The unattended use does not generate additional traffic or impede the day-to-day pedestrian or vehicular traffic at or around the facility. Consequently, the new telecommunication facility is compatible with the surrounding present and future land uses. Given these circumstances, this project meets this finding.

**B. The Wireless Telecommunications Facility Permit is appropriate and warranted.**

Section 17.12.050(C)(7) of the Calabasas Municipal Code allows the City Council to approve a Wireless Telecommunication Facility Permit provided that the following additional findings are made:

- 1. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility;*

According to the applicant the proposed facility has several objectives, all of which are designed to address a significant gap in Verizon's service coverage to

the surrounding area. Verizon's objectives include providing coverage and additional capacity along Old Topanga Canyon Road, provide new LTE (4G) coverage to the surrounding area. In-kind call testing data is superfluous in this situation because there is 3G Verizon service at the project location which will allow basic communication but there is no LTE coverage in this area of the City; as a result, such test would show 3G Verizon service but no LTE connection. The applicant has provided a coverage analysis that sufficiently demonstrates the existence of a significant gap in Verizon's service coverage. According to the coverage maps, Verizon has little to no LTE coverage throughout most of the residential areas along Old Topanga Canyon Road from Branford Street to Bluebird Drive and within the Bellagio Community. The purported gap covers an area that includes approximately 800-1,000 single-family homes. Accordingly, the proposed project meets this finding.

2. *The applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of Section 17.12.050 of the Calabasas Municipal Code; and*

Section 17.12.050(C)(2)(d) of the CMC requires that the applicant submit a siting analysis which identifies a minimum of five other feasible locations which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The applicant has submitted a siting analysis identifying seven other feasible locations that could close the significant gap in service coverage. According to the applicant's siting analysis, any alternative would require either the construction other new wireless facilities in the public right-of-way or construction of a new facility closer to Calabasas High School and residential homes along Old Topanga Canyon Road. Furthermore, because the subject site is surrounded by residentially zoned properties and a public school, which are prohibited areas for new wireless facilities, there are no feasible alternatives on private property. There are also no feasible colocation alternatives in the area of the proposed facility. As a result, there is sufficient evidence to conclude that the proposed project represents the least intrusive means to closing a significant gap in Verizon's LTE service coverage and no feasible alternative site exists which is in a more preferred location. Accordingly, the proposed project meets this finding.

Additionally, Section 17.12.050(C)(4)(a) requires a 1,000-foot setback from schools, dwelling units and parks for the installation of a new wireless telecommunication facility, unless the applicant establishes that a lesser setback is necessary to close a significant gap in the carrier's service, and the proposed

facility is the least intrusive means to do so. The subject site was chosen because it is the least intrusive location to close a gap in Verizon LTE service coverage with only one facility. The lesser setback is necessary to close this gap in Verizon LTE service coverage as there are no possible locations along or near Old Topanga Canyon Road that are located at least 1,000 feet from dwelling units, schools and parks and which will close this gap in coverage. Furthermore, while the proposed facility is less than 1,000 feet from dwelling units, it is more than 1,000 feet from Calabasas High School and two Montessori Preschools located on Old Topanga Canyon Road (see Exhibit K). Any alternate location that would close the significant gap in coverage would result in a facility that is within 1,000 feet of dwelling units and one or more schools. Therefore, the location of the proposed facility with less than a 1,000-foot setback from dwelling units is both necessary to close a significant gap in Verizon LTE service coverage and the least intrusive means to close the gap in Verizon's service coverage. Given these circumstances, this project meets the above finding.

**3. *The facility satisfies the location requirements of Section 17.12.050(C)(3) of the Calabasas Municipal Code.***

The proposed project is not within any of the preferred locations established by Section 17.12.050(C)(3) of the CMC because the subject site is located within the public right-of-way and not on a property zoned for commercial, recreation or public facilities. Because all surrounding properties within the area of where the facility must be located in order to close a significant gap in Verizon LTE coverage are zoned for residential or open space, or have a school located on them, there are no feasible options to install a new facility on private property and meet the requirements of Section 17.12.050(C)(3) of the CMC. Therefore, the proposed project meets this finding as the applicant has demonstrated that there are no other feasible locations that could serve the same area and be located in a more preferred location. Additionally, the project falls within tier II of the preferred method of mounting antennas for facilities within the public right-of-way as specified in Section 17.12.050(E)(3)(e)(i)(b) of the CMC because the project consists of replacing an existing street light pole with a new similar street light pole and installing new antennas on the top of the pole. The antennas will be enclosed within a radome painted to match the new street light pole. As a result, the antennas will not be visible to the public. Because the WTF is of a stealth design, meaning the base station equipment will be located within an underground vault, and the antennas are less than 6' above the height of the street light pole, the proposed project is in compliance with Section 17.12.050(E) of the CMC, which contains standards for wireless facility located within the public right-of-way.

**C. The Wireless Telecommunications Facility Permit for a facility located within the public right-of-way is appropriate and warranted.**

Section 17.12.050(E)(4) of the Calabasas Municipal Code allows the City Council to approve a Wireless Telecommunication Facility Permit for a facility within the public right-of-way provided that the following two findings are made:

- 1. The proposed facility has been designed to blend with the surrounding environment, with minimal visual impact on the public right-of-way.*

The proposed facility will blend into the surrounding environment because it is designed to be a stealth facility. The antennas are located on the top of the street light pole within a radome, which screens the antennas from visibility by the public. The base station equipment will be located within an underground vault, and connected to the antennas by wires located within the street light pole. All elements above ground, including the vault vents and the Myers meter cabinet, will be painted green in order to minimize the visual impact by blending into the surrounding vegetation. Furthermore, a noise study demonstrates that the proposed facility will not have an audible impact on the surrounding open space or residential areas. Therefore, the project meets this finding.

- 2. The proposed facility will not have an adverse impact on the use of the public right-of-way, including but not limited to, the safe movement and visibility of vehicles and pedestrians.*

The proposed facility will not have an adverse impact on the use of the public right-of-way because the majority of the facility's elements are located either on the top of the street light pole or in an underground vault. The only above ground elements are the Myers meter cabinet and the vault vents. These two elements will not have an adverse impact on the public's use of the public right-of-way because they are located in such a way as to allow continued unimpeded movement of pedestrians along the sidewalk. Further, the access doors of the underground vault will be galvanized steel with a non-slip surface which will not present a hazard to pedestrians on the sidewalk. The proposed facility will not interfere with traffic flow along Old Topanga Canyon Road during normal operations as it is located entirely on the sidewalk. Maintenance of the proposed facility will also not interfere with traffic flow along this street as the facility is unattended and will generate approximately one maintenance trip per month. Therefore, the project meets this finding.

**D. The Scenic Corridor Permit is appropriate and warranted.**

Section 17.62.050(D) of the Calabasas Municipal Code allows the City Council to approve development within the Scenic Corridor 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 Scenic Corridor Development Guidelines were developed to help development contribute to rather than detract from the visual beauty of designated Scenic Corridors. Some of the guidelines include: using medium to dark roof colors, using earth-tone colors, using non-glare and natural materials, avoidance of large blank facades, structures designed and sited to minimize visual impacts, and use of landscaping to help screen development. In addition, structures shall be sited in the least visually obtrusive location.

The applicant is requesting approval of a wireless facility permit and scenic corridor permit to construct a new wireless telecommunication facility with antennas attached to a street light pole and base station equipment located in an underground vault. The proposed facility complies with the Scenic Corridor Development Guidelines because the antennas are not visible and the radome will be painted to match the street light pole. Furthermore, the Myers meter cabinet and the two 36"- tall sidewalk vents will be painted green to blend in with the surrounding vegetation. All other equipment is not visible to the public. As a result, the proposed project meets the above finding.

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

The primary purpose of the Scenic Corridor Development Guidelines is to ensure that development will contribute to rather than detract from the visual beauty of designated Scenic Corridors. As a result, all wireless communication projects located within a Scenic Corridor are required to be designed as stealth facilities. The proposed project will meet this standard by locating the antennas within a radome painted to match the street light pole. New equipment cabinets will be located in an underground vault and will not be visible to the public. Finally, above ground elements (the Meyers meter cabinet and two vents) will be painted green to blend with the surrounding vegetation. As a stealth facility, the project utilizes design measures which ensure the facility is compatible with the Scenic Corridor, and meets the above 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 proposed project is a request to construct a new wireless telecommunication facility located in the public right-of-way. The installation includes replacement of an existing concrete light pole with a similar concrete pole, placing new equipment within an underground vault, and painting all above

ground elements green to blend into the existing foliage. The proposed installation is similar to other installations within the city.

The Architectural Review Panel (ARP) met on October 25, 2013 and November 22, 2013. On October 25, the ARP provided design input and requested that the applicant return in November with a better design that would create less of an impact on the surrounding environment, for example, by moving the ground mounted equipment in to an underground vault. On November 22, the applicant returned with modified plans. The plans included undergrounding of the equipment and painting the proposed vents and Meyers meter cabinet green. The ARP recommended at its second meeting that the revised project be approved with conditions related to equipment locations and colors. These conditions have been incorporated into the conditions of approval. As a result, the proposed project will blend into the surrounding environment in order to protect the beauty of the Scenic Corridor. 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 new wireless telecommunication facility will blend in with the surrounding environment because the antennas will be located within a radome on top of a concrete street light pole and will not be visible to the public. Furthermore, the new equipment cabinets will be installed within a new underground vault, and all visible surface equipment will be painted green to blend in with the surrounding vegetation. Because there are other similar concrete street light poles and painted ground-mounted equipment cabinets in the vicinity, the proposed project will closely match the scale and color palette of the existing structures in the surrounding area; the proposed improvement will be compatible with the structures and landscaping in the area. As a result, the proposed project meets the above finding.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby denies the appeal in file No.140000245 thereby upholding the Communication and Technology Commission’s decision to approve File No. 130001344 for a Wireless Telecommunication Facility Permit and a Scenic Corridor Permit to construct a new wireless telecommunication facility located at 4093 Old Topanga Canyon Road within the public right-of-way and the Old Topanga Scenic Corridor 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. 130001344 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 130001344 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Cable Engineering and Verizon Wireless and their successor 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. 130001344 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 130001344 and the issuance of any permit or entitlement in connection therewith. Cable Engineering and Verizon Wireless and their successor and assigns, shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

## **II. CONDITIONS OF APPROVAL**

### **Community Development Department / Planning Division**

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division. The color and material of the Myers Meter Cabinet and vault vents shall be in substantial conformance with the color and material board.
2. 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 Communications and technology Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.

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.

3. 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 review by Building Inspectors during the course of construction.
4. This approval shall be valid for one year 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.
5. This grant shall not be effective for any purposes until after the applicant, or its successors, and the wireless carrier (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.
6. 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 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 the 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 affect 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 access doors/hatches to the facility and equipment are to remain locked at all times, except during active maintenance by Verizon Wireless or authorized personnel.

9. The new light pole shall match the color and texture of other light poles located in the project area.
10. The radome shall be painted and textured to match the color of the street light pole it is attached to. Paint shall be high quality powder coat or equal. Paint samples shall be submitted to the Director of Community Development for approval.
11. There shall be no visible wires, antennas, brackets or equipment on the street light pole or radome.
12. The Meyers Meter Cabinet and vault vents shall be painted green. Paint shall be high quality powder coat or equal. Paint samples shall be submitted to the Director of community Development for approval.
13. All visible elements of the approved facility shall be maintained in good condition, to the satisfaction of the Community Development Director, by Verizon Wireless.
14. The access hatch located on the sidewalk shall be galvanized steel with a non-slip finish on the surface.
15. Should any utility company offer electrical service to a wireless facility which service does not require the use of a meter cabinet, the applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.
16. Abandonment:
  - a. Personal wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or property owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this code or any predecessor of this code.
  - b. The Director of Community Development shall send a written notice of determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing shall be conducted pursuant to chapter 17.74 of the CMC, although no further appeal from the decision of the city manager may be had other than pursuant to Code

of Civil Procedures section 1094.5. Upon final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.

- c. The operator of a facility shall notify the City in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or property owner.
- d. All facilities not removed within the required ninety-day period shall be in violation of this code. In the event the city removes a disused facility upon the failure of the applicant, operator, or property owner to timely do so, the applicant, operator, and owner shall be jointly severally liable for payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs.

17. If, at any time after ten (10) years of the issuance of a building permit or encroachment permit, or any shorter period permitted by Government Code section 65964(b), any personal wireless telecommunication facility becomes incompatible with public health, safety or welfare, the applicant or operator of the facility shall, upon notice from the City and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing notice shall be pursuant to chapter 17.74 of the CMC, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedures section 1094.5. Upon final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.

18. Any approved wireless communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the Public Works Director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the Director of Public Works imposes conditions, changes, or limitations pursuant to this paragraph (f), he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be

effective twenty-four (24) hours after deposit of the notice in the United States mail.

19. The applicant or operator of the personal wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing facility without the prior written consent of the owner of that facility. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.
20. The property owner and/or operator of the facility shall cooperate with the Director of Community Development verify that the facility conforms with the requirements of Section 17.12.050 of the Calabasas Municipal Code.
21. Prior to the issuance of a building permit or encroachment permit, the applicant or owner/operator of the facility shall pay for and provide a performance bond in the amount of \$90,000 which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, monitoring and maintenance obligations and landscaping obligations.
22. The applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.
23. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
24. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.

25. This permit shall be valid until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten years pursuant to a wireless facility permit issued under this section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended

**Community Development Department / Building and Safety Division**

26. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
27. The project must comply with the building codes in effect at this time, which include the "2013" California Building, Plumbing, Mechanical, and Electrical codes as amended by Chapter 15.04 of the Municipal Code.
28. 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 that references the 2010 California Fire Code as well as the 2010 Consolidated Fire Protection District Code of Los Angeles County, must be incorporated into all plans.
29. The Primary use of the replacement light standard shall remain as a street light. The Wireless Telecommunication Facility is and shall be a secondary use only on the replacement light standard. The replacement light standard is not a Wireless Telecommunication Tower.

**Section 5. All documents described in Section 1 of City Council Resolution No. 2014-1400 are deemed incorporated by reference as set forth at length.**

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
David J. Shapiro, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maricela Hernandez, MMC  
City Clerk

\_\_\_\_\_  
Scott H. Howard  
City Attorney



CITY of CALABASAS

ITEM 6 ATTACHMENT B  
Community Development Department  
Planning Division  
100 Civic Center Drive  
Calabasas, CA 91302  
(818) 224-1600  
Fax: (818) 225-7329

www.cityofcalabasas.com

## Appeal Application

### GENERAL INFORMATION (print or type)

Appellant: Calabasas Country Estates Homeowner's Association  
 Address: c/o Wendy Fassberg, President  
23270 Blue Bird Drive  
 City: Calabasas State: CA Zip Code: 91302  
 Phone: 818-222-5025 Fax: 818-591-1562  
 Cell / Other Phone: \_\_\_\_\_ E-mail: wfassberg@sbcglobal.net

Appellant's Representative: Wendy Fassberg  
 Address: 23270 Bluebird Drive  
 City: Calabasas State: CA Zip Code: 91302  
 Phone: 818-222-5025 Fax: 818-591-1562  
 Cell / Other Phone: \_\_\_\_\_ E-mail: wfassberg@sbcglobal.net

### SUBJECT OF APPEAL (Please check approval body who made decision being appealed)

This appeal is hereby filed pursuant to Chapter 17.74 of the Calabasas Municipal Code, appealing the action of the following reviewing authority:

Administrative/Staff (includes Director's Hearings)  Tree Board  Planning Commission- Communication & Technology Commission

Date of Decision: February 18, 2014 Project File No.: 130001344

### ACTION / DECISION

Identify the specific action or decision which is being appealed: Approval of a new Wireless Telecommunication Permit and a Scenic Corridor Permit for anew Verizon Wireless Telecommunication Facility in the public right-of-way at 4093 Old Topanga Canyon Road.

### TO BE COMPLETED BY PLANNING DIVISION STAFF

Application Processing  
 File No(s): \_\_\_\_\_  
 Submittal Date: \_\_\_\_\_  
 Staff Initials: \_\_\_\_\_  
 Fees: \_\_\_\_\_  
 Receipt No: \_\_\_\_\_

**APPEAL STATEMENT**

Calabasas Municipal Code Section 17.74.30 requires that appeals “. . . shall specifically state the pertinent facts of the case and the basis for the appeal.”

The hearing body that is to hear the appeal request is limited to taking testimony and making their decision based solely on those issues raised at the public hearing, or in writing prior to the hearing, or information that was not known at the time the decision was being appealed

The specific grounds for the appeal and the relief requested by the appellant is as follows:  
*(be specific, attach additional sheets if necessary)*

We request that the ruling of the Commission be reversed and the application be denied.  
based upon the fact that the applicant failed to meet their burden of showing that the  
proposed project complies with the Calabasas Telecommunications Ordinance, commencing  
with section 17.12.050, and following, as evidenced by all of the arguments made and  
evidence presented at the Commission hearing, including, but not limited to:

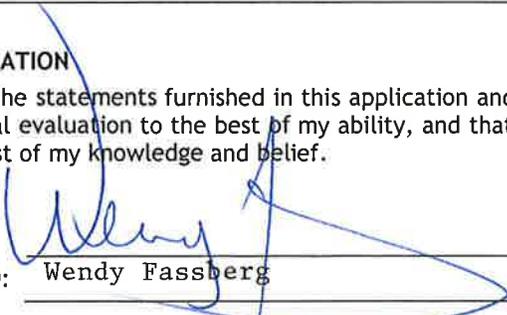
- 1) The proposed site is contrary to the public health, safety and welfare of the  
Calabasas residents residing and attending school in the vicinity of the site.
- 2) The site is not 1000 feet from "schools, dwelling units and parks..." as required  
by the Ordinance, and applicant has failed to show:
  - a) That there is a significant gap in coverage;
  - b) That the proposed location is the least intrusive means to close a significant  
gap; and
  - c) Identify a minimum of five other feasible locations within or without the city,  
including at least one collocation site.

The exhibits that we submit with this Appeal are those which were presented at the  
Commission hearings, and that we have been assured form a part of the record in this  
matter.

**APPELLANT CERTIFICATION**

I hereby certify that the statements furnished in this application and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature:



Name (print or type): Wendy Fassberg

Date: February 27, 2014

Phone: 818-222-5025

**Note:** This application being signed under penalty of perjury and does not require notarization.



**CITY of CALABASAS**

**MINUTES OF THE  
COMMUNICATIONS AND TECHNOLOGY COMMISSION MEETING  
OF THE CITY OF CALABASAS, CALIFORNIA  
TUESDAY, FEBRUARY 18, 2014**

**OPENING MATTERS**

Chair Stock called the meeting to order at 7:02 p.m. in the Council Chambers at City Hall, 100 Civic Center Way, Calabasas, CA 91302.

**CALL TO ORDER/ROLL CALL**

Commissioners Present: Chair Stock  
Vice Chair Weber  
Commissioner Brockman  
Commissioner Cassel  
Commissioner Daugherty\*

\* Commissioner Daugherty participated via audio teleconference from 22242 Drums Court, Calabasas, CA 91302

Staff Present: Deborah Steller, Media Operations Director  
Rachel Biety, Executive Assistant  
Glenn Michitsch, Senior Planner  
Michael Klein, Planner  
Andrew Cohen-Cutler, Associate Planner

Consultants Present: Matthew Summers, Deputy City Attorney  
Jonathan Kramer, Consultant

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Director Steller.

**APPROVAL OF AGENDA**

Commissioner Brockman moved, seconded by Commissioner Cassel to approve the agenda.

Vote: Motion carried 5-0

Yes: Chair Stock; Vice Chair Weber; Commissioner Brockman; Commissioner Cassel;  
Commissioner Daugherty

## APPROVAL OF MINUTES

Vice Chair Weber moved, seconded by Commissioner Cassel to approve the minutes of the January 21, 2014.

Vote: Motion carried 5-0

Yes: Chair Stock; Vice Chair Weber; Commissioner Brockman; Commissioner Cassel;  
Commissioner Daugherty

## ANNOUNCEMENTS & INTRODUCTIONS

Commissioner Brockman acknowledged Media Operations Supervisor, Arvin Petros for 15-years of service with the City.

## ORAL COMMUNICATION – PUBLIC COMMENT

Nobody expressed a desire to speak.

## CONSENT ITEMS

One member from the public submitted a speaker card on the consent items:

1. Suzanne Iselt – T-Mobile Representative
1. **File No. 14000079** - Request for a zoning clearance to allow for the replacement of two existing equipment cabinet and the installation of new equipment within an existing lease area, and the installation of pole mounted equipment for an existing T-Mobile wireless telecommunication facility located at 24800 Cordillera (Cordillera Water Tank), within the Public Facility zoning district. **CEQA: The proposed project has been determined to qualify for one or more categorical exemptions under CEQA.**
3. **File No. 14000088** - Request for a zoning clearance to allow for the replacement of one existing equipment cabinet and the installation of new equipment within an existing underground vault, and the replacement of pole mounted equipment for an existing T-Mobile wireless telecommunication facility located at 24301 Mulholland Hwy, within the public right-of-way. **CEQA: The proposed project has been determined to qualify for one or more categorical exemptions under CEQA.**

Chair Stock moved, seconded by Vice Chair Weber to approve Consent Items 1 and 3.

Vote: Motion carried 5-0

Yes: Chair Stock; Vice Chair Weber; Commissioner Brockman; Commissioner Cassel;  
Commissioner Daugherty

2. **File No. 14000080** - Request for a zoning clearance to allow for the installation of one equipment cabinet six diplexers within an existing underground vault, and the installation of new equipment within an existing radome for an existing T-Mobile wireless telecommunication facility located at 4411 Lost Hills, within the public right-of-way. **CEQA:**

**The proposed project has been determined to qualify for one or more categorical exemptions under CEQA.**

Commissioner Brockman pulled the item from the Consent Agenda for discussion.

Planner Klein was available to answer questions from Commissioners.

Commissioner Brockman moved, seconded by Commissioner Cassel to approve Consent Item 2.

Vote: Motion carried 5-0

Yes: Chair Stock; Vice Chair Weber; Commissioner Brockman; Commissioner Cassel;  
Commissioner Daugherty

**CONTINUED ITEM**

4. **File No. 130001344** - A request for a Wireless Telecommunication Permit and a Scenic Corridor Permit for a new Verizon Wireless Telecommunication Facility in the public right-of-way at 4093 Old Topanga Canyon Road. **CEQA: The proposed project has been determined to qualify for one or more categorical exemptions under CEQA. CONTINUED FROM JANURAY 21 MEETING.**

Submitted by: Cable Engineering Services  
Planner: Andrew Cohen-Cutler  
(818) 224-1704  
[acutler@cityofcalabasas.com](mailto:acutler@cityofcalabasas.com)

Chair Stock kept the Public Hearing open.

Staff informed the Commission of two changes to the staff report.

Planner Cohen-Cutler gave an overview about the project. Deputy City Attorney Summers and Consultant Kramer were available to answer questions from Commissioners.

Twelve members from the public submitted speaker cards and spoke on the item:

1. Rob Searcy – Verizon Representative
2. Adrian Culici – Verizon Representative
3. Wendy Fassberg
4. Emran Elyas – Verizon Representative
5. Bruce Pratt
6. Pat Haakstad
7. Alan Kabakoff
8. David Aubrbact
9. Mary Regas
10. Patti Goldbeg
11. Steven Kasten
12. Mark Son

Chair Stock closed the Public Hearing.

Commissioner Brockman moved seconded by Vice Chair Weber to adopt Resolution No. 2013-024, approving File No. 130001344 as amended.

Vote: Motion carried 4-1

Yes: Vice Chair Weber; Commissioner Brockman; Commissioner Cassel; Commissioner Daugherty

No: Chair Stock

*The Communications and Technology Commission took a break.*

### **PUBLIC HEARING**

5. **File No. 130001491** - Request for a Wireless Telecommunications Facility Permit to modify an existing T-Mobile wireless facility to provide high speed Long Term Evolution (LTE) service coverage. The proposed modifications include replacement of one ground mounted equipment cabinet, and replacement of two antennas with two larger antennas within a larger radome. The existing facility is located at 4591 Park Granada, within the public right-of-way. **CEQA: The proposed project has been determined to qualify for one or more categorical exemptions under CEQA.**

Submitted by: Synergy Development  
Planner: Michael Klein  
(818) 224-1710  
[mklein@cityofcalabasas.com](mailto:mklein@cityofcalabasas.com)

Chair Stock opened the Public Hearing.

Planner Klein gave an overview about the project. Deputy City Attorney Summers and Consultant Kramer were available to answer questions from Commissioners.

One member from the public submitted a speaker card and spoke on the item:

1. Erik Lilliedahl – T-Mobile Representative

Chair Stock closed the Public Hearing.

Commissioner Brockman moved seconded by Vice Chair Weber to adopt Resolution No. 2014-026, approving File No. 130001491 as amended.

Vote: Motion carried 5-0

Yes: Chair Stock; Vice Chair Weber; Commissioner Brockman; Commissioner Cassel; Commissioner Daugherty

### **MONTHLY REPORTS**

6. **Legislative and Regulatory Update on Telecommunications**
- a. Joint Comments Filed by the League of CA Cities, the CA State Association of Counties and SCAN NATOA Regarding the FCC'S Notice of Proposed Rulemaking

Consultant Kramer provided an update on the joint comments filed by the League of CA Cities, the CA State Associations of Counties and SCAN NATOA regarding the FCC's notice of proposed rulemaking.

**7. Cable Complaints Review**

Executive Assistant Biety reported that the City received one new complaint against Time Warner Cable since the last meeting.

**8. Cable Company Reports**

**a. Time Warner**

- i. There was not a Time Warner representative present.

**b. Charter**

- i. There was not a Charter representative present.

**SUB-COMMITTEE REPORTS**

**9. Wireless Subcommittee (Brockman/Stock)**

There is nothing new to report at this time.

**10. Video Services Subcommittee (Brockman/Cassel)**

There is nothing new to report at this time.

**11. Programming Subcommittee (Daugherty/Weber)**

There is nothing new to report at this time.

**12. WiFi Subcommittee (Daugherty/Cassel)**

There is nothing new to report at this time.

**13. Emerging Technology Subcommittee (Weber/Stock)**

There is nothing new to report at this time.

**DIRECTOR'S REPORT**

Director Steller reported on work requests received and Granicus usage by the public and Calabasas YouTube hits. The CTV Programming Report was also provided in the Commissioners packets. Director Steller gave an update on Connect with Calabasas, the City's Mobile App. The Creek Clean up Event is February 22<sup>nd</sup> and Daylight Savings Time Begins on March 9<sup>th</sup>.

**FUTURE AGENDA ITEMS**

- Presentation to expand AT&T and Verizon Video Services in the City
- Update to Wireless Ordinance

**ADJOURN**

Commissioner Brockman moved, seconded by Commissioner Cassel to adjourn the Communications and Technology Commission meeting at 9:35pm to the next meeting on March

18, 2014 at 7:00 p.m. in City Hall Council Chambers, 100 Civic Center Way, Calabasas, California.

DRAFT



CITY of CALABASAS

**COMMUNICATIONS AND TECHNOLOGY COMMISSION AGENDA REPORT  
FEBRUARY 18, 2014**

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**DATE:** February 18, 2014

**TO:** Members of the Communications and Technology Commission

**FROM:** Andrew Cohen-Cutler, Associate Planner

**FILE NO.** 130001344

**SUBJECT:** Request for a Wireless Telecommunication Facility Permit and Scenic Corridor Permit to construct a new Verizon Wireless Telecommunication facility which includes the replacement of an existing 29' tall street light pole with a new 29'-6" tall street light pole with two (2) 51" panel antennas housed inside a 24" diameter by 66" tall radome on the top of the pole. The base station equipment will be installed in a new subterranean vault. The project is located at 4093 Old Topanga Canyon Road within the public right-of-way and Old Topanga Scenic Corridor overlay.

**MEETING DATE:** February 18, 2014

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**STAFF RECOMMENDATION:**

The Communications and Technology Commission should adopt Resolution No. 2013-024, approving File No. 130001344.

**REVIEW AUTHORITY:**

The Communications and Technology Commission is reviewing this project because Section 17.12.050(C) of the Calabasas Municipal Code (CMC) stipulates that Wireless Telecommunication Facility Permits require review by the Commission.

**BACKGROUND:**

On October 7, 2013, Cable Engineering Services, representing Verizon Wireless, filed an application for a Wireless Telecommunications Facility Permit and a Scenic Corridor Permit

in accordance with section 17.12.050 of the CMC to construct a new wireless telecommunications facility (WTF) including the replacement of an existing 29' tall concrete street light pole with a new 29'-6"-tall concrete street light pole, the installation of 2 panel antennas to be housed inside a 24" diameter X 66" tall antenna housing, associated base station equipment within a subterranean vault, and a new 20" X 17" X 48" Meyers Electrical meter pedestal. The proposed project is located at 4093 Old Topanga Canyon Road within the public right-of-way and Scenic Corridor Overlay. Prior to filing the application, Verizon assigned the project an address of 4095 ½ Old Topanga Canyon Road; however, the City assigned a different address at the time of submittal. Consequently, there is a discrepancy between the Verizon address and the City-assigned address in some of the documentation. From this point on, the address shall be known as 4093 Old Topanga Canyon Road. The application was deemed incomplete on October 7, 2013, and the applicant was notified. After submittal of all required documents and fees, the application was deemed complete on December 27, 2013

This project was originally scheduled for a public hearing to be reviewed by the CTC on December 17, 2013. However, due to the need for the applicant to submit more information, the CTC opened the public hearing and continued the item to January 21, 2014 without public testimony. The CTC conducted a complete public hearing, to include taking public comment, at the January 21, 2014 meeting. At that meeting the following points were brought up by the Commission: 1.) the propagation maps were difficult to understand; 2.) there was no information about other WTF sites located in the immediate area which might offer colocation opportunities; 3.) there were no alternative sites outside of the city presented in the Alternative Site Analysis; 4.) CTC requested maps depicting residences within radii of 100', 250', 500' and 1,000'; and, 5.) exact measurements to adjacent property lines were not available. As a result of the requests for additional and clarifying information, the Commission decided to continue the public hearing to its February 18, 2014 meeting.

This staff report incorporates the prior staff report delivered for the January 21, 2014 meeting, with the requested additional information and analysis included. Additional or new information is provided in *italics* and three tables. Exhibits A through J were previously distributed with the January 21, 2014 meeting; and Exhibits K through O are new exhibits and are attached hereto.

### **STAFF ANALYSIS:**

1. Current Site Condition: The subject site is located at 4093 Old Topanga Canyon Road within the public right-of-way, approximately 300 feet north of the intersection at Old Topanga Canyon Road and Blue Bird Dr. The subject site is currently occupied by a concrete light pole with a streetlight affixed to the top of the pole. The pole is located approximately 2 feet from the front of the sidewalk curb and 18 feet east of the far edge of the HOA-owned trail easement. There is an, approximately, 26-foot wide parcel

owned by the Calabasas Country Estates HOA that separates the public right-of-way from the residential properties to the west of the proposed facility. *The proposed project site is situated to the east of existing high-voltage power lines. The power lines and transformers and equipment are supported by 60 foot tall wooden and steel power poles. The high voltage array runs north to south along Old Topanga Canyon Road and is located west of the proposed wireless telecommunications facility and east of the residences.*

2. Proposed Project: The applicant is proposing the construction of a new wireless telecommunication facility (WTF) at 4093 Old Topanga Canyon Road within the public right-of-way. The applicant is proposing to replace an existing 29' tall concrete light pole with a new 29'-6" concrete light pole. The new pole will accommodate two 50.9" antennas within a 66" radome on top of the pole (painted to match the street light pole) in order to screen the new antennas. The project has been modified as a result of Architectural Review Panel (ARP) input and the equipment will be housed in a subterranean vault. The vault requires two 36" tall vent stacks that will be located 10' and 17' south of the street light pole. Finally, a Myers Electric Cabinet pedestal (20"X17"X8") that will house the electric meter for the WTF will be located on the rear portion of the sidewalk and 36' north of the street light pole. Both the vault vents and the Myers Electric Cabinet will be painted green. The street light pole, which will house the proposed antennas, is approximately 100 feet from the nearest dwelling unit.

The ARP reviewed this project on October 25, 2013 and November 22, 2013. At the October meeting, the ARP requested that the applicant revise the WTF design to move the proposed ground mounted equipment to an underground vault. The applicant returned on November 22 with plans depicting the newly designed underground vault. At the November meeting, the ARP made suggestions as to the color of the proposed vents as well as requests to locate the vault further away from the street light pole. The ARP discussed the merits of flush mounted vault vents vs. stacked vents. The ARP had no objection to the stacked vents so long as they were painted a color such as green to blend with the background vegetation. Additionally, flush mounted vents have been problematic in the past with flooding issues. Installations with flush mounted vents have been flooded causing the wireless companies to return to obtain approval to change the flush vents to stacked vents similar to the proposed vents for this project. City Public Works staff agrees that the stacked vent represents the best solution to provide greater protection from possible flooding problems at the wireless telecommunication facilities. The applicant has complied with the location requests and has minimized the possibility of any obstruction to pedestrians using the sidewalk. The applicant has agreed to use the requested green paint colors (action minutes from the ARP can be found in the "Previous Reviews" section located on page 9 and 10 of this staff report).

With the above mentioned modifications, the ARP found that the new WTF is appropriate for the site given the surrounding conditions and recommends approval of the design subject to conditions (which have been included in the resolution).

3. Calabasas Municipal Code Requirements: New wireless facilities or existing wireless facilities that were previously approved but are hereafter (a) expanded, (b) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated, shall comply with Section 17.12.050 of the CMC. As a result, the proposed project requires approval of a Wireless Telecommunication Facility Permit because it is a new wireless facility. Section 17.12.050(C) of the CMC includes submittal requirements, development standards and conditions of approval for all wireless telecommunication facilities. Additionally, this project is located within a designated scenic corridor. As such, CMC Section 17.62.050(A) requires approval of a Scenic Corridor Permit for the project.

The project falls within tier II of the preferred method of mounting antennas within the public right-of way as specified in Section 17.12.050(E)(3)(e)(i)(b) of the CMC because the project consists of replacing an existing street light pole with a new similar street light pole and installing new antennas on the top of the pole. The antennas will be enclosed within a radome painted to match the street light pole. As a result, the antennas will not be visible to the public. Because the WTF is of a stealth design, meaning the base station equipment will be located within an underground vault, and the antennas are facilities proposed to be situated less than 6' above the height of the street light pole, the proposed project is in compliance with Section 17.12.050(E) of the CMC, which contains standards for wireless facilities located within the public right-of-way.

Section 17.12 50(E)(4)of the Calabasas Municipal Code allows the Commission to approve a wireless Telecommunication Facility Permit for a facility within the public right-of-way provided that the two additional findings are made: 1) The proposed facility has been designed to blend with the surrounding environment, with minimal visual impact on the public right-of-way and 2) the proposed facility will not have an adverse impact on the use of the public right-of-way, including but not limited to, the safe movement and visibility of vehicles and pedestrians. The proposed facility meets these two findings. The proposed facility will blend into the surrounding environment because it is designed as a stealth facility where the antennas and the base station are hidden from public view. The proposed facility will not impact the public's use of the public right-of-way because the only facilities located at grade level are the vault vent stacks and the Myers Electric Cabinet, both of which are located so as to not impede the flow of pedestrians.

Section 17.12.050(C)(4)(a) requires a 1,000-foot setback from schools, dwelling units and parks for the installation of a new wireless telecommunication facility, unless the

applicant establishes a lesser setback is necessary to close a significant gap in the carrier's service, and the proposed facility is the least intrusive means to do so. The subject site was chosen because it is the least intrusive location to close a gap in Verizon service coverage with only one facility. There are no possible locations along or near Old Topanga Canyon Road that will be located at least 1,000 feet from dwelling units, schools and parks and still close the significant gap in Verizon's LTE coverage. However, while the proposed facility is less than 1,000 feet from dwelling units, it is more than 1,000 feet from Calabasas High School and two Montessori Preschools located on Old Topanga Canyon Road (see Exhibit G). Any alternate location that would adequately close the significant gap in coverage would result in a facility that is within 1,000 feet of dwelling units and one or more schools. Therefore, the proposed location of the facility represents the best siting even though it has less than a 1,000-foot setback from residences because it is both the least intrusive means and necessary to close the gap in Verizon's LTE service coverage, *while meeting the Code to the Maximum feasible extent.*

**Straight Line Distances from the Proposed WTF and the Five Alternate Locations (Calabasas Only) to Area Schools**

Site	Distance to Montessori School North	Distance to Montessori School South	Distance to Calabasas High School
<b>SUBJECT SITE</b>	1,621'	1,268'	1,003'
Alternate #1	1,451'	1,990'	1,079'
Alternate #2	1,250'	2,162'	1,310'
Alternate #3	1,446'	2,002'	1,375'
Alternate #4	2,052'	1,419'	481'
Alternate #5	2,319'	1,282'	301'

*Section 17.12.050(C)(2)(d) of the CMC requires that the applicant submit a siting analysis which identifies a minimum of five other feasible locations which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The applicant has submitted a siting analysis identifying five other feasible locations that could close the significant gap in service coverage. According to the applicant's siting analysis, any alternative would require either the construction of at least two new wireless facilities in the public right-of-way or construction of a new facility substantially closer to Calabasas High School (see above table) and residential homes along Old Topanga Canyon Road. Furthermore, because the subject site is surrounded by residentially zoned properties and a public school, which are prohibited areas for new wireless facilities, there are no*

*feasible alternatives on private property or any colocation alternatives. Finally, although Alternate #3 appears to fit Verizon's criteria for closing the gap while being marginally further from properties, staff personally inspected all alternative sites and determined that Alternate #3 was situated directly beneath existing high voltage lines; consequently Alternate 3 is not feasible because the pole cannot be constructed directly beneath, and extending into, the power lines. As a result, there is sufficient evidence to conclude that the proposed project represents the least intrusive means to closing a significant gap in Verizon's service coverage.*

*Based on a comment from the CTC on January 21, 2014 meeting, the following chart has been added depicting the distances from the proposed project site and the five alternate sites in a straight line measurement to the property lines of the closest single-family residences. The range of distances from the six different sites to the property lines to the east are within 8 feet of one another. There would be little advantage gained from selecting an alternate site in terms of distance between the WTF and the closest property line to the east. Similarly, the 13-foot spread, (with an anomaly of 99' caused by the curve in Old Topanga) for the setbacks for the western properties would not provide any significant benefit from selecting one of the alternates over the proposed project site. Finally, the exclusion zone, (zone where long term exposure to RF radiation has been determined to be unsafe), is 22.5-feet horizontally at antenna height from the antenna. The property lines as measured all fall outside the exclusion zone. Consequently, the proposed site will be situated in a location with similar setback characteristics as the five alternatives (with the one exception noted above) and outside of the exclusion zone.*

**Straight Line Distances from the Proposed WTF and the Five Alternate (Calabasas Only) Locations to Closest Property Lines**

Site	Distance to rear of trail		
	Distance to east PL	easement	Distance to west PL*
<b>SUBJECT SITE</b>	71'	18'	40'
Alternate #1	74'	16'	39'
Alternate #2	79'	17'	99'
Alternate #3	73'	16'	50'
Alternate #4	72'	17'	52'
Alternate #5	73'	18'	50'

\*Distance was determined by City GIS because the topography and/or physical barriers (steep slopes, walls and fences) rendered safe physical inspection and measurement impossible.

*The Following chart depicts the number of residences within a 100-foot, 250-foot, 500-foot and 1,000-foot radius of the subject site and the five alternate sites. There is very little difference in the total included residences within 100, 250 and 500 feet. The 1,000-foot radius includes larger properties, schools and more open space depending on each location. The differences in property size as related to the radius from each location account for the greater range in total residences within the individual location's radii (see Maps, Exhibit N).*

**Total Residences within 100', 250', 500' 1,000' from the Proposed WTF and the Five Alternate (Calabasas Only) Locations**

Site	100'	250'	500'	1,000'
<b>SUBJECT SITE</b>	5	18	64	228
Alternate #1	6	20	62	237
Alternate #2	6	21	65	233
Alternate #3	4	22	71	212
Alternate #4	5	20	67	186
Alternate #5	6	20	54	166

*Based on the expanded analysis regarding distance to schools, distance to property lines, location of existing high voltage wires, and the number of proximate residences there is no lesser intrusion resulting from siting this proposed WTF in an alternate location.*

The applicant has submitted a noise study, prepared by Eilar Associates Inc., which states that the project, as designed, will be in compliance with Section 17.12.050(C)(4)(e) and will at no time be audible at the property line of any open space or residentially zoned property (a copy of the noise study may be viewed online at <http://www.cityofcalabasas.com/wireless/130001344-4093OldTopangaCyn/130001344-noise-study.pdf>).

In accordance with Section 17.12.050(E)(3)(b) of the CMC, all wireless telecommunication facilities located within a designated scenic corridor shall be of a stealth design. Because the subject site is located within 500 feet of Old Topanga Canyon Road, it is within a designated scenic corridor and must comply with this section. The proposed project is in compliance with the above mentioned section because the antennas will be located within a radome painted to match the street light pole, the equipment will be located within an underground vault, and the Meyers meter cabinet will be painted in such a manner as to have it blend in with the green background vegetation. Additionally, the applicant is proposing the new concrete light pole rather than a brown utility pole because there are no brown poles in the area

As a matter of comparison for consistency with other similar WTF installations, staff reviewed other similar facilities located within the City of Calabasas where the WTF is located in the right-of-way, on concrete poles. These existing installations have either exposed antennas or antennas shielded by a radome, and have equipment either in a subterranean vault or located above ground. Staff found nine similar facilities in the City. Staff further analyzed the nine existing facilities that are similar to the proposed facility and determined that four of the nine existing facilities have at least one residence within one-hundred feet similar to this proposed facility, and two of the nine installations have four houses within one-hundred feet (see Exhibit C). The proposed facility will have only one residence within one-hundred feet. Additionally the use of a new concrete light pole replacing an existing concrete light pole, shielding the antennas in a radome, undergrounding the equipment vault containing the WTF equipment and painting the remaining above-ground equipment to blend with the background vegetation is the best installation option available.

In conclusion, the project meets all of the requirements for the installation of a new wireless telecommunication facility located within the public right-of-way as outlined in CMC Section 17.12.050 in terms of location, design, screening, noise, etc.

4. FCC Shot clock: The City has **88 days** from the date of this meeting to render a decision within the time limits established by the FCC shot clock.

#### **REQUIRED FINDINGS:**

The findings required in Sections 17.12.050(C)(7), 17.62.050(B) and 17.12.62.060(E) of the Calabasas Municipal Code for Wireless Telecommunication Facility Permit, Scenic Corridor Permit and Conditional Use Permits are contained in the resolution attached as Exhibit A.

#### **ENVIRONMENTAL REVIEW:**

The City's staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Sections 15301 Class 1 (b,) minor alterations of existing facilities of both investor and publically owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; 15303 Class 3, conversion of small structures from one use to another where only minor modifications are made; and 15332 Class 32, infill projects, of the CEQA Guidelines.

## **PREVIOUS REVIEWS:**

### **Development Review Committee (DRC):**

October 14, 2013

No major comments.

### **Architectural Review Panel (ARP):**

October 25, 2013

ARP members made the following comments: the radome option is consistent with previous projects and there is no issue with the radome option. Panel members Harrison, Cooper, Handel and Stockton agreed that the applicant should underground the Verizon cabinet equipment per the Wireless Ordinance. The Panel feels that the cabinet boxes detract from the rustic feel of the community and could be targets for vandalism and intrusive to pedestrians. The Panel recommends that the applicant investigate the possibility of placing the Edison and Verizon cabinet boxes underground and noted that the existing Edison easement that might present an opportunity for the placement of the cabinet boxes outside the sidewalk and public trail.

The panelists recommend to continue the project with the applicant performing due diligence with undergrounding the proposed above-ground equipment and easements.

November 22, 2013

ARP members Cooper and Harrison made the following observations and comments about installation of a new wireless facility: upon review the panelists were concerned about obstructions in the sidewalk to pedestrians created by the 4-foot tall meter cabinet and twin 36 inch tall vent stacks. While they appreciated the applicant's effort to provide an underground vault to house the radio equipment, they feel that spacing the vertical obstructions farther apart from the existing light pole and the existing sidewalk tree will minimize obstruction to pedestrians and better address safety and aesthetic concerns. Therefore, it was recommended that the SCE meter be moved northward and spaced at least 15 feet from the existing sidewalk tree as measured parallel from the curb. It was also recommended that the underground vault be moved in a southward direction so that the center line of the vault was at least 19 feet from the existing light pole, measured parallel to the curb. This will place the nearest vent stack approximately 15 feet from the light pole, leaving 15 feet clearance of all obstructions from the existing tree and the existing light pole. The committee understood that this spacing is subject to site conditions and substructure restrictions and noted that if any conditions should arise that require the applicant to shift the equipment substantially closer (i.e. more than 2 feet closer) that the committee will be advised and revised plans submitted. The committee request that a new plan be submitted to staff with the

recommended changes prior to moving forward. The committee also suggested that the vent stacks be painted in a non-obtrusive color such as green to be camouflaged against existing landscaping and the meter should be painted as close to the same color as SCE will permit.

The Panel recommended approval of the wireless facility with the above recommendations.

**ATTACHMENTS:**

- Exhibit A-J: January 21, 2014 Packet
- Exhibit K: CTC Resolution No. 2013-024 (Revised to include paint specifications)
- Exhibit L: Revised Propagation Maps
- Exhibit M: Revised Alternate Site Analysis
- Exhibit N: 100, 250', 500', and 1,000' radius maps
- Exhibit O: All Area WTF Sites-Map

**RESOLUTION NO. 2013-024**

**A RESOLUTION OF THE COMMUNICATIONS AND TECHNOLOGY COMMISSION OF THE CITY OF CALABASAS, CALIFORNIA, TO APPROVE FILE NO. 130001344, A WIRELESS TELECOMMUNICATION FACILITY PERMIT AND A SCENIC CORRIDOR PERMIT TO CONSTRUCT A NEW VERIZON WIRELESS TELECOMMUNICATION FACILITY WHICH INCLUDES THE REPLACEMENT OF AN EXISTING 29' TALL STREET LIGHT POLE WITH A NEW 35'-6" TALL STREET LIGHT POLE, 2 ANTENNAS HOUSED WITHIN A RADOME, AND ASSOCIATED EQUIPMENT LOCATED WITHIN A SUBTERRANEAN VAULT AT 4093 OLD TOPANGA CANYON ROAD, WITHIN THE PUBLIC RIGHT OF WAY AND IN THE OLD TOPANGA CANYON ROAD SCENIC CORRIDOR.**

**Section 1. The Communications and Technology 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 January 21, 2014 before the Communications and Technology Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

**Section 2. Based on the foregoing evidence, the Communications and Technology Commission finds that:**

1. The applicant submitted an application for File No. 130001344 on October 7, 2013
2. On October 7, 2013 staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. Notice of the December 17, 2013, Communications and Technology Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market and at Calabasas City Hall.
4. Notice of the December 17, 2013, Communications and Technology Commission public hearing was mailed to property owners within 1,500 feet of the property as shown on the latest equalized assessment roll, at least thirty (30) days prior to the hearing.
5. Notice of the Communications and Technology Commission public hearing was mailed or delivered at least thirty (30) days prior to the hearing to the project applicant.
6. On December 17, 2013, the Communications and Technology Commission opened the public hearing and continued the item to its January 21, 2014 meeting.
7. On December 27, 2013 amended material was submitted and reviewed. The application was deemed complete and the applicant was notified.
8. On January 21, 2014, the Communications and Technology Commission took public comment and continued the item to its February 18, 2014 meeting.
9. The project site is located within the public right-of-way and within the Old Topanga Canyon Road Scenic Corridor.
10. The surrounding land uses around the subject property are zoned Residential Single-Family (RS).
11. Notice of Communications and Technology Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

**FINDINGS**

Section 17.12.050(C)(7) of the Calabasas Municipal Code allows the Commission to approve a Wireless Telecommunication Facility Permit provided that the following Conditional Use Permit findings (Section 17.62.060(E) 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;*

As discussed in the staff report, the proposed project meets all applicable provisions of Section 17.12.050 of the CMC, which regulates the installation of new wireless telecommunication facilities. Such provisions require that the facility be fully screened from public view, have no audible impact on residential or open space zones, and comply with FCC regulations. As designed, the proposed wireless telecommunication facility will be in compliance with the above-mentioned provisions because it will be properly screened from public view with a radome and the base station equipment will be located within a buried vault. All above-ground elements, such as the vault vents and Meyers meter cabinet, will be painted green to blend with the background vegetation. Furthermore, a noise study demonstrates that the proposed facility will have no audible impact to open space areas or residential properties. Given these circumstances, 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 General Plan (pp. XII-13)) delineates the following policies applicable to technological infrastructure:

- Encourage technology and communication service providers to develop and maintain a long-term coordinated telecommunications plan to improve bandwidth, reduce costs, and improve system reliability.
- Encourage technology service providers to creatively integrate technology facilities into the natural and built environment to minimize the total number of such facilities and associated aesthetic impacts.

The proposed project meets the policies of the general plan in that it provides closure to a gap in LTE coverage demonstrated by the submitted coverage maps for Verizon; thereby, maintaining reliable and continuous service to surrounding properties. The proposal to replace an existing light pole with a

new light pole, locate the antennas within a radome, place the undergrounding of WTF equipment, and painting of above-ground elements, green, are consistent with the general plan policy to integrate the facility with the built environment. The proposed facility utilizes stealth design elements to minimize the facility's visibility and to integrate it into the surrounding environment. Therefore, the proposed project meets this finding.

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

This project meets the above findings because the project is exempt from the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA guidelines:

The City's staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Sections 15301 Class 1 (a), Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances; 15301 Class 1 (b,) Existing facilities of both investor and publically owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; 15303 Class 3 (e), Accessory (appurtenant) structures; and, 15332 Class 32, Infill projects of the CEQA Guidelines.

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

Section 17.12.050 of the CMC regulates the development of antennas and wireless telecommunication facilities. The proposed facility is located in the public right-of-way. The facility will be unattended which means it generates approximately one maintenance trip per month. The unattended use does not generate additional traffic or impede the day-to-day pedestrian or vehicular traffic at or around the facility. Consequently, the new telecommunication facility is compatible with the surrounding present and future land uses. Given these circumstances, this project meets this finding.

Section 17.12.050(C)(7) of the Calabasas Municipal Code allows the Commission to approve a Wireless Telecommunication Facility Permit provided that the following additional findings are made:

1. *The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility;*

According to the applicant the proposed facility has several objectives, all of which are designed to address a significant gap in Verizon's service coverage to the surrounding area. Verizon's objectives include providing coverage and additional capacity along Old Topanga Canyon Road, provide new LTE (4G) coverage to the surrounding area. In-kind call testing data is superfluous in this situation because there is 3G Verizon service at the project location which will allow basic communication but there is no LTE coverage in this area of the City; as a result, such test would show 3G Verizon service but no LTE connection. The applicant has provided a coverage analysis that sufficiently demonstrates the existence of a significant gap in Verizon's service coverage. According to the coverage maps, Verizon has little to no LTE coverage throughout most of the residential areas along Old Topanga Canyon Road from Branford Street to Bluebird Drive and within the Bellagio Community. The purported gap covers an area that includes approximately 800-1,000 single-family homes. Accordingly, the proposed project meets this finding.

2. *The applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of Section 17.12.050 of the Calabasas Municipal Code; and*

Section 17.12.050(C)(2)(d) of the CMC requires that the applicant submit a siting analysis which identifies a minimum of five other feasible locations which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The applicant has submitted a siting analysis identifying five other feasible locations that could close the significant gap in service coverage. According to the applicant's siting analysis, any alternative would require either the construction of at least two new wireless facilities in the public right-of-way or construction of a new facility closer to Calabasas High School and residential homes along Old Topanga Canyon Road. Furthermore, because the subject site is surrounded by residentially zoned properties and a public school, which are prohibited areas for new wireless facilities, there are no feasible alternatives on private property. There are also no feasible colocation alternatives in the area of the proposed facility. As a result, there is sufficient evidence to conclude that the proposed project represents the least intrusive means to closing a significant gap in Verizon's LTE service coverage and no feasible alternative site exists which is in a more preferred location. Accordingly, the proposed project meets this finding.

Additionally, Section 17.12.050(C)(4)(a) requires a 1,000-foot setback from schools, dwelling units and parks for the installation of a new wireless telecommunication facility, unless the applicant establishes that a lesser

setback is necessary to close a significant gap in the carrier's service, and the proposed facility is the least intrusive means to do so. The subject site was chosen because it is the least intrusive location to close a gap in Verizon LTE service coverage with only one facility. The lesser setback is necessary to close this gap in Verizon LTE service coverage as there are no possible locations along or near Old Topanga Canyon Road that are located at least 1,000 feet from dwelling units, schools and parks and which will close this gap in coverage. Further, while the proposed facility is less than 1,000 feet from dwelling units, it is more than 1,000 feet from Calabasas High School and two Montessori Preschools located on Old Topanga Canyon Road (see Exhibit G). Any alternate location that would close the significant gap in coverage would result in a facility that is within 1,000 feet of dwelling units and one or more schools. Therefore, the location of the proposed facility with less than a 1,000-foot setback from dwelling units is both necessary to close a significant gap in Verizon LTE service coverage and the least intrusive means to close the gap in Verizon's service coverage. Given these circumstances, this project meets the above finding.

3. *The facility satisfies the location requirements of Section 17.12.050(C)(3) of the Calabasas Municipal Code.*

The proposed project is not within any of the preferred locations established by Section 17.12.050(C)(3) of the CMC because the subject site is located within the public right-of-way and not on a property zoned for commercial, recreation or public facilities. Because all surrounding properties within the area of where the facility must be located in order to close a significant gap in Verizon LTE coverage are zoned for residential or open space, or have a school located on them, there are no feasible options to install a new facility on private property and meet the requirements of Section 17.12.050(C)(3) of the CMC. Therefore, the proposed project meets this finding as the applicant has demonstrated that there are no other feasible locations that could serve the same area and be located in a more preferred location. Additionally, the project falls within tier II of the preferred method of mounting antennas for facilities within the public right-of-way as specified in Section 17.12.050(E)(3)(e)(i)(b) of the CMC because the project consists of replacing an existing street light pole with a new similar street light pole and installing new antennas on the top of the pole. The antennas will be enclosed within a radome painted to match the new street light pole. As a result, the antennas will not be visible to the public. Because the WTF is of a stealth design, meaning the base station equipment will be located within an underground vault, and the antennas are less than 6' above the height of the street light pole, the proposed project is in compliance with Section 17.12.050(E) of the CMC, which contains standards for wireless facility located within the public right-of-way.

Section 17.12.050(E)(4) of the Calabasas Municipal Code allows the Commission to approve a Wireless Telecommunication Facility Permit for a facility within the public right-of-way provided that the following two findings are made:

1. *The proposed facility has been designed to blend with the surrounding environment, with minimal visual impact on the public right-of-way.*

The proposed facility will blend into the surrounding environment because it is designed to be a stealth facility. The antennas are located on the top of the street light pole within a radome, which screens the antennas from visibility by the public. The base station equipment will be located within an underground vault, and connected to the antennas by wires located within the street light pole. All elements above ground, including the vault vents and the Myers meter cabinet, will be painted green in order to minimize the visual impact by blending into the surrounding vegetation. Further, a noise study demonstrates that the proposed facility will not have an audible impact on the surrounding open space or residential areas. Therefore, the project meets this finding.

2. *The proposed facility will not have an adverse impact on the use of the public right-of-way, including but not limited to, the safe movement and visibility of vehicles and pedestrians.*

The proposed facility will not have an adverse impact on the use of the public right-of-way because the majority of the facility's elements are located either on the top of the street light pole or in an underground vault. The only above ground elements are the Myers meter cabinet and the vault vents. These two elements will not have an adverse impact on the public's use of the public right-of-way because they are located in such a way as to allow continued unimpeded movement of pedestrians along the sidewalk. Further, the access doors of the underground vault will be galvanized steel with a non-slip surface which will not present a hazard to pedestrians on the sidewalk. The proposed facility will not interfere with traffic flow along Old Topanga Canyon Road during normal operations as it is located entirely on the sidewalk. Maintenance of the proposed facility will also not interfere with traffic flow along this street as the facility is unattended and will generate approximately one maintenance trip per month. Therefore, the project meets this finding.

Section 17.62.050(D) of the Calabasas Municipal Code allows the Commission to approve development within the Scenic Corridor 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 Scenic Corridor Development Guidelines were developed to help development contribute to rather than detract from the visual beauty of designated Scenic Corridors. Some of the guidelines include: using medium to dark roof colors, using earth-tone colors, using non-glare and natural materials, avoidance of large blank facades, structures designed and sited to minimize visual impacts, and use of landscaping to help screen development. In addition, structures shall be sited in the least visually obtrusive location.

The applicant is requesting approval of a wireless facility permit and scenic corridor permit to construct a new wireless telecommunication facility with antennas attached to a street light pole and base station equipment located in an underground vault. The proposed facility complies with the Scenic Corridor Development Guidelines because the antennas are not visible and the radome will be painted to match the street light pole. Furthermore, the Myers meter cabinet and the two 36"- tall sidewalk vents will be painted green to blend in with the surrounding vegetation. All other equipment is not visible to the public. As a result, the proposed project meets the above finding.

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

The primary purpose of the Scenic Corridor Development Guidelines is to ensure that development will contribute to rather than detract from the visual beauty of designated Scenic Corridors. As a result, all wireless communication projects located within a Scenic Corridor are required to be designed as stealth facilities. The proposed project will meet this standard by locating the antennas within a radome painted to match the street light pole. New equipment cabinets will be located in an underground vault and will not be visible to the public. Finally, above ground elements (the Meyers meter cabinet and two vents) will be painted green to blend with the surrounding vegetation. As a stealth facility, the project utilizes design measures which ensure the facility is compatible with the Scenic Corridor, and meets the above 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 proposed project is a request to construct a new wireless telecommunication facility located in the public right-of-way. The installation includes replacement of an existing concrete light pole with a similar concrete pole, placing new equipment within an underground vault, and painting all above ground elements green to blend into the existing foliage. The proposed installation is similar to other installations within the city.

The Architectural Review Panel (ARP) met on October 25, 2013 and November 22, 2013. On October 25, the ARP provided design input and requested that the applicant return in November with a better design that would create less of an impact on the surrounding environment, for example, by moving the ground mounted equipment in to an underground vault. On November 22, the applicant returned with modified plans. The plans included undergrounding of the equipment and painting the proposed vents and Meyers meter cabinet green. The ARP recommended at its second meeting that the revised project be approved with conditions related to equipment locations and colors. These conditions have been incorporated into the conditions of approval. As a result, the proposed project will blend into the surrounding environment in order to protect the beauty of the Scenic Corridor. 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 new wireless telecommunication facility will blend in with the surrounding environment because the antennas will be located within a radome on top of a concrete street light pole and will not be visible to the public. Furthermore, the new equipment cabinets will be installed within a new underground vault, and all visible surface equipment will be painted green to blend in with the surrounding vegetation. Because there are other similar concrete street light poles and painted ground-mounted equipment cabinets in the vicinity, the proposed project will closely match the scale and color palette of the existing structures in the surrounding area; the proposed improvement will be compatible with the structures and landscaping in the area. As a result, the proposed project meets the above finding.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Communications and Technology Commission hereby approves of File No. 130001344 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. 130001344 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 130001344 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent

permitted by law, Cable Engineering and Verizon Wireless and their successor 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. 130001344 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. 130001344 and the issuance of any permit or entitlement in connection therewith. Cable Engineering and Verizon Wireless and their successor and assigns, shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

## **II. CONDITIONS OF APPROVAL**

### **Community Development Department / Planning Division**

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division. The color and material of the Myers Meter Cabinet and vault vents shall be in substantial conformance with the color and material board.
2. 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 Communications and technology Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.

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.

3. 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 review by Building Inspectors during the course of construction.

4. This approval shall be valid for one year 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.
5. This grant shall not be effective for any purposes until after the applicant, or its successors, and the wireless carrier (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.
6. 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 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 the 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 affect 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 access doors/hatches to the facility and equipment are to remain locked at all times, except during active maintenance by Verizon Wireless or authorized personnel.
9. The new light pole shall match the color and texture of other light poles located in the project area.
10. The radome shall be painted and textured to match the color of the street light pole it is attached to. Paint shall be high quality powder coat or equal. Paint samples shall be submitted to the Director of Community Development for approval.
11. There shall be no visible wires, antennas, brackets or equipment on the street light pole or radome.

12. The Meyers Meter Cabinet and vault vents shall be painted green. Paint shall be high quality powder coat or equal. Paint samples shall be submitted to the Director of community Development for approval.
13. All visible elements of the approved facility shall be maintained in good condition to the satisfaction of the Community Development by Verizon Wireless.
14. The access hatch located on the sidewalk shall be galvanized steel with a non-slip finish on the surface.
15. Should any utility company offer electrical service to a wireless facility which service does not require the use of a meter cabinet, the applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.
16. Abandonment:
  - a. Personal wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or property owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this code or any predecessor of this code.
  - b. The Director of Community Development shall send a written notice of determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing shall be conducted pursuant to chapter 17.74 of the CMC, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedures section 1094.5. Upon final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
  - c. The operator of a facility shall notify the City in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or property owner.
  - d. All facilities not removed within the required ninety-day period shall be in violation of this code. In the event the city removes a disused

facility upon the failure of the applicant, operator, or property owner to timely do so, the applicant, operator, and owner shall be jointly severally liable for payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs.

17. If, at any time after ten (10) years of the issuance of a building permit or encroachment permit, or any shorter period permitted by Government Code section 65964(b), any personal wireless telecommunication facility becomes incompatible with public health, safety or welfare, the applicant or operator of the facility shall, upon notice from the City and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing notice shall be pursuant to chapter 17.74 of the CMC, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedures section 1094.5. Upon final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
18. Any approved wireless communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the Public Works Director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the Director of Public Works imposes conditions, changes, or limitations pursuant to this paragraph (f), he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.
19. The applicant or operator of the personal wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing facility without the prior written consent of the owner of that facility. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless

telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

20. The property owner and/or operator of the facility shall cooperate with the Director of Community Development verify that the facility conforms with the requirements of Section 17.12.050 of the Calabasas Municipal Code.
21. Prior to the issuance of a building permit or encroachment permit, the applicant or owner/operator of the facility shall pay for and provide a performance bond in the amount of \$90,000 which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, monitoring and maintenance obligations and landscaping obligations.
22. The applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.
23. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
24. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
25. This permit shall be valid until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten years pursuant to a wireless facility permit issued under this section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended

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

26. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
27. The project must comply with the building codes in effect at this time, which include the "2013" California Building, Plumbing, Mechanical, and Electrical codes as amended by Chapter 15.04 of the Municipal Code.
28. 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 that references the 2010 California Fire Code as well as the 2010 Consolidated Fire Protection District Code of Los Angeles County, must be incorporated into all plans.

**Section 5. All documents described in Section 1 of CTC Resolution No. 2013-024 are deemed incorporated by reference as set forth at length.**

COMMUNICATIONS AND TECHNOLOGY COMMISSION RESOLUTION NO. 2013-024 PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of January, 2014.

---

Linda Stock  
Chair

ATTEST:

---

Deborah Steller  
Media Operations Director

APPROVED AS TO FORM:

---

City Attorney

Communications and Technology Commission Resolution No. 2013-024, was adopted by the Communications and Technology Commission at a regular meeting held January 21, 2014, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

“The Secretary of the CTC shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form

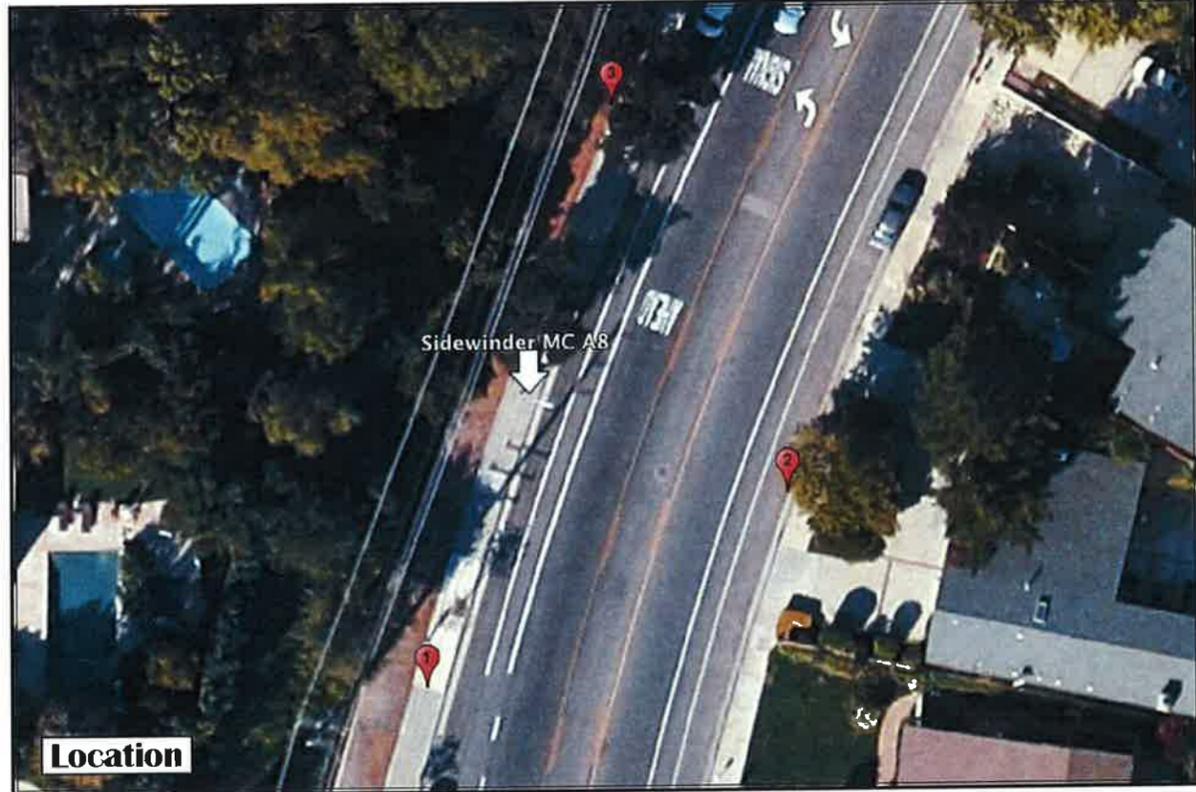
required by law and enter a copy of this Resolution in the book of Resolutions of the CTC. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”

**COPIES OF ITEM 6 ATTACHMENT F  
ARE AVAILABLE FOR REVIEW  
BY CONTACTING THE OFFICE OF THE  
CITY CLERK**

# Sidewinder MC A8

4095 1/2 Old Topanga Canyon Road ~ Calabasas, CA 91302

ITEM 6 ATTACHMENT G



### View 1

*View Notes:  
Looking north at proposed project*

### Verizon Wireless

15505 Sand Canyon Ave  
Building "D" 1st Floor  
Irvine, CA 92618

**Applicant**



PRESCOTT COMMUNICATIONS INC.  
10640 SEPULVEDA BLVD, SUITE 1  
MISSION HILLS, CA 91345  
(818) 898-2352 FAX (818) 898-9186

**Contact**

# Sidewinder MC A8 4095 1/2 Old Topanga Canyon Road ~ Calabasas, CA 91302



**Location**



**View 2**

*View Notes:  
Looking west at proposed project*

**Verizon Wireless**  
15505 Sand Canyon Ave  
Building "D" 1st Floor  
Irvine, CA 92618

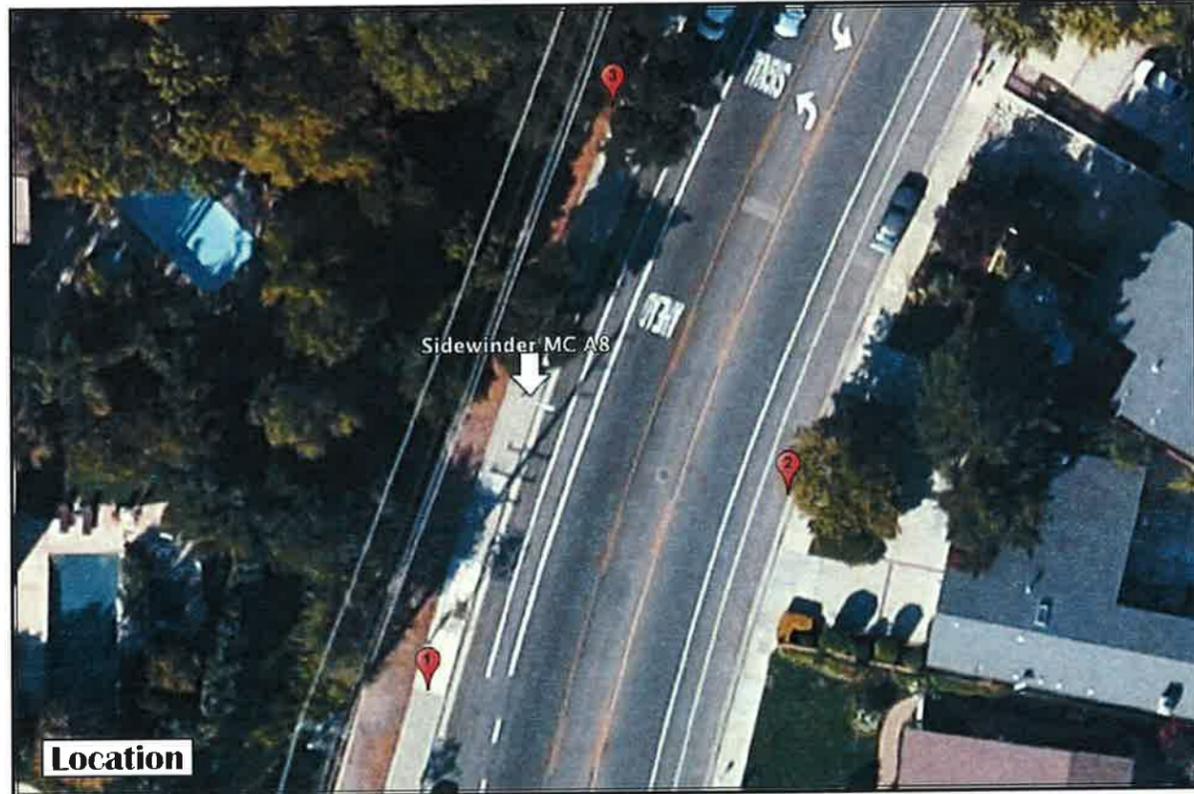
**Applicant**

**CeS cable engineering services**

PRESCOTT COMMUNICATIONS INC.  
10640 SEPULVEDA BLVD. SUITE 1  
MISSION HILLS, CA 91345  
(818) 898-2352 FAX (818) 898-9186

**Contact**

# Sidewinder MC A8 4095 1/2 Old Topanga Canyon Road ~ Calabasas, CA 91302



### View 3

*View Notes:  
Looking south at proposed project*

### Verizon Wireless

15505 Sand Canyon Ave  
Building "D" 1st Floor  
Irvine, CA 92618

**Applicant**



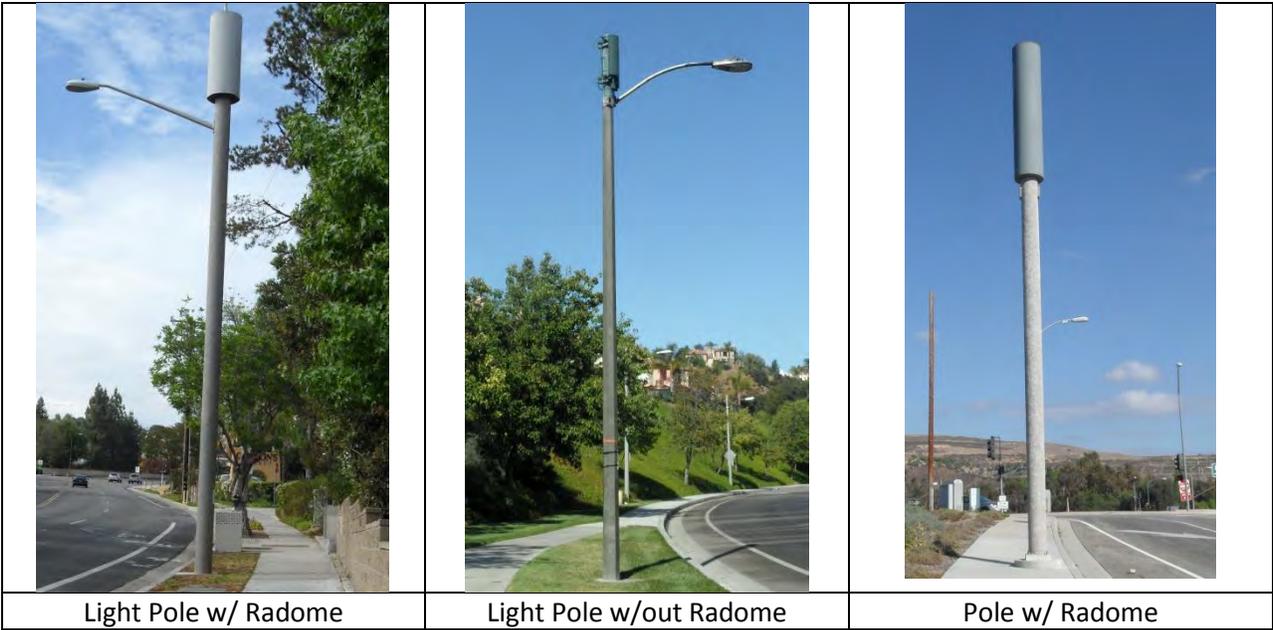
PRESCOTT COMMUNICATIONS INC.  
10640 SEPULVEDA BLVD, SUITE 1  
MISSION HILLS, CA 91345  
(818) 898-2352 FAX (818) 898-9186

**Contact**

**EXISTING SIMILAR WTF IN CALABASAS**

The following chart summarizes similar wireless facilities installed within the public right-of-way. A picture of each facility is provided on the following pages.

Facility #	Location	Pole Type			# of homes within 100 ft	Equipment	Vents
		Light Pole w/ Radome	Light Pole w/out Radome	Pole w/ Radome			
<b>Subject Site</b>	<b>4093 Old Topanga</b>	<b>X</b>			<b>1</b>	<b>underground</b>	<b>stack</b>
1	24000 Parkway Calabasas	X			1	underground	stack
2	24820 Parkway Calabasas		X		4	above ground	N/A
3	24250 Parkway Calabasas	X			0	underground	stack
4	4591 Park Granada	X			0	above ground	N/A
5	23850 Park Sienna			X	0	above ground	N/A
6	4251 Park Helena		X		3	above ground	N/A
7	22815 Paul Revere		X		4	above ground	N/A
8	22233 Mulholland Hwy			X	0	underground	flush
9	22231 Mulholland Hwy	X			0	underground	flush
10	4411 Lost Hills			X	0	underground	flush



Subject Site – 4093 Old Topanga Canyon (Photo Simulation)



Facility No. 1 – 24000 Parkway Calabasas



Facility No. 2 – 24820 Parkway Calabasas



Facility No. 4 – 4591 Park Granada



Facility No. 5 – 23850 Park Sienna



Facility No. 6 – 4251 Park Helena



Facility No. 7 – 22815 Paul Revere



Facility No. 8 – 22233 Mulholland Hwy



Facility No. 9 – 22231 Mulholland Hwy



Facility No. 10 – 4411 Lost Hills





## Alternate Site Analysis

### Proposed Wireless Telecommunications Facility

4095 ½ Old Topanga Canyon Road  
Calabasas, CA 91302  
Verizon Wireless "Sidewinder MC A8"

October 1, 2013

### Alternate Site Location Map



**Alternate 1:**



Alternate 1 is a streetlight pole directly south on Old Topanga. This site would serve some of the coverage objectives but would have obstructions to the north along Old Topanga Road, while somewhat adequate, it would not serve the target objective and was therefore eliminated from contention.

**Alternate 2:**



The second alternate site is also a streetlight pole to the south of the proposed site. The pole would offer more limited service to the north along Old Topanga because of obstructions to the north. This location was eliminated in favor of the proposed location.

**Alternate 3:**



This third alternative is also a street light, this one to the north of the proposed side, on Old Topanga Road. This location would actually serve the target area better, but its proximity to and visibility from adjacent residential properties rendered this site objectionable to residents and thus unlikely to be approved, therefore was eliminated from consideration.

### Alternate 4:



The fourth alternate site is also a street light pole to the north of the proposed location, north of Blue Bird Drive, on Old Topanga. This site could serve the target area, but there would be some obstructions to service to the south. This site, though relatively well screened from the adjacent residences, would still be highly visible from those residences. This site was eliminated from contention.

**Alternate 5:**



The fifth alternate site is also a street light on Old Topanga, north of the proposed site. This site was considered but would have very limited coverage to the south along Old Topanga, therefore this site was eliminated from contention.

**Conclusion:**



All the areas within the RF search ring were given deference and consideration, but none of the Alternate sites identified meet all the criteria necessary, from a practical, technological, topographic or city code perspective to house an adequate wireless facility. There are no collocatable locations within the search area, as this is a highly residential area. Therefore the proposed site and design present the least intrusive and most viable option for serving the target area.

## ITEM 6 ATTACHMENT J

**Planning  
Memorandum**

DEC 19 2013

COMMUNITY DEVELOPMENT  
PLANNING DEPT.

To: Andy Cohen-Cutler  
 From: Tripp May  
 Jonathan L. Kramer  
 Date: November 25, 2013  
 RE: Case No. 130001544 (Verizon Wireless)  
 4095 ½ Old Topanga Road (SCE Pole No. 22141445E)

The City of Calabasas ("City") requested a review of the Verizon Wireless ("Verizon") application to remove Southern California Edison ("SCE") street light pole number 22141445E near 4095 ½ Old Topanga Road and replace it with a new pole designed to support a wireless communication facility ("Replacement Pole").

***Current Project***

The current pole stands twenty-nine feet six inches (29' 6") above ground level ("AGL") in the sidewalk on the west side of Old Topanga Canyon Road. SCE plans to remove that pole so that Verizon may install the Replacement Pole in the same location. The construction plans dated July 29, 2013 ("Plans") show on page Z-3 that the Replacement Pole with the proposed antennas will stand thirty-five feet (35') AGL, which will add approximately five feet six inches (5' 6") compared to the original pole.

On top of the Replacement Pole, Verizon proposes to install two panel antennas completely screened within an antenna radome. In this configuration, the emissions center of the antennas will be approximately at thirty-two feet nine inches (32' 9") AGL. Verizon also proposes to install all conduits to connect the antennas to the radio equipment completely within the center of the Replacement Pole, and transition those cables directly from the base of the pole into underground conduits that run directly to equipment pedestals adjacent to the Replacement Pole.

In addition to the Replacement Pole, Verizon proposes to install an underground "dual FlexWave Prism" pedestal that contains radio equipment and an above-ground Myers pedestal to meter electrical use. Although not confirmed, Verizon identifies a potential power source (SCE Transformer No. P5537774) and potential fiber optic service source (SCE Pole No. 2116231E) on page Z-2 of the Plans. The same page also shows that Verizon plans to install all conduit between these utilities and its pedestals underground.

***Section 6409(a) Analysis***

As a threshold matter, the City must determine whether the proposed application falls under the ambit of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. This section discusses Section 6409(a) and determines whether it should apply to this application.

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Counsel for Government Agencies  
and Private Institutions

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2001 S. Barrington Avenue  
Los Angeles, California  
90025-5379

Generally, Section 6409(a) requires local governments to approve certain requests to collocate with or modify an existing wireless tower or base station. Thus, Section 6409(a) may be outcome-determinative. Section 6409(a), codified at 47 U.S.C. § 1455(a) (2013), states in full:

(a) FACILITY MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

To determine whether Section 6409(a) applies, the City must apply the two-prong test described below. The statute applies only when:

- (1) the applicant requests to collocate, remove, or replace transmission equipment from an existing tower or base station; *and*
- (2) the proposed project will not “substantially change the physical dimensions” of that tower or base station.

Critically, Section 6409(a) applies only when both of the prongs are true. The statute does not apply when the applicant desires to construct an entirely new wireless communication facility or when the applicant desires to modify an existing site that substantially changes the physical dimensions of the existing tower or base station. The balance of this section applies the test described above.

Here, Section 6409(a) does not apply to this application because Verizon proposes to install a completely new wireless communication facility rather than collocate, replace, or remove wireless transmission equipment from an existing wireless tower or base station. Therefore, the application does not satisfy the first prong of the analysis and the City need not consider the second prong at all.

In sum, we recommend that the City should (1) find that Section 6409(a) does not apply to this application and (2) process this application under the City’s established planning and zoning review process.

*Alternative Sites Analysis*

Under Ordinance Number 2012-295, wireless carriers cannot install a new wireless facility within one thousand feet (1000') from schools, dwellings, and parks unless the proposed site represents the least intrusive means to close a significant gap in the carrier’s service.<sup>1</sup> Here, Verizon proposes to install a new wireless facility in the public right-of-way within 1,000 feet of residences in the City. Accordingly, Verizon must show to the City’s reasonable satisfaction that (1) a significant gap in Verizon’s service exists in the subject area and (2) the proposed facility represents the least intrusive means to close that particular gap.

*Significant Gap Analysis*

Verizon asserts in its Technical Siting Analysis dated August 6, 2013 that it intends this site to close a significant gap in its service “in the Old Topanga Canyon Road area north of the intersection of Mulholland Drive and the adjacent areas north, south, east and west of the site.” In support of that claim, Verizon submitted signal coverage maps that show the present and predicted service in the subject area. Neither the present coverage map nor the predicted coverage may provide clear delineations to show specifically the area Verizon claims as constituting the significant gap in this planning case.

The map titled “Coverage Without Sidewinder MC” generally shows service along Old Topanga Canyon Road north Paul Revere Road at levels between less than -85 dBm (yellow) and less than -95 dBm (red). The map also shows service along Old Topanga Canyon Road south of Paul Revere Road and north of Mulholland Drive in white which we assume indicate areas with signal strength less than the lowest signal strength shown in red (less than -95 dBm). We reproduce this map in Figure 1, below.

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<sup>1</sup> See CALABASAS, CAL., ORDINANCE 2012-295(C)(4)(a) (2012).

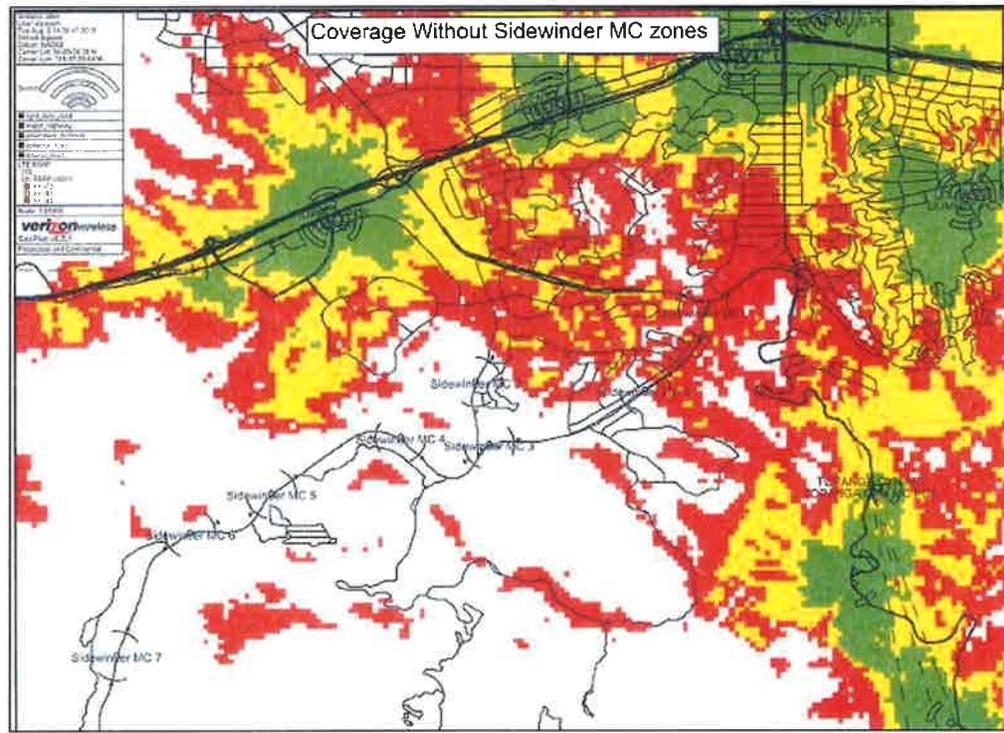


Figure 1: Signal Coverage along Old Topanga Canyon Road (Source: Verizon Wireless).

Accordingly, we cannot independently determine the boundary of the claimed significant gap in service in the area around the proposed site.

Presuming, without concluding, that a significant gap will be shown to exist, we turn to whether the proposed site represents the “least intrusive means” to close that significant gap.

#### *Least Intrusive Means*

Even when a wireless service provider demonstrates a significant gap in its service, a State or local government may require it to adopt the least intrusive means to achieve its service goals. In this context, the “least intrusive means” means the location and design most consistent with the local values that a permit denial would serve.

#### Least Intrusive Location

The City adopted a process in its Ordinance that requires the applicants to demonstrate it selected the least intrusive location. The Ordinance requires all wireless carriers to submit an analysis that “identifies a minimum of five other feasible locations” and “at least one

collocation site” unless the carrier shows a “compelling technical reason” why it should not need to comply.<sup>2</sup>

In this case, Verizon submitted an *Alternative Site Analysis* that considered five potential light poles in the public right-of-way along Old Topanga Canyon Road.<sup>3</sup> Verizon rejected four of the five potential sites because it could not achieve all its service goals from these locations. Verizon also rejected one site near 4099 Old Topanga Canyon Road because the neighbors objected to its proximity to the residences, even though it could serve the targeted service areas better than the proposed location. Thus, Verizon facially complied with the first requirement to consider at least five feasibly alternative sites.

Additionally, Verizon asserts in its *Alternative Site Analysis* that it cannot collocate with any existing site because the targeted service area is in a residential zone with no other nearby sites. The absence of existing sites with which to collocate appears to adequately explain why Verizon did not identify collocation opportunities in the area. We therefore conclude that the proposed location is very likely the least intrusive location to achieve Verizon’s service objectives.

#### Least Intrusive Design

After a carrier identifies the least intrusive location for a wireless facility, it must also demonstrate that it proposes the least intrusive design. In this case, Verizon can reduce the intrusiveness of the proposed facility if it installs flush-mounted vents with its underground equipment vault.

Above-ground vents create an unnecessary visual intrusion because the carrier can install flush-mounted vents without compromising the integrity of its equipment. Although Verizon may argue that it requires above-ground vents to guard against floods, all its equipment vaults include a sump pump that can handle well-above the average rainfall and runoff in this part of California.

Additionally, flush-mounted vents do not create obstacles in the right-of-way. Even when placed in line with the light pole, other users in the right-of-way must go around an above-ground vent. In contrast, other users can travel directly over a flush-mounted vent and therefore maximizes the primary public use of the public space while accommodating a secondary wireless use.

We conclude that Verizon can reduce the intrusiveness of the site because it could install flush-mounted vents rather than above-ground vents. We therefore recommend that the

---

<sup>2</sup> See CALABASAS, CAL., ORDINANCE 2012-295(C)(2)(d) (2012).

<sup>3</sup> Verizon disclosed the approximate addresses of these poles as (1) 4139 Old Topanga Canyon Rd.; (2) 4161 Old Topanga Canyon Rd.; (3) 4099 Old Topanga Canyon Rd.; (4) 4047 Old Topanga Canyon Rd.; and (5) 4017 Old Topanga Canyon Rd.

City require Verizon to revise its design to include flush-mounted vents rather than above-ground vents.

*Alternative Sites Analysis Summary & Conclusion*

In sum, we conclude that Verizon has (1) failed to demonstrate that a significant gap exists, (2) demonstrated that the proposed location represents the least intrusive means to close a significant gap if that gap is hereafter proved, but (3) did not propose the least intrusive design. We therefore recommend that the City require Verizon to resubmit designs that show it proposes to install flush-mounted vents.

Until and unless Verizon submits the above-recommended information, we recommend that the City consider this application unsuitable for approval.

***RF Emissions Evaluation***

This analysis stands alone and does not depend on whether there is a significant gap shown by Verizon, nor whether the proposed site is the least intrusive means to provide its service.

The FCC completely occupies the field of radiofrequency (“RF”) safety standards in the United States. The City cannot legally establish or require RF safety standards, whether more strict, more lenient, or the same as the FCC standards. The FCC does, however, permit the City to determine whether a proposed wireless project complies with the federal safety standards found at 47 C.F.R. §§ 1.1307 *et seq.* (“FCC Rules”) and FCC Office of Engineering and Technology Bulletin 65 (“OET 65”) RF safety requirements.

Under the FCC Rules, certain types of wireless projects are deemed “categorically excluded” and not subject to further RF evaluation. A wireless project is categorically excluded when the antenna supporting structure is not a building or shared to perform some other function, and the lowest portion of the transmitting antenna is at least ten (10) meters AGL.

Here, the antennas are not categorically excluded from RF review because the lowest portion of the panel antennas is less than ten (10) meters AGL. Therefore, an analysis of the RF emissions is necessary to determine whether the antennas will comply with the FCC Rules.

Verizon submitted RF emissions data that contains emissions data sufficient to allow me to determine whether the emissions comply with the FCC Rules. Based on the frequency and transmitter power from Verizon’s proposed antennas, a controlled access zone will extend approximately twenty-two feet and six inches (22’ 6”) from the face of the antennas at roughly the height of the antennas.

The fact that a site creates a controlled access zone does not necessarily mean that it violates the FCC Rules. Rather, a controlled access zone means that the carrier must affirmatively restrict public access to that area so that members of the general population (including trespassers) cannot unknowingly enter and be exposed to radio emissions in excess of those allowed by the FCC.

To comply with FCC Rules and OET 65, we recommend that the City require, as conditions of approval, the following:

1. Verizon shall install and at all times maintain in good condition an RF Notice sign between three feet (3') below the antennas and nine feet (9') AGL. Verizon shall install the RF Notice sign in a location where anyone will clearly see the sign before climbing to the height of the antennas; and
2. Verizon shall ensure that the sign in condition 1 complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. Such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.

If Verizon complies with the above conditions described in this memorandum, then the City will have no basis to deny or further condition the project on the basis of RF emissions.

### ***Conclusion***

We recommend that the City should not advance this project to the next phase of the planning process until and unless Verizon shows a valid technical reason why it cannot install flush-mounted vents with this site.

TM/jlk

RECEIVED

JAN 14 2014

COMMUNITY DEVELOPMENT  
PLANNING DEPT.

Planning  
Memorandum

To: Andy Cohen-Cutler  
From: Tripp May  
Jonathan L. Kramer  
Date: January 10, 2014  
RE: Case No. 130001544 (Verizon Wireless)  
4095 ½ Old Topanga Road (SCE Pole No. 22141445E)

The City of Calabasas ("City") requested a review of the Verizon Wireless ("Verizon") application to remove Southern California Edison ("SCE") street light pole number 22141445E near 4095 ½ Old Topanga Road and replace it with a new pole designed to support a wireless communication facility ("Replacement Pole").

On November 25, 2013, we submitted a memorandum ("November Memorandum") that concluded, among other things, that (1) Verizon did not submit sufficiently detailed coverage maps to allow the City to determine the scope of its asserted significant gap and (2) Verizon should redesign its proposed facility with less visually intrusive and technically feasible flush-mounted vents. Since the November Memorandum, Verizon resubmitted new and more detailed coverage maps and a letter from its vault vendor that purports to justify Verizon's need for above-ground vents. Accordingly, this memorandum reviews those materials and revises our earlier conclusions as appropriate. Nothing in the memorandum changes our other conclusions in the November memorandum unless explicitly stated otherwise.

***Significant Gap Analysis***

As noted in the November Memorandum, the Calabasas Wireless Ordinance ("Ordinance") requires Verizon to demonstrate a significant gap because it proposes to install this facility within one thousand feet (1000') of residential homes.<sup>1</sup> We initially recommended that the City conclude that Verizon did not show the scope of the significant gap because Verizon did not submit any coverage maps that showed its current coverage with all the operative sites. Verizon responded with a map titled *Coverage with Sidewinder MC Zones* ("New Map"), which shows the current level of signal coverage in the area around the proposed facility. This section revisits and revises our initial analysis in light of the New Map.

The New Map shows that the areas adjacent to Old Topanga Canyon Road between Brenford Street and Bluebird Drive generally receive signal levels between less than -95 dBm (shown in red) and less than -85 dBm (shown in yellow), but the residential areas between Park Helena, Park Verdi, and Vicasa Drive receive less than -95 dBm or worse (shown in white) coverage. Based on the weak or bare coverage in the areas adjacent to the east side of Old Topanga Canyon Road, we conclude that Verizon demonstrated a significant gap in the areas described above.

As shown in the November Memorandum, the proposed facility will improve signal levels along Old Topanga Canyon Road to generally less than -75 dBm (shown in green), and improve the adjacent residential coverage areas to approximately less than -95 dBm. Accordingly, we can also conclude that this site will reduce the significant gap in those areas.

**Telecom Law Firm PC**

Telecommunications Technology  
Counsel for Government Agencies  
and Private Institutions

[www.TelecomLawFirm.com](http://www.TelecomLawFirm.com)

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Tel +1 (310) 473 9900  
Fax +1 (310) 473 5900

Suite 306  
2001 S. Barrington Avenue  
Los Angeles, California  
90025-5379

<sup>1</sup> See CALABASAS, CAL., ORDINANCE 2012-295(C)(4)(a) (2012).

***Least Intrusive Means***

In the November Memorandum, we concluded that, although Verizon probably proposed the least intrusive location, it did not propose the least intrusive design because of the above-ground vents. In response, Verizon submitted a letter from its equipment vault supplier (“Oldcastle”) that purports to justify a technical need for above ground vents. This section review and revises our analysis in light of the Oldcastle letter.

The Oldcastle letter recommends against flush-mounted vents to avoid the need for a drywell because it finds that drywells historically fail. The drywell collects debris overtime and eventually cannot handle the regular runoff that it could at the outset. The letter does not discuss alternative solutions such as regular maintenance of the drywell or use with sump pump. Despite these shortfalls, the Oldcastle letter does provide a technical reason to explain why Verizon cannot install flush-mounted vents.

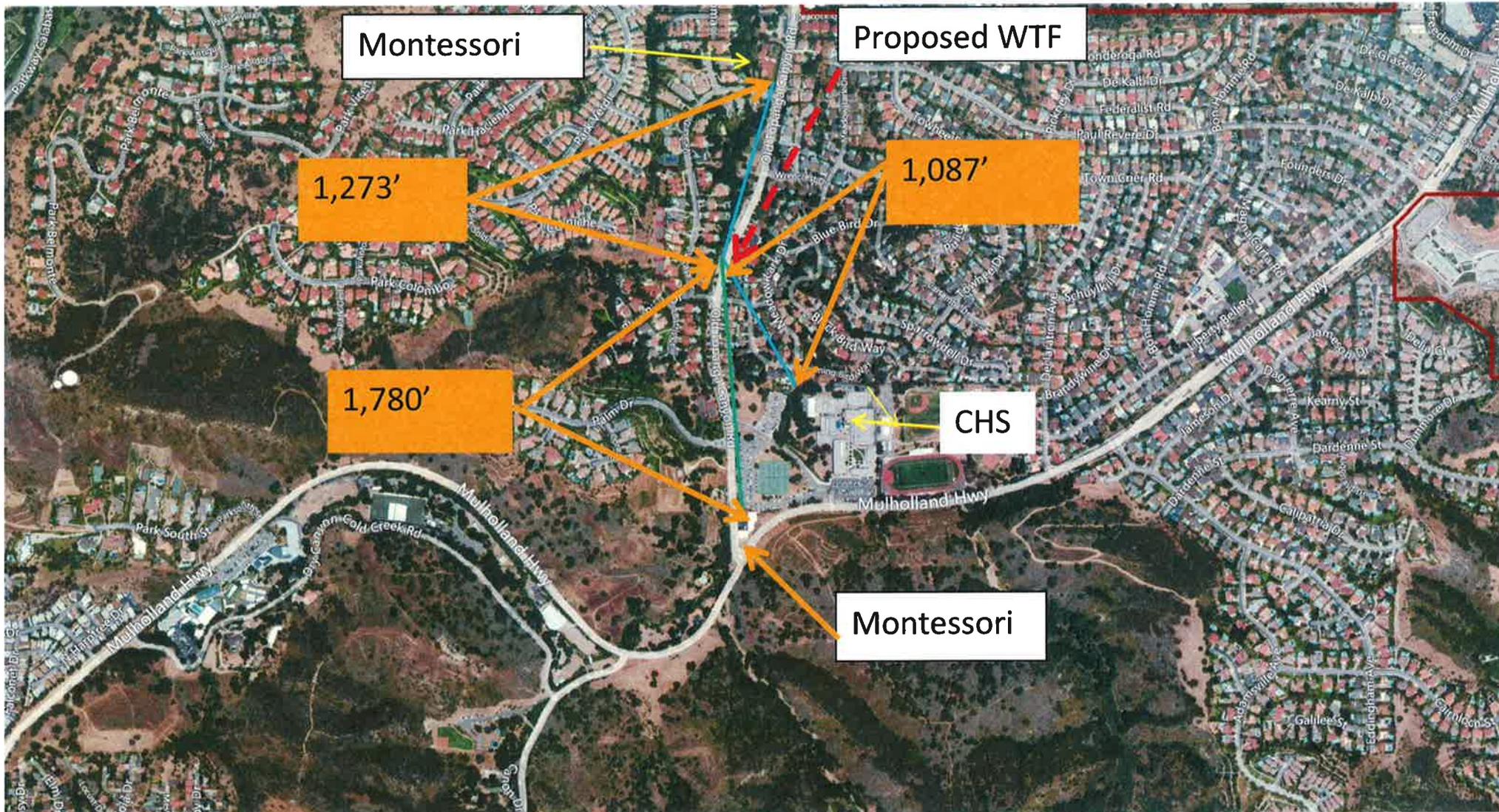
Accordingly, we recommend that the City consider alternative measures to improve the aesthetics of the proposed vents. In particular, we recommend that the City require Verizon to (1) use the smallest technically feasible height and diameter vents and (2) paint the vents a flat and nonreflective green to match the roadside landscape.

***Conclusion***

In sum, we conclude that Verizon demonstrated a significant gap and that, subject to the recommended conditions, proposed a design that is aesthetically compatible with the City.

TM/jlk

# Distance from Schools to WTF





CITY of CALABASAS

ITEM 6 ATTACHMENT L

Community Development Department  
Planning Division  
100 Civic Center Way  
Calabasas, CA 91302  
T: 818.224.1600

www.cityofcalabasas.com

Notice of Exemption

EXHIBIT I

To: \_\_\_\_\_ County Clerk, County of Los Angeles  
12400 East Imperial Highway, Room 2001  
Norwalk, CA 90650

\_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH SECTION 15062 OF THE PUBLIC RESOURCES CODE

Project Title/File No.: 130001344

Project Location: 4093 Old Topanga Canyon Road, in the City of Calabasas, County of Los Angeles.

Project Description: The applicant is proposing the construction of a new wireless telecommunication facility (WTF) at 4093 Old Topanga Canyon Road within the public right-of-way. The applicant is proposing to replace an existing 29' tall concrete light pole with a new 29'-6" concrete light pole. The new pole will accommodate two 50.9" antennas within a 66" radome (painted to match the street light pole) in order to screen the new antennas. The project has been modified as a result of Architectural Review Panel (ARP) input and the equipment will be housed in a subterranean vault. The vault requires two 36" tall vent stacks that will be located 10' and 17' south of the street light pole. Finally, a Myers Electric Cabinet pedestal (20"X17"X8") that will house the electric meter for the WTF will be located on the rear portion of the sidewalk and 36' north of the street light pole. The street light pole, which will house the proposed antennas, is approximately 100 feet from the nearest dwelling unit.

Name of approving public agency: City of Calabasas Communications and Technology Commission

Project Sponsor: Cable Engineering Services, 15505 Sand Canyon Avenue, Mission Hills, CA 91345

- Exempt Status:
- Ministerial (Sec. 21080(b)(1); 15268)
  - Declared Emergency (Sec. 21080(b)(3); 15269(a))
  - Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
  - Categorical Exemption—Section 15301, (Class 1, b-Existing Facilities, minor alterations of existing facilities of both investor and publically owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; 15303 Class 3, conversion of small structures from one use to another where only minor modifications are made; and 15332 Class 32, infill projects, of the CEQA Guidelines.
  - Statutory Exemptions. Section (Insert Section #)

Reason(s) why Project is exempt: The applicant is proposing to replace an existing streetlight with a new concrete pole with two antennas mounted upon the top while keeping the streetlight. This is a minor alteration to a facility of an investor owned utilities that provide wireless telecommunication services, electricity and

street lighting (15302). It is also a conversion of an existing structure to accommodate a wireless telecommunication facility (15303). Finally, the city of Calabasas is almost completely built out. The addition of a new wireless telecommunication facility to close a significant gap in Verizon's network qualifies for an infill project (15332)

**Lead Agency/Contact Person:** Andrew Cohen-Cutler, Associate Planner, City of Calabasas Planning Division, 100 Civic Center Way, Calabasas, CA 91302.

**Date:** January 21, 2014      **Signature:** \_\_\_\_\_

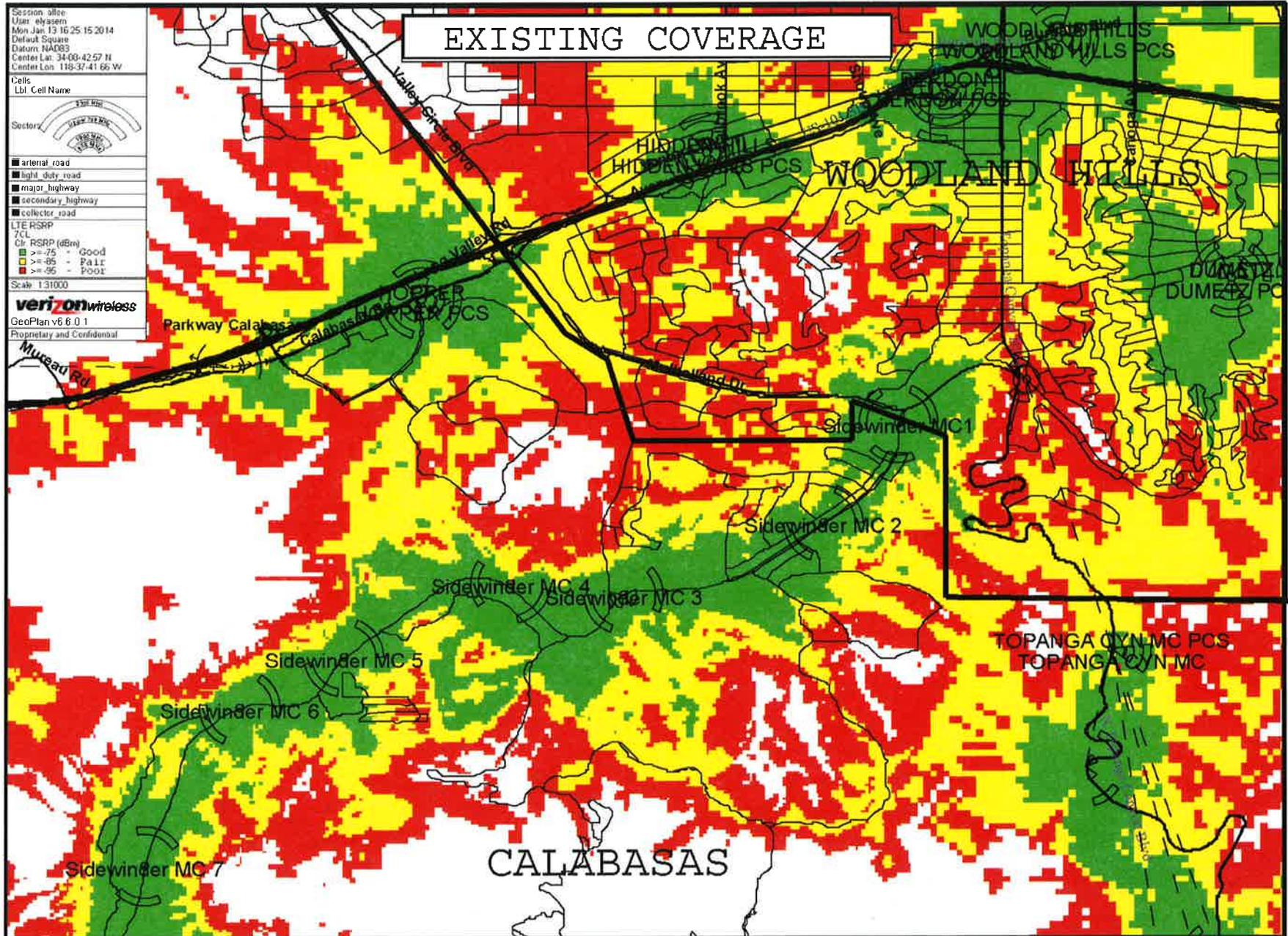
Andrew Cohen-Cutler

**Title:** Associate Planner

**Phone:** 818 224-1704

**Date received for filing and posting:** \_\_\_\_\_

ITEM 6 ATTACHMENT M



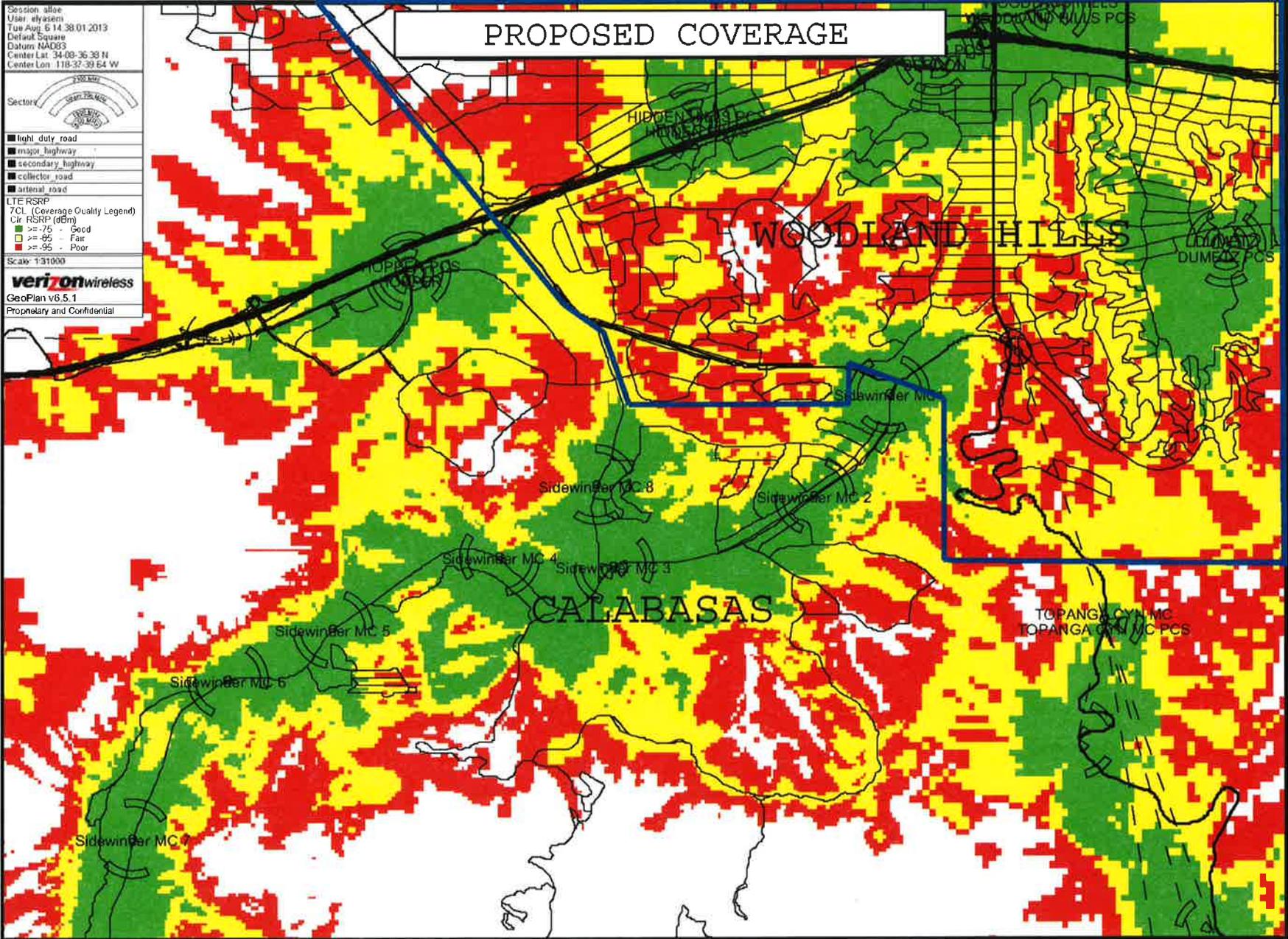
Session: alioe  
User: ehjasm  
Tue Aug 6 14:38:01 2013  
Default: Square  
Datum: NAD83  
Center Lat: 34.08-36.33 N  
Center Lon: 118-37-39.64 W



- light duty road
  - major highway
  - secondary highway
  - collector road
  - arterial road
- LTERSRP  
ZCL (Coverage Quality Legend)  
Clr. RSRP (dBm)  
■ >= -75 - Good  
■ >= -85 - Fair  
■ >= -95 - Poor

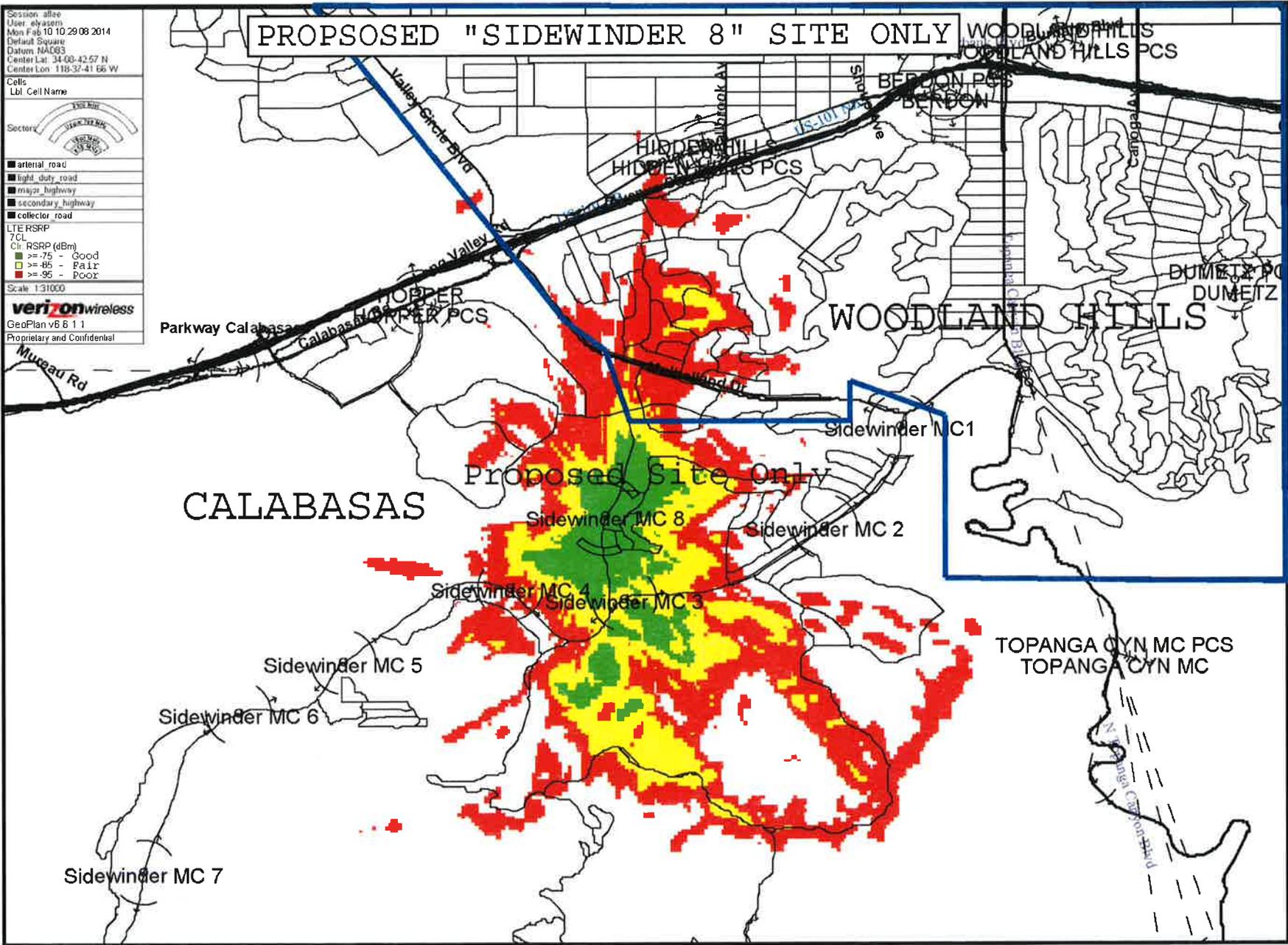
Scale: 1:31000  
**verizon**wireless  
GeoPlan v8.5.1  
Proprietary and Confidential

# PROPOSED COVERAGE



Session: alfae  
 User: alyasen  
 Mon Feb 10 10:29:08 2014  
 Datum: NAD83  
 Center Lat: 34-08-42.57 N  
 Center Lon: 118-37-41.66 W  
 Cells:  
 Lbl: Cell Name  
 Sectors:  
 LTE RSRP  
 7CL  
 Clr: RSRP (dBm)  
 ■ >= -75 - Good  
 ■ >= -85 - Fair  
 ■ >= -95 - Poor  
 Scale: 1:31000  
**verizon**wireless  
 GeoPlan v8 B 1 1  
 Proprietary and Confidential

PROPOSED "SIDEWINDER 8" SITE ONLY



CALABASAS

WOODLAND HILLS

TOPANGA CYN MC PCS  
TOPANGA CYN MC

Sidewinder MC 7

Sidewinder MC 6

Sidewinder MC 5

Sidewinder MC 4

Sidewinder MC 3

Sidewinder MC 8

Sidewinder MC 2

Sidewinder MC 1

Proposed Site Only

Parkway Calabasas

Calabasas

HIDDEN HILLS  
HIDDEN HILLS PCS

WOODLAND HILLS  
WOODLAND HILLS PCS

BERDON PCS  
BERDON

DUMETZ PCS  
DUMETZ

Topanga Canyon Blvd

Valley Circle Blvd

US-101

Camposa Av

Museum Rd





### **Proposed Verizon Coverage:**

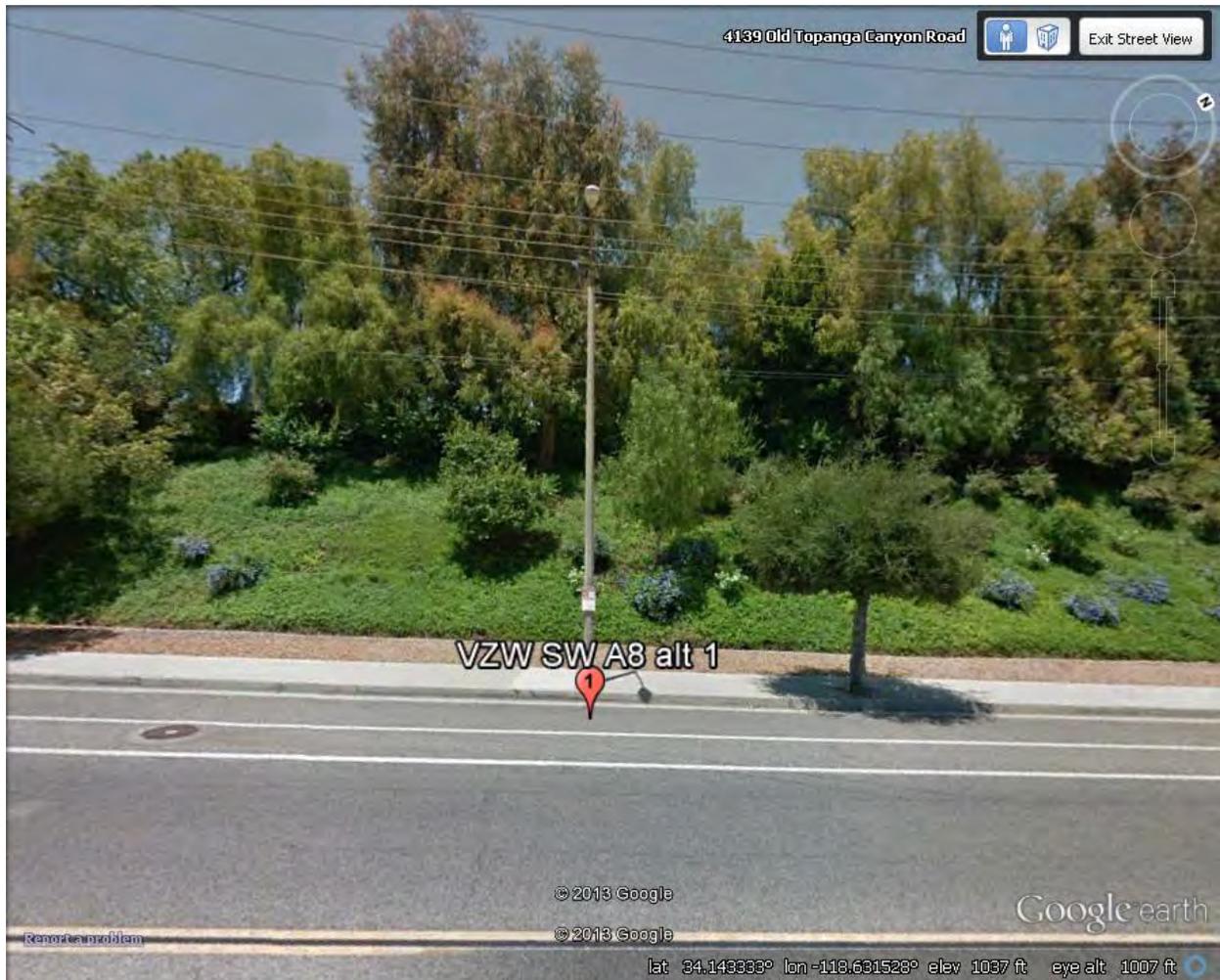
The coverage goal of the proposed site is to fill in a significant gap in 4G LTE coverage along Old Topanga Canyon Road centered approximately at the intersection of Old Topanga Canyon Road and Blue Bird Drive, and the surrounding residential units along Old Topanga Canyon road and adjacent residential streets. The site will provide good coverage from approximately Brenford Street to the north and Mulholland Highway to the South, and from Park Verdi to the west and Pickney Drive to the east.

The function of the proposed site within Verizon's existing network of sites in the City of Calabasas is to connect with and provide seamless coverage to the nearest existing Verizon site along Mulholland Highway, namely site "Sidewinder 3" located approximately 1400' south of the proposed site at 22899 Mulholland Highway.

### **Alternate Site Selection:**

Given the coverage goals, regional hilly topography and predominantly residential uses within the area identified for locating this site, five candidates were identified along Old Topanga Canyon Road. All five of the candidates are existing light standards. Utilizing an existing pole to support the Verizon antennas is preferable to placing a new pole as dictated by the City's wireless ordinance. The alternate sites needed to be located in a very constrained geographic area along Old Topanga Canyon in order to provide the necessary coverage and to connect to the nearest existing Verizon south near the intersection of Old Topanga Canyon Road and Mulholland Highway. If the antennas are placed too far north of Blue Bird Dr., the site will not provide seamless coverage to Mullholland Highway. If the antennas are placed too far south of Blue Bird Drive, then the site will be too close to the existing Verizon Site at Mulholland Highway and will be closer to Calabasas High School.

**Alternate 1:**



Alternate 1 is a streetlight pole directly north of the proposed site on Old Topanga. This site would serve some of the coverage objectives but would have more obstructions to the south along Old Topanga Road as it is further north of the existing Verizon site at Mulholland Highway that the proposed site is intended to connect to. The site would not serve the target objective as effectively as the proposed site and was therefore eliminated from contention.

**Alternate 2:**



The second alternate site is also a streetlight pole to the north of the proposed site. The pole would offer more limited service to the south along Old Topanga as it is even further north of the north of the existing Verizon site at Mulholland Highway that the proposed site is intended to connect to, therefore this location was eliminated in favor of the proposed site.

**Alternate 3:**



This third alternative is also a street light, this one to the south of the proposed side, on Old Topanga Road. This location would actually serve the target area better, but would be closer to adjacent residential properties and therefore was eliminated from consideration.

**Alternate 4:**



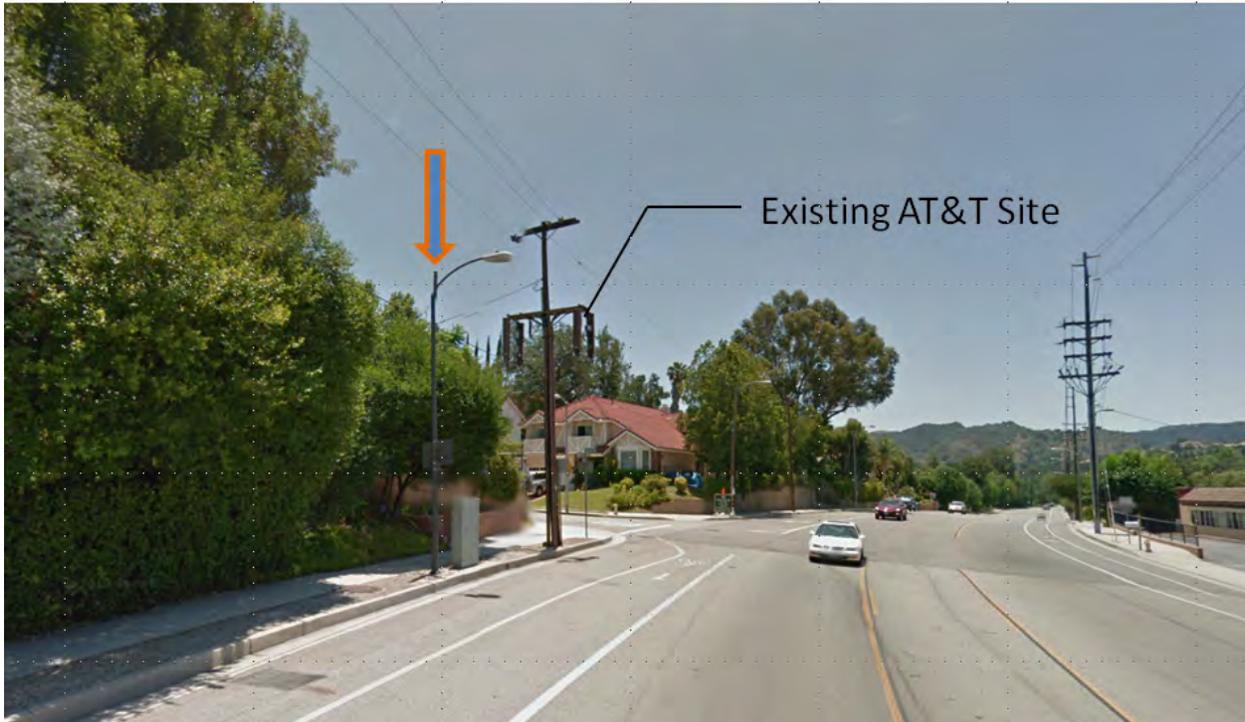
The fourth alternate site is a street light pole to the south of the proposed location, south of Blue Bird Drive, on Old Topanga. This site could serve the target area but is beginning to overlap coverage with the existing Verizon site at Mulholland Highway that the proposed site is intended to connect to. It would also be closer to Calabasas High School, therefore this site was eliminated from consideration.

**Alternate 5:**



The fifth alternate site is also a street light on Old Topanga, even further to the south of the proposed site. This site could serve the target area but is overlapping coverage with the existing Verizon site at Mulholland Highway that the proposed site is intended to connect to. It would also be even closer to Calabasas High School, therefore this site was eliminated from consideration.

**Alternate 6:**



The City of Calabasas Communications and Technology Commission requested that alternate candidates be identified to the north of the proposed site along Valmar Road in Woodland Hills (City of Los Angeles). The sixth alternate site is a street light on Valmar Road, north of the proposed site, adjacent to an existing AT&T site mounted on an existing utility pole. The antennas cannot be collocated on the existing AT&T site as the pole's height would have to be raised by 15' and the pole replaced by a thicker one to withstand additional wind-load structural stresses. The streetlight site would have very limited coverage to the south along Old Topanga and would not be able to connect with the existing Verizon site at Mulholland Highway that the proposed site is intended to connect to, therefore this site was eliminated from contention.

**Alternate 7:**



The City of Calabasas Communications and Technology Commission requested that alternate candidates be identified to the north of the proposed site along Valmar Road in Woodland Hills (City of Los Angeles). The sixth alternate site is a wood utility pole on Valmar Road, even further north of the proposed site, near the intersection of Brenford Street. This site would have very limited coverage to the south along Old Topanga and would not be able to connect with the existing Verizon site at Mulholland Highway that the proposed site is intended to connect to, therefore this site was eliminated from contention.

**Conclusion:**



All the areas within the RF search ring were given deference and consideration, but none of the Alternate sites identified meet all the criteria necessary, from a practical, technological, topographic or city code perspective to house an adequate wireless facility. There are no collocatable locations within the search area, as this is a highly residential area. Therefore the proposed site and design present the least intrusive and most viable option for serving the target area.



1000'

500'

250'

100'

Park Helena

Park Hacienda

Park Basilico

Park Soldi

Park Corniche

Park Verdel

Park Terra

Park Mare

Park Polo

Vicasa Dr

Old Topanga Canyon Rd

Meadow Lark Dr

Blue Bird Dr

Black Bird Way

Kingfisher Rd

Wirecrest Dr

Blue Bird Dr

Humming Bird Way

Old Topanga Canyon Rd

Meadow Lark Dr

Blue Bird Dr

Blue Bird Dr

Blue Bird Dr

Blue Bird Dr

Paul Revere Dr

Lowhee Dr

Pulido Ct

Lowhee Dr

Lowhee Dr

Pickney Dr

Pickney Dr

Pickney Dr

Pickney Dr

Pickney Dr

Declaration Ave

Declaration Ave

Declaration Ave

Declaration Ave

Declaration Ave

Carsamba Dr

Sparrowdell Dr

Carsamba Dr

Carsamba Dr

Carsamba Dr

Brandyswin

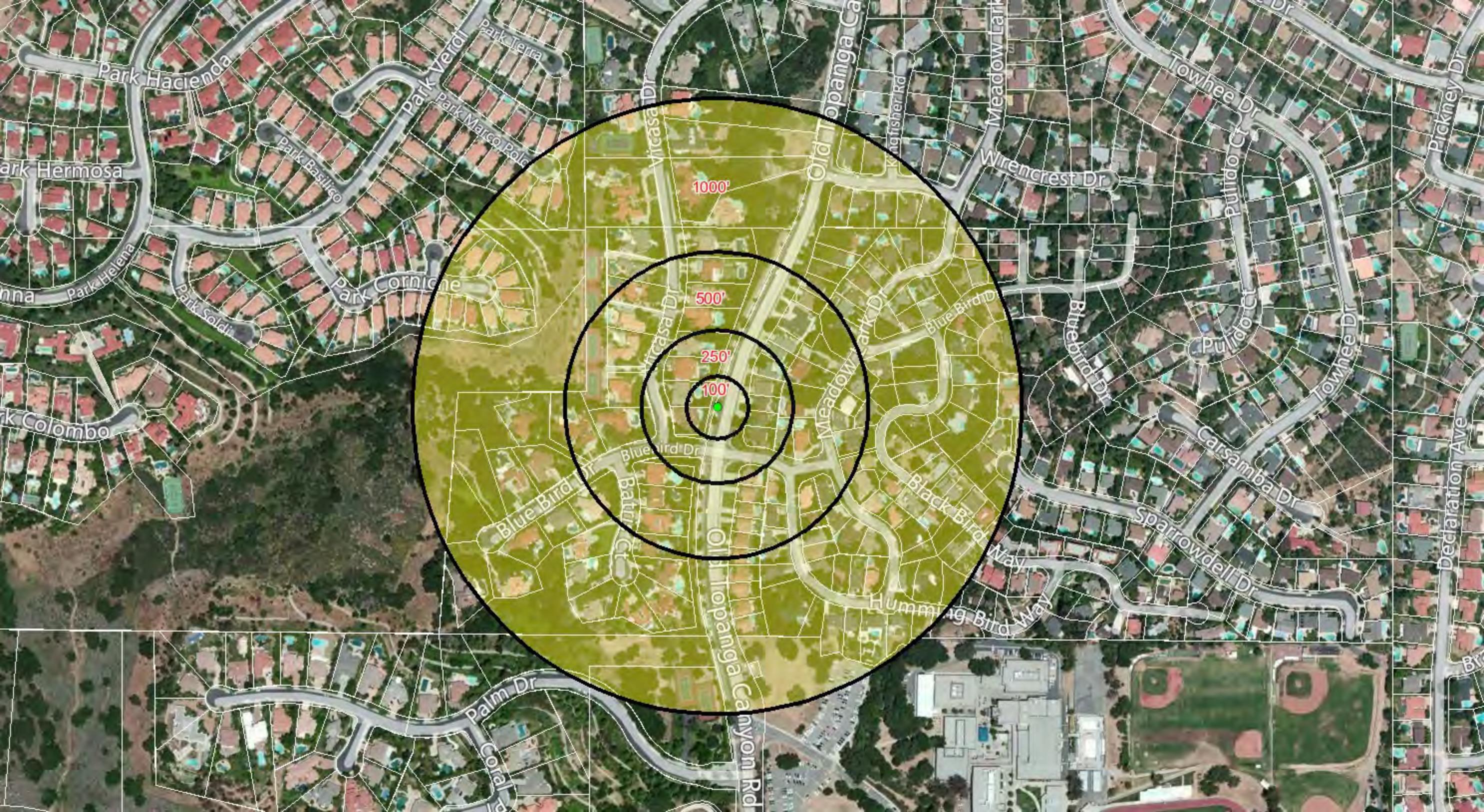
Brandyswin

Brandyswin

Brandyswin

Brandyswin



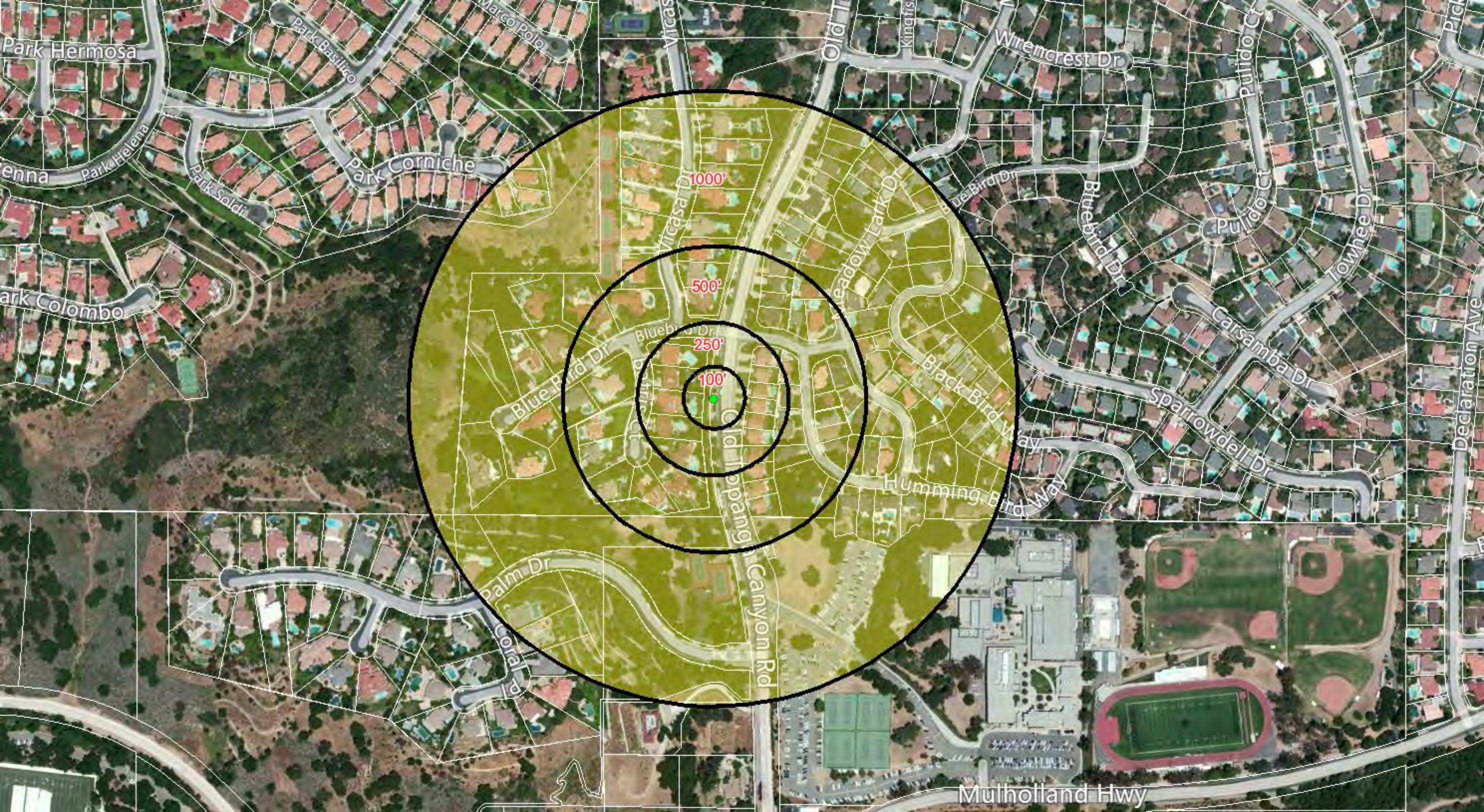


1000'

500'

250'

100'



1000'

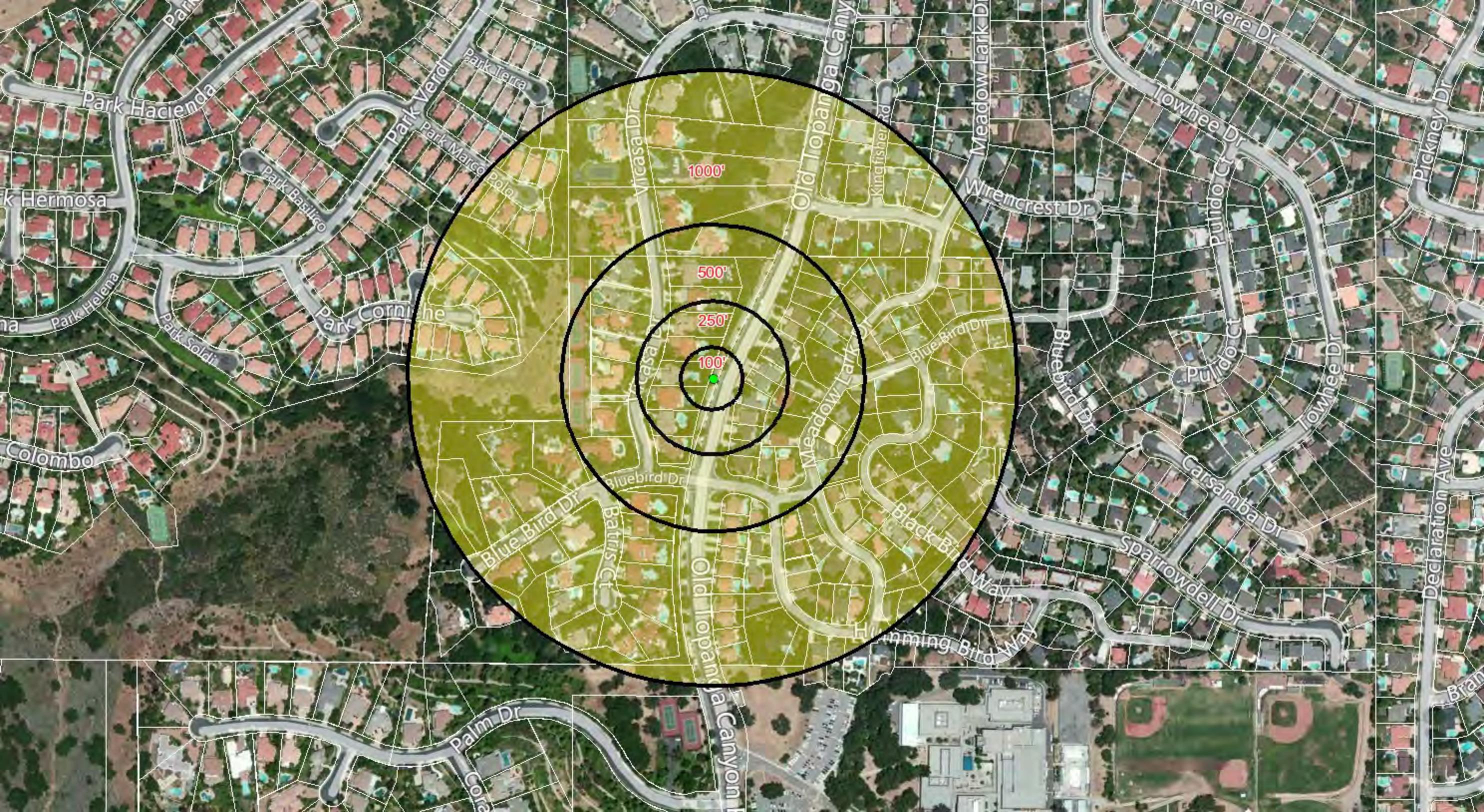
500'

250'

100'

Mulholland Hwy





1000'

500'

250'

100'



December 6, 2013

Andrew Cohen-Cutler  
Community Development Department Planning Division  
Calabasas City Hall  
100 Civic Center Way  
Calabasas, CA 91302

**RE: File No 130001344**  
**Project location - 4093 Old Topanga Canyon Road**  
**Project description - Wireless Telecommunication Facility**

Dear Mr. Cohen-Cutler:

As a resident of Calabasas Country Estate, 4187 Vicasa Drive, I am **AGAINST** to build a wireless communication facility in the public right-of-way at 4093 Old Topanga Canyon Road.

Our wireless signal is very clear and do not need or require to building a wireless communication facility. In addition, the location that the project proposed is on a highly traffic location. Since it is so close to Calabasas High School and Viewpoint School, during rush hours, there are hundred cars pass by every day to go to school. There are also working classes they drive by Old Topanga Canyon Road to work. Because of the traffic and hundreds of students, there is a concern regarding the safety issue of cell site towers and the danger of radiation to the health of residents and students.

An ideal site to build wireless communication facility should away from highly traffic and highly dense residential area. The public right-of-way at 4093 Old Topanga Canyon Road is not an ideal site, please consider move the project to other location.

Sincerely yours,



Shuling Wu  
4187 Vicasa Drive, Calabasas, CA 91302

RECEIVED  
COMMUNITY DEVELOPMENT  
PLANNING DEPT.

December 11, 2013

Andrew Cohen Cutler  
Community Development Planning Division  
Calabasas City Hall  
100 Civic Center Way  
Calabasas, CA 91302

RE: File #130001344 Wireless Telecommunication facility

I am a resident of Calabasas Country Estates and NOT in favor of such a wireless facility at our entrance.

Not only is a nuisance and a possible health hazard, there are better places for such a facility away from our homes. i.e. at the intersection of Old Topanga and Mulholland, which will service the same area without endangering any homes. This is mostly an open area and should be considered in place of our entrance.

Thank you for your consideration.

Respectfully,



Loretta Hanson  
23239 Bluebird Dr, Calabasas

RECEIVED  
DEC 17  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION

Mali Chambers  
4074 Old Topanga Canyon Rd.  
Calabasas, Ca 91302  
818 462 1414

**RECEIVED**

**JAN 15 2014**

**COMMUNITY DEVELOPMENT  
PLANNING DEPT.**

January 6, 2014

Reg: Proposed Wireless Telecommunication Facility on Old Topanga Canyon Rd.

Attention; Project Planner ,Mr. Andrew Cohen-Culter

And/or any It Whom It May Concern:

Dear Sir,

Unfortunately I will not be able to attend the meeting scheduled for January 2014, So I am writing to you in person and hoping that my voice will be heard.

Please note that I am strongly opposing this project due to a possible health issues that might occurs in the future due to this project.

Although according to your notice "a danger for radiation is inconclusive" I believe that a danger to OUR health does exist. Even if it is the smallest chance such as .001 % for my DAUGHTERS, my self or any of my neighbors and their KIDS getting cancer or any other medical condition by placing this post next to us should be enough to reconsider this decision and relocate it to a safer area. ,

Unfortunately, there have been situations in the past where the "code" allowed similar installment and people were hurt. (Neither us is g-d and neither of us have a Kristal ball to predict the future implication/projection, but we should avoid the chance)

I am a single mother of three daughters, whom two still live with me and I have some health problems. I do not wish to have to deal with any additional health problems that might be triggered by this installation.

My daughter's health, my health and all the families that live around this area is very important to me and should be to you and anyone involved in this project.

I understand that it is important to install such "antenna" that will benefit ALL OF US. However I believe that it should be farther away from a population such as this one.

I am sure that there are better places for such project, such as the mountains/hills, parks etc.

I just bought this house and closed Escrow on October 17<sup>th</sup> 2013 , NOT knowing about this project, if I have known, I would have never have considered such a buy.

I might be overreacting, however, I think that it is better to be safe than sorry.

I beg you to think about MY KIDS , ALL the neighborhood kids and families, the little or big chance that this project might destroy families, think about the families and the possible pain and suffering that you could avoid.

Please relocate this project to a safer place.

Sincerely,

A handwritten signature in black ink, appearing to read "Mali Chambers", written in a cursive style.

Mali Chambers



**RODEO REALTY**  
CALABASAS OFFICE

January 10, 2014

To Whom It May Concern:

My name is Michelle Lavin Cohan. I am a California licensed real estate broker at Rodeo Realty in Calabasas, and have been a broker for 17 years. I represent both buyers and sellers in conjunction with residential real estate transactions, and a predominant portion of my residential practice includes homes in the City of Calabasas.

In my experience over the years, a significant percentage of clients searching for a home in an affluent community like Calabasas balk at purchasing a home located in relatively close proximity to cellular telecommunications antennae. This can take the form of refusing to even view homes so situated, to refusing to buy, to significantly lowering any offer made on such a home.

Should you require any further information, please feel free to contact the undersigned at the number contained on this correspondence.

Warm regards,

Michelle Lavin Cohan

Rodeo Realty  
(818)335-9777

23901 Calabasas Road, Suite 1050, Calabasas, CA 91302

**MINUTES OF  
ANNUAL MEETING  
OF  
CALABASAS COUNTRY ESTATES OWNERS ASSOCIATION**

**December 11, 2013**

The Annual Meeting of the Members of Calabasas Country Estates Owners Association was held on Wednesday, December 11, 2013, at Riviera Restaurant in Calabasas, California. The meeting was called to order at 7:15 p.m. and was presided over by President, Wendy Fassberg. She declared there was a quorum by the number of ballots received and persons in attendance.

Community Manager, Ida Worth of Ross Morgan and Company, was present and recorded the minutes.

[REDACTED]

[REDACTED]

[REDACTED]

**UNAPPROVED**

[REDACTED]

NEW BUSINESS

There was discussion regarding the proposed cell site for 4093 Old Topanga Canyon by the intersection of Old Topanga Canyon and Bluebird Drive, and the owners' opposition to the location of the installation. Wendy Fassberg and Lisa Auerbach are researching this matter and meeting with one of the City's Commissioners, as well as an outside party who has knowledge with regard to objecting to similar proposals with cell sites. A motion was made by Wendy Fassberg, seconded by Mary Regas, and the following resolution was unanimously approved by the members:

RESOLVED, that the homeowners of Calabasas Country Estates Owners Association strongly oppose the installation of the proposed cell site at 4093 Old Topanga Canyon.

The Public Hearing scheduled for December 17, 2013 has been rescheduled to January 21, 2013, and it is extremely important for all CCE owners to attend this Public Hearing. Further information will be sent to all homeowners

The Association will provide year-end holiday gifts/bonuses to the security guards, which are determined by the Board of Directors.

ADJOURNMENT

There being no further business to come before the Board, upon motion made and duly seconded, the meeting was adjourned at 7:45 p.m.

APPROVED:

\_\_\_\_\_  
Wendy Fassberg, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lyn Benson, Secretary

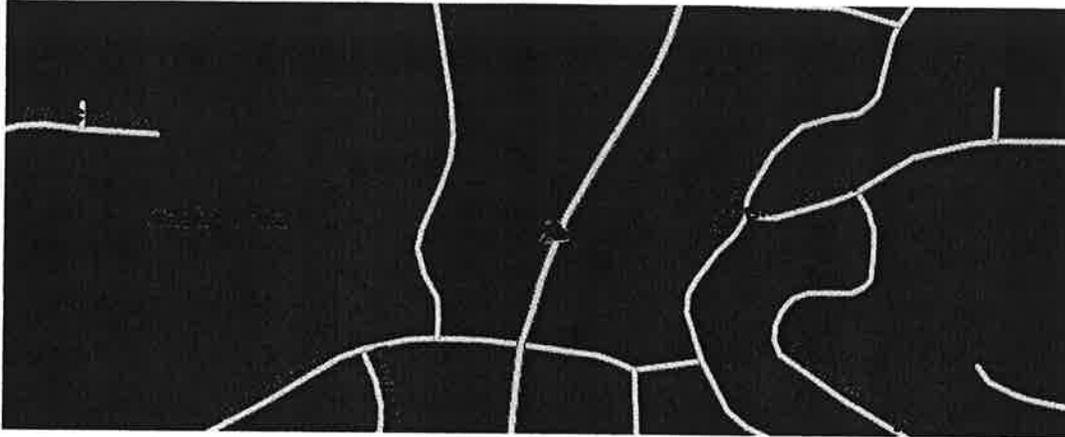
\_\_\_\_\_  
Date



# Verizon Wireless Printer Friendly Coverage Map

**Mapped Coverage**  
4G Data Coverage

**Mapped Location**  
4093 Old Topanga Canyon Rd  
Calabasas, CA  
91302



**Map Legend**

- Verizon 4G LTE \*
- Verizon 4G LTE Extended \*\*
- Extended 4G LTE \*\*\*
- Verizon 3G
- Extended 3G
- Canada/Mexico 3G
- No Service
- VZW Store

Shop the hottest **4G LTE DEVICES**

## Stunning **SMARTPHONES**

Connect with your life on-the-go.

[SHOP 4G LTE SMARTPHONES >](#)

## Brilliant **TABLETS**

Movies, games and more in the palm of your hand.

[SHOP 4G LTE TABLETS >](#)

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS

FROM: INTERESTED CALABASAS RESIDENTS

RE: Petition in Opposition to Request for a Wireless Telecommunication Permit and a Scenic Corridor Permit for a new Wireless Telecommunication Facility in the public right of way at 4093 Old Topanga Canyon Road

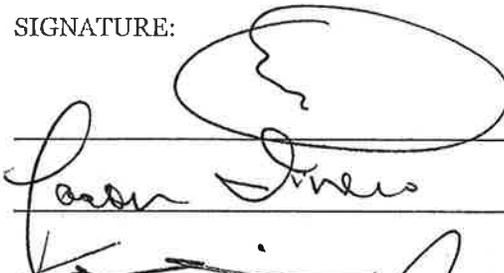
The undersigned residents of the City of Calabasas, residing in the vicinity of the proposed permit site, respectfully submit this petition in strong opposition to Cable Engineering Services' application (on behalf of Verizon Wireless) for a Wireless Telecommunication Permit and a Scenic Corridor Permit to remove the SCE street light pole located at or near 4093 Old Topanga Canyon Road and erect a new 35' pole containing two screened antennas, along with supporting equipment and electrical meters, both underground and above ground.

There is evidence that there is not the requisite significant gap in the service carrier's coverage to warrant approval of the subject application. Even if there was such a significant gap, the proposed site, being within the immediate proximity of multiple Calabasas residences and within close proximity to several schools, does not represent the least intrusive means to close an alleged significant gap in the carrier's service. Further, we are concerned with diminished property values and other harmful effects from this proposed facility.

We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:

	4238 TEMMA COURT
_____	_____
_____	4238 Temma Court
_____	4238 Temma Court
_____	4238 Temma Court
_____	4258 TEMMA COURT
_____	4258 Temma Court
_____	4241 TEMMA CT.
_____	4241 TEMMA CT.
_____	4241 TEMMA CT.
_____	4256 VICASA DR CAL
_____	24090 Park Camino Calabasas.
_____	4221 Vicasa Dr. Calabasas, CA
_____	4253 Temma Ct. Calabasas

\*Wireless Tower

SIGNATURE:

ADDRESS:

Orli Wald  
Orli Wald

4221 Vicasa Dr.  
Calabasas CA 91302

17000 ROAD LEVI

4250 TEMMA CT CALABASAS

Ad

4261 TEMMA COURT CALABASAS CA 91302

Arielle Younai

4188 Vicasa DR

Laura Younai Laura Younai

4188 Vicasa Dr. Calabasas

~~David~~

4253 TEMMA CT CALABASAS

Blake Pittman

4253 Temma Ct, Calabasas

~~Juan Sobell Younai~~

4188 Vicasa Dr Calabasas, CA

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS  
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We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:

Mary Regas

23265 Bluebird Drive

Mary L. Regas

Calabasas, CA 91302

Kerri Wilgus

4038 Batris Ct.

Kerri Wilgus

Calabasas CA 91302

Marie Pendok

4021 Batris Ct.

Marie Pendok

Calabasas, CA 91302

Loretta Hanson

23239 Bluebird Dr

Loretta Hanson

Calabasas, CA 91302

Gregg Pendola

4021 Batris Ct.

Gregg Pendola

Calabasas, CA 91302

JEREMY WILGUS

4038 BATRIS CT

JW

CALABASAS, CA 91302

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS  
FROM: INTERESTED CALABASAS RESIDENTS  
RE: Petition in Opposition to Request for a Wireless Telecommunication Permit and a Scenic Corridor Permit for a new Wireless Telecommunication Facility in the public right of way at 4093 Old Topanga Canyon Road

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We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:

Bruce Pratt

4108 OLD TOPANGA CYN. RD. CALABASAS, CA 91302

BRUCE PRATT

~~XXXXXXXXXX~~

4102 Old Topanga Cyn Rd

Jamison Martin

Calabasas, CA, 91302

Scott Martin

4102 Old Topanga Cyn Rd

Scott Martin

Calabasas, CA, 91302

Scott Martin

4102 Old Topanga Cyn Rd

Lobi Martin

Calabasas, CA, 91302

Cyrus Pratt

4108 Old Topanga Canyon Rd.

Lynne Pratt

Calabasas, CA 91302

Fawzia Dabiri

4112 VICASA DR. 91302

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS  
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We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:

J Bennett  
Rosaline Birch  
[Signature]  
Silvia Dolores Martinez  
Alexandre Quijada  
Ambrosia Quijada  
\_\_\_\_\_  
\_\_\_\_\_  
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3930 Coral Pl, Calabasas 91302  
3920 Coral Pl. Calabasas 91302  
4180 Vicosa Dr Calabasas CA 91302  
23229 Blue bird Dr  
Calabasas CA 91302  
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TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS  
FROM: INTERESTED CALABASAS RESIDENTS  
RE: Petition in Opposition to Request for a Wireless Telecommunication Permit and a Scenic Corridor Permit for a new Wireless Telecommunication Facility in the public right of way at 4093 Old Topanga Canyon Road

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We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Wayne Bradshaw*

\_\_\_\_\_

23265 BLUEBIRD DR, CALABASAS 91302

\_\_\_\_\_

WAYNE BRADSHAW

\_\_\_\_\_

\_\_\_\_\_

Christine G. Bradshaw

\_\_\_\_\_

23265 Bluebird Dr.

\_\_\_\_\_

Christine G. Bradshaw

\_\_\_\_\_

Calabasas CA 91302

\_\_\_\_\_

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\_\_\_\_\_

SIGNATURE:

Sandra Nelson

SANDRA NELSON

Carol Chiu

Marysue Zank

Gregory

Gregory

ANDRE AHUJA

Shruti NEENA AHUJA

CHRIS BARBER

KEVIN PALM

Robert Palm

Stephan

Stephan Miller

JACK COLEMAN

ADDRESS:

NELSONY@AOL.COM  
4004 OLD TOPANGA CYN  
CALABASAS, CA

4090 Old Topanga Canyon Rd.

4112 Old Topanga Cyn Rd

4124 Old

4124 Old

4136 Old TOPANGA CYN Rd.

4138 Old TOPANGA CYN Rd.

4140 Old Topanga Cyn Rd

4140 Old Topanga Cyn Rd

4140 Old Topanga Cyn Rd

27035 wisconsin dr.

4090 Old Topanga Canyon Rd

SIGNATURE:

Patti Goldberg  
Patti Goldberg

Wendy Fassberg  
Wendy Fassberg

Abraham Fassberg

Steve Kasten

SPENCER KASTEN

ADDRESS:

4162 Vicasa Drive

Calabasas CA 91302

23270 Bluebird Dr

Calabasas, CA 91302

23270 Bluebird Dr

Calabasas, CA 91302

4138 VICASA DR.

CALABASAS, CA 91302

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS

FROM: INTERESTED CALABASAS RESIDENTS

RE: Petition in Opposition to Request for a Wireless Telecommunication Permit and a Scenic Corridor Permit for a new Wireless Telecommunication Facility in the public right of way at 4093 Old Topanga Canyon Road

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We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:

Bonnie

4119 VICASIA DR. CALABASAS

Corky Miller

4119 VICASIA DR. CALABASAS

[Signature]

Matt Miller

4123 Vicasa Drive Calabasas

[Signature]

Lisa Grant Auerbach

4120 VICASA DR CALABASAS

[Signature]

Min Lee

4030 BATRIS CT. CALABASAS

[Signature]

Wynne Sherman

4014 Batris Ct Calabasas

[Signature]

HERMAN BEEFTIJK

4014 Batris Ct Calabasas Ca 91301

[Signature]

4000 Batris Ct. Calabasas

Eric Bergman

4000 Batris Ct Calabasas

SIGNATURE:

*Leslie Bergman*

Leslie Bergman

Francine Alba

Francine Alba

Frances La Polt

FRANCES LA POLT

JAMES HIPP

*Thomas E. Hanson*

Thomas E. Hanson

Jody Polachek

Jody Polachek

Carmen Garcia

Nancy Flor

CHUNG WU Chy Wn

Chy Wn

*Roselyn Retzman*

ROSELYN RETZMAN

*Russell Justman*

RUSSELL JUSTMAN

Jim Staris

*Don Haakstad*

*Don Haakstad*

Don HAAKSTAD

ADDRESS:

4000 Batris Ct, Calab.

4007 Batris Ct Calab

23240 Bluebird Drive, Calabasas

23237 BLUEBIRD DRIVE, CALABASAS

23239 Bluebird Dr 91302

23256 Bluebird Dr. 91302

23270 Bluebird Dr 91302

23237 Blue Bird Dr. 91302

4187 VICASA DR. 91302

" " " "

4180 VICASA DR. 91302

4159 VICASA DR

4143 VICASA DR

4139 VICASA DR.

4146 VICASA DR

SIGNATURE:

*Igor Yasno*  
IGOR YASNO

*Elena Yasno*  
ELENA YASNO

*Edward Blackman*  
Edward Blackman

DeAnne K. Heymann  
DeAnne K. Heymann

Tom Heymann  
Tom Heymann

*Lyn Kabakoff*  
Lyn Kabakoff

*Alan Kabakoff*  
Alan Kabakoff

*Alan Kabakoff* ALAN KABAKOFF

*John Swich* JOHN SWICH

*John Swich*  
John Swich

ADDRESS:

4005 BATRIS CT  
CALABASAS CA 91302

4005 BATRIS CT  
CALABASAS CA 91302

23240 Bluebird Dr.  
CALABASAS, CA 91302

23229 Bluebird Drive  
CALABASAS, CA 91302

23229 Bluebird  
CALABASAS 91302

4104 VICASA DRIVE  
CALABASAS CA 91302

4602 Park Canyon  
CALABASAS CA 91302

4104 Vicasa DR Calabasas 91302

4120 Vicasa Dr Calabasas

4123 Vicasa Dr Calabasas 91302

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS

FROM: INTERESTED CALABASAS RESIDENTS

RE: Petition in Opposition to Request for a Wireless Telecommunication Permit and a Scenic Corridor Permit for a new Wireless Telecommunication Facility in the public right of way at 4093 Old Topanga Canyon Road

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We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:



Marcia Justman

Amy Haakstad

~~Pat Haakstad~~

~~Pat Haakstad~~

Bridget Melnick

Lauren J. Melnick

Lauren J. Melnick

Marshall Goldberg

~~Marshall Goldberg~~

~~Marshall Goldberg~~

Ethan Goldberg

Howard 

4159 Vicasa Dr.  
Calabasas CA 91302

4146 Vicasa Drive Calabasas CA 91302

4146 VICASA DR CALABASAS, CA

4155 Vicasa Dr. Calabasas CA  
1 91302

4155 Vicasa Dr. Calabasas, CA 91302

4162 Vicasa Drive Calabasas,  
CA 91302

4162 Vicasa Drive Calabasas, CA  
91302

4044 OLD TOPANGA CYN RD  
CALABASAS 91302

SIGNATURE:

Shy Wu

SHULING Wu

Cindy Wu

CINDY Wu

ADDRESS:

4187 VICASA DR.

4187 VICASA DR.

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS

FROM: INTERESTED CALABASAS RESIDENTS

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SIGNATURE:

AMMA  
Ashley Stavis

Renee Stavis  
Renee Stavis

Ashim Kumar

Ashim Kumar

SONAL KUMAR

JUSTIN GOLDBERG

Justin Goldberg

Josh Bergman

JAMIE P ALBA

BRETT POLACHEK

Bush

RENEE SHERMAN

Renee Sherman

ADDRESS:

4143 VICASA DRIVE CALABASAS, CA 91302

4143 Vicasa Drive Calabasas CA 91302

4156 VICASA DR  
CALABASAS CA 91302

4156 Vicasa Dr. Calabasas, CA 91302

4162 Vicasa Dr., Calabasas, CA 91302

4007 Batris Court. Calabasas, CA 91302

4007 Batris Court Calabasas  
91302

23256 Bluebird Dr

4030 BATRIS COURT, CALABASAS  
91302

TO: COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS

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SIGNATURE:

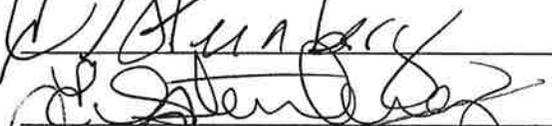
ADDRESS:

  
 Robert A. Berger

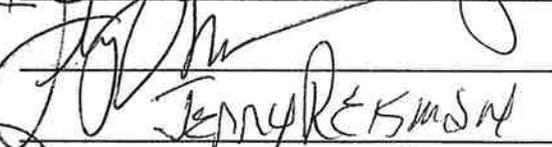
4000 Batris Court, Calabasas CA 91302



4014 Batris Court, Calabasas CA 91302



4130 VICASA DR

  
 JENNY REKMAN

4130 VICASA DR

Dennis Ambruden

4180 VICASA

Madeline Ambruden

4008 Batris Ct.

4008 Batris Ct

\_\_\_\_\_  
 \_\_\_\_\_  
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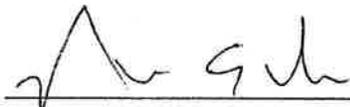
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We thank you for your consideration of the aforementioned.

SIGNATURE:

  
\_\_\_\_\_  
NAM S. PARK

ADDRESS:

4168 VICASA DR, CALABASAS, CA  
91302

**Ted Izen**

1/13/14

**From:** "Rochelle Kasten" <rck691260@msn.com>  
**Date:** Saturday, January 11, 2014 2:48 PM  
**To:** <tizen@sbcglobal.net>  
**Cc:** "Rochelle Kasten" <rck691260@msn.com>  
**Subject:** Petition

My phone number is 818 222-4284.

**TO:** COMMUNICATION AND TECHNOLOGY COMMISSION, CITY OF CALABASAS  
**FROM:** INTERESTED CALABASAS RESIDENTS  
**RE:** Petition in Opposition to Request for a Wireless Telecommunication Permit and a Scenic Corridor Permit for a new Wireless Telecommunication Facility in the public right of way at 4093 Old Topanga Canyon Road

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We thank you for your consideration of the aforementioned.

SIGNATURE:

ADDRESS:

Edward Izen  
Maasha Izen  
\_\_\_\_\_

23280 BLUEBIRD DR., CALABASAS  
23280 Bluebird Dr. CALABASAS  
\_\_\_\_\_

CITY OF CALABASAS  
SPEAKER CARD

DATE: 1/21/14  
NAME: Wendy Fassberg  
CITY OF RESIDENCE:  CALABASAS   
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: 120061078 Cable Engineering Services

POSITION  
ON ITEM: Opposed

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

Time released to  
Wendy Fassberg

DATE: 1/21/14  
NAME: ~~Wendy~~ Abraham Fassberg  
CITY OF RESIDENCE:  CALABASAS   
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: 120061078 Cable Engineering Services

POSITION  
ON ITEM: Opposed

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

Time released  
to Wendy Fassberg

DATE: 1/21/14  
NAME: Wendy Rosman  
CITY OF RESIDENCE:  CALABASAS  \_\_\_\_\_  
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: 120001078 Cable Engineering Svcs

POSITION  
ON ITEM: Opposed

Information provided on this card is public record.

Revised 04/06

CITY OF CALABASAS  
SPEAKER CARD

Time released  
to Wendy Fassberg

DATE: 1/21/14  
NAME: Allan Rosman  
CITY OF RESIDENCE:  CALABASAS  \_\_\_\_\_  
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: 120001078 Cable Engineering Svcs

POSITION  
ON ITEM: Opposed

Information provided on this card is public record.

Revised 04/06

**CITY OF CALABASAS  
SPEAKER CARD**

DATE: 1/21/14  
NAME: Rochelle Kasten  
CITY OF RESIDENCE:  CALABASAS   
PHONE: (818) 222-4284 (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: 120001078

POSITION  
ON ITEM: Opposed

*Information provided on this card is public record.*

Revised 04/06

**CITY OF CALABASAS  
SPEAKER CARD**

DATE: 1/21/14  
NAME: RON TINERO  
CITY OF RESIDENCE:  CALABASAS   
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: FILE No. 120001078

POSITION  
ON ITEM: OPPOSED

*Information provided on this card is public record.*

Revised 04/06

CITY OF CALABASAS  
SPEAKER CARD

TIME CENED  
To Ron INERO

DATE: 1/21/14  
NAME: CARMEN GARCIA  
CITY OF RESIDENCE:  CALABASAS   
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: FILE No. 120001078

POSITION ON ITEM: OPPOSED

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 1/21/14  
NAME: LISA Auerbach  
CITY OF RESIDENCE:  CALABASAS   
PHONE: (818) 222-9038 (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: Cell tower

POSITION ON ITEM: against it

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: Jan 21/14  
NAME: PAT HAAKSTAD  
CITY OF RESIDENCE:  CALABASAS   
PHONE: 818 357-4443 (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: CELL PHONE TOWER PROPOSAL

POSITION  
ON ITEM: OPPOSED

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 1/21/14  
NAME: GARY WALCH  
CITY OF RESIDENCE:  CALABASAS   
PHONE: 818.222.3400 (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: Cell tower

POSITION  
ON ITEM: Opposition

Revised 04/06

Information provided on this card is public record.

**CITY OF CALABASAS  
SPEAKER CARD**

DATE: 1-21-14  
NAME: Ruth Goldberg  
CITY OF RESIDENCE:  CALABASAS   
PHONE: 818 268-4073 (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: Wireless Telecommunication Permit  
Scenic Corridor Permit - Verizon at  
4093 Old Topanga  
POSITION ON ITEM: Against

*Information provided on this card is public record.*

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/14  
NAME: Suzanne Iselt  
CITY OF RESIDENCE:  CALABASAS  Santa Monica  
PHONE: 310-382-4622 (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT:

T-Mobile sites = as needed  
140000079

POSITION  
ON ITEM:

80  
88  
pro.

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/14  
NAME: Adrian Culici  
CITY OF RESIDENCE:  CALABASAS  Los Angeles  
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT:

Item 4 - Verizon

POSITION  
ON ITEM:

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2.18.14  
NAME: Rob Searcy  
CITY OF RESIDENCE:  CALABASAS  CANYON COUNTRY  
PHONE: 818.489.1034 (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: # 4

POSITION ON ITEM: FOR THE PROPOSED PROJECT

Available for questions  
Information provided on this card is public record.

Revised 04/06

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/14  
NAME: Wendy Fassberg  
CITY OF RESIDENCE:  CALABASAS   
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: 1:30001491

POSITION ON ITEM: Against

Information provided on this card is public record.

Revised 04/06

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2-18-14  
NAME: EMRAN ELYAS  
CITY OF RESIDENCE:  CALABASAS  \_\_\_\_\_  
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: Verizon Item 4

POSITION  
ON ITEM: \_\_\_\_\_

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/2014  
NAME: BRUCE PRATT  
CITY OF RESIDENCE:  CALABASAS  \_\_\_\_\_  
PHONE: 310-990-4286 (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: Cell Tower #4

POSITION  
ON ITEM: NO

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/14  
NAME: PAT HAAKSTAD  
CITY OF RESIDENCE:  CALABASAS   
PHONE: 818 357-4443 (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: COMMUNICATION & TECHNOLOGY

POSITION ON ITEM: OPPOSED

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2.13.2014  
NAME: ALAN KABAKOFF  
CITY OF RESIDENCE:  CALABASAS   
PHONE: 818-620-5035 (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: Cell tower

POSITION ON ITEM: Anti-

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/14  
NAME: DAVID AUBERBACH  
CITY OF RESIDENCE:  CALABASAS   
PHONE: 818 ~~208~~ 222 9038 (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: Verizon Cell Tower

POSITION ON ITEM:

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/14  
NAME: Mary Regas  
CITY OF RESIDENCE:  CALABASAS   
PHONE: (818) 224-3265 (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: If AT&T has coverage, why can't Verizon collocate at several sites versus just one - more cost to them but no loss to current residents

POSITION ON ITEM: Against

Revised 04/06

Information provided on this card is public record.

**CITY OF CALABASAS  
SPEAKER CARD**

DATE: \_\_\_\_\_  
NAME: Fatti Soldhy  
CITY OF RESIDENCE:  CALABASAS  \_\_\_\_\_  
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

POSITION  
ON ITEM: \_\_\_\_\_  
\_\_\_\_\_

Revised 04/06

*Information provided on this card is public record.*

**CITY OF CALABASAS  
SPEAKER CARD**

DATE: 2/18/14  
NAME: STEVE KRISTEN  
CITY OF RESIDENCE:  CALABASAS  \_\_\_\_\_  
PHONE: (818) 222-4284 (optional)

I would like to speak on the following:

AGENDA ITEM  
OR SUBJECT: 130001344  
\_\_\_\_\_  
\_\_\_\_\_

POSITION  
ON ITEM: AGAINST  
\_\_\_\_\_  
\_\_\_\_\_

Revised 04/06

*Information provided on this card is public record.*

CITY OF CALABASAS  
SPEAKER CARD

DATE: 2/18/2014  
NAME: MARK SON  
CITY OF RESIDENCE:  CALABASAS   
PHONE: \_\_\_\_\_ (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: Verizon LTE tower

POSITION ON ITEM: Neutral.

Revised 04/06

Information provided on this card is public record.

CITY OF CALABASAS  
SPEAKER CARD

T-Mobile

DATE: 2-18-14  
NAME: Erik Lilliedahl  
CITY OF RESIDENCE:  CALABASAS  Applicant  
PHONE: ~~323-9318-840~~ 800- (optional)

I would like to speak on the following:

AGENDA ITEM OR SUBJECT: AS

POSITION ON ITEM: Here to answer questions

Revised 04/06

Information provided on this card is public record.



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

---

**DATE: MARCH 31, 2014**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: JEFF RUBIN, COMMUNITY SERVICES DIRECTOR**

**SUBJECT: RECOMMENDATION FROM THE PARKS, RECREATION AND EDUCATION COMMISSION TO ADOPT RESOLUTION NO. 2014-1401, ESTABLISHING A NEW TUITION FEE SCHEDULE FOR SEPTEMBER 2014 FOR THE CALABASAS KLUBHOUSE PRE SCHOOL AND RESCIND RESOLUTION NO. 2012-1319**

**MEETING DATE: APRIL 9, 2014**

---

**SUMMARY RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 2014-1401, establishing a new tuition fee schedule for September 2014 for the Calabasas Klubhouse Pre School and rescind Resolution No. 2012-1319.

**BACKGROUND/DISCUSSION:**

Since opening the Calabasas Klubhouse in 1999, a challenge has been the recovery of program expenses through tuition. The initial budget showed a cost recovery rate of direct program costs at 64%. Although we have seen an increase in attendance over the years, program costs continue to rise and the cost recovery rate has fluctuated based upon enrollment, fee structure, staffing and operational costs.

In June 2004, Council agreed to subsidize up to 10% of Pre-School programming costs, and approved staff's recommendation to implement an 8% fee increase for

the 04/05 school year (adopted by Resolution at a Public Hearing on July 7, 2004). At this time, staff was asked to research the legality of creating a resident/non-resident pricing structure for subsequent years. Under such a structure, Calabasas residents would pay a reduced rate, while non-residents would pay higher fees with the concept that the City does not subsidize non-residents and the facility runs at a 90%+ cost recovery rate. Staff reviewed the 1999 Certificates of Participation Guidelines with the City's Chief Financial Officer and City Attorney, and found no stipulations that prohibit the City from implementing a non-resident rate.

In January of 2006 at a public hearing, the City Council approved a new fee structure for the Klubhouse to include a non-resident rate. The non-resident rate was set at 4% above the resident rate. In July of 2011 at a public hearing, the City Council approved a new fee structure for the Klubhouse which included a 10% fee increase for residents and a 17% fee increase for non-residents. In March of 2012 at a public hearing, the City Council approved a new fee structure which included a 10% fee increase for the 2 Year Old Classroom to account for the higher teacher to student ratio as required by State Licensing and a 5% increase for the 3, 4 & 5 Year Old Classrooms. There was no fee increase for the 2013/2014 school year.

The following were the final FY 12/13 budget numbers for Creekside provided by the CFO:

<b>Creekside Klubhouse</b>			
<b>Revenue / Expenditure Report</b>			
			<i>Actual</i>
<u>Revenue</u>			<b>2012/2013</b>
Creekside Preschool Registration			915,733.52
Creekside Holiday Camp			420.00
Creekside Classes			552.80
Facility Rental - Creekside			100.00
<b>Total Revenue</b>			<b>916,806.32</b>
<u>Expenditures</u>			
Salaries & Benefits			972,063.55
Telephone			2,088.87
Office Supplies			3,420.16
Special Dept. Supplies			43,087.51
Printing			169.42
Contractual Services			28,760.82
School Programs			2,713.47
State Mandates			4,950.00
Copier Supplies			-
Custodial Supplies			6,801.69
Refunds - Deposits & Overpays			-
<b>Total Expenditures</b>			<b>1,064,055.49</b>
<b>Net Profit / (Loss)</b>			<b>(147,249.17)</b>
<b>Recovery Rate</b>			<b>86.2%</b>

The current financials provided by the CFO through January 2014 for FY 13/14 are as follows:

<b>Creekside Revenue and Expenditures</b>		
FY through January 2014		
10-000-445001	Creekside PreSchool Registration	\$538,527.25
10-000-445004	Creekside Classes	\$891.20
10-000-445005	Facility Rental - Creekside	\$40.00
<b>TOTAL REVENUE</b>		<b>\$539,458.45</b>
10-135-510000	Full Time Salaries	\$311,683.64
10-135-510002	Full Time Employee Overtime	\$4,068.54
10-135-510400	Benefits	\$148,815.79
10-135-510401	Retirement Benefits	\$0.00
10-135-510600	Employer Taxes	\$44,104.20
10-135-510900	Temporary Employees	\$53,667.52
10-135-510902	Temporary Employee Overtime	\$0.00
10-135-511000	Auto Allowance	\$0.00
10-135-511001	457 Match	\$4,128.47
10-517-520800	Telephone	\$468.19
10-517-522000	Office Supplies	\$2,984.85
10-517-522100	Special Dept. Supplies	\$30,670.67
10-517-522200	Printing	\$58.12
10-517-525200	Contractual Services	\$12,765.46
10-517-525275	School Programs	\$0.00
10-517-526400	State Mandates	\$25.00
10-517-541700	Copier Supplies	\$0.00
10-517-541800	Custodial Supplies	\$5,381.68
10-517-541900	Refunds - Deposits & Overpays	\$0.00
<b>TOTAL EXPENDITURES</b>		<b>\$618,822.13</b>

**\*\* 87% Recovery Rate through 7 Months**

Below is the current enrollment breakdown by day and fees for the 107 students enrolled for the 13/14 school year:

78 Residents (72.9%)  
 29 Non Residents (27.1%)

RESIDENTS	Age 18mo.-2	Age 2-2.5	Age 2.6-3	Age 3-4	Age 4-5	2-year-old Tuition	3 to 5 year-old Tuition
3 Half Days	0	1	3	2	0	\$534.00	\$509.00
3 Full Days	2	5	4	4	0	\$635.00	\$606.00
4 Half Days	1	0	2	3	5	\$601.00	\$573.00
4 Full Days	0	1	4	5	7	\$732.00	\$698.00
5 Half Days	1	0	3	0	1	\$691.00	\$659.00
5 Full Days	1	3	1	5	14	\$915.00	\$874.00
<b>TOTAL RESIDENTS:</b>	<b>5</b>	<b>10</b>	<b>17</b>	<b>19</b>	<b>27</b>		
NON RESIDENTS	Age 18mo.-2	Age 2-2.5	Age 2.6-3	Age 3-4	Age 4-5	2-year-old Tuition	3 to 5 year-old Tuition
3 Half Days	1	1	1	1	0	\$589.00	\$562.00
3 Full Days	0	1	1	2	0	\$700.00	\$668.00
4 Half Days	0	0	2	1	3	\$661.00	\$631.00
4 Full Days		1	1	1	2	\$807.00	\$771.00
5 Half Days		0		0	1	\$762.00	\$728.00
5 Full Days		0	0	5	4	\$1,009.00	\$963.00
<b>TOTAL NON-RESIDENTS:</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>10</b>	<b>10</b>		

The Parks, Recreation and Education Commission met on Monday, March 10<sup>th</sup> to discuss the Pre School fee structure and after discussion agreed that the fees need to be adjusted up in order to continue to close the financial gap. Staff presented several options within the staff report; however the PRE recommended that the Pre School Sub Committee (Chair Bercy, Commissioner Strauss) review in more detail with staff and were fully supportive of what the staff and Sub Committee decided.

After Meeting on both March 13<sup>th</sup> and 19<sup>th</sup>, it was decided to increase the Full Day Rate by 3%; the 4 and 5 Half Day Rate by 5%; and the 3 Half Day Rate by 7.5%. The main reasoning behind the higher increase for the Half Day Programs is that those students take up a slot that could be filled by a Full Day Student. In addition, there are 11 (12 budgeted) full time teachers that work 8 hours per day and half day students only attend 4 hours per day. It is anticipated (if enrollment numbers stay the same) with the new rate structure, an additional \$34,080.00 in revenue will be posted next school year.

Below are the current and proposed rate structures for the 14/15 School Year with open enrollment beginning on Monday, April 14<sup>th</sup>:

**2 Year Old Room**

<b>Enrollment Type</b>	<b>Current Monthly Resident*</b>	<b>Proposed Monthly Resident*</b>		<b>Current Monthly Non-Resident</b>	<b>Proposed Monthly Non-Resident</b>
<b>5 Full Days</b>	\$915	\$942		\$1009	\$1039
<b>5 Half Days</b>	\$691	\$726		\$762	\$800
<b>4 Full Days</b>	\$732	\$754		\$807	\$831
<b>4 Half Days</b>	\$601	\$631		\$661	\$694
<b>3 Full Days</b>	\$635	\$654		\$700	\$721
<b>3 Half Days</b>	\$534	\$574		\$589	\$633

**3, 4 & 5 Year Old Rooms**

<b>Enrollment Type</b>	<b>Current Monthly Resident*</b>	<b>Proposed Monthly Resident*</b>		<b>Current Monthly Non-Resident</b>	<b>Proposed Monthly Non-Resident</b>
<b>5 Full Days</b>	\$874	\$900		\$963	\$992
<b>5 Half Days</b>	\$659	\$692		\$728	\$764
<b>4 Full Days</b>	\$698	\$719		\$771	\$794
<b>4 Half Days</b>	\$573	\$602		\$631	\$663
<b>3 Full Days</b>	\$606	\$624		\$668	\$688
<b>3 Half Days</b>	\$509	\$547		\$562	\$604

\*Proof of residency must be provided in the form of a home utility bill.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The total expenditures will be split between accounts in 10-135 and 10-517 based upon personnel costs and supplies and services.

The total revenue will be posted to account 10-000-445001.

**REQUESTED ACTION:**

It is requested that the City Council adopt Resolution No. 2014-1401, establishing a new tuition fee schedule for September 2012 for the Calabasas Klubhouse Pre School and rescind Resolution No. 2012-1319.

**ATTACHMENTS:** Resolution No. 2014-1401

**RESOLUTION NO. 2014-1401**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, INCREASING TUITION AT THE CALABASAS KLUBHOUSE PRE SCHOOL.**

**WHEREAS**, the City charges tuition for the Calabasas Klubhouse Pre School Program; and

**WHEREAS**, on April 9, 2014, the City Council held a duly noticed public hearing at which all persons could present oral and written testimony regarding proposed tuition increases; and

**WHEREAS**, the City Council desired to adopt a tuition schedule that reflects revised tuition.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Calabasas approves that:

1. The fees set forth in Exhibit "A" to this Resolution are hereby adopted; and
2. The schedule of fees adopted by this Resolution shall be effective as of September 1, 2014; and
3. The City Council finds that the revised tuition does not exceed the reasonable costs to the City of providing Pre School Program services to those charged and these services are not provided to others at no charge; and
4. Any fee of the City (i) not listed in Exhibit "A" or (ii) listed in Exhibit "A" at the rate which was established prior to the effective date of this Resolution, shall continue at the rate previously established. To the extent it sets fees at a rate lower than that set by this Resolution, the provisions of Resolution No. 2012-1319 are hereby superseded as of September 1, 2014.

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED and ADOPTED** this 9<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
David J. Shapiro, Mayor

ATTEST:

\_\_\_\_\_  
Maricela Hernandez, MMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott H. Howard, City Attorney

## EXHIBIT A

### 2 Year Old Room

<b>Enrollment Type</b>	<b>Monthly Rate Resident*</b>	<b>Monthly Rate Non-Resident</b>
<b>5 Full Days</b>	\$942	\$1039
<b>5 Half Days</b>	\$726	\$800
<b>4 Full Days</b>	\$754	\$831
<b>4 Half Days</b>	\$631	\$694
<b>3 Full Days</b>	\$654	\$721
<b>3 Half Days</b>	\$574	\$633

**\*Proof of residency must be provided in the form of a home utility bill.**

### 3, 4 & 5 Year Old Rooms

<b>Enrollment Type</b>	<b>Monthly Rate Resident*</b>	<b>Monthly Rate Non-Resident</b>
<b>5 Full Days</b>	\$900	\$992
<b>5 Half Days</b>	\$692	\$764
<b>4 Full Days</b>	\$719	\$794
<b>4 Half Days</b>	\$602	\$663
<b>3 Full Days</b>	\$624	\$688
<b>3 Half Days</b>	\$547	\$604

**\*Proof of residency must be provided in the form of a home utility bill.**



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

---

**DATE: MARCH 17, 2014**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: GLENN MICHITSCH, SENIOR PLANNER** 

**SUBJECT: ADOPTION OF RESOLUTION NO. 2014-1402 APPROVING THE LEGALIZATION OF A 2,490 SQUARE FOOT GROUND-FLOOR ADDITION (BUILT WITHOUT PERMITS) TO AN EXISTING ONE-STORY 11,021 SQUARE FOOT SINGLE-FAMILY RESIDENCE. THE PROJECT INCLUDES REQUESTS FOR THE FOLLOWING: (1) A SITE PLAN REVIEW FOR THE CONSTRUCTION OF THE 2,490 SQUARE FOOT ADDITION, (2) A SCENIC CORRIDOR PERMIT FOR DEVELOPMENT IN A DESIGNATED SCENIC CORRIDOR, (3) A DEVELOPMENT PLAN TO ESTABLISH NEW SETBACKS FOR DEVELOPMENT LOCATED WITHIN THE OPEN SPACE (OS) ZONING DISTRICT, (4) AN OAK TREE PERMIT FOR THE ENCROACHMENT INTO THE PROTECTED ZONE OF ONE (NON-HERITAGE) OAK TREE, AND (5) A VARIANCE REQUEST FOR DEVELOPMENT WITHIN 50 HORIZONTAL FEET AND 50 VERTICAL FEET OF A DESIGNATED SIGNIFICANT RIDGELINE. THE SUBJECT SITE IS LOCATED AT 24107 SAINT ANDREWS LANE, WITHIN THE OPEN SPACE (OS) ZONING DISTRICT.**

**MEETING DATE: APRIL 9, 2014**

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**SUMMARY RECOMMENDATION:**

Adopt Resolution No. 2014-1402 approving File No. 120000173.

## **BACKGROUND:**

On February 19, 2003, the City Council adopted City Council Resolution No. 2003-800 (Attachment K), adopting a Mitigated Negative Declaration and approving the existing one-story, 11,021 square foot single-family residence. The original approval included the existing one-story (maximum 24 foot height) home, an infinity pool w/spa, a detached accessory (garage), a landscaped berm (south of the residence), a decomposed granite driveway, trellises, and mitigation oak trees.

On February 17, 2012, applications for a Site Plan Review, Development Plan, Scenic Corridor Permit, Oak Tree Permit and Variance were submitted to the City in response to a citation issued by the Building and Safety's Code Enforcement Division. The requested permits and approvals are necessary to legalize a one-story, 2,490 square-foot ground-floor garage addition to the existing house that is mostly constructed. The applications include additional proposals for a 5 foot walkway (already rough cut) around the addition (required for Fire Department access) and associated on-grade stairs, and the addition of enhanced landscaping to the existing berm placed to further conceal the development.

The applications and project plans were reviewed by the Development Review Committee (DRC) on March 20, 2012, and the Architectural Review Panel (ARP) on November 22, 2013. The addition was designed to match the Spanish Mediterranean style as well as the colors and materials of the existing residence, and the ARP unanimously recommended approval of the design as submitted. The applications were deemed complete on January 23, 2014.

The applications and project plans were reviewed by the Planning Commission on March 6, 2014. At the meeting, the significant issues discussed related to the architecture, aesthetics/scenic corridor, encroachment into the protected zone of one non-heritage oak tree, and a variance related to development on the ridgeline. The Planning Commission commented about being put in an awkward position having to review a project that was mostly constructed; nonetheless, the Commission recommended approval of the project to the City Council. The Commission's approval recommendation was based on the following: (1) that the expanded residence is no more visible than the existing residence (due to the existing contoured berm); (2) that the applicant will have improved the screening of the development by enhancing the landscaping on the berm; (3) that no impacts to the oak tree (Oak Tree #8) or scrub oaks would occur; and (4) that the variance is justifiable because the existing home was already developed on the ridgeline and that any addition to the existing residence could not possibly meet the (new 2010) ridgeline setback standard in the Development Code. Further, because the landscaping which was required for the 2003 approval had not been maintained properly and thus died (the fault of a previous owner), the Commission placed an

additional condition on the project requiring ongoing monitoring of the new landscaping and a report to be submitted after a three year period to ensure that the landscaping is properly established and maintained.

## **DISCUSSION/ANALYSIS:**

A synopsis of the significant issues regarding this project is discussed below. For an expanded, in-depth analysis of all related topics, refer to the Planning Commission Agenda Report dated March 6, 2014 (Attachment I).

1. Development Plan: The subject project requires the approval of a Development Plan. Related applications for the Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance are typically reviewed and decided by the Planning Commission. However, because the parcel is Zoned Open Space (OS), and the establishment of setbacks in the OS zone require a Development Plan (which requires review and approval by the City Council), the City Council becomes the decision making body for all applications pertaining to this project per CMC Section 17.60.020.

Within the Open Space zone, the City's Development Code does not establish fixed setback requirements. Rather, setbacks are established on a case-by-case basis. This is because lands zoned open space (while allowing for residential development) generally are a larger size, have more of a rural characteristic and contain land worthy of preservation due to the presence of scenic and/or habitat resources. Additionally, development is generally more difficult to appropriately site because of the sloping topography of the parcels.

The existing residence, approved in 2003 by the City Council, had its setbacks established through the same Development Plan process. Because the addition is expanding the project toward the south and east, the setbacks need to be re-established to accommodate a southern street side setback at 488 feet from the southern parcel boundary (previously 523 feet) and an eastern side yard setback at 767 feet from the eastern parcel boundary (previously 814 feet). Both of these setback reductions maintain more than adequate separation from surrounding parcels and development. Additionally, although the on-site development will be expanded from 11,021 square feet to 13,511 square feet, the (net) size of the site is 26.16 acres, and therefore 98.8% of the parcel will remain open space (previously 99%).

2. Aesthetics/Scenic Corridor: The project site is located within the Mulholland Scenic Corridor. As such, any development on-site is required to comply with the Scenic Corridor Development Guidelines. The Guidelines require development to be appropriately sited and designed to protect views from the

scenic roadway. Specific guidelines include the use of pitched roof elements, medium to dark colored roofing materials, avoidance of large blank facades, and use of appropriate landscaping to screen development.

The existing development, approved in 2003, was sited on top of the ridgeline. It was approved as a one-story Spanish Mediterranean style house with a maximum height of 24 feet (although generally in the 18 – 20 foot range). The residence included design elements such as a medium-colored pitched (Spanish style) roof, use of earth toned colors and façade elements, and appropriate building massing. Additionally, the site included a graded berm element enhanced with landscaping to conceal public view of the development from Mulholland Highway. The result was a development that is minimally visible from Mulholland Highway, and the project has often been cited as an example of how best to develop on a ridgeline, in instances when the ridgeline is the least intrusive place to develop.

The addition expands the residence to the south (toward Mulholland Highway) and to the east. It is sited within the existing development footprint on the existing graded building pad, and behind the landscaped berm. Heights for the addition range between 12 feet at the berm location to 19 feet at the point where the addition adjoins the existing house (setback from the berm). These heights are generally lower than the existing residence. The addition is styled and designed to match the existing Spanish Mediterranean architecture of the residence, including the use of identical colors, materials and detailing. The Architectural Review Panel (ARP) reviewed the project on November 22, 2013 and unanimously approved the design, citing that it was consistent with the Scenic Corridor Design Guidelines and was not visible from the Scenic Corridor. Furthermore, the addition was sited and designed to take advantage of the existing berm element. The applicant has submitted both a visual analysis (Attachment B – Project Plans, p. A-7) and photographs taken from Mulholland Highway demonstrating that the addition is only minimally visible from the roadway. The applicant's analysis has been field verified by staff.

The Planning Commission also reviewed the visual analysis and photos, and likewise confirmed that the addition is only minimally visible from the scenic roadway. Additionally, since the applicant has proposed enhanced landscaping on the berm (noting that some of the original landscaping on the berm has died), the Commission commented that in this case, the project will be even better concealed than the original residence because landscaping will both be replaced and enhanced on the berm. Furthermore, the Commission conditioned the project to require landscaping to be maintained in good condition, and required a monitoring report to be submitted by the licensed Landscape Architect three

years after completion of the project to ensure that the landscaping has been well established and maintained.

### 3. Oak Trees:

The application included a request for an Oak Tree Permit due to a 25% encroachment into the protected zone of one non-Heritage oak tree (Oak Tree #8 - planted as mitigation for the 2003 approval on the berm). Oak Tree # 8 has a diameter of 2" and is located on the south side of the berm approximately 13 feet away from the addition (Attachment C). The applicant submitted an oak tree report to address potential impacts to Oak Tree#8, and the report concluded that no impact will occur. The City's Oak Tree Consultant reviewed the Oak Tree Report, conducted a field inspection and concurred with the report's conclusions.

Staff also asked the report to identify any scrub oaks downslope that would potentially be impacted by an expanded fuel modification zone required by the LA County Fire Department (Attachment C). The report identified two small scrub oak clusters within or immediately adjacent to the expanded fuel modification area. Both those scrub oaks are located within or immediately adjacent to Zone C, which is a vegetation thinning zone. Because of this, removals of the scrub oaks are not necessary and no impact to the scrub oaks will occur. This is also demonstrated on the submitted fuel modification plan submitted by the applicant and reviewed by the City's Oak Tree Consultant, who concurs.

### 4. Variance:

The proposed project also requires the review and approval of a variance application. CMC Section 17.20.150 (Hillside and Ridgeline Ordinance) requires development to be sited 50 feet away horizontally and 50 feet below a significant ridgeline. In this case (and based on the 2003 approval which preceded the 2010 adoption of the Hillside and Ridgeline Ordinance), the existing residence was developed on top of the significant ridgeline. To this end, any addition to the existing residence would not be able to meet the setback requirements set forth in CMC Section 17.20.150, and therefore a variance request is required.

The intent of the City's Hillside and Ridgeline Ordinance is to protect scenic vistas and ensure development is not silhouetted against the sky. The application meets this intent in that the addition is concealed behind the existing landscape berm and will be no more visible than the existing residence was prior to the addition. Furthermore, as mentioned in Section 2 above, landscape

enhancements are proposed for the berm to further conceal the residence, and conditions are proposed for the project to require well maintained landscaping and a monitoring report to be submitted after 3 years. Due to these circumstances, the variance is justifiable.

**ENVIRONMENTAL REVIEW:**

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e)(2) Existing Facilities. A Notice of Exemption has been prepared and is attached as Attachment G.

**FISCAL IMPACT/SOURCE OF FUNDING:**

Because the project consists of an addition to an existing residence, no fiscal impact to the City is expected. There may be a negligible increase of City revenues due to an increase of assessed property valuation and the resulting City share of property tax revenue.

**REQUESTED ACTION:**

That the Council adopt Resolution No. 2014-1402 approving File No. 120000173

**ATTACHMENTS:**

- Attachment A Draft Council Resolution No. 2014-1402
- Attachment B Site Plan, Elevation, Color Elevation, Fuel Modification/Preliminary Landscape Plan, Grading Plans, and site photos
- Attachment C Oak Tree Location Maps
- Attachment D Oak Tree Review Letters
- Attachment E Color and Materials Board
- Attachment F Public Correspondence
- Attachment G Draft Notice of Exemption
- Attachment H Planning Commission Resolution No. 2014-565
- Attachment I March 6, 2014 Planning Commission Agenda Report
- Attachment J March 6, 2014 Planning Commission Minutes
- Attachment K City Council Resolution No. 2003-800

**RESOLUTION NO. 2014-1402**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS APPROVING FILE NO. 120000173 TO LEGALIZE THE CONSTRUCTION OF A 2,490 SQUARE FOOT GROUND-FLOOR ADDITION (BUILT WITHOUT PERMITS) TO AN EXISTING ONE-STORY 11,021 SQUARE FOOT SINGLE FAMILY RESIDENCE. THE PROJECT INCLUDES REQUESTS FOR THE FOLLOWING: (1) A SITE PLAN REVIEW FOR THE CONSTRUCTION OF THE 2,490 SQUARE FOOT ADDITION, (2) A SCENIC CORRIDOR PERMIT FOR DEVELOPMENT WITHIN A DESIGNATED SCENIC CORRIDOR , (3) A DEVELOPMENT PLAN TO ESTABLISH NEW SETBACKS FOR DEVELOPMENT LOCATED WITHIN THE OPEN SPACE (OS) ZONING DISTRICT, (4) AN OAK TREE PERMIT FOR THE ENCROACHMENT INTO THE PROTECTED ZONE OF ONE (NON-HERITAGE) OAK TREE, AND (5) A VARIANCE REQUEST FOR DEVELOPMENT WITHIN 50 HORIZONTAL FEET AND 50 VERTICAL FEET OF A DESIGNATED SIGNIFICANT RIDGELINE. THE SUBJECT SITE IS LOCATED AT 24107 SAINT ANDREWS LANE, WITHIN THE OPEN SPACE (OS) ZONING DISTRICT.**

**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 prepared by the Community Development Department.
2. Staff presentation at the public hearing held on April 9, 2014, before the City Council.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.

6. All related documents received and/or submitted at or prior to the public hearing.
7. Planning Commission Resolution 2014-565 recommending approval to the City Council of File No. 120000173.

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

1. The applicant submitted an application for a Site Plan Review, a Scenic Corridor Permit, and a Development Plan on February 17, 2012. The applicant also submitted an Oak Tree Permit application on April 1, 2013 and a Variance application on October 24, 2013.
2. On March 15, 2012, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. On January 23, 2014, the application was deemed complete and the applicant was notified.
4. Notice of the April 9, 2014 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market, the Agoura/Calabasas Community Center, and at Calabasas City Hall.
5. Notice of the April 9, 2014, City Council 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 City Council 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 Open Space (OS).
8. The land use designation for the project site under the City's adopted General Plan is Open Space – Resource Protected (OS-RP).
9. The surrounding land uses around the subject property are zoned Open Space (OS), Residential, Mobile Home (RMH), Open Space – Development Restricted (OS-DR), and Residential Single-Family (RS).
10. Notice of City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

**FINDINGS**

Section 17.62.070(D) Calabasas Municipal Code allows the City Council to approve a **Development Plan Permit** provided that 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;*

One single-family home and ancillary uses are allowed in the Open Space (OS) zone pursuant to Section 17.16.020 of the Land Use and Development Code. The parcel is already developed with a one-story, 24 foot high single-family residence previously approved by the City Council through a Development Plan application. For development within the Open Space zoning designation, only the height requirement of 25 feet (maximum) is a stated fixed measurement. The proposed addition to the residence is a maximum of 19 feet at its highest point, and therefore the proposed addition meets this requirement. All other standards are set through the Development Plan process. In this case, the Development Plan process will alter the originally approved street side yard and rear yard setbacks. Approval of the Development Plan application, therefore, establishes code compliant setbacks. To this end, because the use as a single-family residence is an allowed use and the code allows modification of development standards via a Development Plan, the proposed use meets this finding.

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

The proposed project meets this finding because the General Plan Land Use Designation for this parcel is OS-RP (Open Space-Resource Protected) and residential land uses are consistent with this land use designation. The subject parcel is the one of four properties zoned Open Space (OS) within the Saint Andrews Lane gated subdivision and is surrounded by both residential development and vacant property zoned Open Space-Development Restricted (OS-DR). The proposed addition to the existing single-family residence does not alter the residential use on the subject property. In addition, total development of the site will only utilize 1.2 percent of the site, leaving 98.8 percent of the size as open

space. Therefore, the project meets this finding.

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

The project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Section 15301(E)(2) (Existing Facilities) of the CEQA Guidelines because the proposed project consists of constructing less than 10,000 square feet in an area where all public services and facilities are available to allow the maximum development permissible in the General Plan and the new addition is not adversely impacting a protected viewshed or any sensitive resources. Therefore, the project meets this finding.

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

The subject property is located within a gated four-lot subdivision on Saint Andrews Lane. Both existing and future anticipated land uses in the vicinity are all residences. The applicant is requesting approval of a 2,490 square foot garage addition to the existing 11,021 square-foot residence via a Development Plan application. A Development Plan application is utilized to establish the setback standards within the Open Space zoning district. Development of the proposed addition is on an already developed pad location, and will decrease the street side yard and the rear yard setbacks of the overall development. However, the subject site is exceptionally large (26.2 net acres) and existing development is setback a minimum distance of 166 feet from property lines at its closest point. Additionally, although the addition will decrease the street side setback from 523 feet to 488 feet and the rear yard setback from 814 feet to 767 feet, no setback will be decreased to a distance less than the existing 166 foot setback from the nearest property boundary at its closest point, which is the side yard setback. Therefore, the addition will leave more than adequate separation between the subject residence and adjacent development.

The subject site is also situated in a designated scenic corridor, and any development has the possibility to impact views from Mulholland Highway. In this case, the existing residence included the construction of a landscaped berm to conceal the development from Mulholland Highway. The proposed addition will be sited on the developed pad, behind the landscaped berm and blocked from view from Mulholland Highway. Because of this, the addition will also be concealed from Mulholland

Highway and will not impact any views from existing or future residential uses in the vicinity. Additionally, the landscaping on the existing berm will be improved pursuant to the preliminary landscaping plan, further cloaking the development from view from Mulholland Highway. Further, The City's Architectural Review Panel (ARP) reviewed the project and recommended approval of the proposed design, citing that the addition was designed consistent with the style, colors and materials of the existing residence, was consistent with the Scenic Corridor Design Guidelines and that the residence (including the proposed addition) will not be visible. For these reasons, the development is compatible with the location, design, scale and operating characteristics of existing and future land uses in the vicinity and the project meets this finding.

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

- 1. The proposed project design complies with the scenic corridor development guidelines adopted by the council;*

The proposed project site is located adjacent to Mulholland Highway, a designated Scenic Corridor. As such, proposed development must comply with the Scenic Corridor Development Guidelines. The City has adopted the Scenic Corridor Design Guidelines to ensure that development is sited and designed in such a way as to not adversely impact views from the scenic roadway. The guidelines do this by requiring the use of design techniques including the use of pitched roofs, roofs of a medium to dark color, avoidance of large, blank, straight facades, and the use of landscaping to help blend development. The existing residence, approved by City Council in 2003 was approved consistent with the scenic corridor design guidelines. The residence was designed to be one-story, generally with a height between 18 and 20 feet (with some architectural elements projecting up to 24 feet in height), and with a medium-colored (Spanish tile) pitched roof. Development of the site, although on a designated significant ridgeline, was graded to include a berm south of the residence to help conceal the development. To further conceal the development, landscape elements were placed on the berm so that over time, as the landscaping matures, the minimal portions of the development that were still visible would blend even more.

The proposed addition is one-story (ranging from 12 to 19 feet in height, and designed to match the style, earth-toned colors and materials of the existing residence. It is situated on the developed portion of the site and in an area concealed by the existing landscaped berm. In this respect,

the addition will be screened from Mulholland Highway so that no visual impacts will occur. Additionally, the preliminary landscape plan proposes enhancing the landscaping on the berm so that further concealment of the development will occur. Furthermore, the project has been conditioned so that a final landscape plan will be submitted to the Community Development Director in case additional adjustments need to be made. Therefore, the project meets this finding.

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

The proposed project is visible from Mulholland Highway, which is a designated Scenic Corridor. The original residence was designed as a one-story residence, included design elements such as earth-toned colors, wood accents, pitched roof elements, use of stone veneer and also included a landscape berm to conceal the development from Mulholland Highway. The addition is designed to match the style, colors and materials of the residence and is situated behind the landscape berm so that it is also concealed as viewed from Mulholland Highway. Furthermore, landscaping enhancements have been proposed on the berm to further conceal the development from Mulholland Highway. Therefore, the project meets this finding.

- 3. The proposed project is within a rural or semi-rural scenic corridor designated by the General Plan, and includes adequate design to ensure the continuing preservation of the character of the surrounding area;*

The project site is situated in a rural scenic corridor. Design elements (as discussed above) have been incorporated to preserve the character of the surrounding area. The City's Architectural Review Panel (ARP) reviewed the project and recommended approval of the proposed design, citing that the addition was designed consistent with the style, colors and materials of the existing residence and that the residence (including the proposed addition) will not be visible. Therefore, the 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 subject site is located within an existing developed single-family residential neighborhood on Saint Andrews Lane. The community of Saint Andrews Lane is a self-contained gated community consisting of four developed lots. The remaining three parcels in the neighborhood

have an average parcel size of approximately 8.5 acres and an average house size of 4,176 square feet (excluding garages). Consequently, the floor area ratios of the three remaining parcels range from 0.006 to .037.

The subject parcel has a residence that is 8,804 square feet, includes 2,217 square feet of garages, and is proposing to add an additional 2,490 square feet of garage space for a total of 13,511 square feet of development. It is currently, and still will be the largest development within the neighborhood by size alone. However, the subject parcel is also 26.2 (net) acres in size, and therefore, the floor area ratio of the project site (even with garage space included) is 0.012 which is well within the floor area ratio of the community (which was calculated not using garage space), and therefore is consistent with the neighborhood. Furthermore, the existing residence is over 200 feet away from the nearest residence and the proposed addition is over 400 feet away from and not visible from adjacent neighbors.

From a design perspective, the existing residence is Spanish Mediterranean, and the addition will match the style, colors and materials of the existing residence, as well as the predominant design theme of the community, which is Mediterranean-themed. For all these reasons, the project meets this finding.

Section 17.62.020(E) of the Calabasas Municipal Code allows the City Council to 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 subject site is within the Open Space (OS) zone. The Open Space zone is a special purpose zone characterized by large parcels in areas that are rural in character. As such, most typical development standards such as site coverage, pervious surfaces and setbacks are not a set value, and are instead approved by the appropriate decision making body on a case-by-case basis. In this case, the parcel is already developed with a one-story, 24 foot high single-family residence previously approved by the City Council through a Development Plan application. For development within the Open Space zoning designation, only the height requirement of 25 feet (maximum) is a stated fixed measurement. The proposed addition to the residence is a maximum of 19 feet at its highest point, and therefore the proposed addition meets this requirement. As mentioned earlier, all other standards are set through the Development Plan process. In this case, approval of the Development Plan application

will alter the originally approved street side yard and rear yard setbacks. Approval of the Development Plan application, therefore, establishes code compliant setbacks and the project will be consistent with Code requirements.

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 the vicinity;*

The General Plan Land Use designation for the subject site is Open Space – Resource Protected (OS-RP), which applies to lands whose primary purpose is the protection of public health and safety, preservation of sensitive environmental resources, or resource management. The underlying zoning on the parcel is Open Space, which allows for residential development.

A stated objective of the Land Use Element of the General Plan is to maintain Calabasas as a predominantly residential community. Land Use Policy II-8 further supports this by requiring development to be compatible with the overall residential character of the community. As mentioned above, the subject parcel is developed with an existing residence, and the proposed addition will not alter the existing use of the property.

The relevant stated objective of the Open Space Element of the General Plan is to maintain a citywide open space system that conserves natural resources and preserves scenic beauty. Open Space Policies III-5, III-7, III-11, III-12 and III-14 promote limiting landform alteration, using native landscape screening, maintaining the visual character of hillsides, and preserving significant ridgelines. The existing residence, approved by City Council in 2003 was approved consistent with the stated General Plan objectives and policies. The residence was designed to be one story, generally with a height between 18 and 20 feet (with some architectural elements projecting up to 24 feet in height), with a medium-colored (Spanish tile) pitched roof. Development of the site, although on a designated significant ridgeline, was graded to include a berm south of the residence to help conceal the development from Mulholland Highway, a locally designated scenic roadway. To further conceal the development, landscape elements were placed on the berm so that over time, as the landscaping matures, the minimal portions of the development that were still visible would be further concealed.

The proposed addition is one-story (ranging from 12 to 19 feet in height, and designed to match the earth-toned colors and materials of the existing Spanish Mediterranean-style residence. It is situated on the

developed portion of the site and in an area concealed by the existing landscaped berm. In this respect, the addition will not require any expansion of the development footprint, and will be screened from Mulholland Highway so that no visual impacts will occur. Additionally, the preliminary landscape plan proposes enhancing the native landscaping on the berm so that further concealment of the development will occur. To this end, the proposed project is consistent with the Open Space Element of the City's General Plan.

The relevant stated objective of the Conservation Element of the General Plan is to preserve critical biotic resources and enhance habitat value and biotic resource diversity within the Calabasas area. Conservation Element Policies IV-2, IV-3 and IV-9 require development to protect biotic habitat value in the City's open space areas including the protection of oak trees. As stated above, the proposed addition is limited to the existing developed portions of the property. The use of this existing developed pad for the proposed addition minimizes the amount of required grading. As such, no expansion of the development footprint into ecologically sensitive areas will occur. Additionally, although one small (2" diameter) oak tree will have its protected zone encroached upon, no impacts to the tree are expected to occur. In this regard, the project meets the relevant objective and policies of the General Plan's Conservation Element.

The goal of the Community Design Element of the General Plan is to maintain a high quality appearance in the existing and future built environment, while protecting hillsides, ridgelines, and open space areas. The proposed project meets this goal because it is attractively designed and does not impact public views of hillsides, ridgelines or open space areas. As already stated, the proposed addition is designed to match the style, colors and materials of the existing Spanish Mediterranean residence, and will be sited on a developed portion of the property that conceals the development from the scenic corridor. Additionally, because the development will not expand the development footprint and will be screened from view from Mulholland Highway, no additional impacts to the ridgeline will occur. Therefore, the project is consistent with the Community Design Element of the General Plan. For all these reasons, the project meets this finding.

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

Staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Section 15301(E)(2) (Existing Facilities) of the

CEQA Guidelines because the proposed project is constructing less than 10,000 square feet in an area where all public services and facilities are available to allow the maximum development permissible in the General Plan and the new addition is not adversely impacting a protected viewshed or any sensitive resources. 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 subject site is located within an existing developed single-family residential community on Saint Andrews Lane. The community of Saint Andrews Lane is a self-contained gated community consisting of four developed lots. The remaining three parcels in the neighborhood have an average parcel size of approximately 8.5 acres and an average house size of 4,176 square feet (excluding garages). Consequently, the floor area ratios of the three remaining parcels range from 0.006 to 0.037.

The subject parcel has an existing residence that is 8,804 square feet, includes 2,217 square feet of garages, and is proposing to add an additional 2,490 square feet of garage space for a total of 13,511 square feet of development. It currently is, and still will be the largest development within the neighborhood by size alone. However, the subject parcel is also 26.2 (net) acres in size, and therefore the floor area ratio (including the garage space) is 0.012 which is well within the floor area ratio range of the community (which was calculated not including garage space), and therefore is consistent with the neighborhood. Furthermore, the existing residence is over 200 feet away from the nearest residence, and the proposed addition is over 400 feet away from and not visible from adjacent neighboring residences.

From a design perspective, the dominant design theme in the neighborhood is Mediterranean. The existing residence is Spanish Mediterranean, and the addition is designed to match the style, color and materials of the existing residence. For all these reasons, the 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 subject parcel is zoned Open Space (OS). As such, excluding height, the basic development standards are not fixed and determined through the Development Plan process. As part of that process, the site is analyzed to determine if a proposed project is properly sited and designed at a size and location that is adequate and consistent with the intent of the Code. In this respect, the 2003 approval of the existing residence by the City Council established a Code Compliant project that adequately fit the site. The subject parcel is 26.2 (net) acres in size and the approved development was situated in the most feasible location which, in this case, was on top of the ridgeline, given the extremely steep slope conditions found throughout the remainder of the parcel. The addition is proposed on portions of the already-developed pad which is large enough (1.75 acres) to accommodate the project without expanding the existing development footprint. As a result, 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 the southern portion of the City along Mulholland Highway, a designated rural scenic corridor. This portion of the City is made up of parcels that are generally larger in size and are characterized by steep hillsides with abundant habitat that includes expanses of relatively undisturbed natural vegetation. The subject site is zoned Open Space (OS), is 26.2 (net) acres in size and generally fits the rural character described above. The existing residence, approved in 2003, was designed in such a way to respect the surrounding character. The development footprint was confined to a 1.75 acre pad area on top of the ridgeline and the residence was concealed by the construction of a landscaped berm on the southern side of the residence. Additionally, the residence was designed to be one-story, Spanish Mediterranean in style, and uses earth-toned colors and landscaping to help it blend with the surrounding environment. The proposed addition is designed to match the style, colors and materials of the existing residence and landscaping has been enhanced on the berm to further conceal and integrate the development with its surrounding. Therefore, the project meets this finding.

Section 17.32.010(E) of the Calabasas Municipal Code allows the City Council to approve an **Oak Tree Permit** provided that the following findings are made:

- 1. 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 project site is previously developed with a one-story residence on a graded pad located on top of a ridgeline. The existing pad is oversized (approximately 1.75 acres) and easily accommodates the residence, yard amenities such as a pool/spa, trellises, a detached garage and landscaping. A landscaped berm is located on the southern perimeter of the developed pad to help screen the residence from Mulholland Highway. In this case, it is reasonable to site the development on the existing developed pad to avoid additional impacts to the scenic corridor, habitat resources and to avoid significant additional grading.

The oak tree report states that there are 14 oak trees within the vicinity of the site's development footprint. The trees are located both south of the residence on the south side (and below the crest) of the landscaped berm and in an undeveloped area north of the residence. These were mitigation trees required for the previous removal of scrub oak, and range in size from 1 ¼ inches to 5 inches in diameter.

Of the 14 oak trees, one tree (tree #8), located on the south side of the landscaped berm in the vicinity of the proposed addition, will have its protected zone permanently encroached on by the proposed addition. Since the proposed addition is sited in a reasonable location on the existing developed pad, and oak tree #8 is located on the berm to the south of the proposed addition approximately 13 feet away from the developed pad, encroachment into the protected zone of the tree is both unavoidable and warranted to enable reasonable and conforming use of the site. Encroachment into the protected zone of oak tree #8 enables the addition to be sited on the existing developed pad, thereby minimizing impacts to natural habitat resources, significantly reducing the required amount of grading, and ensuring protection of the scenic corridor's visual resources as the existing pad is screened from view. Additionally, the oak tree report states that no impact to the oak tree will occur. This conclusion has been confirmed by the City's Arborist. Therefore, the project meets this finding.

Section 17.62.080(E) of the Calabasas Municipal Code allows the City Council 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 subject site is within the Open Space (OS) zone. The Open Space zone is a special purpose zone that characteristically includes properties larger in size with steep topography, visual resources (such as ridgelines), and/or various plant and animal habitats. Only a handful of Open Space-zoned properties exist in the City due to these characteristics. The Saint Andrew's Lane subdivision is a four-lot gated community previously developed along and on top of a significant ridgeline.

The City's current Hillside and Ridgeline Ordinance (adopted in 2010 subsequent to the development of Saint Andrew's Lane) requires development to be sited 50 feet below and away from a significant ridgeline. Not all Open Space-zoned properties contain a significant ridgeline. To this end, not all Open Space-zoned properties are subject to the siting standard located in the City's Hillside and Ridgeline Ordinance. Additionally, it is common for existing development in any zone to update, redevelop and/or enlarge over time. In this case, because the existing development was developed on top of the ridgeline prior to the codification of the ridgeline siting standard, any addition to the existing development will not be able to meet the current standard. Additionally, while the subject property is on a designated significant ridgeline, the proposed addition presents the special circumstance of being located on an existing developed pad which is screened from view by a landscaped berm. Unlike typical expansions of structures located on significant ridgelines, where there are no landscape screening features, the proposed addition does not impact the visual resources protected by the significant ridgeline siting standards. Strict application of these standards would deny the property owner the ability to expand the usable garage space in a manner proportional to the amount of garage space of other properties in the Saint Andrews Lane subdivision and would not take into account the existence of the graded, screened pad on this parcel. Therefore, a special circumstance exists relative to the subject property when compared with other Open Space-zoned properties and other properties located on a significant ridgeline. Given these circumstances, 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 subject site is within the Open Space (OS) zone. The Open Space zone is a special purpose zone that characteristically includes properties larger in size with steep topography, visual resources (such as ridgelines), and/or various plant and animal habitats. Only a handful of Open Space-zoned properties exist in the City due to these characteristics.

The City's current Hillside and Ridgeline Ordinance was adopted in 2010, subsequent to the development of the Saint Andrew's Lane community. The statute requires development to be sited 50 feet below and away from a significant ridgeline. It is common for existing development in any zone to be updated, redeveloped and/or enlarged over time. In this case, because the existing development was constructed on top of the ridgeline prior to the codification of the ridgeline siting standard, any addition to the existing development will not be able to meet the current standard.

Additionally, the Saint Andrew's Lane subdivision, which the subject property is a part of, is a four-lot gated community previously developed along and on top of a significant ridgeline. No other Open Space-zoned properties (other than the ones located on Saint Andrews Lane) are located in the immediate vicinity of the subject property. The four developed properties on Saint Andrews Lane range in size (excluding the garages) from 3,657 square feet to 8,804 square feet on properties that range in size from 2.72 (net) acres to 26.2 (net) acres. Consequently, the floor area ratios (i.e. the ratio of development size to parcel size) for the properties located within the Saint Andrews Lane community range from 0.006 to 0.037 (excluding garages). The floor area ratio of the existing development (excluding the garage space) on the subject property is 0.008, well within the range of the community. With the addition of both the previously uncounted existing garage space (2,217 square feet) and the proposed 2,490 square feet of additional garage space, the total floor area ratio will be 0.012 which is still within the range of floor area ratios within the community [which do not include the garages (due to the absence of data)]. To this end, the granting of the variance is warranted and necessary to afford the subject property owner the same rights as properties in the vicinity and with identical zoning. Given these circumstances, 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;*

Granting of this variance, in this case, will not constitute the granting of a special privilege inconsistent with other properties in the same zoning

district because all the residences (including the subject property) on Saint Andrews Lane have garage space to provide off-street parking and storage, and the additional garage space proposed by the subject application does not alter this condition. Additionally, Granting this variance would allow the subject property to enjoy a proportional amount of garage space as the other Saint Andrew's Lane properties, while remaining within the range of floor area ratios for these properties. Given this circumstance, 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 project site is previously developed with a one-story residence on a graded pad located on top of a ridgeline and within a rural scenic corridor. Adequate separation exists between the existing development and the closest adjacent residence (approximately 200 feet). Since the proposed addition will be approximately 400 feet away from the closest neighboring residence, no impact to surrounding residences will occur.

Furthermore, the existing pad is oversized (approximately 1.75 acres) and can easily accommodate the residence, yard amenities such as a pool/spa, trellises, a detached garage and landscaping. A landscaped berm is located on the southern perimeter of the developed pad designed to help screen the residence from Mulholland Highway. The addition is proposed on the existing pad and behind the landscaped berm. The proposed expansion will not be visible or silhouetted against the sky when viewed from Mulholland Highway. In this case, siting the addition on the existing developed pad avoids expansion of the existing development footprint, and therefore, minimizes impacts to the scenic corridor and adjacent habitat areas, including avoidance of significant additional grading. Given these circumstances, the proposed project meets this finding.

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

The General Plan Land Use designation for the subject site is Open Space – Resource Protected (OS-RP), which applies to lands whose primary purpose is the protection of public health and safety, preservation of sensitive environmental resources, or resource management. The underlying zoning on the parcel is Open Space, which allows for residential development.

As already mentioned, the relevant objectives and policies of the City's General Plan require limiting landform alteration, using native landscape screening, maintaining the visual character of hillsides, preserving significant ridgelines, and preserving biotic resources. To promote these goals for ridgeline areas, CMC Section 17.20.150 requires development to be sited off of ridgelines as a priority, unless siting development on a ridgeline is the least impactful location. In situations where development on the ridgeline is necessary and warranted, a variance application is required. In this case, the existing residence was entitled and developed prior to the codification of CMC Section 17.20.150, and is located on the ridgeline. Because of this, it is impossible for any addition to the existing residence to meet the siting standards contained in CMC Section 17.20.150. Additionally, the addition is sited in an already developed portion of the site and located behind an existing landscaped berm designed to conceal development. Furthermore, the addition is designed to match the style, color and materials of the existing residence. Development in this location will cause no expansion of the development footprint and therefore protecting both visual resources and biotic resources. The proposed location for the addition, on the already developed pad, adjacent to the existing residence, parallel to the ridgeline, and behind the existing landscaped berm, is the location for the expansion with the least impact. Any alternative location on the parcel for the proposed expansion would require significant additional grading but would not entail greater protection for visual resources because the proposed addition will be screened. As such, any alternative location on the parcel would cause the loss of native habitat without increasing the protection of visual resources. For these reasons, the project is consistent with this finding.

Section 17.20.150(C)(3) of the Calabasas Municipal Code states that for projects that cannot meet the siting requirements of CMC Section 17.20.150(C)(2), the following findings must be made:

- 1. Alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used and that the siting principles outlined under subsection (C)(4) have been applied*

The siting principles in subsection (C)(4) lists three prioritized locations for siting development on properties with ridgelines. The first priority is to site development off of ridgelines on areas with a maximum slope of 20%. The second priority is to site development off of ridgelines in areas with slopes ranging between 20% and 30%. The final siting priority

states that if the first or second priority cannot be met, then development should be sited in areas on ridge tops with slopes less than twenty (20) percent. Proposed buildings should be set back as far as possible from the edge of the ridge (where downhill slopes begin to exceed twenty (20) percent and landscaped, to minimize visibility.

In this case, the existing residence is developed on a 1.75 acre flat pad on top of the ridgeline that was graded as part of the original development. Areas off of the ridgeline all exceed the slope criteria identified in priority 1 and priority 2 and exhibit both scrub oak and riparian habitat. Therefore, development on top of the flat developed pad area is the only feasible location for expansion of the residence. Further, development of the proposed addition on the existing developed pad complies with subsection (C)(4) as the developed pad is within the third priority category. Moreover, the proposed location, adjacent to the existing residence and on the developed pad, minimizes grading and habitat damage. Therefore, the project meets this finding.

2. *The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project including minimized grading, reduced structural height, clustered structures, shape, materials, and color that allow the structures to blend with the natural setting, and use of native landscaping for concealment of the project.*

The existing residence is developed on a 1.75 acre flat pad on top of the ridge graded as part of the original development. A landscaped berm was constructed south of the residence designed to conceal development from Mulholland Highway, a locally designated scenic roadway, and minimize impacts to the significant ridgeline. Furthermore, the original residence was designed to be one-story, generally with a height between 18 and 20 feet (with some architectural elements projecting up to 24 feet in height) and with a medium-colored (Spanish tile) pitched roof.

The proposed addition is one-story (ranging from 12 to 19 feet in height, and designed to match the earth toned colors and materials of the existing residence. It is situated on the developed portion of the site and in an area concealed by the existing landscaped berm. In this respect, the addition will be screened from the Mulholland Highway so that no visual impacts will occur to the scenic corridor or the ridgeline. The proposed expansion will not be visible or silhouetted against the sky when viewed from Mulholland Highway. Additionally, the preliminary landscape plan proposes enhancing the landscaping on the berm so that further concealment of the development will occur. Furthermore, the

project has been conditioned so that a final landscape plan will be submitted to the Community Development Director in case additional adjustments need to be made to further conceal the development. Therefore, the project meets this finding.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby approves File no. 120000173 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. 120000173, or the activities conducted pursuant to this File No. 120000173. Accordingly, to the fullest extent permitted by law, Hasse and Carmela Birenbaum, in its capacity as the property owner, 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. 120000173, or the activities conducted pursuant to this File No. 120000173. Hasse and Carmela Birenbaum in its capacity as the property owner 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**

#### **General Conditions**

1. The proposed project shall be built in compliance with the 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. 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.
6. 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.
7. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
8. Prior to the issuance of a Building Permit, the applicant shall submit a final landscape plan to the Community Development Director for review and approval. The landscape plan shall include landscaping placed on the

existing berm to adequately screen the proposed project from Mulholland Highway.

9. All landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of the Community Development Department or his or her designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency. Landscaping planted in compliance with this permit, located on and in close proximity to the berm, which serves to screen the view of the dwelling from the Scenic Corridor shall be maintained in good health and in a fully lush and complete state to accomplish this purpose. The applicant shall submit a monitoring report three years after the date of approval of this resolution demonstrating that the landscaping has been maintained in compliance with the approved landscaping plan, to the satisfaction of the Director of the Community Development Department or his or her designee.
10. 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 landscaping, walls or a combination thereof.
11. All exterior lights are subject to the provision set forth in the Lighting Ordinance Chapter 17.20 of the Land Use and Development Code. Lighting of 60 watts or less on residential projects is exempt by the Lighting Ordinance.
12. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors board exhibit.
13. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
14. 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.
15. 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.
16. 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.

17. 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

Construction is prohibited on Sundays and Holidays. 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.

#### Oak Trees

18. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
19. The oak tree protective zone fencing (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) should be installed at the limit of approved work to protect the Oak Trees and surrounding trees from any damage and remain in place until completion of construction. Should any work be required within the limit of work and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open.
20. Soil compaction within the dripline and/or root zone shall be minimized. No equipment, spoils or debris shall be stored within the dripline and/or Protected Zone of any oak tree. No dumping of liquids or solvents, cleaning fluid, paints, concrete washout or other harmful substances within the driplines and/or Protected Zones shall be permitted.
21. The area within the plastic construction/snow type fence should not be used at any time for material or equipment storage and parking.

22. The applicant should adhere to the specific recommendations contained within the Oak Tree Report dated July 17, 2013 (revision date) and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.
23. 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.

**Public Works Department:**

24. 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.
25. 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.
26. 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.

27. The final grading and drainage plan shall be submitted to the City Engineer for review and approval. The plan shall be in accordance to the City of Calabasas Public Works Department requirements and in conformance with the approved Conceptual Grading and Drainage Plan and the approved Update Geotechnical Engineering Report.
28. The final grading and drainage plan shall be prepared by a registered civil engineer and shall be reviewed and stamped by the applicants consulting Civil Engineer and Geotechnical & Soils Engineer prior to approval by the City Engineer.
29. 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; and conveyed through an on-site storm drain system to an approved point of disposal.
30. 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.
31. 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).
32. Changed conditions that affect the approved plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1) and are subject to review and approval by the City Engineer.

**Section 5. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.**

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
David J. Shapiro, Mayor

ATTEST:

\_\_\_\_\_  
Maricela Hernandez, MMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott H. Howard, City Attorney

**COPIES OF ITEM 8 ATTACHMENT B  
ARE AVAILABLE FOR REVIEW  
BY CONTACTING THE OFFICE OF THE  
CITY CLERK**

**COPIES OF ITEM 8 ATTACHMENT C  
ARE AVAILABLE FOR REVIEW  
BY CONTACTING THE OFFICE OF THE  
CITY CLERK**



21650 Oxnard Street  
Suite 1680  
Woodland Hills, CA 91367  
818.703.8600 phone  
818.703.5118 fax

www.esassoc.com

**Date**           **May 10, 2013**

**To**               **Glenn Michitsch, Senior Planner**

**From**           **Greg Ainsworth, City Arborist**

**Regarding**   **Protected Oak Tree Assessment at 27104 St. Andrews Lane**

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On April 18, 2013, Arborist Greg Ainsworth and Senior Planner Glenn Michitsch visited 27104 St. Andrews Lane to assess the locations of oak trees identified in the Oak Tree Report prepared by TREES Etc. (June 13, 2012) (herein referred to as "tree report"). The tree report identifies all trees located on the property that are within the 200 foot fuel modification zone; the zone in which vegetation must be thinned to reduce fuel load, which includes limbing protected oak trees to raise their canopy above the ground. However, since the preparation of the tree report, the fuel modification zone has expanded. Therefore, the purpose of the site visit conducted by Mr. Ainsworth and Mr. Michitsch was to determine if there are any additional city-protected oak trees within the recently expanded fuel modification zone.

The proposed project includes the construction of a pedestrian path mandated by the Los Angeles County Fire Department for fire personnel access around the southern perimeter of an existing garage structure that is undergoing permit review by the city. At the time of the site visit, the path had been cut, but not completed.

#### **Results and Recommendations**

There are two clusters of scrub oaks (*Q. berberidifolia*) located to the south of the garage structure that appear to be located near, or within, the boundary of the new limits of the fuel modification zone. These clusters were located in the field with an iPhone GPS application. The coordinates these two clusters is at approximately 34° 07' 53" N Latitude and 118° 39' 10" W Longitude. These scrub oak clusters shall be mapped by the applicant's arborist and shown on the site plan and resubmitted to the city for review and consideration. All other information provided in the tree report is accurate and the report was adequately prepared in accordance with the city's Oak Tree Ordinance 2001-166 of the Calabasas Municipal Code.

Please contact Greg Ainsworth at (818) 564-5544 or email at [gainsworth@esassoc.com](mailto:gainsworth@esassoc.com) if you should have any questions regarding the findings provided in this memorandum.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg Ainsworth". The signature is stylized with a large, sweeping flourish at the end.

Greg Ainsworth, City Arborist  
ISA Certification # WE-7473A



21650 Oxnard Street  
Suite 1680  
Woodland Hills, CA 91367  
818.703.8600 phone  
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**Date**            **September 9, 2013**

**To**              **Glenn Michitsch, Senior Planner**

**From**          **Greg Ainsworth, City Arborist**

**Regarding**    **Verification of Inclusion of Scrub Oaks in Oak Tree Report for Garage Addition at 27104 St. Andrews Lane**

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As reported in the oak tree assessment letter prepared by Greg Ainsworth, dated May 10, 2013, there were two clusters of scrub oaks (*Q. berberidifolia*) located to the south of the garage structure that appeared to be located near, or within, the boundary of the new limits of the fuel modification zone. Based on my review of the updated Oak Tree Report prepared by TREES, etc. (July 17, 2013) (received by the City on July 18, 2013), these scrub oak clusters were appropriately mapped and are shown on the plan titled "Existing and Proposed Fuel Modification Lot 4, Tract No. 43565 FFFM-7205200193". As shown on the revised plan, one of the clusters is located outside but immediately adjacent of the proposed fuel modification limits to southwest and the other cluster is located about half way in and half way out of the limits of proposed fuel modification.

Based on the revised Oak Tree Report, all scrub oaks within the fuel modification zone will remain intact and not pruned unless required by the Los Angeles County Fire Department. If understory plants are to be removed within the canopies of the scrub oaks, they will be removed with hand tools only. It should be noted that limbing (i.e., removal of limbs from the ground to approximately 5 feet above grade) of the scrub oaks for fire clearance is permissible; however, no limbs having a diameter of 2 inches or greater shall be cut without prior receipt of a permit from the city of Calabasas.

Please contact Greg Ainsworth at (818) 564-5544 or email at [gainsworth@esassoc.com](mailto:gainsworth@esassoc.com) if you should have any questions regarding the findings provided in this memorandum.

Respectfully submitted,

Greg Ainsworth, City Arborist  
ISA Certification # WE-7473A

# MATERIALS SAMPLE BOARD



GARAGE WOOD DOORS  
SHERWIN-WILLIAMS SW6356 COPPER MOUNTAIN



WINDOW AND DOOR TRIM / FRAMES  
SHERWIN-WILLIAMS SW6356 COPPER MOUNTAIN



EXTERIOR STUCCO  
SHERWIN-WILLIAMS SW6114 BAGEL



EXTERIOR WOOD STAIN  
SHERWIN-WILLIAMS SW3114-K WARM CHESTNUT



SANTA FE - ROOF CLAY TILE.

**Birenbaum Residence Garage Addition Project  
24107 St Andrews Lane, Calabasas, CA 91302**

Revised 8-29-2013

Phil and Nancy Mundy  
24115 St Andrews Lane  
Calabasas, Ca 01302

March 4, 2014

Mr. Glenn Mitchitsch, Senior Planner  
City of Calabasas  
100 Civic Center Way  
Calabasas Ca. 91302

Regarding: Approval of Birenbaum addition at 24107 St Andrews Lane, File No.120000173

Dear Mr. Mitchitsch,

Nancy and I have lived at 24115 St Andrews Lane since 1988. We have watched the property in question change hands 4 times before a home was finally built on it almost 10 years ago. We are in favor of approving the addition in question. It is not visible from our street and blends in beautifully with the existing home. The 4 homes in our tract reside in 50+ acres of which 90% is open space. We are all concerned about our beautiful community and feel that this addition, even though invisible to us, can only enhance our small development.

We urge you to approve this permit.

Sincerely,

  
Phil Mundy  
Neighbor on St Andrews Lane

**RECEIVED**

**MAR 05 2014**

**COMMUNITY DEVELOPMENT  
PLANNING DEPT**

Steve and Jill Heimler  
24111 St. Andrews Lane  
Calabasas, California 91302

February 24, 2014

Mr. Glenn Michitsch, Senior Planner  
City of Calabasas  
100 Civic Center Way  
Calabasas, California 91302

*Reference: Birenbaum House Addition Permit Approval*

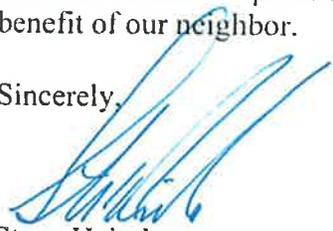
Dear Mr. Michitsch,

My wife and I are writing this letter in support of the permit requested for the ~2,500 square foot addition to the existing single-family residence located at 24107 Saint Andrews Lane. We have lived on the adjacent property since 2004. Since that time, we have had the pleasure to get to know the Birenbaum family.

There are four parcels located along Saint Andrews Lane, all of which have sizeable property. The lots were all developed with single-family homes in the 1980's, and built under the County of Los Angeles guidelines prior to City's formation. These homes are consistent with the current open space zoning because the development footprint occupies a relatively small portion of each parcel in relation to the lot size. Each lot retains a large amount of open space and natural slope/vegetation all within a rural residential setting.

We feel strongly that the house addition should be approved. The addition has not significantly changed the scenic views from our house or from Mulholland Highway. Further, the area has been developed for decades with single-family uses, and the increased square footage has not created any negative impacts to us personally. As the closest residence in proximity to this house, we urge you to approve this permit for the benefit of our neighbor.

Sincerely,

  
Steve Heimler



CITY of CALABASAS

Community Development Department  
 Planning Division  
 100 Civic Center Way  
 Calabasas, CA 91302  
 T: 818.224.1600

www.cityofcalabasas.com

## Notice of Exemption

To:  County Clerk, County of Los Angeles  
 12400 East Imperial Highway, Room 2001  
 Norwalk, CA 90650

Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, California 95814

**SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH SECTION 15062 OF THE PUBLIC RESOURCES CODE**

**Project Title/File No.:** 120000173

**Project Location:** 24107 Saint Andrews Lane, in the City of Calabasas, County of Los Angeles.

**Project Description:** A request for a Site Plan Review, Scenic Corridor Permit, Development Plan, Oat Tree Permit and Variance to legalize the construction of a 2,490 square-foot ground-floor addition to an existing one-story 11,021 square foot single-family residence on a 27.88 acre lot located at 24107 Saint Andrews Lane within the Open Space (OS) zoning district.

**Name of approving public agency:** City of Calabasas Planning Commission

**Project Sponsor:** Harry and Carmela Birenbaum, 24107 Saint Andrews Lane, Calabasas, CA 91302

**Exempt Status:**

Ministerial (Sec. 21080(b)(1); 15268)

Declared Emergency (Sec. 21080(b)(3); 15269(a))

Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

Categorical Exemption—Section 15301, (Class 1 - Existing Structures)

Statutory Exemptions. Section

**Reason(s) why Project is exempt:** Categorical Exemption. Section 15301(e) Class 1 - Existing Facilities. The construction of a 2,490 sq. ft. garage addition will not result in an increase of more than 10,000 sq. ft. in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and in an area that is not environmentally sensitive.

**Lead Agency/Contact Person:** Glenn Michitsch, Senior Planner, City of Calabasas Planning Division, 100 Civic Center Way, Calabasas, CA 91302.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_  
 Glenn Michitsch

**Title:** Senior Planner

**Phone:** (818) 224-1600

**Date received for filing and posting:** \_\_\_\_\_

**P.C. RESOLUTION NO. 2014-565**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF FILE NO 120000173 TO LEGALIZE THE CONSTRUCTION OF A 2,490 SQUARE FOOT GROUND-FLOOR ADDITION (BUILT WITHOUT PERMITS) TO AN EXISTING ONE-STORY 11,021 SQUARE FOOT SINGLE FAMILY RESIDENCE. THE PROJECT INCLUDES REQUESTS FOR THE FOLLOWING: (1) A SITE PLAN REVIEW FOR THE CONSTRUCTION OF THE 2,490 SQUARE FOOT ADDITION, (2) A SCENIC CORRIDOR PERMIT FOR DEVELOPMENT WITHIN A DESIGNATED SCENIC CORRIDOR , (3) A DEVELOPMENT PLAN TO ESTABLISH NEW SETBACKS FOR DEVELOPMENT LOCATED WITHIN THE OPEN SPACE (OS) ZONING DISTRICT, (4) AN OAK TREE PERMIT FOR THE ENCROACHMENT INTO THE PROTECTED ZONE OF ONE (NON-HERITAGE) OAK TREE, AND (5) A VARIANCE REQUEST FOR DEVELOPMENT WITHIN 50 HORIZONTAL FEET AND 50 VERTICAL FEET OF A DESIGNATED SIGNIFICANT RIDGELINE. THE SUBJECT SITE IS LOCATED AT 24107 SAINT ANDREWS LANE, WITHIN THE OPEN SPACE (OS) ZONING DISTRICT.**

**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 March 6, 2014, before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

**Section 2. Based on the foregoing evidence, the Planning Commission finds that:**

1. The applicant submitted an application for a Site Plan Review, a Scenic Corridor Permit, and a Development Plan on February 17, 2012. The applicant also submitted an Oak Tree Permit application on April 1, 2013 and a Variance application on October 24, 2013.
2. On March 15, 2012, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.
3. On January 23, 2014, the application was deemed complete and the applicant was notified.
4. Notice of the March 6, 2014 Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's market, the Agoura/Calabasas Community Center, and at Calabasas City Hall.
5. Notice of the March 6, 2014, 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 Open Space (OS).
8. The land use designation for the project site under the City's adopted General Plan is Open Space – Resource Protected (OS-RP).
9. The surrounding land uses around the subject property are zoned Open Space (OS), Residential, Mobile Home (RMH), Open Space – Development Restricted (OS-DR), and Residential Single-Family (RS).
10. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).

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

### **FINDINGS**

Section 17.62.070(D) Calabasas Municipal Code allows the Planning Commission to recommend approval of a **Development Plan Permit** provided that 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;*

One single-family home and ancillary uses are allowed in the Open Space (OS) zone pursuant to Section 17.16.020 of the Land Use and Development Code. The parcel is already developed with a one-story, 24 foot high single-family residence previously approved by the City Council through a Development Plan application. For development within the Open Space zoning designation, only the height requirement of 25 feet (maximum) is a stated fixed measurement. The proposed addition to the residence is a maximum of 19 feet at its highest point, and therefore the proposed addition meets this requirement. All other standards are set through the Development Plan process. In this case, the Development Plan process will alter the originally approved street side yard and rear yard setbacks. Approval of the Development Plan application, therefore, establishes code compliant setbacks. To this end, because the use as a single-family residence is an allowed use and the code allows modification of development standards via a Development Plan, the proposed use meets this finding.

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

The proposed project meets this finding because the General Plan Land Use Designation for this parcel is OS-RP (Open Space-Resource Protected) and residential land uses are consistent with this land use designation. The subject parcel is the one of four properties zoned Open Space (OS) within the Saint Andrews Lane gated subdivision and is surrounded by both residential development and vacant property zoned Open Space-Development Restricted (OS-DR). The proposed addition to the existing single-family residence does not alter the residential use on the subject property. In addition, total development of the site will only utilize 1.2 percent of the site, leaving 98.8 percent of the size as open space. Therefore, the project meets this finding.

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

The project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Section 15301(E)(2) (Existing Facilities) of the CEQA Guidelines because the proposed project consists of constructing less than 10,000 square feet in an area where all public services and facilities are available to allow the maximum development permissible in the General Plan and the new addition is not adversely impacting a protected viewshed or any sensitive resources. Therefore, the project meets this finding.

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

The subject property is located within a gated four-lot subdivision on Saint Andrews Lane. Both existing and future anticipated land uses in the vicinity are all residences. The applicant is requesting approval of a 2,490 square foot garage addition to the existing 11,021 square-foot residence via a Development Plan application. A Development Plan application is utilized to establish the setback standards within the Open Space zoning district. Development of the proposed addition is on an already developed pad location, and will decrease the street side yard and the rear yard setbacks of the overall development. However, the subject site is exceptionally large (26.2 net acres) and existing development is setback a minimum distance of 166 feet from property lines at its closest point. Additionally, although the addition will decrease the street side setback from 523 feet to 488 feet and the rear yard setback from 814 feet to 767 feet, no setback will be decreased to a distance less than the existing 166 foot setback from the nearest property boundary at its closest point, which is the side yard setback. Therefore, the addition will leave more than adequate separation between the subject residence and adjacent development.

The subject site is also situated in a designated scenic corridor, and any development has the possibility to impact views from Mulholland Highway. In this case, the existing residence included the construction of a landscaped berm to conceal the development from Mulholland Highway. The proposed addition will be sited on the developed pad, behind the landscaped berm and blocked from view from Mulholland Highway. Because of this, the addition will also be concealed from Mulholland Highway and will not impact any views from existing or future residential uses in the vicinity. Additionally, the landscaping on the existing berm will be improved pursuant to the preliminary landscaping plan, further cloaking the development from view from Mulholland Highway. Further, The City's Architectural Review Panel (ARP) reviewed the project and recommended approval of the proposed design, citing that the addition was designed consistent with the style, colors and materials of the existing residence, was consistent with the Scenic Corridor Design Guidelines and that the residence (including the proposed addition) will not be visible. For these reasons, the development is compatible with the location, design, scale and operating characteristics of existing and future land uses in the vicinity and the project meets this finding.

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

1. *The proposed project design complies with the scenic corridor development*

*guidelines adopted by the council;*

The proposed project site is located adjacent to Mulholland Highway, a designated Scenic Corridor. As such, proposed development must comply with the Scenic Corridor Development Guidelines. The City has adopted the Scenic Corridor Design Guidelines to ensure that development is sited and designed in such a way as to not adversely impact views from the scenic roadway. The guidelines do this by requiring the use of design techniques including the use of pitched roofs, roofs of a medium to dark color, avoidance of large, blank, straight facades, and the use of landscaping to help blend development. The existing residence, approved by City Council in 2003 was approved consistent with the scenic corridor design guidelines. The residence was designed to be one-story, generally with a height between 18 and 20 feet (with some architectural elements projecting up to 24 feet in height), and with a medium-colored (Spanish tile) pitched roof. Development of the site, although on a designated significant ridgeline, was graded to include a berm south of the residence to help conceal the development. To further conceal the development, landscape elements were placed on the berm so that over time, as the landscaping matures, the minimal portions of the development that were still visible would blend even more.

The proposed addition is one-story (ranging from 12 to 19 feet in height, and designed to match the style, earth-toned colors and materials of the existing residence. It is situated on the developed portion of the site and in an area concealed by the existing landscaped berm. In this respect, the addition will be screened from Mulholland Highway so that no visual impacts will occur. Additionally, the preliminary landscape plan proposes enhancing the landscaping on the berm so that further concealment of the development will occur. Furthermore, the project has been conditioned so that a final landscape plan will be submitted to the Community Development Director in case additional adjustments need to be made. Therefore, the project meets this finding.

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

The proposed project is visible from Mulholland Highway, which is a designated Scenic Corridor. The original residence was designed as a one-story residence, included design elements such as earth-toned colors, wood accents, pitched roof elements, use of stone veneer and also included a landscape berm to conceal the development from Mulholland Highway. The addition is designed to match the style, colors and materials of the residence and is situated behind the landscape berm so that it is also concealed as viewed from Mulholland Highway. Furthermore, landscaping enhancements have been proposed on the berm to further conceal the development from Mulholland Highway. Therefore, the project meets this finding.

3. *The proposed project is within a rural or semi-rural scenic corridor designated by the General Plan, and includes adequate design to ensure the continuing preservation of the character of the surrounding area;*

The project site is situated in a rural scenic corridor. Design elements (as discussed above) have been incorporated to preserve the character of the surrounding area. The City's Architectural Review Panel (ARP) reviewed the project and recommended approval of the proposed design, citing that the addition was designed consistent with the style, colors and materials of the existing residence and that the residence (including the proposed addition) will not be visible. Therefore, the 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 subject site is located within an existing developed single-family residential neighborhood on Saint Andrews Lane. The community of Saint Andrews Lane is a self-contained gated community consisting of four developed lots. The remaining three parcels in the neighborhood have an average parcel size of approximately 8.5 acres and an average house size of 4,176 square feet (excluding garages). Consequently, the floor area ratios of the three remaining parcels range from 0.006 to .037.

The subject parcel has a residence that is 8,804 square feet, includes 2,217 square feet of garages, and is proposing to add an additional 2,490 square feet of garage space for a total of 13,511 square feet of development. It is currently, and still will be the largest development within the neighborhood by size alone. However, the subject parcel is also 26.2 (net) acres in size, and therefore, the floor area ratio of the project site (even with garage space included) is 0.012 which is well within the floor area ratio of the community (which was calculated not using garage space), and therefore is consistent with the neighborhood. Furthermore, the existing residence is over 200 feet away from the nearest residence and the proposed addition is over 400 feet away from and not visible from adjacent neighbors.

From a design perspective, the existing residence is Spanish Mediterranean, and the addition will match the style, colors and materials of the existing residence, as well as the predominant design theme of the community, which is Mediterranean-themed. For all these reasons, the project meets this finding.

Section 17.62.020(E) of the 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 of the applicable provisions of this development code;*

The subject site is within the Open Space (OS) zone. The Open Space zone is a special purpose zone characterized by large parcels in areas that are rural in character. As such, most typical development standards such as site coverage, pervious surfaces and setbacks are not a set value, and are instead approved by the appropriate decision making body on a case-by-case basis. In this case, the parcel is already developed with a one-story, 24 foot high single-family residence previously approved by the City Council through a Development Plan application. For development within the Open Space zoning designation, only the height requirement of 25 feet (maximum) is a stated fixed measurement. The proposed addition to the residence is a maximum of 19 feet at its highest point, and therefore the proposed addition meets this requirement. As mentioned earlier, all other standards are set through the Development Plan process. In this case, approval of the Development Plan application will alter the originally approved street side yard and rear yard setbacks. Approval of the Development Plan application, therefore, establishes code compliant setbacks and the project will be consistent with Code requirements.

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 the vicinity;*

The General Plan Land Use designation for the subject site is Open Space – Resource Protected (OS-RP), which applies to lands whose primary purpose is the protection of public health and safety, preservation of sensitive environmental resources, or resource management. The underlying zoning on the parcel is Open Space, which allows for residential development.

A stated objective of the Land Use Element of the General Plan is to maintain Calabasas as a predominantly residential community. Land Use Policy II-8 further supports this by requiring development to be compatible with the overall residential character of the community. As mentioned above, the subject parcel is developed with an existing residence, and the proposed addition will not alter the existing use of the property.

The relevant stated objective of the Open Space Element of the General Plan is to maintain a citywide open space system that conserves natural resources and preserves scenic beauty. Open Space Policies III-5, III-7, III-11, III-12 and III-14 promote limiting landform alteration, using native landscape

screening, maintaining the visual character of hillsides, and preserving significant ridgelines. The existing residence, approved by City Council in 2003 was approved consistent with the stated General Plan objectives and policies. The residence was designed to be one story, generally with a height between 18 and 20 feet (with some architectural elements projecting up to 24 feet in height), with a medium-colored (Spanish tile) pitched roof. Development of the site, although on a designated significant ridgeline, was graded to include a berm south of the residence to help conceal the development from Mulholland Highway, a locally designated scenic roadway. To further conceal the development, landscape elements were placed on the berm so that over time, as the landscaping matures, the minimal portions of the development that were still visible would be further concealed.

The proposed addition is one-story (ranging from 12 to 19 feet in height, and designed to match the earth-toned colors and materials of the existing Spanish Mediterranean-style residence. It is situated on the developed portion of the site and in an area concealed by the existing landscaped berm. In this respect, the addition will not require any expansion of the development footprint, and will be screened from Mulholland Highway so that no visual impacts will occur. Additionally, the preliminary landscape plan proposes enhancing the native landscaping on the berm so that further concealment of the development will occur. To this end, the proposed project is consistent with the Open Space Element of the City's General Plan.

The relevant stated objective of the Conservation Element of the General Plan is to preserve critical biotic resources and enhance habitat value and biotic resource diversity within the Calabasas area. Conservation Element Policies IV-2, IV-3 and IV-9 require development to protect biotic habitat value in the City's open space areas including the protection of oak trees. As stated above, the proposed addition is limited to the existing developed portions of the property. The use of this existing developed pad for the proposed addition minimizes the amount of required grading. As such, no expansion of the development footprint into ecologically sensitive areas will occur. Additionally, although one small (2" diameter) oak tree will have its protected zone encroached upon, no impacts to the tree are expected to occur. In this regard, the project meets the relevant objective and policies of the General Plan's Conservation Element.

The goal of the Community Design Element of the General Plan is to maintain a high quality appearance in the existing and future built environment, while protecting hillsides, ridgelines, and open space areas. The proposed project meets this goal because it is attractively designed and does not impact public views of hillsides, ridgelines or open space areas. As already stated, the proposed addition is designed to match the style, colors and materials of the existing Spanish Mediterranean residence, and will be sited on a developed portion of the property that conceals the development from the scenic

corridor. Additionally, because the development will not expand the development footprint and will be screened from view from Mulholland Highway, no additional impacts to the ridgeline will occur. Therefore, the project is consistent with the Community Design Element of the General Plan. For all these reasons, the project meets this finding.

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

Staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Section 15301(E)(2) (Existing Facilities) of the CEQA Guidelines because the proposed project is constructing less than 10,000 square feet in an area where all public services and facilities are available to allow the maximum development permissible in the General Plan and the new addition is not adversely impacting a protected viewshed or any sensitive resources. 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 subject site is located within an existing developed single-family residential community on Saint Andrews Lane. The community of Saint Andrews Lane is a self-contained gated community consisting of four developed lots. The remaining three parcels in the neighborhood have an average parcel size of approximately 8.5 acres and an average house size of 4,176 square feet (excluding garages). Consequently, the floor area ratios of the three remaining parcels range from 0.006 to 0.037.

The subject parcel has an existing residence that is 8,804 square feet, includes 2,217 square feet of garages, and is proposing to add an additional 2,490 square feet of garage space for a total of 13,511 square feet of development. It currently is, and still will be the largest development within the neighborhood by size alone. However, the subject parcel is also 26.2 (net) acres in size, and therefore the floor area ratio (including the garage space) is 0.012 which is well within the floor area ratio range of the community (which was calculated not including garage space), and therefore is consistent with the neighborhood. Furthermore, the existing residence is over 200 feet away from the nearest residence, and the proposed addition is over 400 feet away from and not visible from adjacent neighboring residences.

From a design perspective, the dominant design theme in the neighborhood is Mediterranean. The existing residence is Spanish Mediterranean, and the addition is designed to match the style, color and materials of the existing

residence. For all these reasons, the 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 subject parcel is zoned Open Space (OS). As such, excluding height, the basic development standards are not fixed and determined through the Development Plan process. As part of that process, the site is analyzed to determine if a proposed project is properly sited and designed at a size and location that is adequate and consistent with the intent of the Code. In this respect, the 2003 approval of the existing residence by the City Council established a Code Compliant project that adequately fit the site. The subject parcel is 26.2 (net) acres in size and the approved development was situated in the most feasible location which, in this case, was on top of the ridgeline, given the extremely steep slope conditions found throughout the remainder of the parcel. The addition is proposed on portions of the already-developed pad which is large enough (1.75 acres) to accommodate the project without expanding the existing development footprint. As a result, 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 the southern portion of the City along Mulholland Highway, a designated rural scenic corridor. This portion of the City is made up of parcels that are generally larger in size and are characterized by steep hillsides with abundant habitat that includes expanses of relatively undisturbed natural vegetation. The subject site is zoned Open Space (OS), is 26.2 (net) acres in size and generally fits the rural character described above. The existing residence, approved in 2003, was designed in such a way to respect the surrounding character. The development footprint was confined to a 1.75 acre pad area on top of the ridgeline and the residence was concealed by the construction of a landscaped berm on the southern side of the residence. Additionally, the residence was designed to be one-story, Spanish Mediterranean in style, and uses earth-toned colors and landscaping to help it blend with the surrounding environment. The proposed addition is designed to match the style, colors and materials of the existing residence and landscaping has been enhanced on the berm to further conceal and integrate the development with its surrounding. Therefore, 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 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 project site is previously developed with a one-story residence on a graded pad located on top of a ridgeline. The existing pad is oversized (approximately 1.75 acres) and easily accommodates the residence, yard amenities such as a pool/spa, trellises, a detached garage and landscaping. A landscaped berm is located on the southern perimeter of the developed pad to help screen the residence from Mulholland Highway. In this case, it is reasonable to site the development on the existing developed pad to avoid additional impacts to the scenic corridor, habitat resources and to avoid significant additional grading.

The oak tree report states that there are 14 oak trees within the vicinity of the site's development footprint. The trees are located both south of the residence on the south side (and below the crest) of the landscaped berm and in an undeveloped area north of the residence. These were mitigation trees required for the previous removal of scrub oak, and range in size from 1¼ inches to 5 inches in diameter.

Of the 14 oak trees, one tree (tree #8), located on the south side of the landscaped berm in the vicinity of the proposed addition, will have its protected zone permanently encroached on by the proposed addition. Since the proposed addition is sited in a reasonable location on the existing developed pad, and oak tree #8 is located on the berm to the south of the proposed addition approximately 13 feet away from the developed pad, encroachment into the protected zone of the tree is both unavoidable and warranted to enable reasonable and conforming use of the site. Encroachment into the protected zone of oak tree #8 enables the addition to be sited on the existing developed pad, thereby minimizing impacts to natural habitat resources, significantly reducing the required amount of grading, and ensuring protection of the scenic corridor's visual resources as the existing pad is screened from view. Additionally, the oak tree report states that no impact to the oak tree will occur. This conclusion has been confirmed by the City's Arborist. Therefore, the project 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 subject site is within the Open Space (OS) zone. The Open Space zone is a special purpose zone that characteristically includes properties larger in size with steep topography, visual resources (such as ridgelines), and/or various plant and animal habitats. Only a handful of Open Space-zoned properties exist in the City due to these characteristics. The Saint Andrew's Lane subdivision is a four-lot gated community previously developed along and on top of a significant ridgeline.

The City's current Hillside and Ridgeline Ordinance (adopted in 2010 subsequent to the development of Saint Andrew's Lane) requires development to be sited 50 feet below and away from a significant ridgeline. Not all Open Space-zoned properties contain a significant ridgeline. To this end, not all Open Space-zoned properties are subject to the siting standard located in the City's Hillside and Ridgeline Ordinance. Additionally, it is common for existing development in any zone to update, redevelop and/or enlarge over time. In this case, because the existing development was developed on top of the ridgeline prior to the codification of the ridgeline siting standard, any addition to the existing development will not be able to meet the current standard. Additionally, while the subject property is on a designated significant ridgeline, the proposed addition presents the special circumstance of being located on an existing developed pad which is screened from view by a landscaped berm. Unlike typical expansions of structures located on significant ridgelines, where there are no landscape screening features, the proposed addition does not impact the visual resources protected by the significant ridgeline siting standards. Strict application of these standards would deny the property owner the ability to expand the usable garage space in a manner proportional to the amount of garage space of other properties in the Saint Andrews Lane subdivision and would not take into account the existence of the graded, screened pad on this parcel. Therefore, a special circumstance exists relative to the subject property when compared with other Open Space-zoned properties and other properties located on a significant ridgeline. Given these circumstances, 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 subject site is within the Open Space (OS) zone. The Open Space zone is a special purpose zone that characteristically includes properties larger in

size with steep topography, visual resources (such as ridgelines), and/or various plant and animal habitats. Only a handful of Open Space-zoned properties exist in the City due to these characteristics.

The City's current Hillside and Ridgeline Ordinance was adopted in 2010, subsequent to the development of the Saint Andrew's Lane community. The statute requires development to be sited 50 feet below and away from a significant ridgeline. It is common for existing development in any zone to be updated, redeveloped and/or enlarged over time. In this case, because the existing development was constructed on top of the ridgeline prior to the codification of the ridgeline siting standard, any addition to the existing development will not be able to meet the current standard.

Additionally, the Saint Andrew's Lane subdivision, which the subject property is a part of, is a four-lot gated community previously developed along and on top of a significant ridgeline. No other Open Space-zoned properties (other than the ones located on Saint Andrews Lane) are located in the immediate vicinity of the subject property. The four developed properties on Saint Andrews Lane range in size (excluding the garages) from 3,657 square feet to 8,804 square feet on properties that range in size from 2.72 (net) acres to 26.2 (net) acres. Consequently, the floor area ratios (i.e. the ratio of development size to parcel size) for the properties located within the Saint Andrews Lane community range from 0.006 to 0.037 (excluding garages). The floor area ratio of the existing development (excluding the garage space) on the subject property is 0.008, well within the range of the community. With the addition of both the previously uncounted existing garage space (2,217 square feet) and the proposed 2,490 square feet of additional garage space, the total floor area ratio will be 0.012 which is still within the range of floor area ratios within the community [which do not include the garages (due to the absence of data)]. To this end, the granting of the variance is warranted and necessary to afford the subject property owner the same rights as properties in the vicinity and with identical zoning. Given these circumstances, 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;*

Granting of this variance, in this case, will not constitute the granting of a special privilege inconsistent with other properties in the same zoning district because all the residences (including the subject property) on Saint Andrews Lane have garage space to provide off-street parking and storage, and the additional garage space proposed by the subject application does not alter this condition. Additionally, Granting this variance would allow the subject property to enjoy a proportional amount of garage space as the other Saint Andrew's Lane properties, while remaining within the range of floor area

ratios for these properties. Given this circumstance, 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 project site is previously developed with a one-story residence on a graded pad located on top of a ridgeline and within a rural scenic corridor. Adequate separation exists between the existing development and the closest adjacent residence (approximately 200 feet). Since the proposed addition will be approximately 400 feet away from the closest neighboring residence, no impact to surrounding residences will occur.

Furthermore, the existing pad is oversized (approximately 1.75 acres) and can easily accommodate the residence, yard amenities such as a pool/spa, trellises, a detached garage and landscaping. A landscaped berm is located on the southern perimeter of the developed pad designed to help screen the residence from Mulholland Highway. The addition is proposed on the existing pad and behind the landscaped berm. The proposed expansion will not be visible or silhouetted against the sky when viewed from Mulholland Highway. In this case, siting the addition on the existing developed pad avoids expansion of the existing development footprint, and therefore, minimizes impacts to the scenic corridor and adjacent habitat areas, including avoidance of significant additional grading. Given these circumstances, the proposed project meets this finding.

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

The General Plan Land Use designation for the subject site is Open Space – Resource Protected (OS-RP), which applies to lands whose primary purpose is the protection of public health and safety, preservation of sensitive environmental resources, or resource management. The underlying zoning on the parcel is Open Space, which allows for residential development.

As already mentioned, the relevant objectives and policies of the City's General Plan require limiting landform alteration, using native landscape screening, maintaining the visual character of hillsides; preserving significant ridgelines, and preserving biotic resources. To promote these goals for ridgeline areas, CMC Section 17.20.150 requires development to be sited off of ridgelines as a priority, unless siting development on a ridgeline is the least impactful location. In situations where development on the ridgeline is necessary and warranted, a variance application is required. In this case, the existing residence was entitled and developed prior to the codification of CMC Section 17.20.150, and is located on the ridgeline. Because of this, it is impossible for any addition to the existing residence to meet the siting

standards contained in CMC Section 17.20.150. Additionally, the addition is sited in an already developed portion of the site and located behind an existing landscaped berm designed to conceal development. Furthermore, the addition is designed to match the style, color and materials of the existing residence. Development in this location will cause no expansion of the development footprint and therefore protecting both visual resources and biotic resources. The proposed location for the addition, on the already developed pad, adjacent to the existing residence, parallel to the ridgeline, and behind the existing landscaped berm, is the location for the expansion with the least impact. Any alternative location on the parcel for the proposed expansion would require significant additional grading but would not entail greater protection for visual resources because the proposed addition will be screened. As such, any alternative location on the parcel would cause the loss of native habitat without increasing the protection of visual resources. For these reasons, the project is consistent with this finding.

Section 17.20.150(C)(3) of the Calabasas Municipal Code states that for projects that cannot meet the siting requirements of CMC Section 17.20.150(C)(2), the following findings must be made:

1. *Alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used and that the siting principles outlined under subsection (C)(4) have been applied*

The siting principles in subsection (C)(4) lists three prioritized locations for siting development on properties with ridgelines. The first priority is to site development off of ridgelines on areas with a maximum slope of 20%. The second priority is to site development off of ridgelines in areas with slopes ranging between 20% and 30%. The final siting priority states that if the first or second priority cannot be met, then development should be sited in areas on ridge tops with slopes less than twenty (20) percent. Proposed buildings should be set back as far as possible from the edge of the ridge (where downhill slopes begin to exceed twenty (20) percent and landscaped, to minimize visibility.

In this case, the existing residence is developed on a 1.75 acre flat pad on top of the ridgeline that was graded as part of the original development. Areas off of the ridgeline all exceed the slope criteria identified in priority 1 and priority 2 and exhibit both scrub oak and riparian habitat. Therefore, development on top of the flat developed pad area is the only feasible location for expansion of the residence. Further, development of the proposed addition on the existing developed pad complies with subsection (C)(4) as the developed pad is within the third priority category. Moreover, the proposed location, adjacent to the existing residence and on the developed pad, minimizes grading and habitat damage. Therefore, the project meets this finding.

2. *The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project including minimized grading, reduced structural height, clustered structures, shape, materials, and color that allow the structures to blend with the natural setting, and use of native landscaping for concealment of the project.*

The existing residence is developed on a 1.75 acre flat pad on top of the ridge graded as part of the original development. A landscaped berm was constructed south of the residence designed to conceal development from Mulholland Highway, a locally designated scenic roadway, and minimize impacts to the significant ridgeline. Furthermore, the original residence was designed to be one-story, generally with a height between 18 and 20 feet (with some architectural elements projecting up to 24 feet in height) and with a medium-colored (Spanish tile) pitched roof.

The proposed addition is one-story (ranging from 12 to 19 feet in height, and designed to match the earth toned colors and materials of the existing residence. It is situated on the developed portion of the site and in an area concealed by the existing landscaped berm. In this respect, the addition will be screened from the Mulholland Highway so that no visual impacts will occur to the scenic corridor or the ridgeline. The proposed expansion will not be visible or silhouetted against the sky when viewed from Mulholland Highway. Additionally, the preliminary landscape plan proposes enhancing the landscaping on the berm so that further concealment of the development will occur. Furthermore, the project has been conditioned so that a final landscape plan will be submitted to the Community Development Director in case additional adjustments need to be made to further conceal the development. Therefore, the 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 recommends to the City Council approval of File no. 120000173 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. 120000173, or the activities conducted pursuant to this File No. 120000173. Accordingly, to the fullest extent permitted by law, Hasse and Carmela Birenbaum, in its capacity as the property owner, 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. 120000173, or the activities conducted pursuant to this File No. 120000173. Hasse and Carmela Birenbaum in its capacity as the property owner 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**

#### **General Conditions**

1. The proposed project shall be built in compliance with the 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. 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.

6. 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.
7. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
8. Prior to the issuance of a Building Permit, the applicant shall submit a final landscape plan to the Community Development Director for review and approval. The landscape plan shall include landscaping placed on the existing berm to adequately screen the proposed project from Mulholland Highway.
9. All landscaping is to be installed within 90 days of occupancy by the applicant to the satisfaction of the Director of the Community Development Department or his or her designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency. Landscaping planted in compliance with this permit, located on and in close proximity to the berm, which serves to screen the view of the dwelling from the Scenic Corridor shall be maintained in good health and in a fully lush and complete state to accomplish this purpose. The applicant shall submit a monitoring report three years after the date of approval of this resolution demonstrating that the landscaping has been maintained in compliance with the approved landscaping plan, to the satisfaction of the Director of the Community Development Department or his or her designee.
10. 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 landscaping, walls or a combination thereof.
11. All exterior lights are subject to the provision set forth in the Lighting Ordinance Chapter 17.20 of the Land Use and Development Code. Lighting of 60 watts or less on residential projects is exempt by the Lighting Ordinance.
12. All exterior colors and materials used for the construction of the project shall be in substantial conformance with the approved materials and colors board exhibit.

13. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
14. 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.
15. 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.
16. 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.
17. 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

Construction is prohibited on Sundays and Holidays. 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.

### Oak Trees

18. All work performed within the Oak Trees' aerial/root protected zones shall be regularly observed by the applicant's oak tree consultant.
19. The oak tree protective zone fencing (approved fencing materials are in the Oak Tree Guidelines - 5 ft. minimum height) should be installed at the limit of approved work to protect the Oak Trees and surrounding trees from any damage and remain in place until completion of construction. Should any work be required within the limit of work and the temporary fence must be opened, the applicant's oak tree consultant must direct all work at any time the fence is open.

20. Soil compaction within the dripline and/or root zone shall be minimized. No equipment, spoils or debris shall be stored within the dripline and/or Protected Zone of any oak tree. No dumping of liquids or solvents, cleaning fluid, paints, concrete washout or other harmful substances within the driplines and/or Protected Zones shall be permitted.
21. The area within the plastic construction/snow type fence should not be used at any time for material or equipment storage and parking.
22. The applicant should adhere to the specific recommendations contained within the Oak Tree Report dated July 17, 2013 (revision date) and all provisions of the Oak Tree Ordinance and policies of the City of Calabasas.
23. 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.

**Public Works Department:**

24. 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.
25. 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.
26. 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.

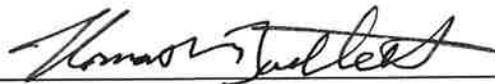
27. The final grading and drainage plan shall be submitted to the City Engineer for review and approval. The plan shall be in accordance to the City of Calabasas Public Works Department requirements and in conformance with the approved Conceptual Grading and Drainage Plan and the approved Update Geotechnical Engineering Report.
28. The final grading and drainage plan shall be prepared by a registered civil engineer and shall be reviewed and stamped by the applicants consulting Civil Engineer and Geotechnical & Soils Engineer prior to approval by the City Engineer.
29. 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; and conveyed through an on-site storm drain system to an approved point of disposal.
30. 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.
31. 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).
32. Changed conditions that affect the approved plans shall be submitted to the Public Works department in the form of a Change Order (Public Works Forms U and U-1) and are subject to review and approval by the City Engineer.

**Section 5. In view of the all the evidence and based on the foregoing findings and conclusions, the Planning Commission hereby recommends approval of File No. 120000173.**

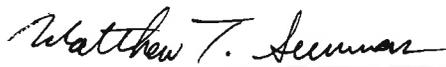
PLANNING COMMISSION RESOLUTION NO. 2014-565 PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of March, 2014.

  
Rick Shumacher  
Chairperson

ATTEST:

  
Tom Bartlett, AICP  
City Planner

APPROVED AS TO FORM:

  
Matt Summers  
Assistant City Attorney

Planning Commission Resolution No. 2014-565, was adopted by the Planning Commission at a meeting held March 6, 2014, and that it was adopted by the following vote:

AYES: Chair Shumacher, Commissioners Lia, Sikand, Weintraub, Mueller

NOES: None

ABSENT: None

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.”



CITY of CALABASAS

**PLANNING COMMISSION AGENDA REPORT**  
**MARCH 6, 2014**

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**TO:** Members of the Planning Commission

**FROM:** Glenn Michitsch, Senior Planner

**FILE NO.:** 120000173

**PROPOSAL:** Request to legalize the construction of a 2,490 square foot ground-floor addition (built without permits) to an existing one-story 11,021 square foot single family residence on a 27.88 acre lot. The project includes requests for the following: (1) a Site Plan Review for the 2,490 square foot addition, (2) a Scenic Corridor Permit for development within a designated Scenic Corridor, (3) a Development Plan to establish new setbacks for development within the Open Space (OS) Zoning District, (4) an Oak Tree Permit for the encroachment into the protected zone of one (non-Heritage) oak tree, and (5) a Variance for development within 50 horizontal feet and 50 vertical feet from a designated significant ridgeline. The property is located at 24107 Saint Andrews Lane within the Open Space (OS) zoning district.

**APPLICANT:** Harry and Carmella Birenbaum

**RECOMMENDATION:** Adopt Resolution No. 2014-565 recommending approval of File No. 120000173 to the City Council.

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**STAFF RECOMMENDATION:**

That the Commission adopt Resolution No. 2014-565 recommending approval of File No. 120000173 to the City Council.

**REVIEW AUTHORITY:**

The Planning Commission is reviewing this project because Section 17.62.070 of the Calabasas Municipal Code (CMC) stipulates that a Development Plan is required to establish setbacks in the Open Space Zoning District, which requires review and

recommendation by the Planning Commission to the City Council, who has final decision authority. Although the Site Plan Review, Scenic Corridor Permit, Oak Tree Permit and Variance applications are typically reviewed and decided by the Planning Commission, Section 19.60.020 requires that for concurrent applications, the final review authority on all applications is the higher review authority. In this case, the Council is the review authority for the Development Plan application.

### **BACKGROUND:**

The existing one-story single-family residence, including a detached accessory structure, pool/spa, trellises, driveway, motor court, retaining walls, landscaping and landscape berm, was originally approved by the City Council on February 19, 2003 via City Council Resolution No. 2003-800 (Attachment G). Applications included a Development Plan, a Site Plan Review, a Conditional Use Permit and an Oak Tree Permit. Concurrently, a Mitigated Negative Declaration was also adopted. The significant issues discussed with regard to the original project approval were development on the ridgeline and the associated potential for visual impacts to the Scenic Corridor and ridgeline. Because of the aesthetic concerns, the project was eventually redesigned to include a landscaped berm to help conceal the residence, which is mostly in the 18 to 20 foot height range (with a few architectural projections that are taller). The project approvals also included an Oak Tree Permit to plant mitigation trees (for the previously unpermitted removal of some scrub oaks), which were planted on-site, both on the landscape berm and east of the residence. Construction of the residence was completed in 2006.

Due to a citation from the City's Code Enforcement staff, applications were submitted to the City to legalize a (mostly constructed) 2,490 square foot one-story addition on February 17, 2012. The addition is already framed and roofed; however, no roof tile has been placed on the addition. The proposed project was reviewed by the Development Review Committee (DRC) on March 20, 2012, and comments were forwarded to the applicant after the review. The Architectural Review Panel (ARP) reviewed the project on November 22, 2013. The Panel unanimously recommended approval of the design as proposed. Having addressed all comments made by staff, the application was deemed complete on January 23, 2014.

### **STAFF ANALYSIS:**

The key issues related to this project are discussed below.

- A. Site Design/Building Layout:** The 27.88 gross acre (26.16 acre net) project site is one of four already-developed parcels located in a gated four-lot subdivision located on Saint Andrews Lane (off of Dry Canyon Cold Creek Road near the intersection of Mulholland Highway and Dry Canyon Cold Creek Road). The zoning designation is Open Space (OS), which allows for single-family residential development. Site

characteristics feature a prominent east-west trending ridgeline and steeply sloping topography both to the north and south of the ridgeline. A blue line stream exists in the southern portion of the parcel, adjacent to Mulholland Highway (and approximately 400 feet south of the development). Existing (permitted) development is located on top of (and confined to) the ridgeline, and consists of a one story, 9,980 square foot single-family residence, a detached 1,041 square foot accessory structure, a pool/spa, 1,350 square feet of trellising, retaining walls, a driveway, motor court, and landscaping including a landscape berm constructed to help conceal the development from Mulholland Highway which is a locally designated scenic roadway. Landscaping on site is made up of mostly drought tolerant plant material and includes mitigation oak trees that were required as part of the previous project approvals.

The proposed project is for a 2,490 square foot one-story garage addition to the residence, and a new walkway around the addition that includes some minor on-grade concrete steps. As mentioned before, the addition is already mostly constructed, but still needs finish materials added such as roof tiles and some detail elements. The addition is to the southeast portion of the residence and expands the residence toward the landscape berm in the south, and also further eastward. The addition's southern exterior wall is constructed on top of an existing retaining wall that helped form the original berm. Proposed building colors and materials will match the existing residence. Because the LA County Fire Department requires access around the structure, a 5 foot walkway is required south of the structure, which is also already rough graded (and required approximately 7 cubic yards of excavation and export). Although the walkway cuts into the existing berm, the height of the berm remains intact and the landscaping on the berm has not been substantially altered. The project encroaches into the protected zone of one of the mitigation trees (oak tree #8) planted below the crest of the berm.

- B. Architecture:** The design of the existing residence is Spanish-Mediterranean. It features a pitched roof with variable-colored Spanish roof tile (with a mostly red hue), stucco walls (brownish-tan in color), stone veneer wainscoting and wood elements such as rafter tails and trellising. The residence is one-story (18-20 feet in height) with variable massing including some architectural elements that protrude up to a maximum height of 24 feet.

The proposed addition will match the style, colors and materials of the existing residence, including the use of a pitched roof with Spanish tile, stucco, stone veneer wainscot, rafter tails, and garage doors to match the existing.

On November 22, 2013 the project was reviewed by the City's Architectural Review Panel (ARP). The Panel unanimously recommended approval of the design as presented. Within its recommendation, the Panel noted that the roof of the addition was not designed as well as the original. However, the Panel could support the

application because the residence (and the addition) is not visible to the public or Mulholland Highway. The Panel also recommended that the applicant bring a sample of the panelized garage door to the Planning Commission hearing for review.

- C. Scenic Corridor/Aesthetics: The existing residence is located on top of a designated significant ridgeline that is visible from Mulholland Highway. Because the property is located within 500 feet of Mulholland Highway, a designated scenic roadway, the project requires a Scenic Corridor Permit, and is subject to the Scenic Corridor Design Guidelines. The guidelines state that development within a scenic corridor should be sited and designed not to impact the scenic corridor through the use of design techniques including the use of pitched roofs, roofs of a medium to dark color, avoidance of large, blank, straight facades, and the use of landscaping to help blend development.

The 2003 City approvals ensured that the residence was sited and designed to meet the scenic corridor design standards. The design of the residence is one-story with varied massing, a pitched roof and earth-toned colors. Through discussion and deliberation by the Planning Commission and City Council, the project added a contoured berm south of the residence with added landscape elements to further conceal the development from Mulholland Highway. The result was a residence and site design that has been frequently cited as an example of how best to design homes on a ridgeline, should there be no better location to site development.

The proposed addition expands the residence toward the scenic corridor (on the existing developed pad) and places the southern exterior wall on top of a small retaining wall located on the inside of the berm. No expansion of the residence is proposed beyond the already developed portion of the site. The height of the addition varies between 12 feet in height at the location closest to the berm to 19 feet in height at distance of 50 feet from the crest of the berm. Because of the optimal site design already incorporated in the original development, the addition will only be negligibly visible from Mulholland Highway even though it expands the residence toward the berm. Currently, only a small portion of the roof is visible from Mulholland Highway over the landscaped berm. Because the addition is already constructed, staff has verified this through field inspection.

Additionally, the existing landscaping on the berm, which includes mitigation oak trees and London Plane trees (still relatively young in age), will provide even more screening over time as the landscaping matures. To help further conceal the addition, the applicants have submitted a revised preliminary landscape and fuel modification plan that shows enhanced landscaping on the berm that includes planting "ceanothus" (California Wild Lilac), a hardy drought tolerant shrub that reaches heights of up to 10 feet. Additionally, staff has included a condition to require the applicant to provide a final landscape design to be reviewed and approved by the Director in case additional

adjustments are needed to optimally screen the addition. Given the low height of the addition, the location of the berm and present and future proposed landscaping on the berm, the addition is not expected to impact the scenic corridor.

- D. Oak Trees:** The subject property has both Coast Live Oak trees and scrub oak shrubs on site. The on-site oak trees in the vicinity of the residence were mitigation trees required as part of the original project approval. They are located both on the berm to the south of the residence and in an undeveloped area east of the residence, and range in size from 1¼" inches in diameter to 5" in diameter. Because they were mitigation trees planted for prior removals, they are all considered protected oak trees subject to the City's Oak Tree Ordinance.

Of the 14 oak trees surveyed, only tree #8 will have its protected zone encroached upon (approximately 25%) by the construction of the required Fire Department access around the proposed addition. Oak Tree #8 is small in size (only approximately 2" in diameter), and is located south of the landscape berm's crest. The trunk is located approximately 7' away from and below the elevation of the cut already in place for the access around the addition and approximately 13 feet from the addition. Because of the relatively small size of the tree and its location on the other side of the berm from development, the applicant's oak tree consultant concluded that there would be no impact to Oak Tree #8. The City's oak tree consultant has reviewed the report and its conclusions, inspected the site with staff, and confirmed that no impacts will occur to the tree. Additionally, since the addition and the rough cut for the access is already constructed, the City's oak tree consultant was able to inspect the cut to see if any significant roots were impacted and no roots were observed within the cut.

In addition to the mitigation oak trees, the site is home to a few stands of scrub oak. The closest shrub cluster is located approximately 50 feet from the development and clusters extend to 280 feet from the development (within the surveyed area). Due to the locations of the scrub oak clusters, no direct impact will occur. However, because expansion of the residence altered the County-required fuel modification zones (which extend 200' beyond development of the residence), the applicant's oak tree consultant was asked to plot the shrub locations and identify the potential impacts from fuel modification activities. Two scrub oak clusters were identified in the vicinity of the slightly expanded fuel modification area. These clusters are located approximately 180 feet from the addition. Because Los Angeles County Fire Department fuel abatement identifies Zone C as a thinning zone, the County does not require removal of these shrubs. Periodically, the shrubs may require pruning to keep fuel away from surrounding grasses; however, the pruning is not expected to impact the survival of the shrubs. Therefore, no significant impacts are expected to occur.

- E. Variance:** Project sites with a natural slope of 10% or greater, or that include a ridgeline are subject to the requirements of CMC Section 17.20.150 (Hillside and

Ridgeline Development). The project site meets both these applicability requirements, and because the site includes a ridgeline, the application is further subject to the standards set forth in CMC Section 17.20.150(C), which identifies siting priorities on sites with ridgelines. The statute requires development to be sited off of ridgelines (both 50 vertical and 50 horizontal feet) as a priority, and sited and designed in such a way so as not to be silhouetted against the sky as viewed from any location along a scenic roadway (Mulholland Highway in this case). However, if the top-of-ridge is the only feasible alternative to siting development, then the development requires the approval of a variance application and its required findings for approval along with two additional findings relating to siting and design.

As written, this Code standard applies not only to new site development, but to any development including additions to existing development. In this case, since the existing development was constructed on top of the ridgeline (and prior to the codification of the 50-foot ridgeline setback requirement), any addition to the existing development cannot meet the siting location standards of 50 feet below and off of the ridgeline, and a variance application is therefore required. Additions and renovations over time are common to all development in any zoning district, and if designed properly to meet Code standards, are generally supportable. In the case of ridgeline development such as this one, it is important that the development is sited and designed as to minimize the impact to the ridgeline and the view corridor. As discussed in Section C (Scenic Corridor/Aesthetics) of this staff report, the addition is sited and designed in a manner so that it is concealed by the landscaped berm and minimizes the impacts to the ridgeline and Scenic Corridor. Because of the landscaped berm, neither the existing residence nor the addition will appear silhouetted against the sky, which is consistent with the intent of the Hillside and Ridgeline Ordinance. Additionally, because development is required to be sited off of the ridgeline, and the existing development is already on the ridgeline (which does not meet the Code standard), it is impossible for any addition to the residence to meet the siting standard for parcels with ridgelines. Because of this, there is justification for a variance.

#### **REQUIRED FINDINGS:**

The findings required in CMC Section 17.62.070 for a Development Plan; CMC Section 17.62.050 for a Scenic Corridor Permit; CMC Section 17.62.020(E) for a site plan review; CMC Section 17.62.080 for a Variance; CMC Section 17.20.150(C)(3) for additional findings related to development on a significant ridgeline; and 17.32.010(E) for an Oak Tree permit are contained in the resolution attached as Exhibit A.

**ENVIRONMENTAL REVIEW:**

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(e)(2) Existing Facilities (additions to existing structures) of the CEQA Guidelines. A Notice of Exemption has been prepared and is attached as Exhibit H.

**CONDITIONS OF APPROVAL:**

See conditions contained in the resolution, attached as Exhibit A.

**PREVIOUS REVIEWS:**

**Development Review Committee (DRC):**

March 20, 2012                      No major issues identified.

**Architectural Review Panel (ARP):**

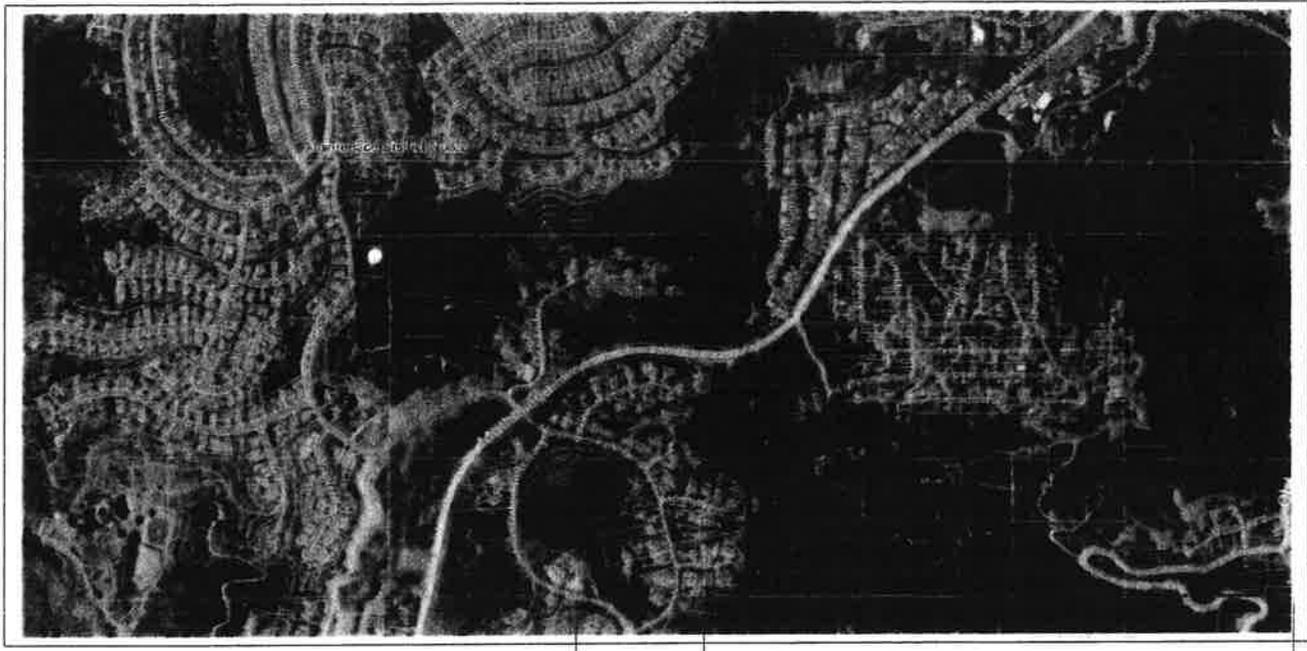
November 22, 2013                      Recommended approval of the design as proposed

**ATTACHMENTS:**

- Exhibit A: Planning Commission Resolution No. 2014-565
- Exhibit B: Site Plan, Elevations, Color Elevations, Fuel Modification/Preliminary Landscape Plans, Grading Plans, and Site Photos
- Exhibit C: Oak Tree Location Maps
- Exhibit D: Oak Tree Review Letter
- Exhibit E: Color and Materials Board
- Exhibit F: Public Correspondence
- Exhibit G: City Council Resolution 2003-800
- Exhibit H: Notice of Exemption

**TECHNICAL APPENDIX**

**Location Map:**



<b>Development Standards:</b>				<b>Code Limit</b>	<b>Meets Code</b>
Lot Size:	1,214,453	s.f.	gross	6,969,600 s.f.	No (legal non-conforming)
<b>Setbacks:</b>					
Front:	762	Ft.		Dev. Plan	Yes
Rear:	767	Ft.		Dev. Plan	Yes
Side:	166	Ft.		Dev. Plan	Yes
Side (street):	488	Ft.		Dev. Plan	Yes
Height (Addition):	19	Ft.		25 Ft. max	Yes
<b>Pervious Surface:</b>					
Proposed:	1,194,172	Sq. Ft.	98.33 %	None	Yes
<b>Site Coverage:</b>					
Proposed:	14,861	Sq. Ft.	1.22 %	None	Yes
<b>Parking Calculations</b>					
# of Spaces Provided:	5			4 min	Yes

**Development Standards:**

**Code Limit      Meets Code**

**Proposed Color Palette:**

Stucco Color:            Sherwin Williams "Bagel"  
 Stone:                    Lompoc Stone "Autumn Creek Ledge Blended TV"  
 Accent Color:            Sherwin Williams "Copper Mountain"  
 Wood Stain:              Sherwin-Williams "Warm Chestnut"  
 Garage Doors:            Sherwin-Williams "Copper Mountain"  
 Roof Tile:                Santa Fe (Clay)

**Surrounding Properties:**

	Existing Land Use	Zoning	General Plan Designation
Site	Single-family residence	Open Space (OS)	Open Space – Resource Protected (OS-RP)
West	Mobile Home Park	Residential, Mobile-Home (RMH)	Residential-Mobile Home (R-MH)
East	Single-family residence	Open Space (OS)	Open Space – Resource Protected (OS-RP)
North	Open Space	Open Space, Development-Restricted (OS-DR)	Open Space – Resource Protected (OS-RP)
South	Single-family residence	Residential, Single-Family (RS)	Residential-Single Family (R-SF)

**Home Comparison:**

**Project Site:**

APN	Property Address	House Size (SF)	Lot Size (SF)	FAR
4455006019	24107 Saint Andrews Ln	8,804	1,139,737	0.008

**Neighboring Homes:**

APN	Property Address	House Size (SF)	Lot Size (SF)	FAR
4455006018	24111 Saint Andrews Ln	4,458	118,496	0.037
4455006017	24115 Saint Andrews Ln	3,657	566,297	0.006
4455006016	24119 Saint Andrews Ln	4,413	425,625	0.01
Average		4,176	370,139	0.018

- Notes:**
- (1) The House sizes do not include garages.
  - (2) Lot sizes are net (sf)
  - (3) The FAR for the subject property including garage space is 0.012
  - (4) Project Site information obtained from information submitted by the applicant. Information on neighboring homes obtained from records of the Los Angeles County Tax Assessor Office.

**MINUTES OF A REGULAR MEETING OF THE  
PLANNING COMMISSION OF THE CITY OF CALABASAS  
CALIFORNIA, HELD THURSDAY, MARCH 6, 2014**

Opening Matters:

Call to Order / Roll Call of Commission Members

Chair Shumacher called the meeting to order at 7:00 p.m. in City Hall Council Chambers, 100 Civic Center Way, Calabasas, California.

Present: Chair Shumacher, Vice Chair Lia, Commissioners Mueller, Sikand, Weintraub, and Alternate Commissioner Litt

Staff: Bartlett, Summers, and Michitsch.

Pledge of Allegiance

The pledge of allegiance was led by Commissioner Sikand.

Approval of Agenda

**Commissioner Sikand moved, seconded by Commissioner Mueller, to approve the Planning Commission Agenda of March 6, 2014. MOTION CARRIED 5/0.**

Announcements and Introductions

Commissioner Weintraub announced that the Foundation for Las Virgenes Schools would be holding its annual fundraising event on June 7, 2014 and tickets are now available.

Commissioner Sikand stated the dedication of the David Brown Lookout was held the previous weekend and was a nice event that honored Mr. Brown well.

Oral Communications – Public Comment:

There were no public speakers.

Consent Item(s):

1. Approval of Minutes: February 20, 2014

City Planner Bartlett stated staff did not feel there was clear direction to go forward to the City Council with any of the discussed items. He stated the minutes were prepared more thoroughly to provide additional record of the discussion in addition to the Granicus video.

Commissioner Sikand stated he would like additional time to review these minutes as they were lengthy.

Commissioner Mueller stated he agreed with Commissioner Sikand.

Vice Chair Lia and Commissioner Weintraub stated they agreed with the previous comments.

**Vice Chair Lia moved, seconded by Commissioner Sikand, to continue approval of the minutes of the February 20, 2014 meeting to the March 20, 2014 meeting. MOTION CARRIED 5/0.**

Public Hearing Items:

2. File No. 120000173. A request to legalize the construction of a 2,490 square-foot, ground-floor addition (built without permits) to an existing one-story 11,021 square-foot single-family residence on a 27.88 acre lot. The project includes requests for the following: (1) a Site Plan Review for the 2,490 square-foot addition, (2) a Scenic Corridor Permit for development within a designated Scenic Corridor, (3) a Development Plan to establish new setbacks for development within the Open Space (OS) zoning district, (4) an Oak Tree Permit for the encroachment into the protected zone of one (Non-Heritage) oak tree, and (5) a Variance for development within 50 horizontal feet and 50 vertical feet from a designated significant ridgeline. The property is located at 24107 St. Andrews Lane within the Open Space (OS) zoning district. Submitted by: Harry and Carmella Birenbaum. Planner: Glenn Michitsch, Senior Planner.

Senior Planner Michitsch presented the staff report.

The Commissioners asked questions of staff.

Chair Shumacher opened the public hearing.

Ronald Ettinger, member of the project team, thanked staff for their work on the project. He discussed various project details and stated there had been some issues with previous contractors on the project. He stated he was available for questions.

The Commissioners asked questions of Mr. Ettinger.

Susan McEowan stated she was the landscape architect for the original project.

The Commissioners asked questions of Ms. McEowan

Phil Mundy stated he was a neighbor to the project. He discussed the development history of the project area. He stated the current homeowners had maintained the property much better than the previous owners. He discussed landscaping on the property. He stated he was not opposed to the proposed project.

The Commissioners asked questions of Mr. Mundy.

Michael Tugson, representing the property owners, discussed details of the proposed project and addressed questions raised during the public hearing. He urged the Commission to pass the resolution.

Chair Shumacher closed the public hearing.

The Commissioners and staff discussed the application.

By consensus, the Commission agreed to amend the resolution to add the following language to Condition No. 9: "Landscaping planted in compliance with this permit and located on and in close proximity to the berm which serves to screen the view of the dwelling from the scenic

corridor shall be maintained in good health and in a fully lush and complete state to accomplish this purpose. Applicant shall submit a monitoring report prepared by a landscape professional three years after approval of this resolution demonstrating that the landscaping has been maintained in compliance with the landscaping plan to the satisfaction of the Community Development Director, or his or her designee.

**Commissioner Sikand moved, seconded by Vice Chair Lia, to approve Planning Commission Resolution No. 2014-565, as amended, recommending to the City Council approval of File No. 12000173 to legalize the construction of a 2,490 square foot ground-floor addition (built without permits) to an existing one-story 11,021 square foot single-family residence; including (1) a Site Plan Review for the construction of the 2,490 square foot addition, (2) a Scenic Corridor Permit for development within a designated scenic corridor, (3) a development plan to establish new setbacks for development located within the Open Space (OS) zoning district, (4) an Oak Tree Permit for the encroachment into the protected zone of one (non-heritage) oak tree, and (5) a Variance Request for development within 50 horizontal feet and 50 vertical feet of a designated significant ridgeline, located at 24107 Saint Andres Lane within the Open Space (OS) zoning district. MOTION CARRIED 5/0.**

Future Agenda Items and Reports:

3. Director's Report and Update on Current Projects and Future Agenda Items

City Planner Bartlett provided a forecast of future agenda items.

4. Reports from the Planning Commission

There were no reports from the Commissioners.

Adjournment:

Chair Shumacher adjourned the Planning Commission meeting at 9:17 p.m. to March 20, 2014 at 7:00 p.m.

Respectfully Submitted:

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Liz Parker

## CITY COUNCIL RESOLUTION NO. 2003-800

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 01-12, SITE PLAN REVIEW NO. 01-08, AND OAK TREE PERMIT NO. 01-12 TO CONSTRUCT A 9,650 SQUARE FOOT SINGLE FAMILY HOME WITH 1,750 SQUARE FEET OF GARAGE AND TO ESTABLISH A PROGRAM TO MITIGATE PREVIOUS SCRUB OAK REMOVALS AT 24107 SAINT ANDREWS LANE.

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

1. Staff reports and a Mitigated Negative Declaration prepared by the Planning Division.
2. Staff presentations at the Public Hearings held on November 6, 2002 December 4, 2002 and January 22, 2003.
3. City of Calabasas Land Use and Development Code, the General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at, or prior to, the Public Hearing supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and their 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.
7. Recommendations by the Design Review Panel and Planning Commission.

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

1. The applicant submitted an application for a Conditional Use Permit, Site Plan Review, and Oak Tree Permit on September 25, 2001.
2. Within thirty (30) days of the submittal of the Land Use application to the Planning Department, staff determined that the application was incomplete and the applicant was duly notified of this incomplete status.

3. On April 15, 2002 the application was deemed complete and the applicant was notified of this status.
4. Notice of the November 6, 2002, December 4, 2002 and January 22, 2003 City Council Public Hearings were posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Gelson's and at Calabasas City Hall.
5. Notice of the City Council Public Hearings were published in the *Acorn* ten (10) days prior to each hearing.
6. Notice of the City Council Public Hearings were provided to property owners within 750 feet of the property as shown on the latest equalized assessment roll.
7. Notice of the City Council Public Hearings were mailed or delivered at least 10 days prior to the hearing to the project applicant.
8. The current zoning of the project site is Open Space (OS). This zoning designation permits the construction of one single-family residence with appurtenant residential structures suitable for the size and topography of the project site.
9. The land use designation for the project site under the City's adopted General Plan is Open Space - Resource Protection (OS-RP).
10. The surrounding land uses are Residential Single-Family to the north, south and east, and Residential Multi-family to the west.
11. The applicant requested approval to construct a 9,650 square foot single story home with 1,750 square feet of garage and to mitigate a previous scrub oak violation at 24107 Saint Andrews Lane. The applicant withdrew the request for a tennis court as part of the subject approval. However, the applicant is not prohibited from applying for a tennis court application at a later date.
12. Notice of the City Council Public Hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
13. The applicant submitted a letter to the City Council dated January 29<sup>th</sup> discussing several issues pertaining to the project (Attachment "F"). In this letter, the applicant committed to a conservation easement regulation of the open space surrounding the residential building site.



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

**SITE PLAN REVIEW**

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

One Single-family residence per lot is permitted within Open Space zoned properties. The height and design of the house and accessory structures are consistent with all applicable Development Code standards. The proposed house is designed to be a maximum height of 25 feet and the house has been designed to blend into the natural environment using stone cladding and dark wood elements. The pool and spa will be at least 10 feet from other structures on site.

2. The proposed use 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 General Plan Consistency Review Program - Project Site Planning: Grading of ridgelines is prohibited. Structures shall be sited sufficiently below ridgelines so as to preserve unobstructed views of a natural skyline. In cases where application of this performance standard would prevent construction of any structures on a lot of record, obstruction of views of a natural skyline shall be minimized, and landscaping shall be provided to soften the impact of the new structure.

After careful staff and environmental review of all other potential siting options, based on geologic concerns and potential hazards, biological constraints, and slope stability limitations, the existing graded pad along the ridgeline has been deemed to be the only location that is suitable for construction of a structure. Therefore, staff concluded construction on the ridge should be permitted if the previously graded portion of the ridgeline would serve as the primary pad location. The pad is situated at the top of a ridgeline that slopes steeply on the north and south sides. Both the north and south slopes have a history of slope failure and are not suitable for construction. There is also a blue line stream running along the south side of the property adjacent to Mulholland Highway which further constrains the property.

General Plan Consistency Review Program - Architecture Design: The overall scale and massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which minimize bulk and mass, follow natural topography, and minimize visual intrusion on the natural landscape.

Because of the project's prominent location visually from the surrounding communities, the applicant designed a single story residence that reduces the vertical mass and conforms to the shape of the ridgeline. The proposed residence is purposely located behind two existing knolls on the south and east portions of the ridge minimizing view impacts. Additional berms are planned which will be contour graded to further reduce project visibility. The other three homes on Saint Andrews Lane are two stories. This project will be less visible than existing homes in the subdivision.

General Plan Consistency Review Program - Architecture Design: Collective mass roof lines and elements shall reflect the naturally occurring ridgeline silhouettes and topographical variation, or create an overall variety, that blends with the hillside.

The roof lines are designed to conform with the natural contours of the hillside to blend into the environment. To further limit the visual impact of the proposed residence, the applicant is incorporating a combination of contoured berms and landscaping in select areas along the north and south portion of the ridge.

General Plan Consistency Review Program - Performance Standards for Hillside Development - Architectural Design:

Based upon the graphic principal that dark colors recede and light colors project, medium to dark colors which blend with the surrounding environment should be used for building elevations and roof materials in view sensitive areas. Architectural style, including materials and colors, should be compatible with the natural setting.

With the incorporation of Craftsman design architectural elements and native materials (exposed dark wood elements and stone cladding), the project is consistent with the General Plan Consistency Program.

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

A Mitigated Negative Declaration has been prepared in compliance with the City adopted CEQA guidelines and a Mitigated Monitoring Program for the project has been incorporated into this resolution.

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 areas.

The environment surrounding the project area consists mostly of natural hillsides with a variety of residential housing projects of variable density and visibility. The project design is sensitive to the prominent ridgeline location. The horizontally designed single story residence reduces the vertical mass and conforms to the shape of the ridgeline. The proposed residence is purposely located behind two existing knolls on the southern and eastern portions of the ridge which minimizes view impacts from the surrounding community and the Mulholland Highway Scenic Corridor.

To further limit the visual impact of the proposed residence, the applicant is incorporating a combination of contoured berms (which will be deed restricted to prevent removal) and landscaping in select areas along the northern and southern portions of the ridge.

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 site is approximately 26 acres with a building pad of approximately 80,000 square feet. The site and building pad sizes are more than adequate to accommodate an 11,000+ square foot residence, proposed accessory structures and landscaping.

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

Because of the project's prominent location, the applicant designed a single story residence that reduces the vertical mass and conforms to the shape of the ridgeline. The proposed residence is purposely located behind two existing knolls on the southern and eastern portions of the ridge minimizing view impacts.

With the incorporation of Craftsman architectural elements (dark wood elements and stone cladding), the projects' s design integrates well with the natural environment.

To further limit the visual impact of the proposed residence, the applicant is incorporating a combination of contoured berms and landscaping in select areas along the northern and southern portion of the ridge.

### **CONDITIONAL USE PERMIT**

The applicant has provided the necessary findings for approval of the Conditional Use Permit (See Attached Exhibit "A").

## SCENIC CORRIDOR

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

Scenic Corridor Development Guidelines: The roofs of buildings constructed on sloping land shall be parallel to the natural topography in order to protect the line-of-sight within the view corridor.

The horizontally designed single story design prevent significant line-of-sight impacts within the view corridor. The roof lines have been designed to be consistent with the natural contours of the hillside and to blend into the environment.

Scenic Corridor Development Guidelines: All structures shall be designed and situated on site to minimize adversely impacting views.

The area surrounding the project consists mostly of natural hillside terrain with a variety of residential housing products of variable density and visibility. As revised after Commission, Council and staff critique, the project design is sensitive to it's prominent ridgeline location. The horizontally designed single story residence reduces the structure's vertical mass and conforms to the shape of the ridgeline. The proposed residence is purposely located behind two existing knolls on the south and east portions of the ridge minimizing view impacts.

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

To limit the visual impact of the proposed residence, the applicant is incorporating a combination of contoured berms and landscaping in selected areas along the northern and southern portions of the ridge.

3. The proposed project is within a rural scenic corridor designated by the General Plan, and is designed to ensure the continuing preservation of the rural character of the surrounding area.

With the incorporation of rural Craftsman architectural elements(dark wood elements and stone cladding), the project's design integrates well with the natural environment.

## DEVELOPMENT PLAN

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

One Single-family residence per lot is permitted within Open Space zoned properties. As recommended by staff, the height and design of the house and accessory structures are consistent with all applicable Development Code standards. The proposed house is a maximum height of 25 feet and is designed to blend into the natural environment using stone cladding and dark wood elements. The pool and spas will be at least 10 feet from other structures on site.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan or Master Plan;

The General Plan Consistency Review Program - Project Site Planning: Grading of ridgelines is prohibited. Structures shall be sited sufficiently below ridgelines so as to preserve unobstructed views of a natural skyline. In cases where application of this performance standard would prevent construction of any structures on a lot of record, obstruction of views of a natural skyline shall be minimized, and landscaping shall be provided to soften the impact of the new structure.

The existing graded pad along the ridgeline is the only location that is suitable for construction of a structure. Therefore, limited development on the ridge must be permitted to enable the construction of one single-family dwelling as permitted for each Open Space zoned lot of record. The pad is at the top of a ridgeline that slopes steeply on the north and south sides. Both the north and south slopes have a history of slope failure and are not suitable for construction. There is also a blue line stream running along the south side of the property adjacent to Mulholland Highway.

General Plan Consistency Review Program - Architecture Design: The overall scale and massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which minimize bulk and mass, follow natural topography, and minimize visual intrusion on the natural landscape.

Because of the project's prominent location, the applicant designed a single story residence that reduces the vertical mass and conforms to the shape of the ridgeline. The proposed residence is purposely located behind two existing knolls on the southern and eastern portions of the ridge to minimize view impacts.

General Plan Consistency Review Program - Architecture Design: Collective mass roof lines and elements shall reflect the naturally occurring ridgeline silhouettes and topographical variation, or create an overall variety, that blends with the hillside.

The roof lines are designed with the natural contours of the hillside to blend into the environment. To further limit the visual impact of the proposed residence, the applicant is incorporating a combination of contoured berms and landscaping in selected areas along the northern and southern portions of the ridge to be reviewed and approved by the Community Development Director.

**General Plan Consistency Review Program - Performance Standards for Hillside Development - Architectural Design:**

Based upon the graphic principal that dark colors recede and light colors project, medium to dark colors which blend with the surrounding environment should be used for building elevations and roof materials in view sensitive areas.

Architectural style, including materials and colors, should be compatible with the natural setting.

With the incorporation of rural Craftsman architectural elements (dark wood elements and stone cladding), the project is consistent with the General Plan Consistency Program.

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

A Mitigated Negative Declaration has been prepared in compliance with the City adopted CEQA guidelines.

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

The site is approximately 26 acres with a building pad of approximately 80,000 square feet. The site and building pad sizes are more than adequate to accommodate a 11,000+ square foot residence, proposed accessory structures and landscaping. The single-family use is compatible with the existing uses and the surrounding zoning districts.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby approves Conditional Use Permit No. 01-12, Site Plan Review No. 01-08, and Oak Tree Permit No. 01-12 based on those findings cited above and incorporating the conditions contained below:**

**I. INDEMNIFICATION AGREEMENT**

The Developer shall defend, indemnify and hold the City and its elective and appointed boards, commissions, officers, agents and employees harmless from

and against all demands, liabilities, costs (including attorneys' fees), or damages claimed by third parties against the City which were incurred by said third parties as a result of the City's negligence regarding the review and/or approval of the design, construction, operation or maintenance of the approved project described herein.

In the event a legal challenge is made to the City's approval of the Conditional Use Permit, Site Plan Review, and Oak Tree Permit, the developer shall indemnify, hold harmless, pay all costs, including attorneys' fees and provide a defense for the City and its elective and appointed boards, commissions, officers, agents and employees in such action.

## **II. PLANNING DIVISION CONDITIONS**

1. All project conditions and mitigation measures shall be imprinted on the title sheet of the construction drawings. The approved set of plans shall be retained on-site for review by Building Inspectors during the course of construction.
2. This approval shall be valid for two years 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.
3. This grant shall not be effective for any purposes until the applicant and the owner of the property involved (if other than the owner) have filed, with the office of the Community Development Department, an affidavit recorded as a covenant agreement with the County of Los Angeles (County Clerk - Recorder) stating the applicant and the owner are aware of and agree to accept all conditions of approval and mitigation measures contained in the Mitigated Negative Declaration.
4. The subject property shall be developed, maintained, and operated in full compliance with the conditions and mitigation measures 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 to cease any development or activity not in full compliance shall be a violation of these conditions.
5. Any violation of the conditions or of approval or mitigation measures may result in the revocation of the Conditional Use Permit.
6. Prior to any use of the project site, all conditions of approval and mitigation measures shall be completed to the satisfaction of the Director of Community Development.

7. Prior to the Issuance of Building Permits, improvement/construction plans shall be submitted to the Engineering, Traffic Engineering, Planning and Building and Safety Departments for review and approval, as required by the conditions of approval.
8. 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 City Traffic Manager of the construction employee parking locations, prior to commencement of construction.
9. The applicant shall comply with all conditions as outlined in the Mitigated Negative Declaration and mitigating monitoring table (attached as Exhibit "B").
10. Any proposed changes to the approved plans that would cause this project to become more visible from the surrounding community (i.e., increasing the size or height of the house, changing house color to a lighter or more visible hue, relocating the house farther out on the ridge, reducing amount of berming or landscaping or any other significant changes) shall be reviewed and approved by the Planning Commission and City Council.
11. Prior to final occupancy, all sewer line trenching shall be fully restored. A program to monitor this restoration and any other required grading restoration shall be funded by the applicant. Monitoring shall be performed by City staff or consultants. A monitoring deposit of \$3,000 shall be submitted to the City prior to issuance of a Building Permit.

### **AESTHETIC AND VISUAL**

1. The proposed home shall be constructed in accordance with the attached plans (Exhibit "C, D, and E") which include site plans, conceptual landscape plans, and building elevations. The applicant shall be responsible for submitting final plans conforming with these exhibits to the Community Development Department for review and approval.
2. The applicant shall incorporate contoured berms and in selected areas along the northern and southern portion of the ridge to be reviewed and approved by the Community Development Director prior to pad certification.

3. All fence plans (including any entry gate or retaining walls) shall be submitted for final approval by the Community Development Director. Any retaining walls shall have a stone or other decorative facade treatment and shall be planted with vines or other landscaping to the satisfaction of the Director of Community Development.
4. Any future application for a tennis court shall be conditioned to be fully screened with landscaping. Protective fencing around the court shall not exceed ten feet. Any future tennis court, sports court, or similar construction, shall be setback at least a 50 foot setback from all property lines.
5. All stucco building walls shall be of a smooth trowel "Mission" finish.

### **LIGHTING**

1. There shall be no recreational lighting along the ridgeline. Lighting for this project shall be consistent with the newly adopted Lighting Ordinance and the Scenic Corridor Ordinance. A photometric plan (including fixture details and height) must be submitted for final approval by the Director of Community Development prior to building permit issuance.

### **LANDSCAPING**

1. Unless otherwise directed or approved by the City Council, the final landscape plans shall be consistent with the approved preliminary plans.
2. Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in substantial conformance with the approved landscape plans.
3. The plant palette shall not include any plants known to be invasive to the Santa Monica Mountains.
4. Plant materials shall emphasize native and naturalistic plant materials to the satisfaction of the City Arborist and the Community Development Director.
5. Prior to final occupancy, the applicant shall record a deed restriction and accompanying exhibits with the County of Los Angeles prohibiting the removal of the all manufactured and existing berms along the ridgeline. The contents of this restriction shall be reviewed and approved by the Community Development Director and the City Attorney prior to recordation.

6. The applicant shall install moisture sensors for all irrigation used for watering turf.

### **OAK TREES**

1. Prior to the approval of any permits, the applicant shall submit a mitigation plan for the unauthorized removal of 39,875 square feet of scrub oak habitat by a previous applicant. The mitigation plan shall be subject to the review and approval of the City Arborist and the Community Development Director.
2. The applicant is permitted to modify additional scrub oak habitat as necessary to meet the minimum requirements of the Fuel Modification Plan Guidelines of the County of Los Angeles Fire Department. Prior to the approval of any permits, the applicant shall submit a mitigation plan for the required impacts to approximately 5.5 acres of scrub oak habitat, in addition of that listed above. The mitigation plan shall be subject to the review and approval of the City Arborist and the Community Development Director.
3. All oak mitigation areas shall be located outside of any required fuel modification zones. The applicant may elect to participate in the City's Oak Tree Mitigation Fund in lieu of on site mitigation. The applicant must elect for on-site or in-lieu mitigation prior to issuance of building permits.
4. Prior to the start of any site work, protective fencing shall be placed at the grading limits to protect the adjacent scrub oak habitat. The City Arborist shall inspect and approve the fencing installation. The fence shall remain in place until the Community Development Director approves removal at construction completion.
5. Site irrigation shall be designed to the satisfaction of the City Arborist and the Community Development Director to ensure that adverse impacts do not further degrade the scrub oak habitat on the site. Irrigation plans shall be reviewed and approved by the Community Development Director prior to issuance of Building Permits.

### **III. PUBLIC WORKS CONDITIONS**

1. The owner shall, at the time of issuance of permits or other grants of approval agrees to develop the property in accordance with City codes and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Code, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Under grounding of Utilities Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code and Fire Code. This note shall appear on the face sheet of the building plans.

## **STREET IMPROVEMENTS**

1. The applicant shall install a mailbox and post per City standards. The mailbox location shall be approved by the U.S. Postal Service prior to installation.
2. The applicant shall comply with the Geologist's recommendations in the Geology Report for restrictions on watering, irrigation, planting and recommended types of plants.
3. The applicant's grading plans and all construction permitted by such plans shall comply with the requirements of the approved oak tree report.
4. The applicant shall obtain an encroachment/construction permit prior to any construction within any street including, St. Andrews Lane, Dry Canyon Cold Creek, and/or Mulholland Highway.

## **GRADING, DRAINAGE & GEOLOGY**

1. The applicant shall submit a grading and drainage plan prior to issuance of a grading permit which must be approved by the City Engineer's office.
2. The applicant shall provide to the City an acknowledgment form to prove that a registered Civil engineer and geologist has been retained to prepare the grading plan and geological report both registered in the State of California.
3. The applicant's grading plan shall be based on a detailed engineering geotechnical report which (a) must be specifically approved by the geologist and/or soils engineer and (b) show all recommendations submitted by them. The grading plan shall bear the Geologist Stamp and acknowledgment that they have reviewed the grading plan and that all geological recommendations are incorporated into the plan. It must also agree with the conditions as approved by the City.
4. The applicant shall either eliminate all geologic hazards associated with this proposed development or delineate a restricted use area to be approved by the consulting geologist and the City Engineer. Restricted use areas shall be dedicated to the City to prohibit the erection of buildings or other structures within the restricted use areas.
5. The applicant shall submit drainage plans, hydrological and hydraulic calculations and any other necessary support documents to comply with Engineering requirements. These reports must be approved to the satisfaction of the City Engineer prior to issuance of the grading permit.

6. If necessary (as determined by federal or state agencies), the applicant shall acquire permits from the Army Corps of Engineers and the Fish & Game Department prior to issuance of grading permits or the commencement of any work within or near any natural drainage course identified by the City as requiring such permits.
7. Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto Saint Andrews lane and 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.
8. The applicant's engineer shall prepare the grading plan in conformance with the City's Public Works Department administrative policies and procedures for grading plan requirements. A recent topographic survey shall be used in the preparation of the grading plan to reflect topographic information to within (200) two hundred feet beyond the property lines.
9. Prior to issuance of a grading permit, the applicant shall provide the Public Works Department with a City approved soils and geological report.
10. Upon approval of the grading plan and prior to issuance of the grading permit, the applicant's grading contractor, civil engineer, and geotechnical engineer shall meet with the Public Works and Community Development Departments for a preconstruction meeting.
11. Prior to issuance of a building permit, the applicant shall provide a rough grading certificate to be signed by the grading contractor, civil engineer, and geologist of record. The applicant shall also provide a rough grade compaction report for review by the City consultant geologist. Upon approval and acceptance of the rough grade certificate and the soils report, the Building Department will be notified that the pad is ready for building permit issuance. There shall be no excavation for utilities or footings until an approved rough grade certificate is issued by the City. Any violation of this procedure will result in voiding the rough grade certificate and the pad will have to be re-graded and re-certified.
12. Grading of the pad will conform to the Uniform Building Code, Land Use and Development Code and the Public Works administrative policies and procedures manual.
13. Proposed variations from the approved grading plan shall be submitted by the engineer of record to the City. The engineer shall submit three redline copies for review by the Planning Division and the City Engineer. The Community Development Director shall make the determination if the changes require a review by the Planning Commission. Any field

changes made prior to the approval by the City shall result in a stop work order and the project will have to be re-visited by the Planning Commission.

14. Prior to final occupancy, the applicant shall submit a precise grading soils report( as graded soils report) and a precise grading certificate for review and approval by the City.
15. The applicant shall request a final grading inspection from the City engineer and shall submit an as-built plan to the City reflecting any changes to the approved plan prior to initiation of inspection.

#### **NPDES/BUILDING PERMIT**

1. The developer shall comply with all NPDES requirements. Storm water from private streets and drains shall be treated by an oil/water separator, clarifier or by a biological system to remove petroleum based pollutants and other contaminants from storm water. Storm Water mitigation improvements for this project shall also include a filtration basin to accommodate the first flush contaminants in accordance with the requirements of the City Engineer. The filtration basin design must be submitted and approved by the City Engineer prior to grading permit issuance.
2. Prior to grading permit issuance, the developer shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) of the NPDES improvements/requirements to the City Engineer. The SWPPP shall be on the project site at all times during construction.
3. The developer shall be responsible for the operation and maintenance of all NPDES related improvements; and shall pay the City's cost for all NPDES inspections, testing, and monitoring of said improvements.
4. Thirty days prior to any soil disturbance occurring from November 1 through April 15, the applicant shall be required to submit an Erosion Control Plan to the City Engineer for review. The Erosion Control Plan shall be installed on site before November 1.
5. The applicant shall be in compliance with the approved Runoff Mitigation Plan at all times, including any post construction maintenance.

#### **IV. ENVIRONMENTAL CONDITIONS**

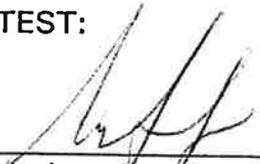
1. The applicant shall comply with all mitigation measures within the attached Mitigated Negative Declaration.

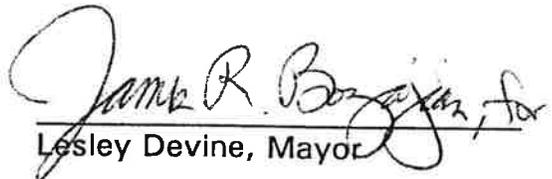
**Section 5.** In view of all of the evidence and based on the foregoing findings and conclusions, the City Council hereby approves Conditional Use Permit No. 01-12, Site Plan Review No. 01-08, and Oak Tree Permit No. 01-12, a request to construct a 9,650 square foot single-family home and remove nine oak trees at the property located at 24107 Saint Andrews Lane.

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

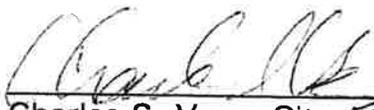
**PASSED, APPROVED AND ADOPTED** this 19th day of February, 2003.

ATTEST:

  
\_\_\_\_\_  
Mark Jomsky, Deputy City Clerk

  
\_\_\_\_\_  
Lesley Devine, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles S. Vose, City Attorney

Certified to be a true and correct copy  
of original document on file with the  
City of Calabasas

  
\_\_\_\_\_  
Mark Jomsky, Deputy City Clerk

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

I, **MARK JOMSKY**, Deputy City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing resolution, being **Resolution No. 2003-800** was duly adopted by the City Council of the City of Calabasas, at a regular meeting of the City Council held February 19, 2003, and that it was adopted by the following vote, to wit:

**AYES:** Mayor Devine, Mayor pro Tem Bozajian, Councilmember Washburn.

**NOES:** Councilmembers Harrison, Lee.

**ABSTAIN:** None.

**ABSENT:** None.

  
\_\_\_\_\_  
Mark Jomsky, Deputy City Clerk  
City of Calabasas, California



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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
<b>Administrative Services</b>					
87227	3/26/2014	JACKSON/DAVID C./CRM	RECORDS MGMT CONSULT SVCS	7,000.00	Administrative Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	895.65	Administrative Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	475.09	Administrative Services
87190	3/26/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	174.00	Administrative Services
87190	3/26/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	174.00	Administrative Services
87190	3/26/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	168.00	Administrative Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	166.42	Administrative Services
87087	3/19/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	156.00	Administrative Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	142.03	Administrative Services
87189	3/20/2014	US BANK	VISA- CITY CLERKS ASSOCIATION	130.00	Administrative Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	116.36	Administrative Services
87189	3/20/2014	US BANK	VISA- RECREATION CONNECTION	96.00	Administrative Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	56.15	Administrative Services
87259	3/26/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	56.06	Administrative Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	48.67	Administrative Services
<b>Total Amount for 15 Line Item(s) from Administrative Services</b>				<b>\$9,854.43</b>	
<b>Boards and Commissions</b>					
87189	3/20/2014	US BANK	VISA- RALPHS	23.46	Boards and Commissions
<b>Total Amount for 1 Line Item(s) from Boards and Commissions</b>				<b>\$23.46</b>	
<b>City Attorney</b>					
87102	3/19/2014	COLANTUONO, LEVIN PC	GENERAL SERVICES	26,877.00	City Attorney
87125	3/19/2014	HOPKINS & CARLEY	LEGAL SERVICES	13,744.44	City Attorney
87031	3/5/2014	ZAPPIA LAW FIRM, APC	LEGAL SERVICE	2,750.51	City Attorney
87102	3/19/2014	COLANTUONO, LEVIN PC	CROWN CASTLE INC	247.00	City Attorney
87102	3/19/2014	COLANTUONO, LEVIN PC	2008 NOV RE COLIFORM	50.00	City Attorney
<b>Total Amount for 5 Line Item(s) from City Attorney</b>				<b>\$43,668.95</b>	
<b>City Council</b>					
87100	3/19/2014	CITY OF AGOURA HILLS	COUNCIL OF GOV'T DUES FY 13/14	20,000.00	City Council
87189	3/20/2014	US BANK	VISA- CCCA	525.00	City Council
87189	3/20/2014	US BANK	VISA- CHABAD OF CALABASAS	360.00	City Council





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87189	3/20/2014	US BANK	VISA- CALABASAS SELF STORAGE	184.00	City Council
87189	3/20/2014	US BANK	VISA- CHABAD OF CALABASAS	180.00	City Council
87206	3/26/2014	CONEJO AWARDS	PLAQUE & GAVEL	107.45	City Council
87008	3/5/2014	MARTIN/LUCY//	REIMB OFFICE SUPPLIES	100.34	City Council
87189	3/20/2014	US BANK	VISA- GREEN ENVELOPE	99.99	City Council
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	87.15	City Council
87183	3/19/2014	VERIZON WIRELESS	TELEPHONE SERVICE	38.01	City Council
87189	3/20/2014	US BANK	VISA- HOME DEPOT	11.59	City Council
<b>Total Amount for 11 Line Item(s) from City Council</b>				<b>\$21,693.53</b>	
<b>City Management</b>					
87189	3/20/2014	US BANK	VISA- CHABAD OF CALABASAS	360.00	City Management
87189	3/20/2014	US BANK	VISA- RIVIERA RESTAURANT	77.31	City Management
87189	3/20/2014	US BANK	VISA- TOSCANOVA	51.60	City Management
87189	3/20/2014	US BANK	VISA- HUGOS	16.63	City Management
<b>Total Amount for 4 Line Item(s) from City Management</b>				<b>\$505.54</b>	
<b>Civic Center O&amp;M</b>					
87163	3/19/2014	PRIDE INDUSTRIES	CUSTODIAL SERVICES	1,969.30	Civic Center O&M
87163	3/19/2014	PRIDE INDUSTRIES	CUSTODIAL SERVICES	1,950.86	Civic Center O&M
87204	3/26/2014	CLIMATEC BUILDING	HVAC SERVICES	1,352.21	Civic Center O&M
87204	3/26/2014	CLIMATEC BUILDING	HVAC SERVICES	1,352.21	Civic Center O&M
87189	3/20/2014	US BANK	VISA- WACO FILTERS	1,201.51	Civic Center O&M
87189	3/20/2014	US BANK	VISA- WACO FILTERS	1,201.50	Civic Center O&M
86976	3/5/2014	AMTECH ELEVATOR SERVICES	ELEVATOR SERVICES	873.00	Civic Center O&M
87231	3/26/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	723.27	Civic Center O&M
87251	3/26/2014	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	671.93	Civic Center O&M
87231	3/26/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	667.64	Civic Center O&M
87027	3/5/2014	WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES	646.84	Civic Center O&M
87251	3/26/2014	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	620.25	Civic Center O&M
87027	3/5/2014	WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES	563.50	Civic Center O&M
87099	3/19/2014	CIRCULATING AIR, INC.	HVAC MAINTENANCE	558.50	Civic Center O&M
87099	3/19/2014	CIRCULATING AIR, INC.	HVAC MAINTENANCE	558.50	Civic Center O&M
87120	3/19/2014	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	524.24	Civic Center O&M
87047	3/12/2014	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- FEB 2014	500.00	Civic Center O&M



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87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	416.60	Civic Center O&M
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	384.55	Civic Center O&M
86976	3/5/2014	AMTECH ELEVATOR SERVICES	ELEVATOR SERVICES	325.00	Civic Center O&M
87189	3/20/2014	US BANK	VISA- TRI DIM FILTER CORP	300.00	Civic Center O&M
87189	3/20/2014	US BANK	VISA- TRI DIM FILTER CORP	300.00	Civic Center O&M
87120	3/19/2014	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	255.73	Civic Center O&M
87047	3/12/2014	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- FEB 2014	250.00	Civic Center O&M
87120	3/19/2014	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	222.79	Civic Center O&M
87120	3/19/2014	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	222.78	Civic Center O&M
87219	3/26/2014	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	140.53	Civic Center O&M
87189	3/20/2014	US BANK	VISA- HOME DEPOT	112.79	Civic Center O&M
87189	3/20/2014	US BANK	VISA- HOME DEPOT	112.78	Civic Center O&M
87099	3/19/2014	CIRCULATING AIR, INC.	HVAC MAINTENANCE	65.00	Civic Center O&M
87099	3/19/2014	CIRCULATING AIR, INC.	HVAC MAINTENANCE	65.00	Civic Center O&M
87189	3/20/2014	US BANK	VISA- HOME DEPOT	63.22	Civic Center O&M
87189	3/20/2014	US BANK	VISA- 4WHEEL PARTS	59.14	Civic Center O&M
87189	3/20/2014	US BANK	VISA- 4WHEEL PARTS	59.13	Civic Center O&M
87189	3/20/2014	US BANK	VISA- HOME DEPOT	43.50	Civic Center O&M
87189	3/20/2014	US BANK	VISA- HARBOR FREIGHT	20.14	Civic Center O&M
87189	3/20/2014	US BANK	VISA- HARBOR FREIGHT	20.13	Civic Center O&M
87189	3/20/2014	US BANK	VISA- MAIL SHOPPE	19.00	Civic Center O&M
87104	3/19/2014	COUNTY OF LOS ANGELES	BACKFLOW PREVENTION DEVICE FEE	10.00	Civic Center O&M
87104	3/19/2014	COUNTY OF LOS ANGELES	BACKFLOW PREVENTION DEVICE FEE	10.00	Civic Center O&M
87231	3/26/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	7.80	Civic Center O&M
87231	3/26/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	7.20	Civic Center O&M
87189	3/20/2014	US BANK	VISA- COLLIER MANUFACTURE	5.50	Civic Center O&M
87189	3/20/2014	US BANK	VISA- COLLIER MANUFACTURE	5.49	Civic Center O&M
87189	3/20/2014	US BANK	VISA- RALPHS	5.45	Civic Center O&M
87189	3/20/2014	US BANK	VISA- RALPHS	5.45	Civic Center O&M
87120	3/19/2014	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	-238.71	Civic Center O&M
87120	3/19/2014	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	-238.71	Civic Center O&M
<b>Total Amount for 48 Line Item(s) from Civic Center O&amp;M</b>				<b>\$18,972.54</b>	

**Community Development**

87029	3/5/2014	WILLDAN ASSOCIATES INC.	ANNEXATION SURVEY	12,972.50	Community Development
87096	3/19/2014	CALABASAS CREST LTD	R.A.P.- APR 2014	5,586.00	Community Development



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87082	3/12/2014	LOS ANGELES LAFCO	ANNEX FEE- W. AGOURA RD	5,000.00	Community Development
87112	3/19/2014	EDGESOFT, INC.	SOFTWARE MAINTENANCE	4,000.00	Community Development
87215	3/26/2014	EDGESOFT, INC.	SOFTWARE MAINTENANCE	4,000.00	Community Development
87136	3/19/2014	LANDS' END BUSINESS OUTFITTERS	STAFF SHIRTS - COMM DEV	1,084.93	Community Development
87210	3/26/2014	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	1,023.06	Community Development
87106	3/19/2014	CYBERCOPY	COPY/PRINTING SERVICE	978.61	Community Development
87113	3/19/2014	ENVIRONMENTAL SCIENCE	OAK TREE CONSULTING SVCS	975.00	Community Development
87025	3/5/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	676.69	Community Development
87035	3/12/2014	AMERICAN PLANNING ASSOCIATION	MEMBERSHIP DUES- M TAMURI	660.00	Community Development
87035	3/12/2014	AMERICAN PLANNING ASSOCIATION	MEMBERSHIP DUES- T. BARTLETT	620.00	Community Development
87083	3/12/2014	LOS ANGELES LAFCO	SOI AMENDMENT- W. AGOURA RD	500.00	Community Development
86986	3/5/2014	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	472.50	Community Development
87022	3/5/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- OKMIT	280.00	Community Development
87022	3/5/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- OKMIT	280.00	Community Development
87039	3/12/2014	BLAIR/JESSICA//	PC MINUTE PREPARATIONS	280.00	Community Development
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	225.60	Community Development
87032	3/12/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	198.00	Community Development
87105	3/19/2014	CROSBY/ GEORGE//	R.A.P.- APR 2014	190.00	Community Development
87116	3/19/2014	FLEYSHMAN/ALBERT//	R.A.P.- APR 2014	190.00	Community Development
87143	3/19/2014	MEDVETSKY/LINA//	R.A.P.- APR 2014	190.00	Community Development
87124	3/19/2014	HENDERSON/LYN//	R.A.P.- APR 2014	190.00	Community Development
87171	3/19/2014	SHAHIR/RAHIM//	R.A.P.- APR 2014	190.00	Community Development
87188	3/19/2014	YAZDINIAN/SUSAN//	R.A.P.- APR 2014	190.00	Community Development
87145	3/19/2014	MILES/AUDREY//	R.A.P.- APR 2014	190.00	Community Development
86973	3/5/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	174.00	Community Development
86973	3/5/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	174.00	Community Development
87032	3/12/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	174.00	Community Development
87032	3/12/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	168.00	Community Development
86973	3/5/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	150.00	Community Development
87087	3/19/2014	ACORN NEWSPAPER	LEGAL ADVERTISING	144.00	Community Development
87043	3/12/2014	COUNTY CLERK, CO. OF L.A.	NOE FILING FEE- CEQA	75.00	Community Development
87249	3/26/2014	SHINDER/MONICA//	ICC CERT RENEWAL	60.00	Community Development
87000	3/5/2014	L.A. CO. ASSESSOR	MAPS AND POSTAGE	5.49	Community Development
<b>Total Amount for 35 Line Item(s) from Community Development</b>				<b>\$42,267.38</b>	

Community Services



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86989	3/5/2014	DODGERS TICKETS LLC	TICKETS- 6/4/14	14,005.00	Community Services
87262	3/26/2014	WEBSTER PROMOTIONAL SVCS INC	T-BALL UNIFORMS	5,570.69	Community Services
87004	3/5/2014	LOS ANGELES CLIPPERS	BASKETBALL UNIFORMS- SPRING	4,811.00	Community Services
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	3,055.49	Community Services
87236	3/26/2014	MAGICAL MUSICAL MOMENTS	RECREATION INSTRUCTOR	1,680.00	Community Services
87156	3/19/2014	PARKER-ANDERSON ENRICHMENT	RECREATION INSTRUCTOR	1,416.00	Community Services
87233	3/26/2014	LAS VIRGENES UNIFIED SCHOOL	ENRICHMENT PROGRAM- WINTER 14	1,245.00	Community Services
87041	3/12/2014	CANTOR/MARK//	RECREATION INSTRUCTOR	1,238.40	Community Services
87072	3/12/2014	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,178.96	Community Services
87189	3/20/2014	US BANK	VISA- HOLLYWOOD BOWL	1,000.00	Community Services
87224	3/26/2014	GUDIS/MATT//	ENTERTAINMENT- JULY 4TH	850.00	Community Services
87172	3/19/2014	SHALEV/ ALINA//	RECREATION INSTRUCTOR	830.90	Community Services
87200	3/26/2014	BARRY KAY ENTERPRISES, INC.	BASKETBALL T-SHIRTS	807.15	Community Services
87015	3/5/2014	SHOEMAKER/BONNIE//	RECREATION INSTRUCTOR	742.00	Community Services
87189	3/20/2014	US BANK	VISA- CALABASAS SELF STORAGE	658.00	Community Services
87098	3/19/2014	CARTEGRAPH SYSTEMS, INC.	RESERVE PARTNER HOST- FEB 2014	650.00	Community Services
87091	3/19/2014	ALLEN/HARVEY//	BASKETBALL/OFFICIAL/SCORER	640.00	Community Services
87081	3/12/2014	WEINSTOCK/ARLENE//	RECREATION INSTRUCTOR	638.40	Community Services
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	630.33	Community Services
87030	3/5/2014	YEEOPP/BETTY//	RECREATION INSTRUCTOR	588.00	Community Services
87195	3/26/2014	ALLEN/HARVEY//	BASKETBALL/OFFICIAL/SCORER	560.00	Community Services
87218	3/26/2014	FRESHI FILMS LLC	RECREATION INSTRUCTOR	543.20	Community Services
87212	3/26/2014	DIAL M PRODUCTIONS	ENTERTAINMENT-EGG HUNT (DEP)	537.50	Community Services
87202	3/26/2014	CANTRELL/LINDA//	RECREATION INSTRUCTOR	512.00	Community Services
87189	3/20/2014	US BANK	VISA- IN N OUT BURGERS	500.00	Community Services
87212	3/26/2014	DIAL M PRODUCTIONS	ENTERTAINMENT- JULY 4TH (DEP)	462.50	Community Services
87159	3/19/2014	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	452.50	Community Services
87066	3/12/2014	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	439.50	Community Services
87138	3/19/2014	LAS VIRGENES UNIFIED SCHOOL	FACILITY RENTAL	422.50	Community Services
87212	3/26/2014	DIAL M PRODUCTIONS	ENTERTAINMENT- SUNSETS (DEP)	400.00	Community Services
87189	3/20/2014	US BANK	VISA- ORIENTAL TRADING CO	363.00	Community Services
87193	3/26/2014	ALAN LEE/ SHAUN//	BASKETBALL/OFFICIAL/SCORER	331.00	Community Services
87058	3/12/2014	LAS VIRGENES UNIFIED SCHOOL	ENRICHMENT PROGRAM- WINTER 13	325.00	Community Services
87089	3/19/2014	ALAN LEE/ SHAUN//	BASKETBALL/OFFICIAL/SCORER	315.00	Community Services
87134	3/19/2014	LA BASH/ TED//	RECREATION INSTRUCTOR	308.00	Community Services
87158	3/19/2014	PAY PHONES NORTH INC	PAYPHONE SERVICE-DE ANZA/GRAPE	300.00	Community Services
87189	3/20/2014	US BANK	VISA- 7 ELEVEN	296.47	Community Services



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87173	3/19/2014	SO CA MUNI ATHLETIC FEDERATION	CLASS INSURANCE	294.00	Community Services
87194	3/26/2014	ALAN-LEE/CRAIG//	BASKETBALL/OFFICIAL/SCORER	278.00	Community Services
87197	3/26/2014	AT&T	TELEPHONE SERVICE	253.73	Community Services
87090	3/19/2014	ALAN-LEE/CRAIG//	BASKETBALL/OFFICIAL/SCORER	230.00	Community Services
87003	3/5/2014	LBK ART WEAR	RECREATION INSTRUCTOR	212.80	Community Services
87121	3/19/2014	GADBURY/KEITH//	BASKETBALL/OFFICIAL/SCORER	210.00	Community Services
87220	3/26/2014	GADBURY/KEITH//	BASKETBALL/OFFICIAL/SCORER	210.00	Community Services
87223	3/26/2014	GROSSMAN/MICHAEL//	BASKETBALL/OFFICIAL/SCORER	210.00	Community Services
87173	3/19/2014	SO CA MUNI ATHLETIC FEDERATION	CLASS INSURANCE	204.80	Community Services
87132	3/19/2014	KOPSTEIN/STEVE//	BASKETBALL/OFFICIAL/SCORER	200.00	Community Services
87146	3/19/2014	MILLER/MARTHA ABBEY//	RECREATION INSTRUCTOR	200.00	Community Services
87139	3/19/2014	LAUTERBACH/HOWARD//	BASKETBALL/OFFICIAL/SCORER	192.00	Community Services
87140	3/19/2014	LAUTERBACH/RACHEL//	BASKETBALL/OFFICIAL/SCORER	192.00	Community Services
87030	3/5/2014	YEEOPP/BETTY//	RECREATION INSTRUCTOR	190.40	Community Services
87229	3/26/2014	KOPSTEIN/STEVE//	BASKETBALL/OFFICIAL/SCORER	189.00	Community Services
87168	3/19/2014	RUBIN/RONNIE//	BASKETBALL/OFFICIAL/SCORER	179.00	Community Services
87115	3/19/2014	FISHMAN/MICHAEL//	BASKETBALL/OFFICIAL/SCORER	171.00	Community Services
87118	3/19/2014	FRANZINO/JACK//	BASKETBALL/OFFICIAL/SCORER	158.00	Community Services
87161	3/19/2014	PORTARO/SAL//	BASKETBALL/OFFICIAL/SCORER	154.00	Community Services
86978	3/5/2014	BLECK/TAMMY//	RECREATION INSTRUCTOR	145.60	Community Services
87094	3/19/2014	BILCHIK/DANIEL//	BASKETBALL/OFFICIAL/SCORER	140.00	Community Services
87226	3/26/2014	ISRAEL/BOB//	BASKETBALL/OFFICIAL/SCORER	135.00	Community Services
87189	3/20/2014	US BANK	VISA- CORNER BAKERY	130.00	Community Services
87108	3/19/2014	DEPARTMENT OF JUSTICE	STAFF FINGERPRINTING APPS	128.00	Community Services
87251	3/26/2014	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	117.41	Community Services
87130	3/19/2014	ISRAEL/BOB//	BASKETBALL/OFFICIAL/SCORER	108.00	Community Services
87237	3/26/2014	MANDELL/MITCH//	BASKETBALL/OFFICIAL/SCORER	108.00	Community Services
87175	3/19/2014	TAKSEN/HOWARD//	BASKETBALL/OFFICIAL/SCORER	104.00	Community Services
87025	3/5/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	97.79	Community Services
87176	3/19/2014	TEMPLE/BRET//	BASKETBALL/OFFICIAL/SCORER	90.00	Community Services
87255	3/26/2014	TEMPLE/BRET//	BASKETBALL/OFFICIAL/SCORER	90.00	Community Services
87254	3/26/2014	TEMME/ROBERT//	BASKETBALL/OFFICIAL/SCORER	90.00	Community Services
87160	3/19/2014	PORT-A-STOR INC.	STORAGE - A E WRIGHT	85.00	Community Services
87160	3/19/2014	PORT-A-STOR INC.	STORAGE - LUPIN HILL	85.00	Community Services
87185	3/19/2014	WARSCHAW/TESSA//	RECREATION INSTRUCTOR	84.00	Community Services
87167	3/19/2014	RIVKIN/MIKE//	BASKETBALL/OFFICIAL/SCORER	81.00	Community Services
87189	3/20/2014	US BANK	VISA- JACKS DEPOT	79.80	Community Services



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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
87019	3/5/2014	UNITED AUDIO VIDEO GROUP INC.	PORTABLE TOILET RENTAL	78.12	Community Services
87126	3/19/2014	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	76.94	Community Services
86997	3/5/2014	HOWARD/JEANNE//	RECREATION INSTRUCTOR	75.60	Community Services
87084	3/13/2014	COUNTY CLERK, CO. OF L.A.	NOE FILING FEE- SENIOR CENTER	75.00	Community Services
87148	3/19/2014	MONTGOMERY/MICHAEL//	BASKETBALL/OFFICIAL/SCORER	75.00	Community Services
87189	3/20/2014	US BANK	VISA- CANOGA ELECTRIC SUPPLY	71.94	Community Services
87197	3/26/2014	AT&T	TELEPHONE SERVICE	67.35	Community Services
87025	3/5/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	65.97	Community Services
87260	3/26/2014	WARSCHAW/TESSA//	RECREATION INSTRUCTOR	65.80	Community Services
87095	3/19/2014	BILCHIK/JONATHON//	BASKETBALL/OFFICIAL/SCORER	60.00	Community Services
87165	3/19/2014	RAMIREZ/MICHAEL//	BASKETBALL/OFFICIAL/SCORER	54.00	Community Services
87189	3/20/2014	US BANK	VISA- AMAZON.COM	50.18	Community Services
87201	3/26/2014	BILCHIK/DANIEL//	BASKETBALL/OFFICIAL/SCORER	50.00	Community Services
87247	3/26/2014	RUBIN/RONNIE//	BASKETBALL/OFFICIAL/SCORER	50.00	Community Services
87253	3/26/2014	TAKSEN/HOWARD//	BASKETBALL/OFFICIAL/SCORER	50.00	Community Services
87217	3/26/2014	FRANZINO/JACK//	BASKETBALL/OFFICIAL/SCORER	50.00	Community Services
87189	3/20/2014	US BANK	VISA- NETTLETON HOLLOW	46.37	Community Services
87189	3/20/2014	US BANK	VISA- JUST ART	44.98	Community Services
87086	3/19/2014	ACCURATE FIRST AID SERVICES	FIRST AID SUPPLIES	42.08	Community Services
87197	3/26/2014	AT&T	TELEPHONE SERVICE	40.01	Community Services
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	37.28	Community Services
87189	3/20/2014	US BANK	VISA- AMC PROMENADE	36.00	Community Services
87189	3/20/2014	US BANK	VISA- CONSTANT CONTACT	35.00	Community Services
87025	3/5/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	26.02	Community Services
87189	3/20/2014	US BANK	VISA- ORIENTAL TRADING CO	25.24	Community Services
87222	3/26/2014	GOLDEN STATE SPORTS	B-BALL PHOTOGRAPHS	22.62	Community Services
87189	3/20/2014	US BANK	VISA- HOME DEPOT	15.80	Community Services
87189	3/20/2014	US BANK	VISA- RALPHS	11.97	Community Services
<b>Total Amount for 102 Line Item(s) from Community Services</b>				<b>\$56,530.09</b>	

**Finance**

87149	3/19/2014	MUNISERVICES, LLC	UUT COMPLIANCE SERVICES	4,048.53	Finance
87033	3/12/2014	ADP, INC	PAYROLL PROCESSING	3,300.11	Finance
86974	3/5/2014	ADP, INC	PAYROLL PROCESSING	2,036.15	Finance
87153	3/19/2014	OPENGOV, INC.	WEB APPLICATION	1,800.00	Finance
87088	3/19/2014	ADP, INC	PAYROLL PROCESSING	879.74	Finance



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86974	3/5/2014	ADP, INC	PAYROLL PROCESSING	542.50	Finance
87149	3/19/2014	MUNISERVICES, LLC	SALES TAX REPORTING SYSTEM	500.00	Finance
87245	3/26/2014	PRINTING SYSTEMS, INC.	PRINTING - A/P CHECK STOCK	348.30	Finance
87191	3/26/2014	ADP, INC	PAYROLL PROCESSING	100.00	Finance
87149	3/19/2014	MUNISERVICES, LLC	CANCELLED AUDIT	-3,500.00	Finance
<b>Total Amount for 10 Line Item(s) from Finance</b>				<b>\$10,055.33</b>	

### Klubhouse Preschool

87066	3/12/2014	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	1,025.50	Klubhouse Preschool
87159	3/19/2014	PEERLESS BUILDING MAINTENANCE	JANITORIAL SERVICES	1,012.50	Klubhouse Preschool
86988	3/5/2014	DEPARTMENT OF SOCIAL SERVICES	ANNUAL LIC FEE-KLUBHOUSE	880.00	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- SMART & FINAL	305.67	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- HARBOR FREIGHT	259.65	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- SMART & FINAL	224.71	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- HOME DEPOT	216.72	Klubhouse Preschool
87126	3/19/2014	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	179.52	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- LAKESHORE LEARNING	171.26	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- DISCOUNT SCHOOL SUPPLY	162.67	Klubhouse Preschool
87197	3/26/2014	AT&T	TELEPHONE SERVICE	157.16	Klubhouse Preschool
87126	3/19/2014	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	155.84	Klubhouse Preschool
87078	3/12/2014	VLR DAIRY SERVICES	MILK/YOGURT DELIVERY	148.88	Klubhouse Preschool
87024	3/5/2014	VLR DAIRY SERVICES	MILK/YOGURT DELIVERY	148.08	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- JAY JAY LOCK	127.46	Klubhouse Preschool
87086	3/19/2014	ACCURATE FIRST AID SERVICES	FIRST AID SUPPLIES	98.19	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- PARTY CITY	91.08	Klubhouse Preschool
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	87.00	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- TARGET	72.65	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- TARGET	46.78	Klubhouse Preschool
87024	3/5/2014	VLR DAIRY SERVICES	MILK/YOGURT DELIVERY	43.68	Klubhouse Preschool
87126	3/19/2014	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SUPPLIES	39.89	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- OFFICE DEPOT	35.95	Klubhouse Preschool
86977	3/5/2014	ARROWHEAD	WATER SERVICE	32.91	Klubhouse Preschool
87189	3/20/2014	US BANK	VISA- US RESEARCH & CHEMICAL	20.00	Klubhouse Preschool
<b>Total Amount for 25 Line Item(s) from Klubhouse Preschool</b>				<b>\$5,743.75</b>	



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<b>Library</b>					
87221	3/26/2014	GALE CENGAGE LEARNING	ONLINE BOOK DATABASE	6,131.18	Library
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	924.23	Library
87085	3/19/2014	3M	CLOUD LICENSE	817.45	Library
87152	3/19/2014	OCLC, INC.	MEMBERSHIP DUES- FEB 2014	624.16	Library
87079	3/12/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	527.71	Library
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	409.52	Library
87225	3/26/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	401.23	Library
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	368.03	Library
87069	3/12/2014	RECORDED BOOKS, LLC	BOOKS ON CD	335.86	Library
87177	3/19/2014	TIME WARNER CABLE	CABLE MODEM- LIBRARY	290.00	Library
87097	3/19/2014	CALIFA GROUP	SUBSCRIPTION DUES	210.00	Library
87189	3/20/2014	US BANK	VISA- SMART & FINAL	135.22	Library
87128	3/19/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	102.00	Library
87189	3/20/2014	US BANK	VISA- USPS	92.40	Library
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	84.82	Library
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	84.82	Library
87144	3/19/2014	MIDWEST TAPE	DVD'S-LIBRARY	80.02	Library
87166	3/19/2014	RECORDED BOOKS, LLC	BOOKS ON CD	76.41	Library
87128	3/19/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	67.53	Library
87166	3/19/2014	RECORDED BOOKS, LLC	BOOKS ON CD	64.21	Library
87050	3/12/2014	GALE CENGAGE LEARNING	E-BOOKS	53.84	Library
87122	3/19/2014	GALE CENGAGE LEARNING	E-BOOKS	53.84	Library
87061	3/12/2014	MIDWEST TAPE	DVD'S-LIBRARY	52.68	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	52.01	Library
87144	3/19/2014	MIDWEST TAPE	DVD'S-LIBRARY	49.68	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	47.45	Library
87053	3/12/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	45.64	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	45.12	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	40.95	Library
87189	3/20/2014	US BANK	VISA- RALPHS	37.42	Library
87144	3/19/2014	MIDWEST TAPE	DVD'S-LIBRARY	36.68	Library
87189	3/20/2014	US BANK	VISA- MICHAELS	36.54	Library
87092	3/19/2014	BAKER & TAYLOR	BOOKS-LIBRARY	36.08	Library
87225	3/26/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	35.53	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	31.38	Library
87053	3/12/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	27.15	Library



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87128	3/19/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	26.45	Library
87061	3/12/2014	MIDWEST TAPE	DVD'S-LIBRARY	26.34	Library
87144	3/19/2014	MIDWEST TAPE	DVD'S-LIBRARY	26.34	Library
87069	3/12/2014	RECORDED BOOKS, LLC	BOOKS ON CD	26.01	Library
87128	3/19/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	22.30	Library
87128	3/19/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	19.88	Library
87092	3/19/2014	BAKER & TAYLOR	BOOKS-LIBRARY	17.07	Library
87092	3/19/2014	BAKER & TAYLOR	BOOKS-LIBRARY	17.03	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	14.62	Library
87092	3/19/2014	BAKER & TAYLOR	BOOKS-LIBRARY	14.05	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	14.03	Library
87092	3/19/2014	BAKER & TAYLOR	BOOKS-LIBRARY	13.49	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	13.45	Library
87128	3/19/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	12.20	Library
87092	3/19/2014	BAKER & TAYLOR	BOOKS-LIBRARY	10.50	Library
87038	3/12/2014	BAKER & TAYLOR	BOOKS-LIBRARY	10.23	Library
87189	3/20/2014	US BANK	VISA- RALPHS	1.29	Library
87225	3/26/2014	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	-8.39	Library
87092	3/19/2014	BAKER & TAYLOR	BOOKS-LIBRARY	-16.27	Library
<b>Total Amount for 55 Line Item(s) from Library</b>				<b>\$12,769.41</b>	

**LMD #22**

87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	20,215.60	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	17,628.33	LMD #22
87075	3/12/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	15,498.65	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	12,235.08	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	12,235.08	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	11,733.42	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	11,733.42	LMD #22
87075	3/12/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	9,875.00	LMD #22
87075	3/12/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	9,875.00	LMD #22
87075	3/12/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	8,745.00	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	8,100.24	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	7,130.67	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,759.64	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,759.64	LMD #22



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87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	5,576.87	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	5,466.40	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	5,336.52	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	4,778.33	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,735.92	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,735.92	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,480.83	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,480.83	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,911.17	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,911.17	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,758.08	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,758.08	LMD #22
87075	3/12/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	3,575.00	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,000.00	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,873.83	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,873.83	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,427.93	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	2,360.00	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,227.67	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,227.67	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	2,146.00	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,490.50	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,434.48	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,204.40	LMD #22
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,204.40	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	935.25	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	913.47	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	878.49	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	749.00	LMD #22
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	749.00	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	740.50	LMD #22
87075	3/12/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	682.00	LMD #22
87075	3/12/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	623.00	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	619.06	LMD #22
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	612.00	LMD #22
87022	3/5/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	600.00	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	550.00	LMD #22



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87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	550.00	LMD #22
87072	3/12/2014	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	545.59	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	448.32	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	386.98	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	375.31	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	375.00	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	369.26	LMD #22
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	362.48	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	352.00	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	326.91	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	287.00	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	245.50	LMD #22
87037	3/12/2014	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	235.00	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	224.50	LMD #22
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	186.11	LMD #22
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	168.95	LMD #22
87072	3/12/2014	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	158.17	LMD #22
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	127.80	LMD #22
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	126.35	LMD #22
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	117.15	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	90.00	LMD #22
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	90.00	LMD #22
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	75.37	LMD #22
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	68.05	LMD #22
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	12.70	LMD #22
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	12.70	LMD #22
<b>Total Amount for 77 Line Item(s) from LMD #22</b>				<b>\$255,469.57</b>	

**LMD #24**

87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	13,934.29	LMD #24
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	4,753.24	LMD #24
87181	3/19/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	950.00	LMD #24
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	742.00	LMD #24
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	371.00	LMD #24
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	9.03	LMD #24
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	5.38	LMD #24



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87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	4.86	LMD #24
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	0.91	LMD #24
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	0.91	LMD #24
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	-599.00	LMD #24
<b>Total Amount for 11 Line Item(s) from LMD #24</b>				<b>\$20,172.62</b>	
<b><u>LMD #27</u></b>					
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,089.14	LMD #27
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	2.26	LMD #27
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	1.35	LMD #27
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	1.22	LMD #27
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	0.23	LMD #27
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	0.23	LMD #27
<b>Total Amount for 6 Line Item(s) from LMD #27</b>				<b>\$1,094.43</b>	
<b><u>LMD #32</u></b>					
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,800.71	LMD #32
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	722.90	LMD #32
87072	3/12/2014	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	50.72	LMD #32
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	2.26	LMD #32
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	1.35	LMD #32
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	1.22	LMD #32
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	0.23	LMD #32
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	0.23	LMD #32
<b>Total Amount for 8 Line Item(s) from LMD #32</b>				<b>\$2,579.62</b>	
<b><u>LMD 22 - Common Benefit Area</u></b>					
87007	3/5/2014	MARINE BIOCHEMISTS OF CA INC	LAKE MAINTENANCE	11,500.00	LMD 22 - Common Benefit Area
87142	3/19/2014	MARINE BIOCHEMISTS OF CA INC	LAKE MAINTENANCE	11,500.00	LMD 22 - Common Benefit Area
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	9,818.29	LMD 22 - Common Benefit Area
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	9,361.25	LMD 22 - Common Benefit Area
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	9,361.25	LMD 22 - Common Benefit Area
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,552.17	LMD 22 - Common Benefit Area
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,552.17	LMD 22 - Common Benefit Area



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87007	3/5/2014	MARINE BIOCHEMISTS OF CA INC	LAKE MAINTENANCE	4,678.40	LMD 22 - Common Benefit Area
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,333.00	LMD 22 - Common Benefit Area
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,007.32	LMD 22 - Common Benefit Area
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,007.32	LMD 22 - Common Benefit Area
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,355.39	LMD 22 - Common Benefit Area
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,355.39	LMD 22 - Common Benefit Area
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,821.98	LMD 22 - Common Benefit Area
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,821.98	LMD 22 - Common Benefit Area
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,654.19	LMD 22 - Common Benefit Area
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	704.82	LMD 22 - Common Benefit Area
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	677.45	LMD 22 - Common Benefit Area
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	677.45	LMD 22 - Common Benefit Area
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	589.04	LMD 22 - Common Benefit Area
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	556.25	LMD 22 - Common Benefit Area
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	373.20	LMD 22 - Common Benefit Area
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	301.16	LMD 22 - Common Benefit Area
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	199.09	LMD 22 - Common Benefit Area
87054	3/12/2014	INNOVATIVE ELECTRIC INC	ELECTRICAL REPAIR	177.83	LMD 22 - Common Benefit Area
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	85.74	LMD 22 - Common Benefit Area
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	64.94	LMD 22 - Common Benefit Area
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	51.14	LMD 22 - Common Benefit Area
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	46.18	LMD 22 - Common Benefit Area
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	8.62	LMD 22 - Common Benefit Area
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	8.61	LMD 22 - Common Benefit Area
<b>Total Amount for 31 Line Item(s) from LMD 22 - Common Benefit Area</b>				<b>\$92,201.62</b>	

### Media Operations

87064	3/12/2014	NOTIONIST	CITY NEWSLETTER- SPRING 2014	2,000.00	Media Operations
87036	3/12/2014	AT&T	TELEPHONE SERVICE	1,819.97	Media Operations
87183	3/19/2014	VERIZON WIRELESS	TELEPHONE SERVICE	1,574.78	Media Operations
87063	3/12/2014	NICKERSON/LAURA//	CTV HOST SERVICES	750.00	Media Operations
87240	3/26/2014	NATIONAL CAPTIONING INSTITUTE	CLOSED CAPTIONING SVCS	567.00	Media Operations
87071	3/12/2014	SOLID WASTE SOLUTIONS, INC	FILM PERMITS/SERVICES	525.00	Media Operations
87244	3/26/2014	PEREIRA/PABLO//	CTV HOST-SPOTLIGHT CALABASAS	500.00	Media Operations
86999	3/5/2014	KEY INFORMATION SYSTEMS, INC.	T-1 LINE MONTHLY FEE	484.53	Media Operations
87256	3/26/2014	TIME WARNER CABLE	CABLE MODEM- CITY HALL	336.80	Media Operations



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87009	3/5/2014	MEGAPATH CORPORATION	DSL SERVICE	332.70	Media Operations
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	321.50	Media Operations
87189	3/20/2014	US BANK	VISA- AMAZON.COM	302.05	Media Operations
87189	3/20/2014	US BANK	VISA- LOGMEIN.COM	129.00	Media Operations
87189	3/20/2014	US BANK	VISA- B & H PHOTO	91.79	Media Operations
87179	3/19/2014	TRIBUNE MEDIA SERVICES	CTV GUIDE LISTING	88.66	Media Operations
87189	3/20/2014	US BANK	VISA- B & H PHOTO	86.69	Media Operations
87189	3/20/2014	US BANK	VISA- MONOPRICE INC	70.84	Media Operations
87087	3/19/2014	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
87087	3/19/2014	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
87087	3/19/2014	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
87087	3/19/2014	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
87189	3/20/2014	US BANK	VISA- GOTOMYPC.COM	50.85	Media Operations
87198	3/26/2014	AT&T MOBILITY	TELEPHONE SERVICE	45.46	Media Operations
87189	3/20/2014	US BANK	VISA- AMAZON.COM	23.96	Media Operations
87189	3/20/2014	US BANK	VISA- AOL SERVICE	17.95	Media Operations
87189	3/20/2014	US BANK	VISA- RALPHS	13.69	Media Operations

**Total Amount for 26 Line Item(s) from Media Operations**

**\$10,373.22**

**Non-Departmental**

87129	3/19/2014	IRON MOUNTAIN	STORAGE SERVICES	3,106.22	Non-Departmental
87048	3/12/2014	EMPLOYMENT DEVELOPMENT	UNEMPLOYMENT INSURANCE	2,738.00	Non-Departmental
87189	3/20/2014	US BANK	VISA- STORAGE ETC	1,925.00	Non-Departmental
87067	3/12/2014	PMC	HOUSING REHAB SERVICES	1,472.50	Non-Departmental
87208	3/26/2014	CR PRINT	STOCK - ENVELOPES	1,199.00	Non-Departmental
87040	3/12/2014	CANON FINANCIAL SERVICES INC	CANON COPIER LEASES	774.57	Non-Departmental
87189	3/20/2014	US BANK	VISA- COSTCO	585.51	Non-Departmental
87025	3/5/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	535.17	Non-Departmental
86979	3/5/2014	CANON FINANCIAL SERVICES INC	CANON COPIER LEASES	518.19	Non-Departmental
87025	3/5/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	479.53	Non-Departmental
87189	3/20/2014	US BANK	VISA- COSTCO	412.39	Non-Departmental
86977	3/5/2014	ARROWHEAD	WATER SERVICE	395.71	Non-Departmental
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	310.54	Non-Departmental
87189	3/20/2014	US BANK	VISA- COFFEE WHOLESALE USA	295.01	Non-Departmental
87068	3/12/2014	PRIORITY MAILING SYSTEMS	POSTAGE SUPPLIES	255.79	Non-Departmental
87189	3/20/2014	US BANK	VISA- COFFEE WHOLESALE USA	210.48	Non-Departmental

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87243	3/26/2014	PAPER RECYCLING & SHREDDING	ARCHIVAL RECORD DESTRUCTION	192.50	Non-Departmental
87189	3/20/2014	US BANK	VISA- AMAZON.COM	97.80	Non-Departmental
87184	3/19/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	97.42	Non-Departmental
87243	3/26/2014	PAPER RECYCLING & SHREDDING	ARCHIVAL RECORD DESTRUCTION	96.25	Non-Departmental
87025	3/5/2014	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	75.18	Non-Departmental
87049	3/12/2014	FEDERAL EXPRESS CORP.	COURIER SERVICE	20.09	Non-Departmental
87103	3/19/2014	CONEJO AWARDS	NAME BADGE	13.98	Non-Departmental
86992	3/5/2014	FEDERAL EXPRESS CORP.	COURIER SERVICE	11.77	Non-Departmental
<b>Total Amount for 24 Line Item(s) from Non-Departmental</b>				<b>\$15,818.60</b>	
<b><u>Payroll</u></b>					
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	9,343.90	Payroll
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	4,669.08	Payroll
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	4,209.42	Payroll
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	932.94	Payroll
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	932.93	Payroll
87242	3/26/2014	P&A ADMINISTRATIVE SVCS INC	FSA MONTHLY ADMIN FEE- APR 14	72.00	Payroll
<b>Total Amount for 6 Line Item(s) from Payroll</b>				<b>\$20,160.27</b>	
<b><u>Police / Fire / Safety</u></b>					
87133	3/19/2014	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- FEB 2014	334,670.12	Police / Fire / Safety
87133	3/19/2014	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- FEB 2014	15,104.67	Police / Fire / Safety
87133	3/19/2014	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- STAR PROGRAM	4,227.94	Police / Fire / Safety
87059	3/12/2014	LIFELOC TECHNOLOGIES, INC.	PAS UNIT MAINTENANCE	362.53	Police / Fire / Safety
87230	3/26/2014	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- FINGERPRINT	306.72	Police / Fire / Safety
87001	3/5/2014	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- FINGERPRINT	175.17	Police / Fire / Safety
<b>Total Amount for 6 Line Item(s) from Police / Fire / Safety</b>				<b>\$354,847.15</b>	
<b><u>Public Safety &amp; Emergency Preparedness</u></b>					
87189	3/20/2014	US BANK	VISA- MACKAY COMMUNICATIONS	142.80	Public Safety & Emergency Preparedness
<b>Total Amount for 1 Line Item(s) from Public Safety &amp; Emergency Preparedness</b>				<b>\$142.80</b>	



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<b>Public Works</b>					
87246	3/26/2014	RBF CONSULTING	WATERSHED CONSULTING SVCS	16,539.50	Public Works
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	15,388.94	Public Works
87178	3/19/2014	TREE SPECIALIST	DEBRIS REMOVAL & CLEANUP	15,061.92	Public Works
87017	3/5/2014	TREE SPECIALIST	DEBRIS REMOVAL & CLEANUP	14,901.01	Public Works
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	11,662.10	Public Works
87246	3/26/2014	RBF CONSULTING	WATERSHED CONSULTING SVCS	10,652.00	Public Works
87052	3/12/2014	HTS, INC.	STORM DRAIN SERVICES	10,600.00	Public Works
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	7,307.96	Public Works
87044	3/12/2014	COUNTY OF LOS ANGELES	CONTRACT SERVICES	7,002.00	Public Works
87101	3/19/2014	CLEANSTREET INC	MONTHLY SVC - STREET SWEEPING	6,678.21	Public Works
87151	3/19/2014	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	6,400.00	Public Works
87044	3/12/2014	COUNTY OF LOS ANGELES	CONTRACT SERVICES	5,685.76	Public Works
87028	3/5/2014	WILHELM/RICHARD//	FIELD INVESTIGTN/DRAFTING SVCS	3,630.00	Public Works
87187	3/19/2014	WILHELM/RICHARD//	FIELD INVESTIGTN/DRAFTING SVCS	3,025.00	Public Works
87044	3/12/2014	COUNTY OF LOS ANGELES	CONTRACT SERVICES	2,975.23	Public Works
87044	3/12/2014	COUNTY OF LOS ANGELES	CONTRACT SERVICES	2,901.33	Public Works
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,682.80	Public Works
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	2,635.00	Public Works
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- CIP	2,396.00	Public Works
87020	3/5/2014	VALLEY CREST LANDSCAPE, INC.	LANDSCAPE MAINTENANCE	2,324.58	Public Works
87029	3/5/2014	WILLDAN ASSOCIATES INC.	GRADING REVIEW	1,710.00	Public Works
86998	3/5/2014	ISSAKHANI/MARINA//	ENVIRONMENTAL CONSULTING	1,640.00	Public Works
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- CIP	1,606.00	Public Works
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	1,595.00	Public Works
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	1,421.11	Public Works
87029	3/5/2014	WILLDAN ASSOCIATES INC.	GEOTECH REVIEW	1,400.00	Public Works
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,328.00	Public Works
87131	3/19/2014	ISSAKHANI/MARINA//	ENVIRONMENTAL CONSULTING	1,240.00	Public Works
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,134.00	Public Works
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,033.00	Public Works
87154	3/19/2014	ORTIZ/JOEL//	CONSULTING SERVICES	830.00	Public Works
87062	3/12/2014	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	785.00	Public Works
87170	3/19/2014	SANCHEZ/MARK L.//	INSPECTION SERVICES	765.00	Public Works
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	756.29	Public Works
87248	3/26/2014	SANCHEZ/MARK L.//	INSPECTION SERVICES	748.00	Public Works
87070	3/12/2014	SANCHEZ/MARK L.//	INSPECTION SERVICES	748.00	Public Works



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87169	3/19/2014	RUIZ CONCRETE & PAVING INC.	STREET REPAIRS	714.00	Public Works
87169	3/19/2014	RUIZ CONCRETE & PAVING INC.	STREET REPAIRS	642.00	Public Works
87013	3/5/2014	RAINBOW SIGNS INC	PUBLIC FORUM BANNERS	621.30	Public Works
87164	3/19/2014	RAINBOW SIGNS INC	AMERICA IN BLOOM BANNER	610.40	Public Works
87181	3/19/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	600.00	Public Works
87241	3/26/2014	ORTIZ/JOEL//	CONSULTING SERVICES	560.00	Public Works
87014	3/5/2014	SANCHEZ/MARK L.//	INSPECTION SERVICES	544.00	Public Works
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	506.85	Public Works
87022	3/5/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	504.00	Public Works
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	504.00	Public Works
87010	3/5/2014	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	500.00	Public Works
87076	3/12/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	466.00	Public Works
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	440.00	Public Works
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	440.00	Public Works
87022	3/5/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
87021	3/5/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	430.00	Public Works
87044	3/12/2014	COUNTY OF LOS ANGELES	CONTRACT SERVICES	404.77	Public Works
87029	3/5/2014	WILLDAN ASSOCIATES INC.	CIVIL PLAN CHECK	380.00	Public Works
87151	3/19/2014	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	345.00	Public Works
87189	3/20/2014	US BANK	VISA- CORNER BAKERY	329.94	Public Works
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- CIP	310.74	Public Works
87087	3/19/2014	ACORN NEWSPAPER	RECYCLING ADVERTISING	302.82	Public Works
87087	3/19/2014	ACORN NEWSPAPER	RECYCLING ADVERTISING	302.82	Public Works
87181	3/19/2014	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	300.00	Public Works
87029	3/5/2014	WILLDAN ASSOCIATES INC.	CONCEPT REVIEW	278.75	Public Works
87239	3/26/2014	MOBILE ONE ENTERPRISES	GRAFITTI REMOVAL	270.00	Public Works
87013	3/5/2014	RAINBOW SIGNS INC	EARTH DAY SIGNS	250.00	Public Works
87182	3/19/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	195.00	Public Works
87010	3/5/2014	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	192.00	Public Works
87147	3/19/2014	MOBILE ONE ENTERPRISES	GRAFITTI REMOVAL	180.00	Public Works
87072	3/12/2014	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	174.76	Public Works
87057	3/12/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	145.38	Public Works
87189	3/20/2014	US BANK	VISA- LA PAZ RESTAURANT	87.89	Public Works
87114	3/19/2014	FARASSATI/ALEX//	REIMB- CEQA FILING FEE	75.00	Public Works
87044	3/12/2014	COUNTY OF LOS ANGELES	CONTRACT SERVICES	72.80	Public Works
87180	3/19/2014	UNDERGROUND SERVICE ALERT	MONTHLY MEMBERSHIP FEE	46.50	Public Works



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87183	3/19/2014	VERIZON WIRELESS	TELEPHONE SERVICE	38.01	Public Works
87189	3/20/2014	US BANK	VISA- CARLSON BUILDING	26.04	Public Works
87189	3/20/2014	US BANK	VISA- APWA	25.00	Public Works
87189	3/20/2014	US BANK	VISA- RALPHS	21.98	Public Works
<b>Total Amount for 77 Line Item(s) from Public Works</b>				<b>\$182,901.49</b>	

### Recoverable / Refund / Liability

87232	3/26/2014	LAS VIRGENES MUNICIPAL WATER	REFUND BUILDING PERMIT	1,815.75	Recoverable / Refund / Liability
87065	3/12/2014	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	1,500.00	Recoverable / Refund / Liability
87065	3/12/2014	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	1,076.93	Recoverable / Refund / Liability
87155	3/19/2014	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	910.39	Recoverable / Refund / Liability
87023	3/5/2014	VERENGO, INC.	REFUND BUILDING PERMIT	379.60	Recoverable / Refund / Liability
86990	3/5/2014	ECMC	WAGE GARNISHMENT- 2/21/14	276.16	Recoverable / Refund / Liability
87110	3/19/2014	ECMC	WAGE GARNISHMENT- 3/7/14	276.16	Recoverable / Refund / Liability
87214	3/26/2014	ECMC	WAGE GARNISHMENT- 3/21/14	273.54	Recoverable / Refund / Liability
86994	3/5/2014	FRANCHISE TAX BOARD	WAGE GARNISHMENT- 2/21/14	196.76	Recoverable / Refund / Liability
87211	3/26/2014	DELEAU/LISA//	RECREATION REFUND	192.00	Recoverable / Refund / Liability
86993	3/5/2014	FRANCHISE TAX BOARD	WAGE GARNISHMENT- 2/21/14	184.62	Recoverable / Refund / Liability
87117	3/19/2014	FRANCHISE TAX BOARD	WAGE GARNISHMENT- 3/7/14	184.62	Recoverable / Refund / Liability
87216	3/26/2014	FRANCHISE TAX BOARD	WAGE GARNISHMENT- 3/21/14	184.62	Recoverable / Refund / Liability
86995	3/5/2014	GHAFFARI/SAMIRA//	RECREATION REFUND	176.00	Recoverable / Refund / Liability
86980	3/5/2014	CASTRO/DOUGLAS//	REFUND BUILDING PERMIT	124.20	Recoverable / Refund / Liability
86991	3/5/2014	FABOS/DEBORAH//	RECREATION REFUND	88.00	Recoverable / Refund / Liability
87051	3/12/2014	GHAFFARI/SAMIRA//	RECREATION REFUND	88.00	Recoverable / Refund / Liability
87042	3/12/2014	COHEN/TAMMY//	FACILITY RENTAL REFUND	83.50	Recoverable / Refund / Liability
87155	3/19/2014	P&A ADMINISTRATIVE SVCS INC	FSA-MEDICAL CARE REIMBURSEMENT	65.61	Recoverable / Refund / Liability
87042	3/12/2014	COHEN/TAMMY//	FACILITY RENTAL REFUND	60.00	Recoverable / Refund / Liability
87055	3/12/2014	JHAVERI/TUTI//	RECREATION REFUND	60.00	Recoverable / Refund / Liability
87109	3/19/2014	DOODKEVITCH/TALY//	RECREATION REFUND	60.00	Recoverable / Refund / Liability
87119	3/19/2014	FREEMAN/MICHELLE//	RECREATION REFUND	60.00	Recoverable / Refund / Liability
87093	3/19/2014	BALDOCCHI/GILLIAN//	RECREATION REFUND	60.00	Recoverable / Refund / Liability
87011	3/5/2014	OVERTON/SHARON//	RECREATION REFUND	57.00	Recoverable / Refund / Liability
87016	3/5/2014	STATE DISBURSMENT	WAGE GARNISHMENT- 2/21/14	46.15	Recoverable / Refund / Liability
87174	3/19/2014	STATE DISBURSMENT	WAGE GARNISHMENT- 3/7/14	46.15	Recoverable / Refund / Liability
87252	3/26/2014	STATE DISBURSMENT	WAGE GARNISHMENT- 3/21/14	46.15	Recoverable / Refund / Liability
87111	3/19/2014	EDELMAN/ANN//	RECREATION REFUND	10.00	Recoverable / Refund / Liability



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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	-25.71	Recoverable / Refund / Liability
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	-38.56	Recoverable / Refund / Liability
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	-111.66	Recoverable / Refund / Liability
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	-418.44	Recoverable / Refund / Liability
<b>Total Amount for 33 Line Item(s) from Recoverable / Refund / Liability</b>				<b>\$7,987.54</b>	

## Senior Center Construction

87005	3/5/2014	LUBKA & WHITE	CONSULTING SERVICES	3,357.70	Senior Center Construction
<b>Total Amount for 1 Line Item(s) from Senior Center Construction</b>				<b>\$3,357.70</b>	

## Tennis & Swim Center

86982	3/5/2014	CORE INDUSTRIES, LLC	FITNESS BIKES	4,788.46	Tennis & Swim Center
87045	3/12/2014	DEAN STEWART CONSTRUCTION	TABLES	3,150.00	Tennis & Swim Center
87251	3/26/2014	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	2,689.65	Tennis & Swim Center
87123	3/19/2014	GAYLENE CASCIONE DANCE	RECREATION INSTRUCTOR	1,328.25	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- JONAS FITNESS	990.24	Tennis & Swim Center
87199	3/26/2014	B & B PLUMBING & HEATING INC.	PLUMBING REPAIRS- LIBRARY	975.52	Tennis & Swim Center
87074	3/12/2014	TOP SEED TENNIS ACADEMY, INC.	RECREATION INSTRUCTOR	803.60	Tennis & Swim Center
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	795.53	Tennis & Swim Center
87257	3/26/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	781.60	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- NATIONAL GYM SUPPLY	772.30	Tennis & Swim Center
87077	3/12/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	655.50	Tennis & Swim Center
86987	3/5/2014	DEAN STEWART CONSTRUCTION	PLUMBING REPAIRS	651.00	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- EAST COAST	616.94	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- OFFICE DEPOT	550.88	Tennis & Swim Center
87203	3/26/2014	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	545.44	Tennis & Swim Center
87258	3/26/2014	VIEWPOINT EDUCATIONAL	POOL RENTAL	545.04	Tennis & Swim Center
87203	3/26/2014	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	500.00	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- OFFICE DEPOT	479.58	Tennis & Swim Center
87203	3/26/2014	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	477.26	Tennis & Swim Center
87080	3/12/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	443.47	Tennis & Swim Center
87203	3/26/2014	CASAS ORAMAS/JORGE//	FITNESS EQUIPMENT REPAIRS	440.70	Tennis & Swim Center
86981	3/5/2014	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	436.95	Tennis & Swim Center
87213	3/26/2014	DNA ELECTRIC	ELECTRICAL REPAIRS	355.00	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- LAKESHORE LEARNING	345.96	Tennis & Swim Center



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87186	3/19/2014	WELTER/FRANCES//	RECREATION INSTRUCTOR	339.50	Tennis & Swim Center
87261	3/26/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	332.11	Tennis & Swim Center
87026	3/5/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	331.68	Tennis & Swim Center
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	329.57	Tennis & Swim Center
87261	3/26/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	322.07	Tennis & Swim Center
87256	3/26/2014	TIME WARNER CABLE	CABLE MODEM/HDTV- T&SC	303.54	Tennis & Swim Center
87261	3/26/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	281.33	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- CALABASAS PRINTING	272.50	Tennis & Swim Center
87026	3/5/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	259.20	Tennis & Swim Center
87261	3/26/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	256.04	Tennis & Swim Center
86996	3/5/2014	GONZALES MASONRY	TILE REPAIRS	250.00	Tennis & Swim Center
87080	3/12/2014	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	233.91	Tennis & Swim Center
87018	3/5/2014	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	230.00	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- SLIPPIN SOUTHERN	224.00	Tennis & Swim Center
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	214.65	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- PATTERSON MEDICAL	197.88	Tennis & Swim Center
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	193.39	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- HOME DEPOT	173.37	Tennis & Swim Center
87205	3/26/2014	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	157.16	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- TOYS R US	108.96	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- RALPHS	107.47	Tennis & Swim Center
87162	3/19/2014	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 14	104.81	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- RITE AID	99.86	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- CONSTANT CONTACT	95.00	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- ADOLPH KIEFER	81.00	Tennis & Swim Center
87235	3/26/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- APR 14	53.54	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- SHUTTER STOCK	49.00	Tennis & Swim Center
87060	3/12/2014	LINCOLN NATIONAL LIFE	LIFE & DISABILITY INS- MAR 14	48.39	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- RADIO SHACK	44.47	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- MC LOGAN SUPPLY	40.21	Tennis & Swim Center
87207	3/26/2014	COUNTY OF LOS ANGELES	BACKFLOW PREVENTION DEVICE	40.00	Tennis & Swim Center
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	36.86	Tennis & Swim Center
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	36.86	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- DUNN EDWARDS	30.22	Tennis & Swim Center
86975	3/5/2014	AIRGAS- WEST	TC HELIUM	25.68	Tennis & Swim Center
87192	3/26/2014	AIRGAS- WEST	TC HELIUM	24.09	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- SHELL OIL	23.89	Tennis & Swim Center



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86975	3/5/2014	AIRGAS- WEST	TC HELIUM	21.03	Tennis & Swim Center
87228	3/26/2014	KNORR SYSTEMS, INC.	POOL VACUUM PARTS	11.53	Tennis & Swim Center
86985	3/5/2014	CSAC-EXCESS INSURANCE	EAP/JAN-MAR 2014	11.34	Tennis & Swim Center
87209	3/26/2014	CSAC-EXCESS INSURANCE	EAP/APR-JUN 2014	11.34	Tennis & Swim Center
87189	3/20/2014	US BANK	VISA- FEDEX OFFICE	10.86	Tennis & Swim Center
87056	3/12/2014	KISHIMOTO/RAINE//	REIMB MILEAGE - FEB 2014	9.07	Tennis & Swim Center
<b>Total Amount for 67 Line Item(s) from Tennis &amp; Swim Center</b>				<b>\$30,146.25</b>	

## Transportation

87127	3/19/2014	HUITT-ZOLLARS INC	CONSTRUCTION SVCS-LOST HILLS	58,839.45	Transportation
87012	3/5/2014	PARSONS TRANSPORTATION GROUP	LOST HILLS INTERCHANGE	32,489.36	Transportation
87157	3/19/2014	PARSONS TRANSPORTATION GROUP	LOST HILLS INTERCHANGE	31,740.39	Transportation
87150	3/19/2014	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - FEB 14	27,609.97	Transportation
87150	3/19/2014	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - FEB 14	11,000.32	Transportation
86972	3/5/2014	A2B TRANSPORTATION COMPANY LLC	DIAL-A-RIDE FEB 2014	10,135.71	Transportation
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	8,368.74	Transportation
87238	3/26/2014	MARK IV CONSULTING INC	CITY ENGINEERING SERVICES	5,070.00	Transportation
87250	3/26/2014	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	5,029.06	Transportation
87006	3/5/2014	MALIBU CANYON SHELL	FUEL CHARGES- FEB 2014 (1/2)	4,978.67	Transportation
87150	3/19/2014	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - FEB 14	4,517.52	Transportation
87141	3/19/2014	MALIBU CANYON SHELL	FUEL CHARGES- FEB 2014 (2/2)	4,428.29	Transportation
87034	3/12/2014	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	4,183.90	Transportation
87046	3/12/2014	DEAN/JAMES//	LANDSCAPE DESIGNS	4,000.00	Transportation
87196	3/26/2014	AMERICAN HONDA FINANCE CORP	LEASE PAYMENT- APR 2014	2,964.78	Transportation
87238	3/26/2014	MARK IV CONSULTING INC	CITY ENGINEERING SERVICES	2,340.00	Transportation
86983	3/5/2014	COUNTY CLERK, CO. OF L.A.	NOD FILING FEE- MULHOLLAND HWY	2,256.25	Transportation
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	2,233.26	Transportation
87189	3/20/2014	US BANK	VISA- BARCO PRODUCTS	1,606.96	Transportation
87046	3/12/2014	DEAN/JAMES//	LANDSCAPE DESIGNS	1,500.00	Transportation
87022	3/5/2014	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- CIP	1,250.67	Transportation
87107	3/19/2014	DEAN/JAMES//	LANDSCAPE DESIGNS	1,134.30	Transportation
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	771.22	Transportation
87150	3/19/2014	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - FEB 14	624.62	Transportation
87073	3/12/2014	TAFT ELECTRIC COMPANY	TRAFFIC SIGNALS	514.14	Transportation
87137	3/19/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	396.23	Transportation
87263	3/26/2014	WESTERN HIGHWAY PRODUCTS, INC.	TRAFFIC SIGNS	348.66	Transportation



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87150	3/19/2014	MV TRANSPORTATION, INC.	SHUTTLE FUEL COST- FEB 14	309.20	Transportation
87072	3/12/2014	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	280.45	Transportation
87002	3/5/2014	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	202.18	Transportation
87234	3/26/2014	LEAGUE OF CALIFORNIA CITIES	ROAD ASSESSMENTS	200.00	Transportation
87135	3/19/2014	LA DWP	METER SERVICE - TRAFFIC LIGHT	124.93	Transportation
87189	3/20/2014	US BANK	VISA- EXXON MOBIL	95.37	Transportation
87189	3/20/2014	US BANK	VISA- UNION 76	89.40	Transportation
87189	3/20/2014	US BANK	VISA- EXXON MOBIL	82.37	Transportation
86984	3/5/2014	COUNTY CLERK, CO. OF L.A.	NOC FILING FEE- MULHOLLAND HWY	75.00	Transportation
87189	3/20/2014	US BANK	VISA- UNION 76	62.34	Transportation
87189	3/20/2014	US BANK	VISA- CHEVRON	59.51	Transportation
87189	3/20/2014	US BANK	VISA- RABI INC	50.04	Transportation
87189	3/20/2014	US BANK	VISA- DOLLAR TREE	41.42	Transportation
87189	3/20/2014	US BANK	VISA- UNION 76	40.00	Transportation
87189	3/20/2014	US BANK	VISA- SHELL OIL	35.15	Transportation
87189	3/20/2014	US BANK	VISA- CANOGA PARK CNG	30.02	Transportation
87189	3/20/2014	US BANK	VISA- USPS	27.18	Transportation
87189	3/20/2014	US BANK	VISA- USPS	16.80	Transportation
87189	3/20/2014	US BANK	VISA- EXXON MOBIL	13.00	Transportation
87189	3/20/2014	US BANK	VISA- DO IT CENTER	4.97	Transportation
<b>Total Amount for 47 Line Item(s) from Transportation</b>				<b>\$232,171.80</b>	
<b>GRAND TOTAL for 732 Line Items</b>				<b>\$1,451,509.09</b>	

## FUTURE AGENDA ITEMS

Department                      Agenda Headings                      Agenda Title/Future Agenda  
23-Apr

PW	Presentation	Lost Hills project update
PW	Consent	Adoption of Resolutions for LLAD Assessments 1) Intention to Proceed w/Annual Administration; 2) Approve Prelim Eng Report; 3) Authorize Prop 218; and 4) Set Time/Place for Public Hearing
CD	Consent	Adoption of wireless ordinance
CC	Consent	Library/PS Commission appointments
PW	New Business	TTC's recommendation regarding Mulholland Hwy. Project Const.
CD	New Business	Award of new plan check contract for Community Development
CD	Public Hearing	Housing Element Update
CD	Public Hearing	New HPC logo
CD	Public Hearing	Introduction of ordinance for off-site parking for 23538 Calabasas Road restaurant
AS	Consent	Adoption of Resolution 2014-1403 - County of Los Angeles Community Development Block Grant Program Home Investment Partnerships Programs Participating City Cooperation Agreement.

**Future Items:**

CD	New Business	General plan amendment and pre-zoning for the annexation of properties along West Agoura Road 5/13
CD	New Business	Informational report regarding County Business license 5/13
	Presentation	Book Donation by Las Virgenes Municipal Water District.
Finance	Consent	Adoption of Resolution No. 2014-XXXX, levying special taxes within the City of Calabasas Community Facilities District No. 2006-1; and adoption of Resolution No. 2014-XXXX, levying special taxes within the City of Calabasas Community Facilities District No. 98-1. 5/28
PW	New Business	TTC's recommendation regarding Park Sorrento speed survey
CC	New Business	Section 2.04 Muni Code Amendment - City Council Reorg date
CC	New Business	Muni Code Amendment - Commission Term Expiration date
CD	New Business	E-Cigarette Ordinance
CC	New Business	Contract reprourement
CD	Public Hearing	Cost/Fee schedule for scanning of documents
PW	New Business	Stormwater semi-annual quarterly update
PW	New Business	Public Information Meeting for LLAD Assessments Re:1) Intention to Proceed w/Annual Administration; 2) Approve Prelim Eng Report; 3) Authorize Prop 218; and 4) Set Time/Place for Public Hearing 5/28
PW	Update	Bicycle Master Plan update
PW	Public Hearing	Final Eng Report -Approve LLAD Assessments 6/11
CC	New Business	Noticing/public outreach with Commissions recommendations
CC	Consent	Conflict of Interest Code update

**2014 CITY COUNCIL MEETING DATES**

May 13 - Special	Aug 27
May 14 - Cancelled CCCA Annual Conference	Sep 10
May 28	Sep 24-Cancelled Rosh Hashanah
Jun 11	Oct 8
Jun 25	Oct 22
Jul 9 - Cancelled	Nov 12
Jul 23 - Cancelled	Nov 26-Cancelled Thanksgiving Eve
Aug 13	Dec 10
	Dec 24-Cancelled Christmas Eve