CITY of CALABASAS

CITY COUNCIL AGENDA
REGULAR MEETING – WEDNESDAY, FEBRUARY 8, 2017
CITY HALL COUNCIL CHAMBERS
100 CIVIC CENTER WAY, CALABASAS
www.cityofcalabasas.com

The starting times listed for each agenda item should be considered as a guide only. The City Council reserves the right to alter the order of the agenda to allow for an effective meeting. Attendance at the entire meeting may be necessary to ensure interested parties hear a particular item. The public may speak on a closed session item prior to Council's discussion. To do so, a speaker card must be submitted to the City Clerk at least five 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, any written communication must be submitted to the City Clerk's office before 5:00 p.m. on the Monday prior to the meeting.**

CLOSED SESSION – 6:00 P.M.

1. Conference with Legal Counsel- Existing Litigation-One Case: Gov't. Code Section 54956.9(d)(1)
   Calabasas vs. Hamai, et al; L.A. Superior Court Case No. BS 157268

OPENING MATTERS – 7:00 P.M.

Call to Order/Roll Call of Councilmembers
Pledge of Allegiance by Girl Scout Junior Troop 6086
Approval of Agenda

PRESENTATIONS – 7:10 P.M.

- Employee Service Awards
- By Anthony Allman regarding the West Los Angeles Veterans Administration Revitalization Project

ANNOUNCEMENTS/INTRODUCTIONS – 7:40 P.M.

- Adjourn in Memory

ORAL COMMUNICATION – PUBLIC COMMENT – 8:00 P.M.

CONSENT ITEMS – 8:05 P.M.

1. Approval of meeting minutes from January 25, 2017

2. Amended employment contract-additional vacation allotment for City Manager

3. Recommendation from the Art in Public Places Advisory Committee to install a donated metal sculpture on the Civic Center Campus

4. Recommendation to award a five year professional services agreement to Absolute Tree & Brush for annual weed abatement/fuel reduction maintenance for fire safety within the City of Calabasas in the amount not to exceed $2,738,237 plus annual Consumer Price Index (CPI) increases

5. Recommendation to award a one 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 in an amount not to exceed $230,000

6. Adoption of Ordinance No. 2017-346, a proposed amendment to Chapter 17.22 of the Calabasas Municipal Code, "Affordable Housing", to bring into consistency with new California law the standards and requirements for providing and incentivizing affordable housing with density bonuses and other state-mandated concessions as part of either a residential housing project or a commercial mixed-use project

7. Adoption of Resolution No. 2017-1544, proclaiming April 29, 2017, as "Arbor Day" in the City of Calabasas

PUBLIC HEARING – 8:15 P.M.

8. Introduction of Ordinance No. 2017-347, a proposed amendment to Chapter 17.12.170 of the Calabasas Municipal Code by updating the standards and requirements applied to the development of accessory dwelling units (also referred to as second units, in-law units, or granny flats), as required to comply with new California law

9. Introduction of Ordinance No. 2017-349, adopting the California Code of Regulations – Title 24, The 2016 California Building Standards Code Parts 1 through 12 and adopting local amendments thereto, and expedited permitting procedures for Electrical Vehicle Charging Stations

INFORMATIONAL REPORTS – 9:10 P.M.

10. Check Register for the period of January 18-25, 2017

TASK FORCE REPORTS – 9:15 P.M.

CITY MANAGER'S REPORT – 9:20 P.M.

FUTURE AGENDA ITEMS – 9:25 P.M.

ADJOURN – 9:30 P.M.

The City Council will adjourn in memory of Larry Dinovitz and Kevin Starr to their next regular meeting scheduled on Wednesday, February 22, 2017, at 7: 00 p.m.

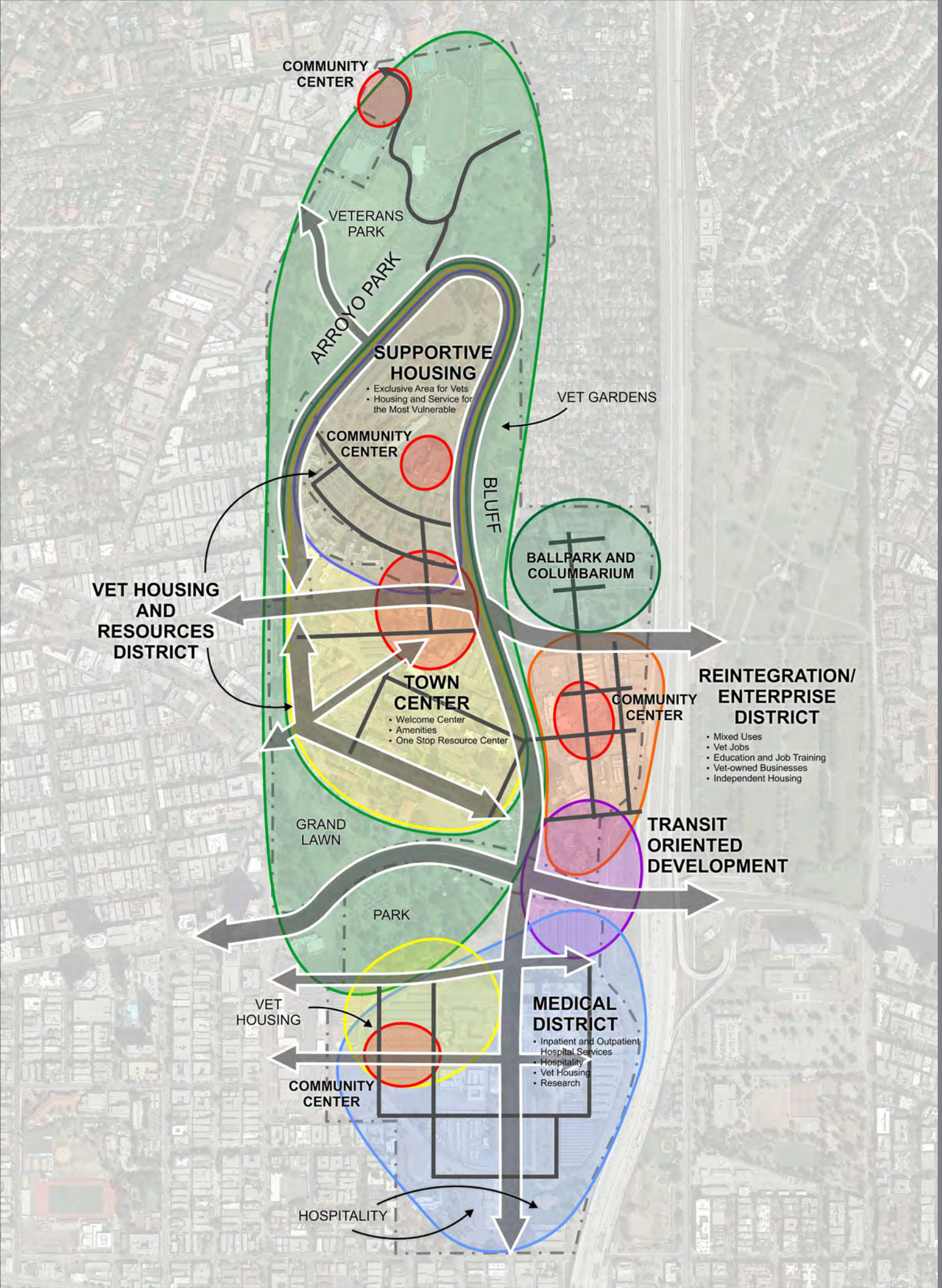
WEST LOS ANGELES VA CAMPUS
DRAFT MASTER PLAN

This updated Draft Master Plan is based on Veteran and community feedback during the Preliminary Draft Master Plan Public Comment period. This is the culmination of a process that began in June 2015, and represents unprecedented input and response to VA and the Secretary's team with over 100 meetings and over 1,000 responses in the Federal Register. The comments and data collected during this period were carefully reviewed and incorporated to reflect and address Veteran and stakeholder interests in the planning process.

The Draft Master Plan for the West Los Angeles VA Campus is a framework that will guide VA in determining and implementing the most effective use of the campus for Veterans, particularly for homeless Veterans, including underserved populations such as female Veterans, aging Veterans, and those who are severely physically or mentally disabled. The primary considerations include:

- provision of appropriate levels of supportive housing on the campus, in renovated existing buildings or newly constructed facilities;
- need for appropriate levels of bridge and emergency housing along with short-term treatment services on campus, to provide state-of-the-art primary care, mental health, and addiction services to Veterans, particularly those that are chronically homeless;
- respect for individual Veteran choices on whether to seek housing at the West LA Campus or in the local community; and
- parameters of applicable law, including but not limited to the appropriate integration of persons with disabilities into the community, and applicable environmental and historic preservation laws, regulations, and consultation requirements.

January 28, 2016


COMMUNITY CENTER
VETERANS PARK
ARROYO PARK
SUPPORTIVE HOUSING
• Exclusive Area for Vets
• Housing and Service for the Most Vulnerable
VET GARDENS
COMMUNITY CENTER
BLUFF
BALLPARK AND COLUMBARIUM
VET HOUSING AND RESOURCES DISTRICT
TOWN CENTER
• Welcome Center
• Amenities
• One Stop Resource Center
COMMUNITY CENTER
REINTEGRATION/ ENTERPRISE DISTRICT
• Mixed Uses
• Vet Jobs
• Education and Job Training
• Vet-owned Businesses
• Independent Housing
GRAND LAWN
TRANSIT ORIENTED DEVELOPMENT
PARK
VET HOUSING
MEDICAL DISTRICT
• Inpatient and Outpatient Hospital Services
• Hospitality
• Vet Housing
• Research
COMMUNITY CENTER
HOSPITALITY

The Draft Master Plan is one of a series of steps toward revitalization of the West Los Angeles Campus for Veterans' use, and represents a commitment to restore and reactivate the site to play the role for which it was historically established, as a *home* for Veterans. In March 1888, the United States received a donation of the land now comprising the West Los Angeles Campus from John P. Jones, Arcadia B. DeBaker, and John Wolfskill, with the understanding and intent that the site be used to establish a Pacific Branch of the National Home for Disabled Volunteer Soldiers. Shortly after the Korean War, nearly 5,000 Veterans called the campus home. In fact, the federal government maintained this purpose for the property with fidelity until the 1970's, but over years it transitioned into a condensed healthcare and research campus leaving land, housing and amenities unused and in disrepair.

GOALS OF THE MASTER PLAN

1. *Use the planning process to create a 21st Century model for Veterans' care that honors those who have served our nation and serves as a symbol of national pride and innovative change.*
2. *Revitalize the site to its intended purpose as a home; a vibrant community that includes the development of high quality housing tailored to priority Veteran subpopulations with robust supports that promote wellbeing and holistic, strength based services to augment existing structure of healthcare services.*
3. *Ensure transparency and accountability in land use and partnering decisions by engaging Veterans in the process that underlies the site's revitalization.*
4. *Make certain that all on-site programs, activities, resources and initiatives are offered in a culture that prioritizes the needs and wants of Veterans from every service era, and their families.*
5. *Develop a variety of high quality supportive housing that is tailored to the needs of vulnerable veteran sub-populations populations (e.g., chronically homeless, severely disabled, aging veterans with disabilities, females with dependents and other Veterans suffering from significant trauma and addictions disorders that have experienced housing instability) who have been prioritized to live on-site.*
6. *Offer user-friendly access to a holistic set of resources provided on-site for the benefit of Veterans and their families whether living on campus or residing elsewhere in the greater Los Angeles community.*
7. *Interconnect campus operations in real time with available off-site resources including VA facilities, state, county, city, neighborhood systems, Veteran Service Organizations and non-profit organizations.*
8. *Create opportunities on campus for all Veterans to interface safely and network constructively with the community at large and in the process facilitate their successful reintegration into civilian society.*
9. *Optimize the site by maintaining its legacy as a home wherever possible through restoration of original structures, thoroughfares, open space, trees and natural terrain while developing new facilities that are compatible with the home's scale and character.*
10. *Establish implementation mechanisms that are not fully reliant on VA funds to create a safe, secure and economically sustainable campus for Veteran-centered land uses and activities inclusive of housing, healthcare, benefits, memorial services, education, and all functions that facilitate the reintegration of Veterans and their families into civilian society.*

Once beyond the limits of urban development, the West LA VA Campus now is located in the center of densely developed and highly valuable neighborhoods that have grown up around it.

The framework for development of the West LA Campus envisions a long-term build-out that focuses use of the site on housing and services for Veterans, restores and enhances the site's historic legacy, conserves and repairs its natural setting, and facilitates, encourages and promotes reintegration of Veterans into civilian life.


SUNSET BOULEVARD
SAN VICENTE BOULEVARD
WILSHIRE BOULEVARD
WILSHIRE BOULEVARD
FEDERAL AVENUE
SEPULVEDA BOULEVARD
I-405 FREEWAY
1
2
3
4
5
6

Permanent supportive housing is an alternate long-range use for the northernmost part of the campus.

The first phase of permanent supportive housing includes new construction and renovation of existing historic structures.

Education, employment training, and Veterans' enterprise development is an alternate long-range use.

A new Town Center forms the heart of the Veteran community, with amenities and services for resident and non-resident Veterans alike.

Key features of the plan include:

1 ***Veteran Housing*** neighborhoods distributed throughout the site. Central to the campus is the most secure and protected neighborhood of permanent supportive housing on the "high ground," with its own neighborhood services.

2 The ***Town Center*** located in the geographic center of the campus, touching on each of the primary Veteran neighborhoods as a place of common contact.

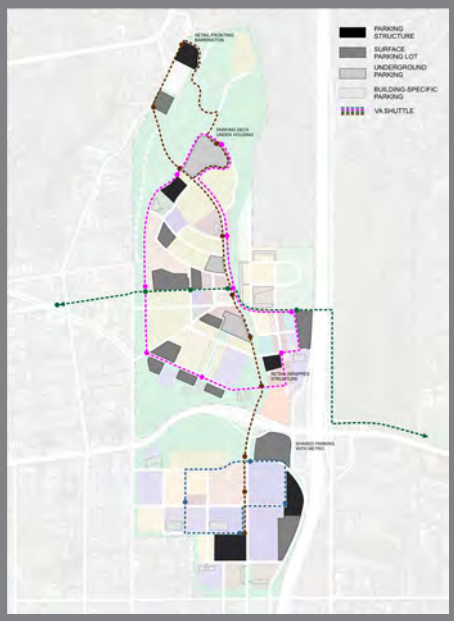
3 Five ***Neighborhood Centers*** located throughout the campus,connected to each residential neighborgood, providing focused supportive services and amenities.

4 A ***Reintegration Zone*** located in the current "industrial district" of the campus, focused on Veteran reintegration, with opportunities for education and employment training, workshop and gallery space for the arts, and incubator space for nurturing Veteran-initiated start-ups.

5 The ***Medical District***, south of Wilshire, with the re-purposed hospital and new Bed Tower, an array of in-patient and ambulatory care facilities, a variety of hospitality facilities for hospital visitors and their families, and additional supportive housing options.

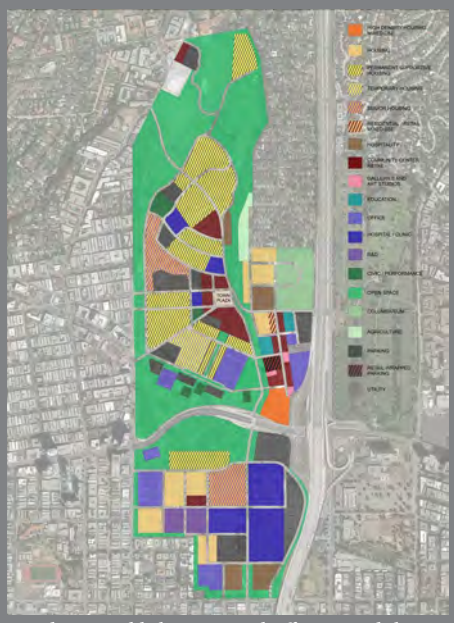
6 Accessible and programmed ***Open Space and Recreation*** throughout the campus.

New roads connect the network of existing roads and open new access to surrounding streets.

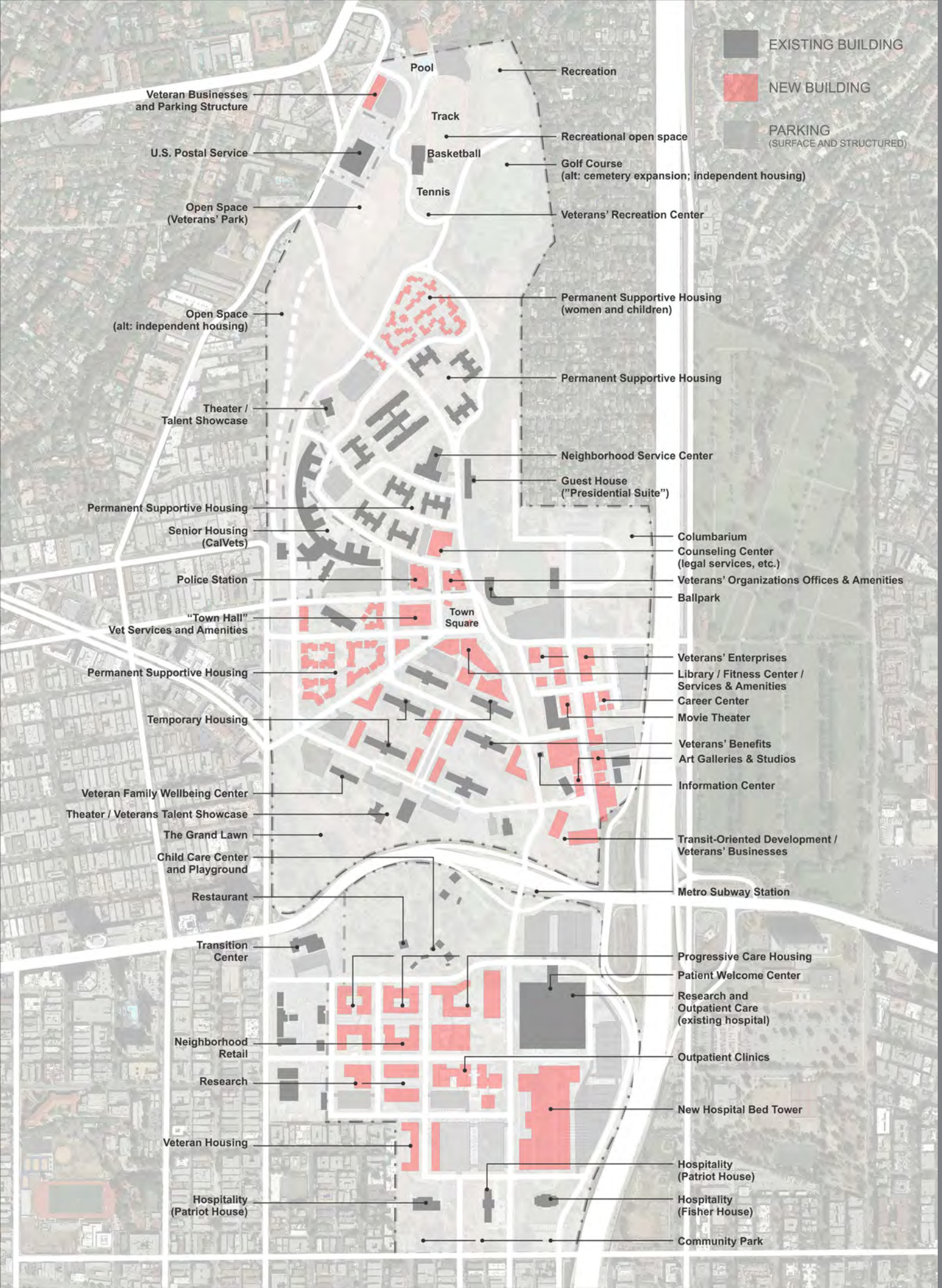


Parking near campus entry points connect with a shuttle system that allows visitors to "park once."

Roads and existing building clusters define new development parcels that account for the entire site.



Land use establishes a green buffer around the campus, with housing and services at its core.


EXISTING BUILDING
NEW BUILDING
PARKING
(SURFACE AND STRUCTURED)
Pool
Recreation
Veteran Businesses and Parking Structure
Track
Recreational open space
U.S. Postal Service
Basketball
Golf Course
(alt: cemetery expansion; independent housing)
Tennis
Open Space
(Veterans' Park)
Veterans' Recreation Center
Permanent Supportive Housing
(women and children)
Open Space
(alt: independent housing)
Permanent Supportive Housing
Theater /
Talent Showcase
Neighborhood Service Center
Guest House
("Presidential Suite")
Permanent Supportive Housing
Senior Housing
(CalVets)
Columbarium
Counseling Center
(legal services, etc.)
Police Station
Veterans' Organizations Offices & Amenities
Ballpark
"Town Hall"
Vet Services and Amenities
Town
Square
Veterans' Enterprises
Permanent Supportive Housing
Library / Fitness Center /
Services & Amenities
Career Center
Temporary Housing
Movie Theater
Veterans' Benefits
Art Galleries & Studios
Information Center
Veteran Family Wellbeing Center
Theater / Veterans Talent Showcase
The Grand Lawn
Transit-Oriented Development /
Veterans' Businesses
Child Care Center
and Playground
Restaurant
Metro Subway Station
Transition
Center
Progressive Care Housing
Patient Welcome Center
Research and
Outpatient Care
(existing hospital)
Neighborhood
Retail
Outpatient Clinics
Research
New Hospital Bed Tower
Veteran Housing
Hospitality
(Patriot House)
Hospitality
(Patriot House)
Hospitality
(Fisher House)
Community Park

Land use is proposed as existing, preferred, and alternate, allowing for flexibility in future development decision-making, but establishing the tone and character of each of the areas of the campus. Within this flexible framework, specific ideas for focusing new development as well as re-purposing existing facilities are suggested in the figure to the left.

The Master Plan Framework places an initial and immediate focus on permanent supportive housing for homeless or at-risk Veterans within a nurturing, safe, and secure core area of the site. Initial phase permanent supportive housing will be located in the central portion of the north campus, with a projected capacity of 490 housing units. Of these, approximately 150 units are proposed to be new construction in a townhouse-type complex, with the balance located in nearby renovated buildings.

Future housing will be located in a combination of renovated buildings throughout the campus, as well as in new infill construction. Beyond the currently projected demand for 1,200 units, the Framework Plan indicates an overall capacity on the 388-acre West LA Campus of up to approximately 4,000 units of housing of various types. This capacity can absorb future demand as need dictates based on local and regional demand updated through 3- to 5-year reviews.

Vets Advocacy
JOHNSON FAIN

CITY LETTERHEAD

2/08/17

The Honorable David Shulkin
Secretary of Veterans Affairs
United States Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dear Secretary Shulkin,

Congratulations on your recent appointment as the ninth United States Secretary of Veterans Affairs! As Mayor of Calabasas I am writing to express my overwhelming support for the West LA VA master plan adopted by your predecessor on January 28, 2016.

My colleagues in City Council and I are willing to offer our assistance in supporting your agency's goal of eliminating veteran homelessness in Los Angeles County. I have appointed a liaison in our city's [insert department] and welcome an opportunity to meet with your local staff to expedite the construction of veteran housing.

In addition, we are pleased that H.R. 5936, West Los Angeles Leasing Act of 2016, has been signed into law reinstating West LA VA's ability to enter into Enhanced Use Lease agreements providing increased housing opportunities and reintegration services for the entire veteran community.

Please contact [insert name], [insert title], at [insert phone] and/or [insert email] for any further assistance regarding this matter.

The City of Calabasas appreciates your dedication to this critical issue.

Respectfully,

Mary Sue Maurer
Mayor, City of Calabasas

MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA
HELD WEDNESDAY, JANUARY 25, 2017

Mayor Maurer called the Closed Session to order at 6:08 p.m. in the Council Conference Room, 100 Civic Center Way, Calabasas, CA.

Present: Mayor Maurer, Mayor pro Tem Gaines, Councilmembers Bozajian, Shapiro and Weintraub

CLOSED SESSION

1. Public Employee Performance Evaluation Gov. Code §54957
   Title: City Manager

ROLL CALL Mayor Maurer, Mayor pro Tem Gaines, Councilmembers Bozajian, Shapiro and Weintraub
Absent: None
Staff: Bartlett, Coroalles, Fleishman, Hernandez, Lysik and Tamuri.

The Council convened to Open Session in the Council Chambers at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Webelos III - Pack 333.

APPROVAL OF AGENDA

Councilmember Weintraub moved, seconded by Councilmember Shapiro to approve the agenda. MOTION CARRIED 5/0 as follows:

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

Mr. Fleishman announced that there were no reportable actions from the Closed Session.

PRESENTATIONS

- Recognition of Cub Scouts, Pack 333 for their efforts with Operation Sleeping Bag

Mayor Maurer presented a certificate of appreciation to Cub Scouts, Pack 333.

- Calabasas Film Festival 2017 Dates

Joe, Kelley and Nicole Fries presented the 2017 Film Festival dates as September 13-17.

ANNOUNCEMENTS/INTRODUCTIONS

Members of the Council made the following announcements:

Councilmember Bozajian:
- The Chamber of Commerce installation banquet is scheduled for January 27, where Mayor pro Tem Gaines will be presented with the Spirit of Calabasas Award.
- The former California State Librarian, Kevin Starr passed away on January 14. Expressed condolences to the Starr Family.

Mayor pro Tem Gaines:
- Reiterated condolences to the Starr Family.
- Expressed condolences to the Dinovitz Family for the loss of Larry.
- Calabasas HS Boys Basketball team are undefeated and are in the Marmonte League. They recently beat Agoura. The Girls Basketball team are also in the Marmonte League.
- The Chamber is hosting a ribbon cutting ceremony for Pennies from Heaven on January 26.

Councilmember Weintraub:
- Extended congratulations to Councilmember Shapiro for his recent appointment to the Community Services Policy Committee for the League of California Cities.
- Congratulated Bay Laurel Elementary fifth graders, who partnered with 101 Heroes and fundraised almost $1,300 to build schools in impoverished countries.

Councilmember Shapiro:
- Expressed appreciation and congratulations to the Public Works, Fire and Sheriff's Departments for a great job during the recent rains.
- Attended a ribbon cutting ceremony for Glam, a new business in the City.
- Reiterated condolences to the Dinovitz Family and requested a future meeting be adjourned in memory of Larry.
- A call for six to nine year old boys to cast for a major motion picture by Stephen Spielberg will take place on January 29.

Mayor Maurer:

- The Calabasas Coalition will be presenting a Crime Prevention Tips on January 26 with the Sheriff's Department.
- The Earth Day Festival is scheduled for April 15 from 2 to 5 p.m.

ORAL COMMUNICATIONS – PUBLIC COMMENT

Chalsea Jordan, Joe Chilco, and Diana and Alan Dabach spoke during public comment.

CONSENT ITEMS

1. Approval of meeting minutes from January 11, 2017

2. November and December Sheriff's Crime Report

3. Adoption of Ordinance No. 2017-345, amending Calabasas Municipal Code Section 9.31.020 to impose a misdemeanor penalty for violations of Calabasas Municipal Code Section 9.31.010, prohibiting the sale of knives to minors

Mayor pro Tem Gaines moved, seconded by Councilmember Weintraub to approve Consent Item Nos. 1-3. MOTION CARRIED 5/0 as follows:

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

PUBLIC HEARING

4. Introduction of Ordinance No. 2017-346, a proposed amendment to Chapter 17.22 of the Calabasas Municipal Code, "Affordable Housing", to bring into consistency with new California law the standards and requirements for providing and incentivizing affordable housing with density bonuses and other state-mandated concessions as part of either a residential housing project or a commercial mixed-use project

   Mayor Maurer opened the public hearing.

   Mr. Bartlett presented the report.

   John Suwara spoke on Item No. 4.

   Mayor Maurer closed the public hearing.

Councilmember Shapiro moved, seconded by Councilmember Weintraub to approve Item No. 4. MOTIOD DIED

Councilmember Weintraub made an amended motion, seconded by Mayor pro Tem Gaines to approve Item No. 4 with a modification. MOTION CARRIED 4/1 as follows:

AYES: Mayor Maurer, Mayor pro Tem Gaines, Councilmembers Shapiro and Weintraub

NOES: Councilmember Bozajian

The meeting recessed at 8:47 p.m.
The meeting reconvened at 8:58 p.m.

OLD BUSINESS

5. Adoption of Resolution No. 2017-1538, rescinding Resolution No. 2005-966 and establishing the amount and procedure for health benefit reimbursement for management retirees

Dr. Lysik presented the report.

Pricilla Lee and John Suwara spoke on Item No. 5.

Mayor pro Tem Gaines moved, seconded by Councilmember Shapiro to approve Item No. 5 with a modification. MOTION CARRIED 5/0 as follows:

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

NEW BUSINESS

6. Council liaisons and external committee appointments

Council Liaisons:
Budget Liaison
Gaines – Weintraub

Commission Procedures/Council Protocols
Bozajian – Gaines

Economic Development
Gaines – Shapiro

Public Safety/Emergency Preparedness Task Force
Maurer – Weintraub

Open Space/Annexations Liaisons
Bozajian – Maurer

Schools Area Traffic Safety Committee
Maurer – Gaines

School Site Liaisons
Shapiro – Weintraub

Senior Taskforce
Maurer – Shapiro

External Committees:
Agoura Hills/Calabasas Community Center Joint Powers Authority Board
Bozajian – Weintraub (alternate)

Calabasas Chamber of Commerce
Bozajian

California Contract Cities Association
Bozajian

California Joint Powers Insurance Authority
Mayor or designee

Economic Alliance of the San Fernando Valley Board of Directors
Shapiro

Headwaters Corner Interpretive Center Board of Directors
Maurer

Las Virgenes – Malibu Council of Governments
Weintraub

League of California Cities
Bozajian

Los Angeles County City Selection Committee
Mayor or Designee

Santa Monica Mountains Conservancy Advisory Board
Maurer

Southern California Association of Governments (SCAG)
Mayor
Shapiro

Valley Industry Commerce Association (VICA)
Gaines

Councilmember Weintraub moved, seconded by Councilmember Shapiro to approve Council Liaisons-External Committees appointments. MOTION CARRIED 5/0 as follows:

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

INFORMATIONAL REPORTS

7. Check Register for the period of January 4-12, 2017

No action was taken on this item.

TASK FORCE REPORTS

Mayor Maurer reported her attendance to the Santa Monica Mountains Conservancy meeting on January 23. Councilmember Weintraub reported her appointment to SCAG's Transportation Committee.

CITY MANAGER'S REPORT

None.

FUTURE AGENDA ITEMS

Mayor pro Tem Gaines requested and item regarding the refund request from Mr. and Mrs. Dabach.

Councilmember Shapiro requested updates on the City's plastic bag ordinance as well as an update on all public safety laws that recently became effective.

ADJOURN

The meeting was adjourned at 10:16 p.m. to their next regular meeting scheduled on Wednesday, February 8, 2017, at 7:00 p.m.

_____
Maricela Hernandez, MMC
City Clerk

Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: FEBRUARY 1, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT H. HOWARD, COLANTUONO HIGHSMITH & WHATLEY CITY ATTORNEY

SUBJECT: AMENDED EMPLOYMENT CONTRACT–ADDITIONAL VACATION ALLOTMENT FOR CITY MANAGER

MEETING DATE: FEBRUARY 8, 2017

SUMMARY RECOMMENDATION:

The City Manager's employment agreement sets forth the terms and conditions for employment as the City Manager. The salary, vacation and other benefits may be adjusted by the Council in their discretion. The Council has conducted an annual performance review of the City Manager and has requested the City Attorney prepare a report to consider amending the City Manager's employment agreement to provide an allotment of five additional annual vacation days. The attached eleventh amended employment agreement would reflect and authorize the additional five days of annual vacation effective February 8, 2017.

DISCUSSION:

Having now conducted the City Manager's performance evaluation, the City Council has directed that a proposed increase in the number of annual vacation days (five) be presented for consideration pursuant to law. The change is highlighted as highlighted text in the attached Eleventh amended employment agreement.

FISCAL IMPACT/SOURCE OF FUNDING:

There is no direct fiscal impact. Paid vacation days which are actually taken is accounted for in the annual budget.

SUMMARY RECOMMENDATION:

If the Council desires to approve the allotment of five additional annual vacation days as outlined above, you should approve the eleventh amended employment agreement and authorize the Mayor to sign it on behalf of the City. There are no other changes or amendments to the employment agreement.

ATTACHMENT:

Eleventh Amended Employment Agreement between Anthony Coroalles and the City of Calabasas.

ITEM 2 ATTACHMENT
ELEVENTH AMENDED EMPLOYMENT AGREEMENT

THIS ELEVENTH AMENDED AGREEMENT is made and entered into as of the 8th day of February 2017, by and between the CITY OF CALABASAS, California, a Municipal Corporation, hereinafter called the "City," and ANTHONY M. COROALLES, hereinafter called "Employee."

RECITALS

A. City desires to retain the services of Employee in the position of City Manager, and Employee desires employment as City Manager of the City;

B. The City Council desires to:

(1) Retain the services of Employee.
(2) Encourage the highest standards of fidelity and public service on the part of Employee.
(3) Provide a just means for terminating Employee's employment and this Agreement when City may desire to do so;
(4) Recognize Employee's accomplishments during his service to the City to date; and

C. The parties further desire to establish the Employee's conditions of employment.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained the parties agree as follows:

1. Duties. City hereby employs Employee as City Manager of City to perform the functions and duties of the City Manager as specified in City's Municipal Code and to perform such other legally permissible and proper duties and functions as the City Council may from time to time assign to Employee. Employee agrees to devote Employee's full time and effort to the performance of this Agreement and to remain in the exclusive employ of City and not to become otherwise employed while this Agreement is in effect without the prior written approval of the City Council.

2. Hours of Work. Employee shall maintain a regular work schedule of 8 hours per day, Monday through Friday and shall not participate in the 9/80 schedule made available to other employees. Employee's duties may involve expenditures of time in excess of eight (8) hours per day and/or forty (40) hours per week, and may also include time outside normal office hours such as attendance at City Council meetings. Employee shall not be entitled to additional compensation for such time.

3. Term. This Agreement shall be effective December 15, 2003, and will remain in force and effect until terminated as provided herein. The amendments to this

Agreement made by this Eleventh Amendment are effective as of February 9, 2017 unless otherwise expressly stated herein.

4. Salary; Merit Bonus. Under the Tenth Amended employment agreement City pays Employee for the performance of Employee's duties as City Manager under this Agreement an annual salary of $236,700 less customary and legally required payroll deductions, Salary and/or benefit adjustments shall be considered by the City Council annually in conjunction with Employee's annual performance evaluation pursuant to paragraph 11of this Agreement. City shall not, at any time during the term of this Agreement, reduce Employee's salary or benefits unless such reduction is imposed across-the-board for all employees of the City.

5. Automobile. City shall provide Employee with a monthly auto allowance of $500, which Employee acknowledges shall be subject to taxation. Employee shall have access to City-owned vehicles as needed to conduct official business during regular business hours or extended travel authorized by the City Council. Employee shall be responsible for paying for all liability, property damage, and comprehensive insurance and for the purchase, operation, maintenance, repair, and replacement of his automobile.

6. Retirement and Deferred Compensation. City shall contribute the employer's and Employee's portion of cost of membership in the Public Employees Retirement System (PERS) during the term of this Agreement. City shall also make available to Employee a qualified deferred compensation program under Internal Revenue Code Section 457 and will match any contributions Employee may make to that plan consistent with the City match provided to all other employees (currently 2% of the employee's salary).

7. Medical, Dental and Vision Insurance. City shall pay the monthly premiums for medical, dental and vision insurance for Employee and Employee's dependents in an amount sufficient to cover most plans offered by the City and not less than the amount afforded department heads. If Employee elects not to participate in the City's medical plan, the City will contribute the amount it pays in lieu of those benefits under the current benefit resolution of the City to the Section 457 plan referred to in paragraph 6 above or, at Employee's option, pay that sum as additional taxable compensation to Employee.

8. Other Benefits. City shall provide to Employee any other benefits mandated by state or federal law.

9. General Expenses and Business Equipment. City recognizes that certain expenses of a non-personal and job-related nature may be incurred by Employee. City agrees to reimburse Employee for reasonable expenses which are authorized by the City budget, submitted to the City Council for approval, and which are supported by expense receipts, statements or personal affidavits, and audit thereof in like manner as other demands against the City. City shall provide Employee with a lap-top computer and a cellular phone for the conduct of City business and to assure his availability to the City in the event of an emergency.

10. Official and Professional Development Expenses. City shall pay reasonable sums for professional dues and subscriptions for Employee necessary in the judgment of the City Council for Employee's continued participation in associations and organizations, which memberships are necessary and desirable for the continued professional development of Employee and for the good of the City, such as the League of California Cities and the International City/County Management Association. Notwithstanding the foregoing, the City Council shall have discretion to establish appropriate amounts, in the annual City budget or otherwise, for official and professional development expenses and travel costs.

11. Performance Evaluation. The City Council shall review and evaluate Employee's performance at least once annually. The City Council and Employee shall annually develop mutually agreeable performance goals and criteria which the City Council shall use in reviewing Employee's performance in the following year. It shall be Employee's responsibility to initiate this review each year. Employee will be afforded an adequate opportunity to discuss each evaluation with the City Council.

12. Indemnification. City shall defend, hold harmless and indemnify Employee against any claim, demand, judgment, or action of any type or kind arising within the course and scope of Employee's employment to the extent required by Government Code Sections 825 and 995.

13. Other Terms and Conditions of Employment.

(A) The City Council may from time to time fix other terms and conditions of employment relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provision of this Agreement, the Municipal Code, or other applicable law.

(B) The provisions of the City's Personnel Rules and Regulations ("Rules") shall apply to Employee to the extent they explicitly apply to the position of City Manager, except that if the specific provisions of this Agreement conflict with the Rules, the terms of this Agreement shall prevail. Without limiting the generality of the exception noted in the previous sentence, however, no provision of the Rules or this Agreement shall confer upon Employee a property right in Employee's employment or a right to be discharged only upon cause during Employee's tenure as City Manager. At such times as Employee is serving as City Manager, Employee is an at-will employee serving at the pleasure of the Council and may be dismissed at any time with or without cause, subject only to the provisions of this Agreement.

(C) Until such time as the Rules entitle him to a greater amount, effective February 9, 2017 Employee shall be entitled to ~~20~~ 25 days of vacation leave with pay per year. Employee may accrue up to 45 days vacation and, once having accrued that amount, shall accrue no further vacation under this Agreement until he uses vacation time to reduce his accrued balance. The Employee may cash out vacation time on the same terms and conditions as established by the City for other management employees.

(D) Employee shall be entitled to 12 days of sick leave and 8 days of

administrative leave with pay per year. Employee may not cash out unused sick leave upon termination of this Agreement. Administrative leave is prorated and Employee shall receive 4 and 1/3 days administrative leave for the *2003-04* fiscal year. Except as expressly provided in this Agreement, Employee's use and accrual of sick and administrative leave shall be governed by the Rules.

(E) Employee shall be exempt from paid overtime compensation and from Social Security taxes other than the mandatory Medicare portion of such taxes.

(F) Employee shall be entitled to eleven and one-half holidays per year pursuant to City policy and to one floating holiday per year. Except as expressly provided in this Agreement, Employee's holidays shall be governed by the Rules.

(G) The City will pay for Employee's memberships in the Calabasas Tennis & Swim Center and the Agoura Hills / Calabasas Community Center.

(H) The City will provide Employee short-term and long-term disability insurance on the same terms as such insurance is provided to department heads of the City. The City will provide Employee with life insurance in the amount of 1 and one-half times his annual salary with Employee to name the beneficiary. The City will pay the premium for Employee and his household members to participate in the City's Employee Assistance Program.

14. General Provisions.

(A) This Agreement constitutes the entire agreement between the parties. City and Employee hereby acknowledge that they have neither made nor accepted any other promise or obligation with respect to the subject matter of this Agreement. This Agreement may be amended only by a writing signed by Employee, approved by the City Council, and executed on behalf of the City.

(B) If any provision or any portion of this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of the Agreement shall be deemed severable and shall not be affected and shall remain in full force and effect.

(C) This Agreement may be terminated by either party with or without notice and with or without cause subject only to the requirements of paragraph 15 below regarding severance. Notice of termination to City shall be given in writing to City, either by personal service or by registered or certified mail, postage prepaid, addressed to City as follows:

Mayor
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302.

With a courtesy copy to:

Scott H. Howard
Colantuono Highsmith & Whatley,
City Attorney
790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101

Any notice to Employee shall be given in a like manner, and, if mailed, shall be addressed to Employee at the address then shown in City's personnel records. For the purpose of determining compliance with any time limit stated in this Agreement, a notice shall be deemed to have duly given (a) on the date of delivery, if served personally on the party to whom notice is to be given, or (b) on the second (2nd) calendar day after mailing, if mailed in the manner provided in this section to the party to whom notice is to be given. Notwithstanding the forgoing, this Agreement shall automatically terminate on the death or permanent disability of Employee and Employee agrees to make best efforts to give City not less than 60 days' written notice of his resignation.

(D) If an action at law or in equity is necessary to enforce or interpret this Agreement, the prevailing party in that action shall be entitled to reasonable and actual attorneys' fees and costs with respect to the prosecution or defense of the action.

(E) A waiver of any of the terms and conditions of this Agreement shall not be construed as a general waiver by the City and the City shall be free to enforce any term or condition of this Agreement with or without notice to Employee notwithstanding any prior waiver of that term or condition.

15. Severance. If City terminates this Contract without cause, as defined in this paragraph, then City shall pay Employee severance equal to six months' salary plus one month's salary, in the amounts in effect at the time the notice of termination is given, for each full year of service to the City which Employee has completed as of the termination date, not to exceed an amount equal to twelve months' salary. The City shall have cause to terminate Employee without payment of severance under this paragraph 15 if Employee engages in any of the following conduct: theft or destruction of City property; conviction of a felony, or of a misdemeanor adversely reflecting on Employee's fitness to perform assigned duties; unauthorized absence from employment or abuse of leave privileges; reporting for work, or being at work, under the influence of, or in the possession of, alcoholic beverages, or non-prescribed "controlled substances" as that term is defined in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 as amended to date (excluding possession of alcoholic beverages in compliance with the Rules); improper or unauthorized use of City funds or City property; acceptance by Employee of any valuable consideration from any person or entity other than the City for the regular performance of Employee's duties; or engaging in harassment prohibited by state or federal law.

IN WITNESS WHEREOF the parties have executed this Eleventh Amended Agreement as of the day and year first above written.

EMPLOYEE

_____
Anthony M. Coroalles

CITY OF CALABASAS

ATTEST:

_____
Maricela Hernandez, MMC
CITY CLERK

_____
Mary Sue Maurer
MAYOR

Approved as to form:

_____
Scott H. Howard
CITY ATTORNEY

Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 27, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JEFF RUBIN, COMMUNITY SERVICES DIRECTOR

SUBJECT: RECOMMENDATION FROM THE ART IN PUBLIC PLACES ADVSIORY COMMITTEE TO INSTALL A DONATED METAL SCULPTURE ON THE CIVIC CENTER CAMPUS

MEETING DATE: FEBRUARY 8, 2017

SUMMARY RECOMMENDATION:

It is recommended that the City Council approve the Art in Public Places Advisory Committee recommendation to install a donated metal sculpture on the Civic Center Campus.

BACKGROUND/DISCUSSION:

Last Spring at the 19th Annual Fine Arts Festival, artist Merrill Orr donated a large metal sculpture to the City as a thank you for his inclusion and success at the Festival over the past five years. Merrill Orr is from Arizona and his work is described as steel incorporating cooper and semi-precious gemstones from around the world. Mr. Orr has had representation in Fine Art Galleries across the nation, including New York, Illinois, Minnesota, California, Florida, Nevada and Arizona. He also has work in museums in Tokyo and several parts of Europe. His work is subtle and bold, traditional, modern and contemporary and is setting a new standard for the arts. The donated piece is approximately four feet wide by eight feet tall and is valued at $8,500.00.

After a meeting of the Art in Public Places Advisory Committee it was determined that the most appropriate location would be in the planter next to the stairwell leading up to the Senior Center.

FISCAL IMPACT/SOURCE OF FUNDING:

The installation cost will be approximately $2,500.00 and paid for from account 16-134-5215-25.

REQUESTED ACTION:

It is requested that the City Council approve the Art in Public Places Advisory Committee recommendation to install a donated metal sculpture on the Civic Center Campus.

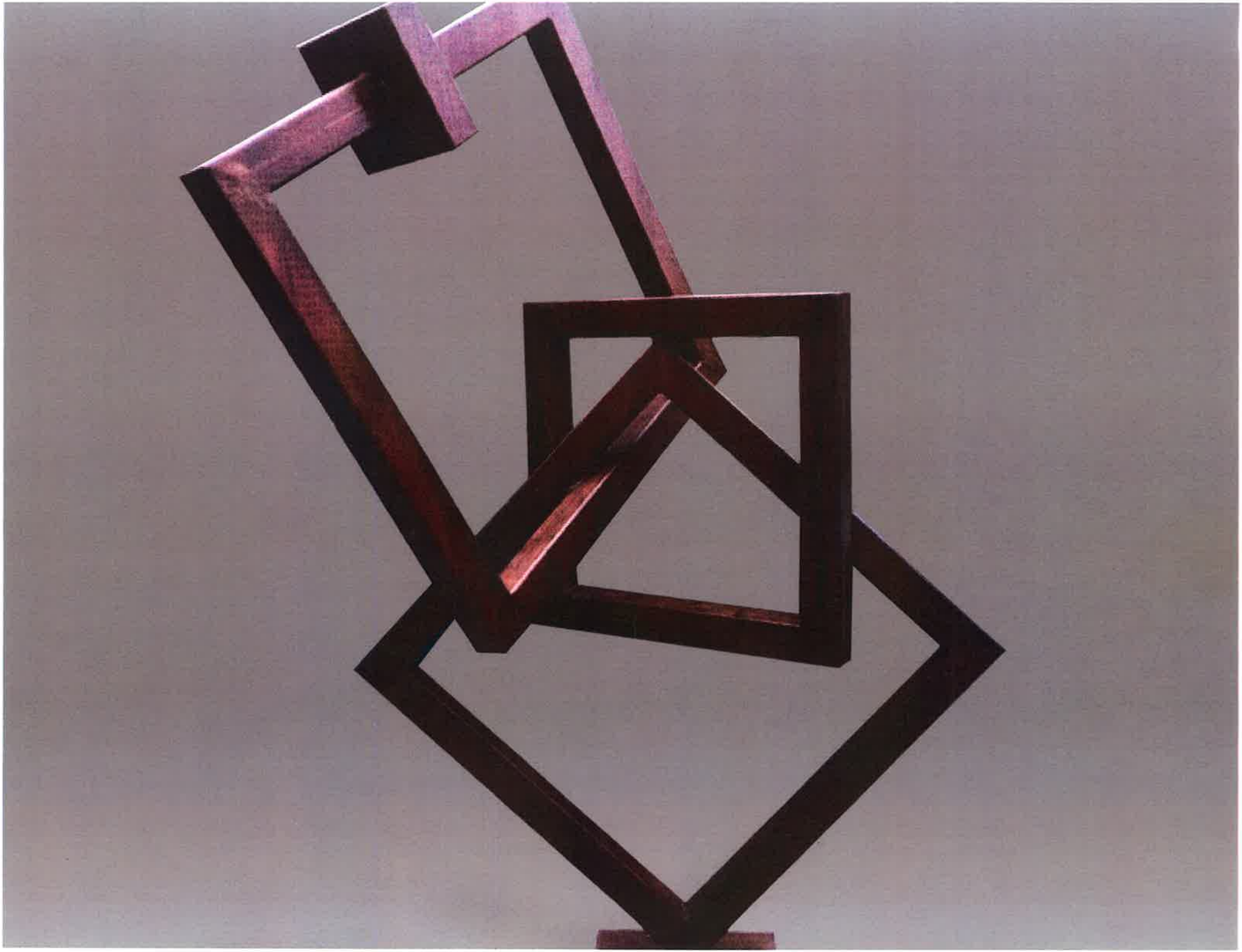
ATTACHMENTS:

Photos of the Sculpture and proposed placement location.

ITEM 3 ATTACHMENT


Amphitheater
Founders Hall
Senior Center
SENIOR CENTER


Amphitheatre
Founders Hall
Senior Center



Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 26, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: ROBERT YALDA, PUBLIC WORKS DIRECTOR, P.E., T.E. / CITY ENGINEER
HEATHER MELTON, LANDSCAPE DISTRICT MANAGER

SUBJECT: RECOMMENDATION TO AWARD A FIVE YEAR PROFESSIONAL SERVICES AGREEMENT TO ABSOLUTE TREE & BRUSH FOR ANNUAL WEED ABATEMENT / FUEL REDUCTION MAINTENANCE FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS IN THE AMOUNT NOT TO EXCEED $2,738,237.00 PLUS ANNUAL CONSUMER PRICE INDEX (CPI) INCREASES

MEETING DATE: FEBRUARY 8, 2017

SUMMARY RECOMMENDATION:

Recommendation to award a five (5) year professional service agreement to Absolute Tree & Brush for Annual Weed Abatement / Fuel Reduction Maintenance for Fire Safety within the City of Calabasas, in an amount not to exceed $2,738,237.00 plus annual Consumer Price Index (CPI) increases.

BACKGROUND:

The City's prior weed abatement contract was for three (3) years with two possible one (1) year contract extensions, for a total period of five (5) years; this contract was completed for a total of four (4) years. The final year of contract extension was not fulfilled due to City policy change.

DISCUSSION/ANALYSIS:

The City of Calabasas is located in a Very High Fire Hazard Severity Zone (VHFHSZ). To meet the County of Los Angeles' current fire code requirement of clearing weeds and brush to two hundred feet (200) ft. from permanent structures, the City is responsible for the annual weed abasement/brush clearance of certain designated public roadways, and certain designated common areas located within Landscape Maintenance District 22 (LMD 22) and Landscaping Lighting Act Districts 22 and 24 (LLAD 22& 24).

At this time the City is responsible to abate approximately 388 acres:

City Open Parcels:	63 acres
City Parks:	33 acres
LLAD 22:	282 acres
LMD 22:	2 acres (a public hiking trail located within the District)
LLAD 24:	8 acres

The City Attorney has determined it appropriate to classify the annual weed abatement/fuel reduction project as maintenance work, not as a capital improvement project. Therefore, this maintenance work does not require a public bid process. Consequently the City is not required to award the contract on the basis to the lowest bid, but will make an award in the best interest of the City and within available budget after all factors have been evaluated.

The project was broken into two sections: Contract 1: Public Works open Space Parcels and City Parks; and, Contract 2: LMD 22, LLAD 22, and LLAD 24.

Absolute Tree & Brush has been the City's weed abatement contractor in the past and has an excellent work and safety record. The contractor has a productive relationship with both the City staff and members of the community. Currently, the City has received verbal communication from community residents, County fire department personnel, and the Los Angeles County weed abatement inspector expressing their appreciation of this contractor's work product and his continuing interest in the safety of the community.

The Landscape Management District recommends the contracts to be awarded to Absolute Tree & Brush, this company has shown that they have the qualifications, experience and quality for the scope of work.

FISCAL IMPACT/SOURCE OF FUNDING:

Budgeted monies from the following funds will be utilized for this work.

Fund 10: Division 321: General Landscape Maintenance
Fund 21: Division 326: LMD 22: Common Benefit Areas
Fund 22: Division 322: LMD 22: Landscape Maintenance District 22
Fund 22: Division 324: LMD 24: Landscape Maintenance District 24

During any or all years of contract, based on weather and plant growth conditions, and the acquisition of the City open space parcels or construction of permanent structures, there may be required extra work that is budgeted in this contract.

REQUESTED ACTION:

Recommendation to award a five (5) year professional service agreement to Absolute Tree & Brush for Annual Weed Abatement / Fuel Reduction Maintenance for Fire Safety within the City of Calabasas, in an amount not to exceed $2,738,237.00 plus annual Consumer Price Index (CPI) increases.

ATTACHMENTS:

Attachment 1: Professional Services Agreement

Attachment 2: Maps

PROFESSIONAL SERVICES AGREEMENT
Providing for Payment of Prevailing Wages

(City of Calabasas/ ***Absolute Tree & Brush*****)**

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is entered into by and between the City of Calabasas, a California municipal corporation ("City"), and **Absolute Tree & Brush** an **Unincorporated, Sole Proprietor organization, licensed in the State of California** ("Consultant").

2. RECITALS

2.1 City has determined that it requires the following professional services from a consultant: **Annual Weed Abatement / Fuel Reduction Maintenance for Fire Safety within 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 as are set forth in Consultant's ***January 26, 2017*** proposal to City attached hereto as Exhibit A and incorporated herein by this reference.

3.2 "Commencement Date": February 8, 2017.

3.3 "Expiration Date": February 7, 2022.

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 **Two Million Seven Hundred Thirty Eight Thousand Two Hundred Thirty Seven** Dollars **($2,738,237.00)** 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. **Robert 'Shane' Gazan** 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: **Heather Melton**
Telephone: (818) 224-1600
Facsimile: (818) 225-7338

If to Consultant:

Absolute Tree & Brush
PO Box 290
442 Pickett Road
Ione, WA 99139
Attn: **Robert 'Shane' Gazan**
Telephone: (509) 442-2317
Facsimile: (509) 442-2374

With courtesy copy to:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101
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"	**"Consultant"**
City of Calabasas	***Absolute Tree & Brush***
By: _____	By:_____
Mary Sue Maurer, Mayor	*Robert 'Shane' Gazan, Owner*
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 WORK/ APPROVED FEE SCHEDULE

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

ITEM NO.	CITY OPEN SPACE (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
6	***CALABASAS ROAD*** *(Ref. Map Pg. 7, Area 24)*	*Weed abate to 15' beyond edge of pavement on the south side and from the edge of pavement to the Caltrans fence on the north side including, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.*	***60,000*** *(=600 Units)*	$4.48	$ 2688.00
7	**DRY CANYON COLD CREEK RD.** (Ref. Map Pg. 8, Areas 25-26)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	18074.13 (18074) **81,700** ~~(=817 Units)~~	$2.30	$ 4155.50
8	**DRY CANYON COLD CREEK RD. ADJACENT TO PRIVATE STRUCTURE** (Ref. Map Pg. 8, Area 25-27)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**24,000** ~~(=240 Units)~~	$	$ INCLUDED
9	**MULHOLLAND HWY FROM OLD TOPANGA CANYON RD. TO CITY LINE** (Ref. Map Pg. 8, Areas 28-30, Map Pg. 9, Areas 31-33, 38-40, Map Pg. 10, Areas 41-42)	Weed abate to 10' beyond edge of pavement on both sides of the street including, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**231,700** (=~~2,950~~ Units) 2317 UNITS	$4.48	$ 10380.16
10	**PARCELS AT HIGHLANDS** (Ref. Map Pg. 11, Areas 34-37 & 43)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**62,200** (=~~6622~~ Units) 622	$2.30	$ 1430.60

18654.26

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

COST BREAKDOWN SCHEDULE (CONTRACT AREA #1)

ITEM NO.	CITY OPEN SPACE (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
1	**101 FREEWAY CORRIDOR HIGH PROFILE AREAS AT LOST HILLS RD. INTERCHANGE** (Ref Map Pg. 3, Areas 1-8)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**235,900** (=2,359 Units)	$4.48	$10568.32
2	**PARCEL BEHIND STEEPLECHASE, FROM TOP OF CREEK BANKS TO FENCES OR IRRIGATED AREAS** (Ref. Map Pg. 3, Areas 9-10)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**108,200** (=1,082 Units)	$2.30	$2488.60
3	**PARCELS BEHIND LIBERTY CANYON AND CALABASAS VIEW HOA AREA** (Ref. Map Pg. 4, Areas 11-16)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**1,581,603** (=15,816.03 Units)	$2.30	$36376.87
4	**CITY PARCEL AND ALONG LAS VIRGENES ROAD FROM AGOURA RD. TO MULHOLLAND HWY.** (Ref. Map Pg. 5, Areas 17-19)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	~~209,640~~ (200640) **~~78,700~~** (=~~787~~ Units)	$4.48	$8988.67
5	**101 FREEWAY CORRIDOR HIGH PROFILE AREAS AT LAS VIRGENES RD. INTERCHANGE** (Ref. Map Pg. 6, Areas 20-23)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**41,893** (=418.93 Units)	$4.48	$1876.81
					60299.27

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

ITEM NO.	CITY OPEN SPACE (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
11	**PARCELS AT OLD TOPANGA CANYON** (Ref. Map Pg. 12, Areas 44-54)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**206,900** (=2,069 Units)	$3.43	$ 7096.67
12	**WATER TANK STRUCTURE** (City parcel 4434-003-900) (Ref. Map Pg. 13, Area 55)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**45,900** (=459 Units)	$ 2.30	$ 1055.70 1152.37
				TOTAL LUMP SUM IN FIGURES	$ 87105.90

TOTAL AMOUNT FOR OPEN SPACE IN WORDS:

Eighty seven thousand one hundred five and 90/100

Note: All information stated above was made available through City records, visual observations and aerial take-offs. It is the Contractor's responsibility to become familiar with all areas within the City Open Space prior to submitting a proposal.

1/26/17

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

COST-BREAKDOWN SCHEDULE (CONTRACT AREA #1)

ITEM NO.	CITY PARKS (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
1	**GATES CANYON PARK** (Ref. Map Pg. 14, Area 1)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**129,700** (=~~1,279~~ 1297 Units)	$2.30	$2983.10
2	**DE ANZA PARK** (Ref. Map Pg. 15, Area 1)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**173,800** (=1,738 Units)	$2.30	$3997.40
3	**CIVIC CENTER PARK** (on north side of Park Granada between Parkway Calabasas and the Commons) (Ref. Map Pg. 16, Areas 1-2)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**675,000** (=6,750 Units)	2.30	$15525.00
4	**CREEKSIDE PARK AND COMMUNITY CENTER** (Ref. Map Pg. 17, Area 1)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**230,000** (=2,300 Units)	$2.30	$5290.00
5	**WILD WALNUT PARK** (Ref. Map Pg. 18, Area 1)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees. Must hand clear around identified native species.	**236,200** (=2,362 Units)	$2.30	$5432.60
				TOTAL LUMP SUM IN FIGURES	$33228.10

TOTAL AMOUNT FOR CITY PARKS IN WORDS:

Thirty three thousand two hundred twenty eight and 10/100

Note: All information stated above was made available through City records, visual observations and aerial take-offs. It is the Contractor's responsibility to become familiar with all areas within the Parks Property prior to submitting a proposal.

1/26/17

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

COST-BREAKDOWN SCHEDULES TOTAL

COST BREAKDOWN SCHEDULE TITLE	COST BREAKDOWN SCHEDULE TOTAL
PUBLIC WORKS / CITY OPEN SPACE	$ 87,105.90
CITY PARKS	$ 33228.10
TOTAL COST AMOUNT OF BOTH COST BREAKDOWN SCHEDULES ABOVE IN FIGURES	$ 120334.00

TOTAL AMOUNT OF BOTH COST BREAKDOWN SCHEDULES ABOVE IN WORDS:

One hundred twenty thousand three hundred thirty four —

Note: The total combined cost of both Cost Breakdown Schedules will be considered the base cost for contract area #1.

1/26/20
4mk

NAME OF Weed Abatement Company: ABSOLUTE

CONTRACTOR'S LICENSE NUMBER: 5816605

AUTHORIZED SIGNATURE: [signature]

TITLE: OWNER

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

COST BREAKDOWN SCHEDULE (CONTRACT AREA #2)

ITEM NO.	LLAD 22 (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
1	**BELLAGIO HOA** (Park Verdi) (Ref. Map Pg. 20, Areas 1-4)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**133,900** (=1,339 Units)	$ 2.30	$ 3079.70
2	**CALABASAS COUNTRY ESTATES HOA** (Ref. Map Pg. 21, Areas 1-4)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**99,000** (=990 Units)	$ 2.30	$ 2277.00
3	**CALABASAS HILLS & ESTATES HOA** (Ref. Map Pg. 22, Areas 1-3, and Pg. 23, Areas 4-6)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**1,537,900** (=15,379 Units)	$ 2.30	$ 35371.70
4	**CALABASAS PARK HOA** (Ref. Map Pg. 24, Areas 1-10)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**1,582,400** (=15,824 Units)	$	$ 36395.20
5	**CALABASAS PARK ESTATES HOA** (Ref. Map Pg. 25, Areas 1-, 5 & 10, and Map Pg. 26, Areas 5-11)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**2,906,055** (~~=29,259.95~~ Units) 29060.55 UNITS	$	$ 66839.27
6	**CLAIRIDGE HOA** (Ref. Map Pg. 27, Areas 1-2)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**327,900** (=3,279 Units)	$	$ 7541.70

151504.57

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

ITEM NO.	LLAD 22 (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
7	**THE OAKS OF CALABASAS HOA** (Ref. Map Pg. 28, Areas 1-7 and Map Pg. 29, Areas 1, & 7-10)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**5,059,000** (=50,590 Units)	$2.30	$ 116357.00
8	**WESTRIDGE HOA** (Ref. Map Pg. 30, Areas 1-4)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**673,400** (=6,734 Units)	$2.30	$ 15488.20 131845.20
				TOTAL LUMP SUM IN FIGURES	$283349.77

TOTAL AMOUNT FOR LLAD 22 IN WORDS:

Two hundred eighty three thousand three hundred forty nine and 77/100

Note: All information stated above was made available through City records, visual observations and aerial take-offs. It is the Contractor's responsibility to become familiar with all areas within the HOA properties prior to submitting a proposal.

1/26/07 AMB

ITEM NO.	LMD 22 (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
1	**PUBLIC HIKING TRAIL LOCATED IN THE OAKS OF CALABASAS HOA COMMON AREA** (Ref. Map Pg. 31 & 32, Areas 1-3)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	**107,100** (=1,071 Units)	$2.30	$ 2463.30
				TOTAL LUMP SUM IN FIGURES	$2463.30

TOTAL AMOUNT FOR LMD 22 IN WORDS:

Two thousand four hundred sixty three and 30/100

1/26/07 AMB

Note: All information stated above was made available through City records, visual observations and aerial take-offs. It is the Contractor's responsibility to become familiar with all areas within the LMD property prior to submitting a proposal.

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

ITEM NO.	LLAD 24 (Map Page & Area #'s)	ACTIVITY	APPROX. QUANTITY (SF)	UNIT PRICE	TOTAL ANNUAL PRICE
				100 Sq. Ft. = 1 Unit	
1	ALONG LOST HILLS RD. NORTH OF MEADOW CREEK LANE TOP OF LAS VIRGENES CREEK BANKS TO IRRIGATED AREAS OR SIDEWALK OR FENCE LINE (Ref. Map. Pg. 33, Areas 1-3)	Weed abatement, brush/dead shrub removal, limbing up trees and shrubs, tree and shrub raising, trash and debris removal, hauling, and dump fees.	385,297 (=3,852.97 Units)	$ 2.30	$ 8861.83
				TOTAL LUMP SUM IN FIGURES	$ 8861.83

TOTAL AMOUNT FOR LLAD 24 IN WORDS:
Eight thousand eight hundred sixty one and 83/100 — 1/24/17

Note: All information stated above was made available through City records, visual observations and aerial take-offs. It is the Contractor's responsibility to become familiar with all areas within the LLAD property prior to submitting a proposal.

WEED ABATEMENT FOR FUEL REDUCTION FOR FIRE SAFETY WITHIN THE CITY OF CALABASAS

COST BREAKDOWN SCHEDULES TOTAL

COST BREAKDOWN SCHEDULE TITLE	COST BREAKDOWN SCHEDULE TOTAL
LANDSCAPE LIGHTING ACT DISTRICT 22	$ 283,349.77
LANDSCAPE MAINTENANCE DISTRICT 22	$ 2463.30
LANDSCAPE LIGHTING ACT DISTRICT 24	$ 8861.83
TOTAL AMOUNT OF ALL THREE COST BREAKDOWN SCHEDULES ABOVE IN FIGURES	$ 294674.90

TOTAL AMOUNT OF ALL THREE COST BREAKDOWN SCHEDULES IN WORDS:

Two hundred ninety-four thousand six hundred seventy-four and 90/100

Note: The total combined cost of all three Cost Breakdown Schedules will be considered the base cost for this contract area #2.

1/26/17 AMPA

NAME OF Weed Abatement Company: ABSOLUTE

CONTRACTOR'S LICENSE NUMBER: 581666S

AUTHORIZED SIGNATURE: [signature]

TITLE: OWNER

NON-COLLUSION AFFIDAVIT

State of California)
) ss.
County of Los Angeles)

_____, being first duly sworn, deposes and says that he or she is _____ of _____, the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, 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 bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid 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, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid."

_____

Signature of Bidder

_____

Business Address

_____

Place of Residence

Subscribed and sworn to before me this __ day of _____, 20__.

Notary Public in and for the County
of
State of California.

My Commission Expires _____, 20__.

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: _____

(Contractor)

By:
(Signature)

(Title)

Attest:

By:
(Signature)

(Title)

CITY of CALABASAS

FIRE ZONE MAINTENANCE AREAS

OVERVIEW

ALL WEED MAINTENANCE AREAS

FIRE ZONES LEGEND

- PUBLIC WORK/CALTRANS PROPERTIES
- PARKS
- BELLAGIO HOA
- CALABASAS COUNTRY ESTATES HOA
- CALABASAS HILLS AND ESTATES HOA
- CALABASAS PARK HOA
- CALABASAS PARK ESTATES HOA
- CLAIRIDGE HOA
- THE OAKS
- WESTRIDGE HOA
- LANDSCAPE MAINTENANCE DISTRICT 24
- CREEKBED - NO ABATEMENT
- IRRIGATED AREAS-NO ABATEMENT
- HIKING TRAILS
- STRUCTURES
- CITY BOUNDARY LINE
- PAGE NUMBERS

WILLDAN Engineering

9/27/2012

Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 30, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: ROBERT YALDA, PUBLIC WORKS DIRECTOR, P.E., T.E. / CITY ENGINEER
HEATHER MELTON, LANDSCAPE DISTRICTS MANAGER

SUBJECT: RECOMMENDATION TO AWARD A ONE 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 IN AN AMOUNT NOT TO EXCEED $230,000

MEETING DATE: FEBRUARY 8, 2017

SUMMARY RECOMMENDATION:

Recommendation to award a one 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 amount of $230,000 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; the contract is for a total of three years and expires on May 7, 2017 but the contract amount has been expended. The new contract will be a one year, final 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 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 $230,000 over the one year term of the contract.

Azteca Landscape is currently providing landscape contracting services for the City for Oak Park Calabasas HOA and does not desire to continue providing services, thus one year contract will allow staff to prepare and advertise a Request for Qualification/ Proposal (RFQ/P) for Landscape Maintenance of the Common Areas for Oak Park Calabasas Homeowners Association within Landscape Lighting Act District 22.

FISCAL IMPACT/SOURCE OF FUNDING:

Funds for these contracts are utilized from the following Fund 22: Landscape Maintenance District 22, 22-322-5712-xx assessment accounts:

Oak Park HOA	22-322-5712-13

REQUESTED ACTION:

Recommendation to award a one 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 amount of $230,000 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:

ATTACHMENT A: Work Maps

ATTACHMENT B: Professional Services Agreement

CITY of CALABASAS

LANDSCAPE LIGHTING ACT DISTRICT 22
REVISED AREAS ONLY
JANUARY 2009

ZONE 13

OAK PARK

LEGEND/KEY

- CURB DRAIN
- CATCHBASIN INLET
- STORM DRAIN INLET

IRRIGATION CONTROLLERS/DEVICES

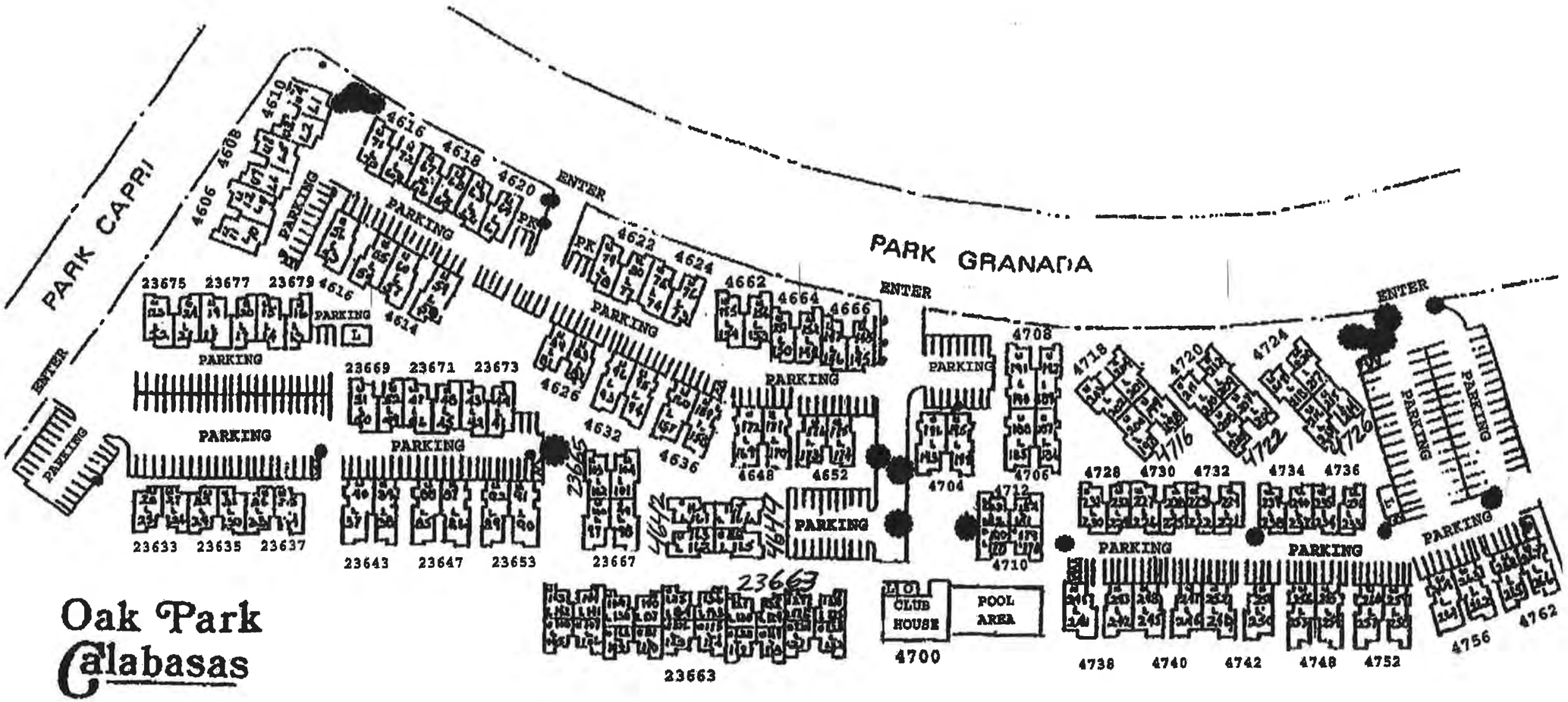
- CALSENSE
- DIG
- IRRI-TROL
- LEIT
- RAIN BIRD
- STERLING
- WATER METER
- STRUCTURES
- V_DITCHES
- Horse Trails

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

12/23/08



Oak Park
Calabasas

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 fees as are set forth in City and Consultant's agreement attached hereto as Exhibit A and incorporated herein by this reference.

3.2 "Commencement Date": February 8, 2017.

3.3 "Expiration Date": February 7, 2018.

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 **Two Hundred Thirty Thousand** Dollars **($230,000.00)** 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: **Heather Melton**
Telephone: (818) 224-1600
Facsimile: (818) 225-7338

If to Consultant:

Azteca Landscape
1180 Olympic Dr., Ste. 207
Corona, CA 92881
Attn: **Aurora Farias**
Telephone: (909) 673-0889
Facsimile: (909) 673-9192

With courtesy copy to:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101
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"	**"Consultant"**
City of Calabasas	***Azteca Landscape***
By: _____	By:_____
Mary Sue Maurer, Mayor	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 WORK/APPROVED FEE SCHEDULE

1. General Maintenance Agreement
   1 year @ $70,327.00 (plus potential CPI) = $70,327.00

2. Other work as required/approved by the City
   Not to exceed = $159,673.00

   Total Amount = $230,000.00

NON-COLLUSION AFFIDAVIT

State of California)
) ss.
County of Los Angeles)

_____, being first duly sworn, deposes and says that he or she is _____ of _____, the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, 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 bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid 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, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid."

_____

Signature of Bidder

_____

Business Address

_____

Place of Residence

Subscribed and sworn to before me this __ day of _____, 20__.

Notary Public in and for the County
of
State of California.

My Commission Expires _____, 20__.

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: _____

(Contractor)

By:
(Signature)

(Title)

Attest:

By:
(Signature)

(Title)

Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 30, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: TOM BARTLETT, A.I.C.P., CITY PLANNER

SUBJECT: ADOPTION OF ORDINANCE NO. 2017-346, A PROPOSED AMENDMENT TO CHAPTER 17.22 OF THE CALABASAS MUNICIPAL CODE, "AFFORDABLE HOUSING", TO BRING INTO CONSISTENCY WITH NEW CALIFORNIA LAW THE STANDARDS AND REQUIREMENTS FOR PROVIDING AND INCENTIVIZING AFFORDABLE HOUSING WITH DENSITY BONUSES AND OTHER STATE-MANDATED CONCESSIONS AS PART OF EITHER A RESIDENTIAL HOUSING PROJECT OR A COMMERCIAL MIXED-USE PROJECT

MEETING DATE: FEBRUARY 8, 2017

SUMMARY RECOMMENDATION:

That the City Council adopt Ordinance No. 2017-346, amending Chapter 17.22 of the Calabasas Municipal Code, "Affordable Housing", to bring into consistency with new California law the standards and requirements for providing and incentivizing affordable housing with density bonuses and other state-mandated concessions as part of either a residential housing project or a commercial mixed-use project.

BACKGROUND:

On January 5, 2017 the Planning Commission conducted a public hearing to consider the proposed Development Code amendment, and following the hearing the Commission passed and adopted P.C. Resolution No. 2016-635 recommending to the City Council approval of the amendment. On January 25, 2017 the City Council conducted a noticed public hearing to consider the proposed Development Code amendment. At the conclusion of the hearing the Council revised the ordinance by deleting the third "whereas" clause and renumbering the subsequent clauses, and then

the City Council voted by a 4-1 count to introduce the draft ordinance with a waiver on further reading of the ordinance. The staff reports for the two previous public hearings provide additional detailed background on this item.

ENVIRONMENTAL REVIEW:

The proposed amendment is exempt from the requirement for environmental review under CEQA because the density bonus provisions promulgated through the updated Code already took effect on January 1, 2017 with preemptive authority under the new State statutes; thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, a Notice of Exemption has been prepared for this proposed amendment per Section 15061(b)(3) of the CEQA Guidelines – "General Rule of Exemption".

FISCAL IMPACT/SOURCE OF FUNDING:

There are fiscal impacts associated with this item.

REQUESTED ACTION:

That the City Council adopt Ordinance No. 2017-346, amending Chapter 17.22 of the Calabasas Municipal Code, "Affordable Housing", to bring into consistency with new California law the standards and requirements for providing and incentivizing affordable housing with density bonuses and other state-mandated concessions as part of either a residential housing project or a commercial mixed-use project.

ATTACHMENTS:

Attachment A: Ordinance No. 2017-346

ORDINANCE NO. 2017-346

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING CHAPTER 17.22 OF THE CALABASAS MUNICIPAL CODE, "AFFORDABLE HOUSING", TO BRING INTO CONSISTENCY WITH NEW CALIFORNIA LAW THE STANDARDS AND REQUIREMENTS FOR PROVIDING AND INCENTIVIZING AFFORDABLE HOUSING WITH DENSITY BONUSES AND OTHER STATE-MANDATED CONCESSIONS AS PART OF EITHER A RESIDENTIAL HOUSING PROJECT OR A COMMERCIAL MIXED-USE PROJECT.

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 Planning Commission Resolution No. 2017-635, Planning Division staff report and attachments, and public testimony at its meeting; and,

WHEREAS, the City Council finds that the proposed amendment to Chapter 17.22 will update the City's affordable housing requirements (both for inclusionary housing and density bonus), so that the affordability thresholds, density bonus amounts, and requisite concessions, incentives, and waivers align with newly enacted State law; and,

WHEREAS, the proposed Development Code Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA), and pursuant to Sections 15002(j)(1) and 15061(B)(3) of the CEQA Guidelines; and,

WHEREAS, the proposed Development Code Amendment is consistent with newly effective amendments to Government Code section 65915 and is consistent with the Housing Element of the Calabasas 2030 General Plan, which encourages the development of affordable housing, is adopted in the public interest, and is otherwise consistent with federal and state law; and,

WHEREAS, the City Council has considered the entirety of the record, which includes, without limitation, the Calabasas 2030 General Plan; the staff report, public comments, and minutes from the meeting of the Planning Commission on January 5, 2017; the staff report, public comments, and minutes from the City Council meeting of [date], and all associated reports and testimony;

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 January 25, 2017 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Calabasas Recreation Center, and at Calabasas City Hall.

2. Notice of the January 25, 2017 City Council public hearing was published in the *Las Virgenes Enterprise* ten (10) days prior to the hearing.

3. Notice of the January 25, 2017 City Council public hearing complied with the public notice requirements set forth in Government Code Section 65009 (b)(2).

4. Following a public hearing held on January 25, 2017, the Planning Commission adopted Resolution No. 2017-635 recommending to the City Council adoption of this ordinance.

SECTION 2. Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve the Development Code Amendment, which follows in Section 3 of this ordinance, 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 to Chapter 17.22 will update the City's affordable housing requirements (both for inclusionary housing and density bonus), so that the affordability thresholds, density bonus amounts, and requisite concessions, incentives, and waivers align with newly enacted State law. The Calabasas 2030 General Plan, as updated on September 11, 2013 through the adoption of the 2014-2021 Housing Element Update, includes the following objective statements: 1) Assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community; and, 2) Address and remove governmental constraints that may hinder or discourage housing development in Calabasas. The proposed amendment will assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community by increasing the number of potential new and new affordable housing units on residentially zoned and mixed-use zoned properties in the city and decreasing the per-unit development costs for new housing production. The proposed amendment will also remove governmental constraints by allowing qualified housing development projects to more easily secure development standard concessions and waivers as necessary to accomplish affordable housing production. In addition to being consistent with these General Plan objectives, the proposed amendment specifically implements the following General Plan policies, as articulated in the

2014-2021 Housing Element:

> ***Policy V-12:*** Continue to require new housing development to set aside a portion of units for lower and moderate income households through the Inclusionary Housing Ordinance.
> ***Policy V-14:*** Provide financial and/or regulatory incentives to facilitate the development of affordable housing.
> ***Policy V-15:*** Encourage affordable housing units to be dispersed throughout a project and not grouped together in a single area.
> ***Policy V-17:*** Offer regulatory incentives and concessions, including density bonuses, to offset or reduce the costs of developing affordable housing.

Accordingly, the proposed amendment is consistent with the goals, policies, and actions of the General Plan.

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

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because it updates the City's affordable housing requirements to comply with new state law, and any future residential development project that would take advantage of the updated density bonus provisions still must comply fully with all other applicable standards for site development, including but not limited to: Hillside Grading Ordinance, Scenic Corridor Overlay Ordinance and Design Guidelines, Dark Skies Ordinance, Landscaping Ordinance, Oak Tree Ordinance, Green Buildings Ordinance, and other health and safety requirements of applicable laws. Any such future project must comply fully with the provisions of the Building and Fire Codes, and would be subject to environmental review in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and must mitigate all identified significant environmental impacts. Government Code section 65915, subdivision (d)(1)(B) also recognizes the City's ability to prevent specific, adverse impacts on public health or safety from granting requested incentives or concessions and to impose mitigation measures as needed to protect against specific, adverse impacts to public health and safety.

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

The proposed amendment is exempt from the requirement for environmental review under CEQA because the density bonus provisions promulgated through the updated Code already took effect on January 1, 2017 with preemptive authority under the new State statutes; thus, the City's action is not creating a new land use regulation and it can be seen with certainty that

no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084 and both Section 15002(i)(1) -- Lack of Local Jurisdictional Discretion – and Section 15061(b)(3) -- General Rule of Exemption -- of the CEQA Guidelines, a Notice of Exemption has been prepared for this proposed amendment.

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

The proposed amendment is internally consistent with other applicable provisions of the Development Code because it updates only Chapter 17.22, Affordable Housing, and all other chapters remain unaffected.

SECTION 3. Development Code Amendment: Section 17.22.010 of the Land Use and Development Code is hereby amended to read as follows, with additions denoted as underlined and deletions denoted in ~~strike-out~~:

17.22.010 - Purpose.

This chapter shall assist implementation of the goals and policies of the housing element of the General Plan and state statutes promoting the provision of affordable housing, including Chapter 4.3 of Division 1 of Title 7 of the Government Code. This chapter implements the foregoing by: (i) offering density bonuses and other incentives to residential projects that incorporate housing that is affordable to very low, low and/or moderate income households, ~~and/or~~ senior citizens and their family members, and transitional foster youth, disabled veterans, and homeless persons; (ii) requiring an in-lieu fee for nonresidential projects that create excessive demands for new housing, and (iii) requiring an in-lieu fee for residential projects that do not incorporate housing for very low, low and/or moderate income households and/or senior citizens and their family members.

SECTION 4. Development Code Amendment: Section 17.22.020 of the Land Use and Development Code is hereby amended to read as follows, with additions denoted as underlined and deletions denoted in ~~strike-out~~:

17.22.020 - Affordable Housing Requirements; eligibility for bonus and incentives.

A. Affordable Housing Requirement. All residential or mixed use development projects proposing five or more housing units shall include housing that is affordable to low, very low and/or moderate income households, in compliance with this section. Housing units provided in compliance with this section that meet the requirements of both this Section 17.22.020(A) and Section 17.22.020(B) shall be

eligible for density bonuses and incentives in compliance with Section 17.22.030. At a minimum, a proposed residential development project shall include the following number of affordable housing units at the stated rental rates or sales prices, or shall provide off-site alternatives in compliance with the provisions of this chapter:

1. Twenty (20) percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to one hundred ten (110) percent of the county median income; or

2. Fifteen (15) percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to ninety (90) percent of the county median income; or

3. Ten (10) percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to seventy-five (75) percent of the county median income; or

4. Five percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to fifty (50) percent of the county median income.

B. In order to be eligible for a density bonus and other incentives as provided by this chapter, a proposed residential development project shall:

1. Consist of five or more dwelling units; and

2. Provide for the construction of one or more of the following within the development, one of which the permit applicant shall elect as the basis for its request for a density bonus:

a. Ten (10) percent of the total units of a housing development for low income households, as defined in Health and Safety Code section 50079.5; or

b. Five percent of the total units of a housing development for very low income households, as defined in Health and Safety Code section 50105; or

c. A senior citizen housing development as defined in Civil Code sections 51.3 and 51.12, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code section 798.76 or 799.5; or

d. Ten (10) percent of the total dwelling units in a common interest development as defined in Civil Code section 1351, for persons and families of moderate income, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase; ~~and~~ or

e. Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code,

disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

3. Satisfy all other applicable provisions of this development code.

SECTION 5. Development Code Amendment: Section 17.22.030 of the Land Use and Development Code is hereby amended to read as follows, with additions denoted as underlined and deletions denoted in ~~strike-out~~:

17.22.030 - Types of bonus and incentives allowed.

As required by Government Code Section 65915, this section offers density bonuses, incentives, concessions, and waivers, as applicable, to permit applicants for providing housing that is affordable to the types of households and qualifying residents identified in subsection (A) of this section. A housing or mixed-use development that satisfies all applicable provisions of this section shall be entitled to one density bonus and one or more incentives or concessions, described below. If the density bonus ~~or~~, incentives, or concessions cannot be accommodated on a site due to strict compliance with the provisions of this development code, the council shall waive or modify development standards, to the extent required by state law, to accommodate the bonus units ~~or~~, incentives, or concessions to which the development would be entitled, unless such waiver or modification does not result in identifiable and actual cost reductions to provide for affordable housing costs or would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact. In offering these incentives, this section carries out the requirements of Government Code Sections 65302, 65913, and 65915, et seq.

A. ~~Minimum~~ Density Bonus. The density bonus granted to a residential development project shall consist of an increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan as of the date of application. The applicant may elect to accept a lesser percentage of a density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount ~~by which the percentage of~~ and type of affordable housing units provided, and shall be set at the amount specified in Government Code section 65915. ~~exceeds the percentage established in Section 17.22.020(B).~~ The City will also grant a density bonus for qualifying projects containing affordable housing provided by partnership between a commercial developer and an affordable housing developer, as required by Government Code section 65915.7.

~~1. When the development meets the requirements of Section 17.22.020(B)(2)(a) the density bonus shall be calculated as follows:~~

Table 3-6 Density Bonus - Low Income Units	
Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

2. When the development meets the requirements of Section 17.22.020(B)(2)(b) the density bonus shall be calculated as follows:

Table 3-7 Density Bonus - Very Low Income Units	
Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5

Table 3-7 Density Bonus - Very Low Income Units	
Percentage Very Low Income Units	Percentage Density Bonus
7	25
8	27.5
9	30
10	33.5
11	35

3. When the development meets the requirements of Section 17.22.020(B)(2)(c) the density bonus shall be twenty (20) percent.
4. When the development meets the requirements of Section 17.22.020(B)(2)(d) the density bonus shall be calculated as follows:

Table 3-8 Density Bonus - Moderate Income Units	
Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
and increasing by 1% to 40	and increasing by 1% to 35

5. Any calculations resulting in fractional units shall be rounded up to the next whole number. The city may, at its discretion, grant a density bonus that is greater than that described in subsections (A)(1) through (A)(5) for a development that meets the requirements therein or proportionately lower

than that described in subsections (A)(1) through (A)(5) for a development that does not meet the requirements therein.

B. Additional Density Bonus. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates developable land to the city as provided for in Government Code Section 65915, the applicant shall be entitled to an a fifteen (15) percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan for the entire development, as required and at the amounts set by Government Code section 65915 follows:

Table 3-9 Additional Density Bonus - Very Low Income	
Percentage Very Low Income Units	Percentage Density Bonus
10	15
11	16
and increasing by 1% to 30	and increasing by 1% to 35

This increase is in addition to any density bonus provided by subsection (A)(2) of this section, up to a maximum combined density increase of thirty-five (35) percent. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the city be required to grant more than a thirty-five (35) percent increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan. An applicant shall be eligible for the additional density bonus described in this subsection if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten (10) percent of the number of residential units of the proposed development.
3. The transferred land is at least one acre or of sufficient size to allow development of at least forty (40) units has the appropriate General Plan

~~designation, is appropriately zoned for development as affordable housing, and is served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the city prior to the time of transfer.~~

~~4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with subsection (F) of this section, which shall be recorded on the property at the time of dedication.~~

~~5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer.~~

~~6. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.~~

C. Incentives and Concessions, Number. An eligible project shall receive one, two or three incentives or concessions as follows:

1. One incentive or concession for a project that includes at least ten (10) percent of the total units for lower income households, at least five percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a common interest development;

2. Two incentives or concessions for a project that includes at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a common interest development; and

3. Three incentives or concessions for a project that includes at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a common interest development.

D. Incentives and Concessions, Description. A project that is eligible to receive incentives pursuant to subsection (C) above shall be entitled to at least one of the following incentives identified in Government Code Section 65915(l):

1. A reduction in the ~~parcel~~ site development standards (~~e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements~~ (as defined by Government Code Section 65915 Subsection (o)(1)) or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission.

2. Approval of mixed-use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.

3. Other regulatory incentives or concessions proposed by the permit applicant or the city that would result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels.

Nothing in this section shall be construed to require the city to provide, or limit the city's ability to provide, direct financial incentives for housing development, including the provision of publicly owned land by the city or the waiver of fees and dedication requirements.

E. Limitations and Exceptions.

1. In order to receive incentives or concessions as described in subsections (C) and (D), an applicant must submit a proposal to the city requesting the specific incentives or concessions that the applicant desires. The applicant must file an application for a density bonus, on the form provided by the Community Development Director and with the attachments required by that form, which is part of and must be filed with the application for the development project itself. The applicant must provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, and/or waivers or reductions of development standards and parking ratios, including information demonstrating that the requested incentives, concessions, or waivers will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels. The application for a density bonus is part of the application for the development project itself, as such the application for a density bonus may not be deemed complete until the application for the housing or mixed use development is deemed complete.

2. The city shall grant the incentives or concessions requested by the permit applicant pursuant to subsection (E)(1) and required pursuant to subsection

(C), unless the city makes a written finding, based upon substantial evidence, of either of the following:

a. The incentive or concession ~~is not required in order~~ will not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5 or for rents for the targeted units to be set at the applicable affordability levels; or

b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate income households.

3. The city's granting of an incentive, concession, or density bonus shall not require or be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

4. Nothing in this section shall be interpreted to require the city to waive or reduce development standards or to grant an incentive or concession that would violate applicable state or federal law or have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

F. Continued Availability and Affordability. Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives or concessions have been received, the land use permit application for the residential project shall include the procedures proposed by the permit applicant to maintain the continued affordability of all lower income and restricted occupancy density bonus units, and the permit applicant shall identify the restricted units and enter into a written covenant with the city to guarantee the continued affordability of all lower income and restricted occupancy density bonus units as required by Government Code section 65915 ~~one or both of the following, as applicable:~~

~~1. Low and Very Low Income Households—Continued Affordability. The continued affordability and availability of the low and very low income units shall be for a minimum of thirty (30) fifty-five (55) years, as required by Government Code Sections 65915(c)(1) and 65916. Those units targeted for lower income households, as defined in Health and Safety Code Section 50079.5, shall be affordable at a rent that does not exceed thirty (30) percent~~

~~of sixty (60) percent of the area median income. Those units targeted for very low income households, as defined in Health and Safety Code Section 50105, shall be affordable at a rent that does not exceed thirty (30) percent of fifty (50) percent of the area median income.~~

~~2. Moderate Income Households—Equity Sharing. The initial occupant of any moderate-income unit in a condominium or planned development shall be a person or family of moderate income, as required by state law (Government Code Section 65915(c)(2)). Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation. The city shall spend the recaptured funds within three years for purposes that promote homeownership, as described in Health and Safety Code Section 33334.2(e).~~

G. Recordation of Agreement. The terms and conditions of the covenant set forth in subsection (F) shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the permit applicant, ~~and~~ shall be recorded in the county recorder's office, and shall be approved as to form by the City Attorney as compliance with applicable state law. ~~In addition to the requirements described in subsection (F) above, the agreement shall include the following provisions:~~

~~1. The permit applicant shall give the city a continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;~~

~~2. The deeds to the designated units shall contain a covenant stating that the permit applicant shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the city confirming that the sales or rental price of the units is consistent with the limits established for lower, very low and moderate income households, which shall be related to the Consumer Price Index; and~~

~~3. The city shall have the authority to enter into other agreements with the permit applicant or purchasers of the dwelling units, as may be necessary to ensure that the lower and very low income units are continuously occupied by eligible households.~~

H. Processing of Bonus Request.

1. Permit Required. Requests for affordable units shall require approval of a building permit, together with all other permits required by this code, in compliance with the requirements of this development code which shall be reviewed and recommended by the commission, and approved by the council.

2. ~~Initial Review of Bonus Request. The director shall notify the permit applicant within ninety (90) days of the filing of the building permit application whether the development project qualifies for the additional density.~~

~~3.~~ Criteria to Be Considered. Criteria to be considered in analyzing a requested density bonus shall include whether the applicant has agreed to construct a

development that meets the requirements of Section 17.22.020. Criteria to be considered in analyzing a requested incentive or concession shall include whether the applicant has provided information demonstrating that the requested incentives, concessions, or waivers will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels and whether an incentive or concession has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

4. Findings for Approval. In addition to the findings required for the approval of a building permit in compliance with the requirements of this development code, the approval of a density bonus shall require the following additional findings to be made:
   a. The development project would not be a hazard or public nuisance ~~to the city at large~~ or establish a use or development inconsistent with the goals and policies of the General Plan;
   b. ~~The number of dwellings can be accommodated by existing and planned infrastructure capacities;~~
   ~~c.~~ Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter, including information demonstrating that the requested incentives, concessions, or waivers will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels and that the provision of any requested incentives, concessions, or waivers will not violate applicable state or federal law, not have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact, and will not have an adverse impact on any real property that is listed in the California Register of Historical Resources;
   d. In the event that the city does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives ~~are not necessary to ensure affordable housing costs~~ will not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels; and
   e. There are sufficient provisions to guarantee that the units will remain affordable in the future.
5. Development Standards. In no case may the city apply any development standard that would have the effect of precluding the construction of a development meeting the criteria of Section 17.22.020(B) at the densities or

with the incentives or concessions permitted by this chapter. An applicant may submit to the city a proposal for the waiver or reduction of development standards. The applicant must show that the waiver or modification is necessary to ~~make the affordable housing units economically feasible~~ not physical preclude the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this chapter.

I. Appeal. Appeals of commission actions on the granting of density bonuses in compliance with Chapter 17.74 will be heard by the council. Additionally, an applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive, or modification or waiver of a development standard. If a court finds that the refusal to grant a requested density bonus, incentive, or modification or waiver of a development standard is in violation of this chapter or Government Code Section 65915, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this section shall be interpreted to require the city to waive or reduce development standards or to grant an incentive that would have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have ~~a~~an specific adverse impact on any real property that is listed in the California Register of Historical Resources.

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 8th day of February, 2017.

_____
Mayor Sue Maurer, Mayor

ATTEST:

_____
Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

_____
Scott H. Howard
City Attorney

Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 30, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: ROBERT YALDA, P.E., T.E., PUBLIC WORKS DIRECTOR, CITY ENGINEER
ALEX FARASSATI, PH.D., ENVIRONMENTAL SERVICES SUPERVISOR

SUBJECT: ADOPTION OF RESOLUTION NO. 2017-1544 PROCLAIMING APRIL 29, 2017 AS "ARBOR DAY" IN THE CITY OF CALABASAS

MEETING DATE: FEBRUARY 8, 2017

SUMMARY RECOMMENDATION:

It is recommended that the City Council approve staff's recommended motion to proclaim April 29, 2017 as "Arbor Day" in the City of Calabasas.

DISCUSSION/ANALYSIS:

Once annually, the City must both adopt an Arbor Day proclamation and hold an Arbor Day event to renew the City's TREE CITY, USA status. This year is the 18th year that Calabasas is recognized as a Tree City USA. Attached is a resolution proclaiming Saturday, April 29, 2017 as Arbor Day. In honor of Arbor Day, the City of Calabasas will be holding a tree-planting ceremony at the Calabasas High School. The event will include tree-planting for starting at 10:00 AM and the official tree-planting ceremony at Noon.

FISCAL IMPACT/SOURCE OF FUNDING:

Estimated costs of approximately $1,000 will be used from the City's Arbor Day Budget (Account No. 10-321-5252-21)

REQUESTED ACTION:

Move to approve City council Resolution No. 2017-1544 proclaiming April 29, 2017 as Arbor Day.

ATTACHMENT:

Resolution No. 2017-1544.

ITEM 7 ATTACHMENT

RESOLUTION NO. 2017-1544

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, PROCLAIMING APRIL 29, 2017, AS "ARBOR DAY" IN THE CITY OF CALABASAS

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fire and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, the City Council of the City of Calabasas does hereby proclaim April 29, 2017 as "***Arbor Day***" in the City of Calabasas. All residents are urged to celebrate Arbor Day and to support the efforts to protect our trees and woodlands.

BE IT FURTHER RESOLVED, that all residents are urged to plant trees to promote the well-being of this and future generations.

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 8th day of February 2017.

_____
Mary Sue Maurer, Mayor

ATTEST:

_____
Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

_____
Scott H. Howard, City Attorney

Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: TALYN MIRZAKHANIAN, SENIOR PLANNER
KRYSTIN RICE, ASSOCIATE PLANNER

SUBJECT: INTRODUCTION OF ORDINANCE NO. 2017-347, A PROPOSED AMENDMENT TO CHAPTER 17.12.170 OF THE CALABASAS MUNICIPAL CODE BY UPDATING THE STANDARDS AND REQUIREMENTS APPLIED TO THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ALSO REFERRED TO AS SECOND UNITS, IN-LAW UNITS, OR GRANNY FLATS), AS REQUIRED TO COMPLY WITH THE NEW CALIFORNIA LAW.

MEETING DATE: FEBRUARY 8, 2017

SUMMARY RECOMMENDATION:

That the City Council introduce Ordinance No. 2017-347, amending Chapter 17.12.170 of the Calabasas Municipal Code (CMC), to bring into consistency with new California law the standards and requirements for the development of accessory dwelling units.

BACKGROUND:

Chapter 17.12.170 of the CMC establishes development standards for secondary housing units. The secondary housing unit standards and regulations currently within Chapter 17.12 were last updated in 2010 during the City's Development Code Update.

Per the California Department of Housing and Community Development (HCD), California's housing production is not keeping pace with demand. In the last decade, less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. Beyond traditional market-rate construction, government-subsidized production, and preservation, there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California. One such example is Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

In August 2016, the California State Legislature passed AB 2299 and SB 1069, amending sections of the State law regulating second dwelling units, now known as accessory dwelling units. The approved bills were subsequently signed into law by Governor Brown, with the enacted laws taking effect January 1, 2017. The final version of the associated sections of the Government Code section 65852.2, as amended, is attached as Attachment F. Under the new State law, local jurisdictions must revise their local zoning ordinances to conform to the new "accessory dwelling unit" law; in the meantime, any inconsistent existing local zoning regulations are preempted by State law.

Staff, in conjunction with the City Attorney, prepared a draft ordinance for Chapter 17.12.170 of the Development Code, bringing it into compliance with the new State law. In accordance with CMC 17.76.030, the Planning Commission conducted a public hearing on January 19, 2017, regarding the proposed amendment to the Development Code. Following the hearing, the Commission voted unanimously to pass Planning Commission Resolution No. 2017-638, recommending approval of the code amendment.

DISCUSSION/ANALYSIS:

The newly enacted legislation has greatly expanded an owner or developer's ability to build a second residential dwelling unit on their property and simultaneously restricts a city's discretionary and regulatory authority over such development. The new State Law requires new limitations on unit size, parking requirements, setbacks, fire sprinklers, garage conversions, and utility connections, such that the City will have less ability to regulate the construction of a second unit or accessory dwelling unit (ADU).

The draft ordinance presented to the Council for consideration (Attachment A) is consistent with new California law standards and requirements for the development of accessory dwelling units, and includes revisions to the following:

Process: Section 17.12.170 of the CMC states that a secondary housing unit may be allowed subject to a "non-discretionary administrative plan review". Per the City's Municipal Code, an administrative plan review requires a public hearing. Conversely, AB 2299 requires a local government to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements. To comply with the new law, the City shall require a zoning clearance for the review and approval of an ADU, eliminating the requirement for a public hearing.

In stark contrast, and per the current Municipal Code, small-scale additions to existing homes (ranging anywhere from 1 square-foot to 499 square-feet) require, at minimum, an Administrative Plan Review and approval by the Community Development Director at a noticed public hearing. State law's processing requirement for ADUs creates a significant disparity in the required City permitting processes for new ADUs (up to 1,200 square-feet as discussed below) versus minor home additions. This may be a matter for future consideration by the City Council.

Maximum Unit Size: An ADU may be either attached to an existing single-family dwelling or located within the existing living area of the primary home, inclusive of a basement or attic. Per Government Code Section 65852.2(a)(1)(D), an attached ADU, may not exceed 50 percent of the existing living area (including a basement and attic) of the single-family dwelling or 1,200 square feet (whichever is less). For a detached ADU, the maximum floor area may not exceed 1,200 square feet. Section 17.12.170 currently sets the maximum size of an ADU at 700 square-feet. This amendment increases the maximum size to 1,200 square-feet, consistent with what State law allows. Table 2-4 of the CMC is amended accordingly.

Setbacks: Per State law, no setbacks can be required when an existing garage is converted into an ADU or when existing space above a garage is converted into an ADU. Additionally, State law establishes a maximum setback of five feet from the side and rear lot lines for an ADU constructed above a garage. Table 2-4 is amended accordingly.

There is one staff-initiated correction to CMC Section 17.12.170(B)(Table 2-4), deleting the phrase "12 ft. total" from the side setback requirement, as it serves no actual purpose and simply creates confusion for the public.

Parking Requirement: Per SB 1069, the parking requirements are reduced to one parking space per ADU, which may be provided as tandem parking or, where an existing parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the City must permit replacement parking spaces in any

configuration on the lot, including but not limited to covered, uncovered, or tandem spaces, or by the use of a mechanical lift. Parking is not required for an ADU in the following instances:

1) The ADU is located within one-half mile of public transit;
2) The ADU is located within an architecturally and historically significant historic district;
3) The ADU is part of the existing legal primary residence or an existing legal accessory structure;
4) On-street preferential parking permits are required by the City but not offered to the occupant of the ADU; or
5) There is a publicly accessible and presently operating car share vehicle parking location within one block of the ADU.

Table 2-4 is amended accordingly.

ENVIRONMENTAL REVIEW:

The proposed amendment is exempt from the requirement for environmental review under CEQA because: 1) the secondary housing unit regulation provisions promulgated through the updated Code already effectively took effect on January 1, 2017 by virtue of the state's adoption of new statutes that preempt any inconsistent local ordinance; thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Instead, the City's action is to amend its second unit ordinance to match the new requirements of state law. Consequently, and in accordance with CEQA Section 21084 and both Section 15002(i)(1) – Lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the adoption of this ordinance is exempt from review under CEQA and a Notice of Exemption has been prepared for this proposed amendment (Exhibit E).

Consideration of this ordinance also does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the second residential unit ordinance, changing the standards for second residential units as required by state law, has no potential for resulting in physical changes in the environment, directly or indirectly, because it consists of changes in the standards governing issuance of ministerial permits for second residential units and does not directly or indirectly approve any applications for particular second units. The adoption of this ordinance is therefore further exempt from CEQA review pursuant to California Code of Regulations, Title 14, Sections 15301 and 15308 of the CEQA Guidelines.

FISCAL IMPACT/SOURCE OF FUNDING:

There is no fiscal impact associated with this item. All development costs are borne by the developer.

REQUESTED ACTION:

That the City Council introduce Ordinance No. 2017-347 amending Chapter 17.12.170 of the Calabasas Municipal Code, to bring into consistency with new California law the standards and requirements for the development of accessory dwelling units.

ATTACHMENTS:

Attachment A:	Ordinance No. 2017-347 (as amended by PC)
Attachment B:	Planning Commission Reso. No. 2017-638
Attachment C:	SB 1069 (as enacted)
Attachment D:	AB 2299 (as enacted)
Attachment E:	Notice of Exemption
Attachment F:	Cal. Government Code section 65852.2

ORDINANCE NO. 2017-347

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING CHAPTER 17.12.170 OF THE CALABASAS MUNICIPAL CODE BY UPDATING THE STANDARDS AND REQUIREMENTS APPLIED TO THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ALSO REFERRED TO AS SECOND UNITS, IN-LAW UNITS, OR GRANNY FLATS), AS REQUIRED TO COMPLY WITH NEW CALIFORNIA LAW.

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 Planning Commission Resolution No. 2017-638, Planning Division staff report and attachments, and public testimony at its meeting; and,

WHEREAS, the City Council finds that the proposed amendment to Section 17.12.170 will update the City's secondary housing unit requirements, so that the requirements for parking and side and rear setbacks pertaining to units located in or above a garage align with newly-enacted State law; and,

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

WHEREAS, the proposed Development Code Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA), and pursuant to Sections 15002(j)(1) and 15061(B)(3) of the CEQA Guidelines; and,

WHEREAS, the proposed Development Code Amendment is consistent with newly effective amendments to Government Code section 65852.2 and is consistent with the Housing Element of the Calabasas 2030 General Plan, which encourages the development of secondary housing units as a means of providing affordable housing while maintaining the character of residential neighborhoods, is adopted in the public interest, and is otherwise consistent with federal and state law; and,

WHEREAS, the City Council has considered the entirety of the record, which includes, without limitation, the Calabasas 2030 General Plan; the staff report, public comments, and minutes from the meeting of the Planning Commission of January 19, 2017; the staff report, public comments, and minutes from the City Council meeting of February 8, 2017, and all associated reports and testimony;

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 February 8, 2017, City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson's Market, the Agoura Calabasas Recreation Center, and at Calabasas City Hall.

2. Notice of the February 8, 2017, City Council public hearing was published in the *Las Virgenes Enterprise* ten (10) days prior to the hearing.

3. Notice of the February 8, 2017, City Council public hearing complied with the public notice requirements set forth in Government Code Section 65009 (b)(2).

4. Following a public hearing held on January 19, 2017, the Planning Commission adopted Resolution No. 2017-638 recommending to the City Council adoption of this ordinance.

SECTION 2. Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve the Development Code Amendment, which follows in Section 3 of this ordinance, 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 to Section 17.12.170 will update the City's secondary housing unit requirements, so that the approval process, as well as the parking, maximum size, and minimum setback requirements align with newly enacted State law. The Calabasas 2030 General Plan, as updated on September 11, 2013 through the adoption of the 2014-2021 Housing Element Update, includes the following objective statements: "1) Assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community; and, 2) Address and remove governmental constraints that may hinder or discourage housing development in Calabasas." The proposed amendment will assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community by increasing the number of potential new secondary housing units on residentially zoned properties in the City. The proposed amendment will also remove governmental constraints by allowing qualified secondary housing units meeting the minimum standards to receive ministerial approval without further discretionary review. In addition to being consistent with these General Plan objectives, the proposed amendment specifically implements the following General Plan policies, as articulated in the 2014-2021 Housing Element:

Policy V-1: Preserve the character, scale and quality of established residential neighborhoods.

Policy V-8: Provide site opportunities for development of housing that respond to the diverse housing needs of Calabasas residents and workforce in terms of density, location and cost.

Policy V-10: Provide for the development of second units in existing single-family neighborhoods to provide additional opportunities for rental housing which conforms to the development standards within the underlying zone.

Policy V-21: Support the development and maintenance of affordable senior rental and ownership housing and supportive services to facilitate maximum independence and the ability of seniors to remain in their homes and/or in the community.

Accordingly, the proposed amendment is consistent with the goals, policies, and actions of the General Plan.

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

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because it updates the City's secondary housing unit requirements to comply with new state law, and any future applicant of a secondary housing unit still must comply fully with all applicable state laws and all other applicable standards for site development, including but not limited to: Hillside Grading Ordinance, Scenic Corridor Overlay Ordinance and Design Guidelines, Dark Skies Ordinance, Landscaping Ordinance, Oak Tree Ordinance, Green Buildings Ordinance, and other health and safety requirements of applicable laws. Any such future project must comply fully with local building codes, as applicable. Additionally, the City retains its authority to consider adequacy of water and sewer services and the impact of accessory dwelling units on public safety. 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 exempt from the requirement for environmental review under CEQA because: 1) the secondary housing unit regulation provisions promulgated through the updated Code already effectively took effect on January 1, 2017 by virtue of the state's adoption of new statutes that preempt any inconsistent local ordinance; thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no

environmental impacts will result from the City's action. Instead, the City's action is to amend its second unit ordinance to match the new requirements of state law. Consequently, and in accordance with CEQA Section 21084 and both Section 15002(i)(1) – Lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the adoption of this ordinance is exempt from review under CEQA and a Notice of Exemption has been prepared for this proposed amendment.

The adoption of this ordinance also does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the second residential unit ordinance, changing the standards for second residential units as required by state law, has no potential for resulting in physical changes in the environment, directly or indirectly, because it consists of changes in the standards governing issuance of ministerial permits for second residential units and does not directly or indirectly approve any applications for particular second units. The adoption of this ordinance is therefore further exempt from CEQA review pursuant to California Code of Regulations, Title 14, Sections 15301 and 15308 of the CEQA Guidelines.

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

The proposed amendment is internally consistent with other applicable provisions of the Development Code because it updates only Section 17.12.170, Secondary Housing Units, and all other chapters and sections remain unaffected.

SECTION 3. Development Code Amendment: Section 17.12.170 of the Land Use and Development Code is hereby amended to read as follows, with additions denoted as underlined and deletions denoted in ~~strike-out~~:

17.12.170 – Secondary Housing Units.

Where allowed by Section 17.11.010, this section establishes standards for secondary housing units, also known as accessory dwelling units.

A. Legislative Findings. In compliance with Government Code Section 65852.2(a)(14)(C), the city finds that secondary housing units are consistent with the allowable density and with the General Plan and zoning designation.

B. Development Standards. A single secondary housing unit may be allowed on a site in the RS, RR, HM and OS zoning districts in addition to a primary

dwelling subject to a ~~non-discretionary administrative plan review~~ zoning clearance, as follows:

1. Primary Dwelling Required. The site shall be developed with one detached single-family dwelling.
2. Primary and Secondary Dwellings Not Separable. The secondary housing unit shall not be sold separately from the primary dwelling and may be rented.
3. Secondary Housing Unit Appearance. The design of the unit shall conform in general to the design of the primary dwelling; and

~~4~~3. Site Layout and Design Standards. The location and design of a secondary housing unit shall comply with the following requirements:

Table 2-4 Secondary Housing Unit Requirements	
Development Feature	Requirement
Minimum lot area	Lot area shall not be less than 10,000 sq. ft.
Gross floor area	Maximum ~~700~~ 1,200 sq. ft. of habitable floor area not including garage. The maximum size of the floor area of an attached unit shall not exceed fifty percent (50%) of the existing living area of the primary unit, inclusive of any basement or attic.
	Detached unit: Rear half of lot.
Site coverage, detached rear-yard units	Maximum of 30% of the rear yard, including any other accessory structures, and projections of the primary dwelling.
Setbacks	Side: 5 ft. minimum~~, 12 ft. total~~. Side setbacks for units constructed above a garage: 5 ft. No side setback requirements shall apply to units constructed entirely within an existing garage.

	Rear: 10 ft. minimum. Rear setbacks for units constructed above a garage: 5 ft. No rear setback requirements shall apply to units constructed entirely within an existing garage.
	Interior: 10 ft. minimum, from primary dwelling or other structure, if detached.
Height limit - Detached units	One story, 15 ft. maximum (see 17.20.140 for height measurement), as allowed by zoning district when located above a garage.
Parking	In addition to replacing all required spaces lost when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, ~~O~~one space, which may include tandem parking or, where an existing parking structure is demolished to create a legal second unit, the use of a mechanical lift shall be allowed. No additional parking space is required if any of the following is true: (A) The second unit is located within one-half mile of a regularly scheduled public transit stop; (B) The second unit is located within a City Council designated historic district; (C) The second unit is part of the existing legal primary residence or an existing legal accessory structure; (D) On-street preferential permits are required by the City but not offered to the occupant of the second unit; or (E) There is a publicly accessible and presently operating car share vehicle parking location within one block of the second unit.

4. All secondary units shall also comply with any additional requirements in any overlay zone. In the event of conflicting provisions, the requirements of this secondary housing unit ordinance shall control.

5. Notwithstanding the requirements in Table 2-4, the City shall approve an application for a building permit to create within a single-family residential zoned property one secondary unit per single-family lot if the secondary unit is contained within the building envelope of an existing legal primary unit or legal accessory structure, has independent exterior access from the existing legal primary residence, and the side and rear setbacks are sufficient for fire safety as determined by the Community Development Director.

SECTION 4. 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 5. 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 6. 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 February, 2017.

_____
Mary Sue Maurer, Mayor

ATTEST:

_____
Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

_____
Scott H. Howard
City Attorney

PLANNING COMMISSION RESOLUTION NO. 2017-638

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.12.170 OF THE CALABASAS MUNICIPAL CODE BY UPDATING THE STANDARDS AND REQUIREMENTS APPLIED TO THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ALSO REFERRED TO AS SECOND UNITS, IN-LAW UNITS, OR GRANNY FLATS), AS REQUIRED TO COMPLY WITH NEW CALIFORNIA LAW.

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, including the draft Ordinance No. 2017-347.

2. Staff presentation at the public hearing held on January 19, 2017 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, and/or comments from interested parties or organizations, both written and oral, received and/or submitted at, or prior to, the public hearing, supporting and/or opposing the item.

5. All related documents received or submitted at, or prior to, the public hearing.

Section 2. Based of the foregoing evidence, the Planning Commission finds that:

1. On September 27, 2016, Governor Brown signed Senate Bill No. 1069 into law, greatly expanding an owner or developer's ability to build a second residential dwelling unit on their property and simultaneously restricting a city's discretionary and regulatory authority over such development, with the enacted legislation to take effect January 1, 2017;

2. Under the newly amended State Statutes, local governments must revise their local zoning ordinances to conform to the new "accessory dwelling unit" law, and the new state law otherwise preempts any local zoning ordinance provision inconsistent with the law;

3. It is the intent of the City to maintain its zoning ordinances in a manner consistent with California Statutory mandates and requirements;

4. Notice of the January 19, 2017, Planning Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, the Agoura-Calabasas Community Center, Gelson's Market and at Calabasas City Hall.

5. Notice of the January 19, 2017 Planning Commission public hearing was published at least ten days prior to the hearing date in the ***Las Virgenes and Calabasas Enterprise*** newspaper;

6. Notice of the January 19, 2017 Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to persons who had requested notice;

7. Notice of Planning Commission public hearing included the notice requirements set forth in Government Code Sections 65094 and 65009 (b)(2).

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

FINDINGS

Section 17.76.050(B) of the Calabasas Municipal Code allows the Planning Commission to recommend, and the City Council to approve, an amendment to the Development Code 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 to Section 17.12.170 will update the City's secondary housing unit requirements, so that the approval process, as well as the parking, maximum size, and minimum setback requirements align with newly enacted State law. The Calabasas 2030 General Plan, as updated on September 11, 2013 through the adoption of the 2014-2021 Housing Element Update, includes the following objective statements: "1) Assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community; and, 2) Address and remove governmental constraints that may hinder or discourage housing development in Calabasas." The proposed amendment will assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community by increasing the number of potential new secondary housing units on residentially zoned properties in the City. The proposed amendment will also remove governmental constraints by allowing qualified secondary housing units meeting the minimum standards to receive ministerial approval without further discretionary review. In addition to being

consistent with these General Plan objectives, the proposed amendment specifically implements the following General Plan policies, as articulated in the 2014-2021 Housing Element:

Policy V-1: Preserve the character, scale and quality of established residential neighborhoods.

Policy V-8: Provide site opportunities for development of housing that respond to the diverse housing needs of Calabasas residents and workforce in terms of density, location and cost.

Policy V-10: Provide for the development of second units in existing single-family neighborhoods to provide additional opportunities for rental housing which conforms to the development standards within the underlying zone.

Policy V-21: Support the development and maintenance of affordable senior rental and ownership housing and supportive services to facilitate maximum independence and the ability of seniors to remain in their homes and/or in the community.

Accordingly, the proposed amendment is consistent with the goals, policies, and actions of the General Plan.

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

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because it updates the City's secondary housing unit requirements to comply with new state law, and any future applicant of a secondary housing unit still must comply fully with all applicable state laws and all other applicable standards for site development, including but not limited to: Hillside Grading Ordinance, Scenic Corridor Overlay Ordinance and Design Guidelines, Dark Skies Ordinance, Landscaping Ordinance, Oak Tree Ordinance, Green Buildings Ordinance, and other health and safety requirements of applicable laws. Any such future project must comply fully with local building codes, as applicable. Additionally, the City retains its authority to consider adequacy of water and sewer services and the impact of accessory dwelling units on public safety. 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 exempt from the requirement for environmental review under CEQA because: 1) the secondary housing unit regulation provisions promulgated through the updated Code already effectively took effect on January 1, 2017 by virtue of the state's adoption of new statutes that preempt any inconsistent local ordinance; thus, the City's action is not

creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Instead, the City's action is to amend its second unit ordinance to match the new requirements of state law. Consequently, and in accordance with CEQA Section 21084 and both Section 15002(i)(1) – Lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the adoption of this ordinance is exempt from review under CEQA and a Notice of Exemption has been prepared for this proposed amendment.

The adoption of this ordinance also does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the second residential unit ordinance, changing the standards for second residential units as required by state law, has no potential for resulting in physical changes in the environment, directly or indirectly, because it consists of changes in the standards governing issuance of ministerial permits for second residential units and does not directly or indirectly approve any applications for particular second units. The adoption of this ordinance is therefore further exempt from CEQA review pursuant to California Code of Regulations, Title 14, Sections 15301 and 15308 of the CEQA Guidelines.

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

   The proposed amendment is internally consistent with other applicable provisions of the Development Code because it updates only Section 17.12.170, Secondary Housing Units, and all other chapters and sections remain unaffected.

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 adoption of Ordinance No. 2017-347, amending Chapter 17.12.170 of the Calabasas Municipal Code, to bring into consistency with new California law the standards and requirements applied to the development of accessory dwelling units (also referred to as second units, in-law units, or granny flats).

Section 5. All documents described in Section 1 of PC Resolution No. 2017-638 are deemed incorporated by reference as set forth at length.

PLANNING COMMISSION RESOLUTION NO. 2017-638 PASSED, APPROVED AND ADOPTED this 19th day of January, 2017.

John Mueller, Chairperson

ATTEST:

Maureen Tamuri
Community Development Director

APPROVED AS TO FORM:

Matthew Summers
Assistant City Attorney

Planning Commission Resolution No. 2017-638, was adopted by the Planning Commission at a regular meeting held January 19, 2017, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

"The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought."

Senate Bill No. 1069

CHAPTER 720

An act to amend Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1069, Wieckowski. Land use: zoning.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. That law makes findings and declarations with respect to the value of 2nd units to California's housing supply.

This bill would replace the term "second unit" with "accessory dwelling unit" throughout the law. The bill would additionally find and declare that, among other things, allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock, and these units are an essential component of housing supply in California.

The Planning and Zoning Law authorizes the ordinance for the creation of 2nd units in single-family and multifamily residential zones to include specified provisions regarding areas where accessory dwelling units may be located, standards, including the imposition of parking standards, and lot density. Existing law, when a local agency has not adopted an ordinance governing 2nd units as so described, requires the local agency to approve or disapprove the application ministerially, as provided.

This bill would instead require the ordinance for the creation of accessory dwelling units to include the provisions described above. The bill would prohibit the imposition of parking standards under specified circumstances. The bill would revise requirements for the approval or disapproval of an accessory dwelling unit application when a local agency has not adopted an ordinance. The bill would also require the ministerial approval of an application for a building permit to create one accessory dwelling unit within the existing space of a single-family residence or accessory structure, as specified. The bill would prohibit a local agency from requiring an applicant for this permit to install a new or separate utility connection directly between the unit and the utility or imposing a related connection fee or capacity charge. The bill would authorize a local agency to impose this requirement for other accessory dwelling units.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by AB 2299 that would become operative only

if AB 2299 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(*l*) Limiting moratoriums on multifamily housing (Section 65858).

(m) Prohibiting discrimination against affordable housing (Section 65008).

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).

(o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

SEC. 2. Section 65583.1 of the Government Code is amended to read:

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted

with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

(i) The unit is made available for rent at a cost affordable to low- or very low income households.

(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:

(I) Low-income households, if the unit will be made affordable to low-income households.

(II) Very low income households, if the unit will be made affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.

(vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city

or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

SEC. 3. Section 65589.4 of the Government Code is amended to read:

65589.4. (a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction

within five years of the date the application for the attached housing development was deemed complete:

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.

(E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, "attached housing development" means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include an accessory dwelling unit, as defined by paragraph (4) of subdivision (j) of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 4. Section 65852.150 of the Government Code is amended to read:

65852.150. (a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

SEC. 5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, architectural review,

maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days of submittal of a complete building permit application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(b) (1) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall ministerially approve the creation of an accessory dwelling unit if the accessory dwelling unit complies with all of the following:

(A) The unit is not intended for sale separate from the primary residence and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The accessory dwelling unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(F) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements that apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(5) An accessory dwelling unit that conforms to this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not otherwise permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. This subdivision shall not apply to a unit that is described in subdivision (e).

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(g) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(h) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units.

(i) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(j) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one

or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 5.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency

has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 6. Section 66412.2 of the Government Code is amended to read:

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

SEC. 7. Section 5.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 2299. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 2299, in which case Section 5 of this bill shall not become operative.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

Assembly Bill No. 2299

CHAPTER 735

An act to amend Section 65852.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, Bloom. Land use: housing: 2nd units.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. Existing law authorizes the ordinance to designate areas within the jurisdiction of the local agency where 2nd units may be permitted, to impose specified standards on 2nd units, and to provide that 2nd units do not exceed allowable density and are a residential use, as specified.

This bill would replace the term "second unit" with "accessory dwelling unit." The bill would, instead, require the ordinance to include the elements described above and would also require the ordinance to require accessory dwelling units to comply with specified conditions. This bill would require ministerial, nondiscretionary approval of an accessory dwelling unit under an existing ordinance. The bill would also specify that a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

Existing law requires that parking requirements for 2nd units not exceed one parking space per unit or per bedroom. Under existing law, additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the 2nd unit and are consistent with existing neighborhood standards applicable to residential dwellings.

This bill would delete the above-described authorization for additional parking requirements.

By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by SB 1069 that would become operative only if SB 1069 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(D) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(E) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(4) Any existing ordinance governing the creation of accessory dwelling units by a local agency or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for a accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(d) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(e) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units, provided those requirements comply with subdivision (a).

(f) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(g) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(C) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(h) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a

local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

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

www.cityofcalabasas.com

ITEM 8 ATTACHMENT E

Notice of Exemption

To: x 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.: State-Mandated Density Bonus Municipal Code Update

Project Location: City-wide

Project Description: A draft ordinance amending Chapter 17.12.170 of the Calabasas Municipal Code by updating the standards and requirements applied to the development of accessory dwelling units (also referred to as second units, in-law units, or granny flats), as required to comply with new California law.

Name of approving public agency: City of Calabasas City Council

Project Sponsor: City of Calabasas

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))

X Categorical Exemption— Sections: 21084; 15002(i)(1); and 15061(b)(3)

___ Statutory Exemptions.

Reason(s) why Project is exempt: The proposed amendment is exempt from the requirement for environmental review under CEQA because: 1) the secondary housing unit regulation provisions promulgated through the updated Code already took effect on January 1, 2017 with preemptive authority under the new State statutes; thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084 and both Section 15002(i)(1) -- Lack of Local Jurisdictional Discretion – and Section 15061(b)(3) -- General Rule of Exemption -- of the CEQA Guidelines, a Notice of Exemption has been prepared for this proposed amendment.

Lead Agency/Contact Person: Talyn Mirzakhanian, Senior Planner, City of Calabasas Planning Division, 100 Civic Center Way, Calabasas, CA 91302.

Date: _____ **Signature:** _____

Talyn Mirzakhanian

Title: Senior Planner

Phone: 818-224-1712

Date received for filing and posting:

State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2016, Ch. 735, Sec. 1.5. (AB 2299) Effective January 1, 2017.)

Accessory Dwelling Unit Law

CITY of CALABASAS

A draft ordinance amending Chapter 17.12.170 of the Calabasas Municipal Code by updating the standards and requirements applied to the development of accessory dwelling units (also referred to as second units, in-law units, or granny flats), as required to comply with new California law.

Accessory Dwelling Unit Law

- CA State Legislature passed AB 2299 and SB 1069 in August 2016, amending sections of the State law regarding second dwelling units, now known as “Accessory Dwelling Units” to address the housing supply and affordability in California.
- Newly enacted legislation has greatly expanded an owner or developer’s ability to build a second unit and simultaneously restricts a city’s discretionary and regulatory authority over such development.
- Under the new State law, local jurisdictions must revise their local zoning ordinances to conform to the new ADU law.
- On Jan. 19, 2017, Planning Commission adopted Reso. No. 2017-638 recommending to the City Council adoption of Ordinance No. 2017-347 to amend Chapter 17.12.170 of the CMC to bring the City’s ADU requirements into consistency with the new State law.

Procedural Law Changes

- Requires a local government to ministerially approve ADUs if the unit complies with parking requirements, the maximum allowable unit size, and setback requirements.
- CMC Section 17.12.170 establishes development standards for second units and requires a “non-discretionary administrative plan review.”
- To comply with the new law, CMC Section 17.12.170 shall now require a zoning clearance permit for the review and approval of an ADU.
- Significant disparity created between City permit processes for ADUs & minor additions.

Substantive Law Changes

Maximum Unit Size:

- CMC Section 17.12.170 currently sets the maximum size of an ADU at 700 square-feet.
- The proposed amendment increases the maximum size to 1,200 square-feet, consistent with what State law allows.
- The new State law increases the maximum unit size allowed:
  - A detached ADU can be built up to a maximum size of 1,200 sf.
  - An attached ADU shall not exceed 50% of the existing living area of the primary unit, inclusive of any basement or attic.

Substantive Law Changes

Setbacks:

Setbacks	Side: 5 ft. minimum~~, 12 ft. total~~. Side setbacks for units constructed above a garage: 5 ft. No side setback requirements shall apply to units constructed entirely within an existing garage.
	Rear: 10 ft. minimum. Rear setbacks for units constructed above a garage: 5 ft. No rear setback requirements shall apply to units constructed entirely within an existing garage.

Substantive Law Changes

- The new State law reduces parking requirements:
  - One parking space per ADU is required.
  - When the existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the City will require replacement parking.
  - The City must permit replacement parking spaces in any configuration on the lot, including, but not limited to covered spaces, uncovered spaces, or tandem spaces, or by the use of a mechanical automobile parking lift.

Substantive Law Changes

- Parking is not required for an ADU in the following circumstances:
  - The ADU is located within ½ mile of public transit;
  - The ADU is located within a historic district;
  - The ADU is part of the existing legal primary residence or an existing legal accessory structure;
  - On-street preferential permits are required by the City but not offered to the occupant of the ADU; or
  - There is a car share vehicle located within one block of the ADU.

CEQA

The adoption of this ordinance is exempt from review under CEQA pursuant to CEQA Section 21084 and CEQA Guidelines Sections 15002(i)(1) and 15061(b)(3).

Summary of Changes to CMC Section 17.12.170 to Comply with new State law

Amendments include the following:

- Process
- Maximum unit size
- Setbacks
- Parking requirements

Recommendation

Staff recommends that the Council introduce Ordinance No. 2017-347, amending Chapter 17.12.170 of the Calabasas Municipal Code to bring into consistency with new CA law standards and requirements for the development of accessory dwelling units.

Approved by City Manager:

CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JANUARY 30, 2017

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SPARKY COHEN, BUILDING OFFICIAL SC.

SUBJECT: INTRODUCTION OF ORDINANCE NO. 2017-349 ADOPTING THE CALIFORNIA CODE OF REGULATIONS - TITLE 24, THE 2016 CALIFORNIA BUILDING STANDARDS CODE PARTS 1 THROUGH 12 AND ADOPTING LOCAL AMENDMENTS THERETO, AND EXPEDITED PERMITTING PROCEDURES FOR ELECTRICAL VEHICLE CHARGING STATIONS.

MEETING DATE: FEBUARY 8, 2017

SUMMARY RECOMMENDATION:

Staff recommends that City Council introduce Ordinance No. 2017-349, which proposes adoption of the 2016 California Building Standards Code (California Code of Regulations Title 24) with minimal local amendments; as well as an expedited permitting process for electrical vehicle charging stations.

BACKGROUND:

The adopted building codes for the City of Calabasas are located in Chapter 15.04 of the Municipal Code. Primarily, these provisions are directly related to the California Building Standards Code, which is published in its entirety every three years by order of the California legislature. The Codes apply to all occupancies in the State of California unless otherwise annotated. In addition on October 8, 2015, the Governor of California signed Assembly Bill 126 into law which also requires the City to adopt an Ordinance to establish an expedited permitting process for electrical vehicle charging stations.

DISCUSSION/ANALYSIS:

Section of 17958 of the California Health and Safety Code requires that the latest California Codes apply to local jurisdictions 180 days after they become effective at the State level. On July 1, 2016, The California Building Standards Commission (the Commission) adopted the 2016 Edition of the Building Standards Codes and they became effective at the local level January 1, 2017.

The Commission completed the adoption and approval of the following building standards that are applicable to the City:

Part 1	California Administrative Code
Part 2	California Building Code (Volumes 1 and 2)
Part 2.5	California Residential Code
Part 3	California Electrical Code
Part 4	California Mechanical Code
Part 5	California Plumbing Code
Part 6	California Energy Code
Part 7	(*Vacant- Not Applicable*)
Part 8	California Historical Building Code
Part 9	California Fire Code
Part 10	California Existing Building Code*
Part 11	California Green Building Standards Code
Part 12	California Referenced Standards Code

* The Commission has removed Chapter 34 "existing building criteria" from the California Building Code and added a new Part to the volume of Codes "Part 10 – the California Existing Building Code."

A complete set of the 2016 California Building Standards Codes is available for review in the office of Building and Safety. The new codes are also available for viewing by visiting the Building Standards Commissions website at http://www.bsc.ca.gov/.

Staff recommends a simplistic approach for this triennial code adoption cycle and Ordinance 2017-349 will accomplish this task as follows:

- Two of three historic administrative amendments are proposed to be maintained this year (i) one in Section 15.04.030, which is in regards to Building Code related appeals and the process for establishing appeal boards and (ii) one of which is in Section 15.04.350 regarding disaster responses and the safety assessment placards utilized for posting observed structures.

- The historic amendment to the Green Building Standards Code is not proposed to be readopted this triennial code cycle. In 2008 when the City of Calabasas was the first City in the state to adopt the Green Building Code, Green Building trends were relatively new to contractors and homeowners. In 2008, the intent of the City amendment was primarily to educate permittees and encourage Green Building. Current energy regulations and other State laws have made ample progress in mandatory Green measures and expedited permitting processes. In addition, a majority of small "building" projects in Calabasas routinely implement Green building measures and the amendment no longer would serve the intent of which it was created. Moreover and just one good example - surveys from United States Department of Energy funded non-profit groups have revealed that in order to avoid compliance with the California Energy Standards, 95 percent of new and repaired residential "heating and air conditioning system" work is performed without the benefit of permits and inspection approvals. Staff's opinion is that any future amendment to the Green Building, Energy, Plumbing, or Mechanical Codes should have the intent to incentivize projects to secure permits not introduce more restrictive regulations/standards.

- Last year in response to California Assembly Bill 2188, Council adopted an expedited permit process for small residential roof mount solar photovoltaic electrical systems via Ordinance 2015-327. Ordinance 2015-327 amended both the Electrical Code and Plumbing Code. Those amendments are proposed to be maintained.

- There is looming requirement via another recently adopted Assembly Bill 1236. The Bill mandates the City adopt an Ordinance that creates an expedited permitting process for electrical vehicle charging stations. Although Council could adopt a separate Ordinance later this year as the related Ordinance need not be effective until September 30 of 2017, to save time and resources, staff recommends addressing the issue with an amendment to the Electrical Code during this triennial code cycle.

- The County of Los Angeles Fire Department provides fire protection services for the City of Calabasas and they serve as Fire Code Officials to the city via enforcement of the 2013 Consolidated Fire Protection District Code of Los Angeles County (Section 15.04.900 of Ordinance 2013-308). It is anticipated that at some point in time this year, the Fire Department will update the Consolidated Fire Protection District Code of Los Angeles County following the triennial code cycle pattern; when it is published, it can be analyzed at that time to determine if City of Calabasas amendments would be applicable.

FISCAL IMPACT/SOURCE OF FUNDING:

None

REQUESTED ACTION:

Staff recommends that the City Council Introduce Ordinance No. 2017-349 which proposes adoption of the 2016 California Building Code (California Code of Regulations, Title 24, Parts 1-12 with local amendments, as well as an expedited permitting process for electrical vehicle charging stations.

ATTACHMENTS:

1. Ordinance 2017-349

2. Ordinance 2017-349 - Exhibit 1 – Findings of local conditions

3. State of California Assembly Bill 1236

WEBSITE LINKS:

1. California Legislative Information
   Legislative Counsel's Digest
   Assembly Bill 1236
   https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1236

2. State of California
   Governor's Office of Planning and Research
   Zero-Emission Vehicles in California
   COMMUNITY READINESS GUIDEBOOK
   https://www.opr.ca.gov/docs/ZEV_Guidebook.pdf

ITEM 9 ATTACHMENT 1
ORDINANCE NO. 2017–349

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTION 50022.2, CALIFORNIA CODE OF REGULATIONS - TITLE 24, THE 2016 CALIFORNIA BUILDING STANDARDS CODE PARTS 1 THROUGH 12 AND ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS THERETO IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 17951 (e); AND EXPEDITED PERMITTING PROCEDURES FOR RESIDENTIAL ELECTRICAL VEHICLE CHARGING STATIONS.

WHEREAS, the City Council of the City of Calabasas does hereby find that there is a need to enforce the most current editions of the California Building Standards Code, with local amendments thereof, as recited herein for regulating and controlling the design, erection, construction, enlargement, installation, alteration, repair, relocation, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of all buildings and structures and plumbing, mechanical, electrical and fire suppression systems and certain equipment within the City;

WHEREAS, pursuant to section 17951 (e) of the Health and Safety Code, local regulations necessary to carry out the application of the CBSC that do not establish building standards may be enacted without meeting the requirements of California Health & Safety Code sections 18941.5, 17958, 17598.5 and 17958.7;

WHEREAS, no part of this Ordinance imposes a more restrictive California Code Standard based upon local climatic, geographical or topographical findings and proposed amendments are solely intended to create administrative processes to comply with California Building Standards Codes and Subsection (a) of Section 65850.5 of the California Government Code; and

WHEREAS, Citing the desire to foster a "modernized and standardized permitting process" for residential electrical vehicle charging stations, the State Legislature recently passed AB 2188 to amend the Solar Rights Act of 1978;

WHEREAS, Subsection (a) of Section 65850.7 of the California Government Code , declares the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern;

WHEREAS, Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems;

WHEREAS, Subdivision (g)(1) of Section 65850.7 of the California Government Code provides that, on or before September 30, 2017, every city, county, or city and county with a population of less than 200,000 people shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.7, that creates an expedited, streamlined permitting process for electrical vehicle charging stations systems;

WHEREAS, The intent of this proposed Ordinance is in part to comply with Subdivision (g)(1) of Section 65850.7 of the California Government Code in order to implement an expedited, streamlined permitting process for residential electrical vehicular charging stations;

WHEREAS, the City Council does hereby further find that in accordance with section 15061(b)(3) of the California Code of Regulations, the adoption of these local amendments to the California Building Standards Code, and amendments to the Calabasas Municipal Code are exempt from the provisions of the California Environmental Quality Act because such actions are administrative in nature as the actions create an expedited permitting process for certain small residential rooftop solar energy systems as required by statute and will enhance, and not adversely affect the environment in any manner by promoting the development of small residential rooftop solar energy systems;

WHEREAS, the City Council does hereby further find that in accordance with section 15061(b)(3) of the California Code of Regulations, the adoption of these local amendments to the California Building Standards Code, and amendments to the Calabasas Municipal Code are exempt from the provisions of the California Environmental Quality Act because such actions are largely administrative in nature, are designed to improve and not degrade environmental quality, and the impacts of these local amendments to the building standards code will not adversely affect the environment in any manner that could be significant.

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

SECTION 1. Chapter 15.04. of the Calabasas Municipal Code is hereby deleted in its entirety and amended with various renumbered articles and code changes underlined to read as follows:

Article I. California Building Code

15.04.010 2016 California Building Code adopted.

A. The 2016 California Building Code and appendix H and I of the 2016 California Building Code, which regulate the erection, construction, enlargements, alteration, repair, moving, removal, conversion, demolition, occupancy, use, equipment, height, area, security, abatement, and maintenance of buildings or structures within the city provide for the issuance of permits and collection of fees therefor, and provide for penalties for violation thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, together with the appendices specifically referenced above, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

15.04.030 2016 California Building Code Administrative Provisions Adopted.

A. The Administrative Provisions of the 2016 California Building Code contained in Division II of Chapter I of Part 2 of Title 24 California Code of Regulations are hereby adopted by reference pursuant to Government Code sections 50022.2 through 50022.10.

B. All of the regulations, provisions, conditions, and terms of said division, together with the appendices specifically identified here within, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter.

C. Appeals Boards

Administrative Provisions Section 113, of Chapter I Division II of the 2016 California Building Code, is amended to read as follows:

113 Appeals Boards

113.1 General

In order to hear and decide appeals of orders, decisions, or determinations of the building official regarding materials or methods of construction pertaining to: the Building Code, Residential Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code, or

the Green Building Standards Code, where necessary the City Council shall appoint upon nomination of the City Manager a Board of Appeals under this code with appropriate technical qualifications. Such nominees shall not include city employees.

113.2 Limitations on Authority.

(a) An application for appeal shall be based on a claim that a decision of the building official to prohibit the use of materials or methods of construction reflects one of the following errors: (i) the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, (ii) the provisions of this code do not fully apply according to their terms, or (iii) the materials or methods of constructions proposed are equally well or better suited to accomplish the purposes of this code than those otherwise required by this code.

(b) The Board of Appeals shall have no authority to: (i) waive the requirements of this code, (ii) to consider, decide or rule on the existence or nonexistence of any activity, condition, or use involving real property and/or any structure and other improvements on real property that the building official or another authorized agent of the city has determined to violate Title 15 or any other provision of the Calabasas Municipal Code, or (iii) consider, decide or rule whether persons are or are not responsible for violations of the Calabasas Municipal Code or public nuisances or what actions are required by responsible persons to correct or abate violations of the Calabasas Code or public nuisances.

113.3 Procedures.

A person seeking an appeal under this Section 113 shall file an appeal on a form furnished by the building official and pay an appeal fee in an amount established from time to time by resolution of the City Council. That fee shall be sufficient to cover the cost of the building official's obtaining a written interpretation of relevant provisions of this Title 15 by the International Code Council or any successor thereto. The Board of Appeals may, after hearing, adopt that written interpretation as the decision of the Board. If the Board of Appeals does not adopt that written interpretation, it shall state its reasoning in writing. The Board may establish, by a regulation published in the manner required of ordinances of the City Council, procedures for the conduct of appeals under this Section 113. Judicial review of a decision of the Board of Appeal under this Section 113 may be had pursuant to Code of Civil Procedure Section 1094.5. Judicial review of any decision of the building official not subject to appeal under this Section 105 may be had pursuant to Code of Civil Procedure Section 1085.

15.04.050 Safety assessment placards.

A. Intent. This section established standard placards to be used to indicate the condition of a structure for continued occupancy. The section further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

B. Application of Provisions. The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the city of Calabasas. The city council may extend the provisions as necessary.

C. Definitions. "Safety assessment" means a visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

D. Placards. The following are verbal descriptions of the official placards to be used to designate the condition for continued occupancy of buildings or structures.

1. "INSPECTED—Lawful Occupancy Permitted" is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

2. "RESTRICTED USE" is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

3. "UNSAFE—Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

(b) The ordinance number, the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

(c) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It is unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

Article II. California Residential Code

15.04.100 2016 California Residential Code adopted.

A. The 2016 California Residential Code, which regulate the erection, construction, enlargements, alteration, repair, moving, removal, conversion, demolition, occupancy, use, equipment, height, area, security, abatement, and maintenance of buildings or structures of detached one-and-two-family dwelling, townhouse not more than three stories above grade plane in height, provide for the issuance of permits and collection of fees therefore, and provide for penalties for violation thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

15.04.140 2016 California Residential Code Administrative Provisions Adopted.

A. Chapter I Division II Administrative Provisions of the 2016 California Residential Code are hereby adopted by reference.

B. The 2016 California Residential Code Chapter I Division II Board of Appeals Section R112 is amended to read as follows:

R112 Board of Appeals

Appeals pertaining to the Residential Building Code, shall be governed by Calabasas Municipal Code Section 15.04.030.

Article III. California Mechanical Code

15.04.180 2016 California Mechanical Code adopted.

A. The 2016 California Mechanical Code, which regulate and control the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, venting, cooling, refrigeration systems, or other miscellaneous heat-producing appliances in the city, provides for the issuance of permits and collection of fees therefore and provides for penalties for the violation thereof, with certain changes

and amendments thereto, is hereby adopted by reference, and all conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted, and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

15.04.200 2016 California Mechanical Code Administrative Provisions Adopted.

A. Division II of Chapter I Administrative Provisions of the 2016 California Mechanical Code are hereby adopted by reference pursuant to Government Code sections 50022.2 through 50022.10.

B. The 2016 California Mechanical Code Division II of Chapter I Section 108.0 Board of Appeals is amended to read as follows:

108.0 Board of Appeals

Appeals pertaining to the Mechanical Code, shall be governed by Calabasas Municipal Code Section 15.04.030.

Article IV California Plumbing Code

15.04.240 2016 California Plumbing Code adopted.

(A) The 2016 California Plumbing Code inclusive of 2016 California Plumbing Code Appendix A, Appendix B, Appendix C, Appendix D, Appendix F, Appendix G, Appendix H, Appendix I, and Appendix L which provide minimum requirements and standards for the protection of the public health, safety and welfare by regulating the installation or alteration of plumbing and drainage, materials, venting, wastes, traps, interceptors, water systems, sewers, gas piping, water heaters and other related products, and workmanship in the city, provide for the issuance of permits and collection of fees therefor, and provide for penalties for the violations thereof, with certain changes and amendments thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

(B) All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted, and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

15.04.280 2016 California Plumbing Code Administrative Provisions Adopted.

A. Division II of Chapter I Administrative Provisions of the 2016 California Plumbing Code are hereby adopted by reference pursuant to Government Code sections 50022.2 through 50022.10.

B. All of the regulations, provisions, conditions, and terms of said division, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the City Clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter.

C. The 2016 California Plumbing Code Division II of Chapter I Section ~~102.3~~ 107 Board of Appeals is amended to read as follows:

~~102.3~~ **107 Board of Appeals**

Appeals pertaining to the Plumbing Code, shall be governed Calabasas Municipal Code Section 15.04.030.

Article V. California Electrical Code.

15.04.300 2016 California Electrical Code adopted.

A. The 2016 California Electrical Code, together with the appendices, which provides minimum requirements and standards for the protection of the public health, safety, and welfare by regulating the installation or alteration of electrical wiring, equipment, materials, and workmanship in the city, provides for the issuance of permits and collection of fees therefor and provides penalties for the violations thereof, with all changes and amendments thereto, is hereby adopted by reference, and all conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted, and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

15.04.350 2016 California Electrical Code - General Code "Administrative" Provisions Adopted.

A. California Article 89 General Code Provisions of the 2016 California Electrical Code are hereby adopted by reference pursuant to Government Code sections 50022.2 through 50022.10.

B. All of the regulations, provisions, conditions, and terms of said division, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the City Clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter.

C. The 2016 California Electrical Code California Article 89 General Code Provisions Section 89.108.8 Appeals Board is amended to read as follows:

89.108.8 Appeals Board

Appeals pertaining to the Electrical Building Code, shall be governed by Calabasas Municipal Code Section 15.04.030.

Article VI. California Energy Code.

15.04.400 2016 California Energy Code adopted.

A. The 2016 California Energy Code, together with the appendices, which regulate the building envelope, space-conditioning systems, water-heating systems, outdoor lighting systems and signs located either indoors or outdoors within the city, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

Article VII. California Historical Building Code.

15.04.450 2016 California Historical Building Code adopted.

A. The 2016 California Historical Building Code, which provides regulations, minimum requirements and standards for the preservation, restoration, rehabilitation, relocation of buildings or properties designated as historical building

or properties, with all changes and amendments thereto, is hereby adopted by reference, and all conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, together with their appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted, and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

Article VIII California Fire Code.

15.04.500 2016 California Fire Code.

A. The 2016 California Fire Code, which regulate the erection, construction, enlargements, alteration, repair, moving, removal, conversion, demolition, occupancy, use, equipment, height, area, security, abatement, and maintenance of buildings or structures within the city provide for the issuance of permits and collection of fees therefor, and provide for penalties for violation thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

Article IX California Green Building Standards Code

15.04.550 2016 California Green Building Standards Code adopted.

A. The 2016 California Green Building Standards Code, together with its appendices, which regulate the planning, design, construction, operation, replacement, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such building structures throughout the State of California, are hereby adopted by reference, and ordinances of the city which conflict with that Code are hereby repealed to the extent of the conflict.

B. All of the regulations, provisions, conditions, and terms of the 2016 California Green Building Standards Code, together with its appendices, one copy of which will be on file and accessible to the public for inspection at the city clerk’s office, are hereby referred to, adopted and made part of this chapter as if fully set

forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this chapter.

Article X Expedited permitting process for:
Small residential rooftop solar energy systems and
Residential electrical vehicle charging stations.

15.04.600 "Expedited streamlined permitting process for small residential rooftop solar energy systems and residential electrical vehicle charging stations"

Part A Expedited permitting process for small residential rooftop solar energy systems.

1. A "small residential rooftop solar energy system" means all of the following:

   1.1. A photovoltaic solar energy system that is (i) no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal and (ii) with all photovoltaic panels mounted on the rooftop of a single or duplex family residential structure.

   1.2 A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

   1.3 A solar panel or module array that does not exceed the maximum legal building height as defined by the Calabasas Land and Development Use Code.

2. The following definitions apply to this Section:

   2.1 "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

2.2 "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.

2.3 "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

3. The city shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

4. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

5. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.

6. The intent of this article, is to substantially conform the City's expedited, streamlined permitting process for small residential rooftop solar energy systems with the recommendations for expedited permitting, including the eligibility checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

7. The small residential rooftop solar energy system eligibility checklist developed and promulgated by the building official shall be published on the city's internet website. The applicant may submit the permit application and associated documentation to the City's building division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature. Should the City not have the capability to accept electronic signatures, no signature shall be required.

8. "Electronic submittal" means the utilization of one or more of the following:

    8.1. E-mail,

    8.2. The internet,

    8.3. Facsimile.

9. Prior to submitting an application, the applicant shall:

    9.1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

    9.2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

10. An application that satisfies the information requirements in the eligibility checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

11. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the eligibility checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

12. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and includes a consolidated inspection by building and safety staff, as agreed to by the County of Los Angeles Fire

Department. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

Part B Expedited permitting process for residential vehicle charging stations.

(1) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern.

(2) It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of electric vehicle charging stations and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install electric vehicle charging stations.

(3) It is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.

(4) It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(5) A city, county, or city and county shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact

upon the public health or safety, the city, county, or city and county may require the applicant to apply for a use permit.

(6) A city, county, or city and county may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(7) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(8) Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.

(9)

(9.1) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(9.2) An electric vehicle charging station shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(10)

(10.1) On or before September 30, 2016, every city, county, or city and county with a population of 200,000 or more residents, and, on or before September 30, 2017, every city, county, or city and county with a population of less than 200,000 residents, shall, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, adopt an ordinance, consistent with the goals and intent of this section, that creates an expedited, streamlined permitting process for electric vehicle charging stations. In developing an expedited permitting process, the city, county, or city and county shall adopt a

checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, or city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. However, the city, county, or city and county may establish a process to prioritize competing applications for expedited permits. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. An application submitted to a city, county, or city and county that owns and operates an electric utility shall demonstrate compliance with the utility's interconnection policies prior to approval.

(10.2) The checklist and required permitting documentation shall be published on a publicly accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(11) A city, county, or city and county shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an association, as that term is defined in Section 4080 of the Civil Code.

(12) The following definitions shall apply to this section:

(12.1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit.

(12.2) "Electronic submittal" means the utilization of one or more of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

(13) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(14) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Article XI California Existing Buildings Code.

15.04.700 2016 California Existing Building Code adopted.

A. The 2016 California Existing Code, which regulate the repair, alteration, change of occupancy, addition to and relocation of existing buildings provide for the issuance of permits and collection of fees therefore, and provide for penalties for violation thereto, are hereby adopted by reference, and conflicting ordinances are hereby repealed.

B. All of the regulations, provisions, conditions, and terms of said codes, together with appendices A1 – A4, one copy of which will be on file and accessible to the public for inspection at the city clerk's office, are hereby referred to, adopted and made part of this chapter as if fully set forth in this chapter with the exceptions, deletions, additions, and amendments thereto as set forth in this subchapter.

15.04.740 2016 California Existing Building Code Administrative Provisions Adopted.

A. Chapter I Division II Administrative Provisions of the 2016 California Existing Building Code are hereby adopted by reference.

B. The 2016 California Existing Building Code Chapter I Division II Board of Appeals Section 112 is amended to read as follows:

112 Board of Appeals

Appeals pertaining to the Existing Building Code, shall be governed by Calabasas Municipal Code Section 15.04.030.

Article XII Fees

15.04.800 Notwithstanding the provisions of this Chapter, the amount of every fee set forth in the code shall be the fee set forth in the most current resolution of the city council establishing fees.

Article XI. Violations Abatement and Penalties.

15.04.840 Violation—Nuisance—Civil remedies available.

A. A violation of any of the provisions of this chapter or the codes adopted shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisance.

B. Penalty.

Every person violating any provision of this chapter, including but not limited to any provision of the Building Code, Residential Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Code, Historical Building Code, Fire Code, or the Green Building Standards Code, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof, he or she shall be punishable by a fine not-

to-exceed one thousand dollars ($1,000.00) or imprisonment not-to-exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

C. When seeking remedies under this section 15.04.990.1, the city may seek either or both remedies hereunder.

SECTION 2. Findings. The City Council hereby adopts the findings set forth in **Exhibit 1** as if fully set forth herein. The City Council finds that each amendment to the Building Standards Code was an administrative change for which no findings need be legally made and/or was made due to local climatic conditions and given that the amended Green Building Standards can potentially reduce greenhouse gas emissions and VOC emissions from new construction projects as well as redevelopment and renovation projects in the City.

SECTION 3. References in Documents and Continuing Legal Effect. References to prior versions of any portion of the Building Standards Code, or of the Calabasas Municipal Code that are amended or renumbered in this Municipal Code, that are cited on notices issued by the City or other documents of ongoing or continuing legal effect, including resolutions adopting or imposing fees or charges, until converted, are deemed to be references to the new counterpart part of the Building Standards Code or amended Municipal Code sections for the purposes of notice and enforcement. The provisions adopted hereby shall not in any manner affect deposits, established fees or other matters of record which refer to, or are otherwise connected with, ordinances which are specifically designated by number, code section or otherwise, but such references shall be deemed to apply to the corresponding provisions set forth in the code sections adopted or amended hereby.

SECTION 4. Continuity. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Calabasas Municipal Code, these provisions shall be construed as continuations of those provisions and not as new enactments.

SECTION 5. No Effect on Enforceability. The repeal of any sections of the Municipal Code, shall not affect or impair any act done, or right vested or approved, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act, vested right, proceeding, suit, or prosecution shall remain in full force and effect for all purposes as if the applicable provisions of the Municipal Code, or part thereof, had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the repeal or alteration of any applicable provision of the 2013 Code as amended, shall be discharged or affected by such repeal or

alteration but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceed in all respects as if the applicable provisions of the 2013 Code, as amended, had not been repealed or altered.

SECTION 6. CEQA. This Ordinance is exempt from the California Environmental Quality Act pursuant to State Guidelines §15061 (b) (3) as a project that has no potential for causing a significant effect on the environment.

SECTION 7. Certification. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be processed in the manner required by law.

SECTION 8. Building Standards Commission. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

SECTION 9. Severability. Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been adopted irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 10. Publication. The City Clerk shall cause this Ordinance to be published in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City Council.

PASSED, APPROVED AND ADOPTED this 22nd day of _____, 2017.

_____
Mary Sue Maurer, Mayor

ATTEST:

_____
Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

_____
Scott H. Howard, City Attorney

ITEM 9 ATTACHMENT 2
EXHIBIT 1

2016 California Building Standards Code

FACTUAL FINDINGS ESTABLISHING THE REASONABLE NEED FOR LOCAL AMENDMENTS TO PORTIONS OF THE BUILDING STANDARDS CODE BASED UPON CLIMATIC or ADMINISTRATIVE PROVISION

Section 1 of this Exhibit sets forth various findings that apply in Calabasas, explaining the administrative provisions and the local climatic conditions that necessitate the various changes.

Section 2 of this Exhibit explains which findings apply to which amendments.

In numerous instances herein, the City has opted to make findings even though it is not legally required to do so. For example, if a change to a building standard is administrative in nature, then no finding is legally required. Likewise, if a proposal does not contradict a building standard, but merely supplements the standard, then the city need not make a finding.

Section 1. General Findings

The following findings apply in the City of Calabasas, and explain why the changes to the Building Standards Code are necessary because of climatic or local administrative regulations in the city.

A. Climatic Conditions

Given that the Southern California region has been determined by the California Air Pollution Control Board to be a non-attainment area for air quality, and the City of Calabasas is part of the Southern California region; and, given the City of Calabasas is located specifically at the western extreme of the San Fernando Valley, serving as the gateway to the Santa Monica Mountains Recreation Area, which is a highly valued natural resource and recreation area serving the region, state, and nation with an estimated visitation by approximately 35 Million visitors annually; and, given that the Green Building Standards can potentially reduce greenhouse gas emissions and VOC emissions from new construction projects as well as redevelopment and renovation projects in the City; and, given that the construction activity in the City of Calabasas requires building permits and the City issues approximately 1800 permits annually.

B. Administrative Regulations

Local regulations necessary to carry out the application of the CBSC that do not establish building standards may be enacted without meeting the requirements of the HSC sections 18941.5, 17958, 17958.5 and 17958.7. Additional amendments have been made to Codes. Through recommendation of the City Attorney, City Prosecutor, or the Community Development Department, such amendments are hereby found to be either administrative or procedural in nature which do not impact the technical standards within the California Building Standards Codes or concern themselves with subjects which are not covered in such Codes. The changes made

include provisions making each of said Codes compatible with other Codes and Ordinances enforced by the City.

C. Not Applicable (N/A). No findings need to be made, because the code section that is at issue does not amend any building standard.

Section 2 – Which Findings Apply to Which Amendments

Amendments to the 2016 Edition of the California Codes are found reasonably necessary based on the climatic condition cited within this Ordinance and Section 1 above or for an administrative process as follows.

Municipal Code Section - California Building Standard Code Provision	Applicable Finding
15.04.010 2016 Building Code adopted	**N/A**
15.04.030 2016 Building Code Administrative Provisions Adopted	**B**
15.04.030 C. – "CBC Section 113" Appeals pertaining to the Building Code	**B**
15.04.050 Safety assessment placards	**B**
15.04.100 2016 Residential Code adopted	**N/A**
15.04.140 2016 Residential Code Administrative Provisions Adopted	**B**
15.04.140 B – "RBC Section R112" Appeals pertaining to the Residential Building Code	**B**
15.04.180 2016 Mechanical Code adopted	**N/A**
15.04.200 Mechanical Code Administrative Provisions Adopted	**B**
15.04.200 B – CMC Section 108.0 Appeals pertaining to the Mechanical Code	**B**
15.04.240 2016 Plumbing Code adopted	**N/A**
15.04.280 2016 Plumbing Code Administrative Provisions Adopted	**B**
15.04.280 C. "CPC Section 102.3" Appeals pertaining to the Plumbing Code-	**B**
15.04.300 2016 Electrical Code adopted	**N/A**
15.04.350 "CEC Article 89" Electrical Code General Code Administrative Provisions Adopted	**B**
15.04.350 C "CEC Article 89.108.8" Appeals pertaining to the Electrical Code	**B**
15.04.400 2016 Energy Code adopted	**N/A**

Municipal Code Section - California Building Standard Code Provision	Applicable Finding
15.04.450 2016 Historical Building Code adopted	**N/A**
15.04.500 2016 Fire Code adopted	**B**
15.04.550 Green Building Standards Code adopted	**N/A**
15.04.600 "Section 65850.5 of the California Government Code" Expedited permitting - Electrical vehicle charging stations	**B**
15.04.700 2016 Existing Building Code adopted	**N/A**
15.04.740 2016 Existing Code Administrative Provisions Adopted	**B**
15.04.740 "EBC Section 1.8.8" Appeals pertaining to the Existing Building Code	**B**
15.04.800 Fees	**B**
15.04.840 Violation—Nuisance—Civil remedies available	**B**

ITEM 9 ATTACHMENT 3

California LEGISLATIVE INFORMATION

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1236

Assembly Bill No. 1236

CHAPTER 598

An act to add Section 65850.7 to the Government Code, relating to local ordinances.

[Approved by Governor October 08, 2015. Filed with Secretary of State October 08, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, Chiu. Local ordinances: electric vehicle charging stations.

The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.

The bill would require a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill would provide for appeal of that decision to the planning commission, as specified. The bill would provide that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill would require electric vehicle charging stations to meet specified standards. The bill would require a city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. The bill would require a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017. The bill would authorize the city, county, or city and county, in developing the ordinance, to refer to guidelines contained in a specified guidebook. The bill would also authorize the adoption of an ordinance that modifies the checklists and standards found in the guidebook due to unique conditions. By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

The people of the State of California do enact as follows:

SECTION 1. Section 65850.7 is added to the Government Code, to read:

65850.7. (a) The Legislature finds and declares all of the following:

(1) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern.

(2) It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of electric vehicle charging stations and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install electric vehicle charging stations.

(3) It is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.

(4) It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(b) A city, county, or city and county shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city, county, or city and county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.

(f) (1) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) An electric vehicle charging station shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2016, every city, county, or city and county with a population of 200,000 or more residents, and, on or before September 30, 2017, every city, county, or city and county with a population of less than 200,000 residents, shall, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, adopt an ordinance, consistent with the goals and intent of this section, that creates an expedited, streamlined permitting process for electric vehicle charging stations. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, or city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. However, the city, county, or city and county may establish a process to prioritize competing applications for expedited permits. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. An application submitted to a city, county, or city and county that owns and operates an electric utility shall demonstrate compliance with the utility's interconnection policies prior to approval.

(2) The checklist and required permitting documentation shall be published on a publicly accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) A city, county, or city and county shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an association, as that term is defined in Section 4080 of the Civil Code.

(i) The following definitions shall apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit.

(2) "Electronic submittal" means the utilization of one or more of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

(3) “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(4) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 2.
No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

CITY of CALABASAS

Check Register Report

Bank: BANK OF AMERICA - OPERATING
Reporting Period: 01/18/2017 to 01/25/2017

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
City Attorney					
97584	1/25/2017	COLANTUONO, HIGHSMITH &	GENERAL SERVICES	24,853.83	City Attorney
97584	1/25/2017	COLANTUONO, HIGHSMITH &	D'EGIDIO HOMES	17,525.65	City Attorney
97584	1/25/2017	COLANTUONO, HIGHSMITH &	MALIBU CANYON ASSOCIATION	5,690.00	City Attorney
97584	1/25/2017	COLANTUONO, HIGHSMITH &	2015 ANNEXATION	175.00	City Attorney
		Total Amount for 4 Line Item(s) from City Attorney		**$48,244.48**	
City Clerk					
97634	1/25/2017	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	City Clerk
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	36.50	City Clerk
		Total Amount for 2 Line Item(s) from City Clerk		**$81.50**	
Civic Center O&M					
97536	1/18/2017	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	454.11	Civic Center O&M
97536	1/18/2017	G & F LIGHTING SUPPLY CO.	LIGHTING SUPPLIES	454.11	Civic Center O&M
97520	1/18/2017	AMTECH ELEVATOR SERVICES	ELEVATOR SERVICES	379.50	Civic Center O&M
97520	1/18/2017	AMTECH ELEVATOR SERVICES	ELEVATOR SERVICES	379.50	Civic Center O&M
97535	1/18/2017	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- LIBRARY	250.00	Civic Center O&M
97623	1/25/2017	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	145.52	Civic Center O&M
97623	1/25/2017	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	145.52	Civic Center O&M
		Total Amount for 7 Line Item(s) from Civic Center O&M		**$2,208.26**	
Community Development					
97578	1/25/2017	CALABASAS CREST LTD	R.A.P.- FEB 2017	6,174.00	Community Development
97609	1/25/2017	M6 CONSULTING, INC.	PROFESSIONAL SERVICES	948.75	Community Development
97609	1/25/2017	M6 CONSULTING, INC.	PROFESSIONAL SERVICES	948.75	Community Development
97589	1/25/2017	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	535.54	Community Development
97594	1/25/2017	FLEYSHMAN/ALBERT//	R.A.P.- FEB 2017	210.00	Community Development
97610	1/25/2017	MEDVETSKY/LINA//	R.A.P.- FEB 2017	210.00	Community Development
97597	1/25/2017	HENDERSON/LYN//	R.A.P.- FEB 2017	210.00	Community Development
97624	1/25/2017	SHAHIR/RAHIM//	R.A.P.- FEB 2017	210.00	Community Development
97643	1/25/2017	YAZDINIAN/SUSAN//	R.A.P.- FEB 2017	210.00	Community Development
97613	1/25/2017	MILES/AUDREY//	R.A.P.- FEB 2017	210.00	Community Development
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	141.98	Community Development

APPROVED BY CITY MANAGER:

AGENDA ITEM NO. 10

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
97559	1/18/2017	VALLEY NEWS GROUP	LEGAL ADVERTISING	90.00	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	69.87	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	60.85	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	45.95	Community Development
97559	1/18/2017	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	Community Development
97559	1/18/2017	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	37.52	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	36.43	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	32.35	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	26.37	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	10.88	Community Development
97588	1/25/2017	CYBERCOPY	COPY/PRINTING SERVICE	10.88	Community Development
		Total Amount for 23 Line Item(s) from Community Development		**$10,520.12**	

Community Services

97530	1/18/2017	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	23,994.38	Community Services
97582	1/25/2017	CLARK PEST CONTROL	PEST CONTROL SERVICES	17,891.00	Community Services
97591	1/25/2017	DODGERS TICKETS LLC	TICKETS- 5/9/17	11,990.00	Community Services
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	3,301.08	Community Services
97625	1/25/2017	SO CA MUNI ATHLETIC FEDERATION	CLASS INSURANCE	2,080.75	Community Services
97555	1/18/2017	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,349.33	Community Services
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	1,163.92	Community Services
97519	1/18/2017	AMERIGAS - OXNARD	PROPANE SERVICE - CREEKSIDE	1,150.56	Community Services
97531	1/18/2017	COMMERCIAL MAINTENANCE	JANITORIAL SERVICES	615.00	Community Services
97573	1/25/2017	AT&T	TELEPHONE SERVICE	588.64	Community Services
97568	1/25/2017	ALLEN/HARVEY//	BASKETBALL OFFICIAL	520.00	Community Services
97640	1/25/2017	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	433.58	Community Services
97623	1/25/2017	SECURAL SECURITY CORP	PATROL CAR SERVICES- GATES/GRP	431.42	Community Services
97611	1/25/2017	MEKJIAN/HENRY//	BASKETBALL OFFICIAL	420.00	Community Services
97575	1/25/2017	BILCHIK/DANIEL//	BASKETBALL OFFICIAL	390.00	Community Services
97525	1/18/2017	BMI GENERAL LICENSING	MUSIC LICENSE FEE	342.00	Community Services
97615	1/25/2017	MONTGOMERY/MICHAEL//	BASKETBALL OFFICIAL	300.00	Community Services
97603	1/25/2017	KOPSTEIN/STEVE//	BASKETBALL OFFICIAL	270.00	Community Services
97527	1/18/2017	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- JME22147	240.14	Community Services
97620	1/25/2017	RICCIO/JOE//	BASKETBALL OFFICIAL	240.00	Community Services
97593	1/25/2017	FISHMAN/MICHAEL//	BASKETBALL OFFICIAL	240.00	Community Services

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
97534	1/18/2017	DEPARTMENT OF JUSTICE	STAFF FINGERPRINTING APPS	224.00	Community Services
97640	1/25/2017	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	181.60	Community Services
97612	1/25/2017	MERRILL/DEAN//	BASKETBALL OFFICIAL	180.00	Community Services
97630	1/25/2017	TAKSEN/HOWARD//	BASKETBALL OFFICIAL	180.00	Community Services
97621	1/25/2017	RICHARD/MARK//	BASKETBALL OFFICIAL	150.00	Community Services
97602	1/25/2017	KELLER/MICHAEL//	BASKETBALL OFFICIAL	150.00	Community Services
97623	1/25/2017	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	145.51	Community Services
97601	1/25/2017	ISRAEL/BOB//	BASKETBALL OFFICIAL	120.00	Community Services
97619	1/25/2017	PORTARO/SAL//	BASKETBALL OFFICIAL	120.00	Community Services
97567	1/25/2017	ALAN-LEE/CRAIG//	BASKETBALL OFFICIAL	120.00	Community Services
97623	1/25/2017	SECURAL SECURITY CORP	SECURITY- NYE PARTY	113.60	Community Services
97557	1/18/2017	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	100.00	Community Services
97629	1/25/2017	SUMILANG/MICHAEL//	BASKETBALL OFFICIAL	90.00	Community Services
97627	1/25/2017	STEAMAN/LANCE//	BASKETBALL OFFICIAL	90.00	Community Services
97522	1/18/2017	AT&T	TELEPHONE SERVICE	66.74	Community Services
97608	1/25/2017	LIPTON/JEREMY//	BASKETBALL OFFICIAL	60.00	Community Services
97596	1/25/2017	GROSSMAN/MICHAEL//	BASKETBALL OFFICIAL	60.00	Community Services
97557	1/18/2017	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	55.00	Community Services
97563	1/18/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	38.55	Community Services
97563	1/18/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	29.31	Community Services
97632	1/25/2017	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	22.50	Community Services
		Total Amount for 42 Line Item(s) from Community Services		**$70,248.61**	
Finance					
97517	1/18/2017	ADP, INC	PAYROLL PROCESSING	1,000.04	Finance
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	117.38	Finance
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	79.71	Finance
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	58.62	Finance
		Total Amount for 4 Line Item(s) from Finance		**$1,255.75**	
Klubhouse Preschool					
97531	1/18/2017	COMMERCIAL MAINTENANCE	JANITORIAL SERVICES	1,435.00	Klubhouse Preschool
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	769.66	Klubhouse Preschool
97573	1/25/2017	AT&T	TELEPHONE SERVICE	220.66	Klubhouse Preschool
97598	1/25/2017	HOUSE SANITARY SUPPLY, INC.	JANITORIAL SERVICES	209.13	Klubhouse Preschool

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
97622	1/25/2017	ROSATI FARMS	MILK/YOGURT DELIVERY	146.40	Klubhouse Preschool
97632	1/25/2017	TRI-CO EXTERMINATING CO.	PEST CONTROL SERVICES	52.50	Klubhouse Preschool
		Total Amount for 6 Line Item(s) from Klubhouse Preschool		**$2,833.35**	
Library					
97546	1/18/2017	LOOKOUT BOOKS	BOOKS-LIBRARY	535.83	Library
97551	1/18/2017	PENGUIN RANDOM HOUSE, LLC	BOOKS ON CD	432.79	Library
97539	1/18/2017	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	423.78	Library
97553	1/18/2017	RAHA PERSIAN BOOKS & MEDIA	BOOKS-LIBRARY	344.41	Library
97527	1/18/2017	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- WHG01368	199.80	Library
97527	1/18/2017	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- WHG01091	140.40	Library
97539	1/18/2017	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	133.27	Library
97524	1/18/2017	BARRY KAY ENTERPRISES, INC.	LIBRARY STAFF T-SHIRTS	120.68	Library
97523	1/18/2017	BAKER & TAYLOR	BOOKS-LIBRARY	44.07	Library
97523	1/18/2017	BAKER & TAYLOR	BOOKS-LIBRARY	34.68	Library
97548	1/18/2017	MIDWEST TAPE	DVD'S-LIBRARY	28.72	Library
97539	1/18/2017	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	21.01	Library
97551	1/18/2017	PENGUIN RANDOM HOUSE, LLC	BOOKS ON CD	5.45	Library
		Total Amount for 13 Line Item(s) from Library		**$2,464.89**	
LMD #22					
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	16,549.50	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	13,218.58	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	12,541.12	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	8,845.06	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	6,222.59	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,116.60	LMD #22
97550	1/18/2017	PACIFIC COAST FALCONRY INC.	BIRD CONTROL SERVICES	5,000.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,841.02	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,315.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,229.50	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,180.40	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,174.50	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,151.72	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,021.00	LMD #22

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,016.77	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,850.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,177.00	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,162.50	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,104.78	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	3,046.61	LMD #22
97542	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	3,005.26	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,430.50	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,420.49	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,381.02	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,256.00	LMD #22
97542	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,109.68	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,102.13	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,016.00	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,970.79	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,891.92	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,819.12	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,678.03	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,602.61	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,406.25	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,301.22	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,221.00	LMD #22
97606	1/25/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,214.84	LMD #22
97606	1/25/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,191.55	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,182.77	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,152.44	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,039.50	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	962.50	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	946.00	LMD #22
97542	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	914.62	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	879.41	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	864.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	766.00	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	749.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	749.00	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	743.02	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	674.49	LMD #22

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97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	670.63	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	660.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	632.50	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	566.34	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	550.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	550.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	549.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	543.79	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	520.04	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	499.85	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	462.59	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	437.50	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	436.25	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	425.65	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	395.72	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	312.50	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	244.00	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	241.15	LMD #22
97606	1/25/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	237.52	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	209.39	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	196.05	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	182.12	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	165.00	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	157.00	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	154.93	LMD #22
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	145.91	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	145.00	LMD #22
97555	1/18/2017	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	142.85	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	141.62	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	140.44	LMD #22
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	117.42	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	113.32	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	102.00	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	97.24	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	92.74	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	83.41	LMD #22
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	58.62	LMD #22

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97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	9.15	LMD #22
		Total Amount for 89 Line Item(s) from LMD #22		**$174,794.65**	
LMD #24					
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	4,913.74	LMD #24
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	3,469.57	LMD #24
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	858.00	LMD #24
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	661.00	LMD #24
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	300.00	LMD #24
		Total Amount for 5 Line Item(s) from LMD #24		**$10,202.31**	
LMD #27					
97614	1/25/2017	MONT CALABASAS ASSOCIATION	LANDSCAPE MAINTENANCE	15,000.00	LMD #27
97614	1/25/2017	MONT CALABASAS ASSOCIATION	LANDSCAPE MAINTENANCE	15,000.00	LMD #27
97614	1/25/2017	MONT CALABASAS ASSOCIATION	LANDSCAPE MAINTENANCE	1,605.00	LMD #27
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,125.91	LMD #27
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	237.00	LMD #27
97543	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	197.90	LMD #27
		Total Amount for 6 Line Item(s) from LMD #27		**$33,165.81**	
LMD #32					
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,861.52	LMD #32
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	119.61	LMD #32
		Total Amount for 2 Line Item(s) from LMD #32		**$1,981.13**	
LMD 22 - Common Benefit Area					
97547	1/18/2017	MARINE BIOCHEMISTS OF CA INC	LAKE MAINTENANCE	11,730.00	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	10,113.69	LMD 22 - Common Benefit Area
97542	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	6,350.27	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,998.45	LMD 22 - Common Benefit Area
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,494.00	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,290.00	LMD 22 - Common Benefit Area

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97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,700.00	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,241.69	LMD 22 - Common Benefit Area
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	3,137.01	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,747.74	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,968.44	LMD 22 - Common Benefit Area
97547	1/18/2017	MARINE BIOCHEMISTS OF CA INC	LAKE MAINTENANCE	1,447.52	LMD 22 - Common Benefit Area
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,243.75	LMD 22 - Common Benefit Area
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	991.22	LMD 22 - Common Benefit Area
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	918.90	LMD 22 - Common Benefit Area
97577	1/25/2017	BRIGHTVIEW TREE COMPANY	LANDSCAPE MAINTENANCE	900.00	LMD 22 - Common Benefit Area
97606	1/25/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	893.92	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	731.91	LMD 22 - Common Benefit Area
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	727.21	LMD 22 - Common Benefit Area
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	687.50	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	588.52	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	469.28	LMD 22 - Common Benefit Area
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	467.72	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	368.75	LMD 22 - Common Benefit Area
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	366.66	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	356.71	LMD 22 - Common Benefit Area
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	312.50	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	202.20	LMD 22 - Common Benefit Area
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	90.05	LMD 22 - Common Benefit Area
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	46.72	LMD 22 - Common Benefit Area
		Total Amount for 30 Line Item(s) from LMD 22 - Common Benefit Area		**$69,582.33**	

Media Operations

97638	1/25/2017	VERIZON WIRELESS	TELEPHONE SERVICE	2,594.18	Media Operations
97631	1/25/2017	TIME WARNER CABLE	CABLE MODEM- CITY HALL	401.08	Media Operations
97631	1/25/2017	TIME WARNER CABLE	CABLE MODEM- CITY HALL	375.00	Media Operations
97521	1/18/2017	AT&T	TELEPHONE SERVICE	164.13	Media Operations
97529	1/18/2017	CLIENTFIRST CONSULTING GRP LLC	IT CONSULTING SERVICES	150.00	Media Operations
97528	1/18/2017	CHARTER COMMUNICATIONS	CABLE MODEM- CITY HALL	144.11	Media Operations
97558	1/18/2017	TRIBUNE MEDIA SERVICES, LLC	CTV GUIDE LISTING	96.88	Media Operations
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	83.12	Media Operations
97565	1/25/2017	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
97565	1/25/2017	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
97565	1/25/2017	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
97565	1/25/2017	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
97565	1/25/2017	ACORN NEWSPAPER	CTV ADVERTISING	60.00	Media Operations
97574	1/25/2017	AT&T MOBILITY	TELEPHONE SERVICE	46.66	Media Operations
		Total Amount for 14 Line Item(s) from Media Operations		**$4,355.16**	
Non-Departmental					
97576	1/25/2017	BLACKBOARD INC	ANNUAL SRVC FEE - CONNECT CTY	29,343.55	Non-Departmental
97617	1/25/2017	NEOFUNDS BY NEOPOST	POSTAGE	3,000.00	Non-Departmental
97623	1/25/2017	SECURAL SECURITY CORP	PARKING ENFORCEMENT	2,850.43	Non-Departmental
97587	1/25/2017	CR PRINT	BUSINESS CARD MASTER	1,417.00	Non-Departmental
97626	1/25/2017	SO CAL CRANE	EQUIPMENT RENTAL	1,225.00	Non-Departmental
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	421.46	Non-Departmental
97533	1/18/2017	CR PRINT	BUSINESS CARDS	239.80	Non-Departmental
97579	1/25/2017	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- KZT02095	61.10	Non-Departmental
97579	1/25/2017	CANON SOLUTIONS AMERICA, INC	COPIER SVC PROGRAM- NMC09173	20.96	Non-Departmental
97592	1/25/2017	FEDERAL EXPRESS CORP.	COURIER SERVICE	13.05	Non-Departmental
		Total Amount for 10 Line Item(s) from Non-Departmental		**$38,592.35**	
Payroll					
97618	1/25/2017	P&A ADMINISTRATIVE SVCS INC	FSA MONTHLY ADMIN FEE- JAN 17	58.50	Payroll
97618	1/25/2017	P&A ADMINISTRATIVE SVCS INC	FSA MONTHLY ADMIN FEE- FEB 17	58.50	Payroll
		Total Amount for 2 Line Item(s) from Payroll		**$117.00**	
Police / Fire / Safety					
97604	1/25/2017	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- DEC 2016	358,335.24	Police / Fire / Safety
97604	1/25/2017	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- DEC 2016	8,333.40	Police / Fire / Safety
		Total Amount for 2 Line Item(s) from Police / Fire / Safety		**$366,668.64**	
Public Works					
97595	1/25/2017	GREENE TREE CARE	LANDSCAPE SERVICES	40,925.00	Public Works

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97526	1/18/2017	CALIFORNIA GREEN CONSULTING	GREEN STREET PROJECT	18,268.00	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	16,625.90	Public Works
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	7,554.74	Public Works
97583	1/25/2017	CLEANSTREET INC	MONTHLY SVC - STREET SWEEPING	7,108.84	Public Works
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	4,514.12	Public Works
97542	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,028.02	Public Works
97641	1/25/2017	WILHELM/RICHARD//	FIELD INVESTIGTN/DRAFTING SVCS	2,420.00	Public Works
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	2,403.09	Public Works
97549	1/18/2017	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	1,925.00	Public Works
97532	1/18/2017	COUNTY OF LOS ANGELES	CONTRACT SERVICES	1,885.12	Public Works
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,800.00	Public Works
97540	1/18/2017	ISSAKHANI/MARINA//	CONSULTING SERVICES	1,760.00	Public Works
97542	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,711.02	Public Works
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	1,122.00	Public Works
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	903.17	Public Works
97544	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	894.41	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	878.12	Public Works
97642	1/25/2017	WILLDAN ASSOCIATES INC.	GRADING & DRAINAGE REVIEW	852.00	Public Works
97606	1/25/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	827.82	Public Works
97606	1/25/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	734.35	Public Works
97543	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	663.59	Public Works
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	661.00	Public Works
97545	1/18/2017	LEMUS/ALBA//	CONSULTING SERVICES	616.00	Public Works
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	600.00	Public Works
97545	1/18/2017	LEMUS/ALBA//	CONSULTING SERVICES	552.00	Public Works
97537	1/18/2017	GORGIN/KLAYMOND//	CONSULTING SERVICES	528.00	Public Works
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	485.48	Public Works
97642	1/25/2017	WILLDAN ASSOCIATES INC.	GRADING & DRAINAGE REVIEW	452.75	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	437.50	Public Works
97543	1/18/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	421.16	Public Works
97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	348.00	Public Works
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	343.75	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	340.53	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	330.00	Public Works
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	330.00	Public Works

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97560	1/18/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	300.00	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	277.00	Public Works
97516	1/18/2017	ACORN NEWSPAPER	RECYCLING ADVERTISING	273.21	Public Works
97586	1/25/2017	CONEJO AWARDS	TILE PLAQUE	167.61	Public Works
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	125.00	Public Works
97635	1/25/2017	VANDERGEEST LANDSCAPE CARE INC	LANDSCAPE MAINTENANCE	125.00	Public Works
97571	1/25/2017	ARC DOCUMENT SOLUTIONS, LLC	COPY/PRINTING SERVICE	113.62	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	102.43	Public Works
97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	56.33	Public Works
97555	1/18/2017	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	52.34	Public Works
97633	1/25/2017	UNDERGROUND SERVICE ALERT	MONTHLY MEMBERSHIP FEE	40.50	Public Works
97638	1/25/2017	VERIZON WIRELESS	TELEPHONE SERVICE	38.01	Public Works
		Total Amount for 50 Line Item(s) from Public Works		**$128,796.53**	

Recoverable / Refund / Liability

97618	1/25/2017	P&A ADMINISTRATIVE SVCS INC	FSA-DEP CARE REIMBURSEMENT	1,499.81	Recoverable / Refund / Liability
97618	1/25/2017	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	1,192.87	Recoverable / Refund / Liability
97618	1/25/2017	P&A ADMINISTRATIVE SVCS INC	FSA-DEP CARE REIMBURSEMENT	942.30	Recoverable / Refund / Liability
97600	1/25/2017	INGBER/SUSAN//	RECREATION REFUND	53.00	Recoverable / Refund / Liability
97618	1/25/2017	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	26.51	Recoverable / Refund / Liability
97618	1/25/2017	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	11.75	Recoverable / Refund / Liability
97628	1/25/2017	SULLY-MILLER CONTRACTING CO.	PARK & RIDE PROJECT	-7,271.75	Recoverable / Refund / Liability
		Total Amount for 7 Line Item(s) from Recoverable / Refund / Liability		**$-3,545.51**	

Tennis & Swim Center

97562	1/18/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	3,888.72	Tennis & Swim Center
97538	1/18/2017	ICHKOVA/SVETLANA//	RECREATION INSTRUCTOR	3,706.87	Tennis & Swim Center
97606	1/25/2017	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,205.27	Tennis & Swim Center
97637	1/25/2017	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	1,086.44	Tennis & Swim Center
97530	1/18/2017	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	818.65	Tennis & Swim Center
97569	1/25/2017	AM PM DOOR INC	DOOR REPAIRS	715.75	Tennis & Swim Center
97585	1/25/2017	COMMERCIAL AQUATIC SVCS INC	POOL SERVICE/REPAIR	638.30	Tennis & Swim Center
97581	1/25/2017	CIRCOTEMP INC	A/C UNIT MAINT/REPAIRS	540.00	Tennis & Swim Center
97564	1/18/2017	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	429.43	Tennis & Swim Center
97556	1/18/2017	TIME WARNER CABLE	CABLE MODEM/HDTV- T&SC	342.14	Tennis & Swim Center

Check No.	Check Date	Vendor Name	Check Description	Amount	Department
97580	1/25/2017	CASCIONE/GAYLENE//	RECREATION INSTRUCTOR	330.84	Tennis & Swim Center
97518	1/18/2017	AIRGAS- WEST	TC HELIUM	31.15	Tennis & Swim Center
97566	1/25/2017	AIRGAS- WEST	TC HELIUM	30.53	Tennis & Swim Center
97541	1/18/2017	KISHIMOTO/RAINE//	REIMB MILEAGE - DEC 16	19.39	Tennis & Swim Center
		Total Amount for 14 Line Item(s) from Tennis & Swim Center		**$14,783.48**	
Transportation					
97628	1/25/2017	SULLY-MILLER CONTRACTING CO.	PARK & RIDE PROJECT	145,434.96	Transportation
97616	1/25/2017	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - DEC 16	14,468.18	Transportation
97616	1/25/2017	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - DEC 16	11,618.47	Transportation
97599	1/25/2017	IDEAL GENERAL SERVICES, INC.	DIAL-A-RIDE DEC 2016	7,897.00	Transportation
97555	1/18/2017	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,238.19	Transportation
97616	1/25/2017	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - DEC 16	2,353.97	Transportation
97554	1/18/2017	SIEMENS INDUSTRY INC.	TRAFFIC SIGN MAINTENANCE	1,982.86	Transportation
97570	1/25/2017	AMERICAN HONDA FINANCE CORP	LEASE PAYMENT- FEB 2017	1,916.18	Transportation
97607	1/25/2017	LAS VIRGENES UNIFIED SCHOOL	BEFORE & AFTER SCHOOL AIDES	1,089.33	Transportation
97616	1/25/2017	MV TRANSPORTATION, INC.	TRANSIT MAINTENANCE	836.25	Transportation
97590	1/25/2017	DEPARTMENT OF TRANSPORTATION	TRAFFIC SIGNALS/LIGHTING	743.43	Transportation
97616	1/25/2017	MV TRANSPORTATION, INC.	SHUTTLE SERVICES - DEC 16	259.84	Transportation
97605	1/25/2017	LA DWP	TRAFFIC METER SERVICE	151.97	Transportation
97616	1/25/2017	MV TRANSPORTATION, INC.	TRANSIT MAINTENANCE	135.50	Transportation
97572	1/25/2017	AT&T	TELEPHONE SERVICE	94.88	Transportation
97552	1/18/2017	R P BARRICADE INC	EQUIPMENT RENTAL- LOST HILLS	72.00	Transportation
97639	1/25/2017	WAREHOUSE OFFICE & PAPER PROD.	OFFICE SUPPLIES	34.11	Transportation
97532	1/18/2017	COUNTY OF LOS ANGELES	CONTRACT SERVICES	25.16	Transportation
		Total Amount for 18 Line Item(s) from Transportation		**$192,352.28**	
		GRAND TOTAL for 350 Line Items		**$1,169,703.12**	

FUTURE AGENDA ITEMS

Department	Agenda Headings	Agenda Title/Future Agenda

22-Feb

PS	Presentation	Highway Patrol update on public safety laws
CC	Consent	TTC appointment (Shapiro)
CD	Consent	Adoption of Ordinance No. 2017-347, a proposed amendment to Chapter 17.12.170 of the Calabasas Municipal Code by updating the standards and requirements applied to the development of accessory dwelling units
CD	Consent	Adoptionof Ordinance No. 2017-349, adopting the California Code of Regulations – Title 24, The 2016 California Building Standards Code
PW	Consent	Recommendation to award a three year professional services agreement to Venco Western, Inc. for the landscape maintenance of the common areas located within homeowner associations: Calabasas Park Estates, Zone 8 and Palatine, Zone 14
CD	New Business	Refund request form Alan Dabach

Future Items

CD	Public Hearng	CAR Overlay Zone
PW	New Business	Plastic bag ordinance update
CD	New Business	Introdcution of Ordinance No. 2017-348; changes for Recreational Marijuana Use
PS	New Business	Introduction of Ordinance for drone regulations
CC	New Business	Headwaters Corner update
PS	New Business	Introduction of Ordinance for Knox boxes at HOA gates
CD	Public Hearing	Public Workshops
PW	Consent	Recommendation to approve the funding agreement between the City of Calabasas and Los Angeles County Metropolitan Transporation Authority for the Calabasas Signal Synchronization and bus speed improvement project
Finance	New Business	Budget update (three months from Nov 9)
CD	Consent	Housing Element Report
PW	New Business	Environmental Commission review of programs/ordinances (plastic bag, coyote, styrofoam, car wash, rodenticide, etc.)
PW	New Business	Business recognition program for environmental efforts
CD	New Business	Noticing procedures/newspaper publications

2017 Meeting Dates	
8-Mar	9-Aug
22-Mar	23-Aug
12 Apr - Canceled Passover	13-Sep - Canceled League Annual Meeting
26-Apr	27-Sep
10-May - Canceled CCCA Annual Meeting	11-Oct
24-May	25-Oct
14-Jun	8-Nov
28-Jun	22-Nov - Canceled Thanksgiving Eve
12-Jul - Canceled	29-Nov - Special Meeting Council Reorg.
26-Jul - Canceled	13-Dec
	27-Dec - Canceled